



City of Santa Maria



AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 (ARRA)

HOMELESSNESS PREVENTION & RAPID RE-HOUSING PROGRAM (HPRP)

FREQUENTLY ASKED QUESTIONS (FAQs)

These FAQs are provided in addition to the Frequently Asked Questions (FAQs) provided by the U.S. Department of Housing and Urban Development at www.hudhre.info. Both sources of FAQs are intended to address some questions and issues that were raised at the pre-application collaboration workshop held on August 7, 2009, and the start-up collaboration meeting held on September 29, 2009.

- Q:** Are persons who are undocumented eligible to receive HPRP assistance and/or services and are subgrantees required to verify their legal status?

A: The response from HUD on this issue is as follows: *"In accordance with Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien (a person who is not a U.S. citizen or national) may be eligible for assistance under HPRP only if he or she is a **qualified alien** (defined in 8 U.S.C. 1641). This means that no entity that receives funds under HPRP may knowingly provide HPRP assistance to an alien who is not a qualified alien. The law also **requires all state and local governments that directly administer HPRP assistance to first verify that an alien is a qualified alien** before using HPRP funds to assist him or her. **Nonprofit organizations** that administer HPRP assistance **are not required, but may, verify that an alien is a qualified alien** in order to provide him or her with HPRP assistance. However, if a nonprofit organization pursues verification, it must follow the requirements set forth in the interim guidance published by the Department of Justice. For more information on these requirements, as well as a discussion of applicable nondiscrimination requirements, see the *Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, 63 Fed. Reg. 61344 (Nov. 17, 1997), available at <http://www.gpoaccess.gov/fr/advanced.html>. (Select 1997 Federal Register and search for page 61344. Scroll down through the list provided to find *Interim Guidance of Verification of Citizenship, Qualified Alien.*)"*

In other words, if a state, city or county government gives Federal HPRP funds directly to a person then the governmental agency must verify if a person resides here legally. However, if the governmental agency subgrants the HPRP funding to a nonprofit agency, the nonprofit agency is not required to verify that a person resides here legally.

2. **Q:** How long does case management need to be provided?
A: Ongoing case management must be provided during the time of assistance up to a maximum of 18 months. Eligibility and needs of the client must be reassessed at least every 3 months during that time. Case management ends when the assistance or services end for the client.

3. **Q:** What inspection standards are required?
A: The units assisted with HPRP funds must meet the housing habitability standards described in Appendix C of the HUD Notice (regulations). City Special Projects Division staff will develop and provide a standardized inspection checklist for use by subrecipient agencies.

4. **Q:** Are occupancy costs, such as office space rent for case managers, allowed for reimbursement with HPRP funds?
A: These costs are not specifically allowed or disallowed in the HUD regulations. HUD does address the allocation of indirect costs as follows:
*“Organizations with an approved indirect cost rate cannot charge that rate to a single “indirect cost” line item in the grant. Instead, they should break out the costs necessary to operate the program and charge them directly under either Financial Assistance or Housing Relocation and Stabilization Services or Data Collection and Evaluation, whichever is appropriate. For example, the appropriate **proportion** of the salary for the staff person responsible for making rental assistance payments is allowable under “Financial Assistance.” In this scenario, the **proportionate** cost of a new computer for that staff person to issue financial payments is also allowed. Therefore, under HPRP, many costs otherwise included in an indirect cost rate are charged as direct costs under the appropriate line item.”* In other words, indirect costs such as occupancy or office space rent, could be reimbursed but only in the same proportion as the staffing costs. However, subrecipient agencies should consider that any funding used for indirect costs will reduce the amount of funding that will be available for staffing and direct financial assistance.

5. **Q:** What is the subrecipient contract period going to be?
A: The term of the subrecipient contract agreement is 3 years and will run along the Federal fiscal years of 10/1/09 – 9/30/12. Stringent performance standards have been incorporated into the contract agreement concerning expenditure of funds, reporting and timelines to be adhered to.

6. **Q:** Are participants in the City of Santa Maria HPRP program required to be residents of Santa Maria?

A: Yes. The case manager, to the best of his/her ability, should verify at the time of application that the applicant resides in the City of Santa Maria. This is a local (City of Santa Maria) requirement not a Federal program requirement.

7. **Q:** Will the subrecipient be responsible for the purchase of HMIS software or user licenses or inputting data directly into the HMIS system?

A: No. City Special Projects Division staff has developed a standardized reporting form and a standardized client intake application form for use by the subrecipients. Subrecipients will submit quarterly reports to the City and City staff will input data directly into HMIS. Also, any subrecipient staff costs incurred to collect data and prepare reports may be charged to Administrative Costs.

8. **Q:** What is the definition of homelessness and at risk of homelessness?

A: According to the HPRP notice of funding allocations and requirements dated March 19, 2009, the definition of "*Homeless means as the term is defined by section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).*" Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) gives a general definition of homeless individual as follows:

For purposes of this chapter, the term "homeless" or "homeless individual or homeless person" includes

- (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and
- (2) an individual who has a primary nighttime residence that is
 - (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

9. **Q:** Can a subrecipient agency that is also a housing owner/landlord receive financial assistance/rental payments for their tenants from another subrecipient agency that is providing rental assistance with HPRP funding?

A: Yes. For example, if Subrecipient Agency #1 that is also a housing owner/landlord is receiving HPRP funds to provide case management services and Subrecipient Agency #2 is receiving HPRP funds to provide direct financial assistance for rent or security deposits, Agency #2 may refer a client to Agency #1 for housing and pay the rent or security deposit to Agency #1. Agency #1 would be allowed to use HPRP funds for case management for that client but would not be allowed to be a subrecipient of HPRP funds for financial assistance (rent or security deposits) and essentially pay themselves as a housing owner/landlord. In other words, if a subrecipient agency is a recipient of HPRP funds and also a housing owner/landlord they cannot refer their own HPRP clients that are receiving financial assistance to their own housing and pay

themselves rent or security deposits.

10. **Q:** May HPRP funds be used to assist persons in subsidized housing?

A: Yes, HPRP funds may be used to assist persons in subsidized housing when these persons will become homeless without the HPRP assistance and they meet all other HPRP eligibility criteria. HPRP financial assistance is limited to up to six months of arrears of the tenant's share of the rent and/or up to 18 months of utility assistance, with no more than six months of assistance for utility arrearages. HPRP funds may not be used to pay the future share of a tenant's rent. HUD expects the Public Housing Agency, or when applicable, the agency administering another housing subsidy program (e.g. HOME, etc.) to recalculate the tenant share of the rent when there has been a decrease in household income so that the housing remains affordable for the tenant.



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-CITE-

42 USC Sec. 11302

01/08/2008

-EXPCITE-

TITLE 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 119 - HOMELESS ASSISTANCE

SUBCHAPTER I - GENERAL PROVISIONS

-HEAD-

Sec. 11302. General definition of homeless individual

-STATUTE-

(a) In general

For purposes of this chapter, the term "homeless" or "homeless individual or homeless person" (!) includes -

(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

(2) an individual who has a primary nighttime residence that is

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(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) Income eligibility

(1) In general

A homeless individual shall be eligible for assistance under any program provided by this chapter, only if the individual

complies with the income eligibility requirements otherwise applicable to such program.

(2) Exception

Notwithstanding paragraph (1), a homeless individual shall be eligible for assistance under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.].

(c) Exclusion

For purposes of this chapter, the term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

-SOURCE-

(Pub. L. 100-77, title I, Sec. 103, July 22, 1987, 101 Stat. 485; Pub. L. 101-625, title VIII, Sec. 822, Nov. 28, 1990, 104 Stat. 4355; Pub. L. 101-645, title VI, Sec. 602, Nov. 29, 1990, 104 Stat. 4734; Pub. L. 105-277, div. A, Sec. 101(f) [title VIII, Sec. 405(d)(41), (f)(32)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-427, 2681-434.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 100-77, July 22, 1987, 101 Stat. 482, as amended, known as the McKinney-Vento Homeless Assistance Act. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

The Workforce Investment Act of 1998, referred to in subsec. (b)(2), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30 (Sec. 2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

-MISC1-

AMENDMENTS

1998 - Subsec. (b) (2). Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 405(f) (32)], struck out "the Job Training Partnership Act or" after "assistance under".

Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 405(d) (41)], substituted "the Job Training Partnership Act or title I of the Workforce Investment Act of 1998" for "the Job Training Partnership Act".

1990 - Subsec. (a). Pub. L. 101-625 inserted "or homeless person" after "homeless individual" in introductory provisions.

Subsec. (b). Pub. L. 101-645 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "A homeless individual shall be eligible for assistance under any program provided by this chapter, or by the amendments made by this Act, only if the individual complies with the income eligibility requirements otherwise applicable to such program."

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 101(f) [title VIII, Sec. 405(d) (41)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, Sec. 405(f) (32)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, Sec. 405(g) (1), (2) (B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

-FOOTNOTE-

(!1) So in original. Probably should be " 'homeless individual' or 'homeless person' ".



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