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AMEND: 333-022-3000

NOTICE FILED DATE: 08/24/2021

RULE SUMMARY: OAR 333-022-3000 pertaining to the Oregon Housing Opportunities in Partnership (OHOP) Program is being amended to update the OHOP program's Program Policies and Procedures. The major changes are indicated below. We are not changing the volume, nor restricting eligibility of clients.

- 1) Updating links
- 2) Ensuring gender neutral language throughout
- 3) Including mandatory reporter statement
- 4) Expanding client eligibility from U.S. Department of Housing and Urban Development (HUD) eligible to HUD/Ryan White eligible
- 5) Updating waitlist priority to include region capacity
- 6) Aligning text with the most recent Violence Against Women Act guidance
- 7) Removal of policies specific to the Supportive Housing Program (SHP) and Home

The rule will ensure that clients are assisted in achieving and maintaining housing stability to avoid/reduce homelessness and improve client access to, and engagement in, HIV care and treatment. The updated Policies and Procedures will be implemented through staff training and ongoing support from the HIV Care and Treatment team.

CHANGES TO RULE:

333-022-3000

Oregon Housing Opportunity in Partnership Program ¶¶

- (1) The Oregon Housing Opportunities in Partnership (OHOP) program provides housing services to eligible applicants who have received a medical diagnosis of HIV or AIDS. OHOP assists clients in achieving and maintaining housing stability so as to avoid or reduce homelessness and improve their access to, and engagement in, HIV care and treatment. OHOP is designed to promote client housing stability and act as a bridge to long-term assistance programs, such as Section 8, or to self-sufficiency. Participation in OHOP is voluntary and conditional.¶¶
- (2) The OHOP program is funded through grants from the U.S. Department of Housing and Urban Development and other funds. OHOP is a needs-based program and not an entitlement program.¶¶
- (3) The OHOP program is administered and operated in accordance with the OHOP Program Policy and

Procedures ~~m~~Manual, Version 2, dated ~~July 1, ne 2015~~22, adopted and incorporated by reference. The ~~m~~Manual may be obtained by visiting [www.healthoregon.org/hiv](http://www.healthoregon.org/hiv).  
Statutory/Other Authority: ORS 413.014, 431.250  
Statutes/Other Implemented: ORS 431.250

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

June 2022

# >> Oregon Housing Opportunities in Partnership (OHOP) Program

Policies and Procedures

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# 1: Introduction

## Overview

The Oregon Housing Opportunities in Partnership (OHOP) program is funded under grants from:

- The Department of Housing and Urban Development (HUD)
- Oregon Housing and Community Services (OHCS), and
- Other funds.

OHOP is designed to assist people living with HIV/AIDS (PLWHA) in creating a continuum of stable, sustainable housing. The Oregon Health Authority (OHA) directly administers OHOP, the HIV Case Management Program and CAREAssist (Oregon's AIDS Drug Assistance Program (ADAP) funded through the Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA). Because OHOP is funded primarily through federal grants ongoing OHOP assistance is subject to the continued availability of funds.

The primary goal of OHOP is to assist clients in achieving and maintaining housing stability to:

- Avoid and reduce homelessness, and
- Improve client access to, and engagement in, HIV care and treatment.

OHOP is designed to:

- Promote client housing and financial stability, and
- Act as a bridge
  - » to long-term assistance programs, such as The Housing Choice Voucher Program (formerly known as Section 8), or
  - » Self-sufficiency (when a client's health and finances allow them to maintain suitable housing without OHOP or other financial assistance).

Participation in OHOP is voluntary and conditional; OHOP is needs-based. It is not an entitlement program.

The OHOP program serves 31 counties outside the five-county Portland Metropolitan Statistical Area (MSA) – (Multnomah, Clackamas, Yamhill, Washington and Columbia). Each OHOP housing coordinator is assigned to a region. That is subject to change to ensure consistent case load distribution. See the [OHOP webpage](#) for a current regional map, including housing coordinator contact information.

## The basis for policies and procedures

OHOP program funding comes from multiple grant sources. Therefore, the policies and procedures are reflective of many of the following:

- Federal, state, and local laws
- Regulations, and
- Administrative guidance.

OHOP consulted with these multiple resources to develop this document and continues to do so, to address specific scenarios not addressed in policy and procedure. OHOP policies and procedures are consistent with the following:

- Housing Opportunities for Persons With AIDS (HOPWA) statute (42 U.S.C. 12901) and HOPWA regulations (24 CFR Part 574)
- Applicable HOPWA Performance Grant Agreements and any associated [Super Notice of Funding Availability \(SuperNOFA\)](#)
- [Homeless Emergency Assistance and Rapid Transition to Housing \(HEARTH\) Act](#)
- The State of Oregon Consolidated Plan for housing and community development and its associated annual action plans
- Applicable U.S. Department of Housing and Urban Development (HUD), Office of Community Planning and Development (CPD) guidance and federal, state and local [Fair Housing Act](#) laws
- Applicable Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)
- Applicable Oregon Health Authority policies and procedures

- [Oregon Housing & Community Services Low-Income Home Energy Assistance Program \(LIHEAP\) & Oregon Energy Assistance Program \(OEAP\) Intake Operation Manual](#)
- House Rules that Work: A Guide to Help HIV/AIDS Support Housing Providers Develop Sound and Effective House Rules
- HOPWA Rental Assistance Guidebook

If regulation or guidance does not give enough direction to determine policy and procedure, the OHOP program consults with several more resources. These resources include:

- HUD field office staff
- HOPWA technical assistance
- Fair Housing Council of Oregon
- Housing Choice Voucher Program
  - » Local programs
  - » Regulations
  - » Guidebook
- Oregon Health Authority policy and procedure
- Other local, state and national HOPWA and HUD grantees

## 2: Program services overview

### General program services

OHOP program clients receive the support of a housing coordinator, whose primary responsibilities are to:

- Assess initial eligibility
- Provide housing information and referrals to community-based housing resources
- Facilitate financial stabilization
- Coordinate housing planning activities with clients
- Enroll clients in the program and conduct required certifications
- Help clients to understand complete leases and housing applications, and
- Serve as a liaison between the client and landlord in lease negotiations and in cases where there are disputes.

The housing coordinator also partners with the client and HIV case manager to ensure access to care and treatment services.

### Deposit assistance for permanent housing placement

The OHOP program has limited assistance with move-in deposits. Here are some of the conditions:

- Deposits must assist a client secure permanent and/or affordable rental housing under a legal rental agreement.
- The client and their landlord must agree to return any refunded deposit directly to the OHOP program once the tenancy ends.
- The OHOP program may approve help with a deposit when a client transitions from OHOP rental assistance to another long-term stable housing program. An example is the [Housing Choice Vouchers Program](#).

- A client may get deposit help if it is necessary to help them access other affordable and stable housing.

## Long-term rental assistance

The OHOP program provides ongoing monthly rental help for eligible rental units, which may include:

- Apartments
- Single room occupancy (SRO) or studio units
- Shared housing
- Community residences if that facility uses a landlord or tenant lease agreement.

## Financial stabilization

The OHOP program provides financial stabilization referral services to clients who receive long-term rental help to increase household income and promote self-sufficiency. The OHOP program does so in coordination with the client's HIV case manager. Financial stabilization services can include:

- General education
- Help in accessing Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) benefits
- Referral to employment service providers, and
- Referral to providers of individual development accounts (IDAs), when appropriate.

## Oregon Statewide Supportive Community Re-entry (OSSCR) program

The OHOP program provides comprehensive housing services to OHOP-eligible clients who return to their communities after release from incarceration. To be eligible for the OSSCR program, the person must have a verifiable record of incarceration within the last five years before OSSCR enrollment and/or have a criminal background that acts as a barrier to housing stability.

Referrals into the OSSCR program may come through the client's HIV case manager or from state or local corrections professionals. OSSCR-eligible clients may receive any OHOP service. However, OSSCR-funded services may also include transitional services (pre-release housing needs assessment and planning when possible).

## Oregon Housing and Behavioral Health Initiative (OHBHI)

The OHOP program provides comprehensive housing and behavioral health services to eligible clients who experience barriers to stable housing due to mental illness. Clients who receive OHBHI-funded services:

- Are active in mental health therapy
- Help develop and implement a behavioral health treatment plan that is monitored, and
- Are supported with housing assistance.

## Low Income Home Energy Assistance Program (LIHEAP)

Through a direct partnership with Oregon Housing and Community Services, the OHOP program provides LIHEAP-funded direct energy assistance. The OHOP program makes payments on behalf of qualifying households to help them to afford seasonal heating costs and avert energy crises.

# 3: Program eligibility and referral

## OHOP program eligibility

To be eligible for OHOP assistance, the applicant must demonstrate, through verifiable documentation that:

1. The applicant resides in the OHOP service region.
2. The applicant has a medical diagnosis of HIV or AIDS, as defined by the [Centers for Disease Control and Prevention \(CDC\)](#).
3. The applicant meets the eligibility requirements for Oregon's Ryan White Program Part B HIV Case Management Program.
4. The applicant is enrolled in Ryan White Program Part B-funded HIV Case Management.
  - » OSSCR clients referred directly by the Department of Corrections may be eligible for OHOP assistance before enrollment in Ryan White case management.
5. The applicant is homeless or at risk of homelessness.
6. The applicant household's income does not exceed 80 percent of the median family income for the county of residence. Income is determined by the secretary of HUD on an annual basis.  
**The OHOP program counts the income of all applicable household members to calculate income.**
7. The applicant has an ongoing source of monthly income and/or benefits that meet daily living needs, this includes adjusted rent and utilities.
8. If the applicant is younger than 18, they must live with their parents or legal guardians, unless emancipated.

## Conflict of interest

The OHOP program, as required by federal law, must assure no person will be eligible for OHOP assistance who is any of the following for the Oregon Health Authority:

- Employee
- Agent
- Consultant
- Officer
- Elected official
- The appointed official, or
- One who exercises or exercised functions or responsibilities for the OHOP program.

Also, no one will be eligible for OHOP assistance during their tenure or one year after who may:

- Have a financial interest
- Have a financial benefit, or
- Have an interest in any contract, subcontract or agreement with the OHOP program.

This applies to them and their family and business ties.

HOPWA regulations further stipulate that a conflict of interest exists for anyone in a position to take part in a decision-making process or gain inside information about the OHOP program; such people will not be eligible for OHOP assistance.

## 4: Initial assessment

A client completes an OHOP Client Referral Packet to have an initial assessment. Program eligibility is determined within 15 days of when the housing coordinator receives a complete packet. The assessment has additional questions to determine client eligibility for available housing programs that meet emergency, short-term, and/or ongoing housing needs. The housing coordinator will complete:

- The Waitlist Eligibility/Ineligibility Notice on the referred client, and
- Provide additional resource information after the initial assessment. This information may include:
  - » Coordination with the client’s HIV case manager to provide Ryan White Program-funded housing assistance.
  - » Referral to an emergency shelter or other emergency housing.
  - » Referral to community-based transitional housing programs.
  - » Referral to long-term affordable or permanent supportive housing programs, such as:
    - ♦ The Housing Choice Voucher Program, or
    - ♦ Public housing.
  - » Referral to the OHOP program waitlist.
  - » Referral to apartment waitlists.

### Long-term housing assistance waitlist policy

The OHOP waiting list policy ensures that people in the greatest need get housed first. Housing need is assessed by using the client’s OHOP living situation assessment. This assessment is determined by the housing coordinator with input from the HIV case manager. Each person eligible for long-term assistance is referred to the OHOP waitlist as an individual, regardless of marriage or domestic partnership. Persons who have stable housing may not “hold” positions on the waitlist in anticipation of life changes that could

qualify them in the future. Final eligibility determinations are made at certification. Applicants do not have to provide documentation of citizenship or immigration status until then. Placement on the OHOP waiting list will be determined by the OHOP program. Clients will move from the waiting list to the OHOP program service based on priority level and funding. The priority level will be determined by:

1. The OHOP living situation assessment
2. The date referred to the OHOP program, and
3. If the client qualifies for a specific program element (OSSCR, OHBHI, etc.).

OHOP living situation assessment levels are:

Level #2	Level #3	Level #4
<input type="checkbox"/> Formerly independent family or person temporarily residing with family or friends. The projected time they will be allowed to stay is less than 30 days.	<input type="checkbox"/> Formerly independent family or person temporarily residing with family or friends. However, they must leave within the next 30 days.	<input type="checkbox"/> Literally homeless: <ul style="list-style-type: none"> <li>• Primary residence is not meant for habitation.</li> <li>• Is living in a shelter designated to provide temporary living arrangements.</li> <li>• Is exiting an institution where they have resided for 90 days or less and were literally homeless before entering.</li> </ul>
<input type="checkbox"/> Housing is in jeopardy due to projected financial strain (less than 30 days). They need assistance with rent, utilities or both to maintain housing	<input type="checkbox"/> Housing is in jeopardy due to immediate projected financial strain (less than 30 days). They need assistance with housing costs to maintain or find new housing.	<input type="checkbox"/> Fleeing or attempting to flee domestic violence.

Level #2	Level #3	Level #4
<input type="checkbox"/> Living in long-term (less than one month) transitional rental housing.	<input type="checkbox"/> Living in a temporary (less than one month) transitional shelter.	
<input type="checkbox"/> Client incarcerated (release date less than three mo.)	<input type="checkbox"/> Client incarcerated (release date less than three months)	
	<input type="checkbox"/> Eviction notice received (less than 30 days).	

To qualify as Acuity Level 4 the client must be chronically homeless or literally homeless as defined by HUD.

**Definition of chronic homelessness, per HUD, 24 Code of Federal Regulations (CFR) Parts 91 & 578:**

Summary of HUD’s definition of literally homeless:

1. Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - » (i) Has a primary nighttime residence that is a public or private place not meant for a human to stay.
  - » (ii) Is living in a public or private shelter designated to provide temporary living, which includes:
    - ♦ Congregate shelters
    - ♦ Transitional housing, and
    - ♦ Hotels and motels paid for by charitable organizations or by federal, state and local government programs), or
  - » They were at an institution for 90 days or less and right before that they:
    - ♦ Resided in an emergency shelter, or
    - ♦ Place not meant for humans to stay, or
2. Any person or family, including a child, who:
  - » Flees, or attempts to flee:
    - ♦ Domestic violence

- ◆ Dating violence
- ◆ Sexual assault
- ◆ Stalking
- » Dangerous or life-threatening conditions that relate to violence against the person or a family member, including a child, that has either taken place within the person's or family's primary nighttime residence or has made the person or family afraid to return to their primary nighttime residence
- » Has no other place to live, and
- » Lacks the resources or support networks. For example, family, friends, and faith-based or other social networks, to get other permanent housing.

OHOP may consider a client homeless if they reside in an RV that does not have hook-ups, such as electricity, water and sewer.

## Updates to waitlist

A housing coordinator may update the client referral at any time based on the client's current housing situation. A housing coordinator may withdraw the client's referral to the waitlist if they determine:

- A client on the waitlist no longer **requires** OHOP assistance, or
- A client no longer **qualifies** for OHOP assistance.

The housing coordinator must consult with the HIV case manager before they remove a client from the waitlist. If the decision is made to remove the client, the housing coordinator will:

- Inform the client by sending a Removal from Active Waitlist Status notice to the client, and
- Copy the HIV case manager.

## Waitlist slot release process

The applicant's HIV case manager will be contacted when an OHOP slot is available. The client may choose to pass up the slot and stay on the waitlist one time only. However, once the client accepts the slot, they must begin the certification process within 30 days. At a minimum, the client must contact OHOP within 30 days or the next

applicant on the waiting list will be contacted. The applicant who did not respond will be removed from the waitlist. The client can stay on the waitlist if they can provide documentation they were not able to respond to or begin the process due to:

- Illness
- Hospitalization, or
- Other justifications that indicate good cause.

If the client is removed and needs OHOP assistance in the future, the HIV case manager may re-refer the client to the program. The client will then go on the waitlist based on priority.

At certification, if determined that multiple eligible people will reside in the OHOP subsidized unit as a family as defined in the policy, all of them are then considered stably housed. Therefore, all who reside in the unit will be removed from the waitlist. Individual changes to housing stability are subject to re-referral to the OHOP waitlist per program policy.

# 5: Certification

Within 30 days of notice that the client has been issued an OHOP slot, the housing coordinator will contact them to set up the OHOP certification appointment.

If the client fails to attend the OHOP certification appointment, the housing coordinator must:

- Begin a diligent search for the client, and
- Document all attempts made on the client's behalf.

During the certification appointment (**for all new clients**) the housing coordinator will review eligibility for the OHOP program. They will:

- a) Verify the client's current household composition.
- b) Determine the total annual household income and program eligibility by verifying:
  - » The client's annual income, and
  - » The income of all members of the client's household.
- c) Verify the client's U.S. citizenship or legal immigration status. Verification includes, but may not be limited to the following documentation:
  - » United States passport
  - » Resident alien card
  - » Registration card
  - » Social Security card
  - » If the client is a non-citizen with eligible immigration status, review the below website for the most up to date required documentation: [https://www.hud.gov/sites/documents/DOC\\_35615.PDF](https://www.hud.gov/sites/documents/DOC_35615.PDF)
- d) Determine client strengths and barriers to finding or maintaining stable housing.

The housing coordinator will give the client 15 days to deliver any missing documentation. If the housing coordinator sees a need for a follow-up appointment, they will schedule it at that time.

# Household types

The following policies govern the types of households an eligible person may reside in.

## An eligible person who lives alone

An eligible person who lives alone may apply for OHOP assistance based on their total income. Their total income determines financial eligibility. Total housing costs are counted to determine the amount of assistance.

## An eligible person who lives with family

Under federal HOPWA regulations, the definition of a family is “one or more eligible persons living with another person or persons, regardless of actual or perceived sexual orientation, gender identity, or marital status, who are determined to be important to the eligible person or person's care or well-being.” People who fit this definition generally meet one or more of the following criteria:

- a) They are an intimate partner of the eligible person.
- b) They have mutually agreed with the eligible person they will support each other financially, emotionally, spiritually or all of these.
- c) They help the eligible person to maintain physical, mental health or both. However, they do not live with the eligible person solely for this purpose.

The relationship may also be a legal dependent of a household member. If a family unit applies, the total income of all family members is counted to determine financial eligibility. There are certain exceptions listed below. Total housing costs are counted to determine the amount of allowable assistance.

a) *Eligible persons may not rent from family members*

A client may not rent a property or room from a relative or family member and then request OHOP assistance as an individual. OHOP cannot approve rental assistance for a “unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family.”

b) *Surviving family members – survivorship assistance*

For a client who died, the term family includes any member of their family who:

- » Lived with the client in OHOP program assisted housing at the time of their death, and
- » Did not have an HIV or AIDS diagnosis.

However, the household may not continue to get assistance more than 120 days from the date of the client's death. The assistance can only be for the surviving family members who:

- » Were identified during the OHOP Certification (or recertification) process, and
- » Prove they resided with the client before their death (through listing in the lease or rental agreement or other third-party verification).

Family members who join the household in the unit after the 120 days must pay their prorated share of the housing costs.

c) *Surviving family member with HIV or AIDS diagnosis*

If a surviving family member has an HIV or AIDS diagnosis they will become the eligible person of the household if:

- » They can prove they resided with the OHOP client before their death, and
- » They were identified during the OHOP Certification (or recertification) process.

Therefore, OHOP assistance can continue if the “newly eligible” client and their household members remain eligible. Such households must be recertified within 30 days of the death of the primary OHOP client.

d) *Changes in the family unit*

The client is responsible for informing their OHOP housing coordinator about a new family member within 15 days of the addition. In all cases, the landlord must:

- » Approve the addition, and
- » Include additional members in the rental agreement.

The verified income of the modified household including any additional people must be such the household continues to

qualify for OHOP assistance.

When two or more members of an OHOP-assisted household choose to not reside together:

- » The assistance stays with the person who qualified for the household.
- » If two or more members qualify, they must choose which person the assistance stays with.
- » If other people leave the family and would qualify for assistance, they may get a referral to the OHOP program. However, they may be subject to a program waitlist.

If an OHOP head of household is evicted and the lease is split due to domestic violence, sexual assault and stalking, OHOP shall provide:

- » Assistance and supportive services to those who remain in the unit, (if identified during the OHOP Certification (or recertification process), and
- » A reasonable grace period of up to 90 days from the date of the splitting of the lease.

The OHOP housing coordinator shall notify the other people who reside in the unit of the length of the reasonable grace period.

## Eligible Person Living in a Roommate Relationship – Shared Housing

A roommate relationship is established to share housing costs (mortgage, rent and/or utility bills) in exchange for a share of the space available in the living unit. When an applicant is a person with a roommate or roommates, this is classified as shared housing. Clients living in group homes and other institutional settings are also classified as living in shared housing. Persons living in group homes or another institutional setting may qualify for OHOP assistance if rent is being charged for the unit and the unit is not subsidized by another program. Only the eligible person's income is counted when assessing income eligibility; however, rent and utilities must be prorated among roommates. All adult roommates must have

verifiable proof of residency via the lease agreement in the OHOP-assisted unit

## Household with a live-in aide

A live-in aide compensated for providing care to the eligible person with HIV/AIDS, or another disabled or elderly member of the eligible person's family, shall not be considered a family member or roommate:

a) *Definition of a live-in aide*

A live-in aide is defined as a person who resides with a disabled or elderly person who meets all three of the following criteria:

- i. Is determined to be essential to the care and wellbeing of the person(s); and
- ii. Is not obligated to support the person(s); and
- iii. Would not be living in the unit except to provide necessary supportive services.

b) *Proof of live-in aide status*

To declare a person as a live-in aide, not subject to income verification as a member of the family unit or treatment as a roommate, the applicant must certify that such person's services are being provided through a service contract and supported by the following documentation:

- i. The live-in aide is qualified to provide the needed care documented by a copy of state licensing or certification or, in absence of such documentation, certification by the aide's employer that the aide is qualified to provide needed care; and
- ii. The live-in aide was not part of the household before the need for such care arose; and
- iii. There is no other reason for the aide to reside in the unit than to provide such care (documented by a copy of the contract for services through a third party); and

- iv. The aide and the client maintain separate finances (documented by the aide and client through bank statements – bank account numbers may be partially redacted to protect parties’ confidentiality). Such certification, and supporting documentation, must be submitted to the housing coordinator for review and formal approval

## Declaration of household

At the initial certification, a household that consists of an eligible person who lives with other persons must declare the nature of the relationship as:

- A family unit
- Roommates who share housing, or
- A live-in-aide household.

Declarations stay in effect unless a member of the household no longer resides there. The client must report any change in who resides in the household to the housing coordinator within 15 days. Ongoing OHOP assistance following the change in the household may be subject to OHOP program approval.

## Verification of household income

The program requires an applicant have an ongoing source of monthly income, benefits or both, sufficient to meet:

- Daily living needs,
- Adjusted rent, and
- Utility payments.

Applicants must supply information or documentation of the applicant’s:

- Household income
- Benefits, or
- Both.

Below is a list of the most common income and exclusions. Check the [HUD Exchange website](#) for the most up-to-date information.

## **Annual household income that must be considered:**

1. The full gross amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services before payroll deductions.
2. The full gross amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, excluding lump-sum payment for the delayed start of a periodic payment.
3. Payments in place of earnings, such as unemployment and disability compensation, worker's compensation and severance pay.
4. Welfare assistance, including payments made under other programs funded, separately or jointly, by federal, state or local governments which are not excluded by Federal Statute (for example, SSI/SSDI, TANF and general assistance available through state welfare programs).
5. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling
6. Net income from the operation of a business or profession.
7. Interest, dividends and other net income of any kind from real and personal property.
8. All regular pay, special pay and allowances of a member of the Armed Forces, except special hostile fire pay.

## **Household income *not* considered:**

1. Income from the employment of children (including foster children) under the age of 18 years
2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone)
3. Lump-sum additions to family assets, such as:
  - a) Inheritances
  - b) Insurance payments (including payments under health and

- accident insurance and worker's compensation)
  - c) Capital gains, and
  - d) Settlement for personal or property losses.
4. Amounts received by the family specifically for the cost of medical expenses for any family member or the reimbursement of the costs
  5. Income of a live-in aide
  6. The full amount of student financial aid paid to the student or the educational institution
  7. Special pay to a family member who serves in the armed forces exposed to hostile fire
  8. Amounts from training programs that HUD funds:
    - a) Amounts a person with a disability receives that are:
      - i. Disregarded for a limited time for SSI eligibility and benefits, and
      - ii. Set aside for use under a Plan to Attain Self-Sufficiency(PASS).
    - b) Amounts received by a person who takes part in other publicly assisted programs that are:
      - i. Specifically, for or in reimbursement of out-of-pocket expenses (special equipment, clothing, transportation, childcare, etc.), and
      - ii. Made solely to allow the person to take part in a specific program.
    - c) Amounts received under a resident service stipend. A resident service stipend is a modest amount (no more than \$200 per month) a resident or owner, on a part-time basis receives for a service they do for the Public Housing Authority (PHA) that enhances the quality of life in the development. Such services may include:
      - i. Fire patrol
      - ii. Hall monitoring

- iii. Lawn maintenance
- iv. Resident initiatives coordination, or
- v. Serving on the PHA's governing board.

No resident may receive more than one of these stipends during the same period.

- d) Incremental earnings and benefits from any family member:
  - i. Taking part in qualifying state or local employment training programs (including training programs not affiliated with a local government), and
  - ii. Training as resident management staff.

Amounts must be:

- iii. Received under employment-training programs with clearly defined goals and objectives, and
  - iv. Excluded only for the period the family member takes part in the employment-training program.
- 9. Temporary, nonrecurring or sporadic income (including gifts).
  - 10. Reparation paid by a foreign government from claims filed under the laws of that government by persons persecuted during the Nazi era.
  - 11. Earnings of more than \$480 for each full-time student 18 years or older (this does not include the head of household and spouse).
  - 12. Adoption assistance payments of more than \$480 per adopted child.
  - 13. Deferred periodic amounts from SSI and Social Security benefits are received in a lump sum or prospective monthly amounts.
  - 14. Refunds or rebates received under state or local law for property taxes paid on the dwelling.
  - 15. Amounts paid by a state agency to a family with a member who:
    - a) Has an intellectual or developmental disability
    - b) Is living at home, and

- c) Receives the amount to offset the cost of services and equipment needed to keep them at home.
16. Amounts specifically excluded by any other federal statute from consideration as income to determine eligibility or benefits under assistance programs to which the exclusions outlined in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.
17. **Earned income disregard and self-sufficiency incentives for persons with disabilities.** HUD requires disregard for:
- a) Deductions mandated in 24 CFR 5.611(a), and
  - b) Income to previously unemployed persons with disabilities who earned income as described in 24 CFR 5.617(a)(b)(c)(d).

When determining income, the housing coordinator will project or estimate the annual income the client or household expects to receive. The following two methods are used to calculate the annual income anticipated for the coming year:

1. **The housing coordinator must use current circumstances to anticipate income.** They will project annual income by multiplying income to reach an annual amount. If during the year a client has a change in household income of more or less than \$200 per month, they must report it to the housing coordinator within 15 days of the change. At that time, the housing coordinator will recalculate the client's share of the rent amount.
2. The housing coordinator must use the information available about changes expected during the year to determine the total anticipated annual income from all known sources. Using this method:
  - » The housing coordinator would not recalculate the client's share of the rent, and
  - » The client will be responsible to ensure they have resources to meet OHOP rent and utility commitments year-round.

Self-employed clients must show documentation of gross monthly receipts. Ways to document monthly income are:

- » Bank statements, which show deposits

- » Accounting records
- » Payable and receivable records, and
- » Federal income tax returns that show gross income.

The OHOP program does not employ financial experts or accountants. It may be the responsibility of the client to prove income eligibility.

## Affidavit of income

Applicants reporting zero income must complete the “[Affidavit of Self-Disclosed Income](#).” On the form, they will attest they will apply for benefits for which they are eligible (that is, food stamps, SSDI, SSI) within 30 days of signing.

## Earned income disregard

The earned income disregard allows qualified clients and families who receive housing assistance to keep more of their earned income upon returning to work. HUD requires disregard for income to previously unemployed persons with disabilities who have earned income as described in 24 CFR 5.617(a)(b)(c)(d). The purpose is to assist persons with disabilities to get and retain employment. Employment is an important step toward economic self-sufficiency. This disregard is in addition to deductions mandated in 24 CFR 5.611(a).

A client is only eligible for this assistance once as an OHOP participant.

**Earned income disregard does not qualify a head of household for OHOP assistance.** However, once a client meets preliminary eligibility criteria at certification, the OHOP client household can qualify for earned income disregard if eligible.

# 6: Client housing stability plans

## Goals of a housing stability plan

The objectives of the OHOP program are to ensure that clients:

- Maintain housing stability
- Avoid homelessness
- Experience increased access to health care and HIV-related treatment
- Establish ongoing permanent housing, and
- Address financial stabilization.

The initial Housing Stability Plan established with the client and housing coordinator is considered a “living document.” It may be updated, amended or replaced when the client and housing coordinator agree it is necessary or beneficial to help the client meet the objectives of the OHOP program. A goal of the OHOP program is that clients who get housing assistance with OHOP funds have improved access to health care and HIV-related treatment. This is the result of the clients’ housing stability and effective coordination among clients, the OHOP program, and the Ryan White system of care and treatment. This is the desired outcome from their housing stability and effective coordination between the program and the Ryan White system of care and treatment.

The Housing Stability Plan is unique to each client. The plan addresses client strengths and barriers to meet the OHOP program objectives for housing stability and access to care.

For clients who receive long-term rental assistance, the housing coordinator re-assesses housing stability at least annually as part of recertification. If there is a significant change or a client need emerges, there will need to be a review of the Housing Stability Plan.

The Housing Stability Plan intends to assist a client, not penalize them. However, if the client does not meet program policy expectations, it can result in a program violation. Therefore, the

program will make every attempt to help the client to be successful in meeting the goals in their plan.

## Home visits

Per the client's individualized Housing Stability Plan, a housing coordinator may conduct home visits monthly, quarterly, semi-annually or annually. Home visits can include but are not limited to:

- Review of the condition of the unit and compliance with the rental agreement
- Review and update the client's stability plan
- Discussion of issues that may act as a barrier to stability, and
- Client-centered problem solving and advocacy.

# 7: Deposit assistance

## Initial and current client deposit assistance

Deposit assistance can be used for the full payment of any of the following under the client's lease or rental agreement:

1. Refundable security deposits
2. Pet deposit, and
3. Cleaning fees.

The total amount of deposit assistance must be less than two times the monthly rent (contract rent value). The client or client support agency will need to pay anything more than that.

Clients new to the OHOP long-term rental assistance program may receive deposit assistance. Also, current clients may receive deposit assistance if necessary to assist them in accessing other affordable and stable housing.

OHOP may also be able to assist with:

- Utility deposits
- Prorated rent, or
- A first or last month of rental assistance.

OHOP assistance does not include payment of application fees or moving expenses, such as a truck rental or moving service.

Landlords must pay to the OHOP program directly any refund of deposits paid by the OHOP program. Also, clients must instruct them to do so. Clients may not accept payment of any refund of deposits paid by the OHOP program.

Upon move-out or termination of OHOP assistance, the housing coordinator will send a Move-Out Accounting Letter to the Landlord, that repeats their obligation to:

- Provide a move-out accounting, and
- Return deposit monies to the OHOP program, if applicable.

The OHOP program will follow up as necessary to assure repayment to the program.

## Additional deposit assistance

In general, a client who moves from one OHOP-assisted unit to another only gets another move-in cost assistance when they show their prior unit was not damaged beyond normal wear and tear. When feasible, the housing coordinator conducts an exit inspection to assess the condition of the rental unit. Based on the findings, the client may get more deposit assistance. Clients are responsible to:

- Provide adequate notice to landlords
- Make repairs to client-caused damage beyond normal wear and tear, and
- Take any other necessary steps before they vacate a unit to ensure the full deposit is refunded.

## Return of deposits when client transitions from OHOP

The OHOP program does not require immediate repayment of OHOP-paid deposit assistance when the client leaves the OHOP program but stays in the unit. However, when the client moves out of the unit, the deposit refund must be sent to the OHOP program.

# 8: Housing and rental search guidelines and rental calculations

The housing coordinator must give the client a copy of the Rental Housing Search Guidelines That list the criteria the client uses when searching for suitable housing. The guidelines cover:

a) **Permissible unit sizes:**

The guidelines must set forth acceptable unit sizes under the occupancy standard for the client's household composition of:

- » Required living areas, and
- » Minimum and the maximum number of bedrooms.

b) **Maximum rent:**

The guidelines must set forth the maximum amount of rent for the unit under the program rules. The amount is based on:

- » The unit sizes available to the client under the occupancy standard
- » The rent standard for the unit size, and
- » Whether utilities are included or not.

c) **Habitability standards checklist:**

The guidelines must set forth a list of basic habitability standards for the client to check for when examining the rental unit. The client check-off list is not as detailed as the OHOP program inspection forms. However, it may help the client flag or eliminate units that would not pass inspection without some repair effort on the part of the landlord.

## The 60-day maximum period to locate housing

Within 60 days of enrolling in the OHOP program, the client must find a suitable housing unit that:

- Passes the habitability standards inspection, and
- Meets other OHOP program requirements.

- a) The client may request a housing search extension:
- ◆ If hospitalization or health issues affected the client’s ability to search for housing, or
  - ◆ If the housing coordinator noted progress, but the client is still not able to secure a unit.

Extension requests must be made before the last day of the client’s 60-day search.

- b) This 60-day period to locate suitable housing also applies if a client already receives OHOP assistance but is required to move. For example:
- ◆ The landlord issues a 30-day notice
  - ◆ The client requests to move voluntarily, or
  - ◆ The client must move due to recertification with a change in household size.

The client shall locate a new housing unit within 60 days of when the housing coordinator issues the Housing Search Guidelines.

- c) If the client fails to locate suitable housing within the 60 days (or within the maximum of two additional 30-day extension periods, if requested and approved), the housing coordinator will give the client a “Notice of Expiration of Housing Search Period” letter. The notice will include a copy of the OHOP grievance procedure and grievance form.

## Occupancy standard

The occupancy standard of the OHOP program follows the [Housing Choice Voucher \(HCV\) payment standards](#). Therefore, the rental unit must be consistent with the space requirements under the local [HUD housing quality standards \(HQS\)](#) as follows:

- The rental unit must have:
  - » A living room (which may also be a sleeping area)
  - » A kitchen area, and
  - » A bathroom.

- The rental unit must have at least one bedroom or a combined living and sleeping room for at least two persons. The unit follows local housing authority (LHA) occupancy standards. The OHOP program does not require opposite-sex children ages 13 or older to use the same bedroom or a combined living and sleeping room.
- There is a limit to one-bedroom for a married couple or domestic partners.
- A live-in aide must be counted to determine the household unit size. The OHOP program must have approved the aide to reside in the unit to care for the client or a household member with a disability or who is elderly.
- The unit size of a single person household is limited to a zero or one-bedroom unit unless:
  - » An approved live-in aide resides with the person, or
  - » The larger unit complies with the requirements of the one-bedroom fair market rent (FMR) for the area.
- A child is considered a member of the family to determine the household unit size who resides:
  - » At least 183 days a year with the subsidized family, or
  - » Temporarily away from the home because of placement in foster care.

The family must provide documentation about the child to the OHOP housing coordinator to verify their relationship, such as:

- » Court-approved custody agreement
- » Parenting plans, or
- » Filed tax returns.
- A pregnant woman (with no other persons) must be treated as a two-person family.
- The occupancy standard must be applied consistently for all families and households of like size and composition.

## Occupancy standard

Number in household	Minimum and maximum* unit size
1	0 to 1 bedroom
2	1 to 2 bedrooms
3	1 to 3 bedrooms
4	2 to 4 bedrooms
5	2 to 5 bedrooms
6	2 to 6 bedrooms
7	3 to 6 bedrooms
8	3 to 6 bedrooms
9	4 to 6 bedrooms
10	4 to 6 bedrooms

\* Note the maximum unit size allowable depends on many factors, that includes the age and genders of children in the household. Each household may have a lower maximum unit size than listed here. OHOP will follow guidance from the LHA when the unit size is not clear from this guidance.

## Rent standards

Per HUD guidelines OHOP housing assistance may not exceed the difference between:

- The established rent standard or reasonable rent for the unit for the area, and
- The eligible person's share of the rent.

Unless specifically noted otherwise in the program-specific sections of this guide, the general rent standard for this program is based on the higher of:

- The FMR published by HUD, or
- The voucher payment standard established by the LHA.

The OHOP program will survey LHAs annually for documentation of the voucher payment standards for each community in the OHOP service area. The maximum amount of assistance is the lower of:

1. The rent standard for the unit size, or

2. The actual rent amount for the unit.

The gross rent is the contract rent plus the LHA-established utility allowance. The gross rent for a client unit cannot be more than the OHOP program rent standard. HUD publishes FMR annually. The housing coordinator will use the current FMR when calculating rent. The total rent for a unit must be:

- Reasonable with rents currently charged for comparable units in the private unassisted market, and
- No more than rents currently charged by the property owner for comparable unassisted units.

The rent standard for manufactured home sites is equal to 40% of the two-bedroom FMR for the area.

The rent standard applies to the client at the time of their enrollment in the OHOP program. After that, housing assistance will adjust for any change at the client's annual recertification. A client may request a recalculation of their rent share due to a change in household income or composition. However, the rent standard shall stay the same until their annual recertification unless:

- It is required to permit an approved move, or
- There is a necessary change in unit size.

The adjustment will be made, if necessary, based on the rent standard in effect at recertification.

a) Rent standard based on unit size:

The maximum rent standard is the lower of:

- i) The rent standard amount for the selected unit size (if the unit meets the federal space requirements), or
- ii) The actual gross rent for the unit (the contract rent plus the LHA-established utility allowance).

Sometimes, a client can find a rental unit that exceeds the maximum unit size but meets the rent standard for their household size. In this case, OHOP assistance is allowed. However, the utility allowance for the actual unit size must be applied to determine the unit's gross rent.

## Allowable rent standard overage

The OHOP program may approve an increase in the rent standard by up to 10% if a client's household:

- a) Currently resides in or seeks to move to a unit that meets all other program standards
- b) Seeks OHOP assistance for the unit, and
- c) Will have gross rent that exceeds the maximum rent standard by up to 10%.

The following criteria must be met to approve an overage:

1. The request must not cause the number of households assisted through the OHOP program that are renting units above the rent standard but within the allowable rent standard overage program to exceed 20% of households per any HOPWA-funded project grant. This total is determined by the program's fiscal staff.
2. Approval of the rent standard overage must *either*:
  - a. Help a client household to maintain stable housing in the client household's current residence, if they intend to stay for at least twelve consecutive months after approval of the rent standard overage, or
  - b. Help a client household that has at least two of the following barriers to finding affordable rental housing:
    - i. One or more members of the household have a disability and specific housing needs related to the disability.
    - ii. The household is large (one with a minimum occupancy standard of at least three bedrooms).
    - iii. One or more members of the household have a criminal history that restricts housing options.
    - iv. One or more members of the household have a poor credit history that restricts housing options
    - v. One or more members of the household have a poor rental history that restricts housing options

- c. The client resides in an area of Oregon that is experiencing extremely low rental inventory.

## Rent reasonableness

The rent charged for a unit must be reasonable and not more than rent for comparable units in the private unassisted market and must not be more than rents currently being charged by the owner for comparable unassisted units.

Rent reasonableness must be verified:

- Before the client is authorized for move-in, and
- At recertification each year, before the client is authorized for OHOP assistance to continue at the unit.

# 9: Long-term rental assistance

The OHOP program provides ongoing monthly rental assistance for:

- Apartments
- Single room occupancy (SRO or studio) units
- Shared housing
- Manufactured homes (and home sites)
- Group residences, and
- The rent portion of long-term residential treatment facilities if they use landlord or tenant lease agreements.

Allowable rental housing may include affordable rental housing if it is not project-based subsidized housing. For example, it cannot be public housing units in which:

- The tenant pays a variable rent based on a percentage of their income, and
- The subsidy is tied to the unit rather than transferable to the tenant.

However, the OHOP program can assist with housing units designated as “affordable housing.” Long-term rental assistance to clients is limited to a tenant-based monthly rent subsidy (including utility assistance) where:

- The client has secured housing in the community, and
- The lease or rental agreement is in the client’s name.

The amount of monthly rental assistance under this program is based on:

- The payment standard established by the LHA, or
- The area’s fair market rent (established by HUD).

The total rent charged for a unit must be reasonable with rents for comparable units in the private unassisted market. The OHOP program cannot provide rental assistance for a client’s household at more than one property during any consecutive period; in such

instances, the client will be responsible to pay the housing costs at the second property during a period that overlaps. For example, if the client moves and the rental agreement on the new property begin before the one at the current property ends.

## Client rent portion

Clients must contribute towards the monthly rent payment based on the household's monthly income. The housing coordinator completes the OHOP Subsidy Calculation Worksheet to determine the amount the client is responsible to pay. The subsidy amounts are based on the following guidelines:

a) Minimum rent share:

Each household must pay the higher of 10% of the family's monthly gross income or 30% of the family's adjusted monthly income. Per HUD guidelines, adjustment factors include the following:

- » Medical expenses
- » Size of the household, and
- » Childcare expenses.

b) Utility allowance:

All the following include a utility allowance:

- » HUD fair market rents
- » LHA voucher payment standards, and
- » OHOP rent standards.

Utility allowances are determined by the LHA based on many factors, often they include:

- » The type of building (single-family versus multifamily)
- » Utilities used, and
- » Weatherization of the unit.

If the OHOP client pays separately for utilities, a utility allowance must be credited against their share of the rent payment. If the utility allowance plus the housing assistance exceeds the rent due, the OHOP program must pay the difference directly to utilities in the client's name.

## Review of rental agreement terms

The client and landlord must enter and execute a rental agreement for the rental unit. The housing coordinator's role in reviewing the rental agreement document is limited to ensuring:

- The required information listed below is in the document, and
- The agreement appears to comply with OHOP program requirements and state and local law.

The housing coordinator can reject the agreement if it appears not to conform to either the program requirements or applicable law. The following information must be in the lease or rental agreement:

- a) Names of the owner and tenant; and if there are any roommates, the names of each roommate. All household occupants must be listed on the rental agreement.
- b) Unit address.
- c) Term of lease or rental agreement, including initial term and provisions for renewal.
- d) Amount of all deposits, other move-in costs and terms of refund of deposits if applicable.
- e) Amount of monthly rent to owner.
- f) Specifications of what utilities and appliances the owner must supply and what ones the tenants must supply.

## Ongoing payments to landlord and utility vendor

The housing coordinator issues the client a written Move-In Authorization Notice once they receive:

- All required documentation from the landlord, and
- Completed all steps outlined above.

The notice asks the client to sign and return the form. By signing this document they accept responsibility to pay their share of:

- Move-in costs
- Monthly rent, and
- Utilities.

## Payments to landlord

Payments are paid directly to the vendor or landlord from the Office of Financial Services (OFS). OHOP will never pay a client directly.

## Late landlord payments

If the OHOP program is at fault for any late rental payment to the landlord, OHOP will pay any late fees. If the client is at fault for any late rental payment, the client will need to pay any late fees.

## Payments to a utility company

Sometimes a client's portion of the rent is less than the utility allowance for the unit. Therefore, the OHOP program will pay the difference between the utility allowance and the client's portion of the rent. Payments go directly to the utility company every month from OFS. OHOP will never pay a client directly.

## Requests to move

Clients cannot move voluntarily from one OHOP-assisted unit to another until they receive assistance at the unit for at least twelve months in a row. OHOP only grants exceptions to this policy on a case-by-case basis. Exceptions happen only when the client's household:

- Demonstrates immediate threats to the health or safety of household members (for example, domestic violence), or
- Has housing needs that are not met in their current housing situation.

### **Requests to move must be submitted 60 days ahead of time**

When clients want to voluntarily move from one OHOP-assisted unit to another, they must let the housing coordinator know at least 60 days before the date they wish to move. A housing coordinator may, on a case-by-case basis, approve requests to move with fewer than 60 days advance notice, when there is enough time for the housing coordinator to evaluate:

- The client's requested move
- The proposed housing unit, and
- Continued eligibility before the client's actual move.

## Request to move notice issued by a landlord

When a client has a notice to move from a landlord OHOP will consider the request on a case-by-case basis. In general, requests to move in fall into these categories:

1. A 30-day notice to end tenancy for cause
2. A 72-hour eviction notice for non-payment of rent, and
3. A 24-hour eviction notice for outrageous or extreme behavior.

In these situations, the housing coordinator will confer with the landlord. They will also document the client's behaviors that lead to the actions for eviction. These notices may result in a Category I or Category II Violation, which may be grounds for OHOP termination.

A client may request to move because their landlord issued a 30-day no-cause notice to end the tenancy. In that case, the housing coordinator may authorize the client to immediately start a search for housing.

## General habitability standards and inspection

All housing assisted under [24 CFR 574.300 \(b\)\(3\)\(4\)\(5\), and \(8\)](#), including the OHOP Program, must provide safe and sanitary housing that complies with the habitability standards outlined below. The local housing authority may be consulted regarding any questions regarding health and safety standards.

- A. **Structure and materials:** The housing must be structurally sound so that:
  - » It does not pose any threat to the health and safety of the occupants, and
  - » It protects them from hazards.
- B. **Access:** The housing must be accessible and useable without unauthorized use of other private properties. Structures must have a way out in case of fire.
- C. **Space and security:** Each resident must have adequate space and security for themselves and their belongings. Each resident must have an acceptable place to sleep.
- D. **Interior air quality:** Every room or space must have natural or

mechanical ventilation. Structures must be free of pollutants in the air at levels that cause a health threat to residents.

E. **Water supply:** The water supply must be free from contamination at levels that cause a health threat to people.

F. **Thermal environment:** The housing must have, in proper operating condition, adequate:

- » Heating
- » Cooling, or
- » Both.

G. **Lighting and electricity:** The housing must have adequate natural or artificial lighting to:

- » Allow normal indoor activities, and
- » Support the health and safety of residents.

There must be enough electrical sources to allow the use of vital electrical appliances and assure safety from fire.

H. **Food preparation and disposal:** All food preparation areas must have suitable space and equipment to store, prepare and serve food in a sanitary way.

I. **Sanitary condition:** The housing and any equipment must be kept in a sanitary condition.

J. **Lead-based paint:**\* A property cannot be approved until a defective surface is repaired by at least scraping and painting the surface with two coats of non-lead-based paint if:

- » The structure was built before 1978, and
- » There is a child younger than age six who will reside at the property, and
- » The property has a defective paint surface inside or outside the structure.

Defective paint surface means a surface that paint is:

- » Cracking
- » Scaling
- » Chipping
- » Peeling, or

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\* 24 [CFR § 574.635 - Lead-based paint](#)

» Loose.

If a child younger than age six who resides in the HOPWA-assisted property has an elevated blood lead level, paint surfaces must be tested for lead-based paint. If lead is found, the surface must be abated per [24 CFR Part 35](#). If lead paint is found, the owner shall stabilize each deteriorated paint surface per Sec. 35.1330(a) and (b) before the clients start living there. If the clients resided there before a periodic inspection, paint stabilization must be completed within 30 days of notification to the owner of the results of the visual assessment. Paint stabilization is considered complete when clearance is achieved per Sec. 35.1340. If the owner does not complete the hazard reduction required by this section, the dwelling unit violates HQS until:

- » The hazard reduction is complete, or
- » The unit is no longer under a housing assistance payment (HAP) contract with the housing agency.

K. **Smoke detectors:** The HOPWA program must comply with the [Fire Administration Authorization Act of 1992 \(Public Law 102-522\)](#). Smoke detectors must be installed per:

- » The National Fire Protection Association (NFPA) Standard 74, or
- » More stringent local policies.

Existing units must contain single or multiple-station smoke detectors that are:

- » Outside each sleeping area
- » On each level
- » Battery-operated or hard-wired, and
- » Audible or interconnected.

Accommodations must be made for people with sensory impairments.

L. **Carbon monoxide detectors:** Under House Bill 3450, rental units with a carbon monoxide-emitting device must have one or more properly functioning carbon monoxide alarms at the time the tenant takes possession of the unit, unless the unit:

- » Is all-electric, and
- » Does not have an attached garage.

A carbon monoxide-emitting device is any of the following:

- » Heater
- » Fireplace
- » Furnace
- » Cooking source or appliance that uses coal
- » Kerosene
- » Petroleum products
- » Wood or other fuels that emit carbon monoxide as a by-product of combustion, or
- » An attached garage (with an opening that connects directly with a living space).

## Housing inspection

The housing coordinator is responsible to conduct an inspection:

- Before a new rental agreement is in place (for clients moving into new rental housing), or
- Within 30 days of client certification (for clients in existing rental housing).

When this is not possible, the housing coordinator must complete the inspection within 30 days of when the new rental agreement is in place. Examples of these very limited circumstances are when:

- The client resides a long way from the housing coordinator's official workstation, or
- The housing coordinator's schedule prohibits immediate inspection and the delay would result in the unit being rented to another tenant.

The property owner is responsible to correct any Health and Habitability Standards violations (as set forth by OHA using the HQS form) at the initial inspection.

If the unit fails inspection, a notice that details the items that resulted in the inspection failure will be provided to:

- The landlord
- The client, and
- The client's HIV care coordinator.

The notice informs the landlord that no later than 30 days from the date of the notice there needs to be:

- Verification of repairs, and
- Correction of all reported violations.

The housing coordinator may authorize 30 more days if the landlord progresses in fixing issues in the inspection report. If, after 60 days, the unit does not pass inspection, the housing coordinator will assist the client to begin the moving processes or end OHOP rental assistance.

## Client request for inspection

The client may request an inspection at any time through their housing coordinator if they have a complaint about housing conditions. The housing coordinator must instruct clients not to move out of a unit due to the landlord's failure to make repairs without first having consulted them. If conditions pose a safety risk to the client and their household, the housing coordinator will perform an inspection within five business days or as soon as feasible due to:

- Distance
- Weather, or
- Scheduling conflicts.

Sometimes, a client is required to move due to the condition of the housing unit, and the landlord, not the tenant, is responsible for necessary repairs to ensure the habitability of the unit.

OHOP assistance may then be used for a deposit on a new unit. In the meanwhile, the housing coordinator will make efforts to collect the deposit from the prior landlord

## Landlord request for inspection

If a landlord informs the housing coordinator of concerns or complaints about the client's care or maintenance of the premises, the housing coordinator may conduct a complaint inspection. The housing coordinator may then also determine if the client's ability to maintain the premises would benefit from:

- More frequent home visits
- A live-in aide, or
- Other home-based assistance.

The housing coordinator will:

- Discuss these assistance recommendations with the HIV case manager, and
- Share appropriate resources with the client.

## Landlord and tenant disputes

To resolve a dispute, the housing coordinator, under no circumstances, will involve themselves in:

- Legal inquiries
- Legal proceedings, or
- Give legal advice to the client or the landlord.

## OHOP request for inspection

At any time, OHOP may request to inspect the unit based on concerns and complaints from the following:

- Landlord
- Neighbors
- Case manager
- Parole officer, or
- Another source with knowledge of the client's housing stability.

However, entering the unit must comply with Oregon landlord-tenant laws.

# 10: Recertification

Under federal regulations the OHOP program must recertify any active client every 12 months to ensure they continue to meet the eligibility criteria for:

- Income-based on household composition, and
- The Housing Stability Plan.

Also, to comply with the program's housing standards, long-term rental assistance units are inspected annually. As a result of the inspection, the client may have to locate and move into a new unit if the current landlord is not able or willing to:

- Make necessary repairs, or
- Make modifications to the unit if necessary.

## The outcome of recertification appointment

Depending on the outcome of the recertification appointment:

1. The client may be recertified.
2. The recertification application may be held, pending receipt of outstanding items required to complete the application.
3. It may initiate the start of a new housing search.
4. Termination of assistance may begin.

If there are changes in the client's household income or size, the client's allowable unit size or monthly rental assistance amount may change. If so, the client will get a 30-day notice before any change in assistance takes effect. If there is a change in household size that results in different allowable unit sizes, the client:

- Will be given a 60-day housing search period to move, or
- Depending on funding, may stay in their unit.

There must be an annual inspection of the supported housing unit during recertification. This may or may not happen on the same day. It can take up to three months for housing to pass the initial

inspection if there are repairs the landlord must make. The landlord must be given a reasonable period to make the repairs as outlined.

## A diligent search for client

The housing coordinator must begin a diligent search for the client if:

- The housing coordinator tries to contact a client by phone or in person at least three times and cannot reach the client, or
- The client fails to attend a scheduled appointment without contacting the housing coordinator to reschedule.

The steps of a diligent search:

- a) The housing coordinator sends a letter with a new appointment 15 days from the date of the letter. The letter lets the client know that assistance will be terminated if they fail to meet with the housing coordinator. The HIV case manager receives a copy of the letter.
- b) Within the next 15 days, the housing coordinator:
  - » Contacts the client until they connect, or
  - » Uses all the ways below to connect with the client.

The housing coordinator:

- i. Makes two phone calls on separate days
  - ii. Contacts the client's HIV case manager to help locate the client, and
  - iii. If feasible, they or the HIV case manager conduct a home visit.
- c) If the client does not contact the housing coordinator within 15 days of the letter, termination of OHOP will start according to the Termination Practices. OHOP considers any request for assistance made after a case closes a new application.
  - d) All attempts to communicate must be documented in the client's file. This includes case notes that document call attempts in [CAREWare](#) (the electronic health and support services information system).

# 11: Policies specific to OSSCR

The Oregon Statewide Supportive Community Re-entry (OSSCR) program represents a uniquely collaborative client service model that includes the effort of supporting professionals in:

- HIV housing
- HIV case management
- State and local corrections, and
- Community corrections.

Clients who receive OSSCR project services through the OHOP program are generally subject to the same policies and procedures as all OHOP clients except for the below.

## Eligibility

At enrollment, OSSCR-eligible clients must:

- To be eligible for the OSSCR program, the person must have a verifiable record of incarceration within the last five years before OSSCR enrollment and/or have a criminal background that acts as a barrier to housing stability.

Eligibility is documented through referral by:

- A state or local corrections agency by whom the client is currently incarcerated
- Through a criminal history background check, or
- Other documentation from the client (such as release paperwork).

The applicant must be a citizen of the United States or a legal immigrant.

# OSSCR program referrals, certification and housing planning

If a client or prospective client is incarcerated at the time of referral to OHOP, the OSSCR Program Client Referral Form may be submitted to the OHOP program by:

- Department of Corrections (DOC) staff, or
- Applicable local criminal justice authority.

When a referral is received this way, the housing coordinator will collaborate with the staff of the referral entity to confirm client eligibility. If the referral entity allows, the housing coordinator may conduct an initial client assessment interview before the release of the incarcerated client or prospective client. Referred inmates go on the OHOP waitlist based on their acuity. as:

- “Acuity Level 2” **until** the release date is three months or fewer, and
- “Acuity Level 3” **after** the release date is fewer than three months.

# 12: Policies specific to OHBHI

The Oregon Housing and Behavioral Health Initiative (OHBHI) services are for persons who experience barriers to housing due to a mental health condition. OHBHI is a unique collaborative client service model that includes the effort of supporting professionals in:

- HIV housing
- HIV case management, and
- Local mental health.

The diagnosis and treatment of mental health issues are vital to the physical health and quality of life of people living with HIV. Psychiatric, behavioral disorders or both are a barrier to medical care and adherence to medications. Several studies have found that the following can lead to disease progression and increased mortality:

- Depression
- Stress, and
- Trauma.

The power of mental or behavioral health treatment, or both, to reduce depression and anxiety, combined with permanent supportive housing services:

- Improves adherence to medications,
- Improves HIV health outcomes, and
- Can reduce the likelihood of death from AIDS-related causes.

OHBHI clients are required to take part in local community mental health services to:

- Assure program access to the greatest number of clients, and
- Use federal funds efficiently.

People living with HIV in Oregon have access to full insurance coverage. Therefore, people who take part in this program must use their insurance carrier when they seek mental health treatment.

## Eligibility

An applicant must be a citizen of the United States or a legal immigrant. To meet OHBHI eligibility, there must have enough documented evidence the client has past or present behavioral health needs that may present barriers to accessing and maintaining housing. Eligibility is documented through:

- HIV case management assessment
- Housing coordinator assessment, and
- Initial verification from the client's local mental provider.

Also, the client must be willing to work with a mental health counselor as determined by their individualized treatment plan.

## Mental health services verification

The OHBHI mental health professional will provide the housing coordinator proof quarterly that the client takes part in mental health services.

## Termination practices

OHBHI clients will not be terminated for completing mental health treatment. There must be documentation from the mental health provider that shows the client is done with treatment and does not need ongoing counseling. OHOP then will, when possible, transfer the OHBHI client to a different housing subsidy program to ensure access to OHBHI services is open for others.

# 13: Policies specific to LIHEAP

The OHOP Low Income Home Energy Assistance Program (LIHEAP) is made possible under contract with Oregon Housing and Community Services (OHCS). It is funded through the U.S Department of Health and Human Services (HHS), Administration for Children and Families. Funding is:

- Only available at certain times in the year, and
- Subject to change at any time.

LIHEAP provides energy assistance to low-income households to help them to afford seasonal heating. Also, if funding allows, to help afford cooling costs and averting energy crises.

OHOP uses the OHCS Energy Assistance Programs Manual as the main policy and procedure guide for OHOP-LIHEAP. The LIHEAP program is also governed by [OAR 813, Division 200](#).

## Eligibility

To qualify OHOP-LIHEAP clients must:

- Meet all general OHOP eligibility
- Provide a social security number, and
- Be at or below 60% Median Family Income (MFI).

LIHEAP assistance is available to low-income persons who live with HIV and are having trouble paying their energy bills. A referral to LIHEAP must come from the HIV case manager or the OHOP housing coordinator.

# 14: Roles, responsibilities and rights

## OHOP housing coordinator's responsibilities

The primary responsibilities of a housing coordinator are to:

- Perform initial eligibility verification
- Enroll clients in the program
- Facilitate financial stability
- Conduct annual recertification
- Help clients to understand and complete leases and rental agreements, and
- Serve as a liaison between the client and landlord in lease negotiation or case of disputes.

The housing coordinator also serves as a liaison between the client and HIV case manager to assist in the goal of the client to:

- Receive the necessary services to maintain independent living and housing stability, and
- Stay engaged in case management services.

A housing coordinator also provides information and referral services to assist an eligible person to locate affordable, suitable housing when there is a need.

## HIV case manager responsibilities

OHOP is a “needs-based” program. Therefore, applicants must show the level of assistance needed through verifiable documentation. The HIV case manager must follow:

- The [Oregon HIV Case Management Standards of Service](#) (regional or county-based, depending on the service area), and
- The [HIV Community Services Program, Support Services Guide](#) document to determine the level of need for housing assistance.

## **Only “Living Situation” Acuity Level 2-4 is eligible for referral to the OHOP program.**

The OHOP program looks to the Ryan White Program Part B provider network for support services, such as:

- Health insurance
- Medications
- Mental health treatment
- Drug and alcohol treatment
- Counseling services, and
- Nutritional services.

This network ensures there are qualified appropriate service providers in the area for clients of the OHOP program, as required under federal regulations.

Also, HIV case managers help clients to gain access to local, state and federal government benefits.

## **Client responsibilities**

Clients who receive OHOP assistance must comply with all program policies and procedures as defined below. If a client fails to comply with program responsibilities it can lead to termination from the program.

OHOP clients must agree to what is stated below:

1. Actively take part in Ryan White case management.
2. Provide consent for the exchange of information between the OHOP program and the case management agency.
3. Maintain regular communication and attend appointments with your housing coordinator.
4. Take part in the development of a Housing Stability Plan and actively work on the plan.
5. Locate your own rental housing in the specified timeframe. However, understand the OHOP program must first authorize rental assistance before payment will occur.
6. Pay the rent and any utilities on or before the due date. If late fees accrue you will be responsible for those fees. OHOP

funds will pay part of your rent and utilities. However, you are responsible to:

- a) Pay the balance, or
  - b) Seek additional assistance if you cannot pay the balance.
7. Never pay a landlord, roommate, or other housing provider more than your portion of the rent as established by your housing coordinator.
  8. Maintain the housing unit in good condition as required by the rental agreement.
  9. Notify your housing coordinator of any problems you are having with the landlord or rental unit and/or any changes in the rent amount.
  10. Live in the rental unit as stated in the rental agreement. Also, give the landlord and your housing coordinator the required notice if you decide to move. You must complete a “Request to Move” form at least 60 days in advance if you wish to move to a new rental unit. You can get the form from your housing coordinator.
  11. Do not leave the assisted unit for longer than 30 days without the housing coordinator's knowledge.
  12. Comply with all terms of the lease or rent agreement.
  13. Notify your housing coordinator of a change in household composition or income (of any adult household member) within 15 days of the event.
  14. Apply for and/or accept long-term stable housing assistance from other sources such as the Housing Choice Voucher Program.
  15. Cooperate in submitting required documentation or information within 15 days of program's request.
  16. Do not harass or threaten OHOP personnel, neighbors or your landlord.

# Client rights

OHOP clients also enjoy certain rights under the program as follows:

1. To be treated with respect, dignity, consideration and compassion.
2. To receive services free of discrimination based on.
  - a) Race
  - b) Color
  - c) Sexual orientation
  - d) Gender identity
  - e) Ethnicity
  - f) National origin
  - g) Religion
  - h) Age
  - i) Class
  - j) Marital status
  - k) Source of income
  - l) Domestic violence victim
  - m) Familial status
  - n) Physical, or
  - o) Mental ability.
3. To have access to the OHOP policies and procedures.
4. To have the chance to ask questions and get answers about program requirements.
5. To take part in making decisions and creating a plan for maintaining your housing.
6. To not be subjected to physical, sexual, verbal or emotional abuse or threats.
7. To be informed about additional resources available to you.
8. To get information about:

- a) What information is collected about you
  - b) How the information you give is verified, and
  - c) How the information about you is used.
9. To have your personal information and OHOP records be treated confidentially.
  10. To have your information released or shared with others only with your consent. (ORS 433.045 and OAR 333-022-0210)
  11. To be made aware that OHOP housing coordinators are:
    - a) Mandatory reporters, and
    - b) Required to report alleged child and elder abuse under Oregon Revised Statute 419B.005 to 419B.045 and ORS 124.050 to 124.095.
  12. To request a reasonable accommodation as described by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.
  13. To file a grievance about the services or decisions made by the OHOP program.
  14. To withdraw your voluntary participation in the OHOP program at any time.

## Landlord responsibilities

The OHOP program must have a signed Landlord Participation Agreement on file before rental assistance starts. Go [here](#) for the most up-to-date Landlord Participation Agreement.

# 15: Client confidentiality

Oregon law prohibits disclosure of HIV testing results without:

- The consent of the person tested, or
- As authorized by a statute or rule, ORS 433.045 and OAR 333-022-0210.

Without either, regardless of how HIV information was obtained, it cannot be released in a way that identifies the person tested. For example, a person who learns the HIV status of someone from mandatory testing provisions cannot disclose that information to others without specific consent or authorization. Also, the disclosure of the HIV status of a prior or current owner or occupant of real estate during a rental or sale is prohibited.

Client names, unique personal identifying codes and other individual information on documents must be kept confidential, as required by federal regulations. Unauthorized disclosure of any medical information about a client, without prior written consent, may result in legal action.

# 16: Reasonable accommodation requests

## Equal opportunity

OHA will comply with federal and local requirements for non-discrimination and equal opportunity. Within the population eligible for assistance under the OHOP program, discrimination is strictly prohibited on the grounds of:

- Race
- Color
- Religion
- Gender
- National origin
- Age
- Familial status
- Sexual orientation, and
- Disability.

The OHOP program complies with the applicable provisions of the Americans with Disabilities Act.

## Reasonable accommodation

The OHOP program will provide reasonable accommodation to persons with disabilities. To accommodate people with disabilities OHOP must make reasonable modifications to its policies, practices, and procedures. However, modification is not required if:

- It would create an undue financial or administrative burden, or
- It would alter the nature, services or operations of the program.

The law under [42 USC § 423\(d\)\(1\)\(A\)](#) defines disability as follows:

- a) Inability to engage in any substantial gainful activity (SGA) because of any medically determinable physical or mental impairment which can be expected to result in death or which

has lasted or can be expected to last for a continuous period of not less than 12 months.

- b) In the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time..

Per [42 USC §12102](#), the term *disability* means, with respect to an individual –

- A. a physical or mental impairment that substantially limits one or more major life activities of such individual
- B. A record of such impairment, or
- C. Being regarded as having such impairment.

OHOP used [42 USC §12102](#) to define the following:

1. A physical or mental impairment “substantially limits” a person in one or more of the “major life activities” if it causes substantial difficulty in a person’s ability to:
  - » See, hear, speak or breathe
  - » Learn, think, or read
  - » Work, walk or perform manual tasks
  - » Care for themselves
  - » Engage in some other “major life activity.”
2. A “qualified person with a disability,” for services, means a person with a disability who meets the essential eligibility requirements for:
  - » OHOP services, or
  - » HOPWA-funded programs or activities.

Also, the person does not pose a direct threat to the health and safety of themselves or others with or without:

- » Reasonable modifications to rules, policies or practices

- » The removal of architectural, communications, or transportation barriers, or
  - » The provision of auxiliary aids.
3. The term “services” includes any services, programs, activities and financial assistance funded by HOPWA grant funds.
  4. The term “auxiliary aids” includes any auxiliary aids, benefits, or services the OHOP program of the Oregon Health Authority provides.
  5. The term “direct threat” means a great risk of substantial harm to the health or safety of others, as determined in an appropriate medical assessment. The “direct threat” cannot be eliminated or reduced to an acceptable level by:
    - » A modification of policies, practices, or procedures
    - » The removal of architectural, communications, or transportation barriers, or
    - » The provision of auxiliary aids or services.
  6. Undue hardship means an action that would:
    - » Result in a fundamental alteration of OHOP services, or
    - » Present an undue financial and administrative burden.

An applicant or client may request a reasonable accommodation at any time. They can submit the request in any format or can complete a HOPWA Request for Reasonable Accommodation to speed up the process.

Reasonable modification means:

1. A reasonable modification of a policy, practice, or procedure to avoid discrimination based on disability. It is not if it would fundamentally alter the nature of the service.
2. A method to make a service accessible or usable to a qualified person with a disability unless that method would result in:
  - » A fundamental alteration of the service, or
  - » An undue financial and administrative burden.

Depending on the circumstances, such methods may include:

- a. Reassignment of service to accessible buildings or delivery of services at alternative sites

- b. Home visits
  - c. Alteration of office facilities
  - d. Arrange a third-party payee to ensure that rent payments are made on time, or
  - e. Any other method that makes services readily accessible and usable by qualified individuals with disabilities.
3. The provision of auxiliary aids for qualified people with disabilities, unless those aids:
- » Would fundamentally alter the nature of the service, or
  - » Where applicable, would constitute an undue financial and administrative burden:

The following are examples of auxiliary aids:

- a. Qualified interpreters or other effective methods to make aurally delivered materials available to qualified people with hearing impairments
- b. Qualified readers, taped texts, or other effective methods of making visually delivered materials available to qualified people with visual impairments
- c. Acquisition or modification of equipment or devices, or
- d. Other similar services and actions

“Program accessibility” means that OHOP services viewed in their entirety must be readily accessible and usable by qualified people with disabilities.

## Assessment of request for reasonable accommodation

A response to a request for accommodation must be made in writing within 15 business days of the receipt of the request. The response may include requests for more information from the client or qualified health professionals that provided documentation. The final response to the original request will generally be within 15 business days of

receipt of all required documentation. A reasonable accommodation request may seek:

- Changes or adjustments to rules, policies, practices or procedures followed or prescribed by the OHOP program, or
- Physical modifications to a person's prospective or current apartment or another part of the housing site. Note: Responsibility for physical modification to the housing premises under the ADA generally falls on the property owner. Such requests should be directed to the property owner or manager rather than the OHOP program.
- Allowance of retroactive relief. For example, the reinstatement of a person with a disability to the waiting list if they did not respond to an update notice for reasons related to the disability (requests must be submitted by the HIV case manager).

A reasonable accommodation request will be granted when the following four requirements are met:

4. The subject of the request is a qualified "person with a disability" as defined above.
5. The requested accommodation is related to the disability.
6. The requested accommodation is necessary, because of the disability, to provide an equal opportunity to use and enjoy the housing.
7. The requested accommodation is reasonable. A request is considered "reasonable" if it does not:
  - » Create an undue financial and administrative burden, or
  - » Constitute a fundamental alteration in the housing program.

## Justified absences from assisted housing

The OHOP program recognizes that clients may, from time to time, experience:

- Extended hospital stays, or
- Enter residential substance abuse or mental health treatment facilities.

Clients must let the program know if they think they will be away from the assisted unit for more than 30 days due to:

- Illness
- Hospitalization, or
- Other justification that indicates good cause.

A reasonable accommodation request must be submitted in these situations for review and approval.

# 17: Termination practices

Clients who receive OHOP housing assistance may be terminated if they violate program requirements or conditions of occupancy. The termination will occur at any time the OHOP client becomes ineligible for the OHOP program, as described in the “program eligibility and referral” section.

## Category I Violation

A Category I Violation is a serious program violation, which:

- Effects the integrity of the housing program as stated below, and
- Will result in immediate program termination:
  - a) Fraud, bribery or any other corrupt or criminal acts in connection with any federal housing program. Such acts include:
    - ◆ Failure by false statement
    - ◆ Misrepresentation (including misrepresentation of relationship to landlord or housemates)
    - ◆ Impersonation, or
    - ◆ Other fraudulent means to disclose a fact that was used to decide the client's eligibility to receive services.
  - b) Failure to report moving out of a unit, for which the landlord receives payment, without an OHOP client living in the unit.
  - c) Any violent or drug-related criminal activity at the unit premises that threatens the health, safety or right to peaceful enjoyment of other residents by:
    - ◆ The client
    - ◆ Any member of the household, or
    - ◆ Guests or any person under the client’s control.

d) Extreme or excessive damage caused to the OHOP-assisted unit by:

- ◆ The client
- ◆ A client's guest, or
- ◆ A member of their household.

Extreme or excessive damage is characterized by the deliberate destruction of property, which includes:

- ◆ Vandalism
- ◆ Arson, and
- ◆ Breaking or soiling:
  - \* Fixtures
  - \* Floors
  - \* Walls
  - \* Windows
  - \* Doors, or
  - \* Appliances.

e) Behavior that constitutes a legitimate threat of violence to others which includes:

- ◆ Domestic violence
- ◆ Dating violence
- ◆ Sexual assault, or
- ◆ Stalking

## Category II Violation

A Category II Violation is a persistent violation of “client responsibilities.”

A Category II Violation may be considered closed if:

- A resolution is possible, and
- The violation was resolved to the satisfaction of the OHOP program.

Documentation must be in the client record that supports closing the violation. Resolved violations are not considered persistent.

## Program response to Category II Violations

When issuing a Category II Violation, the housing coordinator shall provide:

- a) Written notice to the client (with a copy to the HIV case manager) via certified mail.
- b) Verbal consultation with the client documented in the client file.
- c) The opportunity for corrective action by the client.

Repeated violation of program rules or obligations undermines program functioning. **The client's assistance may be terminated upon three documented incidents of unresolved program violations.**

For this violation, the decision to terminate OHOP housing assistance is a consequence of the violation of OHOP program rules. Therefore, a client may stay in the rental unit after OHOP assistance is terminated. It is consistent with the lease or rental agreement between the landlord and tenant.

## Termination notices

All termination notices must be in writing to comply with ORS 183 and must contain the following:

1. The notice must inform the client:
  - ◆ Their assistance under the OHOP program is being terminated
  - ◆ The effective date of termination and
  - ◆ The OHOP program will provide 30 more days of rental assistance in addition to the current month if the client stays

in their currently assisted rental unit.

- ♦ (This time is to allow the client to file a grievance, exercise their hearing rights per ORS 183, or both). If the client no longer resides in the currently assisted rental unit, the OHOP program will provide no additional rental assistance at the client's new residence.
- 2. The notice must state that a grievance may be started with the OHOP program within 15 business days of the date of the termination notice.
- 3. The notice will provide a detailed explanation of the reason for termination.
- 4. The notice will include a copy of the grievance instructions and form.
- 5. The notice will clearly state the deadline for submitting a grievance.
- 6. The notice will include a mailing address and fax number to submit the grievance.

## Return to the OHOP program following termination

A client terminated for program violations outlined above will not be eligible for referral to the OHOP program in the following ways:

Times terminated	How long the client won't be eligible for referral
First time	Six months
Second time	12 months

In both cases, re-referral is contingent upon receipt of an updated referral this includes:

- Three third-party professional references, and
- A client letter that provides verifiable documentation of positive change that would result in meeting program expectations and housing stability.

Clients terminated for failure to find housing within the 60-day housing search period:

- Are exempt from the six-month exclusion period, and
- May be referred to the program after removal from the waitlist conditional upon meeting eligibility requirements.

## Eviction by the landlord

An OHOP client may be evicted by the landlord, per state and local laws governing evictions, for violating a lease agreement. However, OHOP assistance may not be terminated unless OHOP program rules are violated.

# 18: Concerns, complaints, grievance and hearing rights

## Concerns and complaints process

It is the policy of the OHOP program to consistently respond with diligence to concerns and complaints voiced about the administration of the OHOP program or policy issues about the program by:

- Clients
- Landlords
- HIV case managers, and
- Other interested parties.

Any person is free to raise any concerns or complaints and may do so without fear of retribution. Persons who lodge complaints are entitled to them being handled in an expedient, confidential, sensitive and non-judgmental manner.

Complaints can be mailed to:

**Oregon Health Authority**  
800 NE Oregon St., Suite 1105  
Attn: OHOP program management  
Portland, OR 97232

Whenever possible, verbal complaints will be resolved informally. Concerns and complaints will be resolved in the least formal manner using a variety of approaches, this includes meetings and telephone conversations.

1. If possible, the person with the complaint should speak to their housing coordinator first. The person who voices the complaint should:
  - a) Clearly explain it, and
  - b) Communicate what they feel needs to occur for it to be resolved.

The complaint and any agreed resolution must be documented in writing.

- If the person feels uncomfortable discussing their complaint with the following people, they can escalate it as stated below.

If uncomfortable discussing the complaint with this person	Discuss it with this person
Housing coordinator	OHOP team lead
OHOP team lead	OHOP program management

The manager will discuss the complaint with the relevant staff member.

- The staff member involved will take all reasonable steps to bring a satisfactory resolution of the complaint without undue delay. The program expects to have most complaints resolved within 15 business days.
- Documented complaints about the OHOP program will be filed and kept by OHOP program management. The following will be documented in writing by OHOP program management:
  - » A summary of the complaint
  - » Resolution of the complaint, and
  - » The date of resolution.

## Grievance process

Grievances must be about decisions that affect any or all the following:

- A client’s eligibility
- Amount of assistance
- Length of assistance, and
- Termination of assistance for program violations.

Grievances must be in writing and directed to OHOP program management.

The grievance process applies to any decision by the OHOP program that may adversely affect the client’s eligibility for assistance. This includes denial of recertification or program termination.

## Grievance procedure

To initiate a grievance, the client must complete the OHOP Grievance Form. The completed form must be postmarked, or received by the OHOP program, within 15 business days of the date of the decision being grieved. If it is filed after that time, the grievance must come with a written explanation about the delay. The OHOP program decides whether the client had good cause for filing it late. Good cause consists of:

- Hospitalization
- Serious illness, or
- Other circumstances beyond the client's control, which significantly impaired their ability to file the grievance promptly.

During the time the client is involved in a grievance of a termination decision, their assistance will not be discontinued or reduced. However, if the client no longer resides in the OHOP assisted unit the program will not assist at the new residence during the grievance period. For example, the client was evicted at the same time as the OHOP program termination.

## Determination of merit

OHOP program management will determine the merit of the grievance based on available information, which may include:

- The client's statements
- Review of client records
- Case notes
- Discussion with the housing coordinator and the client's HIV case manager, and
- Any other pertinent information that is necessary to determine if the grievance has validity.

If the grievance is determined to have no merit, a written notice will be sent within 15 business days of the determination to:

- The client
- The client's housing coordinator, and
- The HIV case manager.

The notice must inform the client they have a right to a hearing per [ORS 183](#).

## Hearing rights

Per [ORS 183](#), people have the right to ask for a hearing. A hearing must be:

- Requested by submitting an Administrative Hearing Request form ([MSC 0443](#)), and
- Postmarked within 15 days from the grievance response notice.

The hearing will be held before an Administrative Law Judge (ALJ). The person may have a lawyer or someone else to assist during the hearing at the expense of that person.

During the time the client is involved in a hearings process, their assistance will not be discontinued or reduced. However, if the client no longer resides in the OHOP assisted unit, the program will not assist at the new residence during the hearing period. For example, the client was evicted at the same time as the OHOP program termination.



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