

Jonathan Brown

From: Jonathan Brown
Sent: Monday, December 10, 2012 8:30 AM
To: 'Mariah Ybarra'; Ortiz, Maria R
Cc: Quade, John F; Mario DeSantis; Quade, John F; Greg Brewton; Jenni Morejon; Alfred Battle; Cole Copertino; Jeri Pryor
Subject: RE: Request to WAIVE certain HUD / HOPWA Regulations

Thanks again Mariah.

Maria / John, should Mariah forward this to Office of HIV/AIDS Housing's General Counsel or is this a decision you prefer making locally?

From: Mariah Ybarra [mailto:Mariah.Ybarra@BuildingChanges.org]
Sent: Friday, December 07, 2012 8:18 PM
To: Ortiz, Maria R; Jonathan Brown
Cc: Quade, John F; Mario DeSantis; Quade, John F; Greg Brewton; Jenni Morejon; Alfred Battle; Cole Copertino
Subject: RE: Request to WAIVE certain HUD / HOPWA Regulations

Hello Again Everyone –

Jonathan – I read through your letter and this is an interesting question that I have never been asked before – and I think it would be a HUD call on the legality of this – or which law takes precedence. I'm not sure how the other project sponsors in the resources that I provided earlier have handled such a thing. I understand the reason for attorney/client privilege – but I would also think if the person was known to be committing fraud with HOPWA or other federal housing and services dollars that the funding source would want to know.

I'm sorry that I can't provide more guidance to you on this – it is a new learning area for me also, so I would appreciate you letting me know the outcome. If Maria and John would like, I would be happy to forward this to the Office of HIV/AIDS Housing's General Counsel – but that will be their call. Again, please keep me in the loop on the outcome of this question – it is bound to come up again somewhere else. Many thanks, Mariah

Mariah Ybarra

Senior Technical Assistance Specialist

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Mariah.Ybarra@BuildingChanges.org

Legal Aid will be providing non-housing support services to HOF is concerned that if during the course of its representation of a violation, the above provisions would require Legal Aid to disclose Fort Lauderdale. Disclosing this client confidence would constitute ethical standards, which require an attorney to protect confidentiality (client privilege).

From: Mariah Ybarra
Sent: Friday, December 07, 2012 12:37 PM
To: 'Ortiz, Maria R'; 'Jonathan Brown'

Cc: Quade, John F; 'Mario DeSantis'; Quade, John F; 'Greg Brewton'; 'Jenni Morejon'; 'Alfred Battle'; 'Cole Copertino'
Subject: RE: Request to WAIVE certain HUD / HOPWA Regulations

Hello Everyone –

Yes, this is an eligible HOPWA activity; there are other legal service entities funded across the country for this activity – of course HOPWA will pay for services only serving persons living with HIV/AIDS who are at or below 80% AMI. I have listed 3 project sponsors below if you wish to discuss their services in more depth.

Generally, the HOPWA category they are funded under is Housing Information Services - *24CFR 574.300(b)(1):Housing information services including, but not limited to, counseling, information, and referral services to assist an eligible person to locate, acquire, finance and maintain housing. This may also include fair housing counseling for eligible persons who may encounter discrimination on the basis of race, color, religion, sex, age, national origin, familial status, or handicap;* but could also be considered a support service.

I will have a look at your letter now and get back to you with any further comments – ultimately approval of this activity would come through Maria and John at the Miami Field Office as your regional jurisdiction – and be included in your Con Plan/Annual Action Plan. Take care.....M.

Atlanta Legal Aid Society, Inc.

151 Spring Street
Atlanta, GA 30303
Phone: 404-614-3921

HIV & AIDS Legal Services Alliance, Inc.

Los Angeles, CA
(213) 201-1381

Legal Services of Northern Virginia

6066 Leesburg Pike, Suite 500
Falls Church, VA 22041

Contact

Rhonda Mial/Irma Jones 703-778-6800

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From: Ortiz, Maria R [<mailto:Maria.R.Ortiz@hud.gov>]

Sent: Friday, December 07, 2012 12:12 PM

To: 'Jonathan Brown'; Mariah Ybarra

Cc: Quade, John F; 'Mario DeSantis'; Quade, John F; 'Greg Brewton'; 'Jenni Morejon'; 'Alfred Battle'; 'Cole Copertino'

Subject: RE: Request to WAIVE certain HUD / HOPWA Regulations

One question that would probably need to be answered is whether this is a HOPWA eligible expense?

From: Jonathan Brown [<mailto:JonathanBr@fortlauderdale.gov>]

Sent: Friday, December 07, 2012 2:30 PM

To: Mariah Ybarra

Cc: Ortiz, Maria R; Quade, John F; Mario DeSantis; Quade, John F; Greg Brewton; Jenni Morejon; Alfred Battle; Cole

Copertino

Subject: Request to WAIVE certain HUD / HOPWA Regulations

Good afternoon Mariah,

I hope all is well. Please give me a call when you have a moment, as I would like to provide explain and provide some context to the attached request.

Basically, the City conducted a competitive process to procure HOPWA agencies that will provide **housing services** and/or **non-housing supportive services**. One of the successful respondents was Legal Aid of Broward County. Legal Aid proposes to provide non-housing supportive services (legal services) to our HOPWA clients. Those services would include representing HOPWA clients who are threatened with eviction and other legal services.

In the process of developing a contract the question of Attorney-Client Privilege came up. The City is trying to determine how we move forward with this agreement and still be compliant with HUD / HOPWA Regulations.

Please take a look at the attached letter and advise.

Maria can you and John also review and forward this email to Sharon Swain for review.

Thank you all so much.

Jonathan B. Brown
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