Purpose of Implementation Manual

The purpose of this Implementation Manual is to provide a Quick Guide or summary of the Emergency Solutions Grant Federal Regulations and provide guidance for State requirements that are stricter than the Federal Policies.

Before starting each application in OK Grants, the applicant agrees to follow all requirements as prescribed by the Oklahoma Department of Commerce including but not limited to the ODOC State Consolidated Plan, ESG Application Guides and ESG Implementation Manual.

Please be aware that new guidance is continually released. It is the responsibility of the Subrecipient to keep up with all new guidance and regulations released by the Office of Housing and Urban Development (HUD) and Department of Commerce (ODOC). New guidance or regulations do not have to be added to the above listed documents before the Subrecipient is responsible for implementation of the new guidance and/or regulations.
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I. BACKGROUND

The original Homeless Assistance Grants were originally established by the Homeless Housing Act of 1986, in response to the growing issue of homelessness among men, women, and children in the United States. In 1987, the Emergency Shelter Grant Program was incorporated into subtitle B of title IV of the Stewart B. McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371-11378). In May 2009 the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act was signed; establishing the newly reauthorized and updated Emergency Solutions Grant Program. This program is still the first step in a continuum of homeless assistance operated by HUD. Since its inception and incorporation into the McKinney-Vento Act, the ESG Program has helped States and localities provide facilities and services to meet the needs of homeless people.

II. PROCEDURES

(A.) Purpose

Strategies outlined by the Governor’s Interagency Council on Homelessness’ (GICH) 10-year Plan adopted by the Oklahoma Department of Commerce/ Community Development (ODOC/CD) continue to advance and energize the state’s efforts to identify and combat the issues that result in homelessness. To that end ODOC/CD continues to lead the efforts for the preparation of the Consolidated Plan, devoted to the organization of federal resources to identify, strategize and implement effective ways to relieve the burden of low-income and in many cases homeless individuals and families. The Emergency Solutions Grant (ESG) Program is a component of the state’s efforts to alleviate homelessness in Oklahoma. When used in conjunction with other local resources, the ESG program provides the foundation for homeless people moving toward and maintaining independence.

(B.) Eligible Applicants (24 CFR 576.202)

1. Shelter operators interested in making application, must meet one of three options:

   (a.) Private Nonprofits who have a yearly independent audit and have received ESG funds in previous years may directly apply for an ESG grant without sponsorship.

   (b.) Shelters may seek sponsorship from either a unit of general local government, Community Action Agency (CAA) operating in that jurisdiction, or a private nonprofit that has previous experience with following federal regulations and being an umbrella organization. For example, a local United Way or the Nonprofit arm of a Housing Authority.

      a. Emergency Shelters that are owned and/or operated by a unit of general local government or a CAA must submit their request for funding through their owner.

   (c.) Private Nonprofits seeking ESG funding for the first time must have a Sponsor. After the first funded program year, the private nonprofit has received an audit with no major findings and a monitoring report with no major findings, the private nonprofit can request permission from ODOC to apply for ESG funding independently with no sponsor.

(C.) Sponsorship Responsibilities

1. The Sponsor - (unit of local government or local Community Action Agency), will be the signatory on the contract and the direct recipient of the ESG funds. In turn, there will be a process in which the
Sponsor receives documentation, such as invoices, to reimburse the non-profit for the services provided as approved in the written application.

(2.) The Sponsor is responsible for the oversight of the financial reporting, Proof of Match and Federal Requirements of the sponsored non-profit.

(3.) A unit of general local government or CAA may retain prevention or administrative funds to carry out certain activities. Not all funds used by the unit of general local government or CAA for prevention or administrative activities must be used by the shelter.

(4.) A Sponsor/Shelter Agreement must be signed and submitted to ODOC before funds can be released.

(5.) ODOC/CD funds only those ESG applicants located in and serving non-formula areas. Potential applicants with a shelter located in the jurisdictions of the City of Tulsa or the City of Oklahoma City must apply through their prospective entitlement communities.

(D.) Local Government Project Approval

(1.) Distribution of funding to CAA/Nonprofit is permitted only when the unit of general local government, in which the assisted project is to be located, certifies that it approves the proposed project. This certification must be submitted to ODOC with the application. If the CAA/Nonprofit intends to provide homeless assistance in a number of jurisdictions, a certification of approval must be submitted by each of the units of general local government in which the project(s) are to be located.

(E.) General Program Requirement Overview

(1.) These competitive program funds are to be used to provide services to clients who meet the HUD definition of homelessness, including the new expansion of the definitions at risk of homelessness and other federal regulation definitions of homelessness.

(2.) Grant recipients must be an active participant in their local Continuum of Care

(3.) Grant recipients must use their local Continuum of Care HMIS database. The only exception is for Domestic Violence Shelters who must have a comparable client tracking database approved by ODOC. A comparable database must include the capacity to create reports that can be uploaded into the SAGE Reporting System.

(4.) Grant recipients must participate in the Continuum of Care Point in Time Count Survey.

(5.) Grant recipients must provide 100% match of grant funds to be used for services under the ESG program.

(6.) Grant recipients must be signed up for the federal System for Award Management (SAM) system. The website is www.sam.gov.

(F.) Threshold Requirements for the Emergency Solutions Grant:

(1.) ODOC reserves the right to disqualify any subrecipient who does not meet one or more of the threshold criteria. All Emergency Solutions Applicants must meet the following threshold criteria:

(a.) Sponsor / Shelter must have an emergency shelter component or partnership to provide emergency shelter services.

(b.) Access to the Shelter or access to beds must be available 24/7

(c.) Applicant/ Shelter must provide documentation that the applicant is a participating member of the Continuum of Care’s Coordinated Intake/Assessment.

(d.) Applicant/ Shelter must provide required data/reporting through their Continuum of Care HMIS or comparable (DV organizations only) database.

(e.) All outstanding monitoring findings, audits or unresolved financial/program issues from previously awarded grants must be resolved.

(f.) All required certifications must be received and signed by the appropriate signatory.

(g.) 100% of funds including match must have been expended on current or past ESG contracts.

(h.) Must have Termination of Participation and Grievance Procedures

(i.) Must have a process for participation of Homeless Persons in Policy-Making and Operations

(j.) Must have a Confidentiality Policy

(k.) Must follow all General Record Keeping Requirements; both for financial and client files.
(l.) Must be activated in the System for Award Management (SAM.gov). Applicant must be clear of any findings and show as eligible for federal contracts and assistance awards.

(G.) **Program Design**

1. The ESG Program is designed to address the following priority areas:
   a. Identification/prioritization of community needs and assessments.
   b. Clients’ successful movement towards self-sufficiency.
   c. Development of Continuum of Care Participation.
   d. Performance Measure Results and Reporting.

2. Emergency Solutions subrecipients are required to choose and track all State Performance measures that best match their own organizational performance measures and local Continuum Action Plan. **Domestic Violence Shelters must collect the same measures in their own comparable database.**

   The Statewide Performance Measures tracked for the purpose of this program are:
   a. Track the Extent to which Persons who Exit Homelessness to Permanent Housing Destinations Return to Homelessness within six (6) to twelve (12) months
      Explanation: This measure begins with clients who exited a permanent housing destination in the date range two years prior to the report date range. Of those clients, the measure reports on how many of them returned to homelessness as indicated in the HMIS system for up to two years after their initial exit.
   b. Track total number of Homeless Persons served.
      Explanation: A) Counts of clients using PIT count data. This data should be manually entered from the appropriate point-in-time count data previously submitted. Due to ever-changing data, it is often difficult or impossible to run the same query months later and return the same results. Thus, this metric is not intended to be programmed into the HMIS as part of the System Performance Measures Report. B) Counts of clients using HMIS data. Using HMIS data, determine the unduplicated counts of active clients for each of the project types throughout the reporting period.
   c. Track Employment and Income Growth for Homeless Persons in ESG Program-funded Projects.
      Explanation: This measure is collected by six (6) tables in HMIS. The project types reported are divided by type of income and universe of clients differ.
   d. Track number of Persons who become homeless for the first time.
      Explanation: This measure tracks clients entering in Emergency Shelter, Safe Haven and Transitional housing.
   e. Track Homeless Prevention and Housing Placement of Persons Defined by Category 3 of HUD’s Homeless Definitions.
      Explanation: All numbers tracked are limited to all persons in projects serving Category 3 homeless.
   f. Track successful placement from Street Outreach and Successful Placement in or Retention of Permanent Housing.
      Explanation: This measure tracks A) leavers who exited during the report date range and how many of those exited to an acceptable destination; B) tracks leavers who exited emergency shelter, supportive housing, transitional housing and permanent housing-rapid rehousing.

(H.) **Funds will be distributed to each Rural Continuum of Care.**

1. The State recognizes that use of the established Continuum of Care structure is the best method for determining appropriate entities for the distribution of the New ESG funds. Starting with a base of $140,000, the formula described below will be used to distribute the remainder of the funds. Each eligible Continuum will be provided a target allocation of funds for distribution within its service area. Tulsa CoC will receive a base allocation of $60,000 to be awarded to service providers outside of the City of Tulsa entitlement area.

(I.) **The formula used for ESG project funding:**

Requirement 700

General Application Requirements

700-3
(1.) Demographics used for Allocation formula:
   (a.) 10% - 2014 Estimated Total Population
   (b.) 30% - Weighted Median Income Measure
   (c.) 30% - September 2014 Quintile Tiering Based on Unemployment Rate
   (d.) 30% - 2010 - 2014 Housing units experience severe overcrowding (1.5 occupants per room)

(2.) According to the set timetable approved with each annual update to the action plan, each Continuum will provide volunteers to be trained as reviewers to score and rank submitted applications according to the ODOC provided rating system and return the scores and ranking to ODOC. The recommendations for funding will be assessed for compliance with all ESG and CoC threshold criteria. Applications meeting the threshold criteria will be verified and awards determined.

(3) ODOC will follow a State version of the Continuum of Care grant process. Lead agencies must submit certain basic demographic and capacity data for their Continuum of Care service area.

(4) Documentation will be required to show proof of capacity and prior success in managing of programs that match the eligible activities of ESG.

(5) After ODOC has received the recommendations from each Continuum of Care, ODOC will enter into contractual agreements directly with the approved subrecipient to carry out the financial and programmatic requirements according to law. The contracts will outline the funding source, funding year, amount of funding, terms and conditions.

(6) Each CoC has the authority and responsibility to create their own policies and procedures pertaining to funding amounts and division of funding eligible activities.

(J.) Eligible Program Participants
(1.) In order to receive financial assistance or services funded by ESG, individuals and families—whether homeless or housed—must at least meet the following minimum criteria:
   (a.) The household must be at or below 30 percent of Area Median Income (AMI). Income limits are available at [www.huduser.gov](http://www.huduser.gov).
   (b.) The household must be either homeless or at risk of losing its housing and meet both of the following circumstances:
      (i.) no appropriate subsequent housing options have been identified; AND
      (ii.) the household lacks the financial resources and support networks needed to obtain immediate housing or remain in its existing housing.

(K.) Release of Funds
(1.) Sponsors/Applicants must submit their request for funds and receive authority to use grants funds prior to expending grant funds. Funds will not be released until all required documentation has been received. Funds expended prior to the authority to use grant funds will not be reimbursed. [Refer to Payments N (2) “Authorization to Spend Funds”]

(L.) Budget
(1.) Each recipient must complete a project budget and budget narrative form. Project budget should list the amount of ESG funds to be expended in each separate category and the project narrative should provide a description detailing the anticipated expenditures by category.

(M.) Matching Funds
(1.) The ESG Program requires a dollar-for-dollar local match. All eligible match funds, in-kind to cash, included in the application must be available for spending during the grant’s contract period. The dates available for each match resource must be entered on the Match Certification form in OK Grants. Each Applicant is required to complete certification documenting the source and amounts submitted for match available in the contract period. The amount of match must be traced and
reconciled by month and reflected on the monthly expenditure report submitted to ODOC on the 20th of each month. It is the award recipient's responsibility to ensure that cash match must be spent on ESG eligible activities only. Match funds and expenditures must also be included in the annual audit.

(a.) The following are examples of what can be used as match:
(i.) Cash (can only be spent on ESG eligible activities)
(ii.) The value or fair rental value of any building used for program purposes (in-kind)
(iii.) Donated material (in-kind)
(iv.) The value of an owned or donated building (match may be used only one time)
(v.) Salary paid to staff to carry out the program of the recipient (Source of funding for staff salaries must be listed on Matcher Certification form and tracked monthly.
(vi.) Volunteer time (@ $5/hour)

(N.) Payments
(1.) Awarded funds cannot be expended until the execution of the Applicant's contract. Expenses occurred before the execution of the contract cannot be reimbursed by the contract.
(2.) ODOC shall disburse funds to the Applicant upon receipt and approval by ODOC of the Request for Release of Funds. Once the “Authorization to Spend funds” form has been received by the new subrecipient, a reimbursement payment process will be implemented.

(O.) Deadline for Using Grant Amounts
(1.) The grant period for the ESG project is 12 months effective from the date of the contract with the Oklahoma Department of Commerce. Extensions to the program (grant) periods are made at the discretion of the State and will only be approved in extreme circumstances.

(P.) Obligated
(1.) ODOC will send a letter to each rural continuum once agreement has been received by HUD notifying each Lead agency the total dollar amount the CoC will be allowed to award in their service area. Each CoC Governance Board has a certain time period in which they review the submitted applications. Once reviewed and final decisions made, each CoC will submit a letter to ODOC with their recommendations for funding to eligible applicants. Funds cannot be expended until ODOC/CD receives an Environmental Review (if applicable), Sponsor Shelter Agreement or summary (if applicable) and a Request for Release of Funds. Upon receipt of all applicable documents, ODOC will upload a signed “Authority to Use Grant Funds” form into OK Grants.

(Q.) Audit Requirement
(1.) All audits of prior awards from ODOC/CD must be in accordance with ODOC/CD Audit Policies and Procedures Manual. An audit is required if $25,000 or more was received from ODOC/CD. The audit should be completed and the report submitted no later than six (6) months after the end of the contractor's fiscal year.
(2.) If the audit has not been submitted or the audit is not closed prior to the release of funds, then contractor may be unable to draw funds unless a good cause is shown and approved by ODOC/CD.
(3.) Match is a contractual requirement on ESG and must be reported in the audit for both revenue and expenditures. Here are two examples:
(a.) Note with an asterisk or a number/letter on the financials for both revenues and expenditures. At the bottom of that audit page the explanation would include that this amount includes the match of $____ as required for contract number_____.
(b.) Add a Note to the financial statements that states the match of $_____ as required in the contract for contract number ______ was met.

(R.) Confidentiality
(1.) All ESG recipients must develop and implement procedures to ensure:
(a.) The confidentiality of records pertaining to any individual provided with assistance, and
(b.) That the address or location of any assisted housing will not be made public, except to the extent that this prohibition contradicts a preexisting privacy policy of the grantee.
(S.) **Submission Requirements**

1. In the occurrence of a Sponsor applying on behalf of more than one shelter, separate applications must be submitted for each shelter. If an Applicant applies for one funding level (either Shelter/Outreach or Housing) the applicant must still answer all application questions.

(T.) **Application Workshop**

1. A mandatory application workshop will be scheduled in the first week of April. Attendance will be mandatory for all organizations planning on applying for each Program year. After the Application is made available in OK Grants, only questions of a clarifying nature will be answered after the workshop has been held. ODOC will not answer any questions regarding the Emergency Solutions program or provide technical assistance during the application process.

(U.) **Continuum of Care Scoring Process**

1. After applications are submitted into OK Grants, volunteers whose names have been submitted from each CoC will receive training to become a Reviewer through a Webinar. Reviewers will be trained how to use the ESG Scoring tool and shown how to enter scores into OK Grants. CoC Reviewers will then be given a login to OK Grants and additional instructions to score their assigned applications online. The Scoring criteria will not be released to the CoC leads until after the application deadline.

2. There will be three (3) reviewers assigned to every eligible application. The two (2) highest scores will be averaged for the CoC Governing Board to use to make final funding recommendations.

3. Reviewers will be given a deadline to score applications.

4. Once the applications have been scored, the CoC Lead agency will submit a letter to ODOC listing the applicants that are being recommended for funds and the dollar amount being awarded equaling the dollar amounts allocated to the CoC.

5. ODOC will then conduct a Pre-Award Risk Assessment. The results of this survey will determine if an applicant is a Low, Medium or High Risk and will help determine any additional special conditions that will be added to the Applicant’s contract. First time applicants that are awarded funds will be automatically scored as a “High Risk” and will have special conditions added to their contract, including additional Technical Assistance, monitoring and submitted source documentation with every expense report.

6. ODOC will send award letters to subrecipients with final instructions regarding how contracts are initiated in OK Grants.

(V.) **Verification and On-site Visits**

1. The Oklahoma Department of Commerce/ Community Development reserves the right to verify information and documentation received as part of the ESG application. An on-site visit may be scheduled by ODOC to conduct an observation of the facility where the proposed ESG project will be carried out. On site observations of shelter facilities will receive no more than 24 hour notice via telephone. A representative from both the shelter and the sponsor must be available during the visit.

(W.) **Selection for Award**

1. After Reviewers from each Continuum of Care individually score each proposal, the combined scores are averaged. The averaged score reflects the Reviewer’s determination of the merit and feasibility of the project. Funds may be awarded, in whole or in part, based on the application’s relative score and funding availability determined by the guidelines set by each Continuum of Care Governing Board and policies. ODOC reserves the right to refuse funding to applications for but not limited to:
   a. That receive less than 50% of the total points available for the application;
   b. That requested ineligible expenses in their budget not found by the reviewers.

(X.) **Program Application Guidelines and Submission Requirements**

1. All grant applications must be submitted electronically through the new ODOC OKGrants.gov. The link is [https://grants.ok.gov/](https://grants.ok.gov/). In the instance of a unit of general local government or CAA applying on behalf of more than one shelter, separate applications must be submitted for each shelter.
Applicants may present multiple funding requests in a single application. When this occurs, answer the application questions associated with the highest level Tier for which funding is requested and list all Tiers the applicant is applying for under the appropriate application questions. **Only one application per shelter will be accepted.**
Local Government Certification

Emergency Solutions Grant (ESG) Program
To be submitted by the Units of General Local Government Applicants

I, ____________________________________________________, Chief Elected Official of _________________________________, certify that the units of general local government will comply with the following:

1. The requirements of 24 CFR Sec. 576 and the current Federal Register Notice of Fund Availability; Amended Program Requirements, concerning the continued use of buildings for which Emergency Solutions Grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services, concerning the population to be served.


3. The requirements of 24 CFR Sec. 576, concerning assistance to the homeless.


I further certify that the units of general local government will comply with the provisions of, and regulations and procedures applicable under, section 104(g) of the Housing and Community Development Act of 1974 with respect to the environmental review responsibilities under the National Environmental Policy Act of 1969 and related authorities as specified in 24 CFR Part 58.

I further certify that the units of general local government and the shelter(s) conducting activities, funded in whole or in part with McKinney Act funds, to assist the homeless population in this jurisdiction, will administer, in good faith, a policy designed to ensure that the assisted homeless facility is free from the illegal use, possession, or distribution of drugs or alcohol by its beneficiaries.

I further certify that the submission of an application for an emergency solutions grant is authorized under state and/or local law and that the local government possesses legal authority to carry out emergency solutions grant activities in accordance with applicable law and regulations of the Department of Housing and Urban Development.

_______________________________________
Name of Chief Elected Official and Title

_______________________________________   _______________
Signature of Chief Elected Official Date
Private Non-Profit Certification

Emergency Solutions Grant (ESG) Program

To be submitted by the Community Action Agency (CAA) or Independent Nonprofit

I, __________________________________________, Executive Director of __________________________________________, certify that the Community Action Agency (CAA) / Nonprofit will comply with the following:

1. The requirements of 24 CFR Sec. 576 and the current Federal Register Notice of Fund Availability; Amended Program Requirements, concerning the continued use of buildings for which Emergency Solutions Grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services, concerning the population to be served.
3. The requirements of 24 CFR Sec. 576 concerning assistance to the homeless.

I further certify that the CAA/ Nonprofit and the shelter(s) conducting activities, funded in whole or in part with McKinney-Vento Act funds, to assist the homeless population in this jurisdiction, will administer, in good faith, a policy designed to ensure that the assisted homeless facility is free from the illegal use, possession, or distribution of drugs or alcohol by its beneficiaries.

I further certify that the submission of an application for an Emergency Solutions Grant is authorized under state and/or local law and that the CAA/ Nonprofit possesses legal authority to carry out Emergency Solutions Grant activities in accordance with applicable law and regulations of the U.S. Department of Housing and Urban Development.

________________________       ______________________
Name of Executive Director         Signature of Executive Director         Date
Certification of Local Government Approval For Nonprofit Organizations

Emergency Solutions Grant
To be prepared by Units of General Local Government

I, ________________________________, (name of local government official and title) duly authorized to act on behalf of the ________________________________ ____________________ (name of jurisdiction) hereby approve the following emergency shelter activities proposed by ________________________________ ____________________ (name of CAA/Nonprofit) which is (are) to be located in __ ________________________________ (name of jurisdiction).

________________________________________
Name of Chief Elected Official and Title

________________________________________   _______________
Signature of the Chief Elected Official Date
Program Certifications and Assurances
Emergency Solutions Grant (ESG) Program
To be submitted by all Applicants

Section I. Applicant Assurances

I, _______________________________ (Name of Elected Official / Executive Director), ____________________________ (title) certify that if awarded FY 2020 Emergency Solutions Grant funding ____________________ (Name of local unit of government, Community Action Agency or Nonprofit) does assure the following:

1. Homeless individuals and families will be given assistance in obtaining:

   Appropriate case management, obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living); and other Federal, State, local, and private assistance available for such individuals.

2. Homeless individuals will be provided the opportunity for participation on the policymaking entity in accordance with 42 U.S.C. 11375 (d).

3. Homeless individuals and families will be involved in providing work or services pertaining to facilities or activities assisted under this part, in accordance with 42 U.S.C. 11375 (c) (7).

Section II. Program Certifications

Consolidated Plan – The 2010 HUD-approved Consolidated Plan.

Consistency with Plan – Housing activities to be undertaken with ESG funds are consistent with the strategic plan.

Confidentiality – Grant recipients must develop and implement procedures to ensure:
   (1) The confidentiality of records pertaining to any individual provided with assistance; and
   (2) That the address or location of any assisted housing will not be made public, except to the extent that this prohibition contradicts a preexisting privacy policy of the grantee.

Discharge Policy – Grant recipients must agree to develop and implement, to the maximum extent practicable and where appropriate policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

Affirmatively Further Fair Housing -- The local government or nonprofit will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction or state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.
**Homeless Persons Involvement** – To the maximum extent practicable, the subrecipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted by ESG.

**HMIS** – HUD’s standards for participation in a local Homeless Management Information System and the collection and reporting of client-level information. (Domestic Violence Shelters exempt as stated in “VAWA Protections”)

INITIALS of Authorized Elected Official / Executive Director ____________________ Date ______

Section III. Certification for Drug-Free Workplace

Drug-Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about:
   a. The dangers of drug abuse in the workplace;
   b. The grantee’s policy of maintaining a drug-free workplace;
   c. Any available drug counseling, rehabilitation, and employee assistance programs; and
   d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will –
   a. (a) Abide by the terms of the statement; and
   b. (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted –
   a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
   b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency;

7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Additional Instructions for Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2 The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3 Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4 Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5 If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6 The Grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

```
Place of Performance (Street address, city, county, state, zip code)
Check ___ if there are workplaces on file that are not identified here.
```

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee’s payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee’s payroll; or employees of sub recipients or subcontractors in covered workplaces).

INITIALS of Authorized Elected Official / Executive Director

Date

Section IV. Anti-Lobbying Certification

Anti-Lobbying --To the best of the local government’s or nonprofit’s knowledge and belief:

Requirement 700

General Application Requirements
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all funding categories (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Additional Instructions for Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

INITIALS of Authorized Elected Official / Executive Director

Date

Authorized Signature & Official Title

Date
Certification of Consistency
With the Consolidated Plan

I certify that the proposed activities/projects in the application are consistent with the jurisdiction’s current, approved Consolidated Plan.

(Type or clearly print the following information :)

Applicant Name: ________________________________

Project Name: ________________________________

Location of the Project: __________________________

Name of the Federal Program to which the applicant is applying: __________________________

Name of Certifying Jurisdiction: __________________________

Certifying Official of the Jurisdiction Name: __________________________

Title: __________________________

Signature: __________________________

Date: __________________________

Form HUD-2991
# Request for Release of Funds and Certification

## Oklahoma Department of Commerce
Office of Community Development
Emergency Solutions Grant Program

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

<table>
<thead>
<tr>
<th>Contractor Name:</th>
<th>Contract Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
<th>Date of Request</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Description (Brief):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

## Requirements Documentation

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>DOCUMENTATION</th>
<th>Items Included</th>
<th>State Use Only</th>
</tr>
</thead>
</table>
| Environmental Review | A. Categorically Excluded/Exempt Activity - Form 702-B & Sample 702-4 are attached.  
B. Categorically Excluded Activity - Form 702-B & Form 702-D, Sample 702-6 are attached. |               |                |
| a. Nonprofit |               |                |                |
| b. Other Than Nonprofits | A. Categorically Excluded/Exempt Activity - I hereby state Form 702-B has been completed and Sample 702-4 is attached.  
B. Categorically Excluded Activity - I hereby state Form 702-B has been completed and Form 702-D, Sample 702-7 are attached. |               |                |
| c. If project is located in the Floodplain | Proof of Floodplain and Wetland Publication - Sample 702-3 is attached. |               |                |
| d. Activities that make physical changes to buildings or sites | Property has been cleared by the Historic Preservation Office and Correspondence is attached. |               |                |
| OTHER | Contract Conditions, listed in Part II of ODOC contract.  
Copy of signed agreement with Shelter, if applicable. |               |                |

Signature of Authorized Official: ____________________________________________

Name & Title of Authorized Official: __________________________________________

Date: ____________________________

---

Requirement 700 General Application Requirements
**Applicant/Recipient Disclosure/Update Report**

**U.S. Department of Housing and Urban Development**

**OMB Approval No 2510-0011**

### Instructions
(See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

### Applicant/Recipient Information

<table>
<thead>
<tr>
<th>Indicate whether this is an Initial Report</th>
<th>or an update report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

1. Applicant/Recipient Name, Address, and Phone (include area code):

2. Social Security Number or Employer ID Number:

3. HUD Program Name

4. State the name and location (street address, City and State) of the project or activity:

4. Amount of HUD Assistance Requested /Received

### Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).

   [ ] Yes  [ ] No

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of $200,000 during the fiscal year (Oct.1-Sep.30)? For further information

   [ ] Yes  [ ] No

If you answered, “No” to either question 1 or 2, Stop! You do not need to complete the remainder of this form. However, you must sign the certification at the end of the report.

### Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

<table>
<thead>
<tr>
<th>Department/State/Local Agency Name and Address</th>
<th>Type of Assistance</th>
<th>Amount Requested/Provided</th>
<th>Expected Uses of the Funds</th>
</tr>
</thead>
</table>

(Note: Use additional pages as necessary.)

### Part III Interested Parties.

You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity, and

2. Any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

<table>
<thead>
<tr>
<th>Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)</th>
<th>Social Security No. or Employee ID No.</th>
<th>Type of Participation in Project/Activity</th>
<th>Financial Interest in Project/Activity ($ and %)</th>
</tr>
</thead>
</table>

(Note: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.

I certify that this information is true and complete.

Signature: [ ]

Date: (mm/dd/yyyy) [ ]

X
HUD Programs Subject to the Disclosure Requirements
Please read before filling out the Applicant/Recipient Disclosure/Update Report

Following is a list of all the HUD Programs that are subject to the disclosure requirements of Subpart C of 24 CFR Part 12. All applicants for Emergency Solutions Grant assistance must review this list to determine if they are receiving, or expect to receive, assistance from other covered programs. Applicants must consider HUD funds that are received either directly from HUD or through the State.

It is the total amount of funds received from all the below sources that the applicant uses to answer the second question of Part II of the Disclosure Report.

- Section 312 Rehabilitation Loans under 24 CFR Part 510, except loans for single-family properties.
- Applications for grant amounts for a specific project or activity under the Rental Rehabilitation Grant Program under 24 CFR Part 511 made to:
  - A State grantee under Subpart F;
  - A unit of general local government or consortium of units of general local government or a consortium of units of general local government receiving funds from a State or directly from HUD whether or not by formula under Subparts D, F, and G; and
  - HUD, for technical assistance under § 511.3.
- (Excludes formula distributions to States, units of general local government, or consortia of units of general local government under Subparts D and G, within-year reallocations under Subpart D, and the HUD-administered Small Cities Program under Subpart F.)
- Applications for grant amounts for a specific project or activity under Title I of the Housing and Community Development Act of 1974 made to:
  - HUD, for a Special Purpose Grant under Section 105 of the Department of Housing and Urban Development Reform Act of 1989 for technical assistance, the Work Study Program or Historically Black colleges;
  - HUD, for a loan guarantee under 24 CFR Part 470, Subpart M;
  - HUD, for a grant to an Indian tribe under Title I of the Housing and Community Development Act of 1974;
  - HUD, for a grant under the HUD-administered Small Cities Program under CFR Part 570, Subpart F; and
  - A State or unit of general local government under 24 CFR Part 570.
- Applications for grant amounts for a specific project or activity under the Emergency Shelter Grant Program under 24 CFR Part 576 made to a State or to a unit of general local government, including a Territory.
- (Excludes formula distributions to States and units of general local government [including Territories]; reallocations to States, units of general local government [including Territories] and non-profit organizations; and applications to an entity other than HUD or a State or unit of general local government.)
- Transitional Housing under 24 CFR Part 577.
- Permanent Housing for Handicapped Homeless Persons under 24 CFR Part 578.
- Section 8 Housing Assistance Payments (only project-based housing under the Existing Housing and Moderate Rehabilitation programs under 24 CFR Part 882, including the Moderate Rehabilitation Program for Single Room Occupancy Dwellings for the Homeless under Subpart H).
- Section 8 Housing Assistance Payments for Housing for the Elderly or Handicapped under 24 CFR Part 885.
- Loans for Housing for the Elderly or Handicapped under Section 202 of the Housing Act of 1959 (including operating assistance for Housing for the Handicapped under Section 162 of the Housing and Community Development Act of 1987 and Seed Money Loans under Section 106(b) of the Housing and Urban Development Act of 1968).
- Section 8 Housing Assistance Payments - Special Allocations - under 24 CFR Part 886.
• Flexible Subsidy under 24 CFR Part 219 - both Operating Assistance under Subpart B and Capital Improvement Loans under Subpart C.
• Low-Rent Housing Opportunities under 24 CFR Part 904.
• Indian Housing under 24 CFR Part 905.
• Public Housing Development under 24 CFR Part 941.
• Comprehensive Improvement Assistance under 24 CFR Part 968.
• Resident Management under 24 CFR Part 964, Subpart C.
• Neighborhood Development Demonstration under Section 123 of the Housing and Urban-Rural Recovery Act of 1983.
• Nehemiah Grants under 24 CFR Part 280.
• Research and Technology Grants under Title V of the Housing and Urban Development Act of 1970.
• Congregate Services under the Congregate Housing Services Act of 1978.
• Counseling under Section 106 of the Housing and Urban Development Act of 1968.
• Fair Housing Initiatives under 24 CFR Part 125.
• Fair Housing Assistance under 24 CFR Part 111.
• Mortgage Insurance under 24 CFR Subtitle B, Chapter II (only multi-family and non-residential).
• Supplemental Assistance for Facilities to Assist the Homeless under 24 CFR Part 579.
• Shelter Plus Care Assistance under Section 837 of the Cranston-Gonzalez National Affordable Housing Act.
• Planning and Implementation Grants for HOPE for Public and Indian Housing Homeownership under Title IV, Subtitle A, of the Cranston-Gonzalez National Affordable Housing act.
• Planning and Implementation Grants for HOPE for Homeownership of Multi-family Units under Title IV, Subtitle B, of the Cranston-Gonzalez National Affordable Housing act.
• HOPE for Elderly Independence Demonstration under Section 804 of the Cranston-Gonzalez National Affordable Housing Act.
III. FORMS

Forms to be completed in OK Grants

Application Summary (SF-424) ................................................................. OK Grants Form
All required responses Section I through Section V .............................. OK Grants Form
Budget Detail ....................................................................................... OK Grants Form
Budget Narrative ................................................................................ OK Grants Form
Match/Additional Funds Certification Form ........................................... OK Grants Form
Audit .................................................................................................... OK Grants Form

Application Forms; Signatures required Upload to Uploads Page

Program Certifications and Assurances, which includes:
  o Section I. Applicant Assurances
  o Section II. Program Certifications (formerly ODOC 6)
  o Section III. Drug-Free Workplace (formerly ODOC 7)
  o Section IV. Anti-Lobbying Certification (formerly ODOC 8)
  Applicant/Recipient Disclosure/Update Report
  Certification of Consistency with Consolidated Plan HUD 2991
  Environmental Review Record for Exemptions/Release of Funds
Required forms for Units of General Local Government
  o Local Government Certification
  -Or-
  Required forms for Community Action Agency (CAA) or Independent Nonprofit
    o Private Non-Profit Certification
    o Certification of Local Government Approval for Nonprofit Organizations

Required forms:
  o System for Award Management (SAM.gov) PDF Search Verification of Non-DeBarred Status
  o Continuum of Care Agreement for HMIS Data Entry
  o Continuum of Care Lead Agency Participation letter
  o Documentation showing proof of Annual Board Review of ESG Written Policies and Procedures

  o In the case of a Community Action Agency, a signed letter must be submitted by the Unit of Local Government assuring that they will perform the environmental review.
INTERIM REQUIREMENT NO. 709
Treatment of Assets

Effective July 2020

I. REQUIREMENT

ODOC requires determination of an applicant household’s assets and what dollar amount of those assets must be spent down before applicant household is determined eligibility for assistance and the type of assistance.

II. PROCEDURE

A. Assets: All applicant households are required to disclose household assets. Household assets cannot exceed $5,000 in order to qualify for assistance.

B. Assets are the cash value that could be acquired in disposing of real property. Other examples may include, but are not limited to:
   1. Real property such as real estate, coins, gems, jewelry, antiques, etc.
   2. Amounts in checking and saving bank accounts.
   3. Stocks, bonds, savings certificates, money market funds, and other investment accounts.
   4. The cash value of trusts that may be withdrawn by the household.
   5. Lump sum receipts of cash received and accessible by household, such as inheritance, capital gains, lottery winnings, insurance settlements, and other claims.

C. Retirement Savings/Pension Accounts: The cash value accessible to the applicant household from any retirement savings accounts/pensions shall not be touched for the purpose of this program. IRA, Keogh and similar retirement savings accounts, even though considered assets under HUD definition; are not to be counted as part of the $5,000 requirement.

D. Vehicles: The cash value of the applicant household’s primary, appropriate and reasonable transportation shall not be included in the assets value stated in this requirement for the purpose of this program.

E. Statement of Net Assets: Each applicant whose net household assets are less than $5,000 is required to read and sign the provided Sworn Statement form.

III. FORM

1. Sworn Statement of Net Assets – Form 709-A
UNDER $5000 ASSET CERTIFICATION OR SWORN STATEMENT OF NET HOUSEHOLD ASSETS

Program: ____________________________

Applicant’s Full Name

Applicant’s Full Name

Applicant’s Full Name

Definition of Household Assets:
Assets are the cash value that could be acquired in disposing of real property. Other examples may include, but are not limited to:
1. Real property such as real estate, coins, gems, jewelry, antiques, etc.
2. Amounts in checking and saving bank accounts.
3. Stocks, bonds, savings certificates, money market funds, and other investment accounts.
4. The cash value of trusts that may be withdrawn by the household.
5. Lump sum receipts of cash received and accessible by household, such as inheritance, capital gains, lottery winnings, insurance settlements, and other claims.

I/We do hereby swear under penalty of perjury that each of the following statements are true:

I/We have reviewed the definition of household assets above. I/We understand that household assets include, but are not limited to any monies in banks, credit union accounts, real estate, stocks or bonds, certificates of deposit and personal property such as coin collections, gems, jewelry or antiques used for investment.

Please complete below:

My/our Household Assets do not exceed $5,000
The income I/We receive from these assets is: $ ____________________________

_________________________________________  ____________________________
Applicant’s Signature                      Date

_________________________________________  ____________________________
Applicant’s Signature                      Date

_________________________________________  ____________________________
Applicant’s Signature                      Date
I. REQUIREMENT

A. HMIS:
HUD requires ESG Contractors to report client-level data in a Homeless Management Information System (HMIS) managed and operated locally. Domestic Violence Shelters are exempt from entering client-level data into a networked or shared database system. According to HUD’s final ruling over data collection from Domestic Violence Shelters, the revised “VAWA Protections” include that Domestic Violence Shelters are exempt from having to use any shared database such as the HMIS software to collect client information and services provided. However, data collection relating to non-confidential demographics and services provided is required to be reported by the Domestic Violence shelter.[24 CFR 576.400 (f); 24 CFR 576.500 (n); 2017 Data Standards]


The Interim Final Rule can be found at https://www.hudexchange.info/resources/documents/HEARTH_ESGInterimRule&ConPlanConformingAmendments.pdf

B. SAGE:
SAGE is the online portal for the submission of aggregate, de-identified data from HMIS or comparable databases via a Comma Separated Value (CSV) import. As of October 1, 2017, The Office of Housing and Urban Development (HUD) now requires all ESG subrecipients to upload their CAPER report from HMIS into this database. SAGE replaces the former eCart database system. All Applicants who receive ESG funds will be required to upload Performance Report data to the SAGE System.

Domestic Violence (DV) Shelters are not exempt from providing required aggregate data to upload into SAGE. The comparable system that the Domestic Violence Shelters are using must be able to create a CSV file needed to upload to the SAGE system.

The SAGE ESG CAPER Guidebook for ESG-funded Programs can be found at https://www.hudexchange.info/resources/documents/Sage-ESG-Caper-Guidebook-for-ESG-funded-Programs.pdf

II. PROCEDURES

A. Performance Reports:
1. Contractors are required to submit monthly progress reports, Semi-Annual and Closeout Program Performance reports. Internal systems and controls must be in place that allow contractors to separately track and report on ESG Program funds and clients served according to the HMIS Standards and Final Rule (see link above). The required reports must be submitted in one of the following formats:
   a. The most current CAPER report from the HMIS system. Updates regarding the correct CAPER report will be sent via e-mail.
   b. Domestic Violence Shelters must submit monthly progress reports on a comparable stand-alone data system or a custom built report that includes all data elements included in the most current CAPER Report. Domestic Violence Shelters may use the existing ODOC Excel Spreadsheet reports as long as data is coming from their HMIS comparable report system.

2. Each grantee must submit the following performance reports to HUD:
   a. Monthly Progress Report: Pull the CAPER HMIS (or comparable database) for the month for which you are reporting. This report must cover each month between the grant agreements begin the beginning contract date and ending date. Contractors must provide information including but not limited to the items listed on the provided Report form. The Monthly Progress Report is due the 20th of each following month.
   b. Semi-Annual Progress Report: Pull the CAPER HMIS (or comparable database) for the 6-months for which you are reporting. Contractors must provide additional information on the report form included in this Requirement along with the CAPER database report. This report must provide unduplicated numbers from the first six-month period October – March, second six-month period from April – September and third six-month period again from October to March of the contract period and will be due 30 days after the end of each semi-annual period.
   c. Closeout Performance Report: Pull the CAPER HMIS (or comparable database) for the 6-months for which you are reporting. Contractors must provide additional information on the report form included in this Requirement along with the CAPER database report. Data will be submitted to ODOC in a format to be prescribed by HUD/ODOC within 60 days of the end of the contract year. Contractors will provide unduplicated numbers on outputs, such as the number of persons served and the demographic characteristics of persons served, ESG funds expended by activity type, and the number of jobs created and retained, as well as outcomes related to housing stability, to be specified by HUD. Final totals as they relate to the State Performance Measures will also be included.
   d. SAGE Upload – Must be uploaded to the SAGE system upon invitation from Recipient. All subrecipients must be able to upload a CSV file created from their HMIS or comparable data collection database.
   e. ALL REPORTS: If the date any report is due falls on a day of the weekend (Saturday or Sunday) or Holiday; the report is due the Monday following the weekend or the first day the offices are open after the holiday.
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Monthly Progress</strong> - Due the 20th of each following month.</td>
<td>For example, the January monthly report would be due no later than February 20th of the following month.</td>
<td></td>
</tr>
<tr>
<td><strong>Semi-Annual Progress Report</strong> – Report providing unduplicated numbers due 30 days after each semi-annual period; October – March and April – September.</td>
<td>Period ending March 30th – Due April 25th Period ending September 30th – Due October 25th</td>
<td></td>
</tr>
<tr>
<td><strong>Closeout Performance Report</strong> – Due 60 days after the end of the contract year for each fiscal year in which ESG funds are expended.</td>
<td>Due November 30th</td>
<td></td>
</tr>
<tr>
<td><strong>SAGE Report – Due 45 days before the ODOC CAPER is due to HUD</strong></td>
<td>Due May 15th</td>
<td></td>
</tr>
</tbody>
</table>

### III. FORM (Subject to be amended at any time during the contract year)

1. 710 ESG Performance Report – Form 710 This report will now be used in addition to the report submitted from the subrecipient’s HMIS or comparable (DV Shelters only) database. The Performance Report will be used for both the 6-month and End-of-Program submissions by all subrecipients in reporting final service numbers and final expenditures by Activity type.
I. REQUIREMENT

ODOC requires that Contractors are responsible for verifying and documenting the eligibility of all ESG applicants prior to providing ESG assistance. They are also responsible for maintaining documentation in the ESG participant case file once approved for assistance. Contractors must develop policies and procedures to ensure appropriate documentation is obtained and included ESG participants’ files. [24 CFR 576.400; 24 CFR 576.401, 24 CFR 576.500]

II. PROCEDURE

A. General. The recipient must have policies and procedures to ensure the requirements of this part are met. The policies and procedures must be established in writing and implemented by the recipient and its subrecipients to ensure that ESG funds are used in accordance with the requirements. In addition, sufficient records must be established and maintained to enable the recipient and HUD to determine whether ESG requirements are being met.

1. At Risk of Homelessness Status. For each individual or family who receives Emergency Solutions Grant (ESG) homelessness prevention assistance, the records must include the evidence relied upon to establish and verify the individual or family’s “at risk of homelessness” status. This evidence must include an intake and certification form that meets HUD specifications and is completed by the recipient or subrecipient. The evidence must also include:

   i. If the program participant meets the criteria under paragraph (1) of the “at risk of homelessness” definition in § 576.2:
      a. The documentation specified under this section for determining annual income;
      b. The program participant’s certification on a form specified by HUD that the program participant has insufficient financial resources and support networks; e.g., family, friends, faith-based or other social networks, immediately available to attain housing stability and meets one or more of the conditions under paragraph (1)(iii) of the definition of “at risk of homelessness” in § 145 576.2;
      c. The most reliable evidence available to show that the program participant does not have sufficient resources or support networks; e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “homeless” definition. Acceptable evidence includes:
         1. Source documents (e.g., notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears);
         i. To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., former employer, public administrator, relative) or the written certification by the recipient’s or subrecipient’s intake staff of the oral verification by the relevant third party that the applicant meets one or
both of the criteria under paragraph (1)(ii) of the definition of “at risk of homelessness” in § 576.2; or

ii. To the extent that source documents and third-party verification are unobtainable, a written statement by the recipient’s or subrecipient’s intake staff describing the efforts taken to obtain the required evidence; and

2. The most reliable evidence available to show that the program participant meets one or more of the conditions under paragraph (1)(iii) of the definition of “at risk of homelessness” in § 576.2. Acceptable evidence includes:

i. Source documents that evidence one or more of the conditions under paragraph (1)(iii) of the definition (e.g., eviction notice, notice of termination from employment, bank statement);

ii. To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., former employer, owner, primary leaseholder, public administrator, hotel or motel manager) or the written certification by the recipient’s or subrecipient’s intake staff of the oral verification by the relevant third party that the applicant meets one or more of the criteria under paragraph (1)(iii) of the definition of “at risk of homelessness”; or

iii. To the extent that source documents and third-party verification are unobtainable, a written statement by the subrecipient’s intake staff that the staff person has visited the applicant’s residence and determined that the applicant meets one or more of the criteria under paragraph (1)(iii) of the definition or, if a visit is not practicable or relevant to the determination, a written statement by the subrecipient’s intake staff describing the efforts taken to obtain the required evidence; or

iv. If the program participant meets the criteria under paragraph (2) or (3) of the “at risk of homelessness” definition in § 576.2, certification of the child or youth’s homeless status by the agency or organization responsible for administering assistance under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), as applicable.

B. Determinations of ineligibility.

1. For each individual and family determined ineligible to receive Emergency Solutions Grant (ESG) assistance, the record must include documentation of the reason for that determination.

C. Annual income.

1. For each program participant who receives homelessness prevention assistance, or who receives rapid re-housing assistance longer than one year, the following documentation of annual income must be maintained:

i. Income evaluation form containing the minimum requirements specified by HUD and completed by the recipient or subrecipient; and

ii. Source documents for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation (e.g., wage statement, unemployment compensation statement, public benefits statement, bank statement);

iii. To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., employer, government benefits administrator) or the written certification by the recipient’s or subrecipient’s intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period for which representative data is available; or

iv. To the extent that source documents and third party verification are unobtainable, the written certification by the program participant of the amount of income the program
participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.

D. Program participant records.

1. In addition to evidence of homeless status or “at risk of homelessness” status, as applicable, records must be kept for each program participant that document:
   i. The services and assistance provided to that program participant, including, as applicable, the security deposit, rental assistance, and utility payments made on behalf of the program participant;
   ii. Compliance with the applicable requirements for providing services and assistance to that program participant under the program components and eligible activities provisions at § 576.101 through § 576.106, the provision on determining eligibility and amount and type of assistance at §576.401(a) and (b), and the provision on using appropriate assistance and services at §576.401(d) and (e); and
   iii. Where applicable, compliance with the termination of assistance requirement in § 576.402.

E. Centralized or coordinated assessment systems and procedures.

1. The recipient and its subrecipients must keep documentation evidencing the use of, and written intake procedures for, the centralized or coordinated assessment system(s) developed by the Continuum of Care(s) in accordance with the requirements established by HUD.

F. Rental assistance agreements and payments.

1. The records must include copies of all leases and rental assistance agreements for the provision of rental assistance, documentation of payments made to owners for the provision of rental assistance, and supporting documentation for these payments, including dates of occupancy by program participants.

G. Utility allowance.

1. The records must document the monthly allowance for utilities (excluding telephone) used to determine compliance with the rent restriction.

H. Shelter and housing standards.

1. The records must include documentation of compliance with the shelter and housing standards in § 576.403, including inspection reports.

I. Emergency shelter facilities.

1. The recipient must keep records of the emergency shelters assisted under the ESG program, including the amount and type of assistance provided to each emergency shelter. As applicable, the recipient’s records must also include documentation of the value of the building before the rehabilitation of an existing emergency shelter or after the conversion of a building into an emergency shelter and copies of the recorded deed or use restrictions.

J. Services and assistance provided.

1. The recipient must keep records of the types of essential services, rental assistance, and housing stabilization and relocation services provided under the recipient’s program and the amounts spent on these services and assistance. The recipient and its subrecipients that are units of general purpose local government must keep records to demonstrate compliance with the maintenance of effort requirement, including records of the unit of the general purpose local government's annual budgets and sources of funding for street outreach and emergency shelter services.

K. Coordination with Continuum(s) of Care and other programs.

1. The recipient and its subrecipients must document their compliance with the requirements of § 576.400 for consulting with the Continuum(s) of Care and coordinating and integrating ESG assistance with programs targeted toward homeless people and mainstream service and assistance programs.

L. HMIS.
1. The recipient must keep records of the participation in HMIS or a comparable database by all projects of the recipient and its subrecipients.

2. Domestic Violence (DV) Shelters must have a comparable database in order to submit the required aggregate client data. HUD requirements state that Domestic Violence Shelters cannot enter clients into the shared HMIS database. [24 CFR 576.400(f) and 24 CFR 576.107(a)(3)]

M. Matching
1. The recipient must keep records of the source and use of contributions made to satisfy the matching requirement in § 576.201. The records must indicate the particular fiscal year grant for which each matching contribution is counted. The records must show how the value placed on third-party, noncash contributions was derived. To the extent feasible, volunteer services must be supported by the same methods that the organization uses to support the allocation of regular personnel costs.

N. Conflicts of interest
1. The recipient and its subrecipients must keep records to show compliance with the organizational conflicts-of-interest requirements in § 576.404(a), a copy of the personal conflicts of interest policy or codes of conduct developed and implemented to comply with the requirements in § 576.404(b), and records supporting exceptions to the personal conflicts of interest prohibitions.

O. Homeless participation
1. The recipient must document its compliance with the homeless participation requirements under § 576.405.

P. Faith-based activities
1. The recipient and its subrecipients must document their compliance with the faith-based activities requirements under § 576.406.

Q. Other Federal requirements
1. The recipient and its subrecipients must document their compliance with the Federal requirements in § 576.407, as applicable, including:
   i. Records demonstrating compliance with the nondiscrimination and equal opportunity requirements under § 576.407(a), including data concerning race, ethnicity, disability status, sex, and family characteristics of persons and households who are applicants for, or program participants in, any program or activity funded in whole or in part with ESG funds and the affirmative outreach requirements in § 576.407(b).
   ii. Records demonstrating compliance with the uniform administrative requirements in 24 CFR part 85 (for governments) and 24 CFR part 84 (for nonprofit organizations).
   iii. Records demonstrating compliance with the environmental review requirements, including flood insurance requirements.
   iv. Certifications and disclosure forms required under the lobbying and disclosure requirements in 24 CFR part 87.

R. Relocation
1. The records must include documentation of compliance with the displacement, relocation, and acquisition requirements in § 576.408.

S. Priority
1. The procedures must establish the order of priority for obtaining evidence as third-party documentation first, intake worker observations second, and certification from the person seeking assistance third. However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change
made; and if the HMIS prevents overrides or changes of the dates on which entries are made [24 CFR 576.500(b)].

T. Financial records.
1. The recipient must retain supporting documentation for all costs charged to the ESG grant.
2. The recipient and its subrecipients must keep documentation showing that ESG grant funds were spent on allowable costs in accordance with the requirements for eligible activities under § 576.101-§ 576.109 and the cost principles in OMB Circulars A-87 (2 CFR part 225) and A-122 (2 CFR part 230).
3. The recipient and its subrecipients must retain records of the receipt and use of program income.
4. The recipient must keep documentation of compliance with the expenditure limits in § 576.100 and the expenditure deadline in § 576.203.

U. Subrecipients and contractors.
1. The recipient must retain copies of all solicitations of and agreements with subrecipients, records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients, as applicable. If the recipient is a State, the recipient must keep records of each recapture and distribution of recaptured funds under § 576.501.
2. The recipient and its subrecipients must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 24 CFR 85.36 and 24 CFR 84.40-84.48.
3. The recipient must ensure that its subrecipients comply with the recordkeeping requirements specified by the recipient and HUD notice or regulations.

V. Other records specified by HUD.
1. The recipient must keep other records specified by HUD.

W. Confidentiality.
1. The recipient and its subrecipients must develop and implement written procedures to ensure:
   i. All records containing personally identifying information (as defined in HUD’s standards for participation, data collection, and reporting in a local HMIS or comparable database) of any individual or family who applies for and/or receives ESG assistance will be kept secure and confidential;
   ii. The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter; and
   iii. The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or subrecipient and consistent with state and local laws regarding privacy and obligations of confidentiality.
2. The confidentiality procedures of the recipient and its subrecipients must be in writing and must be maintained in accordance with this section.

X. Period of record retention.
1. All records pertaining to each fiscal year of ESG funds must be retained for the greater of 5 years or the period specified below. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.
   i. Documentation of each program participant’s qualification as a family or individual at risk of homelessness or as a homeless family or individual and other program participant records must be retained for 5 years after the expenditure of all funds from the grant under which the program participant was served;
   ii. Where ESG funds are used for the renovation of an emergency shelter involves costs charged to the ESG grant that exceed 75 percent of the value of the building before renovation, records must be retained until 10 years after the date that ESG funds are first obligated for the renovation; and
iii. Where ESG funds are used to convert a building into an emergency shelter and the costs charged to the ESG grant for the conversion exceed 75 percent of the value of the building after conversion, records must be retained until 10 years after the date that ESG funds are first obligated for the conversion.

Y. Access to records.
   1. Federal government rights. Notwithstanding the confidentiality procedures established under paragraph (w) of this section, HUD, the HUD Office of the Inspector General, and the Comptroller General of the United States, or any of their authorized representatives, must have the right of access to all books, documents, papers, or other records of the recipient and its subrecipients that are pertinent to the ESG grant, in order to make audits, examinations, excerpts, and transcripts. These rights of access are not limited to the required retention period but last as long as the records are retained.

Z. Public rights.
   1. The recipient must provide citizens, public agencies, and other interested parties with reasonable access (consistent with state and local laws regarding privacy and obligations of confidentiality and the confidentiality requirements in this part) to records regarding any uses of ESG funds the recipient received during the preceding 5 years.

AA. Reports.
   1. The recipient must collect and report data on its use of ESG funds in the Integrated Disbursement and Information System (IDIS) and other reporting systems, as specified by HUD. The recipient must also comply with the reporting requirements in 24 CFR parts 85 and 91 and the reporting requirements under the Federal Funding Accountability and Transparency Act of 2006, (31 U.S.C. 6101 note), which are set forth in Appendix A to 2 CFR part 170.

III. ATTACHMENT
   1. HUD Publication: Criteria and Recordkeeping Reqmt for Deftn of Homeless
<table>
<thead>
<tr>
<th>Category</th>
<th>Literally Homeless</th>
<th>Imminent Risk of Homelessness</th>
<th>Homeless under other Federal statutes</th>
<th>Fleeing/Attempting to Flee DV</th>
</tr>
</thead>
</table>
| Category 1 | (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 human habitation;  
   (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or  
   (iii) Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution | (2) Individual or family who will imminently lose their primary nighttime residence, provided that:  
   (i) Residence will be lost within 14 days of the date of application for homeless assistance;  
   (ii) No subsequent residence has been identified; and  
   (iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing | (3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:  
   (i) Are defined as homeless under the other listed federal statutes;  
   (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;  
   (iii) Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and  
   (iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers | (4) Any individual or family who:  
   (i) Is fleeing, or is attempting to flee, domestic violence;  
   (ii) Has no other residence; and  
   (iii) Lacks the resources or support networks to obtain other permanent housing |
| Category 1 | Literally Homeless | • Written observation by the outreach worker; or  
• Written referral by another housing or service provider; or  
• Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;  
• For individuals exiting an institution—one of the forms of evidence above and:  
  o discharge paperwork or written/oral referral, or  
  o written record of intake worker’s due diligence to obtain above evidence and certification by individual that they exited institution |
| --- | --- | --- |
| Category 2 | Imminent Risk of Homelessness | • A court order resulting from an eviction action notifying the individual or family that they must leave; or  
• For individual and families leaving a hotel or motel—evidence that they lack the financial resources to stay; or  
• A documented and verified oral statement; and  
• Certification that no subsequent residence has been identified; and  
• Self-certification or other written documentation that the individual lack the financial resources and support necessary to obtain permanent housing |
| Category 3 | Homeless under other Federal statutes | • Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; and  
• Certification of no PH in last 60 days; and  
• Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; and  
• Documentation of special needs, or 2 or more barriers |
| Category 4 | Fleeing/Attempting to Flee DV | • For victim service providers:  
  o An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification or a certification by the intake worker.  
• For non-victim service providers:  
  o Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and  
  o Certification by the individual or head of household that no subsequent residence has been identified; and  
  o Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing. |
(Environmental Review is currently not applicable under the current Grant period)

Effective May 2019

I. REQUIREMENT

A. Contractor Compliance: Contractors shall comply with NEPA and the environmental requirements of other federal laws found in 24 CFR 58 [https://files.hudexchange.info/resources/documents/ERProcedures_24CFR58.pdf].

B. Environmental Review: Contractors shall not obligate or expend funds until the environmental review process is complete. Obligating or expending funds prior to the environmental process is an ineligible use of contract funds. Such funds may have to be returned to ODOC. Funds cannot be used to reimburse the local general fund for costs incurred prior to the beginning date of this contract.

C. Sponsor/Shelter Agreement: If funds provided by this contract are being passed through the contractor to another entity, an agreement between the contractor and the other entity setting forth the terms and conditions for use of said funds must be submitted to ODOC prior to disbursement of any funds and copy must also be kept on file by the contractor.

D. Nonprofits: ODOC shall assume the role of federal official under the provisions of NEPA, however, the contractor is designated to assume the overall responsibility as the individual who prepares the Environmental Review Records (ERR).

E. Other Than Nonprofits:
   1. Environmental responsibilities have both legal and financial ramifications. A contractor assumes the role of federal official under the provisions of NEPA.
   2. The contractor's executive officer will be named the respondent if a suit is filed against a program in federal court on environmental grounds.
   3. Contract responsibilities require a complete environmental review of all projects.
   4. A certifying official should be designated to assume overall responsibility for the environmental review process, including making findings and signing required certifications.

II. PROCEDURES

A. It has been decided after many conversations with stakeholders and previous subrecipients of the State Emergency Solutions Grant that Rehabilitation, Renovation and Project-Based leasing will not be funded through the State Emergency Solutions Grant. All eligible activities will fall under the Environmental Review Exempt or Categorically Excluded regulations of 24 CFR 58 and will be the regulations provided in this section of the Manual. Exempt and Categorically Excluded requirements are
determined by the environmental review status of activities. Each has specific requirements. [Refer to Environmental Review Procedures Flow Chart]

B. Exempt activities (24 CFR § 58.34)

(1) Except for the applicable requirements of § 58.6, the responsible entity does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in § 58.5 for the activities exempt by this section or projects consisting solely of the following exempt activities:

(a) Environmental and other studies, resource identification and the development of plans and strategies;
(b) Information and financial services;
(c) Administrative and management activities;
(d) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
(e) Inspections and testing of properties for hazards or defects;
(f) Purchase of insurance;
(g) Purchase of tools;
(h) Engineering or design costs;
(i) Technical assistance and training;

(2) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;

(3) Payment of principal and interest on loans made or obligations guaranteed by HUD;

(4) Any of the categorical exclusions listed in § 58.35

(5) Provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in § 58.5.

(a) A recipient does not have to submit an RROF and certification, and no further approval from HUD or the State will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the responsible entity must document in writing its determination that each activity or project is exempt and meets the conditions specified for such exemption under this section.

C. Categorical exclusions (24 CFR § 58.35)

1) Categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required, except in extraordinary circumstances (see § 58.2(a)(3)) in which a normally excluded activity may have a significant impact. Compliance with the other applicable Federal environmental laws and authorities listed in § 58.5 is required for any categorical exclusion listed in paragraph (a) of this section.

a) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets);

b) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons;
c) Rehabilitation of buildings and improvements when the following conditions are met:
d) In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;
e) In the case of multifamily residential buildings: (A) Unit density is not changed more than 20 percent; (B) The project does not involve changes in land use from residential to non-residential; and (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
f) In the case of non-residential structures, including commercial, industrial, and public buildings:
   (i) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; AND
   (ii) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
g) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or
h) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.
i) Paragraphs (a) (4) (i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a) (3) (i) of this section).
j) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
k) Combinations of the above activities.

E. Environmental Review Record for Exemptions/Release of Funds: Upon receipt/approval of the environmental review record, ODOC will submit the “Authority to Use ESG Funds”.

III. FORMS
1. 712A Environmental Review Record for Exemptions/Release of Funds Form
<table>
<thead>
<tr>
<th>Contractor Name:</th>
<th>Funds Requested:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Date of Request</td>
</tr>
</tbody>
</table>

**Project Description (Brief):**

I have reviewed and determined that the above mentioned project is a Categorically Excluded activity (subject to §58.5) per 24 CFR §58.35(a) as follows: (Place checkmark by each requirement to verify that Applicant’s project does not include any item listed)

- 58.35(a) (1). Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets);

- 58.35(a) (2). Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons;

- 58.35(a) (3). Rehabilitation of buildings and improvements when the following conditions are met:
  - 58.35(a) (3) (i). In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland;
  - 58.35(a) (3) (ii). In the case of multifamily residential buildings: (A) Unit density is not changed more than 20 percent; (B) The project does not involve changes in land use from residential to non-residential; and (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation;
  - 58.35(a) (3) (iii). In the case of non-residential structures, including commercial, industrial, and public buildings:
    - (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; **AND**
    - (B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.

- 58.35(a) (4) (i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or

- 58.35(a) (4) (ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site.

- 58.35(a) (iii) Paragraphs (a) (4) (i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a) (3) (i) of this section).

- 58.35(a) (5). Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.

- 58.35(a) (6). Combinations of the above activities.

**Signature of Authorized Official:** __________________________________________

**Name & Title of Authorized Official:** _______________________________________

**Date:** ___________________________________________________________________

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**Oklahoma Department of Commerce / Office of Community Development**

**Emergency Solutions Grant Program**

**Environmental Review or Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5**

**Pursuant to 24 CFR Part 58.34(a) and 58.35(b)**

**REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION**
(This section for ODOC/OCD Only)

**Authority to Use Emergency Shelter Grant Funds:**

- [ ] Activity/Project is Exempt per 24 CFR 58.34 (a)
- [ ] Activity/Project is Categorically Excluded Not Subject to § 58.5 per 24 CFR 58.35 (b)
- [ ] The following additional materials must be provided before funds can be released:

| Date Received Request for Release of Funds and Certification: | ________________________________ |
| Contract Number: | ________________________________ |
| Name of Responsible Entity | Signature of Responsible Entity |
| Title of Responsible Entity | Date of Signature |
What level of review and which format should be used to complete environmental reviews for Continuum of Care (CoC) Program projects?

Is this a Tenant-Based Rental Assistance or Tenant-Based Leasing project, and did all program participants select the location of their units?

- Yes: Categorically Excluded Not Subject to 58.5 (CENST)

- No: Is this project limited to one of the following:
  - 1. Operating/administrative costs that are not used as reserve for replacement,
  - 2. Supportive services costs, OR
  - 3. HMIS costs not used for leasing office space?

  - Yes: Exempt/CENST

  - No: Is this a Project-Based or Sponsor-Based Rental Assistance project without any associated repairs or rehabilitation beyond routine maintenance?*

  - Yes: "Limited Scope" Review

  - No: Does this project include major rehabilitation,** conversion of land use, new construction, or demolition***?

  - Yes: Environmental Assessment (EA)

  - No: If none of the above apply, the project is Categorically Excluded Subject to 58.5 (CEST). Use the standard (not "limited scope") CEST format.

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This document applies only to CoC program projects. For more information on determining level of review, consult 24 CFR Part 58.


** For purposes of determining level of review, “major rehabilitation” is rehabilitation that does not conform to the limitations listed in 24 CFR 58.35(a)(3).

*** Select “yes” if new construction or demolition falls outside the definition of an "individual action" in 24 CFR 58.35(a)(4). If proposed construction or demolition conforms to the requirements in that section, select “no.”
I. REQUIREMENT

ODOC will provide training and technical assistance to staff members of the Contractor to ensure continued quality performance and to ensure performance of activities useful to advance the purpose of this Act. The Contractor shall ensure the attendance of any person performing services under this Act whose presence is requested.

II. PROCEDURES

A. Definitions: Training and technical assistance will be considered separate and distinct functions in accordance with the following definitions.

1. Training:
   a. Training is an instructional or educational event on a general topic that provides the opportunity for participants to gain information, increase program management skills and define program objectives.
   b. Training events are designed for groups to share knowledge and experience.

2. Technical Assistance:
   a. Technical assistance is a problem-solving activity designed to provide Contractors with an immediate resolution, or approach to a resolution, of a specific problem or set of problems.
   b. Technical assistance, providing resources and information, may be held on-site, at ODOC offices, by telephone or by written communication.

B. Request for training shall be based on the learning needs for a designated job category with specific topics and objectives or desired results clearly stated.

C. Requests for technical assistance shall be based on a specific problem in a designated job category and shall involve Contractor's staff affected by the problem and staff involved in developing resolutions. It will also be based on a request for resources or information related to a specific problem or need.

D. Training may be requested by submitting a completed Training Request [Form 713-A] that identifies need, topics, expected objectives/results; participants expected and preferred delivery method. Suggested dates and location must be submitted to confirm telephone requests.
E. Technical assistance may also be requested by submitting a completed Technical Assistance Request [Form 713-B] that identifies the problem, persons affected by the problem who are involved in developing resolutions, preferred delivery method and suggested dates and location or lists information and other resources needed.

F. Requests may also be initiated by the Contractor based on internal evaluation or needs assessment.

G. Training Requests should be submitted to ODOC at least one month in advance of the suggested date(s). Technical Assistance Requests should be submitted at least two weeks in advance of the suggested date(s).

III. FORMS

1. Training Request (Form 713-A)
2. Technical Assistance Request (Form 713-B)
TRAINING REQUEST

Training is an instructional or educational event on a general topic that provides the opportunity for participants to grow and learn information, skills and attitudes and/or values. Training events are designed for groups where they can share their own knowledge and experience.

Please complete this form fully so we can design your training event.

1. Sponsor/Shelter Name:  _____________________________________ ___

2. Contact Person and Phone: __________________________________ ______

3. Program to be addressed: _____________________________________________
   (Example: HPRP, CSBG, Weatherization, etc.)

4. Number of Participants expected by Job Category:
   □ Administrators       □ Bookkeepers       □ Program Managers
   □ Other Support Staff  □ Direct Service Staff □ Other (Please Describe)
____________________________________________________________________________________

5. Identified Learning Need: _____________________________________________

6. Suggested Subjects/Topics: _____________________________________________

8. Preferred Delivery Method (Please Check):
   □ On-Site Workshop       □ State Conference       □ Cluster Workshop

9. Suggested Date(s): _____________________________________________________

10. Suggested Location: ____________________________________________________

11. Proposed amount of time to be allocated for training:
    (To be negotiated with ODOC Operations Team Section Member)
    ______________________________________________________________________

12. Has your Agency had training in this subject/area? If so, when:
    ______________________________________________________________________

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________

___________________________________  
Authorized Signature

Date: ___________________________
TECHNICAL ASSISTANCE REQUEST

Technical Assistance (T/A) is:
A problem-solving activity designed to assist the Sponsor or Shelter with an immediate resolution, or approach toward resolution, of a specific problem or set of problems; or providing resources and information.

Please complete this form fully so we can design your T/A activity.

1. Contractor Name: __________________________________________________________

2. Contact Person and Phone: ________________________________________________

3. Program to be Addressed: _________________________________________________

4. Problem to be Addressed: _________________________________________________
   _______________________________________________________________________
   _______________________________________________________________________

5. Number of persons affected by the problem who will be involved in developing resolutions by Job Category:
   □ Administrators       □ Bookkeepers       □ Direct Service Staff
   □ Program Managers     □ Other Support Staff □ Board Members
   □ Other (Please Describe) ____________________________________________

6. Preferred Delivery Method (Please Check):
   □ Consultation           □ Telephone Conference        □ Written Communication

7. Suggested Date(s): _______________________________________________________

8. Suggested Location: _____________________________________________________
   ______________________________________________________________________

9. Information Needed: _____________________________________________________
   ______________________________________________________________________

10. Other Resources Needed: ________________________________________________
    _____________________________________________________________________

_________________________________  __________________________
Authorized Signature                Date
I. BACKGROUND

Congress passed the Coronavirus Aid, Relief and Economic Security Act (CARES Act) on March 27, 2020. The Act provides Relief funding for the Emergency Solutions Grant Program in order to make available and distribute funds to prevent, prepare for and respond to the coronavirus by supporting additional homeless assistance and homelessness prevention activities. The following waivers have been approved by HUD for the duration of the ESG 2020 Contract period ending September 30, 2021. These waivers are applicable to all areas within the State of Oklahoma which fall under the State’s “Non-Entitlement” jurisdiction on the following:

II. Procedures

A. Re-evaluations for Homelessness Prevention Assistance
   1. Current Requirement: The ESG regulations at 24 CFR 576.401(b) requires recipients or subrecipients providing homelessness prevention assistance to re-evaluate the program participant’s eligibility, and the types and amounts of assistance the program participant needs, not less than once every 3 months.
   2. Waiver: The 3-month re-evaluation requirement has been waived for homelessness prevention assistance as specified in 24 CFR 576.401(b) is necessary to help program participants remain stable in housing during the economic uncertainty caused by COVID-19.

B. Housing Stability Case Management
   1. Current Requirement: Under 24 CFR 576.401(e), the recipients or subrecipients must require Homeless Prevention or Rapid Re-Housing program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability, unless the Violence Against Women Act of 1994 or Family Violence Prevention and Services Act prohibits the recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.
   2. Waiver: The monthly case management requirement has been waived. This will allow recipients to provide case management on an as needed basis and reduce the possible spread and harm of COVID-19. This waiver is in effect until September 30, 2021.

C. Restrictions of Rental Assistance to Units with Rent at or Below Fair Market Rent (FMR)
   1. Current Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR Part 888, and complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507. Quickly moving people into permanent housing is especially critical in preventing the spread of COVID-19.
2. Waiver: The limit on rental assistance to rents that are equal to or less than the FMR, established by HUD, has been waived. This will assist recipients and subrecipients in more quickly locating additional units to house individuals and families experiencing homelessness. The FMR restriction is waived for any individual or family receiving Rapid Re-housing or Homelessness Prevention assistance who executes a lease for a unit before September 30, 2021.

D. Homeless Definition – Temporary Stays in Institutions of 90 Days Less

1. Current Requirement: Under 24 CFR 576.2 under paragraph (1) (iii) an individual or family who lacks a fixed, regular, and adequate nighttime residence includes exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

1. Waiver: An individual may qualify as homeless under paragraph (1) (iii) the homeless definition in 24 CFR 576.2 so long as he or she is exiting in an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. This waiver is in effect until September 30, 2021.
I. REQUIREMENT
The agency must coordinate Emergency Solutions Grant-funded activities with other community
programs that are targeted to homeless persons in the geographic area covered by the CoC to provide
a strategic, community-wide system to prevent homelessness [24 CFR 576.400].

II. PROCEDURES
(A.) Each of the seven (7) State Program eligible Continuum of Care organizations will be allocated a
portion of the State program funds. In order for a Continuum of Care to be allocated funds, the
Continuum must comply with the HUD Continuum rule definitions, regulations and timeline
pertaining to Continuum structure and planning process.

(B.) An eligible Continuum of Care must manage the three primary responsibilities under the CoC
Program regulations.

(1.) Operate the CoC:
   (a.) Establish a Board to act on behalf of the Continuum of Care
   (b.) Conduct semi-annual meetings of the full membership
   (c.) Issue a public invitation for new members, at least annually
   (d.) Adopt and follow a written process to select a board
   (e.) Appoint additional committees, subcommittees, or work groups
   (f.) Develop and follow a governance charter detailing the responsibilities of all parties
   (g.) Consult with recipients and subrecipients to establish performance targets appropriate for
       population and program type, monitor the performance of recipients and subrecipients,
       evaluate outcomes, and take action against poor performers
   (h.) Evaluate and report to HUD and ODOC outcomes of ESG and CoC projects as instructed.
   (i.) Establish and operate a centralized or coordinated assessment system
   (j.) Establish and follow written standards for providing CoC assistance

(2.) Designate and Operate a Homeless Management Information System:
   (a.) Designate a single HMIS
   (b.) Select an eligible applicant to manage the CoC’s HMIS
   (c.) Monitor recipient and subrecipient participation in the HMIS
   (d.) Review and approve privacy, security, and data quality plans

(3.) Coordinate CoC Planning:
   (a.) Coordinate the implementation of a housing and service system within its geographic area
   (b.) Conduct a Point-in-Time count of homeless persons, at least biennially
   (c.) Conduct an annual gaps analysis
   (d.) Provide information required to complete the Consolidated Plan(s)
   (e.) Consult with ESG recipients regarding the allocation of ESG funds and the evaluation of the
       performance of ESG recipients and subrecipients

(C.) Any Continuum of Care entity that does not comply with the responsibilities above will not receive
the allocated funds for their region. These funds will be re-distributed to other eligible Continuum of
Care organizations through procedure set by ODOC/CD later in this application.
(1.) Continuum Care Authority of the ESG Program:
   (a.) The CoC Governing Board must establish policies/procedures to decide the dollar amount of grants awarded in their CoC region. The overall total amounts awarded must meet at minimum the 60(Shelter)/40(Housing)% spending regulations of the ESG Program.
   (b.) The CoC Governing Board must establish policies/procedures to add restrictions/requirements to the scoring process for awarding ESG funds. Any restrictions/requirements added to the scoring process must be in line with making improvements to better adhere to the CoC’s Action Plan and/or Performance Measures.
   (c.) The CoC Governing Board must establish an Appeal Process for a case in which an Emergency Solutions Grant Program applicant has its application rejected. The Process must include the following:
      (i.) Number of days in which the applicant has to appeal in writing;
      (ii.) How the Board shall meet to hear the appeal. After local appeal procedures are exhausted, the applicant may appeal the CoC’s decision to ODOC.
   (d.) The CoC Governing Board must establish policies/procedures regarding how to redistribute funds that are returned to the CoC if funds are made available after initial awards are granted.
   (e.) The CoC Governing Board creates policies/procedures regarding how funds will be awarded/distributed throughout each Continua service area to best answer the Federal/State’s overall “No Wrong Door” goals.

(D.) Distribution/Redistribution of Non-Awarded Funds:
   (1.) Continuum of Care allocated funding will be redistributed to remaining Continuum of Care entities when:
      (a) The CoC does not comply with the responsibilities listed above;
      (b) A CoC is not considered an eligible Continuum of Care;
      (c) Funds are not allocated due to there being no eligible CoC in a region;
      (d) Dollars are returned due to lack of eligible applicants in a CoC region.
   (2.) These funds will be re-distributed to other eligible Continuum of Care organizations through procedure set by ODOC/CD. Any funds not awarded through a first round allocation will be redistributed evenly to the remaining CoC’s to award to their eligible applicants until all funds have been awarded.
   (3.) ODOC reserves the right to recapture any administrative funds not budgeted by the awarded subrecipients equal to the maximum spending requirement allowed by HUD regulations.

(E.) Continuum of Care Eligibility Documentation:
   (1.) Each CoC Lead Agency must submit the following to ODOC/CD:
      (a) Names of members who will be scoring the applications
      (b) If applicable, agreement with another lead CoC agency to score each other’s CoC applications
      (c) The following data to show proof of Lead CoC Eligibility:
         i. Copy of most updated CoC Governance Charter
         ii. Copy of most current Point-in-Time Survey data showing who submitted the response into the HDX (Only if this has not already been submitted)
         iii. Copy of most current Continuum of Care Grant application (Exhibit 1) showing the name of the lead agency or member agency who submitted the application (Only if this has not already been submitted)
         iv. Documentation of any changes that have been made regarding the grant amounts awarded and proof that membership was made aware and agreed to approved changes:
            1. Copy of Agenda and Minutes of meeting where changes were discussed and/or approved.
            2. Copy of policies/procedures created as a result of above discussion and approval.

III. FORMS
None.
I. Administration

Units of General Local Government, Community Action Agencies and/or nonprofits are allowed 3.75% of the total award for administration of the ESG grant. In the case of a Sponsor/Shelter contract, these funds may be passed on to the shelter.

II. At risk of homelessness:

(A.) An individual or family who:
   (1.) Has an annual income below 30 percent of median family income for the area, as determined by HUD;
   (2.) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “homeless” definition in this section; and
   (3.) Meets one of the following conditions:
      (a.) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
      (b.) Is living in the home of another because of economic hardship;
      (c.) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 14 days after the date of application for assistance;
      (d.) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
      (e.) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
      (f.) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
      (g.) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved consolidated plan;

(B.) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or
(C.) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

III. Consolidated plan: A plan prepared in accordance with 24 CFR part 91. An approved consolidated plan means a consolidated plan that has been approved by HUD in accordance with 24 CFR part 91.

IV. Continuum of Care: The group composed of representatives of relevant organizations, which generally includes nonprofit homeless providers; victim service providers; faith-based organizations; governments; businesses; advocates; public housing agencies; school districts; social service providers; mental health agencies; hospitals; universities; affordable housing developers; law enforcement; organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons that are organized to plan for and provide, as necessary, a system of outreach, engagement, and assessment; emergency shelter; rapid rehousing; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless persons and persons at risk of homelessness for a specific geographic area.

V. Co-Occurring Disorder: Persons who have a diagnosis of mental illness and a diagnosis of substance abuse, HIV/AIDS, or other health condition.

VI. Chronically Homeless:
   (A) A “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:
   [An individual who can be diagnosed with one or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability]
   1. Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
   2. Has been homeless and living as described in paragraph (1)(i) of this definition continuously for at least 12 months [one year] or on at least 4 separate occasions in the last 3 years,[where each homeless occasion was at least 15 days] as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (1)(i). Stays in institutional care facilities for fewer than 90 days will not constitute a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility;
   (B.) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or*
   * Review CARES Act Waivers Addendum II.D. Homeless Definition: Temporary Stays in Institutions of 90 Days Less;
   (C.) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

(A.) A severe, chronic disability of an individual that—
   (1.) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
   (2.) Is manifested before the individual attains age 22;
   (3.) Is likely to continue indefinitely;
   (4.) Results in substantial functional limitations in three or more of the following areas of major life activity:
      (a.) Self-care;
      (b.) Receptive and expressive language;
      (c.) Learning;
      (d.) Mobility;
      (e.) Self-direction;
   (5.) Capacity for independent living;
   (6.) Economic self-sufficiency; and
   (7.) Reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B.) An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the criteria described in paragraphs (1) (i) through (v) of this definition if the individual, without services and supports, has a high probability of meeting those criteria later in life.

VIII. Eligible Applicants: Units of General Local Government, Community Action Agencies (CAAs) and Independent Nonprofits. Cities of Tulsa and Oklahoma City must apply directly to HUD and are therefore excluded from the receipt of funds administered by ODOC.

IX. Emergency shelter: Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless, and which does not require occupants to sign leases or occupancy agreements.

X. Equipment and Furnishings: Typically large, one-time expenditures essential for the continued operation of the homeless shelter. Office equipment and major furniture replacement or purchase such as beds or cots for an expanding facility, are examples of items to be budgeted under Equipment and Furnishings.

XI. Exclusion: For purposes of this Act, the term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or State Law.

XII. Homeless Management Information System (HMIS): The information system designated by the Continuum of Care to comply with HUD’s data collection, management, and reporting standards and used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.

XIII. Homeless, homeless individual and homeless person:
   (A.) An individual or family who lacks a fixed, regular, and adequate nighttime residence and is:
(1.) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(2.) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or

(3.) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in a shelter or place not meant for human habitation immediately before entering that institution;

(B.) An individual or family who will imminently lose their primary nighttime residence, provided that:

(1.) The primary nighttime residence will be lost within 14 days of the application for homeless assistance;

(2.) No subsequent residence has been identified; and

(a.) The individual or family lacks the resources or support networks needed to obtain other permanent housing;

(3.) Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who do not otherwise qualify as homeless under this definition and:

(a.) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 91 days immediately preceding the application for homeless assistance;

(b.) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately before applying for homeless assistance; and

(c.) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or child abuse, the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration, and a history of unstable employment; and

(4.) Any individual or family who:

(a.) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member that has either taken place within the individual’s or family’s primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;

(b.) Has no other residence; and

(c.) Lacks the resources or support networks to obtain other permanent housing.

XIV. Homeless individual with a disability:

(A.) an individual who is homeless and has a disability that:

(1.) Is expected to be long-continuing or of indefinite duration;

(2.) Substantially impedes the individual’s ability to live independently;

(3.) Could be improved by the provision of more suitable housing conditions; and

(4.) Is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury;

(B.) Is a developmental disability, as defined in this section; or
(C.) Is the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).

XV. **Income Eligibility:** A homeless individual shall be eligible for assistance under any program provided by the Stewart B. McKinney Homeless Assistance Act, or by the amendments made by this Act, only if the individual complies with the income eligibility requirements otherwise applicable to such program.

XVI. **Families with Children and Youth Defined as Homeless under other Federal Statutes:** The term 'families with children and youth defined as homeless under other Federal statutes' means any children or youth that are defined as 'homeless' under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

XVII. **Homeless Prevention:** ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the “homeless” definition in § 576.2. This assistance, referred to as homelessness prevention, may be provided to individuals and families who meet the criteria under the “at risk of homelessness” definition, or who meet the criteria in paragraph (2), (3), or (4) of the “homeless” definition in § 576.2 and have an annual income below 30 percent of median family income for the area, as determined by HUD. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant’s current permanent housing or move into other permanent housing and achieve stability in that housing. Homelessness prevention must be provided in accordance with the housing relocation and stabilization services requirements in § 576.105, the short-term and medium-term rental assistance requirements in § 576.106, and the written standards and procedures established under § 576.400.

XVIII. **HUD:** U.S. Department of Housing and Urban Development.

XIX. **Match Funds:** Funds contributed to the project for the expressed purpose of implementing the eligible activities proposed in the application. Eligible match includes cash on deposit, and cash committed from other sources, as documented by bank statements, and funding award letters. Non-cash match shall be documented by timesheets, appraisals, or other sufficient documentation. Match funds must be expended during the time frame of the ESG contract.

XX. **Major Rehabilitation:** Rehabilitation that involves costs in excess of 75 percent of the value of the building before rehabilitation. Major rehabilitation undertaken with ESG funds must meet local government safety and sanitation standards under 24 CFR 576.55. In addition, for projects of 15 or more units where rehabilitation costs are 75 percent or more of the replacement cost of the building, that project must meet the requirements of 24 CFR 8.23(a). The facility must be used as an emergency shelter for a period of not less than ten years after the ESG contract is closed or the applicant may be required to repay grant funds.

XXI. **Nonprofit Recipient:** Any nonprofit organization assisting the homeless to which a Unit of General Local Government or CAA distributes ESG funds.

XXII. **Obligated:** The ESG contractor, as appropriate, has placed orders, awarded contracts, received services, or entered similar transactions that require payment from the grant amount.
XXIII. Operations: Recurring costs incurred by a recipient operating a homeless shelter with respect to administration, rent, food for feeding the homeless, security, maintenance, utilities, fuels, and insurance for the homeless shelter.

XXIV. Private nonprofit organization: A private nonprofit organization that is a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1986 and which is exempt from taxation under subtitle A of the Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance. A private nonprofit organization does not include a governmental organization, such as a public housing agency or housing finance agency.

XXV. Program income: Program income includes any amount of a security or utility deposit returned to the subrecipient under 24 CFR 85.25.

XXVI. Program participant: an individual or family who is assisted under ESG program.

XXVII. Program year: the consolidated program year established by the recipient under 24 CFR part 91.

XXVIII. Rapid re-housing assistance: The provision of housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing.

XXIX. Recipient: Any State, territory, metropolitan city, or urban county, or in the case of reallocation, any unit of general purpose local government that is approved by HUD to assume financial responsibility and enters into a grant agreement with HUD to administer assistance under this part.

XXX. Rehabilitation: Labor, materials, tools, and other costs of improving the building, including repair directed toward an accumulation of deferred maintenance; replacement of principal fixtures and components of existing buildings; installation of security devices; and improvements through alterations or incidental additions to or enhancement of, existing buildings including improvements to increase the efficient use of energy. Rehabilitation includes the conversion of a building to an emergency shelter where the costs of conversion and any rehabilitation do not exceed 75 percent of the cost of the building before rehabilitation, and includes structural changes necessary to make a facility accessible to persons with physical handicaps. The facility must be used as an emergency shelter for a period of not less than three years after the ESG contract is closed or the applicant may be required to repay grant funds.

XXXI. Subrecipient: A unit of general purpose local government or private nonprofit organization to which a recipient makes available ESG funds.

XXXII. Telework: As defined in the Telework Enhancement Act of 2010: "[t]he term 'telework' or 'teleworking' refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work."

XXXIII. Transitional Housing: Facility-based or scattered-site temporary housing combined with essential services, with occupancy typically limited to 24 months. The applicant would administer the transitional housing activities and establish eligibility for occupants. Transitional housing also functions to do the following:
(A.) Assist homeless families and individuals overcome the problems/conditions that made them homeless;
(B.) Increase skills and/or income and aid in obtaining and remaining in permanent housing; and
(C.) Provide or coordinate, as required, substance abuse services, mental health services, day care, life skills training, educational services, family support, and other services.

XXXIV. Underserved Populations: The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

XXXV. Unit of local government: any city, county, town, township, parish, village, or other general purpose political subdivision of a State.

XXXVI. Value of building: Value of building is defined as the monetary value assigned to a building by an independent real estate appraiser or as otherwise reasonably established. If the value of the building is established other than by an appraisal, ODOC must be advised and provided with written documentation of the method for determining the value. The value of the building can only be used as match if the building is donated after the ESG contract is entered into with ODOC. If the shelter is purchasing or renting the facility, only the mortgage or lease amount paid with non-ESG funds multiplied by 12 months (the term of the ESG contract) can be used as match. Please refer to Federal Register, Title 24, Volume 3, revised April 1, 1998 for further clarification and for other related definitions.

XXXVII. Victim Service Provider: A private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. This term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

XXXVIII. Victim Services: The term ‘victim services’ means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

XXXIX. Weather and Safety Leave: Pursuant to Administrative Leave Act of 2016 and 5 CFR 630 an agency may grant weather and safety leave to employees only if they are prevented from safely traveling to or safely performing work at a location approved by the agency due to—(a) An act of God; (b) A terrorist attack; or (c) Another condition that prevents an employee or group of employees from safely traveling to or safely performing work at an approved location.
<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
<th>Explanation</th>
</tr>
</thead>
</table>
| **1**    | 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 human habitation;  
(ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or  
(iii) Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution |
| **2**    | Imminent Risk of Homelessness | (2) Individual or family who will imminently lose their primary nighttime residence, provided that:  
(i) Residence will be lost within 14 days of the date of application for homeless assistance;  
(ii) No subsequent residence has been identified; and  
(iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing |
| **3**    | Homeless under other Federal statutes | (3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:  
(i) Are defined as homeless under the other listed federal statutes*;  
(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;  
(iii) Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and  
(iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers** |
| **4**    | Fleeing/Attempting to Flee DV | (4) Any individual or family who:  
(i) Is fleeing, or is attempting to flee, domestic violence;  
(ii) Has no other residence; and  
(iii) Lacks the resources or support networks to obtain other permanent housing |

---

* "Other Federal Statutes" are defined as a child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732b(3)), section 637(11) of the Head Start Act (42 U.S.C. 9802(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)).

** "Special need or barriers" are defined as chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglected), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.
## CRITERIA FOR DEFINING AT RISK OF HOMELESSNESS

<table>
<thead>
<tr>
<th>Category</th>
<th>Individuals and Families</th>
<th>An individual or family who:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td></td>
<td>(i) Has an annual income below <strong>30%</strong> of median family income for the area; <strong>AND</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(ii) Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; <strong>AND</strong></td>
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<tr>
<td></td>
<td></td>
<td>(iii) Meets one of the following conditions:</td>
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<tr>
<td></td>
<td></td>
<td>(A) Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance; <strong>OR</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(B) Is living in the home of another because of economic hardship; <strong>OR</strong></td>
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<tr>
<td></td>
<td></td>
<td>(C) Has been notified that their right to occupy their current housing or living situation will be terminated within <strong>21</strong> days after the date of application for assistance; <strong>OR</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(D) Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; <strong>OR</strong></td>
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<tr>
<td></td>
<td></td>
<td>(E) Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; <strong>OR</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(F) Is exiting a publicly funded institution or system of care; <strong>OR</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved Con Plan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category 2</th>
<th>Unaccompanied Children and Youth</th>
<th>A child or youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under another Federal statute*</th>
</tr>
</thead>
</table>

| Category 3 | Families with Children and Youth | An unaccompanied youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) or that child or youth if living with him or her. |

* "Other Federal Statutes" are defined as a child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732(a)(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(e) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(b)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)).
# RECORDKEEPING REQUIREMENTS

## Category 1

<table>
<thead>
<tr>
<th>Literally Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Written observation by the outreach worker; or</td>
</tr>
<tr>
<td>• Written referral by another housing or service provider; or</td>
</tr>
<tr>
<td>• Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;</td>
</tr>
<tr>
<td>• For individuals exiting an institution—one of the forms of evidence above and:</td>
</tr>
<tr>
<td>o discharge paperwork or written/oral referral, or</td>
</tr>
<tr>
<td>o written record of intake worker’s due diligence to obtain above evidence and certification by individual that they exited institution</td>
</tr>
</tbody>
</table>

## Category 2

<table>
<thead>
<tr>
<th>Imminent Risk of Homelessness</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A court order resulting from an eviction action notifying the individual or family that they must leave; or</td>
</tr>
<tr>
<td>• For individual and families leaving a hotel or motel—evidence that they lack the financial resources to stay; or</td>
</tr>
<tr>
<td>• A documented and verified oral statement; and</td>
</tr>
<tr>
<td>• Certification that no subsequent residence has been identified; and</td>
</tr>
<tr>
<td>• Self-certification or other written documentation that the individual lack the financial resources and support necessary to obtain permanent housing</td>
</tr>
</tbody>
</table>

## Category 3

<table>
<thead>
<tr>
<th>Homeless under other Federal statutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; and</td>
</tr>
<tr>
<td>• Certification of no PH in last 60 days; and</td>
</tr>
<tr>
<td>• Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; and</td>
</tr>
<tr>
<td>• Documentation of special needs or 2 or more barriers</td>
</tr>
</tbody>
</table>

## Category 4

<table>
<thead>
<tr>
<th>Fleeing/Attempting to Flee DV</th>
</tr>
</thead>
<tbody>
<tr>
<td>• For victim service providers:</td>
</tr>
<tr>
<td>o An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification or a certification by the intake worker.</td>
</tr>
<tr>
<td>• For non-victim service providers:</td>
</tr>
<tr>
<td>o Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and</td>
</tr>
<tr>
<td>o Certification by the individual or head of household that no subsequent residence has been identified; and</td>
</tr>
<tr>
<td>o Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.</td>
</tr>
</tbody>
</table>
ESG CLIENT FILE DOCUMENTATION REQUIREMENTS

***Most CoCs/agencies require more documentation within the files. This list is just a minimum requirement checklist.

**Shelter Client Files:**
- Client file/case number, HMIS Entry Date and Exit Date
- Proof of Literal or Immanent Homelessness (refer to HUD definitions)
- Proof of client meeting other federal definitions of Homelessness (if necessary)
- Proof of fleeing Domestic Violence (if necessary)
- Proof of client exiting from institution
- Termination of assistance (if applicable)
- Case management notes

**Outreach Client Files:**
- Everything required in shelter client file AND documentation of where person was found

**Rapid Re-Housing Client Files:**
- Client file/case number, HMIS Entry and Exit Date
- Continuum of Care Coordinated Assessment/Intake
- ‘But for’ Certification
- Proof of Literal Homelessness (refer to HUD definitions)
- Lease (between landlord and client) and Rental Assistance Agreement (between agency and landlord)
- Lead Base Paint Site Visit Result
- Housing Habitability Inspection
- Assessment of Rent Reasonableness / Fair Market Rent documentation
- Housing Stability Plan
- Documents Showing All Assistance Provided
- Case Management notes
- Re-evaluation (if applicable – must take place at least once annually)
  - Proof of Income and at or below 30% AMI and Under $5,000 Asset Cert. form (not necessary at initial assessment, only at re-eval)
- Program Exit or Termination of Assistance form

**Prevention Client Files:**
- Client file/case number, HMIS Entry and Exit Date
- Continuum of Care Coordinated Assessment/Intake
- Proof of Immanent Risk of Homelessness (refer to HUD definitions)
  - Cut-off Notice or Eviction Notice
- Proof of Income
- Proof of Below 30% AMI Income
- ‘But for’ Certification
- Under $5,000 Asset Certification form
- Lease (between landlord and client) and Rental Assistance Agreement (between agency and landlord)
- Lead Base Paint Site Visit Result
- Housing Habitability Inspection
- Assessment of Rent Reasonableness / Fair Market Rent documentation
- Housing Stability Plan
- Documents Showing All Assistance Provided
- Re-evaluation (if applicable – must take place at least once every 3 months)
  - Proof of Income and at or below 30% AMI and Under $5,000 Asset Cert. form
- Case Management notes
- Program Exit or Termination of Assistance form
**Eligibility by Component**

(Projects Funded in FY2011 CoC Competition – SHP and S+C Programs)

<table>
<thead>
<tr>
<th>Component</th>
<th>Individuals and Families defined as Homeless under the following categories are eligible for assistance:</th>
</tr>
</thead>
</table>
| **Supportive Services Only** | - Category 1 – Literally Homeless  
                              - Category 2 – Imminent Risk of Homeless  
                              - Category 3* – Homeless Under Other Federal Statutes  
                              - Category 4 – Fleeing/Attempting to Flee DV |
| **Safe Havens**             | Individuals defined as Homeless under the following categories are eligible for assistance in SH projects: |
|                            | - Category 1 – Literally Homeless  |
|                            | SH projects have the following additional NOFA limitations on eligibility within Category 1: |
|                            | - Must serve individuals only  
                              - Individual must have a severe mental illness  
                              - Individual must be living on the streets and unwilling or unable to participate in supportive services |
| **Transitional Housing**    | Individuals and Families defined as Homeless under the following categories are eligible for assistance in TH projects: |
|                            | - Category 1 – Literally Homeless  
                              - Category 2 – Imminent Risk of Homeless  
                              - Category 3* – Homeless Under Other Federal Statutes  
                              - Category 4 – Fleeing/Attempting to Flee DV |
| **Permanent Supportive Housing** | Individuals and families defined as Homeless under the following categories are eligible for assistance in PSH projects: |
|                            | - Category 1 – Literally Homeless  
                              - Category 4 – Fleeing/Attempting to Flee DV |
|                            | PSH projects have the following additional NOFA limitations on eligibility within Category 1: |
|                            | - Individuals and Families coming from TH must have originally come from the streets or emergency shelter  
                              - Individuals and Families must also have an individual family member with a disability |

* Projects must be located within a CoC that has received HUD approval to serve this category. For more information about receiving HUD approval, please read: [Notice on Limitation on Use of Funds to Serve Persons Defined as Homeless Under Other Federal Laws](#)
<table>
<thead>
<tr>
<th>Component</th>
<th>Eligibility Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Outreach</strong></td>
<td>Individuals defined as Homeless under the following categories are eligible for assistance in SO:</td>
</tr>
<tr>
<td></td>
<td>- Category 1 – Literally Homeless</td>
</tr>
<tr>
<td></td>
<td>- Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1)</td>
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<tr>
<td></td>
<td>SO projects have the following additional limitations on eligibility within Category 1:</td>
</tr>
<tr>
<td></td>
<td>- Individuals and families must be living on the streets (or other places not meant for human habitation) and be unwilling or unable to access services in emergency shelter</td>
</tr>
<tr>
<td><strong>Emergency Shelter</strong></td>
<td>Individuals and Families defined as Homeless under the following categories are eligible for assistance in ES projects:</td>
</tr>
<tr>
<td></td>
<td>- Category 1 – Literally Homeless</td>
</tr>
<tr>
<td></td>
<td>- Category 2 – Imminent Risk of Homeless</td>
</tr>
<tr>
<td></td>
<td>- Category 3 – Homeless Under Other Federal Statutes</td>
</tr>
<tr>
<td></td>
<td>- Category 4 – Fleeing/Attempting to Flee DV</td>
</tr>
<tr>
<td><strong>Rapid Re-housing</strong></td>
<td>Individuals defined as Homeless under the following categories are eligible for assistance in RRH projects:</td>
</tr>
<tr>
<td></td>
<td>- Category 1 – Literally Homeless</td>
</tr>
<tr>
<td></td>
<td>- Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1)</td>
</tr>
<tr>
<td><strong>Homelessness Prevention</strong></td>
<td>Individuals and Families defined as Homeless under the following categories are eligible for assistance in HP projects:</td>
</tr>
<tr>
<td></td>
<td>- Category 2 – Imminent Risk of Homeless</td>
</tr>
<tr>
<td></td>
<td>- Category 3 – Homeless Under Other Federal Statutes</td>
</tr>
<tr>
<td></td>
<td>- Category 4 – Fleeing/Attempting to Flee DV</td>
</tr>
<tr>
<td></td>
<td>Individuals and Families who are defined as At Risk of Homelessness are eligible for assistance in HP projects.</td>
</tr>
<tr>
<td></td>
<td>HP projects have the following additional limitations on eligibility with homeless and at risk of homeless:</td>
</tr>
<tr>
<td></td>
<td>- Must only serve individuals and families that have an annual income below 30% of AMI</td>
</tr>
</tbody>
</table>
I. REQUIREMENT

Contractor shall perform only those eligible activities prescribed by 24 CFR Part 576, Emergency Solutions Grant Program.

II. PROCEDURES

A. Eligible Activities

While flexible in terms of the wide range of services available to homeless sub-populations and preventing persons from becoming homeless, the ESG Program legislation and implementing regulations do limit the types of activities and amounts of funds that can be spent on different activities. Details regarding eligible activities are listed below. Unlike the previous program guidelines; if the activity/service is not listed, then that activity/service cannot be funded through this program.

1.0 Street Outreach Component.

a. Eligible costs. Subject to the expenditure limits in 576.100 (b), ESG funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. For the purposes of this grant, the term “unsheltered homeless people” means individuals and families who qualify as homeless under paragraph (1)(i) of the “homeless” definition § 576.2. (Also See Requirement 702 Definitions). The eligible costs and requirements for essential services consist of:

b. Engagement. The costs of activities to locate, identify, and build relationships with unsheltered homeless people and engage them for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs. These activities consist of making an initial assessment of needs and eligibility; providing crisis counseling; addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries; and actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs, including emergency shelter, transitional housing, community-based services, permanent supportive housing, and rapid re-housing programs. Eligible costs include the cell phone costs of outreach workers during the performance of these activities.

c. Case management. The cost of assessing housing and service needs, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant. Eligible services and activities are as follows: using the centralized or coordinated assessment system as required under § 576.400(d); conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility; counseling; developing, securing and coordinating services; obtaining Federal, State, and local benefits; monitoring and evaluating program participant progress; providing information and referrals to other providers; and developing an individualized housing and service plan, including planning a path to permanent housing stability.
d. Emergency health services.
   (i.) Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living.
   (ii.) ESG funds may be used only for these services to the extent that other appropriate health services are inaccessible or unavailable within the area.
   (iii.) Eligible treatment consists of assessing a program participant’s health problems and developing a treatment plan; assisting program participants to understand their health needs; providing directly or assisting program participants to obtain appropriate emergency medical treatment; and providing medication and follow-up services.

e. Emergency mental health services.
   (i.) Eligible costs are the direct outpatient treatment by licensed professionals of mental health conditions operating in community-based settings, including streets, parks, and other places where unsheltered people are living.
   (ii.) ESG funds may be used only for these services to the extent that other appropriate mental health services are inaccessible or unavailable within the community.
   (iii.) Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances.
   (iv.) Eligible treatment consists of crisis interventions, the prescription of psychotropic medications, explanation about the use and management of medications, and combinations of therapeutic approaches to address multiple problems.

f. Transportation.
   The transportation costs of travel by outreach workers, social workers, medical professionals, or other service providers are eligible, provided that this travel takes place during the provision of services eligible under this section. The costs of transporting unsheltered people to emergency shelters or other service facilities are also eligible. These costs include the following:
   (i.) The cost of a program participant’s travel on public transportation;
   (ii.) If service workers use their own vehicles, mileage allowance for service workers to visit program participants;
   (iii.) The cost of purchasing or leasing a vehicle for the subrecipient in which staff transports program participants and/or staff serving program participants, and the cost of gas, insurance, taxes and maintenance for the vehicle; and
   (iv.) The travel costs of subrecipient staff to accompany or assist program participants to use public transportation.

g. Services for special populations.
   ESG funds may be used to provide services for homeless youth, victim services, and services for people living with HIV/AIDS, so long as the costs of providing these services are eligible activities under this section. The term victim services means services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

h. Maintenance of effort.
   If the subrecipient is a unit of general purpose local government, its ESG funds cannot be used to replace funds the local government provided for street outreach and emergency shelter services during
the immediately preceding 12-month period, unless HUD determines that the unit of general purpose local government is in a severe financial deficit.

i. Minimum period of use. The subrecipient must provide services to homeless individuals and families for at least the period during which ESG funds are provided.

2.0 Emergency Shelter Component.

a. General.
Subject to the expenditure limit in § 576.100(b), ESG funds may be used for costs of providing essential services to homeless families and individuals in emergency shelters, renovating buildings to be used as emergency shelter for homeless families and individuals, and operating emergency shelters.

b. Essential services. ESG funds may be used to provide essential services to individuals and families who are in an emergency shelter, as follows:

i. Case management. The cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant is eligible. Component services and activities consist of:
   (a.) Using the centralized or coordinated assessment system as required under § 576.400 (d);
   (b.) Conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility;
   (c.) Counseling;
   (d.) Developing, securing, and coordinating services and obtaining Federal, State, and local benefits;
   (e.) Monitoring and evaluating program participant progress;
   (f.) Providing information and referrals to other providers;
   (g.) Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking; and
   (h.) Developing an individualized housing and service plan, including planning a path to permanent housing stability.
   (i) Prohibition against involuntary family separation. The age of a child under age 18 must not be used as a basis for denying any family’s admission to an emergency shelter that uses Emergency Solutions Grant (ESG) funding or services and provides shelter to families with children under age 18.

ii. Child care. The costs of child care for program participants, including providing meals and snacks, and comprehensive and coordinated sets of appropriate developmental activities, are eligible. The children must be under the age of 13, unless they are disabled. Disabled children must be under the age of 18. The child-care center must be licensed by the jurisdiction in which it operates in order for its costs to be eligible.

iii. Education services. When necessary for the program participant to obtain and maintain housing, the costs of improving knowledge and basic educational skills are eligible. Services include instruction or training in consumer education, health education, substance abuse prevention, literacy, English as a Second Language, and General Educational Development (GED). Component services or activities are screening, assessment and testing; individual or group instruction; tutoring; provision of books, supplies and instructional material; counseling; and referral to community resources.

iv. Employment assistance and job training. The costs of employment assistance and job training programs are eligible, including classroom, online, and/or computer instruction; on-the-job instruction; and services that assist individuals in securing employment, acquiring learning skills, and/or increasing earning potential. The cost of providing reasonable stipends to program participants in employment assistance and job training programs is an eligible cost. Learning
skills include those skills that can be used to secure and retain a job, including the acquisition of vocational licenses and/or certificates. Services that assist individuals in securing employment consist of employment screening, assessment, or testing; structured job skills and job-seeking skills; special training and tutoring, including literacy training and prevocational training; books and instructional material; counseling or job coaching; and referral to community resources.

v. Outpatient health services. Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals. Emergency Solutions Grant (ESG) funds may be used only for these services to the extent that other appropriate health services are unavailable within the community. Eligible treatment consists of assessing a program participant’s health problems and developing a treatment plan; assisting program participants to understand their health needs; providing directly or assisting program participants to obtain appropriate medical treatment, preventive medical care, and health maintenance services, including emergency medical services; providing medication and follow-up services; and providing preventive and non-cosmetic dental care.

vi. Legal services.
   (a.) Eligible costs are the hourly fees for legal advice and representation by attorneys licensed and in good standing with the bar association of the State in which the services are provided, and by person(s) under the supervision of the licensed attorney, regarding matters that interfere with the program participant’s ability to obtain and retain housing.
   (b.) Emergency Solutions Grant (ESG) funds may be used only for these services to the extent that other appropriate legal services are unavailable or inaccessible within the community.
   (c.) Eligible subject matters are child support, guardianship, paternity, emancipation, and legal separation, orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking, appeal of veterans and public benefit claim denials, and the resolution of outstanding criminal warrants.
   (d.) Component services or activities may include client intake, preparation of cases for trial, provision of legal advice, representation at hearings, and counseling.
   (e.) Fees based on the actual service performed (i.e., fee for service) are also eligible, but only if the cost would be less than the cost of hourly fees. Filing fees and other necessary court costs are also eligible. If the subrecipient is a legal services provider and performs the services itself, the eligible costs are the subrecipient’s employees’ salaries and other costs necessary to perform the services.
   (f.) Legal services for immigration and citizenship matters and issues relating to mortgages are ineligible costs. Retainer fee arrangements and contingency fee arrangements are ineligible costs.

vii. Life skills training. The costs of teaching critical life management skills that may never have been learned or have been lost during the course of physical or mental illness, domestic violence, substance use, and homelessness are eligible costs. These services must be necessary to assist the program participant to function independently in the community. Component life skills training are budgeting resources, managing money, managing a household, resolving conflict, shopping for food and needed items, improving nutrition, using public transportation, and parenting.

viii. Mental health services.
   (a.) Eligible costs are the direct outpatient treatment by licensed professionals of mental health conditions.
   (b.) ESG funds may only be used for these services to the extent that other appropriate mental health services are unavailable or inaccessible within the community.
   (c.) Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances. Problem areas may include family and marital relationships, parent-child problems, or symptom management.
   (d.) Eligible treatment consists of crisis interventions; individual, family, or group therapy sessions; the prescription of psychotropic medications or explanations about the use and
management of medications; and combinations of therapeutic approaches to address multiple problems.

ix. Substance abuse treatment services.
   (a.) Eligible substance abuse treatment services are designed to prevent, reduce, eliminate, or
deter relapse of substance abuse or addictive behaviors and are provided by licensed or
certified professionals.
   (b.) ESG funds may only be used for these services to the extent that other appropriate substance
abuse treatment services are unavailable or inaccessible within the community.
   (c.) Eligible treatment consists of client intake and assessment, and outpatient treatment for up
to 30 days. Group and individual counseling and drug testing are eligible costs. Inpatient
detoxification and other inpatient drug or alcohol treatment are not eligible costs.

x. Transportation. Eligible costs consist of the transportation costs of a program participant’s travel to
and from medical care, employment, child care, or other eligible essential services facilities. These
costs include the following:
   (a.) The cost of a program participant’s travel on public transportation;
   (b.) If service workers use their own vehicles, mileage allowance for service workers to visit
program participants;
   (c.) The cost of purchasing or leasing a vehicle for the subrecipient in which staff transports
program participants and/or staff serving program participants, and the cost of gas, insurance,
taxes, and maintenance for the vehicle; and (D) The travel costs of subrecipient staff to
accompany or assist program participants to use public transportation.

xi. Services for special populations. ESG funds may be used to provide services for homeless youth,
victim services, and services for people living with HIV/AIDS, so long as the costs of providing
these services are eligible under paragraphs (a)(1)(i) through (a)(1)(x) of this section. The term
victim services means services that assist program participants who are victims of domestic violence,
dating violence, sexual assault, or stalking, including services offered by rape crisis centers and
domestic violence shelters, and other organizations with a documented history of effective work
concerning domestic violence, dating violence, sexual assault, or stalking.

n. Renovation. Eligible costs include labor, materials, tools, and other costs for renovation (including
major rehabilitation of an emergency shelter or conversion of a building into an emergency shelter).
The emergency shelter must be owned by a government entity or private nonprofit organization.

o. Shelter operations. Eligible costs are the costs of maintenance (including minor or routine repairs),
rent, security, fuel, equipment, insurance, utilities, food, furnishings, and supplies necessary for the
operation of the emergency shelter. Where no appropriate emergency shelter is available for a
homeless family or individual, eligible costs may also include a hotel or motel voucher for that family
or individual.

p. Assistance required under the Uniform Relocation Assistance and Real Property Acquisition Policies
Act of 1970 (URA). Eligible costs are the costs of providing URA assistance under § 576.408,
including relocation payments and other assistance to persons displaced by a project assisted with
ESG funds. Persons that receive URA assistance are not considered “program participants” for the
purposes of this part, and relocation payments and other URA assistance are not considered “rental
assistance” or “housing relocation and stabilization services” for the purposes of this part.

q. Renovated buildings. Each building renovated with ESG funds must be maintained as a shelter for
homeless individuals and families for not less than a period of 3 or 10 years, depending on the type
of renovation and the value of the building. The “value of the building” is the reasonable monetary
value assigned to the building, such as the value assigned by an independent real estate appraiser.
The minimum use period must begin on the date the building is first occupied by a homeless
individual or family after the completed renovation. A minimum period of use of 10 years, required
for major rehabilitation and conversion, must be enforced by a recorded deed or use restriction.
   (i) Major rehabilitation. If the rehabilitation cost of an emergency shelter exceeds 75 percent of the
value of the building before rehabilitation, the minimum period of use is 10 years.
   (ii) Conversion. If the cost to convert a building into an emergency shelter exceeds 75 percent of the
value of the building after conversion, the minimum period of use is 10 years.
(iii) Renovation other than major rehabilitation or conversion. In all other cases where ESG funds are used for renovation, the minimum period of use is 3 years.

(iv) Essential services and shelter operations. Where the subrecipient uses ESG funds solely for essential services or shelter operations, the subrecipient must provide services or shelter to homeless individuals and families at least for the period during which the ESG funds are provided. The subrecipient does not need to limit these services or shelter to a particular site or structure, so long as the site or structure serves the same type of persons originally served with the assistance (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or serves homeless persons in the same area where the subrecipient originally provided the services or shelter.

(v) Long-term Emergency Housing (alternative to Transitional Housing). The Transitional Housing that was Grandfathered in as of 2010 is no longer an eligible activity for the ESG Program. Applicants are asked to propose projects for long-term Emergency Shelter. This type of shelter would be for clients whose needs to become stable enough for permanent housing will take longer than the regular shelter stay period. Details for approval of an extended length of stay in a shelter environment will have to be provided in the Project Narrative questions portion of the application.

3.0 Homelessness Prevention.
ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the “homeless” definition in § 576.2. This assistance, referred to as homelessness prevention, may be provided to individuals and families who meet the criteria under the “at risk of homelessness” definition, or who meet the criteria in paragraph (2), (3), or (4) of the “homeless” definition in § 576.2 and have an annual income below 30 percent of median family income for the area, as determined by HUD. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant’s current permanent housing or move into other permanent housing and achieve stability in that housing. Homelessness prevention must be provided in accordance with the housing relocation and stabilization services requirements in § 576.105, the short-term and medium-term rental assistance requirements in § 576.106, and the written standards and procedures established under § 576.400.

4.0 Rapid re-housing assistance component.
ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing. This assistance, referred to as rapid re-housing assistance, may be provided to program participants who meet the criteria under paragraph (1) of the “homeless” definition in § 576.2 or who meet the criteria under paragraph (4) of the “homeless” definition and live in an emergency shelter or other place described in paragraph (1) of the “homeless” definition. The rapid re-housing assistance must be provided in accordance with the housing relocation and stabilization services requirements in § 576.105, the short- and medium-term rental assistance requirements in § 576.106, and the written standards and procedures established under §576.400.

5.0 Housing relocation and stabilization services.
5.1 Financial assistance costs. Subject to the general conditions under § 576.103 and § 576.104, ESG funds may be used to pay housing owners, utility companies, and other third parties for the following costs:

a. Rental application fees. ESG funds may pay for the rental housing application fee that is charged by the owner to all applicants.

b. Security deposits. ESG funds may pay for a security deposit that is equal to no more than 2 months’ rent.
c. Last month’s rent. If necessary to obtain housing for a program participant, the last month’s rent may be paid from ESG funds to the owner of that housing at the time the owner is paid the security deposit and the first month’s rent. This assistance must not exceed one month’s rent and must be included in calculating the program participant’s total rental assistance, which cannot exceed 24 months during any 3-year period.

d. Utility deposits. ESG funds may pay for a standard utility deposit required by the utility company for all customers for the utilities listed in paragraph (5) of this section.

e. Utility payments. ESG funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. A partial payment of a utility bill counts as one month. This assistance may only be provided if the program participant or a member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water, and sewage. No program participant shall receive more than 24 months of utility assistance within any 3-year period.

f. Moving costs. ESG funds may pay for moving costs, such as truck rental or hiring a moving company. This assistance may include payment of temporary storage fees for up to 3 months, provided that the fees are accrued after the date the program participant begins receiving assistance under paragraph (b) of this section and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.

5.2 Services costs. Subject to the general restrictions under § 576.103 and § 576.104, ESG funds may be used to pay the costs of providing the following services:

(A) Housing search and placement. Services or activities necessary to assist program participants in locating, obtaining, and retaining suitable permanent housing, include the following:
(i) Assessment of housing barriers, needs, and preferences;
(ii) Development of an action plan for locating housing;
(iii) Housing search;
(iv) Outreach to and negotiation with owners;
(v) Assistance with submitting rental applications and understanding leases;
(vi) Assessment of housing for compliance with Emergency Solutions Grant (ESG) requirements for habitability (Req 707 Other Req), lead-based paint (Req 707 Other Req), and rent reasonableness (Refer to Rent Reasonableness and Fair Market Rent Under the Emergency Solutions Grants Program)*

* Review CARES Act Waivers Addendum II.C Restrictions of Rental Assistance to Units with Rent at or Below Fair Market Rent (FMR);
(vii) Assistance with obtaining utilities and making moving arrangements; and
(viii) Tenant counseling.

(B) Housing stability case management. ESG funds may be used to pay cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing. This assistance cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing. Component services and activities consist of:
(i) Using the centralized or coordinated assessment system as required under § 576.400(d), to evaluate individuals and families applying for or receiving homelessness prevention or rapid re-housing assistance;
(ii) Conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility, for individuals and families applying for homelessness prevention or rapid re-housing assistance;
(iii) Counseling;
(iv) Developing, securing, and coordinating services and obtaining Federal, State, and local benefits;
(v) Monitoring and evaluating program participant progress;
(vi) Providing information and referrals to other providers;
(vii) Developing an individualized housing and service plan, including planning a path to permanent housing stability; and
(viii) Conducting re-evaluations required under § 576.401(b).* *
* Review CARES Act Waivers Addendum II.A. Re-evaluations for Homelessness Prevention Assistance;
* Review CARES Act Waivers Addendum II.B Housing Stability Case Management;
(C) Mediation. ESG funds may pay for mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.
(D) Legal services. ESG funds may pay for legal services, as set forth in § 576.102(a)(1)(vi), except that the eligible subject matters also include landlord/tenant matters, and the services must be necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides.
(E) Credit repair. ESG funds may pay for credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems. This assistance does not include the payment or modification of a debt.

5.3 Maximum amounts and periods of assistance. The recipient may set a maximum dollar amount that a program participant may receive for each type of financial assistance under paragraph B (i) of this section. The recipient may also set a maximum period for which a program participant may receive any of the types of assistance or services under this section. However, except for housing stability case management, the total period for which any program participant may receive the services under paragraph B (ii) of this section must not exceed 24 months during any 3-year period. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family.

5.4 Use with other subsidies. Financial assistance under paragraph B (i) of this section cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments.

5.5 Short-term and medium-term rental assistance.
(A) General provisions. Subject to the general conditions under § 576.103 and § 576.104, the subrecipient may provide a program participant with up to 24 months of rental assistance during any 3-year period. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance.
(1) Short-term rental assistance is assistance for up to 3 months of rent.
(2) Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.
(3) Payment of rental arrears consists of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.
(4) Rental assistance may be tenant-based, as set forth in the paragraphs of this section.
(5) Discretion to set caps and conditions. Subject to the requirements of this section, the recipient may set a maximum amount or percentage of rental assistance that a program participant may receive a maximum number of months that a program participant may receive rental assistance, or a maximum number of times that a program participant may receive rental assistance. The recipient may also require program participants to share in the costs of rent.
(6) Use with other subsidies. Except for a one-time payment of rental arrears on the tenant’s portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance, or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources. Rental assistance may not be provided to a
program participant who has been provided with replacement housing payments under the URA during the period of time covered by the URA payments.

(7) Rent restrictions. (1) Rental assistance cannot be provided unless the rent does not exceed the Fair Market Rent established by HUD, as provided under 24 CFR part 888, and complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507.

(B) For purposes of calculating rent under this section, the rent shall equal the sum of the total monthly rent for the unit, any fees required for occupancy under the lease (other than late fees and pet fees) and, if the tenant pays separately for utilities, the monthly allowance for utilities (excluding telephone) established by the public housing authority for the area in which the housing is located.

(1) Rental assistance agreement. The subrecipient may make rental assistance payments only to an owner with whom the subrecipient has entered into a rental assistance agreement. The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements that apply under this section. The rental assistance agreement must provide that, during the term of the agreement, the owner must give the subrecipient a copy of any notice to the program participant to vacate the housing unit, or any complaint used under state or local law to commence an eviction action against the program participant.

(2) Late payments. The subrecipient must make timely payments to each owner in accordance with the rental assistance agreement. The rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant’s lease. The subrecipient is solely responsible for paying late payment penalties that it incurs with non-ESG funds.

(3) Lease. Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant for a duration of no less than 30 days. Where the assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner’s financial records, rent ledgers, or canceled checks.

(4) Tenant-based rental assistance.
   (i) A program participant who receives tenant-based rental assistance may select a housing unit in which to live and may move to another unit or building and continue to receive rental assistance, as long as the program participant continues to meet the program requirements.
   (ii) The recipient may require that all program participants live within a particular area for the period in which the rental assistance is provided.
   (iii) The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:
      (a) The program participant moves out of the housing unit for which the program participant has a lease;
      (b) The lease terminates and is not renewed; or
      (c) The program participant becomes ineligible to receive ESG rental assistance.

(C) Changes in household composition. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family.

6.0 HMIS component.

6.1 Eligible costs. [24 CFR 576.107 (a)]
   (A) The subrecipient may use ESG funds to pay the costs of contributing data to the HMIS designated by the Continuum of Care for the area, including the costs of:
      (i) Purchasing or leasing computer hardware;
      (ii) Purchasing software or software licenses;
      (iii) Purchasing or leasing equipment, including telephones, fax machines, and furniture;
      (iv) Obtaining technical support;
      (v) Leasing office space;
(vi) Paying charges for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS;
(vii) Paying salaries for operating HMIS, including:
   (a) Completing data entry;
   (b) Monitoring and reviewing data quality;
   (c) Completing data analysis;
   (d) Reporting to the HMIS Lead;
   (e) Training staff on using the HMIS or comparable database; and
   (f) Implementing and complying with HMIS requirements;
(B) Paying costs of staff to travel to and attend HUD-sponsored and HUD-approved training on HMIS and programs authorized by Title IV of the McKinney-Vento Homeless Assistance Act;
(C) Paying staff travel costs to conduct intake; and
(D) Paying participation fees charged by the HMIS Lead, if the subrecipient is not the HMIS Lead. The HMIS Lead is the entity designated by the Continuum of Care to operate the area’s HMIS.

6.2 If the recipient is the HMIS lead agency, as designated by the Continuum of Care in the most recent fiscal year Continuum of Care Homeless Assistance Grants Competition, it may also use ESG funds to pay the costs of:
(A) Hosting and maintaining HMIS software or data;
(B) Backing up, recovering, or repairing HMIS software or data;
(C) Upgrading, customizing, and enhancing the HMIS;
(D) Integrating and warehousing data, including development of a data warehouse for use in aggregating data from subrecipients using multiple software systems;
(E) Administering the system;
(F) Reporting to providers, the Continuum of Care, and HUD; and
(G) Conducting training on using the system or a comparable database, including traveling to the training.

6.3 If the subrecipient is a victim services provider or a legal services provider, it may use ESG funds to establish and operate a comparable database that collects client-level data over time (i.e., longitudinal data) and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into or provided to an HMIS.
   (A) General restrictions. Activities funded under this section must comply with HUD’s standards on participation, data collection, and reporting under a local HMIS.

7.0 Administrative Activities [24 CFR 576.108(a)(1), (2) and (4)]

7.1 Eligible costs. The subrecipient may use up to 3.75 percent of its ESG grant for the payment of administrative costs related to the planning and execution of ESG activities. This does not include staff and overhead costs directly related to carrying out activities eligible under § 576.101 through § 576.107, because those costs are eligible as part of those activities. Eligible administrative costs include:
   (A) General management, oversight and coordination. Costs of overall program management, coordination, monitoring, and evaluation. These costs include, but are not limited to, necessary expenditures for the following:
      (i.) Salaries, wages, and related costs of the recipient's staff, the staff of subrecipients, or other staff engaged in program administration. In charging costs to this category, the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose primary responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any program administration assignments. The recipient may use only one of these methods for each fiscal year grant. Program administration assignments include the following:
         (a) Preparing program budgets and schedules, and amendments to those budgets and schedules;
         (b) Developing systems for assuring compliance with program requirements;
         (c) Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities;
         (d) Monitoring program activities for progress and compliance with program requirements;
(e) Preparing reports and other documents directly related to the program for submission to HUD;
(f) Coordinating the resolution of audit and monitoring findings; and
(g) Evaluating program results against stated objectives.
(B) Administrative services performed under third-party contracts or agreements, including general legal services, accounting services, and audit services; and
(C) Other costs for goods and services required for administration of the program, including rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space.
(D) Training on ESG requirements. Costs of providing training on ESG requirements and attending HUD-sponsored ESG trainings.
(E) Consolidated plan. Costs of preparing and amending the ESG and homelessness related sections of the consolidated plan in accordance with ESG requirements and 24 CFR part 91.

III. FORMS
None.
Rent Reasonableness and Fair Market Rent Under the Emergency Solutions Grants Program

ABOUT THIS RESOURCE
Providing rental assistance through the Emergency Solutions Grants (ESG) program requires understanding and adherence to both Fair Market Rents (FMRs) and rent reasonableness standards, to determine whether a specific unit can be assisted with short- or medium-term rental assistance. This resource provides an explanation of both concepts and describes how to determine and document compliance with each. In addition, it briefly describes some of the differences and similarities between rental assistance provided under the Homelessness Prevention and Rapid Re-Housing Program (HPRP) and ESG. ESG recipients and their subrecipients can use this resource to develop policies, procedures, and documentation requirements to comply with HUD rules.

OVERVIEW
The ESG program Interim Rule allows short- and medium-term rental assistance to be provided to eligible program participants only when the rent, including utilities (gross rent$^1$), for the housing unit:

1. Does not exceed the Fair Market Rent (FMR) established by HUD for each geographic area, as provided under 24 CFR 888 and 24 CFR 982.503; and
2. Complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507.$^2$

This requirement is in the ESG program Interim Rule at 24 CFR 576.106(d).

HPRP & ESG: Key Difference

HPRP: Rent must meet rent reasonableness standards.

ESG: Rent must meet rent reasonableness standards and cannot exceed HUD’s published FMRs for the area.

In some communities, the reasonable rent for a specific unit may be lower than the FMR that has been established for the community.

Bottom line: The rent for the unit assisted with ESG funds must not exceed the lesser of the FMR or the rent reasonableness standard.

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$^1$ Gross rent is the sum of the rent paid to the owner plus, if the tenant pays separately for utilities, the monthly allowance for utilities established by the public housing authority for the area in which the housing is located. For purposes of calculating the FMR, utilities include electricity, gas, water and sewer, and trash removal services but not cable or satellite television service, or internet service. If the owner pays for all utilities, then gross rent equals the rent paid to the owner.

$^2$ The rent must be reasonable when compared to other units of similar location, type, size, and amenities within the community.
DETERMINING IF RENT IS ACCEPTABLE FOR ESG RENTAL ASSISTANCE

Whether a household is seeking to maintain its current housing or relocate to another unit to avoid homelessness (Homelessness Prevention), or exiting homelessness into new housing (Rapid Re-Housing), the process for determining acceptable rent amounts is the same:

- The recipient or subrecipient first compares the gross rent (see box below) for the current or new unit with current FMR limits, which are updated annually.
- If the unit’s gross rent is at or below FMR, the recipient/subrecipient next uses current data to determine rent reasonableness (more information is provided below on how to determine and document this).

If the gross rent is at or below both the FMR and the rent reasonableness standard for a unit of comparable size, type, location, amenities, etc., ESG funds may be used to pay the rent amount for the unit.

If the gross rent for the unit exceeds either the rent reasonableness standard or FMR, ESG recipients are prohibited from using ESG funds for any portion of the rent, even if the household is willing and/or able to pay the difference. However, because the FMR and rent reasonableness requirements apply only to rental assistance, ESG funds may be used:

1. to pay for financial assistance and services to help the eligible program participant stay in the unit, or
2. to pay for financial assistance and services to locate and move to a different unit that meets the rent reasonableness standard and is at or below FMR and pay rental assistance in that unit.

Rent reasonableness and FMR requirements do not apply when a program participant receives only financial assistance or services under Housing Stabilization and Relocation Services. This includes rental application fees, security deposits, an initial payment of “last month’s rent,” utility payments/deposits, and/or moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair. (Note: “Last month’s rent” may not exceed the rent charged for any other month; security deposits may not exceed 2 months’ rent.)

Calculating the GROSS RENT AMOUNT

To calculate the gross rent of a unit that is being tested by the FMR standard:

\[
\text{Total contract rent amount of the unit} + \text{Any fees required for occupancy under the lease (excluding late fees and pet fees)} + \text{Monthly utility allowance* (excluding telephone) established by local PHA} = \text{Gross Rent Amount}
\]

*Note: The monthly utility allowance is added only for those utilities that the tenant pays for separately (for more information on utility allowances established by the local public housing agency (PHA), see 24 CFR § 982.517). The utility allowance does not include telephone, cable or satellite television service, and internet service. If all utilities are included in the rent, there is no utility allowance.
WHAT IS THE FMR REQUIREMENT?

HUD establishes FMRs to determine payment standards or rent ceilings for HUD-funded programs that provide rental assistance, which it publishes annually for 530 metropolitan areas and 2,045 non-metropolitan county areas. Federal law requires that HUD publish final FMRs for use in any fiscal year on October 1—the first day of the fiscal year (FY). FMRs for each fiscal year can be found by visiting HUD’s website at www.huduser.org/portal/datasets/fmr.html and clicking on the current “Individual Area Final FY20__ FMR Documentation” link. This site allows recipients/subrecipients to search for FMRs by selecting their state and county from the provided list. The site also provides detailed information on how the FMR was calculated for each area.

Recipients/subrecipients must consult the most current FMR published for their geographic area and document FMR for all units for which ESG funds are used for rental assistance.

To calculate the gross rent for purposes of determining whether it meets the FMR, consider the entire housing cost: rent plus the cost of utilities that must, according to the lease, be the responsibility of the tenant. Utility costs may include gas, electric, water, sewer, and trash. However, telephone, cable or satellite television service, and internet service are not included in FMRs, and are not allowable costs under ESG. The FMR also does not include pet fees or late fees that the program participant may accrue for failing to pay the rent by the due date established in the lease.

HUD sets FMRs to ensure that a reasonable supply of modest but adequate rental housing is available to HUD program participants. To accomplish this objective, FMRs must be both high enough to permit a selection of units and neighborhoods and low enough to serve as many low-income families as possible.

Note: Once a unit is determined to meet the FMR and rent reasonableness requirements, ESG funds may be used to pay for the actual utility costs. The utility allowance calculation is only used to determine whether the unit meets the FMR standard.

Determining and Documenting FMR

Recipients/subrecipients must ensure that the rent for units assisted under the ESG Program does not exceed current HUD-published FMRs for their particular geographic region.

Determining FMR standards is straightforward; no geographic area has more than one FMR standard. However, if a recipient/subrecipient covers multiple cities or counties, they must use the appropriate FMR for the geographic area in which the assisted rental unit is located. Recipients/subrecipients should print and place in case files a copy of the applicable FMR data to document the FMR for that participant’s unit size and geographic area.
WHAT IS THE RENT REASONABLENESS REQUIREMENT?

HUD’s rent reasonableness standard is designed to ensure that rents being paid are reasonable in relation to rents being charged for comparable unassisted units in the same market. Methods of determining and documenting rent reasonableness are described in the section below. For units within the FMR limit, if a rent reasonableness determination supports a lower rent than the advertised rent, then ESG funds may not be used to rent the unit (unless the landlord is willing to lower the rent). However, as with FMR, ESG funds could be used to assist the program participant to move to a different unit that meets both the FMR and rent reasonableness standards. If the rent reasonableness determination supports the advertised rent (and is within the FMR limit), rental assistance with ESG funds may be provided for the unit, as long as all other program requirements are met.

Determining and Documenting Rent Reasonableness

Recipients are responsible for determining what documentation is required in order to ensure the rent reasonableness standard is met. Recipients and subrecipients should determine rent reasonableness by considering the location, quality, size, type, and age of the unit, and any amenities, maintenance, and utilities to be provided by the owner. Comparable rents can be checked by using a market study of rents charged for units of different sizes in different locations or by reviewing advertisements for comparable rental units. For example, a participant’s case file might include the unit’s rent and description, a printout of three comparable units’ rents, and evidence that these comparison units shared the same features (location, size, amenities, quality, etc.). Another acceptable method of documentation is written verification signed by the property owner or management company, on letterhead, affirming that the rent for a unit assisted with ESG funds is comparable to current rents charged for similar unassisted units managed by the same owner.

Recipients must establish their own written policies and procedures for documenting comparable rents and ensure that they are followed when documenting rent reasonableness in the case file. A recipient may require all subrecipients to use a specific form or a particular data source. Use of a single form to collect data on rents for units of different sizes and locations will make the data collection process uniform. A sample “Rent Reasonableness Checklist and Certification” form is available at:

www.hud.gov/offices/cpd/affordablehousing/library/forms/rentreasonablechecklist.doc

Note: This sample form is used across different housing programs.

Before conducting its own study of rent levels in its community, a recipient/subrecipient should consult existing sources of rental housing data that can be used to establish comparable rents. The section below describes some different sources of information on rental units to help recipients and subrecipients meet rent reasonableness requirements. Each recipient must determine which approach is appropriate for its jurisdiction, given the size of its program, other housing programs it administers, local staff capacity, and other resources available within the community.
Rental Housing Data Sources

Public sources of data: There may be organizations within the recipient’s jurisdiction that collect and aggregate data on the rental housing stock, such as a state or local Public Housing Agency (PHA) or the local Chamber of Commerce.

Real estate advertisements and contacts: Ads in newspapers or online are simple ways to identify comparable rents. The following are potential sources of information:

- Newspaper ads (including internet versions of newspaper ads);
- Weekly or monthly neighborhood or “shopper” newspapers with rental listings;
- “For Rent” signs in windows or on lawns;
- Bulletin boards in community locations, such as grocery stores, laundromats, churches, and social service offices;
- Real estate agents;
- Property management companies that handle rental property; and
- Rental Listing websites like: www.apartmentguide.com
  www.apartments.com
  www.forrentmag.com

Tip: Real estate ads and contacts might not provide all the information the recipient requires to determine rent reasonableness. In such instances, a follow-up call to obtain the missing information may be required. Newspaper and internet listings often contain either the lowest rent or the range of rents when there is variation among units with the same number of bedrooms. The recipient should follow up to determine what causes the rents to vary (e.g., unit size, location within the development, number of bathrooms, amenities), and then document these factors.

Rental market study: A rental market study is an in-depth analysis of a particular rental market that is often prepared by independent organizations for specific communities. Commercial firms will frequently conduct these studies before developing rental housing in a particular location. They can provide a good source of data to use as the basis of a rent reasonableness policy. However, some rental market studies may be narrowly focused on a particular type of rental housing (such as housing for seniors or rental condominiums) and might be useful only for certain housing units assisted with ESG funds.

Tip: When using either a market study or a market survey, it is very important to understand what is and is not included in the rent reported. For example, surveys/studies may report rents with all, some, or no utilities included. When comparing unassisted market units with ESG-assisted units, it is important to consider whether utilities and other amenities are included in the rent.

Rental market survey: A rental market survey provides a comparison of various landlords and property management companies in the area. Some local governments conduct surveys to assist with planning activities. Additionally, local associations of rental owners and managers may survey their members periodically and publish the results. Many of these surveys report average rents and/or rent ranges by the number of bedrooms and submarket location. However, such surveys frequently do not contain the detailed information required for rent reasonableness comparisons, such as amenities (free parking, laundry, etc.) or additional fees that must be paid. Rental market surveys are designed to show the overall picture of the rental market and may not be useful in evaluating the rent for a particular unit type.

Rental database: For HPRP, some grantees found it useful to build their own rental database in order to perform more efficient searches for comparable rents. Building a rental database allows the majority of work to be completed on the front end, which increases the efficiency of making
rent reasonableness determinations and allows assistance to be provided more quickly. However, there are serious resource issues to consider for this option, including updating the data and maintaining the database, which can be labor-intensive and costly. If choosing this option, ESG recipients in close proximity to one another may choose to collaborate on a regional database.

**Rural Housing Data Sources**

While there may be fewer rental units in rural areas than in urban and suburban areas, it is possible to find comparable rents for different unit types located in these areas using various data sources, including:

- **U.S. Department of Agriculture’s Rural Development Agency (USDA):** USDA provides direct and guaranteed loans for single and multi-family housing development in rural areas and for farm laborers. Contact information for Rural Development State and Local Offices or USDA Service Centers is available at [www.rurdev.usda.gov/recd_map.html](http://www.rurdev.usda.gov/recd_map.html). Each Rural Development Office, if it has a Rural Housing component, should provide information on the types of rental housing available in communities throughout the state, and include unit sizes and rental rates.

- **PHAs:** If a rural community is also under the jurisdiction of a PHA, the PHA may be a source of comparable rent data.

- **Real estate agents:** Local real estate agents are not only knowledgeable about real estate prices but often are a source of information on rental housing in the area. They may be able to extrapolate rent estimates based on the general cost of housing in the area. To find real estate agents active in particular communities, recipients can consult the National Association of Realtors on the web at [www.realtor.org](http://www.realtor.org). For demographic information on the housing stock, market trends, etc., recipients should access [www.realtor.org/research](http://www.realtor.org/research).

**COMPONENTS OF AN EFFECTIVE POLICY**

For monitoring purposes, HUD will determine whether the recipient/subrecipient developed a written policy and followed that policy to determine and document that:

1. The rent was reasonable; **and**
2. The rent was within the established FMR limit.

The basis for the determination must be supported by the evidence documented in the case file. Therefore, adequate documentation will enable a supervisor or other entity charged with monitoring the program to readily identify the factors and process that resulted in the determination that each unit met HUD requirements.

Recipients’/subrecipients’ policies and procedures must be transparent and consistently applied across their program, and result in decisions that comply with HUD requirements. At a minimum, an effective policy includes a methodology, documentation requirements, staffing assignments, and strategies for addressing special circumstances.

This means that policies and procedures should provide step-by-step guidance on making comparisons between the program participant’s rent, the FMR, and the rent reasonableness standards for comparable units in that community. This includes the documentation to be included in each case file, such as forms and/or case notes from the staff making the
determination. For example, a recipient could create a policy where a provider must consider the rents of three comparable units and allow as “reasonable” only rents that fall within $50 of the average of the three comparable rents. In this example, a rent could be paid that is slightly higher than some of the individual comparable units. That rent would still be considered “reasonable” under the recipient’s policy—but rent could only be paid if it is also at or below the FMR.

**STAFF ROLES AND RESPONSIBILITIES**

Recipients/subrecipients should have a procedure in place to ensure that compliance with rent reasonableness and FMR are documented prior to a check for rent being approved and/or prepared. The responsibility of determining and documenting each unit’s compliance with these standards may be assigned to one or more program staff, such as the case manager, clerical support staff, or a staff member who is assigned to conduct habitability inspections. One staff person may perform all the checks, or the tasks may be divided among more than one staff. For example, for rent reasonableness, one staff member could conduct a telephone survey of the property owner/landlords, while another searches rental databases for comparable properties.
OKLAHOMA DEPARTMENT OF COMMERCE
COMMUNITY DEVELOPMENT
EMERGENCY SHELTER GRANT (ESG) PROGRAM

REQUIREMENT NO. 704
Performance Measures

Effective July May 2020

I. REQUIREMENT
Emergency Solutions subrecipients are required to choose and track all State Performance measures that best match their own organizational performance measures and local Continuum Action Plan. The performance measures are established during the application process. Status will be reviewed during monitoring and a final count will be reported for the program year’s closeout.

II. PROCEDURES
A. Performance Measures
   a. Number of individuals and families accessing homeless assistance services that enter permanent housing.
   b. Number of households accessing homeless assistance program services increase or maintain their income upon exit.
   c. Number of households accessing prevention services maintained their permanent housing.
   d. Number of households accessing housing services enter permanent housing.
   e. Number of unaccompanied youth access homeless assistance services return/enter permanent housing.

B. Performance Measures are recorded and tracked as follows:
   1. Goals for all appropriate performance measures start with what is reported by each Applicant in the Application.
   2. Compliance of tracking performance measures will be reviewed during monitoring.
      Final performance measure numbers will be reported on the End of Program/Closeout Report.

C. Definitions:
   a. Individuals – Persons not accompanied by children or adult partner. Individuals can also mean the number of family members in a household.
   b. Households – A single individual or group of persons who either currently live together in one dwelling unit or would live together in one dwelling unit were they able to maintain suitable housing accommodations.
   c. Homeless Assistance Services – Any agency service providing assistance with ESG funds.
   d. “Increase or Maintain” – As relates to income, where assistance from the agency allows the client to keep their job during their housing crisis or assistance from the agency helps the client to receive a job or receive income benefits from mainstream services and/or local services.
   e. Maintain – As it relates to Prevention, services provided that allows the client/households to stay in their housing for at least 90 days if such follow up is possible.
   f. Housing Services – As it relates to Rapid Re-Housing, services provided through Rapid ReHousing services that assist households who are literally homeless.
   g. Unaccompanied Youth – Youth for the purposes of this program under the age of 25 years of age that qualify under the category for unaccompanied youth defined as homeless under other federal statutes. Youth who are in the official custody of the State, as a ward of the State, do not qualify for Emergency Solutions Grant assistance.

III. FORMS
None

Requirement 704
Performance Measures

704-1
OKLAHOMA DEPARTMENT OF.COMMERCE
EMERGENCY SOLUTIONS PROGRAM
CONTRACTORS INTERIM IMPLEMENTATION MANUAL

INTERIM REQUIREMENT NO. 705
FINANCIAL MANAGEMENT STANDARDS

Effective July 2020

I. REQUIREMENT

Contractors shall use a financial management system for management of private and public funds that ensures compliance with State and federal regulations and generally accepted accounting principles. All record keeping shall be in compliance with State and Federal regulations 2 CFR 200 as applicable, http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2tab_02.tpl and generally accepted accounting principles.

II. PROCEDURES

A. Financial Management Standards: Contractors shall ensure that the financial system used to administer ESG contract funds and local leveraged funds conforms to the following standards:

1. Accurate, current and complete disclosure of the financial results of the ESG program.
2. Records are maintained that adequately identify the source and application of funds for each ESG-supported activity, including all applicable matching funds.
3. Internal controls are established to eliminate fraud and abuse.
4. Subrecipients use a Reimbursement process for payment.

B. Accounting System Requirement: ESG funds must be appropriated to a specific fund within the agency’s accounting software. Separate accounts must be established to reflect the approved project budget categories. A fund is defined as an independent accounting entity with a self-balancing set of accounts.

1. ESG accounting records shall include the cash receipts and cash disbursements journal and a payroll register for any employee paid with ESG or Match funds. All entries recorded in the cash receipts and disbursements journal must be directly traceable to appropriate source documentation, e.g., vendor invoices, contracts and timesheets.
2. Contractor shall require a copy of the invoice and check from the shelter for all ESG and matching expenditures. Reviewer must initial and date the invoice. All vendor invoices must be verified for accuracy.
   a. Invoices/ purchase orders, all forms that request approval, must have prior written approval in advance of the incurrence of the cost. Written approval must include a signature and date of the approval. (Title 2 Part 200 Subpart E §200.407)
3. Paid invoices must be defaced by indicating the check number, date and “PAID” on the invoice. A copy of the numbered purchase order shall be attached to the invoice before filing. Purchase orders are not required if so stipulated in local ordinances (62 O.S. 310.1A).
4. Checks to pay ESG expenditures must be pre-numbered. Blank checks, undelivered checks, check protector machines and signature stamps must be kept locked up with access restricted to authorized individuals.
5. All checks paid with ESG funds must be completely filled out before they are signed.
6. Voided checks must be filed with copies of checks or other accounting documentation for accountability.
7. Someone other than the ESG bookkeeper should perform bank statement reconciliation on a monthly basis. Reconciliation should be initialed and dated.

C. Matching Funds [24 CFR 576.201; 24 CFR 576.500(o) and (v) (3)]: Contractors are required to:

1. Provide dollar-for-dollar local match. Each Contractor is required to complete certification describing the sources and amounts submitted for match.
2. The amount of match must be tracked and reconciled by month and reflected on the monthly reimbursement report submitted to ODOC on the 20th of each month.
3. It is the subrecipient’s responsibility to ensure that cash match must be spent on ESG eligible activities only.
4. Match funds and expenditures must also be included in the annual audit.
5. The following are examples of what can be used as match:
   a. Cash (can only be spent on ESG eligible activities)
   b. The value or fair rental value of any building used for program purposes (in-kind)
   c. Donated material (in-kind)
   d. The value of an owned or donated building (match may be used only one time)
   e. Salary paid to staff to carry out the program of the subrecipient. Source of funding for staff salaries must be listed on Match Certification form and tracked monthly. A grant or contract provided for a specific service or task, like salaries, is a cash match and must follow ESG requirements.
   f. Volunteer time (@ $5/hour)
6. Records must be maintained adequately to identify the source and application of funds for each ESG-supported activity, including all applicable matching funds.

D. Property Controls (2 CFR 200.312 and 2 CFR 200.313): Contractors must maintain a system for tracking property and other assets purchased with ESG funds, and have procedures for ensuring that such property and assets are secure and used for authorized purposes only.

1. Management requirements. Procedures for managing equipment (including disposal and replacement equipment), whether acquired in whole or in part with the grant funds will, as a minimum, meet the following requirements:
   a. Property records must be maintained that include a description of all property valued over $500 and all computer equipment, a serial number or other identification number, the source of property, acquisition date and cost of the property.
   b. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
   c. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property.
   d. Adequate maintenance procedures must be developed to keep the property in good condition.
   e. If the grantee or subrecipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.
   f. The subrecipient shall make written request to ODOC when disposing of a vehicle, equipment or supplies, purchased with federal funds. ODOC will then provide specific disposition instructions.
E. Financial Reporting Requirements: Contractors shall submit reports on actual or accrued expenditures, and project(s) progress as required.

1. Reimbursement Reports along with the monthly ledger reports as source documentation must be submitted by the 20th day of the following month, (e.g., January's report is due by February 20th). **A monthly report is required even if no expenses have been incurred. Each monthly reimbursement must include match expenditures equal to, or greater than ESG expended funds.**

2. Contractors must submit budget revisions through OK Grants. Instructions on how to submit a budget revision can be found at [https://okcommerce.gov/community/okgrants/](https://okcommerce.gov/community/okgrants/).

3. Contractors shall submit the following program reports in addition to the financial reports during the life of the contract (For more details refer to Requirement 710):
   a. **Monthly Progress Report** submitted on a monthly basis with program data collected from the previous month. **This report is due by the 20th of each month.**
   b. **Semi-Annual Report** will be submitted two times during the grant period.
   c. **Closeout Performance Report** will include unduplicated client numbers for the entire grant period.

F. Personnel Record Keeping Requirements: (Only applicable when ESG or matching funds are used to pay any portion of the personnel costs.) The nonprofit recipient (shelter) shall maintain personnel records supporting the costs allocated to the ESG Program.

1. Personnel records to be maintained include the following:
   a. Employee time sheets documenting hours worked and identifying the amount of time spent designated to the ESG Program.
   b. Leave records that fully account for all absences. If tracked or maintained electronically, records shall be provided upon request.
   c. Individual personnel files must include at least but are not limited to: **Job description, pay adjustment authorizations, and application for employment.**
      i. Job description must provide a list of what tasks are expected of the person filling the job position. The items listed need to be the actual tasks required of the position. For example, “case management” listed on a job description does not describe the tasks required. Tasks include complete intake, work with client to establish Individual Housing Plan, make recommendations for eligible client needs, etc.
   d. Form signed by employee acknowledging that they have received and read any Agency and funder regulations pertaining to the programs the employee is responsible for according to what is written in their job description.
   e. Annual employee evaluations.

2. The nonprofit recipient shall establish and maintain written personnel policies and procedures concerning travel, employee evaluations, job descriptions, grievance procedures, leave, fringe benefits, conduct and general office procedures.

G. Leave (5 CFR 630): Contractors must establish written policies on how to implement weather and safety leave when authorized by the Executive Director. Procedures must include:

1. Conditions that should be approved for what category of leave
2. Conditions how weather and safety leave may be authorized for staff with teleworking agreements
3. Forms and signatures required for this category of leave to be approved.
H. Hotel/Motel Vouchers: All subrecipients must show verification that no shelter beds were available. The sub-grantee must establish written policies and procedures for how hotel/motel vouchers are to be distributed.

I. Spending Requirements [24 CFR 576.203 (b); 24 CFR 576.500 (u)]: Grant funds will be recaptured if the following spending timelines are not followed:

1. 50% of the grant funds must be spent or obligated within the first six (6) months of the contract.
2. 75% of the grant funds must be spent or obligated within nine (9) months of the contract.
3. 100% of the grant funds must be spent within twelve (12) months of the contract.

J. Recapture and Redistribution: Recaptured funds will be redistributed within the Continuum of Care allocation service area contingent upon the other subrecipients’ abilities to cover the underserved Continuum service area and meeting programmatic goals and financial requirements.

1. ESG funds will be subject to recapture and redistribution if such unobligated funds exceed 20 percent of the amount distributed to the sub-grantee in the contract year. Funding under the Emergency Solutions Grant shall be contingent upon the subrecipient meeting programmatic goals and financial requirements.
2. Obligation of Funds: Obligated funds are any kind of received services or similar transactions requiring payment from the contract amount. For the purpose of this process; allowable documentation considered proof of obligated funds will include:

   a. Memorandums of Understanding/Agreement;
   b. Service Contracts;
   c. Placed supply/service orders;
   d. Written agreements with landlords to pay rent/utilities for a certain period of time;
   e. Signed program agreements with clients to pay assistance for a certain period of time;
   f. Budgeted salaries for staff being paid out of funds from this contract

3. Recapture: If ODOC determines that, after following appropriate procedures, a grantee is not complying with the requirements of the Contract, Implementation Manual or other applicable federal laws, ODOC may (in addition to any remedies that may otherwise be available) take any of the following sanctions, as appropriate:

   a. Issue a warning letter that further failure to comply with such requirements will result in more serious actions;
   b. Direct the grantee to cease incurring costs with grant funds; or
   c. Require that some or all of the grant amounts be remitted to ODOC.

4. Redistribution: Any grant amounts that become available to a Continuum of Care service area as a result of recapturing funds must be made available (as soon as practicable) to the other sub grantees in the Continuum of Care service area first. Redistribution will be determined by proof of the other sub grantees’ abilities to cover the underserved Continuum service area and meeting programmatic goals and financial requirements. Other private non-profit organizations or units of general local government located in the allocated Continuum service areas will be given the ability to apply for the recaptured funds.
if it is determined that current sub grantees cannot take on the additional work of the underserved Continuum of Care areas.

K. **SAM.GOV:** Contracts shall be made only with responsible bidders/vendors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. 2 CFR 215.13 requires that no subaward or contract be made with certain parties that are debarred, suspended, or other excluded from or ineligible for participation in Federal programs or activities.

1. To comply with this requirement, subrecipients must exercise due diligence, prior to entering into a final obligation, that the proposed contractor is not ineligible to receive Federal funds. This can be completed by searching for the proposed contractor at [http://www.sam.gov](http://www.sam.gov) via their Vendor Name or by DUNS number. An agency can also pull the Exclusions Extract within SAM. A user guide can be found here [https://www.sam.gov/SAM/SAM_Guide/SAM_User_Guide.htm](https://www.sam.gov/SAM/SAM_Guide/SAM_User_Guide.htm)

2. The Subgrantee Recipient must retain evidence within their files that due diligence was performed to ensure the proposed contractor was able to be paid with Federal funds. This will be verified by ODOC during annual monitoring.

### III. FORMS

1. Closeout Documents – Go To OKGrants for Form
2. Reimbursement Form – Go To OKGrants for Form
3. Budget Modification Request – Go To OKGrants for Form
OKLAHOMA DEPARTMENT OF COMMERCE
COMMUNITY DEVELOPMENT
EMERGENCY SHELTER GRANT (ESG) PROGRAM

REQUIREMENT NO. 706
PROCUREMENT REQUIREMENTS

Effective July 2019

I. REQUIREMENT

Contractors shall comply with their established purchasing procedures and the requirements outlined in this document. If the two conflict, contractors must follow the most stringent. All subrecipients must comply with the requirements outlined in 2 CFR 200 as applicable, http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2tab_02.tpl. In all instances, regardless of cost, a competitive process shall be utilized.

II. PROCEDURES

A. SAM.Gov Criteria for Bidders/Vendors

1. Contracts shall be made only with responsible bidders/vendors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. 2 CFR 215.13 requires that no sub-award or contract be made with certain parties that are debarred, suspended, or other excluded from or ineligible for participation in Federal programs or activities.

2. Contracts shall be made only with responsible bidders/vendors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. 2 CFR 215.13 requires that no sub-award or contract be made with certain parties that are debarred, suspended, or other excluded from or ineligible for participation in Federal programs or activities.

3. To comply with this requirement, subgrantee recipients must exercise due diligence, prior to entering into a final obligation, to ensure that the proposed contractor is not ineligible to receive Federal funds.

4. This search must be completed and documented as follows:
   a. Subgrantee recipients must check all current contractors in SAM for any services in which payments of $25,000 or more (in one payment or an aggregate of) are made to a contractor. Any contractor paid $25,000 or more in payments must be able to provide the agency with a DUNS number in order prior to receiving payment. Any new vendor must be checked prior to the first payment.
   
   b. The search must be completed by searching for the proposed contractor at http://www.sam.gov via their Vendor Name or by DUNS number. An agency can also pull the Exclusions Extract within SAM. A user guide for obtaining the Exclusions Extract is in the attachments of this manual.
   
   c. Agencies will print the PDF Report for each vendor and place the report in the vendor’s file.

5. Subgrantee recipients must document an established timeline for checking vendors in their financial policies and procedures. This timeline must be for a 12 month period and can be established by the Subgrantee Recipient. This timeline must not change from year-to-year. Subgrantee Recipients shall take into consideration past payment history to vendors when establishing which contractors shall be checked to ensure that any vendor with an known history of payments exceeding $25,000 or more per year are checked prior to their first payment. This will be verified by ODOC during annual monitoring.
   a. To comply with this requirement, subgrantee recipients must exercise due diligence, prior to entering into a final obligation, to ensure that the proposed contractor is not ineligible to receive Federal funds.
   
   b. This search must be completed and documented as follows:
i. Subgrantee recipients must check all current contractors in SAM for any services in which payments of $25,000 or more (in one payment or an aggregate of) are made to a contractor. Any contractor paid $25,000 or more in payments must be able to provide the agency with a DUNS number in order prior to receiving payment. Any new vendor must be checked prior to the first payment.

ii. The search must be completed by searching for the proposed contractor at http://www.sam.gov via their Vendor Name or by DUNS number. An agency can also pull the Exclusions Extract within SAM. Instructions for obtaining the Exclusions Extract is located at this website. https://www.sam.gov/sam/transcript/Quick_Guide_for_Searching_Exclusions.pdf .

iii. Agencies will print the PDF Report for each vendor and place the report in the vendor’s file.

6. Subgrantee recipients must document an established timeline for checking vendors in their financial policies and procedures. This timeline must be for a 12-month period and can be established by the Subgrantee Recipient. This timeline must not change from year-to-year. Subgrantee Recipients shall take into consideration past payment history to vendors when establishing which contractors shall be checked to ensure that any vendor with an known history of payments exceeding $25,000 or more per year are checked prior to their first payment. This will be verified by ODOC during annual monitoring.

B. Small Purchase Procedure

1. When purchasing equipment, materials and supplies costing less than $10,000.00 in the aggregate, contractors may use the Small Purchasing Procedures defined below. Otherwise the procurement of equipment, material and supplies must be advertised and selection made from a formal bid process.

2. All procurement methods used by the contractor will be monitored by ODOC to ensure that federal funds are properly used. Contractors should thoroughly document and justify their reasons for selecting the vendor, especially in the event the lowest quote/bid is not selected.

3. If only one responsive quote/bid is obtained, contractors should consider procuring again in a manner that reaches more vendors. Otherwise, contractors must request approval from ODOC to select the single quote/bid. The request letter should contain a detailed explanation of the situation, and describe the attempts made to receive an adequate response. All other deviations from this Requirement must be approved by ODOC in a similar manner.

a. Small Purchase Procedure: Obtain price/rate quotes from known vendors. All quotes must be documented with name, amount of bid and “specification”.

   i. Purchase under $1,000 – Informal price comparison
   ii. Purchases $1,001 - $2,500 – Three telephone bids
   iii. Purchases $2,501 - $9,999 – Three or more written price quotations

b. Advertised Bid Procedures (for purchases over Ten thousand $10,000): Contractors, at a minimum, will solicit for bids in the newspaper of major circulation for the area. The publication should adequately describe what the bid request is for, when and where the sealed bids will be opened and how to obtain additional information or a bid packet. In addition, contractors may wish to notify known vendors directly to ensure an adequate response.

c. Public Improvements: Rehabilitation or renovation made to any real property owned by a public agency (unit of local government) must comply with 61 O.S. 101-153, the “Public Competitive Bidding Act of 1974”.

III. FORMS

None.
I. REQUIREMENT

Contractors shall comply with federal nondiscrimination and equal opportunity, lead-based paint, conflict of interest, ineligible construction contractor, drug and alcohol free facilities, property management standards, and relocation and displacement under 24 CFR 576.407 (c); 24 CFR 85.40.

A. Contractors must comply with other federal requirements as listed in the contract and in the standards below.

B. Contractors must ensure contract documents with subcontractors include language and requirements that comply with Standards listed below.

II. PROCEDURES

A. Lobbying and Disclosure Requirements: The disclosure requirements and prohibitions of section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the Byrd Amendment), and implementing regulations at 24 CFR part 87, apply to ESG. Applicants must disclose, using Standard Form LLL (SF-LLL), “Disclosure of Lobbying Activities,” any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific grants or contracts.

B. Conflicts of Interest [24 CFR 576.404(a), (c)]: In addition to conflict of interest requirements in the Common Rule and OMB Circular A-110, no person (1) who is an employee, agent, consultant, officer or elected or appointed official of the contractor or nonprofit recipient (or of any designated public agency) that receives ESG amounts and who exercises or has exercised any functions or responsibilities with respect to assisted activities or (2) who is in a position to participate in a decision-making process or gain inside information with regard to such activities may obtain a personal or financial interest or benefit from the activity or have an interest in any contract, subcontract or agreement with respect thereto or the proceeds thereunder, either for him or herself or those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

C. Drug- and Alcohol-Free Facilities: Contractor must administer, in good faith, a policy designed to ensure the homeless facility is free from the illegal use, possession or distribution of drugs or alcohol by its beneficiaries. (Notice on the Comprehensive Homeless Assistance Plan published in the Federal Register on December 28, 1988 [53 FR 52600]).

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about:
   a. The dangers of drug abuse in the workplace;
b. The grantee’s policy of maintaining a drug-free workplace;
c. Any available drug counseling, rehabilitation, and employee assistance programs; and
d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will –
   a. Abide by the terms of the statement; and
   b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted –
   a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
   b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency;
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.
8. Additional Instructions for Drug-Free Workplace Certification
   (a.) By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
   (b.) The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
   (c.) Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
   (d) Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
(e.) If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

(f.) The Grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

D. Uniform Administrative Requirements: All States, Territories, Urban Counties, and Metropolitan cities receiving funds under ESG shall be subject to the requirements of 24 CFR part 85. Non-profit subgrantees shall be subject to the requirements of 24 CFR part 84.

E. Nondiscrimination and Equal Opportunity Requirements: Grantees and subgrantees must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). In addition, grantees must make known that ESG rental assistance and services are available to all on a nondiscriminatory basis and ensure that all citizens have equal access to information about ESG and equal access to the financial assistance and services provided under this program. Among other things, this means that each grantee must take reasonable steps to ensure meaningful access to programs to persons with limited English proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964.

F. Lead-Based Paint: Contractors must comply with The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.), as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.) and implementing regulations at 24 CFR part 35, subparts A, B, M, and R shall apply to housing occupied by families receiving assistance through ESG.

(1) All residences whether they are assisted with homelessness prevention or rapid re-housing dollars constructed before 1978 in which a child under the age of 6 will be residing must pass an initial visual assessment inspection for lead-based paint. Exceptions are allowed for the following:
   a) it is a zero-bedroom or SRO-sized unit,
   b) it is housing for the elderly and there are no children under the age of 6,
   c) a lead-based paint inspection has been conducted in accordance with HUD regulations and found not to have lead-based paint,
   d) the property has had all lead-based paint identified and removed in accordance with HUD regulations or
   e) it meets any of the other exemptions described in 24 CFR part 35.115(a).

(2) An initial visual assessment and periodic inspections are required for as long as ESG funds are being used to assist the family in the unit.
   a) Both must meet HUD's standards described in the applicable regulations. In addition, the unit must be inspected again if a new family assisted with ESG funds moves in, and the clock for periodic inspections is reset.
   b) Finally, the owner must provide a notice to occupants if an evaluation and hazard reduction activities have taken place, in accordance with 24 CFR part 35.125.

(3) Copies of the lead-based paint regulation can be obtained by downloading it from https://www.epa.gov/sites/production/files/2017-06/documents/pyf_bw_booklet_format_2017_508.pdf.

G. Affirmatively Furthering Fair Housing [24 CFR part 5, Subpart A; 24 CFR 576.407(b)]: Under section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing. HUD requires the same of its funding recipients. Grantees and subgrantees will have a
duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. Examples of affirmatively furthering fair housing include: (1) marketing the program to all eligible persons, including persons with disabilities and persons with limited English proficiency; (2) making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities (see, for example, HUD’s rule on effective communications at 24 CFR 8.6); (3) providing fair housing counseling services or referrals to fair housing agencies; (4) informing participants of how to file a housing discrimination complaint, including providing the toll-free number for the Housing Discrimination Hotline: 1800-669-9777; and (5) recruiting landlords and service providers in areas that expand housing choice to program participants.

H. **Consolidated Plan:** The Contractor must follow a current HUD-approved Consolidated Plan or CHAS.

I. **Consistency with Plan:** The Contractor must make sure housing activities to be undertaken with ESG funds are consistent with the strategic plan.

J. **Confidentiality [24 CFR 576.500(x)]:** The Contractor must develop and implement procedures to ensure:
   (1) The confidentiality of records pertaining to any individual provided with assistance; and
   (2) That the address or location of any assisted housing will not be made public, except to the extent that this prohibition contradicts a preexisting privacy policy of the grantee.

K. **Discharge Policy:** The Contractor must have a certification that the State or jurisdiction has established a policy for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

L. **HMIS:** The Contractor must comply with HUD’s standards for participation in a local Homeless Management Information System and the collection and reporting of client-level information.

M. **Habitability Standards:** Organizations providing rental assistance with ESG funds will be required to conduct initial and any appropriate follow-up inspections of housing units into which a program participant will be moving. Following are the habitability standards that grantees must follow:
   (a) **State and local requirements.** Each grantee or subgrantee under this Notice must ensure that housing occupied by a family or individual receiving ESG assistance is in compliance with all applicable state and local housing codes, licensing requirements, and any other requirements in the jurisdiction in which the housing is located regarding the condition of the structure and the operation of the housing or services.
   (b) **Lead-based paint remediation and disclosure.** The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851–4856), and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M, and R apply to all shelters assisted under ESG program and all housing occupied by program participants.
   (c) **Minimum standards for emergency shelters.** Any building for which Emergency Solutions Grant (ESG) funds are used for conversion, major rehabilitation, or other renovation, must meet state or local government safety and sanitation standards, as applicable, and the following minimum safety, sanitation, and privacy standards. Any emergency shelter that receives assistance for shelter operations must also meet the following minimum safety,
sanitation, and privacy standards. The recipient may also establish standards that exceed or add to these minimum standards.

1. **Structure and materials.** The shelter building must be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents. Any renovation (including major rehabilitation and conversion) carried out with ESG assistance must use Energy Star and WaterSense products and appliances.

2. **Access.** The shelter must be accessible in accordance with Section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; the Fair Housing Act (42 U.S.C. 3601 et seq.) and implementing regulations at 24 CFR part 100; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and 28 CFR part 35; where applicable.

3. **Space and security.** Except where the shelter is intended for day use only, the shelter must provide each program participant in the shelter with an acceptable place to sleep and adequate space and security for themselves and their belongings.

4. **Interior air quality.** Each room or space within the shelter must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.

5. **Water supply.** The shelter’s water supply must be free of contamination.

6. **Sanitary facilities.** Each program participant in the shelter must have access to sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.

7. **Thermal environment.** The shelter must have any necessary heating/cooling facilities in proper operating condition.

8. **Illumination and electricity.** The shelter must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the shelter.

9. **Food preparation.** Food preparation areas, if any, must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.

10. **Sanitary conditions.** The shelter must be maintained in a sanitary condition.

11. **Fire safety.** There must be at least one working smoke detector in each occupied unit of the shelter. Where possible, smoke detectors must be located near sleeping areas. The fire alarm system must be designed for hearing-impaired residents. All public areas of the shelter must have at least one working smoke detector. There must also be a second means of exiting the building in the event of fire or other emergency.

(d) **Minimum standards for permanent housing.** The subrecipient cannot use ESG funds to help a program participant remain or move into housing that does not meet the minimum habitability standards provided in this paragraph (c). The recipient may also establish standards that exceed or add to these minimum standards.

1. **Structure and materials.** The structures must be structurally sound to protect residents from the elements and not pose any threat to the health and safety of the residents.

2. **Space and security.** Each resident must be provided adequate space and security for themselves and their belongings. Each resident must be provided an acceptable place to sleep.

3. **Interior air quality.** Each room or space must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.

4. **Water supply.** The water supply must be free from contamination.

5. **Sanitary facilities.** Residents must have access to sufficient sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.
6. **Thermal environment.** The housing must have any necessary heating/cooling facilities in proper operating condition.

7. **Illumination and electricity.** The structure must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the structure.

8. **Food preparation.** All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.

9. **Sanitary conditions.** The housing must be maintained in a sanitary condition.

10. **Fire safety.**
    i. There must be a second means of exiting the building in the event of fire or other emergency.
    ii. Each unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors must be located, to the extent practicable, in a hallway adjacent to a bedroom. If the unit is occupied by hearing impaired persons, smoke detectors must have an alarm system designed for hearing impaired persons in each bedroom occupied by a hearing-impaired person.
    iii. The public areas of all housing must be equipped with a sufficient number, but not less than one for each area, of battery-operated or hard-wired smoke detectors. Public areas include, but are not limited to, laundry rooms, community rooms, day care centers, hallways, stairwells, and other common areas.

N. **Confidentiality of Service Recipients including Victims of Family Violence:** Contractors must develop and implement procedures to ensure the confidentiality of records pertaining to any individual receiving services, shelter or transitional housing. Special attention should be taken with family violence prevention or treatment services. Special care should be taken to ensure that the address or location of any family violence shelter project assisted under this subtitle will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.


1. Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to receive ESG funds. Neither the Federal Government nor a State or local government receiving funds under ESG shall discriminate against an organization on the basis of the organization’s religious character or affiliation.

2. Organizations that are directly funded under the ESG program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under ESG. If an organization conducts these activities, the activities must be offered separately, in time or location, from the programs or services funded under ESG, and participation must be voluntary for program participants.

3. Any religious organization that receives ESG funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that the religious organization does not use direct ESG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide ESG-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, an ESG-funded religious organization retains its authority over its internal
governance, and the organization may retain religious terms in its organization’s name, select its board members on a religious basis, and include religious references in its organization’s mission statements and other governing documents.

4. An organization that receives ESG funds shall not, in providing ESG assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief.

5. ESG funds may not be used for the rehabilitation of structures to the extent that those structures are used for inherently religious activities. Solutions ESG funds may be used for the rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under the ESG program. Where a structure is used for both eligible and inherently religious activities, ESG funds may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds. Sanctuaries, chapels, or other rooms that an ESG-funded religious congregation uses as its principal place of worship, however, are ineligible for funded improvements under the program. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (see 24 CFR parts 84 and 85).

6. If the recipient or a subrecipient that is a local government voluntarily contributes its own funds to supplement federally funded activities, the recipient or subrecipient has the option to segregate the Federal funds or commingle them. However, if the funds are commingled, this section applies to all of the commingled funds.

P. Relocation and Displacement
Grantees and recipients are required to take reasonable steps to minimize the displacement of persons, families, individuals, businesses, nonprofit organizations or farms as a result of administering projects funded through ESG.

Q. Termination or Eviction of Assistance
Section 415 (e) of the Stewart B. McKinney Homeless Assistance Act, 42 USC Sub-section 11375, as amended by Section 1402 (d) of the Housing and Community Development Act of 1992, requires the Contractor to establish and comply with a formal process for the termination of assistance to any individual or family. This process should include the following and documentation should be kept in the case files:

1. Written notice to the participant containing a clear statement of the reasons for termination/eviction.
2. A review of the decision, in which the participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
3. Prompt written notice of the final decision to the participant.

R. Participation of Homeless or Formerly Homeless Individuals
Section 415 (d) 42 U.S.C. 11375 of the McKinney Act. The organization or shelter receiving ESG funds must provide for the participation of not less than one homeless individual or formerly homeless individual on the Board of Directors or other equivalent policy-making entity of the subrecipient; to the extent that the entity considers and makes policies and decisions regarding any facilities, services or other assistance that receive funding under ESG.

a. If the subrecipient is unable to meet the above requirement; it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services or other assistance that receive funding under Emergency Solutions Grant. Details for written policy is located under Requirement 708 Written Procedures Section 2 Procedures J.
III. ATTACHMENT

1. HUD Publication: Protect Your Family From Lead in Your Home (June 2017)
IMPORTANT!

Lead From Paint, Dust, and Soil in and Around Your Home Can Be Dangerous if Not Managed Properly

• Children under 6 years old are most at risk for lead poisoning in your home.

• Lead exposure can harm young children and babies even before they are born.

• Homes, schools, and child care facilities built before 1978 are likely to contain lead-based paint.

• Even children who seem healthy may have dangerous levels of lead in their bodies.

• Disturbing surfaces with lead-based paint or removing lead-based paint improperly can increase the danger to your family.

• People can get lead into their bodies by breathing or swallowing lead dust, or by eating soil or paint chips containing lead.

• People have many options for reducing lead hazards. Generally, lead-based paint that is in good condition is not a hazard (see page 10).
Are You Planning to Buy or Rent a Home Built Before 1978?

Did you know that many homes built before 1978 have lead-based paint? Lead from paint, chips, and dust can pose serious health hazards.

Read this entire brochure to learn:

- How lead gets into the body
- How lead affects health
- What you can do to protect your family
- Where to go for more information

Before renting or buying a pre-1978 home or apartment, federal law requires:

- Sellers must disclose known information on lead-based paint or lead-based paint hazards before selling a house.
- Real estate sales contracts must include a specific warning statement about lead-based paint. Buyers have up to 10 days to check for lead.
- Landlords must disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a specific warning statement about lead-based paint.

If undertaking renovations, repairs, or painting (RRP) projects in your pre-1978 home or apartment:

- Read EPA’s pamphlet, The Lead-Safe Certified Guide to Renovate Right, to learn about the lead-safe work practices that contractors are required to follow when working in your home (see page 12).

Consumer Product Safety Commission (CPSC)

The CPSC protects the public against unreasonable risk of injury from consumer products through education, safety standards activities, and enforcement. Contact CPSC for further information regarding consumer product safety and regulations.

CPSC
4330 East West Highway
Bethesda, MD 20814-4421
1-800-638-2772
cpsc.gov or saferproducts.gov

U. S. Department of Housing and Urban Development (HUD)

HUD’s mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. Contact HUD’s Office of Healthy Homes and Lead Hazard Control for further information regarding the Lead Safe Housing Rule, which protects families in pre-1978 assisted housing, and for the lead hazard control and research grant programs.

HUD
451 Seventh Street, SW, Room 8236
Washington, DC 20410-3000
(202) 402-7698
hud.gov/offices/lead/

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Simple Steps to Protect Your Family from Lead Hazards

If you think your home has lead-based paint:

• Don’t try to remove lead-based paint yourself.

• Always keep painted surfaces in good condition to minimize deterioration.

• Get your home checked for lead hazards. Find a certified inspector or risk assessor at epa.gov/lead.

• Talk to your landlord about fixing surfaces with peeling or chipping paint.

• Regularly clean floors, window sills, and other surfaces.

• Take precautions to avoid exposure to lead dust when remodeling.

• When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe certified renovation firms.

• Before buying, renting, or renovating your home, have it checked for lead-based paint.

• Consult your health care provider about testing your children for lead. Your pediatrician can check for lead with a simple blood test.

• Wash children’s hands, bottles, pacifiers, and toys often.

• Make sure children eat healthy, low-fat foods high in iron, calcium, and vitamin C.

• Remove shoes or wipe soil off shoes before entering your house.

U. S. Environmental Protection Agency (EPA)
Regional Offices

The mission of EPA is to protect human health and the environment. Your Regional EPA Office can provide further information regarding regulations and lead protection programs.

**Region 1** (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)
Regional Lead Contact
U.S. EPA Region 1
5 Post Office Square, Suite 100, OES 05-4
Boston, MA 02109-3912
(888) 372-7341

**Region 2** (New Jersey, New York, Puerto Rico, Virgin Islands)
Regional Lead Contact
U.S. EPA Region 2
2890 Woodbridge Avenue
Building 205, Mail Stop 225
Edison, NJ 08837-3679
(732) 321-6671

**Region 3** (Delaware, Maryland, Pennsylvania, Virginia, DC, West Virginia)
Regional Lead Contact
U.S. EPA Region 3
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2088

**Region 4** (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)
Regional Lead Contact
U.S. EPA Region 4
AFC Tower, 12th Floor, Air, Pesticides & Toxics
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-8998

**Region 5** (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)
Regional Lead Contact
U.S. EPA Region 5 (DT-8J)
77 West Jackson Boulevard
Chicago, IL 60604-3666
(312) 886-7836

**Region 6** (Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribes)
Regional Lead Contact
U.S. EPA Region 6
1445 Ross Avenue, 12th Floor
Dallas, TX 75202-2733
(214) 665-2704

**Region 7** (Iowa, Kansas, Missouri, Nebraska)
Regional Lead Contact
U.S. EPA Region 7
11201 Renner Blvd.
WWPD/TOPE
Lenexa, KS 66219
(800) 223-0425

**Region 8** (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)
Regional Lead Contact
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202
(303) 312-6966

**Region 9** (Arizona, California, Hawaii, Nevada)
Regional Lead Contact
U.S. EPA Region 9 (CMD-4-2)
75 Hawthorne Street
San Francisco, CA 94105
(415) 947-4280

**Region 10** (Alaska, Idaho, Oregon, Washington)
Regional Lead Contact
U.S. EPA Region 10
Solid Waste & Toxics Unit (WCM-128)
1200 Sixth Avenue, Suite 900
Seattle, WA 98101
(206) 553-1200
Lead Gets into the Body in Many Ways

Adults and children can get lead into their bodies if they:

• Breathe in lead dust (especially during activities such as renovations, repairs, or painting that disturb painted surfaces).

• Swallow lead dust that has settled on food, food preparation surfaces, and other places.

• Eat paint chips or soil that contains lead.

Lead is especially dangerous to children under the age of 6.

• At this age, children’s brains and nervous systems are more sensitive to the damaging effects of lead.

• Children’s growing bodies absorb more lead.

• Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.

Women of childbearing age should know that lead is dangerous to a developing fetus.

• Women with a high lead level in their system before or during pregnancy risk exposing the fetus to lead through the placenta during fetal development.

For More Information

The National Lead Information Center
Learn how to protect children from lead poisoning and get other information about lead hazards on the Web at epa.gov/lead and hud.gov/lead, or call 1-800-424-LEAD (5323).

EPA’s Safe Drinking Water Hotline
For information about lead in drinking water, call 1-800-426-4791, or visit epa.gov/safewater for information about lead in drinking water.

Consumer Product Safety Commission (CPSC) Hotline
For information on lead in toys and other consumer products, or to report an unsafe consumer product or a product-related injury, call 1-800-638-2772, or visit CPSC’s website at cpsc.gov or saferproducts.gov.

State and Local Health and Environmental Agencies
Some states, tribes, and cities have their own rules related to lead-based paint. Check with your local agency to see which laws apply to you. Most agencies can also provide information on finding a lead abatement firm in your area, and on possible sources of financial aid for reducing lead hazards. Receive up-to-date address and phone information for your state or local contacts on the Web at epa.gov/lead, or contact the National Lead Information Center at 1-800-424-LEAD.

Hearing- or speech-challenged individuals may access any of the phone numbers in this brochure through TTY by calling the toll-free Federal Relay Service at 1-800-877-8339.
Health Effects of Lead

Lead affects the body in many ways. It is important to know that even exposure to low levels of lead can severely harm children.

In children, exposure to lead can cause:

- Nervous system and kidney damage
- Learning disabilities, attention-deficit disorder, and decreased intelligence
- Speech, language, and behavior problems
- Poor muscle coordination
- Decreased muscle and bone growth
- Hearing damage

While low-lead exposure is most common, exposure to high amounts of lead can have devastating effects on children, including seizures, unconsciousness, and in some cases, death.

Although children are especially susceptible to lead exposure, lead can be dangerous for adults, too.

In adults, exposure to lead can cause:

- Harm to a developing fetus
- Increased chance of high blood pressure during pregnancy
- Fertility problems (in men and women)
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain

Other Sources of Lead, continued

- **Lead smelters** or other industries that release lead into the air.
- **Your job.** If you work with lead, you could bring it home on your body or clothes. Shower and change clothes before coming home. Launder your work clothes separately from the rest of your family’s clothes.
- **Hobbies** that use lead, such as making pottery or stained glass, or refinishing furniture. Call your local health department for information about hobbies that may use lead.
- Old **toys** and **furniture** may have been painted with lead-containing paint. Older toys and other children’s products may have parts that contain lead.⁴
- Food and liquids cooked or stored in **lead crystal** or **lead-glazed pottery** or **porcelain** may contain lead.
- Folk remedies, such as “greta” and “azarcon,” used to treat an upset stomach.

⁴ In 1978, the federal government banned toys, other children’s products, and furniture with lead-containing paint. In 2008, the federal government banned lead in most children’s products. The federal government currently bans lead in excess of 100 ppm by weight in most children’s products.
Check Your Family for Lead

Get your children and home tested if you think your home has lead.

Children’s blood lead levels tend to increase rapidly from 6 to 12 months of age, and tend to peak at 18 to 24 months of age.

Consult your doctor for advice on testing your children. A simple blood test can detect lead. Blood lead tests are usually recommended for:

- Children at ages 1 and 2
- Children or other family members who have been exposed to high levels of lead
- Children who should be tested under your state or local health screening plan

Your doctor can explain what the test results mean and if more testing will be needed.

Other Sources of Lead

Lead in Drinking Water

The most common sources of lead in drinking water are lead pipes, faucets, and fixtures.

Lead pipes are more likely to be found in older cities and homes built before 1986.

You can't smell or taste lead in drinking water.

To find out for certain if you have lead in drinking water, have your water tested.

Remember older homes with a private well can also have plumbing materials that contain lead.

Important Steps You Can Take to Reduce Lead in Drinking Water

- Use only cold water for drinking, cooking and making baby formula. Remember, boiling water does not remove lead from water.
- Before drinking, flush your home’s pipes by running the tap, taking a shower, doing laundry, or doing a load of dishes.
- Regularly clean your faucet’s screen (also known as an aerator).
- If you use a filter certified to remove lead, don’t forget to read the directions to learn when to change the cartridge. Using a filter after it has expired can make it less effective at removing lead.

Contact your water company to determine if the pipe that connects your home to the water main (called a service line) is made from lead. Your area’s water company can also provide information about the lead levels in your system’s drinking water.

For more information about lead in drinking water, please contact EPA’s Safe Drinking Water Hotline at 1-800-426-4791. If you have other questions about lead poisoning prevention, call 1-800 424-LEAD.*

Call your local health department or water company to find out about testing your water, or visit epa.gov/safewater for EPA’s lead in drinking water information. Some states or utilities offer programs to pay for water testing for residents. Contact your state or local water company to learn more.

* Hearing- or speech-challenged individuals may access this number through TTY by calling the Federal Relay Service at 1-800-877-8339.
Renovating, Repairing or Painting a Home with Lead-Based Paint

If you hire a contractor to conduct renovation, repair, or painting (RRP) projects in your pre-1978 home or childcare facility (such as pre-school and kindergarten), your contractor must:

- Be a Lead-Safe Certified firm approved by EPA or an EPA-authorized state program
- Use qualified trained individuals (Lead-Safe Certified renovators) who follow specific lead-safe work practices to prevent lead contamination
- Provide a copy of EPA’s lead hazard information document, The Lead-Safe Certified Guide to Renovate Right

RRP contractors working in pre-1978 homes and childcare facilities must follow lead-safe work practices that:

- **Contain the work area.** The area must be contained so that dust and debris do not escape from the work area. Warning signs must be put up, and plastic or other impermeable material and tape must be used.

- **Avoid renovation methods that generate large amounts of lead-contaminated dust.** Some methods generate so much lead-contaminated dust that their use is prohibited. They are:
  - Open-flame burning or torching
  - Sanding, grinding, planing, needle gunning, or blasting with power tools and equipment not equipped with a shroud and HEPA vacuum attachment
  - Using a heat gun at temperatures greater than 1100°F

- **Clean up thoroughly.** The work area should be cleaned up daily. When all the work is done, the area must be cleaned up using special cleaning methods.

- **Dispose of waste properly.** Collect and seal waste in a heavy duty bag or sheeting. When transported, ensure that waste is contained to prevent release of dust and debris.

To learn more about EPA’s requirements for RRP projects, visit epa.gov/getleadsafe, or read The Lead-Safe Certified Guide to Renovate Right.

Where Lead-Based Paint Is Found

In general, the older your home or childcare facility, the more likely it has lead-based paint.⁴

Many homes, including private, federally-assisted, federally-owned housing, and childcare facilities built before 1978 have lead-based paint. In 1978, the federal government banned consumer uses of lead-containing paint.⁵

Learn how to determine if paint is lead-based paint on page 7.

**Lead can be found:**

- In homes and childcare facilities in the city, country, or suburbs,
- In private and public single-family homes and apartments,
- On surfaces inside and outside of the house, and
- In soil around a home. (Soil can pick up lead from exterior paint or other sources, such as past use of leaded gas in cars.)

Learn more about where lead is found at epa.gov/lead.

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⁴ “Lead-based paint” is currently defined by the federal government as paint with lead levels greater than or equal to 1.0 milligram per square centimeter (mg/cm), or more than 0.5% by weight.

⁵ “Lead-containing paint” is currently defined by the federal government as lead in new dried paint in excess of 90 parts per million (ppm) by weight.
Identifying Lead-Based Paint and Lead-Based Paint Hazards

Deteriorating lead-based paint (peeling, chipping, chalking, cracking, or damaged paint) is a hazard and needs immediate attention. Lead-based paint may also be a hazard when found on surfaces that children can chew or that get a lot of wear and tear, such as:

- On windows and window sills
- Doors and door frames
- Stairs, railings, banisters, and porches

Lead-based paint is usually not a hazard if it is in good condition and if it is not on an impact or friction surface like a window.

Lead dust can form when lead-based paint is scraped, sanded, or heated. Lead dust also forms when painted surfaces containing lead bump or rub together. Lead paint chips and dust can get on surfaces and objects that people touch. Settled lead dust can reenter the air when the home is vacuumed or swept, or when people walk through it. EPA currently defines the following levels of lead in dust as hazardous:

- 40 micrograms per square foot (μg/ft²) and higher for floors, including carpeted floors
- 250 μg/ft² and higher for interior windows sills

Lead in soil can be a hazard when children play in bare soil or when people bring soil into the house on their shoes. EPA currently defines the following levels of lead in soil as hazardous:

- 400 parts per million (ppm) and higher in play areas of bare soil
- 1,200 ppm (average) and higher in bare soil in the remainder of the yard

Remember, lead from paint chips—which you can see—and lead dust—which you may not be able to see—both can be hazards.

The only way to find out if paint, dust, or soil lead hazards exist is to test for them. The next page describes how to do this.

Reducing Lead Hazards, continued

If your home has had lead abatement work done or if the housing is receiving federal assistance, once the work is completed, dust cleanup activities must be conducted until clearance testing indicates that lead dust levels are below the following levels:

- 40 micrograms per square foot (μg/ft²) for floors, including carpeted floors
- 250 μg/ft² for interior windows sills
- 400 μg/ft² for window troughs

For help in locating certified lead abatement professionals in your area, call your state or local agency (see pages 14 and 15), or visit epa.gov/lead, or call 1-800-424-LEAD.
Checking Your Home for Lead

You can get your home tested for lead in several different ways:

- A lead-based paint inspection tells you if your home has lead-based paint and where it is located. It won’t tell you whether your home currently has lead hazards. A trained and certified testing professional, called a lead-based paint inspector, will conduct a paint inspection using methods, such as:
  - Portable x-ray fluorescence (XRF) machine
  - Lab tests of paint samples

- A risk assessment tells you if your home currently has any lead hazards from lead in paint, dust, or soil. It also tells you what actions to take to address any hazards. A trained and certified testing professional, called a risk assessor, will:
  - Sample paint that is deteriorated on doors, windows, floors, stairs, and walls
  - Sample dust near painted surfaces and sample bare soil in the yard
  - Get lab tests of paint, dust, and soil samples

- A combination inspection and risk assessment tells you if your home has any lead-based paint and if your home has any lead hazards, and where both are located.

Be sure to read the report provided to you after your inspection or risk assessment is completed, and ask questions about anything you do not understand.

Reducing Lead Hazards

Disturbing lead-based paint or removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.

- In addition to day-to-day cleaning and good nutrition, you can temporarily reduce lead-based paint hazards by taking actions, such as repairing damaged painted surfaces and planting grass to cover lead-contaminated soil. These actions are not permanent solutions and will need ongoing attention.

- You can minimize exposure to lead when renovating, repairing, or painting by hiring an EPA- or state-certified renovator who is trained in the use of lead-safe work practices. If you are a do-it-yourselfer, learn how to use lead-safe work practices in your home.

- To remove lead hazards permanently, you should hire a certified lead abatement contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not permanent control.

Always use a certified contractor who is trained to address lead hazards safely.

- Hire a Lead-Safe Certified firm (see page 12) to perform renovation, repair, or painting (RRP) projects that disturb painted surfaces.

- To correct lead hazards permanently, hire a certified lead abatement professional. This will ensure your contractor knows how to work safely and has the proper equipment to clean up thoroughly.

Certified contractors will employ qualified workers and follow strict safety rules as set by their state or by the federal government.
Checking Your Home for Lead, continued

In preparing for renovation, repair, or painting work in a pre-1978 home, Lead-Safe Certified renovators (see page 12) may:

- Take paint chip samples to determine if lead-based paint is present in the area planned for renovation and send them to an EPA-recognized lead lab for analysis. In housing receiving federal assistance, the person collecting these samples must be a certified lead-based paint inspector or risk assessor.
- Use EPA-recognized tests kits to determine if lead-based paint is absent (but not in housing receiving federal assistance).
- Presume that lead-based paint is present and use lead-safe work practices.

There are state and federal programs in place to ensure that testing is done safely, reliably, and effectively. Contact your state or local agency for more information, visit epa.gov/lead, or call 1-800-424-LEAD (5323) for a list of contacts in your area.³

What You Can Do Now to Protect Your Family

If you suspect that your house has lead-based paint hazards, you can take some immediate steps to reduce your family’s risk:

- If you rent, notify your landlord of peeling or chipping paint.
- Keep painted surfaces clean and free of dust. Clean floors, window frames, window sills, and other surfaces weekly. Use a mop or sponge with warm water and a general all-purpose cleaner. (Remember: never mix ammonia and bleach products together because they can form a dangerous gas.)
- Carefully clean up paint chips immediately without creating dust.
- Thoroughly rinse sponges and mop heads often during cleaning of dirty or dusty areas, and again afterward.
- Wash your hands and your children’s hands often, especially before they eat and before nap time and bed time.
- Keep play areas clean. Wash bottles, pacifiers, toys, and stuffed animals regularly.
- Keep children from chewing window sills or other painted surfaces, or eating soil.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe Certified renovation firms (see page 12).
- Clean or remove shoes before entering your home to avoid tracking in lead from soil.
- Make sure children eat nutritious, low-fat meals high in iron, and calcium, such as spinach and dairy products. Children with good diets absorb less lead.

³ Hearing- or speech-challenged individuals may access this number through TTY by calling the Federal Relay Service at 1-800-877-8339.
I. REQUIREMENT
The subrecipient must establish written standards for providing ESG assistance. These standards must be applied consistently within the subrecipients’ program. [24 CFR 576.400]

II. PROCEDURES

A. Each subrecipient must establish written standards for providing ESG Assistance.
   1. Subrecipients must annually review their policies and procedures and submit documentation that the Program’s Written Policies and Procedures have been reviewed by the Staff and Board at least once a year.
   2. Documentation must include a Board Agenda showing the Policies/Procedures as an Agenda item as well as minutes produced from the meeting showing the discussion and approval of the Policies/Procedures from the Board.
   3. The following Standards must be applied consistently within the subrecipient’s program.

B. Evaluation of individuals and families eligible for assistance under ESG must include:
   1. Process by which the subrecipient must conduct an initial evaluation to determine the eligibility of each individual or family’s eligibility for assistance.
   2. Process by which the subrecipient conducts evaluation in accordance with the CoC’s centralized or coordinated assessment requirements (Once the assessment tool is implemented).
   3. Process by which the subrecipient requires the program participant to meet with a case manager not less than once per month to assist in ensuring long-term housing stability.
   4. Process by which the subrecipient develops a plan to assist the program participant to retain permanent housing after assistance ends; taking into account all relevant considerations such as current or expected income and expenses; other public or private assistance available to the program participant and relative affordability of the available housing in the area.
   5. Process by which the subrecipient re-evaluates the program participant’s eligibility and the types and amounts of assistance the program participant needs not less than once every 3 months for those receiving homeless prevention assistance and not less than once a year for those receiving rapid re-housing assistance.
   6. Process by which program participant notifies subrecipient of changes to the program participant’s income of other circumstances that affect the need for assistance and how such changes will be re-evaluated.

C. Coordination of Services among Emergency Shelter Providers
Policies and procedures must include:
   1. Where applicable, coordination of ESG-funded services with other services in the local or regional service area of the Continuum of Care or area over which the services are coordinated to provide a strategic, community-wide system to prevent and end homelessness for the area. These programs include:
      i. Shelter Plus Care Program
      ii. Supportive Housing Program
      iii. Section 8 Moderate Rehabilitation Program for Single Room Occupancy Program for Homeless Individuals
iv. HUD-Veterans Affairs Supportive Housing
v. Education for Homeless Children and Youth Grants for State and Local Activities
vi. Grants for the Benefit of Homeless Individuals
vii. Healthcare for the Homeless
viii. Programs for Runaway and Homeless Youth
ix. Projects for Assistance in Transition from Homelessness
x. Services in Supportive Housing Grants
xi. Emergency Food and Shelter Program
xii. Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program
xiii. Homeless Veterans Reintegration Program
xiv. Domiciliary Care for Homeless Veterans Program
xv. VA Homeless Providers Grant and Per Diem Program
xvi. Health Care for Homeless Veterans Program
xvii. Homeless Veterans Dental Program
xviii. Supportive Services for Veteran Families Program
xix. Veteran Justice Outreach Initiative

D. Coordination with Mainstream resources
Policies and procedures must include:
1. Organizations and/or shelters receiving ESG funds must coordinate and integrate wherever possible ESG-funded activities with mainstream housing, health, social services, employment, education and youth programs for which families and individuals at risk of homelessness and homeless individuals and families may be eligible.
   1. Public housing programs assisted under section 9 of the US Housing Act of 1937
   2. Housing programs receiving tenant-based or project-based assistance under section 8 of the US Housing Act of 1937
   3. Supportive Housing for Persons with Disabilities
   4. Home Investment Partnerships Program
   5. Temporary Assistance for Needy Families (TANF)
   6. Health Center Program
   7. State Children’s Health Insurance Program
   8. Head Start
   9. Mental Health and Substance Abuse Block Grants
   x. Services funded under the Workforce Investment Act
   xi. Medicaid
   xii. Supplemental Nutrition Assistance Program
   xiii. Women, Infants and Children
   xiv. Federal- State Unemployment Insurance Program
   xv. Social Security Disability Insurance
   xvi. Child and Adult Care Food Program

E. Determination and Prioritization of which eligible families and individuals receive homelessness prevention and which ones will receive rapid re-housing services: The State requires that subrecipients create and implement written standards regarding how an individual or family is chosen to receive either homelessness prevention or rapid re-housing services. The written standards must be applied consistently within the subrecipients’ program.

F. Determination of the share of rent and utilities costs that each program participant must pay, if any, while receiving homelessness prevention or rapid re-housing assistance: The State requires that subrecipients create and implement written standards regarding what participants have to pay, if
anything, over time. The written standards must be applied consistently within the subrecipients’ programs.

G. Determination of how long a particular program participant will be provided with rental assistance and whether and how the amount of that assistance will be adjusted over time: The State requires that subrecipients create and implement written standards regarding adjusted amount of participant assistance, if any, over time. The written standards must be applied consistently within the subrecipients program.

H. Determination of the type, amount and duration of housing stabilization and/or relocation services to be provide a program participant:

Policies and procedures must include:
1. Limits; if any, on the homelessness prevention or rapid re-housing assistance that each program participant may receive
   i. Maximum amount of assistance
   ii. Maximum number of months the program participant receives assistance
   iii. Maximum number of times the program participants may receive assistance

I. Termination of Assistance

Policies and procedures must include:
1. Process by which the subrecipient may terminate assistance when a program participant violates program requirements must include:
   i. Written notice to the program participant containing a clear statement of the reasons for termination;
   ii. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person or other than the person (or a subordinate of that person) who made or approved the termination decision; and
   iii. Prompt written notice of the final decision to the program participant.

J. Applicant Appeals Procedure

To ensure equal access to services and resources available under programs funded by ODOC the following steps need to be included in an Applicant Appeals Process:
1. The notice of right to appeal shall appear on all application forms used to determine applicant eligibility for any services or resources provided with funds received from ODOC.
2. The Contractor shall initiate the appeals procedure, upon request by an applicant, within ten (10) days of the request.
3. The applicant appeals procedure shall guarantee that each person seeking services shall
   i. Have the right to file formal application for services or resources upon request;
   ii. Be afforded an opportunity to have private and confidential interviews pertaining to the case;
   iii. Not be denied assistance on the basis of race, color, gender, creed, religion, age, familial status, political preference or disability;
   iv. Receive timely approval or disapproval of the application; and
   v. Receive written notification of appeal and appeal procedures, including notices that:
      a. All aggrieved parties shall be afforded a reasonable opportunity for a fair hearing;
      b. The applicant or the representative of the applicant shall have access to records relevant to the appeal process; and
      c. The applicant shall have the right to a timely determination and prompt notice of hearing decisions.
4. After all local appeal procedures have been exhausted; an applicant may appeal the Contractor's decision to ODOC. In such cases, the Contractor and appellant shall provide ODOC with all relevant documentation.

K. Homeless Participation Requirement
The organization or shelter receiving ESG funds must provide for the participation of not less than one homeless individual or formerly homeless individual on the Board of Directors or other equivalent policy-making entity of the subrecipient; to the extent that the entity considers and makes policies and decisions regarding any facilities, services or other assistance that receive funding under ESG.

If the subrecipient is unable to meet the above requirement; it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services or other assistance that receive funding under Emergency Solutions Grant. Policies and Procedures must include but not be limited to:
1. How feedback is collected from those who are homeless or formerly homeless.
2. How feedback is provided to the organization’s policy making entity.
3. How policies created/improved from said policy making entity are implemented.

I. Duplication of Benefits
Contractor must implement procedures to prevent any individual, family, business or other entity from receiving financial assistance from multiple sources for the same period of time for the same purpose and the total assistance received for that purpose is more than the total need for assistance. [Section 312 or the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (42 U.S.C 5155) (Stafford Act)].

III. FORMS
None.