

State of Oklahoma
Emergency Solutions Grant (ESG)
Implementation Manual
Effective October 1, 2022



OKLAHOMA
Commerce

PURPOSE OF IMPLEMENTATION MANUAL

The purpose of this Implementation Manual is to provide a Quick Guide or summary of the Emergency Solutions Grant (ESG) 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 (ODOC) including but not limited to the ODOC State Consolidated Plan, ESG Application, ESG Contract, 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 U.S. Department 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.

Most Code of Federal Regulations (CFR) links contained in this document are to the Cornell Law School's [Legal Information Institute \(LII\)](#) Electronic Code of Federal Regulations (e-CFR).

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REQUIREMENT NO. 700 - GENERAL APPLICATION REQUIREMENTS

Effective October 1, 2022

I. BACKGROUND

The original Homeless Assistance Grants were 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) updated five-year Plan supported 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 and is 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

Entities interested in applying must meet one of three options:

1. Private Nonprofits that have a yearly independent audit and have received ODOC's ESG funds within two (2) grant cycles may directly apply for an ESG grant without sponsorship.
2. Private Nonprofits that do not have a yearly independent audit and/or have not received ODOC's ESG funds within two (2) grant cycles 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.
3. Private Nonprofits that have a yearly independent audit but are seeking ESG funding from ODOC 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 an ODOC monitoring report with no major findings, the private nonprofit can request permission from ODOC to apply for ESG funding independently with no sponsor.

- a. Community Action Agencies seeking ODOC ESG funding for the first time that have experience with following federal regulations are exempt from this requirement and allowed to apply without a sponsor.
- b. In the occurrence of a sponsor applying on behalf of more than one shelter, separate applications must be submitted for each shelter.

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 housing or administrative funds (not exceeding 3.75% of the total grant) to carry out certain activities. Not all funds used by the unit of general local government or CAA for housing 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 only funds 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 respective 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 multiple 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](#) and [at risk 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 registered for the federal System for Award Management (SAM) system at sam.gov.
7. Grant recipients must operate outside of the jurisdictions of the City of Tulsa or The City of Oklahoma City.

F. THRESHOLD REQUIREMENTS FOR THE EMERGENCY SOLUTIONS GRANT

All Emergency Solutions Applicants must meet the threshold criteria listed below. ODOC reserves the right to disqualify any applicant who does not meet one or more of the threshold criteria.

1. Applicant/Shelter must have an emergency shelter component or partnership to provide emergency shelter services.
2. Access to the Shelter or access to beds must be available 24 hours/7 days/365 days a year.
3. Applicant/Shelter must provide documentation of active involvement in Continuum of Care planning and coordination of service efforts.
4. Applicant/Shelter must provide documentation that the applicant is a participating member of the Continuum of Care's Coordinated Intake/Assessment.
5. Applicant/Shelter must provide required data/reporting through their Continuum of Care
6. HMIS or comparable (DV organizations only) database.
7. All outstanding ODOC monitoring findings and audit or unresolved financial/program issues from previously awarded grants must be resolved.
8. All required [certifications](#) must be received and signed by the appropriate signatory.
9. One hundred percent (100%) of contract funds including match must be expended before newly awarded funds can be used.
10. Must have a complete set of written policies and procedures in which to manage the Emergency Solutions Grant Program that include:
 - a. Termination of Participation and Grievance Procedures,
 - b. a process for participation of Homeless Persons in Policymaking and Operations, and
 - c. a Confidentiality Policy.
11. Must have a current Financial Audit submitted before funds can be requested from grant.
12. Must follow all General Record Keeping Requirements, both for financial and client files.
13. Must meet all spending timeline requirements: Fifty percent (50%) of awarded funds must be spent by the first six (6) months of the contract; seventy-five percent (75%) must be spent within nine (9) months of the contract and one hundred percent (100%) must be spent by the end of the contract period.
14. Must be activated in the System for Award Management (SAM) at sam.gov. Applicant must be clear of any findings and show as eligible for federal contracts and assistance awards.

G. ESG 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. Performance Measures

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. Each subrecipient establishes performance measures during the application process and are to use performance measures to systematically evaluate whether their efforts are making an impact on the program participants they are serving and/or the problem they are targeting. A subrecipient can have local performance measures that are different from the State Performance Measures listed below, but at least two (2) out of the six (6) State Performance Measures must be tracked. Victim Service Providers must collect the same measures in their own comparable database. Status will be reviewed during monitoring and a final count will be reported for the program year's closeout. The Statewide Performance Measures to be tracked are:

- a. Extent to which persons who exit homelessness to permanent housing destinations return to homelessness within six (6) to twelve (12) months.
 - i. *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. Total number of homeless persons served.
 - i. *Explanation:*
 - 1) 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.
 - 2) 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. Employment and income growth for homeless persons in ESG program-funded projects.
 - i. *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. Number of persons who become homeless for the first time.
 - i. *Explanation:* This measure tracks clients entering in Emergency Shelter, Safe Haven and Transitional housing.
- e. Homeless Prevention and housing placement of persons defined by Category 3 of HUD's Homeless Definitions.
 - i. *Explanation:* All numbers tracked are limited to all persons in projects serving Category 3 homeless.
- f. Successful placement from Street Outreach and successful placement in or retention of permanent housing.
 - i. *Explanation:* This measure tracks:
 - 1) Leavers who exited during the report date range and how many of those exited to an acceptable destination;
 - 2) Leavers who exited emergency shelter, supportive housing, transitional housing and permanent housing/rapid rehousing.

H. FUNDS DISTRIBUTED TO 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 of Care 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. FORMULA:

- 1. The formula used for ESG project funding:
 - a. 10% - 2020 Estimated Total Population
 - b. 30% - Weighted Median Income Measure
 - c. 30% - April 2020 Unemployment Rate

- d. 30% - 2010 - 2014 Housing units experience severe overcrowding (1.5 occupants per room)
2. According to the set Timetable, each Continuum of Care will collect, 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) for the area being served. Income limits are available on [HUD's website](#).
 - i. When the household is literally homeless, the below 30% AMI Income limit cannot be used to determine approval for assistance. At the time the household is re-assessed or reevaluated for continued or extended assistance, the household cannot make above 30 percent Area Median Income (AMI).
 - 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. Applicants awarded funds must submit a Request of Funds with the application and receive authority to use grants funds from ODOC (Release of Funds) prior to expending grant funds. Funds will not be released until all required documentation has been received. Funds expended prior to the Release of Funds will not be reimbursed.

L. BUDGET

1. Each recipient must complete a project budget and budget narrative form in OKGrants. 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 contributions, and 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 sources and amounts submitted for match available in the contract period.

2. Matching funds cannot be used to match any other Federal program's funds nor any other ESG grant and ESG funds cannot be used to meet the matching requirements of another program that is being used to match ESG.
3. The matching funds are provided based on the total grant amount and do not have to be provided on a component-by-component basis. For example, if a subrecipient is spending \$10,000 on HMIS, they do not need to find \$10,000 in data collection funds from another source to use as match.

N. PAYMENTS

1. ODOC shall disburse awarded funds to the Applicants upon contract execution and approval by ODOC of the Request for Release of Funds. Once the "Release of Funds" form has been emailed by ODOC to 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.
2. Extensions to the program (grant) periods are made at the discretion of the State and will only be approved in extreme circumstances.
3. Timelines within the twelve-month contract period have been established to ensure one hundred percent (100%) of program funds are spent within the program period. Grant funds must be spent within the following timelines: Fifty percent (50%) of awarded funds must be spent by the first six (6) months of the contract; seventy-five percent (75%) must be spent within nine (9) months of the contract and one hundred percent (100%) must be spent by the end of the contract period.

P. OBLIGATED

1. Once ODOC has received an ESG grant agreement by HUD, ODOC will send a letter to each rural continuum 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 these documents, ODOC will return to the Applicant a signed Authority to Use Grant Funds (Release of Funds).

Q. AUDIT REQUIREMENTS

1. All audits of prior awards from ODOC/CD must be in accordance with ODOC Audit Policies and Procedures Manual.
2. Per ODOC's Audit Policies and Procedures Manual, [Oklahoma Administrative Code Title 150 Chapter 1 Subchapter 21](#) establishes the policy and procedures for the audit of state and federal funds administered by ODOC.
 - a. If a private non-profit subrecipient has an annual income of \$50,000 or more (no longer \$25,000) during a fiscal year, it is required by Oklahoma State Statute to have an audit prepared. When such funds are awarded through ODOC, a report also needs to be submitted to ODOC.
 - b. If a private non-profit subrecipient expends a total of \$750,000 or more in Federal awards during the fiscal year, a Single Entity Audit or program specific audit in accordance with the provisions of [2 CFR part 200.500-521](#) needs to be conducted.

When such funds are awarded through ODOC, a report also needs to be submitted to ODOC.

- c. Audit requirements for sponsors that are units of general local governments (UGLGs):
 - i. An UGLG (city, town, or municipality) with an annual income of \$50,000 or more (no longer \$25,000) must complete an annual audit ([HB1058](#)) unless otherwise required by a stricter regulation.
 - ii. If the revenue of an UGLG that is a city, town, or municipality is \$50,000 or more (no longer \$25,000), but its population is less than 2,500, it has the option to request a biennial agreed-upon-procedures engagement, which would be prescribed by the State Auditor and Inspector and developed in collaboration with a representative from an organization representing municipal governments, a representative from an organization that advises municipal clerks and treasurers and a certified public accountant ([HB1058](#) which repeals [11 O.S. 17-108](#)). This is allowed unless otherwise required by a stricter regulation.
 - iii. An UGLG that is a county must have the Oklahoma State Auditor and Inspector complete their audit at least every two years. [[19 OK Stat § 19-171 \(2021\)](#)]
3. Audit reports must be submitted to ODOC within thirty (30) days of completion of report but no later than nine (9) months after the end of the subrecipient's fiscal year.
4. If the audit has not been submitted or the audit is not closed prior to the release of funds, then subrecipient may be unable to draw funds unless a good cause is shown and approved by ODOC/CD.
5. 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. CLIENT CONFIDENTIALITY

All ESG 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 applicant.

S. PERFORMANCE

ODOC reserves the right to recapture Emergency Solution Grant funds under the following circumstances:

1. Failure to obligate and spend within the time periods as specified in this application:
 - a. Fifty percent (50%) of awarded funds must be spent by the first six (6) months of the contract
 - b. Seventy-five percent (75%) must be spent within nine (9) months of the contract.
2. Failure, without approved modification, to implement the project as set forth in the approved ESG grant application.
3. Failure to meet the specified performance measures.
4. Failure to meet threshold responsibilities during the contract period.

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 OKGrants, volunteers whose names have been submitted from each CoC will receive training through a Webinar training to become a Reviewer. Reviewers will be trained how to use the ESG Scoring tool and shown how to enter scores into OKGrants. Reviewers will then be given a login to OKGrants and additional instructions to score their assigned applications online. The Scoring criteria will not be released to the Reviewers 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 amount 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 either approve the CoC's recommendation for funds or amend/refuse funding to applicants for, but not limited to:
 - a. Receiving less than 50% of the total points available for the application,
 - b. Receiving High Risk assessment scores that show applicant has too many unresolved compliance issues to qualify for funding,
 - c. Not meeting all ESG threshold requirements, and/or
 - d. Requesting ineligible expenses in their budget not found by the Reviewers.
7. ODOC will send award letters to subrecipients with final instructions regarding how contracts are initiated in OKGrants.

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. If a site visit is warranted, all CDC, Department of Commerce and Shelter policies in regard to masks and social distancing will be followed to ensure health and safety of all involved.

W. PROGRAM APPLICATION GUIDELINES AND SUBMISSION REQUIREMENTS

1. All grant applications must be submitted electronically through ODOC's [OKGrants.gov](https://www.okgrants.gov).
2. 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.
3. Applicants may present multiple funding requests in a single application (e.g., HMIS, Shelter, Rapid Re-Housing, Prevention, Outreach).

4. OKGrants instructions can be found on the [OKGrants Resource Page](#) and in the [OKGrants Subgrantee User Manual](#).

III. FORMS

None.

REQUIREMENT NO. 701 – CoC CRITERIA

Effective October 1, 2022

I. REQUIREMENT

Subrecipients must coordinate Emergency Solutions Grant-funded activities with other community programs that are targeted to homeless persons in the geographic area covered by the Continuum of Care (CoC) to provide a strategic, community-wide system to prevent homelessness [[24 CFR 576.400](#)].

II. PROCEDURES

A. COC CRITERIA

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. HUD-ESTABLISHED COC RESPONSIBILITIES

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 at least semi-annual (twice yearly) 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 (HMIS):
 - 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.

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 CoC organizations through a procedure set by ODOC/CD.

C. COC AUTHORITY/RESPONSIBILITY RELATING TO THE ESG PROGRAM:

1. 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, with at least forty percent (40%) of the total amounts in Housing (Rapid Rehousing and Prevention together).
 - a. If a CoC chooses not to track the amount each ESG applicant within their CoC has in housing, then, each ESG applicant within that CoC must have at least 40% of their total grant amount budgeted in Housing (Rapid Re-Housing and Prevention together) to meet this requirement.
2. 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.
3. 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:
 - a. Number of days in which the applicant must submit an appeal in writing;
 - b. How the Board shall meet (including timeframe) to hear the appeal;
 - c. After local appeal procedures are exhausted, the applicant may appeal the CoC's decision to ODOC.
4. 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.
5. 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.
6. The CoC Governing Board must schedule one Public Meeting between the months of June and September of each year. (Open Meetings Act requirements and allowable flexibilities can be found at [Title 25 O. S. Sections 307.1 and 311](#)). The meeting agenda must include time on the agenda to discuss any proposed changes to the Emergency Solutions Grant Program for the next funding year. The following process must be followed to allow public posting of the annual meeting:
 - a. A meeting notice must be posted in the local paper and Collaborative Applicant's (CoC Lead Agency) Website.
 - b. The meeting agenda must be posted at all CoC's members' offices and shelters, the site of the location and at the CoC's Lead Contact's Offices a minimum of 48- hours before the meeting.

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. Funds not awarded through a first-round allocation will be redistributed to other eligible Continuum of Care organizations through a procedure set by ODOC/CD. Redistribution may be based on performance and need of each CoC as a whole network.

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. COC ELIGIBILITY DOCUMENTATION:

1. According to the timetable established in ODOC's yearly [ESG Action Plan](#), CoC Lead Agencies must submit the following to ODOC/CD:
 - a. Names of volunteer application reviewers.
 - 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;
 - iii. Copy of most current Continuum of Care Grant Consolidated Application showing the name of the lead agency or member agency who submitted the application;
 - 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; and
 - 2) Copy of policies/procedures created as a result of above discussion and approval.

III. FORMS

None.

REQUIREMENT NO. 702 - DEFINITIONS

Effective October 1, 2022

I. DEFINITIONS

- A. FOR THE PURPOSES OF THIS IMPLEMENTATION MANUAL, THE FOLLOWING DEFINITIONS WILL BE USED:
1. 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.
 2. At risk of homelessness - An individual or family who:
 - a. Has an annual income below 30 percent of median family income for the area, as determined by HUD;
 - b. 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
 - c. Meets one of the following conditions:
 - i. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
 - ii. Is living in the home of another because of economic hardship;
 - iii. 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;
 - iv. 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;
 - v. 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;
 - vi. 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
 - vii. 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;
 - d. 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
 - e. 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.
 3. 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:
 - i. Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
 - ii. Has been homeless and living as described continuously for at least 12 months without a break in homelessness (a “break” in homeless is considered to be 7 or more nights) or on at least 4 separate occasions in the last 3 years, 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.
 - 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 of this definition, before entering that facility (an individual residing in an institutional care facility does not constitute a break in homelessness); or
 - 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 of this definition, including a family whose composition has fluctuated while the head of household has been homeless.
4. 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.
 5. 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 re-housing; 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.
 6. Co-Occurring Disorder - Persons who have a diagnosis of mental illness and a diagnosis of substance abuse, HIV/AIDS, or other health condition.
 7. Debarment – Debarment is the state of being excluded from certain possessions, rights, privileges, or practices and the act of prevention by legal means. For example, companies can be debarred from contracts due to allegations of fraud, mismanagement, and similar improprieties.
 8. Developmental Disability - As defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002):
 - a. A severe, chronic disability of an individual that—
 - i. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - ii. Is manifested before the individual attains age 22;
 - iii. Is likely to continue indefinitely;
 - iv. Results in substantial functional limitations in three or more of the following areas of major life activity:
 - v. Self-care;
 - 1) Receptive and expressive language;
 - 2) Learning;
 - 3) Mobility;

- 4) 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 (a) of this definition if the individual, without services and supports, has a high probability of meeting those criteria later in life.
9. Duplication of Benefits - A duplication of benefits occurs when a person, household, business, government, or other entity receives financial assistance from multiple sources for the same purpose, and the total assistance received for that purpose is more than the total need for assistance.
 10. 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 ESG funds administered by ODOC.
 11. Emergency shelter - Any facility designed to provide temporary housing for individuals and/or families lacking a fixed, regular, and adequate nighttime residence, and which does not require occupants to sign leases or occupancy agreements.
 - a. Local policy shall determine length of stay in the shelter.
 - b. Emergency Shelter services are available to all persons or individuals who meet the definition of homeless.
 - c. No person or family shall be denied shelter or services if they are a part of the sub-population to be served by the shelter and do not pose a safety risk to themselves or others.
 - d. Emergency Shelter operators must have a plan in place to assist in the provision of emergency services, including clothing, food, and assistance locating other state and local services and funds.
 - e. Emergency Shelters shall be available 24 hours a day, seven (7) days per week, 365 days a year.
 12. 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.
 13. Exclusion - For purposes of ESG, 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.
 14. Family - includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability. A child who is temporarily away from the home because of placement in foster care is considered a member of the family. This definition (clarified [here](#)) is specifically for the ESG and CoC programs because it combines the [HUD Equal Access Rule](#) with the [McKinney Vento Act as amended by the HEARTH Act](#) (which distinguishes individual from families).

15. Families with Children and Youth Defined as Homeless under other Federal Statutes - This term 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 of Subtitle I of the McKinney-Vento Act](#), 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.).
16. Homeless, homeless individual and homeless person -
- a. An individual or family who lacks a fixed, regular, and adequate nighttime residence and is:
 - i. 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;
 - ii. 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
 - iii. 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:
 - i. The primary nighttime residence will be lost within 14 days of the 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;
 - c. 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:
 - 1) Section 387 of the [Runaway and Homeless Youth Act \(42 U.S.C. 5732a\)](#), section 637 of the [Head Start Act \(42 U.S.C. 9832\)](#), section 41403 of the [Violence Against Women Act of 1994 \(42 U.S.C. 14043e-2\)](#), section 330(h) of the [Public Health Service Act \(42 U.S.C. 254b\(h\)\)](#), section 3 of the [Food and Nutrition Act of 2008 \(7 U.S.C. 2012\)](#), section 17(b) of the [Child Nutrition Act of 1966 \(42 U.S.C. 1786\(b\)\)](#), or section 725 of the [McKinney-Vento Homeless Assistance Act \(42 U.S.C. 11434a\)](#);
 - ii. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the application for homeless assistance;
 - iii. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately before applying for homeless assistance; and
 - iv. 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 childhood 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; or
- d. Any individual or family who:
 - i. 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;
 - ii. Has no other residence; and
 - iii. Lacks the resources or support networks to obtain other permanent housing.
17. Homeless individual with a disability -
- a. A person shall be considered to be a homeless individual with a disability if he or she has a disability that:
 - i. Is expected to be long-continuing or of indefinite duration;
 - ii. Substantially impedes the individual's ability to live independently;
 - iii. Could be improved by the provision of more suitable housing conditions; and
 - iv. Is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury;
 - b. A person shall also be considered to be a homeless individual with a disability if he or she has a disability that is a developmental disability, as defined in Requirement 702.I.A.8; or
 - c. If he or she has acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).
18. 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.
19. 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.
20. 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.
21. HUD - U.S. Department of Housing and Urban Development.
22. 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.

23. Individuals – Persons not accompanied by children or adult partner. Individuals can also mean the number of family members in a household.
24. 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. Match funds must be expended during the time frame of the ESG contract. Match Funds are a contractual requirement in ESG and must be reported in the audit for both revenue and expenditures.
25. 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.
26. Nonprofit Recipient - Any nonprofit organization assisting the homeless to which a Unit of General Local Government or CAA distributes ESG funds.
27. Obligated - The ESG subrecipient, as appropriate, has placed orders, awarded contracts, received services, or entered similar transactions that require payment from the grant amount.
28. 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.
29. 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.
30. Program income - Program income includes any amount of a security or utility deposit returned to the subrecipient and shall have the meaning provided in [2 CFR 200.80](#). Per [24 CFR 576.201\(f\)](#), costs paid by program income shall count toward meeting the subrecipient's matching requirements, provided the costs are eligible ESG costs that supplement the subrecipient's ESG program.
31. Program participant - an individual or family who is assisted under the ESG program.
32. Program year - the consolidated program year established by the recipient under 24 CFR part 91.
33. Project-Based Rental Assistance (PBRA) - In PBRA, the subrecipient contracts for a particular unit or property and the participant then enters a lease with the landlord. If the participant moves, the PBRA stays with the unit for the next eligible participant. Program participants must reside in housing provided through a contract with the owner of an existing structure whereby the owner agrees to lease subsidized units to program participants. Program participants do not retain the rental assistance if they relocate to a unit outside the project; the subsidy remains with the project. *Note - The*

Oklahoma Department of Commerce does not allow ESG funds to be expended on project-based rental assistance.

34. Racial Equity - a process of eliminating racial disparities and improving outcomes for everyone. It is the intentional and continual practice of changing policies, practices, systems, and structures by prioritizing measurable change in the lives of people of color. It also refers to proportional representation (by race, class, gender, etc.) of opportunities in housing, healthcare, employment, and all indicators of living a healthy life.
35. 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.
36. 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.
37. 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. *Note – The Oklahoma Department of Commerce does not allow for shelter rehabilitation using ESG funds.*
38. Subrecipient - A unit of general-purpose local government or private nonprofit organization to which a recipient makes available ESG funds.
39. System for Award Management (SAM) - A Federal Government owned and operated free web site that consolidates the capabilities in Central Contractor Registration (CCR), Online Representations and Certifications Applications (ORCA) and the Excluded Parties List System (EPLS).
 - a. To receive ESG funds, a business or non-profit organization needs to be registered at sam.gov. This registration is sometimes referred to as “self-certifying” an organization with the primary database of vendors doing business with the federal government.
 - b. Any organization shown as debarred in sam.gov (due to allegations of fraud, mismanagement, and similar improprieties) will not be eligible to receive ESG funds.
40. 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.”
41. Tenant-Based Rental Assistance (TBRA) - In TBRA, the program participants locate housing in the private rental market and enter into a lease with the property owner. Program participants are responsible for locating housing in the private rental market. If a program participant later moves to another unit, he/she can take the rental assistance and use it in the new unit.
42. 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 is an eligible activity under the Continuum of Care Grant funds only. 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.

Transitional Housing, as compared to a general shelter, implies a greater level of responsibility in that residents typically maintain their own home or apartment without 24-hour supervision, while at the same time receiving essential services from the administrators of the facility, or from a contracted service provider. These services function to teach each resident the necessary skills in order for them to move to permanent housing and independent living. Individual rehabilitation plans are also emphasized over a group treatment approach.

43. 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.
44. 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.
45. Unit of local government - any city, county, town, township, parish, village, or other general purpose political subdivision of a State.
46. 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.
47. 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.
48. 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.
49. 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.

II. FORMS

None.

REQUIREMENT 703 – ESG ELIGIBLE ACTIVITIES

Effective October 1, 2022

I. REQUIREMENT

Subrecipients 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. Street Outreach Component (24 CFR § 576.101).

- a. Eligible Costs. Subject to the expenditure limit 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 section, the term “unsheltered homeless people” means individuals and families who qualify as homeless under paragraph (1)(i) of the “homeless” definition under § 576.2 (Also see [Requirement 702 Definitions](#)). The eligible costs and requirements for essential services consist of:
 - i. 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.
 - ii. 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.
 - iii. Emergency health services.

- 1) 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.
 - 2) ESG funds may be used only for these services to the extent that other appropriate health services are inaccessible or unavailable within the area.
 - 3) 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.
- iv. Emergency mental health services.
- 1) 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.
 - 2) 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.
 - 3) 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.
 - 4) 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.
- v. 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:
- 1) The cost of a program participant's travel on public transportation;
 - 2) If service workers use their own vehicles, mileage allowance for service workers to visit program participants;
 - 3) The cost of purchasing or leasing a vehicle for the recipient or 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
 - 4) The travel costs of recipient or subrecipient staff to accompany or assist program participants to use public transportation.
- vi. 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.)(i.) through (a.)(v.) 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.

- b. Minimum period of use. The ESG subrecipient must provide services to homeless individuals and families for at least the period during which ESG funds are provided.
- c. Maintenance of effort.
 - i. If the recipient or 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.
 - ii. Upon the recipient's request, HUD will determine whether the unit of general-purpose local government is in a severe financial deficit, based on the recipient's demonstration as outlined in 24 CFR 576.101 (c)(2)(i-iv).

2. **Emergency Shelter Component (24 CFR § 576.102).**

- 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.
 - i. Essential services. ESG funds may be used to provide essential services to individuals and families who are in an emergency shelter, as follows:
 - 1) *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.
 - 2) *Childcare.* The costs of childcare 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.
 - 3) *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.

- 4) *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.
- 5) *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.
- 6) *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.

- 7) *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.
- 8) *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.
- 9) *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.
- 10) *Transportation.* Eligible costs consist of the transportation costs of a program participant's travel to and from medical care, employment, childcare, 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 recipient or 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 recipient or subrecipient staff to accompany or assist program participants to use public transportation.
- 11) *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.i.1) through a.i.10) 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.
- ii. 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.
 - 1) Note – The Oklahoma Department of Commerce does not allow for shelter renovation using ESG funds.
 - iii. 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.
 - iv. 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.
- b. 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.
 - c. Minimum period of use.
 - i. 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. *Note – The Oklahoma Department of Commerce does not allow for shelter renovation using ESG funds.*
 - 1) *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.
 - 2) *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.
 - 3) *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.

- ii. Essential services and shelter operations. Where the recipient or subrecipient uses ESG funds solely for essential services or shelter operations, the recipient or subrecipient must provide services or shelter to homeless individuals and families at least for the period during which the ESG funds are provided. The recipient or 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 recipient or subrecipient originally provided the services or shelter.
 - iii. 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.
 - d. Maintenance of effort. The maintenance of effort requirements under § 576.101(c), which apply to the use of ESG funds for essential services related to street outreach, also apply for the use of such funds for essential services related to emergency shelter.
3. **Homeless Prevention (24 CFR § 576.103)**.
- a. 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. **Rapid Re-Housing Assistance Component (24 CFR § 576.104)**.
- a. 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-term and medium-term rental assistance

requirements in [§ 576.106](#), and the written standards and procedures established under [§ 576.400](#).

5. **Housing Relocation and Stabilization Services (24 CFR § 576.105).**

- a. **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:
- i. **Rental application fees.** ESG funds may pay for the rental housing application fee that is charged by the owner to all applicants.
 - ii. **Security deposits.** ESG funds may pay for a security deposit that is equal to no more than 2 months' rent.
 - iii. **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.
 - iv. **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.
 - v. **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.
 - vi. **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.
 - vii. If a program participant receiving short- or medium-term rental assistance under [§ 576.106](#) meets the conditions for an emergency transfer under [24 CFR 5.2005\(e\)](#), ESG funds may be used to pay amounts owed for breaking a lease to affect an emergency transfer. These costs are not subject to the 24-month limit on rental assistance under § 576.106.
- b. **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:
- i. **Housing search and placement.** Services or activities necessary to assist program participants in locating, obtaining, and retaining suitable permanent housing, include the following:
 - 1) Assessment of housing barriers, needs, and preferences;
 - 2) Development of an action plan for locating housing;
 - 3) Housing search;
 - 4) Outreach to and negotiation with owners;
 - 5) Assistance with submitting rental applications and understanding leases;

- 6) Assessment of housing for compliance with Emergency Solutions Grant (ESG) requirements for habitability (refer to [Requirement 707, Part II.M](#)), lead-based paint (refer to [Requirement 707, Part II.F](#)), and [rent reasonableness](#);
 - 7) Assistance with obtaining utilities and making moving arrangements; and
 - 8) Tenant counseling.
- ii. 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:
- 1) 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;
 - 2) 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;
 - 3) Counseling;
 - 4) Developing, securing, and coordinating services and obtaining Federal, State, and local benefits;
 - 5) Monitoring and evaluating program participant progress;
 - 6) Providing information and referrals to other providers;
 - 7) Developing an individualized housing and service plan, including planning a path to permanent housing stability; and
 - 8) Conducting re-evaluations required under [§ 576.401\(b\)](#).
- iii. 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.
- iv. 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.
- v. 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.
- c. 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 (a.) 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.) 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.

- d. Use with other subsidies. Financial assistance under paragraph (a.) 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.
 - e. Housing counseling. Housing counseling, as defined in [§ 5.100](#), that is funded with or provided in connection with ESG funds must be carried out in accordance with [§ 5.111](#). When recipients or subrecipients provide housing services to eligible persons that are incidental to a larger set of holistic case management services, these services do not meet the definition of housing counseling, as defined in § 5.100, and therefore are not required to be carried out in accordance with the certification requirements of § 5.111.
6. **Short-term and Medium-term Rental Assistance (24 CFR § 576.106).**
- a. General provisions. Subject to the general conditions under § 576.103 and § 576.104, the recipient or 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.
 - i. Short-term rental assistance is assistance for up to 3 months of rent.
 - ii. Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.
 - iii. 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.
 - iv. Rental assistance may be tenant-based or project-based, as set forth in paragraphs (h.) and (i.) of this section.
 - 1) Note – The Oklahoma Department of Commerce does not allow ESG funds to be expended on project-based rental assistance.
 - b. 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.
 - c. 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.
 - d. Rent restrictions.
 - i. Rental assistance cannot be provided unless the rent does not exceed the [Fair Market Rent](#) (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.
 - 1) ESG cannot pay for the rent of any unit that does not meet HUD's FMR and Rent Reasonableness Standards, even if excess rent costs are paid with other non-ESG funds.

- 2) Rent reasonableness and FMR requirements do not apply when a program participant receives only financial assistance or services under Housing Stabilization and Relocation Services or rent arrears.
- ii. 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.
- e. 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 recipient or 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.
 - i. Each rental assistance agreement that is executed or renewed on or after December 16, 2016 must include all protections that apply to tenants and applicants under 24 CFR part 5, subpart L, as supplemented by § 576.409, except for the emergency transfer plan requirements under 24 CFR 5.2005(e) and 576.409(d). If the housing is not assisted under another “covered housing program”, as defined in 24 CFR 5.2003, the agreement may provide that the owner's obligations under 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), expire at the end of the rental assistance period.
- f. Late payments. The recipient or 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 recipient or subrecipient is solely responsible for paying late payment penalties that it incurs with non-ESG funds.
- g. 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.
 - i. For program participants living in housing with project-based rental assistance under paragraph (i) of this section, the lease must have an initial term of 1 year. Each lease executed on or after December 16, 2016 must include a lease provision or incorporate a lease addendum that includes all requirements that apply to tenants, the owner or lease under 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), as supplemented by 24 CFR 576.409, including the prohibited bases for eviction and restrictions on construing lease terms under 24 CFR 5.2005(b) and (c). If the housing is not assisted under another “covered housing program,” as defined in

24 CFR 5.2003, the lease provision or lease addendum may be written to expire at the end of the rental assistance period.

- 1) Note – The Oklahoma Department of Commerce does not allow ESG funds to be expended on project-based rental assistance.
- h. 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:
 - 1) The program participant moves out of the housing unit for which the program participant has a lease;
 - 2) The lease terminates and is not renewed; or
 - 3) The program participant becomes ineligible to receive ESG rental assistance.
- i. Project-based rental assistance. If the recipient or subrecipient identifies a permanent housing unit that meets ESG requirements and becomes available before a program participant is identified to lease the unit, the recipient or subrecipient may enter into a rental assistance agreement with the owner to reserve the unit and subsidize its rent in accordance with the requirements outlined in [24 CFR 576.106\(a\)\(i\)](#).
- i. Note – The Oklahoma Department of Commerce does not allow ESG funds to be expended on project-based rental assistance.
- j. 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.
7. **HMIS Component (24 CFR § 576.107).**
- a. Eligible costs.
- i. The recipient or 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:
 - 1) Purchasing or leasing computer hardware;
 - 2) Purchasing software or software licenses;
 - 3) Purchasing or leasing equipment, including telephones, fax machines, and furniture;
 - 4) Obtaining technical support;
 - 5) Leasing office space;
 - 6) Paying charges for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS;
 - 7) 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;

- 8) 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;
 - 9) Paying staff travel costs to conduct intake; and
 - 10) Paying participation fees charged by the HMIS Lead, if the recipient or subrecipient is not the HMIS Lead. The HMIS Lead is the entity designated by the Continuum of Care to operate the area's HMIS.
- ii. 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:
 - 1) Hosting and maintaining HMIS software or data;
 - 2) Backing up, recovering, or repairing HMIS software or data;
 - 3) Upgrading, customizing, and enhancing the HMIS;
 - 4) Integrating and warehousing data, including development of a data warehouse for use in aggregating data from subrecipients using multiple software systems;
 - 5) Administering the system;
 - 6) Reporting to providers, the Continuum of Care, and HUD; and
 - 7) Conducting training on using the system or a comparable database, including traveling to the training.
 - iii. 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.
- b. General restrictions. Activities funded under this section must comply with HUD's standards on participation, data collection, and reporting under a local HMIS.
8. **Administrative Activities (24 CFR § 576.108).**
- a. Eligible costs. Subrecipients 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:
 - i. 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:
 - 1) 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 subrecipients 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;
 - g) Evaluating program results against stated objectives; and
 - h) Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraph a.i.1)a) through g) of this section.
- 2) Travel costs incurred for monitoring of subrecipients;
 - 3) Administrative services performed under third-party contracts or agreements, including general legal services, accounting services, and audit services; and
 - 4) 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.
- ii. Training on ESG requirements. Costs of providing training on ESG requirements and attending HUD-sponsored ESG trainings.
 - iii. 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.

REQUIREMENT NO. 704 – PERFORMANCE MEASURES

Effective October 1, 2022

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. Each subrecipient establishes performance measures during the application process and are to use performance measures to systematically evaluate whether their efforts are making an impact on the program participants they are serving and/or the problem they are targeting. A subrecipient can have local performance measures that are different from the State Performance Measures listed in Part II.A. of this requirement below, but at least two (2) out of the six (6) State Performance Measures must be tracked. Victim Service Providers must collect the same measures in their own comparable database. Status will be reviewed during monitoring and a final count will be reported for the program year's closeout.

II. PROCEDURES

A. PERFORMANCE MEASURES

The Statewide Performance Measures to be tracked are:

1. Extent to which persons who exit homelessness to permanent housing destinations return to homelessness within six (6) to twelve (12) months.
 - a. *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.
2. Total number of homeless persons served.
 - a. *Explanation:*
 - i. 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.
 - ii. 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.
3. Employment and income growth for homeless persons in ESG program-funded projects.
 - a. *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.
4. Number of persons who become homeless for the first time.
 - a. *Explanation:* This measure tracks clients entering in Emergency Shelter, Safe Haven and Transitional housing.
5. Homeless Prevention and housing placement of persons defined by Category 3 of HUD's Homeless Definitions.
 - a. *Explanation:* All numbers tracked are limited to all persons in projects serving Category 3 homeless.
6. Successful placement from Street Outreach and successful placement in or retention of permanent housing.
 - a. *Explanation:* This measure tracks:

- i. Leavers who exited during the report date range and how many of those exited to an acceptable destination;
- ii. Leavers who exited emergency shelter, supportive housing, transitional housing and permanent housing/rapid rehousing.

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.
 - a. A subrecipient can have local performance measures that are different from the State Performance Measures listed in Part II.A. of this requirement, but at least two (2) out of the six (6) State Performance Measures must be tracked.
 - b. A subrecipient that has local performance measures different from the State Performance Measures listed in Part II.A. of this requirement must explain in the Application how accomplishing their local goals or performance measures will overall help achieve the State Performance measures.
2. Each Performance Measure must have the following structure:
 - a. Clearly identify performance indicator;
 - b. Set performance target by establishing a clear plan for achieving the goal;
 - c. Measure performance realistically and quantitatively (with percentages or numbers);
 - d. Report Progress to ODOC during monitoring and at grant Closeout; and
 - e. Identify and make improvements.
3. Performance Measures must be tracked for a twelve-month (12) period, preferably the ESG contract period (between October 1st of one year to September 30th of the next).
4. Compliance of tracking performance measures will be reviewed during monitoring. Final performance measure numbers will be reported on the End of Program/Closeout Report when the subrecipient will identify areas where targets were not met and make improvements.
5. Subrecipients should use Point-in-Time (PIT) Data and/or data from HMIS (or a comparable database for Victim Service Providers).

C. DEFINITIONS RELATED TO THE PERFORMANCE MEASURES:

1. Performance Indicators:
 - a. Output - what a program or system does or produces (e.g., number served, cost/household, length of stay, etc.).
 - b. Outcomes - what is gained or changed as a result of output related to client knowledge, skills, behaviors or conditions (e.g., housing destination, recidivism, income changes, etc.)
2. Performance Target: percentage or numeric goal set for an indicator.

III. FORMS

None.

REQUIREMENT NO. 705 – FINANCIAL MANAGEMENT STANDARDS

Effective October 1, 2022

I. REQUIREMENT

Subrecipients 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, and generally accepted accounting principles.

II. PROCEDURES

A. FINANCIAL MANAGEMENT STANDARDS

Subrecipients shall ensure that the financial system used to administer ESG contract funds and local leveraged (match) 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. Subrecipients shall require a copy of the invoice and check from vendors 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. [\[2 CFR §200.407\]](#)
3. 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.
4. All checks paid with ESG funds must be completely filled out before they are signed.
5. Voided checks must be filed with copies of checks or other accounting documentation for accountability.
6. 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 \(V\)\(3\)\]](#)

Subrecipients are required to:

1. Provide dollar-for dollar local match. Each subrecipient is required to complete certification describing the sources and amounts submitted for match.
 - a. Matching contributions are not subject to the expenditure limits in [§ 576.100](#); and
 - b. Match used towards ESG cannot be used to match anything else.

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 ESG match is only spent on the ESG eligible activities outlined in [24 CFR Part 576](#).
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 in OKGrants 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 valued at rates consistent with those ordinarily paid for similar work in the subrecipient's organization.
6. Records must be maintained adequately to identify the source and application of funds for each ESG-supported activity, including all applicable matching funds, and must include the following:
 - a. The fiscal year grant for which each matching contribution is counted.
 - b. How the value placed on third-party, noncash contributions was derived.
Requirement: You must use a method reasonably calculated to establish the fair market value.
 - c. Document that the matching funds were used in accordance with both the other federal program's requirements and the requirements that apply to ESG grant funds, except for the expenditure limits in [24 CFR 576.100](#). This includes requirements such as documentation requirements, eligibility requirements, and eligible costs.
7. Per [24 CFR 576.201\(f\)](#), costs paid by program income (any amount of a security or utility deposit returned to the subrecipient) shall count toward meeting the subrecipient's matching requirements, provided the costs are eligible ESG costs that supplement the subrecipient's ESG program.

D. FINANCIAL REPORTING REQUIREMENTS

Subrecipients shall submit reports on actual or accrued expenditures, and project(s) progress as required.

1. Reimbursement Claim Reports along with the monthly ledger reports as source documentation must be submitted in OKGrants 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.
 - a. If the due date any Reimbursement Claim Form falls on a day of the weekend (Saturday or Sunday) or National/State holiday, the claim is due by 11:59p.m. the next business day.
 - b. The following information must be uploaded in the uploads section of the Reimbursement Claim Form in OKGrants for the month the claim is being submitted:
 - i. ESG general ledger showing total expenses per line item (Admin, HMIS, Outreach, Shelter, RRH, and/or Prevention);
 - ii. ESG expanded general ledger showing every ESG expense; and
 - iii. Progress reports (CAPERs) from HMIS (or comparable system) per line item (Outreach, Shelter, RRH, and/or Prevention).

2. Subrecipients must submit budget revisions through OK Grants. Instructions on how to submit a [budget revision](#) can be found on the [OKGrants Resource Page](#).
3. Subrecipients 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 (CAPERs) from HMIS (or comparable system) submitted on a monthly basis with program data collected from the previous month. This report is due by the 20th of each month. Refer to [1.a.iii](#) of this section for more information.
 - b. Semi-Annual Report will be submitted two times during the grant period.
 - c. Closeout Performance Report will be submitted at contract closeout and include unduplicated client numbers for the entire grant period.

E. **PROPERTY CONTROLS** [[2 CFR 200.312](#) AND [2 CFR 200.313](#)]

Subrecipients 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 funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price 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. Any loss, damage, or theft must be investigated.
 - 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.
2. Use of ESG equipment or assets [[2 CFR 200.313\(c\)](#)].
 - a. Subrecipients must use equipment purchased with ESG funds in the program or project for which it was acquired as long as needed, whether or not the subrecipients continue to receive ODOC's ESG funds. When no longer needed for the original program or project, the equipment may be used in other activities supported by ODOC in the following order of priority:
 - i. ESG. If the equipment was purchased using a mixture of Federal funds along with ESG, the equipment must be used for those projects or programs for which it was acquired; then
 - ii. Activities under Federal awards from other Federal awarding agencies.
 - b. Vehicle Usage Tracking. Subrecipients that purchased vehicles using ESG funds must have a procedure ensuring the vehicle is used for authorized purposes only. The procedure must include use of *Attachment 1 - Agency Vehicle Usage Tracking Spreadsheet*.

- c. During the time that equipment is used on the project or program for which it was acquired, the ESG subrecipient must also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, provided that such use will not interfere with the work on the ESG projects or programs for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the Federal awarding agency that financed the equipment (ODOC) and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies.
3. Disposition of ESG equipment or assets [2 CFR 200.313(e)].
 - a. For equipment or assets with a current per unit fair market value under \$5,000 that are not vehicles or computer equipment, the agency may dispose of the equipment as they see fit with no further obligation to ODOC/HUD. Subrecipients should have policies and procedures in place for determining when items have reached the end of their useful life (e.g., vehicle reached the end of useful life, printer repairs will cost more than buying a new printer, etc.). Inventory should be updated accordingly.
 - b. For equipment or assets with a current per unit fair market value in excess of \$5,000 or vehicles and computer equipment, the subrecipient should request disposition instructions from ODOC and further review the rules for disposition of equipment (2 CFR 200.313(e)).

F. MILEAGE REIMBURSEMENT RATE

Mileage reimbursed for travel using ESG funds must be reimbursed at or below the [current IRS reimbursement rate](#) for business travel.

G. PERSONNEL RECORD KEEPING REQUIREMENTS

Only applicable when ESG or matching funds are used to pay any portion of the personnel costs - The subrecipient 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 subrecipient 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.

H. LEAVE ([5 CFR 630](#))

Subrecipients 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; and
3. Forms and signatures required for this category of leave to be approved.

I. HOTEL/MOTEL VOUCHERS

1. All subrecipients must show verification that no shelter beds were available.
2. The sub-grantee must establish written policies and procedures for how hotel/motel vouchers are to be distributed.

J. MEMORANDUM OF UNDERSTANDING (MOU) AND SUBCONTRACT AGREEMENTS

Subrecipients are required to have a policy in place that defines when MOUs and Subcontract Agreements are used.

1. A memorandum of understanding (MOU) is a type of agreement between two or more parties that expresses a convergence of will between the parties, indicating an intended common line of action. It is often used either in cases where parties do not imply a legal commitment or in situations where the parties cannot create a legally enforceable agreement. An MOU is not a legally enforceable document.
2. A subcontract agreement is a legally binding and enforceable agreement between two or more competent parties to perform (do) or not to perform (do) a particular thing. A subcontractor is a company or person whom an ESG subrecipient hires to perform a specific task as part of an overall project and pays for services provided to the project.
3. Work and services covered by the ESG contract may be subcontracted but must receive prior written approval of ODOC.
4. Subcontract Agreements must include the following information:
 - a. Date(s) that agreement is in place
 - b. Name of both companies/agencies
 - c. Contact information for both companies/agencies
 - d. Contract or agreement description
 - e. Detailed narrative of each party's responsibilities
 - f. Detailed description of services to be rendered
 - g. Fees for services; if no fees are charged, the agreement should state that
 - h. List compliance requirements
 - i. List recordkeeping requirements
 - j. List timelines/due dates for services being rendered
 - k. Printed names of both company's/agency's Executive Director/CEO, signatures and dates agreement was signed.

K. AUDITS

1. All audits of prior awards from ODOC/CD must be in accordance with ODOC Audit Policies and Procedures Manual.
2. Per ODOC's Audit Policies and Procedures Manual, [Oklahoma Administrative Code Title 150 Chapter 1 Subchapter 21](#) establishes the policy and procedures for the audit of state and federal funds administered by ODOC.
 - a. If a private non-profit subrecipient has an annual income of \$50,000 or more (no longer \$25,000) during a fiscal year, it is required by Oklahoma State Statute to have an audit prepared. When such funds are awarded through ODOC, a report also needs to be submitted to ODOC.

- b. If a private non-profit subrecipient expends a total of \$750,000 or more in Federal awards during the fiscal year, a Single Entity Audit or program specific audit in accordance with the provisions of [2 CFR part 200.500-521](#) needs to be conducted. When such funds are awarded through ODOC, a report also needs to be submitted to ODOC.
- c. Audit requirements for sponsors that are units of general local governments (UGLGs):
 - i. An UGLG (city, town, or municipality) with an annual income of \$50,000 or more (no longer \$25,000) must complete an annual audit ([HB1058](#)) unless otherwise required by a stricter regulation.
 - ii. If the revenue of an UGLG that is a city, town, or municipality is \$50,000 or more (no longer \$25,000), but its population is less than 2,500, it has the option to request a biennial agreed-upon-procedures engagement, which would be prescribed by the State Auditor and Inspector and developed in collaboration with a representative from an organization representing municipal governments, a representative from an organization that advises municipal clerks and treasurers and a certified public accountant ([HB1058](#) which repeals [11 O.S. 17-108](#)). This is allowed unless otherwise required by a stricter regulation.
 - iii. An UGLG that is a county must have the Oklahoma State Auditor and Inspector complete their audit at least every two years. [[19 OK Stat § 19-171 \(2021\)](#)]
- 3. Audit reports must be submitted to ODOC within thirty (30) days of completion of report but no later than nine (9) months after the end of the subrecipient's fiscal year.
 - a. In the event a subrecipient does not submit their most current audit report to ODOC within this timeframe, ODOC may stop reimbursing the subrecipient until they submit to ODOC their board-approved current audit.
 - i. If the subrecipient is in good fiscal standing, provides a written letter stating why the audit report is late, and provides written confirmation the audit report will be completed and approved by the subrecipient's board within a reasonable amount of time, ODOC may decide to continue to reimburse subrecipient.
- 4. If the audit has not been submitted or the audit is not closed prior to the release of funds, then subrecipient may be unable to draw funds unless a good cause is shown and approved by ODOC/CD.
- 5. 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.

L. **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.

M. **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; and
 - f. Budgeted salaries for staff being paid out of funds from this contract.
3. Recapture: If ODOC determines that, after following appropriate procedures, a subrecipient 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 subrecipient 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 ESG 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 ESG subrecipient in the Continuum of Care service area first. Redistribution will be determined by proof of the other subrecipient' abilities to cover the underserved Continuum service area and meeting programmatic goals and financial requirements.

N. 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> via their Vendor Name or by the Unique Entity ID (UEI) number. An agency can also pull the Exclusions Extract within SAM.
2. The subrecipient 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. Attachment 1 - [Agency Vehicle Usage Tracking Spreadsheet](#).

REQUIREMENT No. 706 – PROCUREMENT REQUIREMENTS

Effective October 1, 2022

I. REQUIREMENT

Subrecipients shall comply with their established purchasing procedures and the requirements outlined in this document. If the two conflict, subrecipients must follow the most stringent. All subrecipients must comply with the requirements outlined in [2 CFR 200](#) as applicable. 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, subrecipients 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. Subrecipients 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 Unique Entity ID (UEI) 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 UEI number. An agency can also pull the Exclusions Extract within SAM.
 - c. Agencies will print the PDF Report for each vendor and place the report in the vendor's file.
5. Subrecipients 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 subrecipients. This timeline must not change from year-to-year. Subrecipients shall take into consideration past payment history to vendors when establishing which contractors shall be checked to ensure that any vendor with a 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, subrecipients 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. Subrecipients 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 UEI 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 UEI number. An agency can also pull the Exclusions Extract within SAM.
- iii. Agencies will print the PDF Report for each vendor and place the report in the vendor's file.

B. SMALL PURCHASE PROCEDURE

1. When purchasing equipment, materials and supplies costing less than \$10,000.00 in the aggregate, subrecipients 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 subrecipient will be monitored by ODOC to ensure that federal funds are properly used. Subrecipients 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, subrecipients should consider procuring again in a manner that reaches more vendors. Otherwise, subrecipients 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): Subrecipients, 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, subrecipients may wish to notify known vendors directly to ensure an adequate response.
 - i. Subrecipients are also permitted the option to publicly post a solicitation for the purchase on listservs, websites, or any other virtual formats that are accessible to as many potential vendors as possible in addition to or instead of soliciting for bids in the newspaper of major circulation for the area.
 - 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.

REQUIREMENT NO. 707 – OTHER FEDERAL REQUIREMENTS

Effective October 1, 2022

I. REQUIREMENT

Subrecipients must comply with other federal requirements as listed in the contract and in the standards below and must ensure contract documents with subcontractors include language and requirements that comply with the 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:

Subrecipient 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).

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:**

Subrecipients 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. Lead-based paint pamphlet: [Protect Your Family from Lead in Your Home](#).

G. **AFFIRMATIVELY FURTHERING FAIR HOUSING [[24 CFR PART 5, SUBPART A](#); [24 CFR 576.407\(B\)](#)]:**

1. 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:
 - a. marketing the program to all eligible persons, including persons with disabilities and persons with limited English proficiency;

- b. 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](#));
- c. providing fair housing counseling services or referrals to fair housing agencies;
- d. informing participants of how to file a housing discrimination complaint, including providing the toll-free number for the Housing Discrimination Hotline: 1-800-669-9777; and
- e. recruiting landlords and service providers in areas that expand housing choice to program participants.

H. **CONSOLIDATED PLAN:**

The Subrecipient must follow a current HUD-approved Consolidated Plan or CHAS.

I. **CONSISTENCY WITH PLAN:**

The Subrecipient 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 Subrecipient must develop and implement written procedures to ensure:

1. All records containing personally identifying information (as defined in HUD's standards for participation, data collection, and reporting in a local HMIS) of any individual or family who applies for and/or receives ESG assistance will be kept secure and confidential;
2. 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
3. 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.

K. **DISCHARGE POLICY:**

The Subrecipient 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 Subrecipient 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 [[24 CFR § 576.403](#)]:**

1. 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.
2. 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.

- a. *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.
 - b. *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.
 - c. *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.
 - d. *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.
 - e. *Water supply.* The shelter's water supply must be free of contamination.
 - f. *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.
 - g. *Thermal environment.* The shelter must have any necessary heating/cooling facilities in proper operating condition.
 - h. *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.
 - i. *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.
 - j. *Sanitary conditions.* The shelter must be maintained in a sanitary condition.
 - k. *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.
3. 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).
- a. *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.
 - b. *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.
 - c. *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.
 - d. *Water supply.* The water supply must be free from contamination.

- e. *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.
- f. *Thermal environment.* The housing must have any necessary heating/cooling facilities in proper operating condition.
- g. *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.
- h. *Food preparation.* All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
- i. *Sanitary conditions.* The housing must be maintained in a sanitary condition.
- j. 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:

Subrecipients 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.

O. EQUAL PARTICIPATION OF RELIGIOUS ORGANIZATIONS [[24 CFR § 5.109](#), [24 CFR 576.406](#)]:

1. Faith-based organizations 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. 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 subrecipient 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.

1. 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, Part II.A.14](#).

III. FORMS

None.

REQUIREMENT NO. 708 – WRITTEN STANDARDS AND PROCEDURES

Effective October 1, 2022

I. REQUIREMENT

- A. THE SUBRECIPIENT MUST ESTABLISH WRITTEN STANDARDS FOR PROVIDING ESG ASSISTANCE. THESE STANDARDS MUST BE APPLIED CONSISTENTLY WITHIN THE SUBRECIPIENTS' PROGRAM. [[24 CFR 576.400](#)]
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.
 - a. New subrecipients must have an established set of ESG Policies and Procedures within ninety (90) days of receiving their ESG Award letter.
 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. Verification will occur at monitoring.

II. PROCEDURES

- A. THE FOLLOWING STANDARDS MUST BE APPLIED CONSISTENTLY WITHIN THE SUBRECIPIENT'S PROGRAM [[24 CFR SUBPART E](#)]:
1. **Evaluation of individuals and families eligible for assistance under ESG must include:**
 - a. Process by which the subrecipient must conduct an initial evaluation to determine the eligibility of each individual or family's eligibility for assistance.
 - b. Process by which the subrecipient conducts evaluation in accordance with the CoC's centralized or coordinated assessment requirements.
 - c. Procedure by which the subrecipient establishes the order of priority for obtaining evidence of homelessness as:
 - i. Third-party documentation,
 - ii. intake worker observations, and
 - iii. certification from the person seeking assistance.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.
 - d. Process by which the subrecipient requires homelessness prevention or rapid re-housing assistance program participants to meet with a case manager not less than once per month to assist in ensuring long-term housing stability.
 - i. Process must include that the subrecipient is exempt from this requirement if the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits that subrecipient from making its shelter or housing conditional on the participant's acceptance of services.

- e. Process by which the subrecipient develops a plan to assist homelessness prevention or rapid re-housing assistance program participants 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.
 - f. 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.
 - g. Process by which homelessness prevention or rapid re-housing assistance program participants notify subrecipient of changes to the program participant's income or other circumstances that affect the need for assistance and how such changes will be re-evaluated.
 - i. Process must include that when determining the annual income of an individual or family, the subrecipient must use the standard for calculating annual income under [24 CFR 5.609, Chapter 5](#) of the HUD Occupancy Handbook provides detailed instructions for calculating annual income.
- 2. Coordination of Services among Emergency Shelter Providers**
Policies and procedures must include:
- a. To the maximum extent possible, 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
- 3. Coordination with Mainstream Resources**
Policies and procedures must include:
- a. Organizations and/or shelters receiving ESG funds must coordinate and integrate, to the maximum extent practicable, 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.

- b. Such mainstream programs include, but are not limited to:
 - i. Public housing programs assisted under section 9 of the US Housing Act of 1937
 - ii. Housing programs receiving tenant-based or project-based assistance under section 8 of the US Housing Act of 1937
 - iii. Supportive Housing for Persons with Disabilities
 - iv. Home Investment Partnerships Program
 - v. Temporary Assistance for Needy Families (TANF)
 - vi. Health Center Program
 - vii. State Children's Health Insurance Program
 - viii. Head Start
 - ix. 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. Supplemental Security Income
 - xvii. Child and Adult Care Food Program

4. **Process by which equal access in accordance with an individual's gender identity and regardless of sexual identity is ensured in ESG funded programs.**

The State requires that subrecipients create and implement written standards ensuring/requiring the following:

- a. That all ESG programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. [[2012 Equal Access Rule](#)]
- b. That owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by the ESG grant equal access to such facilities, and other building and facilities, benefits, accommodations, and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family. [[Equal Access to Housing Final Rule](#)]
- c. Equal access in accordance with gender identity [[24 CFR § 5.106](#)]. The admissions, occupancy, and operating policies and procedures of ESG subrecipients, including policies and procedures to protect privacy, health, safety, and security, shall be established or amended, as necessary, and administered in a nondiscriminatory manner to ensure that:
 - 1) Equal access to ESG programs, shelters, other buildings and facilities, benefits, services, and accommodations is provided to an individual in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family;
 - 2) An individual is placed, served, and accommodated in accordance with the gender identity of the individual;
 - 3) An individual is not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of the individual's gender identity;
 - 4) Eligibility determinations are made and assisted housing is made available in ESG programs as required by [§ 5.105\(a\)\(2\)](#); and
 - 5) 'Family' is defined as outlined in [Requirement 702](#), Part I.A.14. of this manual.

- d. Subrecipients must document their compliance with the Federal requirements in [§576.407](#) and [§576.409](#), as applicable, including:
 - i. Records demonstrating compliance with the nondiscrimination and equal opportunity requirements under §576.407(a) and the affirmative outreach requirements in §576.407(b), and including:
 - 1) 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.
5. **Standards for targeting and providing essential services related to street outreach:**

The State requires that subrecipients create and implement written standards regarding how Street Outreach essential services will be targeted and provided to homeless individuals not living in a shelter or transitional housing. The written standards must be applied consistently within the subrecipients' program.
6. **Policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG:**

The State requires that subrecipients create and implement policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG. The standards must include, at a minimum:

 - a. Length of stay, if any;
 - b. Safeguards to meet the safety and shelter needs of special populations such as:
 - i. victims of domestic violence, dating violence, sexual assault, and stalking;
 - ii. individuals and families who have the highest barriers to housing and are likely to be homeless the longest.

The written standards must be applied consistently within the subrecipients' program.
7. **Policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter:**

The State requires that subrecipients create and implement policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter. The written standards must be applied consistently within the subrecipients' program.
8. **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.
9. **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.
10. **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.

11. **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:
- a. Limits, if any, on the homelessness prevention or rapid re-housing assistance that each program participant may receive, such as:
 - 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
12. **Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking** [[24 CFR § 576.409](#)]
- a. **Applicability of VAWA protections.** The core statutory protections of VAWA that prohibit denial or termination of assistance or eviction solely because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking applied upon enactment of VAWA 2013 on March 7, 2013. The VAWA regulatory requirements under [24 CFR part 5, subpart L](#), as supplemented by this section, apply to all eligibility and termination decisions that are made with respect to ESG rental assistance on or after December 16, 2016. The subrecipient must ensure that the requirements under 24 CFR part 5, subpart L, are included or incorporated into rental assistance agreements and leases as provided in [§ 576.106](#)(e) and (g).
 - b. **Covered housing provider.** For the ESG program, “covered housing provider,” as such term is used in HUD’s regulations in [24 CFR part 5, subpart L](#), refers to:
 - i. The subrecipient that administers the rental assistance for the purposes of [24 CFR 5.2005](#)(e);
 - ii. The housing owner for the purposes of 24 CFR 5.2005(d)(1), (d)(3), and (d)(4) and [5.2009](#)(a);
 - iii. The housing owner and the subrecipient that administers the rental assistance for the purposes of 24 CFR 5.2005(d)(2); and
 - iv. The housing owner and subrecipient that administers the rental assistance for the purposes of [24 CFR 5.2007](#). However, the subrecipient may limit documentation requests under 24 CFR 5.2007 to only the subrecipient, provided that:
 - 1) This limitation is made clear in both the notice described under 24 CFR 5.2005(a)(1) and the rental assistance agreement;
 - 2) The entity designated to receive documentation requests determines whether the program participant is entitled to protection under VAWA and immediately advise the program participant of the determination; and
 - 3) If the program participant is entitled to protection, the entity designated to receive documentation requests must notify the owner in writing that the program participant is entitled to protection under VAWA and work with the owner on the program participant's behalf. Any further sharing or disclosure of the program participant's information will be subject to the requirements in [24 CFR 5.2007](#).
 - c. **Notification.** As provided under [24 CFR 5.2005](#)(a) each subrecipient that determines eligibility for or administers ESG rental assistance is responsible for ensuring that the notice ([HUD-5380 Notice of Occupancy Rights Under the Violence Against Women Act](#)) and certification form ([HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation](#)) described under 24 CFR 5.2005(a)(1) is provided to each applicant for ESG rental assistance and each program participant receiving ESG rental assistance at each of the following times:
 - i. When an individual or family is denied ESG rental assistance;

- ii. When an individual or family's application for a unit receiving project-based rental assistance is denied;
 - iii. When a program participant begins receiving ESG rental assistance;
 - iv. When a program participant is notified of termination of ESG rental assistance; and
 - v. When a program participant receives notification of eviction.
- d. Emergency transfer plan.
- i. Each ESG subrecipient that administers ESG rental assistance must develop the emergency transfer plan under [24 CFR 5.2005\(e\)](#).
 - ii. Once the applicable plan is developed in accordance with this section, each subrecipient that administers ESG rental assistance must implement the plan in accordance with 24 CFR 5.2005(e).
 - iii. Each emergency transfer plan must meet the requirements in 24 CFR 5.2005(e) and include the following program requirements:
 - 1) For families living in units receiving project-based rental assistance (assisted units), the required policies must provide that if a program participant qualifies for an emergency transfer, but a safe unit is not immediately available for an internal emergency transfer, that program participant shall have priority over all other applicants for tenant-based rental assistance, utility assistance, and units for which project-based rental assistance is provided.
 - 2) For families receiving tenant-based rental assistance, the required policies must specify what will happen with respect to the non-transferring family member(s), if the family separates in order to affect an emergency transfer.
 - iv. A model Emergency Transfer Plan, [HUD-5381](#), can be found on the [HUD Exchange](#).
- e. Bifurcation. For the purposes of this part, the following requirements shall apply in place of the requirements at [24 CFR 5.2009\(b\)](#):
- i. When a family receiving tenant-based rental assistance separates under 24 CFR 5.2009(a), the family's tenant-based rental assistance and utility assistance, if any, shall continue for the family member(s) who are not evicted or removed.
 - ii. If a family living in a unit receiving project-based rental assistance separates under 24 CFR 5.2009(a), the family member(s) who are not evicted or removed can remain in the assisted unit without interruption to the rental assistance or utility assistance provided for the unit.
- f. Emergency shelters. The following requirements apply to emergency shelters funded under [§ 576.102](#):
- i. No individual or family may be denied admission to or removed from the emergency shelter on the basis or as a direct result of the fact that the individual or family is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the individual or family otherwise qualifies for admission or occupancy.
 - ii. The terms "affiliated individual," "dating violence," "domestic violence," "sexual assault," and "stalking" are defined in [24 CFR 5.2003](#).
- g. Applicability. Although the statutory name (Violence Against Women Act) references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking.
13. **Conflict of Interest** [\[24 CFR § 576.404\]](#)
- a. Organizational conflicts of interest. The provision of any type or amount of ESG assistance may not be conditioned on an individual's or family's acceptance or

occupancy of emergency shelter or housing owned by the recipient, the subrecipient, or a parent or subsidiary of the subrecipient. No subrecipient may, with respect to individuals or families occupying housing owned by the subrecipient, or any parent or subsidiary of the subrecipient, carry out the initial evaluation required under [§ 576.401](#) or administer homelessness prevention assistance under [§ 576.103](#). Subrecipients must also maintain written standards of conduct covering organizational conflicts of interest required under [2 CFR 200.318](#).

- b. Individual conflicts of interest. For the procurement of goods and services, subrecipients must comply with 200.318. For all other transactions and activities, the following restrictions apply:
 - i. Conflicts prohibited. No person described in paragraph b.ii. of this section who exercises or has exercised any functions or responsibilities with respect to activities assisted under the ESG program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.
 - ii. Persons covered. The conflict-of-interest provisions of paragraph b.i. of this section apply to any person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its subrecipients.
 - iii. Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of this subsection on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph b.iii.2) of this section, provided that the recipient has satisfactorily met the threshold requirements of paragraph b.iii.1) of this section.
 - 1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:
 - a) If the recipient or subrecipient is a government, disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
 - b) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate state or local law.
 - 2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements under paragraph b.iii.1) of this section, HUD must conclude that the exception will serve to further the purposes of the ESG program and the effective and efficient administration of the recipient's or subrecipient's program or project, taking into account the cumulative effect of the following factors, as applicable:
 - a) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
 - b) Whether an opportunity was provided for open competitive bidding or negotiation;

- c) Whether the affected person has withdrawn from his or her functions, responsibilities or the decision-making process with respect to the specific activity in question;
 - d) Whether the interest or benefit was present before the affected person was in the position described in paragraph b.i. of this section;
 - e) Whether undue hardship results to the recipient, the subrecipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict; and
 - f) Any other relevant considerations.
- c. Contractors. All contractors of the recipient or subrecipient must comply with the same requirements that apply to subrecipients under this section.

14. Termination of Assistance [24 CFR § 576.402]

If a program participant violates program requirements, the subrecipient may terminate the assistance in accordance with a formal process established by the subrecipient that recognizes the rights of individuals affected. The subrecipient must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases. Policies and procedures must include:

- a. Process by which the subrecipient may terminate assistance when a program participant violates program requirements. At a minimum, the formal process 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.
- b. Termination under this section does not bar the subrecipient from providing further assistance at a later date to the same family or individual.

15. 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:

- a. 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.
- b. The Subrecipient shall initiate the appeals procedure, upon request by an applicant, within ten (10) days of the request.
- c. 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:
 - 1) All aggrieved parties shall be afforded a reasonable opportunity for a fair hearing;

- 2) The applicant or the representative of the applicant shall have access to records relevant to the appeal process; and
 - 3) The applicant shall have the right to a timely determination and prompt notice of hearing decisions.
- d. After all local appeal procedures have been exhausted, an applicant may appeal the Subrecipient's decision to ODOC. In such cases, the Subrecipient and appellant shall provide ODOC with all relevant documentation.
16. **Homeless Participation Requirement** [[24 CFR § 576.405](#)]
- a. 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.
 - b. 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:
 - i. How feedback is collected from those who are homeless or formerly homeless.
 - ii. How feedback is provided to the organization's policy making entity.
 - iii. How policies created/improved from said policy making entity are implemented.
17. **Duplication of Benefits**
- The State requires that subrecipients create and implement written policies and 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 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (42 U.S.C 5155) (Stafford Act)].

III. FORMS

None.

REQUIREMENT NO. 709 – TREATMENT OF ASSETS

Effective October 1, 2022

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

1. Assets: All applicant households are required to disclose household assets. Household assets cannot exceed \$5,000 in order to qualify for assistance.
2. Assets are the cash value that could be acquired in disposing of real property. Other examples may include, but are not limited to:
 - a. Real property such as real estate, coins, gems, jewelry, antiques, etc.
 - b. Amounts in checking and saving bank accounts.
 - c. Stocks, bonds, savings certificates, money market funds, and other investment accounts.
 - d. The cash value of trusts that may be withdrawn by the household.
 - e. Lump sum receipts of cash received and accessible by household, such as inheritance, capital gains, lottery winnings, insurance settlements, and other claims.
3. 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.
4. 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.
5. 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. FORMS

1. [Attachment 2 - Under \\$5,000 Asset Certification or Sworn Statement of Net Household Assets.](#)

REQUIREMENT NO. 710 – REPORTING REQUIREMENTS

Effective October 1, 2022

I. REQUIREMENT

A. HMIS

HUD requires ESG Subrecipients 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\(n\)](#); [HMIS Data Standards](#)]

B. SAGE

1. 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.
2. 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.
3. [SAGE ESG CAPER Guidebook for ESG-funded Programs](#).

II. PROCEDURES

A. PERFORMANCE REPORTS:

1. Subrecipients are required to submit monthly progress reports, Semi-Annual, and Closeout Program Performance reports. Internal systems and controls must be in place that allow subrecipients to separately track and report on ESG Program funds and clients served according to the [HMIS Data Standards](#). The required reports must be submitted in one of the following formats:
 - a. The most current CAPER report from the HMIS (or comparable database) system per project (Outreach, Shelter, RRH, and/or Prevention) for the reporting month in PDF format. The PDF(s) should be uploaded with the monthly Reimbursement Claim Form in OKGrants.
 - b. CSV files imported into SAGE from HMIS or comparable database every six months.
 - c. Excel Spreadsheet from ODOC collecting needed data for Performance reporting every six months.
 - i. ODOC will email ESG subrecipients the spreadsheet when it is needed.
2. Each grantee must submit the following performance reports to HUD:
 - a. Monthly Progress Report: Pull the CAPER from HMIS (or comparable database) per project (Outreach, Shelter, RRH, and/or Prevention) for the month for which you are reporting and save it in PDF format. The PDF should be uploaded with the Reimbursement Claim Form in OKGrants 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. Subrecipients 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. Subrecipients 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. Subrecipients 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 due date any report, including Reimbursement Claim Forms in OKGrants, falls on a day of the weekend (Saturday or Sunday) or National/State holiday, the report is due by 11:59p.m. the next business day.

III. FORMS

None.

REQUIREMENT NO. 711 – RECORDKEEPING DOCUMENTATION

Effective October 1, 2022

I. REQUIREMENT

ODOC requires that subrecipients 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. Subrecipients must develop policies and procedures to ensure appropriate documentation is obtained and included in 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. Homeless Status. The subrecipient must maintain and follow written intake procedures to ensure compliance with the homeless definition in [§ 576.2](#). The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status. 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.
 - a. If the individual or family qualifies as homeless under paragraph (1)(i) or (ii) of the homeless definition in [§ 576.2](#), acceptable evidence includes a written observation by an outreach worker of the conditions where the individual or family was living, a written referral by another housing or service provider, or a certification by the individual or head of household seeking assistance.
 - b. If the individual qualifies as homeless under paragraph (1)(iii) of the homeless definition in [§ 576.2](#), because he or she resided in an emergency shelter or place not meant for human habitation and is exiting an institution where he or she resided for 90 days or less, acceptable evidence includes the evidence described in paragraph 1.a. of this section and one of the following:
 - i. Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; or
 - ii. Where the evidence in paragraph 1.b.i. of this section is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in paragraph 1.b.i. and a certification by the individual seeking

- assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less.
- c. If the individual or family qualifies as homeless under paragraph (2) of the homeless definition in § 576.2, because the individual or family will imminently lose their housing,
- i. The evidence must include:
 - 1) A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law;
 - 2) For individuals and families whose primary nighttime residence is a hotel or motel room not paid for by charitable organizations or federal, state, or local government programs for low-income individuals, evidence that the individual or family lacks the resources necessary to reside there for more than 14 days after the date of application for homeless assistance; or
 - 3) An oral statement by the individual or head of household that the owner or renter of the housing in which they currently reside will not allow them to stay for more than 14 days after the date of application for homeless assistance. The intake worker must record the statement and certify that it was found credible. To be found credible, the oral statement must either: (I) be verified by the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance and documented by a written certification by the owner or renter or by the intake worker's recording of the owner or renter's oral statement; or (II) if the intake worker is unable to contact the owner or renter, be documented by a written certification by the intake worker of his or her due diligence in attempting to obtain the owner or renter's verification and the written certification by the individual or head of household seeking assistance that his or her statement was true and complete;
 - ii. Certification by the individual or head of household that no subsequent residence has been identified; and
 - iii. Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.
- d. If the individual or family qualifies as homeless under paragraph (3) of the homeless definition in § 576.2, because the individual or family does not otherwise qualify as homeless under the homeless definition but is an unaccompanied youth under 25 years of age, or homeless family with one or more children or youth, and is defined as homeless under another Federal statute or section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), the evidence must include:
- i. For paragraph (3)(i) of the homeless definition in § 576.2, certification of homeless status by the local private nonprofit organization or state or local governmental entity 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;

- ii. For paragraph (3)(ii) of the homeless definition in § 576.2, referral by a housing or service provider, written observation by an outreach worker, or certification by the homeless individual or head of household seeking assistance;
 - iii. For paragraph (3)(iii) of the homeless definition in § 576.2, certification by the individual or head of household and any available supporting documentation that the individual or family moved two or more times during the 60-day period immediately preceding the date of application for homeless assistance, including: recorded statements or records obtained from each owner or renter of housing, provider of shelter or housing, or social worker, case worker, or other appropriate official of a hospital or institution in which the individual or family resided; or, where these statements or records are unobtainable, a written record of the intake worker's due diligence in attempting to obtain these statements or records. Where a move was due to the individual or family fleeing domestic violence, dating violence, sexual assault, or stalking, then the intake worker may alternatively obtain a written certification from the individual or head of household seeking assistance that they were fleeing that situation and that they resided at that address; and
 - iv. For paragraph (3)(iv) of the homeless definition in § 576.2, written diagnosis from a professional who is licensed by the state to diagnose and treat that condition (or intake staff-recorded observation of disability that within 45 days of date of the application for assistance is confirmed by a professional who is licensed by the state to diagnose and treat that condition); employment records; department of corrections records; literacy, English proficiency tests; or other reasonable documentation of the conditions required under paragraph (3)(iv) of the homeless definition.
- e. If the individual or family qualifies under paragraph (4) of the homeless definition in § 576.2, because the individual or family is fleeing domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence, then acceptable evidence includes an oral statement by the individual or head of household seeking assistance that they are fleeing that situation, that no subsequent residence has been identified and that they lack the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other housing. If the individual or family is receiving shelter or services provided by a victim service provider, the oral statement must be documented by either a certification by the individual or head of household; or a certification by the intake worker. Otherwise, the oral statement that the individual or head of household seeking assistance has not identified a subsequent residence and lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain housing must be documented by a certification by the individual or head of household that the oral statement is true and complete, and, where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening condition must be verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking. The written referral or observation need only include the minimum amount of information necessary to document that the individual or family is fleeing, or attempting to flee domestic violence, dating violence, sexual assault, and stalking.

2. 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:
- a. If the program participant meets the criteria under paragraph (1) of the "at risk of homelessness" definition in § 576.2:
 - i. The documentation specified under this section for determining annual income;
 - ii. 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;
 - iii. 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);
 - 2) 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
 - 3) 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
 - iv. 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:
 - 1) 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);
 - 2) 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
 - 3) 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

- b. 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:
 - a. Income evaluation form containing the minimum requirements specified by HUD and completed by the subrecipient; and
 - b. 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);
 - c. 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
 - d. 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:
 - a. 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;
 - b. 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
 - c. 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](#) and [§ 576.409](#), as applicable, including:
 - a. Records demonstrating compliance with the nondiscrimination and equal opportunity requirements under § 576.407(a) and the affirmative outreach requirements in § 576.407(b), including:
 - i. 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
 - ii. Documentation of the actions that the recipient has taken to affirmatively further fair housing, pursuant to [§§ 5.151](#) and 5.152 of this title.
 - b. Records demonstrating compliance with the uniform administrative requirements in [2 CFR part 200](#).
 - c. Records demonstrating compliance with the environmental review requirements, including flood insurance requirements.
 - d. Certifications and disclosure forms required under the lobbying and disclosure requirements in [24 CFR part 87](#).
 - e. Data on emergency transfers requested under § 576.409, pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests.

R. RELOCATION.

1. The records must include documentation of compliance with the displacement, relocation, and acquisition requirements in [§ 576.408](#).
1. 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\(b\)](#)].

S. 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 through 576.109](#), financial management in [2 CFR 200.302](#), and the cost principles in [2 CFR part 200, subpart E](#).

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](#).

T. 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 [2 CFR part 200, subpart D](#).
3. The recipient must ensure that its subrecipients comply with the recordkeeping requirements specified by the recipient and HUD notice or regulations.

U. OTHER RECORDS SPECIFIED BY HUD.

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

V. CONFIDENTIALITY.

1. The recipient and its subrecipients must develop and implement written procedures to ensure:
 - a. 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;
 - b. 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
 - c. 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.

W. 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.
 - a. 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;
 - b. 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

- c. 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.

X. ACCESS TO RECORDS.

1. Federal government rights. Notwithstanding the confidentiality procedures established under [paragraph \(V\)](#) of this section, the recipient and its subrecipients must comply with the requirements for access to records in [2 CFR 200.336](#).
2. Public rights. 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.

Y. 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 [2 CFR part 200](#) and [24 CFR part 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. FORMS

1. Link: [*Criteria and Recordkeeping Requirements for Definition of Homelessness*](#)

REQUIREMENT NO. 712 – ENVIRONMENTAL REVIEW

Effective October 1, 2022

Environmental Review is currently not applicable under the current Grant period.

I. REQUIREMENT

A. CONTRACTOR COMPLIANCE

Contractors shall comply with NEPA and the environmental requirements of other federal laws found in 24 CFR 58.

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. ENVIRONMENTAL REVIEW CURRENTLY NOT APPLICABLE UNDER THE CURRENT GRANT PERIOD

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. 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, childcare, 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; and
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 paragraphs a. through f. 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:
 - 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;
 - ii. In the case of multifamily residential buildings:

- 1) Unit density is not changed more than 20 percent;
 - 2) The project does not involve changes in land use from residential to non-residential; and
 - 3) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
- iii. In the case of non-residential structures, including commercial, industrial, and public buildings:
 - 1) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; AND
 - 2) 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.
 - d. Unit Size:
 - 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
 - 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.
 - iii. Paragraphs d.i. through d.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).
 - e. 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.
 - f. Combinations of the above activities.

D. 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

None.

REQUIREMENT NO. 713 – TRAINING AND TECHNICAL ASSISTANCE

Effective October 1, 2022

I. REQUIREMENT

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

II. PROCEDURES

A. 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.
- c. Training events, providing resources and information, may be held on-site, at ODOC offices, by telephone, online, or by written communication.

2. Technical Assistance:

- a. Technical assistance is a problem-solving activity designed to provide subrecipients 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, online, or by written communication.

B. REQUEST FOR TRAINING

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. REQUEST FOR TECHNICAL ASSISTANCE

Requests for technical assistance shall be based on a specific problem in a designated job category and shall involve Subrecipient'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. PROCESS

1. 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.
2. 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.
3. Requests may also be initiated by the Subrecipient based on internal evaluation or needs assessment.
4. 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. Attachment 3 – [Training Request \(Form 713-A\)](#)
2. Attachment 4 – [Technical Assistance Request Form \(Form 713-B\)](#)

ATTACHMENT 2 – 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

ATTACHMENT 3 – TRAINING REQUEST

Form 713-A

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 may be held on-site, at ODOC offices, by telephone, online, or by written communication.

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: ESG, 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
- Online
- 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

ATTACHMENT 4 – TECHNICAL ASSISTANCE REQUEST

Form 713-B

Technical Assistance (T/A) is problem-solving activity designed to provide subrecipients with an immediate resolution, or approach toward resolution, of a specific problem or set of problems. Technical assistance, providing resources and information, may be held on-site, at ODOC offices, by telephone, online, or by written communication.

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

1. Subrecipient Name: _____

2. Contact Person and Phone: _____

3. Program to be Addressed: _____
(Example: ESG, CSBG, Weatherization, etc.)

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):

- Online Consultation Telephone Conference Written Communication

7. Suggested Date(s): _____

8. Suggested Location: _____

9. Information Needed: _____

10. Other Resources Needed: _____

Authorized Signature

Date