



OREGON HOUSING *and*  
COMMUNITY SERVICES

# Tribal Housing Grant Fund Program Guidance

Oregon Housing and Community Services  
Homeless Services Section

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## Table of Contents

Program Summary .....	2
General Program Requirements .....	2
Service Termination or Denial of Assistance and Appeal Process.....	2
Nondiscrimination .....	2
Eligibility Documentation.....	3
Housing Plans.....	4
Financial Management.....	5
Procurement.....	6
Compliance Monitoring.....	7
Records Requirements .....	10
Allowable Program Components and Expenditures .....	11
Homelessness Response and Prevention (HRP) .....	11
Street Outreach .....	11
Emergency Shelter.....	12
Transitional Housing.....	12
Maintenance for Shelter or Transitional Housing Sites .....	13
Homelessness Prevention .....	13
Housing-Focused Activities .....	14
Homelessness Response and Prevention Participant Eligibility.....	15
Affordable Rental Housing (ARH) .....	16
Construction and Acquisition of Housing .....	17
Operations and Site Maintenance .....	17
Preservation .....	17
Affordable Rental Housing Income Requirements.....	18
Additional Resources.....	18
Homeownership Programs.....	18
Homeownership Allowable Program Components and Expenditures .....	19
Construction of Affordable Homes .....	20
Homeownership Program Income Requirements .....	21
General Program Allowable Components and Expenditures .....	21
Facility Maintenance and Operations.....	24
Capital Development .....	26

## **Program Summary**

Oregon Housing and Community Services (OHCS) is committed to improving government-to-government work between OHCS and the Nine Federally Recognized Tribes of Oregon. The Tribal Housing Grant Fund (THGF) is a step toward addressing the needs of Tribal nations, their members, and communities who have been disproportionately impacted by homelessness and lack of affordable rental housing and homeownership opportunities. The THGF provides state General Funds to create or support local existing programs and projects across the Tribal housing spectrum. This includes housing stabilization work, affordable rental housing development, and homeownership development. This flexible and dedicated fund will allow Tribes to access state resources to pursue their Tribal housing goals and meet the needs of their communities.

## **General Program Requirements**

### **Service Termination or Denial of Assistance and Appeal Process**

Grantee must, and must ensure any subgrantees, have written termination, denial, and grievance/appeal policies and procedures. The policies and procedures must be readily available to program applicants/participants either at intake or by posting the policy in a public place. It is important to effectively communicate these policies and procedures to applicants/participants and ensure they are fully understood.

Grantees and subgrantees are required to provide written notice to applicants/participants when denied program assistance or assistance is terminated. The notice must include the specific reason(s) for the denial/termination and identify the steps to appeal the grantee's and subgrantee's decision. Grantee and subgrantees must make accommodations for participants who have language or disability barriers that would prevent them from participating in the appeals process.

### **Nondiscrimination**

Grantee and subgrantees are required to comply with all state and federal statutes relating to nondiscrimination that they are subject to and that are applicable to THGF services and programs. Grantee and subgrantees may not take any of the following actions based on race, color, national origin, religion, gender, familial status or disability or marital status, sexual orientation, gender identity, or source of income:

- Refuse to accept an application for housing assistance or services.
- Deny an application for housing assistance or services.
- Set different terms, conditions, or privileges for housing assistance or services.
- Provide different or specific housing, facilities, or services.
- Falsely assert that housing is unavailable for inspection or rental or that services are unavailable.
- Deny anyone access to a facility or service.

### **Eligibility Documentation**

Documentation of all applicant/participant eligibility information must be available in applicant/participant files or if kept electronically, available upon request in the format requested. Documentation of all efforts to obtain higher preference of verification (third party and intake worker observation) when lower forms of preference are used, must be in writing and kept in the applicant/participant file. Third-party documentation is a requirement for payment of mortgage assistance. The standard preference is for applicants to apply for assistance in person or to have in-person contact with the grantee or subgrantee throughout the application and service delivery process. A remote application and documentation process may be used when necessary.

### **Citizenship and Residency**

Unless required otherwise by state or federal law, there are no citizenship or residency requirements for participants to be eligible for assistance.

THGF services and programs must be provided within Oregon, with the following exceptions:

- Funds can be used for eligible costs associated with moving into or out of Oregon to a permanent housing destination, provided there is documentation in the participant's Individualized Housing Service Plan (IHSP) or comparable plan confirming the destination as a permanent housing destination.
- If a household's documented housing status is Category 4, Fleeing/Attempting to Flee Domestic Violence, funds can be used for eligible costs associated with moving into or out of Oregon to a safe location, provided there is documentation in the participant's IHSP or comparable plan confirming the destination as a safe housing option, whether temporary or permanent.

Allowable costs for the two exceptions described above are limited to moving costs.

## **Housing Plans**

Grantee is required to complete and submit to OHCS for approval a housing plan within 90 calendar days of the effective date of a grant agreement and within 90 calendar days after the start of each biennium thereafter for the duration of the applicable grant agreement. A housing plan must provide detailed information on the projects and activities that a grantee will undertake with THGF funding for the applicable biennium. A housing plan must provide information on identified projects and activities, and describe how grantee will ensure a project or activity meets the requirements provided in the applicable grant agreement and this Program Guidance. A housing plan must also provide a budget for each of the identified projects and activities.

OHCS will not disburse THGF funds to a grantee until OHCS has approved, in writing and at its sole discretion, a housing plan that corresponds to an applicable biennium. A grantee may request a change to its housing plan after it has been approved, by providing the requested change to the OHCS grant administrator. A grantee may not expend THGF funds on projects or activities that are not provided in an approved housing plan or an approved change to a housing plan. A requested change is not approved until OHCS approves the request, at its sole discretion, in writing.

Any individual Affordable Rental Housing or Homeownership project using \$1 million or more of THGF funds for Capital Development activities must be approved by the Housing Stability Council (HSC), in accordance with Oregon Administrative Rule 813-005-0008. In these cases, OHCS may provide conditional approval of any housing plan prior to receiving HSC approval.

## **Annual Progress Report**

Grantee is required to submit an Annual Progress Report (APR), which is due 90 calendar days after the closing of each fiscal year, unless otherwise prescribed by OHCS. The report will include progress and outcomes on projects that were identified in approved housing plans, will require grantees to submit documentation on the spend down of funds, and certify compliance with the Restrictive Use Period requirements described in this Program Guidance.

Data collection and reporting will be requested for homelessness response and prevention projects, which may include personally identifiable information and can be conducted through the use of OHCS-approved systems including HMIS or HMIS-comparable systems for victim service providers. For grantees who have opted not to use HMIS to collect and report this data, a template for data collection will be provided through the APR template and will be used in lieu of the system query report process. For any questions regarding HMIS or HMIS-comparable systems, reach out to the OHCS grant administrator and the OHCS Housing Stabilization Division (HSD) performance and evaluation section at [hcs.reporting@hcs.oregon.gov](mailto:hcs.reporting@hcs.oregon.gov).

## **Financial Management**

### **Allocation of Funds**

Grantee will receive funding allocations based on the funding formula that is established at the beginning of each biennium. OHCS may provide advance disbursement, in its sole discretion, upon grantee's request, or on its own initiative. All advances of funds must be deposited into grantee's accounts that are FDIC-insured or otherwise fully collateralized until the funds are expended.

### **Program Income**

Program income is gross income received by the grantee or subgrantee directly generated by a THGF-supported activity or earned only as a result of the grant agreement. Examples of program income include, but are not limited to, income from program fees, rental income, and interest-bearing accounts. Program income must be used to further THGF objectives of the grant agreement and must be used under the conditions applicable to the grant agreement. If the cost is allowable under the grant agreement, the cost would be allowable using program income. Program income and expenditure must be reported annually and disclosed on the APR. Even after a grant agreement is expired or terminated, grantee remains obligated to use program income generated during the grant period for purposes that further the objectives of the original grant agreement.

### **Budget Change Request**

Changes in grantee's housing plan may necessitate the submission of a budget change request and corresponding housing plan amendment. All budget changes require OHCS notification by submitting a budget change request

email to the OHCS grant administrator. Budget change requests that include capital development activities or a shift in program delivery and/or grant activities (i.e., adding or removing a program component budget category) require OHCS notification and written approval.

### **Funds Spend Down**

Grantee is expected to expend grant funds during each funding cycle (based on biennium allocation). Reporting and documentation of expended funds is required on an annual basis (at minimum) and submitted as part of the Annual Progress Report via an OHCS-provided template. Backup expenditure documentation to be submitted with these reports must include a general ledger excerpt or equivalent.

### **Administration Costs**

Grantee can choose to utilize their Negotiated Indirect Cost Rate Agreement (NICRA) by submitting an updated NICRA along with the housing plan. If grantee does not have or chooses not to use their NICRA for administrative expenses, the standard administrative rate for OHCS is 15% of the total allocation. There is an expectation that administrative funds will be shared with subgrantees commensurate with the services provided through the program by subgrantees. Administrative funds expended by a subgrantee count toward Grantee's administrative expense cap.

### **Procurement**

Grantee must follow their own procurement processes and procedures.

### **Fixed Assets**

OHCS must be notified of the disposition of any item having an original cost of more than \$10,000 and valued above \$10,000 at the time of disposition. Property and equipment purchased with THGF funds must not be used for collateral or to secure financing.

### **Sole Sourcing**

OHCS recognizes in certain circumstances it may be necessary to waive the competitive bid process and use a noncompetitive and sole-source procurement. If sole-source procurement is pursued, documentation reflecting actions taken and the position of the grantee is required. A justification for all sole-source contracting should include a brief description of the program, the

amount to be designated for the sole-source procurement, and the purpose of the contract should be documented in the grantee's records for auditing purposes.

## Compliance Monitoring

### Program Monitoring

Program compliance is responsible for evaluating the risk of OHCS grantee operating programs using public funds. Grantees will be monitored according to the written requirements on program operations, performance, and funds usage from program manuals, legislation, and other written guidance. Program compliance will monitor a grantee once per funding distribution period but reserves the right to monitor more or less frequently, pending staff capacity and previously issued risk ratings. Certain grantees may be required to complete a self-certification report in lieu of full monitoring, at the discretion of HSD program compliance.

Program compliance will notify grantees at least 30 days prior to monitoring kickoff. This notice will outline policies, procedures, participants files, payment information, and other details that will be reviewed as part of the monitoring.

After completing the monitoring visit or virtual review, program compliance will provide the grantee with a findings report within 30 days that includes information on any findings identified in the monitoring process. Upon receipt of the findings report, grantee will be given 30 days to accept, correct, respond, and/or dispute any findings identified.

As part of the monitoring, program compliance will issue a risk rating to the grantee. This rating will be informed by the number of findings or violations identified in the monitoring process. Scoring will generally follow the criteria below:

	<b>Full Compliance (No Risk)</b>	<b>Substantial Compliance (Low Risk)</b>	<b>Mediocre Compliance (Moderate Risk)</b>	<b>Non-Compliant (High Risk)</b>
<b># of violations</b>	0	1-3	4-9	10+

In addition to OHCS pursuing any of the remedies available to it under a grant agreement, if program compliance determines a grantee is "High Risk," program compliance will require OHCS program staff and the grantee to create



a corrective action plan that addresses areas of deficiency. The grantee will be required to implement this plan with support from HSD program staff.

Once all findings are resolved and corrective action plans are in place, program compliance staff will conduct an exit interview, and issue a final report and closeout letter. Should the result of the monitoring require recapture of funds and/or reduction in grant funding, instructions for any repayment will be provided at this time.

### **Subgrantee Monitoring**

The terms "Subgrantee" and "Subrecipient" refer to a grantee's subgrantees, contractors, or other entities operating programs using dollars disbursed from OHCS and through the grantee. Grantee must ensure all subgrantees comply with applicable program rules and regulations as noted in this Program Guidance, legislation, other written guidance, and agreements.

OHCS requires grantee to conduct a monitoring review of their subgrantees once per funding distribution period. Program compliance reserves the right to direct grantee to review subgrantees more frequently, informed by previous risk ratings. Program compliance monitoring will request records of subgrantee monitoring reports for review during monitoring. The goal of subgrantee monitoring is to ensure compliance with grant agreements, contracts, program requirements, and guidance, and the achievement of performance goals.

Program compliance will provide training and technical assistance to grantees to provide support to, and oversight of, subgrantees. Program compliance will provide documents to grantee that will assist in the monitoring of subgrantee participant files for eligibility and alignment to program requirements. Grantees are responsible for follow-up on any deficiencies found in subgrantee reports. A follow-up report is required with supported documentation (i.e., pictures, reports, etc.). Program compliance will also support grantees in how to conduct physical inspections to National Standards for the Physical Inspection of Real Estate (NSPIRE) standards, including outlining what is acceptable documentation for complete and compliant reports.

As OHCS directs, grantee monitoring of subgrantees must include, but is not limited to, the following:

- Evaluation of the subgrantee's risk of non-compliance with rules, regulations, and guidance as applicable to programs operated by the subgrantee;
- A review of documented policies and procedures related to program operation;
- A review of financial and performance reports;
- A review of participants' records for eligibility and denials of service compared to written guidance;
- A review of any required and completed physical inspections to NSPIRE standards as necessary;
- A review of documented policies and procedures related to document security, maintenance, retention, and destruction, and adherence to these policies;
- Follow-up, including reinspection reports, within 30 days on all identified deficiencies related to OHCS funding in accordance with program rules, regulations, and agreements.
- A final closeout letter or report upon completion of the monitoring and resolution of findings.

Grantee must have a subgrantee monitoring policy that identifies the following:

- Frequency of subgrantee monitoring, conducted at minimum once per term of the subgrantee funding agreement.
- The number of relevant samplings of participant files (both eligible and non-eligible) and that such review includes eligibility, notification, and documentation.
- The number of relevant samples of HMIS entries or OHCS-approved comparable reporting to ensure appropriate entry and tracking of participant information and service transactions.
- A review of subgrantee records to ensure compliance with personally identifiable information (PII) security, maintenance, retention, and destruction of records.
- A review of subgrantee policies and procedures, forms, documents, and notifications to ensure compliance with all state and federal laws and applicable rules, regulations, and program requirements.

HSD program compliance retains the right to require modification of any policy that in its determination is noncompliant.

## **Fiscal Monitoring**

Fiscal compliance monitoring will be conducted annually unless circumstances require sooner at OHCS' discretion. OHCS fiscal monitoring requirements for acquisition and/or rehab/construction projects are the same as fiscal monitoring of other costs incurred. Grantee must maintain a project file available for review during the monitor's visit or at the monitor's direct request. OHCS, including its authorized representatives and authorized third parties, will monitor the activities and records of grantee, subgrantees, and contractors as it deems necessary or appropriate for, among other things, to ensure: (1) grantee and its subgrantees and contractors comply with the terms of the grant agreement including, but not limited to, the program requirements, (2) that funds are used properly for authorized purposes, and (3) that performance goals are achieved as specified in the grant agreement, including without limitation in the OHCS-approved housing plan, and the THGF Program Guidance, and that performance is to the satisfaction of OHCS.

## **Records Requirements**

### **Case Files**

Documentation of applicant/participant eligibility and services received must be maintained in applicant/participant case files (paper or electronically). Documentation for applicants found to be ineligible for assistance or for participants who are no longer eligible to receive assistance is required and will include the applicant's/participant's request for assistance, why they are ineligible, and how it was communicated to the applicant/participant.

Drop-in or mass shelter facilities that provide bed nights and no case management must maintain sign-in attendance documentation that includes shelter resident self-certification of their homeless status. All other shelter provisions, including issuance of hotel/motel vouchers, require that participants' eligibility documentation be maintained in the participant file.

### **Records Access**

Grantee and their subgrantees are required to permit OHCS, the Oregon Secretary of State's Office, and the duly authorized representatives of such entities access to, and the right to copy, all program participant/applicant and fiscal records for such purposes as research, data collection, evaluations,

monitoring, and auditing. At the sole discretion of OHCS, access to records include the removing of records from the grantee and subgrantees' office.

### **Records Retention**

Grantee and subgrantees must retain all program records pertinent to participant services and expenditures incurred under the program in a manner consistent with the requirements of state and federal law. Grantee and subgrantees shall retain and keep accessible all such **fiscal and program records**, applicant/participant records, digital and electronic records, books, documents, papers, plans, and writings for a minimum of **six years or the duration of the Restrictive Use Period**, as defined in this Program Guidance, or such longer period as may be required by applicable law, whichever date is later, following final payment and termination of funding, or until the conclusion of any audit, controversy, or litigation arising out of, or relating to, the funding, whichever date is later.

## **Allowable Program Components and Expenditures Homelessness Response and Prevention (HRP)**

THGF funds can be used to conduct a wide variety of Homelessness Response and Prevention (HRP) activities as outlined in this section. Eligible program components and expenditures listed in this section can create and/or support existing local programs designed to prevent and reduce homelessness in Tribal communities. Grantees and subgrantees have the discretion to further set a maximum number of months that a participant may receive assistance and the maximum amount of financial assistance. The process of determining such conditions must be applied consistently to all households, incorporated into the grantee's and subgrantee's policies and procedures, and communicated in advance to eligible participants.

### **Street Outreach**

Funds can pay for street outreach services for the specific purpose of reaching out to unsheltered homeless people; connecting them with emergency shelter, housing, or critical services; and providing urgent, non-facility-based care.

Eligible street outreach services include, but are not exclusive to:

- Addressing urgent physical needs, such as providing meals, blankets, clothes, tents, toiletries, and other essential supplies;

- Initial basic needs and eligibility assessment connecting and providing information and referrals to needed services, including emergency health and mental health services;
- Cost of outreach including, but not limited to, outreach staff costs, travel expenses incurred during provision of services, marketing and outreach materials, translation and interpretation services, and cell phone costs of outreach workers, etc.;
- Crisis counseling and emergency medical and behavioral health services to the extent that other appropriate services and treatment are unavailable or inaccessible within the community.

### **Emergency Shelter**

THGF funds can pay for the costs of maintaining and operating **Emergency Shelter** facilities whose primary purpose is to provide temporary shelter to general homeless or specific populations of homeless people. Eligible shelter facility operations costs include, but are not exclusive to:

- Lease or rent payments for shelter facility;
- Utilities (including water, sewer, garbage, gas, electricity, internet, phone) for shelter facility;
- Security equipment or service to operate shelter facility;
- Janitorial supplies and services to operate shelter facility;
- Repairs and maintenance to facility;
- Furnishings for shelter facility;
- Hotel/motel vouchers for participants;
- Shelter staff;
- Equipment purchases essential for shelter operations; and
- Data entry expenses

### **Free-Standing Temporary Shelter**

Free-Standing Temporary Shelter (FSTS), also known as tiny homes and pallet shelters, are a type of alternative shelter allowed under the shelter operations as an equipment purchase. Costs associated with establishing new utility infrastructure are categorized as a Capital Development expense.

### **Transitional Housing**

Funds can pay for transitional housing and services intended to facilitate a homeless household's transition to permanent housing within a reasonable

amount of time (usually less than 24 months). Transitional housing is designed to provide interim support to move to and maintain permanent housing and will require participants to sign either a lease or an occupancy agreement. Transitional Housing facilities may charge a participant a portion of a reasonable rent or program fee, based on the participant's household income (no more than 30% of a participant's annual household income).

Eligible expenses include, but are not exclusive to:

- Lease or rent payments for transitional housing facility;
- Utilities (including water, sewer, garbage, gas, electricity, internet, phone) for transitional housing facility;
- Security equipment or service to operate transitional housing facility;
- Janitorial supplies and service to operate transitional housing facility;
- Repairs and maintenance to facility;
- Furnishings for transitional housing facility;
- Transitional housing staff;
- Equipment purchases essential for transitional housing operations; and
- Data entry expenses

### **Maintenance for Shelter or Transitional Housing Sites**

In general, maintenance activities include: cleaning; minor or routine repairs of furnishing, equipment, and fixtures not permanently affixed to the building; protective or preventative measures to keep a building, its systems, and its grounds in working order; periodic replacement of a limited number of component parts of a building feature or system that are subject to normal wear and tear; and replacement of a damaged or malfunctioning component part of a building feature or system.

### **Homelessness Prevention**

THGF funds can pay for homelessness prevention services to enable households who are at imminent risk of homelessness or unstably housed to **regain stability** in their current housing.

Eligible homelessness prevention activities include, but are not exclusive to:

- Rental assistance, late fees, and rent arrearages; utility arrears (includes water, sewer, garbage, gas, electricity, phone, and internet); housing costs such as mortgage/manufactured home payments, arrearages, and property taxes (any payment of property taxes should document

imminent risk of foreclosure); manufactured home rent space “lot rent” or RV space lot for primary housing;

- Security deposits, moving expenses, application fees, pet rent, pet deposits, and other housing expenses;
- Late fees, court fees, utility reconnection fees, etc.;
- Case management and housing relocation assistance;
- Work supports (e.g., training costs; transportation assistance – bus tokens, ride sharing, auto repair; childcare or eldercare costs, clothing to support employment needs). The purpose of the work supports is to allow the household to stabilize by avoiding costs or expenses in other areas that are a barrier to housing stability;
- Housing counseling;
- Wraparound case management (including retention support after initial intervention);
- Staffing for housing retention and wraparound case management services; and
- Minor home repairs (homelessness prevention only)
- Court navigation staffing costs; legal expenses related to eviction or housing needs; landlord/tenant mediation services; transportation to court (Uber, Lyft, bus tickets, etc.).

### **Housing-Focused Activities**

An Individualized Housing Service Plan (IHSP) or comparable plan must be completed and included in the participant file if funding a housing-focused activity. Allowable costs for housing-focused activities include:

- Rental housing costs such as first month, last month, pet rent/deposit; rental arrears; manufactured home rental space (lot rent) if used for primary housing; forward rent if accepted by a landlord as an incentive; security deposit; and application fees.
- Utility deposits, payments, and arrears (including water, sewer, garbage, gas, electricity, phone, and internet);
- Moving costs (including storage, van/ truck rental, and one-time purchase of move-in necessity basics);
- Housing-focused transportation costs such as bus/ train passes, gas vouchers, and rideshare/cab fares;
- Housing-focused case management costs such as assessment and development of IHSPs or comparable plans; housing search and

placement; coordinating other resources essential to obtaining and retaining housing; conducting follow-up and re-evaluation; housing navigation staffing costs; data entry expenses;

- Purchase of identification and driver's license and/or birth certificates.

### **Homelessness Response and Prevention Participant Eligibility**

There is no participant income eligibility requirement for HRP activities.

Documentation of participant eligibility and services or funds utilized by participants must be maintained in a participant file (paper or electronic).

Households (meaning an individual living alone, family with or without children, or a group of individuals who are living together as one economic unit) must meet one of the following categorical definitions of homelessness or unstably housed and at risk of homelessness in order to establish eligibility for HRP programs. Please see the categories 1-5 listed below.

**Category 1: Literally Homeless** – Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- Living in a primary night-time residence that is a public or private place not designed for human habitation (including, but not exclusive to, a car, park, abandoned building, bus or train station, airport or camping ground);
- Living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional shelter, and hotels or motels paid for by charitable organizations or by federal, state or local government programs); **or**
- Exiting an institution where he or she has resided for 90 days or less **and** who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

**Category 2: Imminent Risk of Homelessness** – Individual or family who will imminently lose their primary nighttime residence provided that:

- The primary night-time residence will be lost within 21 days of the date of application for homeless assistance;
- No subsequent residence has been identified; **and**
- The individual or family lacks the resources or support networks (e.g., family, friends, faith-based or other social networks) needed to obtain other permanent housing.



**Category 3: Homeless Under Other Federal Statutes** – Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, (literally homeless, imminent risk of homelessness or fleeing/attempting to flee domestic violence) but who:

- Are defined as homeless under other listed federal statutes;
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the program assistance application;
- Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and
- Can be expected to continue in such status for an extended period of time due to special needs or barriers.

**Category 4: Fleeing/Attempting to Flee Domestic Violence** – Individual or family who:

- Is fleeing, or is attempting to flee, domestic violence;
- Has no other safe residence; **and**
- Lacks the resources or support networks to obtain other permanent housing.

**Category 5: Unstably Housed** – Individual or family who:

- Is at risk of losing their housing, and do not otherwise qualify as homeless under the above listed (1-4) categories, provided that:
- They have been notified to vacate current residence or otherwise demonstrate high risk\* of losing current housing; **and**
- Lack the resources or support networks to obtain other permanent housing.

\*High risk may be demonstrated by but is not solely defined as: having experienced a loss of income or other threat to housing stability. In addition, sharing housing of other persons due to loss of housing, economic hardship, or a similar reason (doubled up) may demonstrate a high risk of losing current housing. Owing rental arrears or not having the ability to pay for future rent may also demonstrate high risk status.

## **Affordable Rental Housing (ARH)**

Funding under this category can be used for a variety of activities as outlined below:

## **Construction and Acquisition of Housing**

A core function of ARH is the financing of the construction and/or preservation of affordable rental housing for households of low and moderate income (120% of area median income or below). These types of housing projects can be very complex and include a wide variety of costs that THGF can be used to pay for, including:

- New construction
- Acquisition
- Conversion of non-residential buildings into affordable housing
- Pre-development costs
- Costs for legal services, consulting, environmental, and other studies
- Inspections and zoning approvals
- Engineering or feasibility studies, appraisals, and/or architectural plans
- Testing for hazards

(See [General Program Allowable Components](#) and the Capital Development section for more details.)

## **Operations and Site Maintenance**

After an ARH project is complete, the ongoing operations and maintenance of the property are expenses typically covered by cash flow in which income from rent is reinvested into the property. When a project's cash flow is insufficient to keep the property functional, THGF funds may be used to supplement that revenue to pay for key costs necessary to keep the property operational, including essential equipment purchases. THGF funds may only be used for the operations and maintenance of projects or units that serve households with an income at or below 120% of AMI ("Qualified Tenant"), adjusted by family size, as determined by OHCS based on information from the U.S. Department of Housing and Urban Development (HUD) or other applicable source.

## **Preservation**

Keeping existing rent-restricted housing affordable and well maintained over the long term is as important as building new affordable housing. The state's housing preservation efforts generally focus on periodically investing in the physical condition and financial stability of existing affordable projects as they age, in return for extending the rent restrictions attached to the property. Other related preservation priorities include renewing federal rent assistance contracts

attached to specific properties and supporting the preservation of manufactured home communities as long-term affordable housing options. The scope and examples of preservation activities (including internal/external labor costs) include, but are not limited to, the following:

- Roof and siding replacement
- Interior improvements
- Improvements to provide accessibility for elders and disabled persons, including ramps and bathroom improvements
- Energy-related improvements and efficiency measures including new doors and windows, insulation, appliances, HVAC units, etc.

### **Affordable Rental Housing Income Requirements**

All rental housing project units acquired, constructed, or preserved using THGF funds shall be rented, or held vacant for rent, to tenants whose incomes are at or below 120% of area median income (AMI) ("Qualified Tenant"), adjusted by family size, as determined by OHCS based on information from the U.S.

Department of Housing and Urban Development or other applicable source for the applicable period of time provided in the Restrictive Use Chart below.

THGF funds may only be used to finance the restricted units. If an affordable housing project will include non-restricted units, THGF funds may be used to finance the percentage of shared costs (parking, HVAC, infrastructure, etc.) that is equal to the percentage of restricted units in the project.

Grantee must record, or cause its subgrantees to record, covenants, restrictions, charges and easements that impose the income restrictions for the applicable period of time provided in the Restrictive Use Chart below (the "Covenants"). The Covenants must run with the land of the project and pass to and be binding upon successors in title including any purchaser, transferee, or lessee of any portion of the project and any other person or entity having any right, title or interest therein and upon the respective heirs, executors, administrators, devisees, successors and assigns of any purchaser, transferee or lessee of any portion of the project and any other person or entity having any right, title or interest therein.

### **Additional Resources**

In addition to the THGF, OHCS' ARH division offers other funding opportunities for affordable rental housing development. This funding can be used as part of a capital stack for a development supplemented by THGF funds or could

constitute the development funding for a project that was able to use THGF funds for critical ancillary purposes like predevelopment, infrastructure costs, rent assistance, or other components critical to the success of the property that may not be eligible use of existing ARH resources. For more information on these opportunities and the Oregon Centralized Application (ORCA), visit the [OHCS website](#).

To consult with the OHCS ARH team directly, contact the ARH Technical Advisory Team at [Technical.Advisors@hcs.oregon.gov](mailto:Technical.Advisors@hcs.oregon.gov). ARH Technical Advisors are specialized OHCS staff assigned to guide partners through the ORCA system and other ARH development strategies. Tribal partners in need of direct support to begin an application for a rent-restricted, multifamily housing development are encouraged to reach out.

## Homeownership Programs

Homeownership projects encompass initiatives that enhance opportunities for Tribal members to become homeowners and ensure that Tribal homeowners can maintain and remain in their homes for as long as they choose.

### Homeownership Allowable Program Components and Expenditures

Documentation of allowable program components and expenditures must identify how an expense or service helped a participant maintain or attain homeownership.

Funding can be used for the following programs or services:

**1) Homeownership Services.** Homeownership services include, but are not limited to:

- Counseling and Coaching: Providing personalized guidance and support to potential homeowners, including financial counseling, credit coaching, and pre- and post-purchase support.
- Education Programs: Workshops and training (in-person or virtual) that educate individuals about the homebuying process, mortgage options, and home maintenance.
- Training and Certification: Training and certification costs for staff who provide homeownership services including, but not limited to, homebuyer counseling certification, foreclosure counseling certification, or home inspector certification.

**2) Resources to Homebuyers and Homeowners.** Resources to homebuyers and homeowners can include, but are not limited to:

- Down payment and/or closing cost assistance. Financial assistance in the form of a grant or loan that covers all or part of a down payment, closing costs associated with a mortgage, or costs to bring down the interest rate on a mortgage.
- Individual Development Accounts. These accounts help individuals save for homeownership by matching their savings contributions. Funds can be used for down payment assistance, closing costs, home repairs, paying off debt to become mortgage-ready, or achieving other homeownership-related goals.
- Direct financing for home purchases includes loan products designed to meet the needs of different homebuyers.
- Home repair funding. Financial support for necessary home repairs and improvements. This can include fixing structural issues, upgrading outdated systems, making the home more energy-efficient, or completing a home modification to accommodate a person with a disability.
- Mortgage relief assistance. Assistance for homeowners who are struggling to make their mortgage payments. This can include temporary payment relief, support with loan modifications, or other forms of financial support to prevent foreclosure.

For each of the above uses, the applicant must provide program guidelines, policies, and evidence of capacity to implement the proposed program. Tribes may propose other uses related to homeownership that may be approved at OHCS' discretion.

Individuals or households served with THGF funds for Homeownership programs must have an income at or below 120% area median income (AMI) ("Qualified Tenant"), adjusted by family size, as determined by OHCS based on information from the U.S. Department of Housing and Urban Development or other applicable source. During the grant period, Grantee will obtain and maintain on file such documentation of eligibility as OHCS may require and submit such documentation to OHCS at OHCS' request.

### **Construction of Affordable Homes**

Additionally, THGF funds can be used to finance the construction of affordable homes for purchase for households of low- and moderate-income (120% of AMI

or below). These types of housing projects can be very complex and include a wide variety of costs that THGF can be used to pay for, including:

- New construction
- Acquisition
- Conversion of non-residential buildings into affordable housing
- Pre-development costs
- Rehabilitation of property
- Demolition
- Infrastructure
- Costs for legal services, consulting, environmental, and other studies
- Inspections and zoning approvals
- Engineering or feasibility studies, appraisals, and/or architectural plans
- Testing for hazards

(Please see [General Program Allowable Components](#) and the Capital Development section for more details.)

### **Homeownership Program Income Requirements**

All homes that are acquired, constructed, converted, or rehabilitated, in whole in or part, with THGF funds shall be sold to purchasers whose incomes are at or below 120% of AMI ("Qualified Homeowner"), adjusted by family size, as determined by OHCS based on information from HUD or other applicable source for the applicable period of time provided in the Restrictive Use Chart below. Qualified Homeowners must occupy the property as their primary residence.

During the applicable Restrictive Use Period (as defined below), any subsequent sale of the home must be to a Qualified Homeowner who will occupy the property as their primary residence. At grantee's discretion, upon the death of a Qualified Homeowner, the property may pass a home to an heir, regardless of the heir's income, so long as that heir will occupy the home as their primary residence.

During the Restrictive Use Period, Grantee will obtain and maintain on file for each person that purchases a home subject to this Program Guidance a certification of homebuyer eligibility in the form required by OHCS, updated periodically according to the requirements of OHCS, and submitted to OHCS at its request.

## General Program Allowable Components and Expenditures

The following program components are allowable expenditures and guidance that can be used for any housing-related needs, which includes homelessness response and prevention, affordable rental housing projects, and homeownership programs.

### Capacity Building

Unless otherwise specified below, THGF funds can be used for planning projects by contracting consultants and technical assistance experts to assist with the planning and creation of policies and processes for programs or development projects. Capacity building allows the grantee to work collaboratively with partners to provide wraparound services, predevelopment planning, strengthen networks, and support a variety of services and projects.

Allowable activities include, but are not exclusive to:

- Increasing the number of units (shelter beds, transitional housing, affordable rental housing, and homeownership)
- Expanding partnerships and support in the region
- Coordinating with stakeholders, initiatives, and partnerships
- Providing landlord incentives and engagement **(HRP projects only)**
- Hiring consultants that provide technical assistance, planning for programming, or predevelopment work
- Conducting community housing needs assessments
- Increasing staff capacity
- Upgrading hardware and software toward current systems for housing work

### Services

#### Rental and Housing Assistance

Activities under this category generally involve direct subsidies to participants, tenants, and/or housing projects and may include related staff costs and include, but are not limited to, the following:

- Utilities and utility subsidies (e.g., water, sewer, garbage, etc.) for individually assisted units
- Tenant-based rental assistance payments, including student housing

- Project-based rental assistance payments and/or supplemental assistance for Tribally owned projects or low-income housing tax credit (LIHTC) projects
- Other rental assistance programs
- Security deposits and first/last month's rent to permit households to move into a housing unit
- Short-term subsidies to defray rent, utility bills, mortgage payments, and property tax bills for a family at risk of eviction or foreclosure
- Renter or homeowner insurance subsidies

Individuals or households receiving rental and housing assistance funded by the THGF in connection with ARH or Homeownership projects must have an income at or below 120% of AMI ("Qualified Tenant"), adjusted by family size, as determined by OHCS based on information from HUD or other applicable source. During the grant period, grantee will obtain and maintain on file such documentation of eligibility as OHCS may require and submit such documentation to OHCS at OHCS' request.

## **Housing Services**

Activities under this category generally involve the provision of services to participants and/or housing projects and may include related staff costs and include, but are not limited to, the following:

- Costs of housing services resources such as healthy home and energy-efficiency kits, and loaner tools/lawnmowers for use by community residents
- Housing counseling and training (e.g., tenant resources, housing/resource fairs, credit counseling, home repair/maintenance, preparation for homeownership, renter rights, etc.)
- Training programs on health, nutrition, safety, adult basic education and general education development (GED) programs, business skills training, parenting and childhood development
- Establishment and support of financial programs such as revolving loan funds and matching savings for Individual Development Accounts (IDA)
- Activities related to the provision of self-sufficiency, such as:
  - Childcare costs – subsidies to residents of affordable housing or operating costs of a facility for residents of affordable housing



- Transportation costs – public transportation passes or purchase/rental of car, van, or bus for grantee to provide transportation to participants/residents to attend self-sufficiency activities
- Job placement and training, including stipends for education assistance such as tuition, books, housing, etc.
- Assistance to participants to obtain other federal, state, and local assistance
- Resident services for affordable housing projects
- Supportive housing services, such as
  - Case management and/or peer support services
  - Tenancy support services
  - Healthcare navigation services
  - Food and hygiene supplies
  - Assistance with unit cleaning
  - Behavioral health services (that are not being reimbursed by Medicaid)

Individuals or households receiving housing services funded by the THGF in connection with ARH or Homeownership projects must have an income at or below 120% of AMI, adjusted by family size, as determined by OHCS based on information from HUD or other applicable source. During the grant period, grantee will obtain and maintain on file such documentation of eligibility as OHCS may require and submit such documentation to OHCS at OHCS' request.

## **Facility Maintenance and Operations**

### **Site Management**

Activities under this category generally involve the costs required to manage and operate shelter sites and affordable housing projects. Such activities, from tenant selection to tenant eviction, include, but are not limited to, the following:

Operations:

- Costs of operations staff encompassing
  - Financial management
  - Procurement/contract management
  - Records management
- Equipment purchases for site maintenance
  - Tools and landscaping equipment

- Purchase of work vehicles

#### Property Management:

- Costs of property management staff encompassing
  - Leasing
  - Compliance
  - Counseling
  - Rental assistance programs
- Costs of a third-party property management firm
- Costs of on-site/resident property manager
- Tenant selection, inspections, and evictions for affordable housing
- Costs of tenant screening, including drug testing
- Costs of resolving housing disputes and evictions including court fees
- Mediation programs for landlord-tenant disputes for affordable housing
- Costs associated with managing affordable housing funded by another federal source such as the Bureau of Indian Affairs Housing Improvement Program (HIP)
- Costs associated with managing affordable housing funded by another source such as a Tribal down payment assistance or the Low-Income Housing Tax Credit (LIHTC) program.

ARH and Homeownership projects assisted with THGF funds must serve households with an income at or below 120% of AMI ("Qualified Tenant"), adjusted by family size, as determined by OHCS based on information from HUD or other applicable source. If a housing project will include both eligible and non-eligible units, THGF funds may be used to finance the percentage of shared costs that is equal to the percentage of units in the project occupied by or held vacant for income-eligible tenants.

#### **Crime Prevention and Safety Activities**

Activities under this category, including related staffing costs, are generally designed to reduce criminal activity and improve safety for shelter/transitional housing guests, qualified tenants, and qualified homeowners. Activities include, but are not limited to, the following:

- Physical improvements for affordable housing to enhance security such as fencing, speed bumps, monitors, locks, additional lighting
- Employment of security personnel for affordable housing

- Equipment that is a direct cost to the program with a primary purpose to serve residents
- Costs for neighborhood watch programs
- Security systems including cameras
- Community activities for residents of affordable housing that reduce or eliminate the use of drugs

## **Capital Development**

THGF Funds can be used for the development, acquisition, rehabilitation, or conversion of emergency shelter and transitional housing, Affordable Rental Housing and Homeownership projects in accordance with the requirements below. The site location for any acquisition or capital development projects must be located within Oregon.

### **Development**

The costs related to the provision of housing opportunities of all types (e.g., rental, homeownership, shelter, transitional, single-family, multi-family, etc.) and other site work for the benefit of Tribal communities may include, but are not limited to, the following:

Construction of Housing:

- New construction

Pre-Development Costs:

- Fees: entitlement, permits, funding application charges
- Community engagement efforts
- Other costs that can be directly connected to an assisting specific development project
- Feasibility studies: market, environmental, traffic, land, zoning, geotech, arborists, capital needs assessment

Demolition:

- Demolition with reconstruction of existing housing
- Demolition without reconstruction of existing housing

Infrastructure:

- Infrastructure (e.g., utilities [including broadband], roads, sidewalks, streetlights, etc.) for housing or model activities

- Recreational areas and playgrounds for use by eligible residents
- Infrastructure costs must be in conjunction with plans to develop new projects (shelter, transitional, affordable rental, and homeownership) within an eight-year period from the time funds have been allocated to the grantee.

## **Acquisition**

### Acquisition of Land for Housing or Shelter

- Purchase or long-term lease of land (to the extent necessary for construction and subject to use for THGF-eligible activities within a reasonable time period (i.e., no “land banking”). A reasonable time period is defined as no more than eight years after the property has been acquired.

### Acquisition of Housing or Shelter

- Acquisition of existing affordable housing, shelter, or transitional housing sites
- Acquisition and conversion of non-affordable housing into affordable housing, shelter, or transitional housing
- Acquisition and conversion of non-residential buildings into affordable housing, shelter, or transitional housing
- Purchase or replacement of manufactured homes

## **Rehabilitation**

Rehabilitation includes efforts that go beyond maintenance and may be for current housing stock (regardless of funding for initial construction) as well as privately owned housing. The scope and examples of rehabilitation activities (including internal/external labor costs) include, but are not limited to, the following:

- Interior improvements
- Improvements to provide accessibility for elders and disabled persons, including ramps and bathroom improvements
- Energy-related improvements and efficiency measures including new doors and windows, insulation, appliances, HVAC units, etc.
- Identification and mitigation of hazardous materials and contaminants (e.g., asbestos, mold, lead-based paint, methamphetamine, etc.)

## **Restrictive Use Period**

“Restrictive Use Period” means the period of time that an emergency shelter or transitional housing facility that was developed, acquired, rehabilitated, or converted using THGF funds is required to be used and maintained as an emergency shelter or transitional housing facility, or, if applicable, the period of time that homes in a Homeownership project or units in an Affordable Rental Housing project that were acquired, constructed or preserved with THGF funds must be sold, rented, or held for rent to households meeting the income requirements provided in this Program Guidance.

For emergency shelter or transitional housing projects, the Restrictive Use Period will be enforced if THGF funds are used for the following activities:

- Acquisition
- New construction
- Pre-development costs
- Demolition
- Infrastructure
- Rehabilitation of property
- Conversion of property

For Affordable Rental Housing projects, the Restrictive Use Period will be enforced if THGF funds are used for the following activities:

- Preservation
- Acquisition
- New construction
- Pre-development costs
- Demolition
- Infrastructure
- Rehabilitation of property
- Conversion of property

For Homeownership, the Restrictive Use Period will be enforced if THGF funds are used for the following activities:

- Acquisition
- New construction
- Pre-development costs
- Demolition

- Infrastructure
- Rehabilitation of property
- Conversion of property

The length of the Restrictive Use Period for projects subject to such restriction depends on the ratio of THGF funds used to the value of the facility as provided in the “Use Restriction” chart below.

### Restrictive Use Chart

Category	Restrictive Use Period	Determining Criteria
Preservation, Rehabilitation, Conversion Projects	None	<ul style="list-style-type: none"> <li>• Costs are 10% or less of the value of the building/property before preservation, rehabilitation, or conversion</li> <li>• Eligible home repairs or modifications</li> </ul>
Preservation, Rehabilitation, Conversion Projects	3 years	<ul style="list-style-type: none"> <li>• Costs are 11%-49% of the value of the building/property before preservation, rehabilitation, or conversion</li> </ul>
Preservation, Rehabilitation, Conversion Projects	5 years	<ul style="list-style-type: none"> <li>• Costs are 50%-75% of the value of the building/property before preservation, rehabilitation, or conversion</li> </ul>
Major Preservation, Rehabilitation, or Conversion Projects	10 years	<ul style="list-style-type: none"> <li>• Costs exceed 75% of the value of the building before preservation, rehabilitation, or conversion</li> </ul>
New Development or Acquisition	10 years	Any new development or acquisition of buildings and/or real estate

The Restrictive Use Period begins on Dec. 31 of the year the project is placed in service. The grantee must annually certify compliance with this requirement and submit a certification as part of the annual progress report (APR).

### **OHCS Anti-Displacement and Relocation Assistance Policy**

THGF-funded acquisition should not cause the involuntary displacement of tenants. OHCS encourages grantee to pursue projects that will not permanently displace tenants. If applicable, grantee must provide OHCS with a description of the relocation plan and whether existing residents will have the opportunity to return to the facility, as well as any permanent relocation. Grantee's description must include the kind of advance notice that will be given to affected households; and what funding the grantee will provide to assist people being relocated. Grantee must comply with any applicable laws addressing tenant protections and evictions.

### **Repurposing the Property**

Grantee may determine the community's housing needs have changed and the current use of the property is no longer in high demand. The grantee might be allowed to repurpose the use of the property before the end of a Restrictive Use Period after obtaining prior written approval from OHCS. To discuss repurposing the project, the grantee must contact the OHCS grant administrator.

### **Transferring Property Ownership**

In general, within the Restrictive Use Period, the grantee or subgrantee may not transfer, sell, assign, bequeath, or dispose of any interest in the project to any person, entity, or other assignee, without obtaining the prior written consent of OHCS. The proposed use of any monies gained from the transaction must be pre-approved in writing by OHCS and transfer of property ownership must comply with the original terms, including the carryover of the Restrictive Use Period.

For Affordable Rental Housing projects, except in relation to leases to tenants for the units in the project, grantee or subgrantee may not sell, assign, bequeath, dispose, or otherwise transfer or attempt to sell, assign, bequeath, dispose, or otherwise transfer any interest in project to any person, entity, or other assignee without obtaining the prior written consent of OHCS.

For Homeownership development projects, grantee must transfer or sell the completed homes or units to a Qualified Homeowner who will occupy the property as their primary residence. During the Restrictive Use Period, any subsequent sales of the property must be to another Qualified Homeowner.