

# **Emergency Solutions Grant (ESG)**

## **July 1, 2025**



## **Emergency Solutions Grant Program Operations Manual**

### **Contacts**

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Homeless Services Section  
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###

**NOTE:** If a statute, rule, contract or guidance does not expressly prohibit an activity or expense, it does not mean that the activity or expense is allowable. Statutes, rules, contracts and guidance are meant to express how funds are intended to be used.

Contact OHCS for prior approval before using any OHCS funds for an activity or expense if it is not addressed in statute, rule, contract or guidance. Failure to do so may result in the disallowance of an activity or expense and may result in remedies afforded in contract. It is an incorrect assumption to believe that because language does not say you cannot do something, that it must mean you can. OHCS provides guidance around what is disallowed from frequently asked questions; however, this does not mean to encompass everything that is disallowed.

Contact OHCS for any questions on how to expend OHCS funds if what you want to do is not covered by statute, rule, contract or guidance prior to the use of funds

**NOTE:** Guidance in this manual is specific to the programs identified in this manual. Unless, specifically stated, any other guidance from other manuals produced by OHCS does not apply to this program and are not comparable or transferable.

## 1. General Program Overview

### A. Purpose and Introduction to the Program

The Emergency Solutions Grant Program (ESGP) is a federally funded program, authorized by subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 – 11378), that is designed to assist individuals and families to regain stability in permanent housing after experiencing a housing crisis or homelessness. This program primarily serves individuals experiencing unsheltered homelessness and those considered at-risk of homelessness.

The ESG Program funds five program components:

- **Street Outreach:** The costs for providing essential services related to reaching out to unsheltered people experiencing homelessness, including those least likely to request assistance (24 CFR 576.101(a)).
- **Emergency Shelter:** The costs of providing essential services to people experiencing homelessness in emergency shelters, renovating buildings to be used as emergency shelters, and operating emergency shelters (24 CFR 576.102(a)).
- **Rapid Re-Housing:** The costs of moving people experiencing homelessness as quickly as possible into permanent housing, providing up to 24 months of rental assistance, and in helping people experiencing homeless to achieve stability in that housing (24 CFR 576.104).
- **Homelessness Prevention:** The costs of providing relocation and stabilization services to prevent people currently at risk of homelessness from falling into homelessness (24 CFR 576.103).

- **Data Collection:** The costs of collecting and contributing data to the Homeless Management Information System (HMIS) (24 CFR 576.107).

In addition, the ESG Program allows for recipients, subgrantees, and subrecipients to allocate funds to administrative activities.

The purpose of this manual is to provide guidance and clarity to subgrantees on the administration and usage of the Emergency Solutions Grant Program. This manual also outlines required policies, written standards, reporting and record-keeping requirements, and evaluation criteria for the effectiveness of the Program.

## B. HSS Program Standards

Subgrantee/subrecipients **must** adhere to all program standards as identified in the Homeless Services Section (HSS) Program Standards Guidance. **Failure to adhere to HSS Program Standards will result in audit findings and may put subgrantee/subrecipient funding at risk.** The HSS Program Standards Guidance includes requirements related to policies and procedures, along with general requirements for financial management of HSS grants, data requirements and records requirements. HSS Program Standards apply to ESG and align across HSS programs. It is **critical** that subgrantee/subrecipients understand their responsibilities in ensuring that they are following all program and funding requirements. Inclusion of the HSS Program Standards Guidance ensures that subgrantee/subrecipients and OHCS has a central location for the consistency of program standards across multiple programs. Find the HSS Program Standards Guidance on the HSS Dashboard or OHCS website.

## C. Program Minimum Written Standards

Subgrantees and subrecipients are required to comply with the Oregon Housing and Community Services (OHCS) minimum standards outlined in this manual for providing ESG assistance (24 CFR 576.400(e)). In some cases, subgrantees may be required to develop their own written standards, policies, and procedures – which must be reviewed and approved by OHCS Program Analysts – prior to receiving funding. Subgrantees must consistently apply all minimum written standards for providing ESG assistance (24 CFR 576.400(e)(2)(i)(B)).

Below is a list of required minimum written standards for each programmatic category. Before using funds for a specific ESG programmatic category, OHCS must approve all standards, policies, and procedures.

- Rapid Re-Housing
- Homelessness Prevention
- Shelter
- Street Outreach
- Data Collection

Specific requirements related to the minimum written standards can be found within this manual in Section 5: Program Minimum Written Standards.

## **2. ESG Categories: Eligible Expenses per Category**

The following section will outline allowabilities within each programmatic category of the Emergency Solutions Grant: Street Outreach, Emergency Shelter, HMIS, Rapid Re-Housing, and Homelessness Prevention. This section will also outline requirements for the administration category.

### **A. Administration**

#### **1) Category Funding Limit and Sharing Requirements**

Subgrantees are allowed to use a portion of their total ESG allocation for administrative costs, including administrative costs for subrecipient organization with whom the subgrantee contracts. OHCS identifies the maximum allowable admin funding at the start of each program year.

If subgrantees partner or otherwise subaward all or parts of the ESG Program with subrecipients, subgrantees must share administrative funds with those subrecipients commensurate to the services provided through the program by subrecipients.

#### **2) Allowable Costs**

Allowable administrative costs, including indirect cost allocations, benefit the organization as a whole and cannot be attributed specifically to a particular program. All amounts billed to administration must be supported by actual costs. Allowable costs include, but are not limited to, the following (24 CFR 576.108(a)):

- Overall program management, coordination, monitoring, and evaluation.
- Salaries, wages, and related costs of the subgrantee's or subrecipient's staff engaged in program administration.
  - Please note: In charging costs to this category, OHCS requires subgrantees and their subrecipients to include the entire salary, wages and related costs allocable to the program of each whose primary responsibilities with regard to the program involve program administration assignments.
- Preparing program budgets and schedules, and amendments to those budgets and schedules.
- Developing systems for assuring compliance with program requirements.
- Developing agreements with subrecipients and contractors to carry out program activities.
- Monitoring program activities for progress and compliance with program requirements.
- Preparing reports and other documents directly related to the program for submission to OHCS and to HUD.
- Coordinating the resolution of audit and monitoring findings.



- Evaluating program results against stated objectives.
- Managing or supervising people whose primary responsibilities with regard to the program.
- Travel costs incurred for monitoring subrecipients.
- Administrative services performed under third-party contracts or agreements, including general legal services, accounting services, and audit services.
- Other costs for goods and services required for administering the program, including rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance – but not purchase – of office space.
- Training costs related to ESG requirements.
- Costs of carrying out environmental review responsibilities.

### 3) **Direct and Indirect Administration Accounting Practices**

No universal rule exists for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the award. Therefore, each item of cost incurred for the same purpose must be treated consistently in similar and identical circumstances either as a direct or an indirect cost to avoid possible double charging of awards. This consistency must be included in all grants received by the subgrantee, regardless of whether they originate from OHCS. Indirect costs must be in accordance with an organization's written cost allocation plan or Negotiated Indirect Cost Rate Agreement (NICRA) and must be consistently applied to all programs. Guidelines for determining direct and indirect costs charged to awards are provided in OMB 200.

Administrative costs must be charged to grant cost centers based on either a cost allocation plan or through use of an approved indirect cost rate in accordance with 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (also known as the “Super Circular”).

### 4) **Travel Cost Policy**

Travel costs may be eligible admin expenditures, provided that the cost is adequately documented and support business purposes. Documentation that verifies the reservation only and not the completed travel is insufficient. Payment for travel expenses must be authorized in advance, in writing, unless the individual has previously been approved to travel by virtue of an approved description of job duties that include travel. Reimbursement of travel expenses does not count as wages or remuneration.

Subgrantees must keep record of travel expenditures, which includes purpose, mileage, and payment. When reimbursing for meals, lodging, or travel, subgrantees and subrecipients must use one of the following rates:

- [The U.S. General Services Administration per diem rates](#); or

- The travel rate as established in the subgrantee's policies and applied consistently to all volunteers and employees for actual and necessary expenses backed by receipts.

In the case of volunteers, the cost of meals without accompanying overnight stay and no official state business meeting is reportable as income. Any funds expended on the reimbursement of expenses for travel must be appropriately documented and cannot be provided through a cash or cash equivalent payment.

## 5) **Unallowable Costs**

Unallowable costs include, but are not limited to, the following expenses:

- a) Late fees assessed due to a subgrantee or a subrecipient's failure to pay in a timely manner.
- b) Subgrantee/subrecipient facility mortgage payments
- c) Lobbying

## **B. Street Outreach Activities**

### 1) **General Categorical Overview**

Subgrantees may use ESG funds on street outreach activities, which is service delivery 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 (24 CFR 576.101(a)).

NOTE: subgrantees must administer street outreach activities in accordance with relevant Program Minimum Written Standards. Please see Section 5: Program Minimum Written Standards. for specific requirements.

### 2) **Applicant and Participant Eligibility Categories**

Subgrantees may use street outreach fund to service families and individuals who are considered to be "unsheltered homeless" (24 CFR 576.101(a)). To be considered unsheltered homeless individuals and families, they must meet the criteria under Category 2a: Literally Homeless found in Section 3: Determining Applicant Homeless Category for Program Services of this manual, with the following exception: The family or individual must be living in a primary nighttime residence that is a public or private place not designed for or ordinarily used for as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground).

In addition, subgrantees may use street outreach funds to provide urgent, non-facility-based care to unsheltered homeless people who are unable or unwilling to access emergency shelter, housing, or an appropriate health facility (24 CFR 576.101(a)).

### 3) **Allowable Costs and Activities: Essential Services**

Eligible costs and requirements for essential services consist of the following:

***Engagement Services (24 CFR 576.101(a)(1)):***

Engagement Services are activities to locate, identify, and build relationships with unsheltered homeless people to offer immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and other housing programs. Eligible costs include:

- Conducting an initial assessment of applicant needs and eligibility;
- Providing crisis counseling;
- Addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries;
- Actively connecting and providing information and referrals to needed services; **and**
- Cell phone costs of outreach workers.

***Case Management (24 CFR 576.101(a)(2)):***

Case Management is activities to assess housing and service needs and arrange, coordinate and/or monitor the delivery of individualized services. Eligible costs include:

- Assessment and intake including using coordinated entry;
- Conducting initial evaluations including verifying and documenting eligibility;
- Counseling;
- Developing/securing/coordinating services;
- Helping obtain Federal, State, and local benefits;
- Monitoring and evaluating program participant progress;
- Providing information and referrals to other providers; **and**
- Developing an individualized housing stabilization plan that leads to the attainment of stable permanent housing.

***Emergency Health (24 CFR 576.101(a)(3)):***

Emergency health services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. An example of customary emergency health services is outpatient treatment of urgent medical conditions by licensed medical professionals in community-based settings (e.g., streets, parks, and campgrounds) to those eligible participants unwilling or unable to access emergency shelter or an appropriate healthcare facility. Eligible costs include:

- Assessing health problems and developing treatment plans;
- Assistance in understanding health needs;
- Providing directly or assisting to obtain appropriate emergency medical treatment; **and**
- Providing medication and follow-up services.

***Emergency Mental Health (24 CFR 576.101(a)(4)):***

Emergency mental health services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community; i.e., outpatient treatment of urgent mental health conditions by licensed professionals in community-based setting (e.g.; streets, parks, and campgrounds) to those eligible participants unable or

unwilling to access emergency shelter or an appropriate health care facility. Eligible costs include:

- Crisis intervention;
- Prescription of psychotropic medications;
- Explanation about the use and management of medications; **and**
- Combinations of therapeutic approaches to address multiple problems.

***Transportation (24 CFR 576.101(a)(5)):***

Travel expenses incurred by outreach workers, social workers, medical professionals, or other service agency employees during the provision of allowable street outreach services are eligible costs. They include:

- Transporting unsheltered people to emergency shelters or other service facilities;
- Public transportation for participants;
- Mileage allowance for outreach workers using their own vehicles to visit program participants;
- Purchasing or leasing a vehicle for use in conducting outreach activities, including the cost of gas, insurance, taxes, and maintenance for the vehicle; **and**
- Costs of staff to accompany or assist program participants to use public transportation.

**4) Allowable Costs and Activities: Services for Special Populations**

Services for special populations are essential services that have been tailored to address the special needs of homeless youths, victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers, domestic violence shelters, and persons living with HIV/AIDS (24 CFR 576.101(a)(6)). Eligible costs include:

- Engagement
- Case Management
- Emergency Health Services
- Emergency Mental Health Services
- Transportation.

## **C. Emergency Shelter Activities**

**1) General Categorical Overview**

Subgrantees may use ESG funds on emergency shelter activities, which is the costs of the following (24 CFR 576.102(a)):

- a) Providing essential services to families and individuals who are experiencing homelessness and reside in emergency shelters;
- b) Renovating buildings to be used as emergency shelter; and
- c) Operating emergency shelters.

Emergency shelter means any appropriate facility that has the primary use of providing temporary or transitional shelter for the homeless in general or for specific populations of

the homeless and the use of which does not require occupants to sign leases or occupancy agreements.

NOTE: subgrantees must administer emergency shelter activities in accordance with relevant Program Minimum Written Standards. Please see Section 5: Program Minimum Written Standards. for specific requirements.

## 2) **Applicant and Participant Eligibility Categories**

Subgrantees may provide emergency shelter service to individuals and families residing in emergency shelters (24 CFR 576.102(a)(1)). The Emergency Solutions Grant Program generally does not require applicants to meet any specific income requirements or categorical definition of homelessness.

## 3) **Allowable Costs and Activities: Shelter Operations**

Shelter operations are costs to operate and maintain emergency shelters and provide other emergency lodging when appropriate. Eligible Costs include:

- Maintenance (minor or routine repairs);
- Rent;
- Security;
- Fuel;
- Equipment;
- Insurance;
- Utilities;
- Food;
- Furnishings;
- Supplies necessary for the operation of the emergency shelters; **and**
- Hotel/Motel voucher, only for families and individuals when no emergency shelter is available.

## 4) **Allowable Costs and Activities: Shelter Services**

Emergency shelter essential services are services to individuals and families in emergency shelters. Eligible uses for funds within the Emergency Shelter Essential Services category include:

### ***Case Management***

Case Management activities assess, arrange, coordinate, and monitor individualized services developed for program participants. Eligible costs include:

- Using coordinated entry;
- Conducting initial evaluations including, verifying and documenting eligibility;
- Counseling;
- Developing, securing and coordinating services and obtaining Federal, State, and local benefits;

- Monitoring and evaluating program participant progress;
- Providing information and referrals to other providers;
- Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking; **and**
- Developing an individualized housing and service plan, including planning a path to permanent housing stability.

### ***Childcare Costs***

The cost of childcare is eligible if the child is under the age of 13, or a child(ren) with disabilities under the age of 18. The childcare center must be licensed by the jurisdiction in which it operates. Eligible costs include:

- Childcare costs;
- Providing meals and snacks; **and**
- Comprehensive and coordinated sets of appropriate developmental activities.

### ***Education***

Education is instruction or training to enhance participants' ability to obtain and maintain housing, consumer education, health education, substance abuse prevention, literacy, ESL, GED preparation and various life skills. Eligible costs include:

- Screening, assessment, and testing;
- Individual/group instruction;
- Tutoring;
- Books, supplies, and instructional materials;
- Counseling; **and**
- Referral to community resources.

### ***Employment Assistance and Job Training***

Job Assistance services help participants to secure employment and placement in job training programs. Eligible costs include:

- Classroom, online, and/or computer instruction;
- On the job instruction;
- Job finding and skill building;
- Reasonable stipends to program participants in employment assistance and job training programs;
- Books and instruction materials;
- Employment screening; assessment or testing;
- Structured job seeking support;
- Special training and tutoring; including literacy training and pre-vocational training;
- Counseling or job coaching; **and**
- Referral to community resources.

### ***Outpatient Health***

Outpatient Health Services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. Eligible costs include:

- Assessing health problems and developing treatment plans;
- Assistance in understanding health needs;
- Providing directly or assisting to obtain appropriate medical treatment, preventive medical care, health maintenance services, including emergency medical services;
- Providing medication and follow-up services; **and**
- Providing preventive and non-cosmetic dental care.

### ***Legal services***

Legal advice and representation are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. This would include necessary legal services regarding matters that interfere with the program participant's ability to obtain permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides. Legal issues would include child support, guardianship, paternity, emancipation, 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 resolution of outstanding criminal warrants. Eligible costs include:

- Hourly fees for legal advice and representation by licensed attorneys and certain other fees-for-service;
- Client intake, preparation of cases for trial, provision of legal advice, representation at hearings, and counseling; **and**
- Filing fees and other necessary court costs.

Legal services to address immigration, citizenship, and mortgage issues including retainer fee arrangements, and contingency fee arrangement are **not** eligible costs.

### ***Life Skills Training***

Life Skills Training teaches 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. Allowable services must be necessary to assist the program participant to function independently in the community. They include:

- Budgeting resources;
- Managing money;
- Managing a household;
- Resolving conflict;
- Shopping for food and needed items;
- Improving nutrition;
- Using public transportation; **and**
- Parenting.

### ***Mental Health Services***

Mental Health Services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. Services are direct outpatient treatment of mental health conditions by licensed professionals. Eligible costs include:

- Crisis intervention;
- Individual, household, or group therapy sessions;
- Prescription of psychotropic medications and explanation about the use and management of medications; **and**
- Combinations of therapeutic approaches to address multiple problems.

### ***Substance Abuse Treatment***

Substance Abuse Treatment is an eligible activity to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. Services must be provided by licensed or certified professionals, and be designed to prevent, reduce, eliminate, or deter relapse of substance abuse or addictive behaviors. Inpatient detoxification and other inpatient drug or alcohol treatment are not eligible costs. Eligible costs include:

- Client intake and assessment;
- Outpatient treatment for up to 30 days;
- Group and individual counseling; **and**
- Drug testing.

### ***Transportation***

Costs of travel by program participants to and from medical care, employment, childcare or other facilities that provide eligible essential services are eligible. Staff travel costs incurred to support provision of essential services are also allowable. Eligible costs include:

- Public transportation for participants;
- Mileage allowance for service workers using their own vehicles to visit program participants; **and**
- Purchasing or leasing a vehicle used for transport of participants and/or staff serving participants, including the cost of gas, insurance, taxes, and maintenance for purchased or leased vehicles.

### ***Services for Special Populations***

Services for Special Populations means otherwise eligible essential services that are tailored to address the special needs of homeless youth, victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers, domestic violence shelters and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking. Also eligible are services provided to persons living with HIV/AIDS in emergency shelters. Eligible costs include:

- Case management;
- Childcare;
- Education services;
- Employment assistance and job training;



- Outpatient Health services;
- Legal services;
- Life Skills training;
- Mental health services;
- Substance abuse treatment services; **and**
- Transportation.

#### 5) **Allowable Costs and Activities: Rehabilitation, Conversion, and Renovation**

For costs of rehabilitation, conversion, or renovation to be eligible for payment with ESG funds, the building must be used for an emergency shelter for homeless families and individuals.

Additionally, subgrantees must comply with the requirements set forth in Section 6: Shelter and Housing Standards of this manual.

Refer to subgrantee's master grant agreement for additional information on procurement requirements. Subgrantees and subrecipients must also comply with HSS Program Standards Guidance and the reporting requirements for rehabilitation, conversion, or renovation projects which can be submitted through the HSS Dashboard.

Subgrantee must notify OHCS and receive approval of the intent to use OHCS funds to renovate or rehabilitate property prior to using funds for this purpose.

To notify OHCS, Subgrantee must complete online form located on the HSS Dashboard. OHCS will not approve any subgrantees' use of funds for such purposes prior to receiving and approving the request.

A government entity or private non-profit organization must own the emergency shelter building before and after the renovation or rehabilitation. Buildings renovated with ESG funds as a shelter for homeless individuals and families are required to function as a shelter for a minimum period, depending on the type of renovation and the value of the building. See the table below:

Eligible Costs include:

- Labor;
- Materials;
- Tools; **and**
- Other costs for renovation, including soft costs.

<b>Rehabilitation and Renovation Minimum Period of Use</b>		
	<b>Use Requirement</b>	<b>Determining Criteria</b>
Major Rehabilitation	10 years	Rehab costs exceed 75% of the value* of the building before rehabilitation.

Conversion	10 years	Conversion costs exceed 75% of the value* of the building after conversion.
Renovation, including rehab and conversion costs that do not meet 10 Year criteria.	3 years	Renovation costs are 75% or less of the value* of the building before renovation.

\* The value of the building is the reasonable monetary value assigned to the building, e.g., by an independent real estate appraiser or other OHCS approved process and applies to the building(s) that either will operate as an emergency shelter or transitional housing or that with rehabilitation/renovation activities will operate for the purpose of emergency shelter or transitional housing on the site of the property.

ESG funds shall not be used for rehabilitation or renovation of structures that will be used for inherently religious activities. Sanctuaries, chapels, or other rooms used as a principal place of worship are ineligible for funded improvements paid by ESG.

ESG funds can pay for 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 religious activities, the amount of ESG funds used must 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.

**a) Checklist of Steps to Follow**

File review is the basis for OHCS monitoring. Subgrantee must keep a complete file of all project requirements for 6 years following the end of the restrictive use period. Subgrantee must follow all reporting requirements for previously approved acquisition, or rehabilitation/renovation of property and must follow the reporting requirements identified below for current/proposed projects:

- 1) Read through the manual section related to rehabilitation/renovation for all requirements to ensure you understand them and the responsibilities included in this guidance.  
Failure to submit reports in a timely manner may result in a monitoring finding, require the repayment of funds and may place your agency at-risk in future funding opportunities.
- 2) Submit Notification/Approval form to OHCS **prior to** the expenditure of any funds, located on the HSS Dashboard.
- 3) Submit all required reports, in form and format required by OHCS.
- 4) Submit your Semi-Annual Progress Report, due July 20<sup>th</sup> and January 20<sup>th</sup> following the start date of the project. Submit the form located on the HSS Dashboard.
- 5) Retain Environmental Review records on file for monitoring purposes.
- 6) Retain Certificate of Occupancy/Final Inspection on file for monitoring purposes.
- 7) Submit a Placed Into Service Report upon completion of the project. Submit the

form located on the HSS Dashboard.

- 8) Submit the Certificate of Continuing Program Compliance for each year of the restricted use period. Submit the form located on the HSS Dashboard.

**b) Assistance Required under the Uniform Relocation Assistance**

Subgrantee and subrecipient must ensure they have taken all reasonable steps to minimize the displacement of persons or commercial entities as a result of a project assisted with ESG funds. No tenant occupant of housing that is converted into an emergency shelter shall be required to relocate temporarily for a project assisted with ESG or be required to move to another unit in the same building/complex. When a tenant is required to move because of a project assisted with ESG under conditions that trigger the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), the tenant should be treated as permanently displaced and offered relocation assistance and payments consistent with the Act.

Any person who disagrees with subgrantee's and subrecipient's determination concerning whether the person qualifies as a displaced person or the amount of relocation assistance offered, can file a written appeal of that determination with subgrantee and subrecipient under 49 CFR 24.10. A low-income person who disagrees with the determination can submit a written request for review of that determination to the nearest HUD field office.

Subgrantee and subrecipient must keep records documenting compliance with the displacement, relocation, and acquisition requirements of the ESG program. See 24 CFR 576.408.

**6) Essential Services Comparison between Outreach and Shelter**

Services through the street outreach component are not the same as services provided through emergency shelter systems. The chart below compares appropriate services for each component.

Comparison of Essential Services	
Street Outreach (Unsheltered Homeless persons)	Emergency Shelter Services (Sheltered Homeless persons)
Engagement	----
Case Management	Case Management
----	Childcare
----	Education Services
----	Employment Assistance/Training
Emergency Health Care	Outpatient Health Services
----	Legal Services
----	Life Skills Training
Emergency Mental Health Care	Mental Health Services
Services for Special Populations	Services for Special Populations
----	Substance Abuse Treatment
Transportation	Transportation

## **D. HMIS**

### **1) Allowable Costs and Activities**

Subgrantees may use ESG funds to pay for the costs of contributing data to the HMIS designated by the Continuum of Care for the area (24 CFR 576.107(a)(1). Specifically, HUD has identified the following as eligible costs under the HMIS component of the Emergency Solutions Grant (24 CFR 576.107(a)(1)(i)—(x)):

- Purchasing or leasing computer hardware;
- Purchasing software or software licenses;
- Purchasing or leasing equipment, including telephones, fax machines, and furniture;
- Obtaining technical support;
- Leasing office space;
- Paying charges for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS;
- Paying salaries for operating HMIS, including:
  - Completing data entry;
  - Monitoring and reviewing data quality;
  - Completing data analysis;
  - Reporting to the HMIS Lead;
  - Training staff on using the HMIS or comparable database; and
  - Implementing and complying with HMIS requirements;
- 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;
- Paying staff travel costs to conduct intake; and
- Paying participation fees charged by the HMIS Lead.

If the subgrantee or subrecipient is a Victim Services Provider (VSP) or a legal services provider, it can 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 in a comparable database must not be entered directly into or provided to an HMIS (24 CFR 576.107(a)(3).

PLEASE NOTE: Activities funded under this section must comply with HUD's standards on participation, data collection, and reporting under a local HMIS (24 CFR 576.107(b)).

### **2) Travel Cost Policy**

Travel costs may be an eligible HMIS/data collection expenditure, provided that the cost is adequately documented and support business purposes. Documentation that verifies the reservation only and not the completed travel is insufficient. Payment for travel expenses must be authorized in advance, in writing, unless the individual has previously been approved

to travel by virtue of an approved description of job duties that include travel. Reimbursement of travel expenses does not count as wages or remuneration.

Subgrantees must keep record of travel expenditures, which includes purpose, mileage, and payment. When reimbursing for meals, lodging, or travel, subgrantees and subrecipients must use one of the following rates:

- [The U.S. General Services Administration per diem rates](#); or
- The travel rate as established in the subgrantee's policies and applied consistently to all volunteers and employees for actual and necessary expenses backed by receipts.

In the case of volunteers, the cost of meals without accompanying overnight stay and no official state business meeting is reportable as income. Any funds expended on the reimbursement of expenses for travel must be appropriately documented and cannot be provided through a cash or cash equivalent payment.

## **E. Rapid Re-Housing**

### **1) General Categorical Overview**

Subgrantees may use ESG funds on rapid re-housing activities – which includes housing relocation and stabilization services, and short- and medium-term rental assistance – on unhoused individuals and families to move them as quickly as possible into permanent housing and achieve stability in that housing (24 CFR 576.104).

NOTE: subgrantees must administer rapid re-housing activities in accordance with relevant Program Minimum Written Standards. Please see Section 5: Program Minimum Written Standards for specific requirements.

### **2) Applicant and Participant Eligibility Categories**

Subgrantees may use rapid re-housing funds to service families and individuals who meet the criteria under Category 2a: Literally Homeless found in Section 3: Determining Applicant Homeless Category of this manual.

Individuals and families who meet Category 3: Domestic Violence Survivors, are also eligible for services, provided that they live in an emergency shelter or other place as described in Category 2a: Literally Homeless. See Section 3: Determining Applicant Homeless Category for more information.

### **3) Allowable Costs and Activities: Housing Relocation and Stabilization Services**

The Emergency Solutions Grant Program's rapid re-housing category may be used to pay for Housing Relocation and Stabilization Services as outlined under Section 4B: Housing Relocation and Stabilization Services in this manual (24 CFR 576.105). Individuals and families must meet the rapid re-housing applicant and participant eligibility criteria in order to receive services under rapid re-housing.

**NOTE:** Applicants not eligible for these services under Rapid Re-Housing may still be eligible for relocation and stabilization services under Homelessness Prevention. Please see Section 2F: Homelessness Prevention for more information on applicant eligibility.

4) **Allowable Costs and Activities: Short-Term and Medium-Term Rental Assistance**

The Emergency Solutions Grant Program's rapid re-housing category may be used to pay for short-term and medium-term rental assistance as outlined under Section 4C: Short-Term and Medium-Term Rental Assistance in this manual (24 CFR 576.105). Individuals and families must meet the rapid re-housing applicant and participant eligibility criteria in order to receive services under rapid re-housing.

**NOTE:** Applicants not eligible for these services under Rapid Re-Housing may still be eligible for relocation and stabilization services under Homelessness Prevention. Please see Section 2F: Homelessness Prevention for more information on applicant eligibility.

## **F. Homelessness Prevention**

1) **General Categorical Overview**

Subgrantees may use ESG funds on homelessness prevention activities – which includes housing relocation and stabilization services, and short- and medium-term rental assistance – necessary to prevent an individual or family from moving into the following (24 CFR 576.103):

- An emergency shelter;
- A primary nighttime residence not designed for or ordinarily used as a regular sleeping accommodation for human habitation; or
- A supervised shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels/motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals).

**NOTE:** subgrantees must administer homelessness prevention activities in accordance with relevant Program Minimum Written Standards. Please see Section 5: Program Minimum Written Standards for specific requirements.

2) **Applicant and Participant Eligibility Categories**

Subgrantees may use rapid re-housing funds to service families and individuals who fall within the following categories:

- Category 1: At-Risk of Homelessness
- Category 2b: Imminent Risk of Homeless
- Category 2c: Homeless Under Other Federal Statutes, or
- Category 3: Domestic Violence Survivor.

In addition, individual and families qualifying for services and who fall under Categories 2b – 2c and Category 3 must also have an annual income below 30 percent of the area median

income. Descriptions of each category can be found in Section 3: Determining Applicant Homeless Category for Program Services of this manual.

### 3) **Allowable Costs and Activities: Housing Relocation and Stabilization Services**

The Emergency Solutions Grant Program's homelessness prevention category may be used to pay for Housing Relocation and Stabilization Services as outlined under Section 4B: Housing Relocation and Stabilization Services in this manual (24 CFR 576.105). Individuals and families must meet the homelessness prevention applicant and participant eligibility in order to receive services under homelessness prevention.

**NOTE:** Applicants not eligible for these services under homelessness prevention may still be eligible for relocation and stabilization services under rapid re-housing. Please see Section 2E: Rapid Re-Housing on page XX for more information on applicant eligibility.

### 4) **Allowable Costs and Activities: Short-Term and Medium-Term Rental Assistance**

The Emergency Solutions Grant Program's homelessness prevention category may be used to pay for short-term and medium-term rental assistance as outlined under Section 4C: Short-Term and Medium-Term Rental Assistance in this manual (24 CFR 576.105). Individuals and families must meet the homelessness prevention applicant and participant eligibility criteria in order to receive services under homelessness prevention.

**NOTE:** Applicants not eligible for these services under homelessness prevention may still be eligible for short-term and medium-term rental assistance under rapid re-housing. Please see Section 2E: Rapid Re-Housing for more information on applicant eligibility.

## **G. General Ineligible Expenses**

OHCS has identified the following expenses to be ineligible under the Emergency Solutions Grant Program:

- replacement of existing mainstream resources;
- payments made directly to program participants through cash or gift cards;
- purchase of gift cards for any purpose;
- payments on a mortgage or land contract, rent to own, or lease to purchase;
- duplicative payments or payments for duplicative services for eligible individuals or families who are being assisted with other federal, state, or local funds;
- payment of pet deposits or pet care;
- payments on credit card bills or other consumer debt, including child support or garnishments;
- payment of costs of discharge planning programs in mainstream institutions such as hospitals, nursing homes, jails, or prisons; **and**  
payment for religious activities (**Note:** Religious or faith-based organization are eligible to receive ESG funds, but religious activities must be conducted separately, in time and location, from ESG-funded activities and participation must be voluntary for program participants).

**NOTE:** The intent of this manual is to provide clarity and guidance to subgrantees administering the Emergency Solutions Grant Program. However, it does not contemplate every scenario in which funds may be used, nor would it be practical to do so.

To ensure ESG funds may reimburse an expense not addressed in statute, rule, guidance, or the master grant agreement, [contact OHCS directly](#). Without written approval, OHCS may disallow an activity or expense for reimbursement and may result in remedies afforded in the master grant agreement.

### 3. Determining Applicant Homeless Category for Program Services

#### A. General Overview

An applicant's eligibility for services funded under the Emergency Solutions Grant Program generally depends on whether they meet the Program's categorical definition of either "homeless," "at-risk of homelessness," or whether they are fleeing or attempting to flee domestic violence. Each programmatic category outlined in Section 2: ESG Categories: Eligible Expenses per Program Category states which category an applicant must meet in order to receive services. This section of the ESG Program manual will further outline and define the following categories:

- Category 1: At-Risk of Homelessness
- Category 2: Homeless
- Category 3: Domestic Violence Survivors

#### B. Category 1: At-Risk of Homelessness

Subgrantees or their subrecipients must verify that applicants for program services for at-risk individuals or families meet the following criteria to be considered at risk of homelessness (24 CFR 576.2 "At risk of homelessness"):

- Have an annual income at or below 30 percent of [area median household income](#) for the area; **and**
- Do not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 2: homeless in this manual; **and**
- Meet one of the following conditions:
  - Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for assistance;
  - Is living in the home of another because of economic hardship;
  - Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
  - Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals;



- Lives in an SRO or efficiency apartment unit in which there reside more than two people or lives in a larger housing unit in which there reside more than 1.5 people per room;
- 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**
- Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in OHCS's approved Consolidated Plan.

In addition, a youth may be considered "at risk of homelessness" if they meet one of the following (24 CFR 576.2 "At risk of homelessness"):

- Qualify 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)), or 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**
- Qualify 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.

## **C. Category 2: Homeless**

Subgrantees or their subrecipients must verify that applicants for program services for individuals or families meet the Program's criteria to be considered homeless. Please note that OHCS has identified three levels of homelessness for the purposes of this program: Literally homeless, imminent risk of homelessness, and homeless under other federal statutes (24 CFR 576.2 "Homelessness").

### **1) Category 2a: Literally Homeless**

An individual or family is considered literally homeless if they lack a fixed, regular, and adequate nighttime residence, meaning:

- Living in 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; **or**
- Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); **or**
- Exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

### **2) Category 2b: Imminent Risk of Homelessness**

An individual or family is considered to be imminently at risk of homelessness if they will imminently lose their primary nighttime residence, provided that:

- The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance; **and**
- 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.

### **3) Category 2c: Homeless Under Other Federal Statutes**

An individual or household is considered homeless if they are an 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:

- Are defined as homeless under 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); **and**
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance; **and**
- Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; **and**
- 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 (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

## **D. Category 2: Domestic Violence Survivor**

Certain programmatic categories explicitly provide assistance to individuals and families fleeing, or attempting to flee, domestic violence. A household falls under this category if they are any individual or family who:

- 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, including a child, 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; **and**
- Has no other residence; **and**
- Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

## 4. Rapid Re-Housing and Homelessness Prevention Services

### A. General Overview

Both the rapid re-housing and homelessness prevention programmatic categories can provide the following assistance:

- Housing Relocation and Stabilization Services
- Short-Term and Medium-Term Rental Assistance

While eligibility for assistance differs by programmatic category, the services provided are identical. This section of the manual will further outline and define eligible expenses Housing Relocation and Stabilization Services and Short-Term and Medium-Term Rental Assistance. For eligibility requirements, see Sections 2E: Rapid Re-Housing and 2F: Homelessness Prevention of this manual.

### B. Housing Relocation and Stabilization Services

#### 1) Eligible Costs and Services

The Emergency Solutions Grant Program's Rapid Re-housing and Homelessness Prevention categories may be used to pay property owners, utility companies, and other third parties for the following costs (24 CFR 576.105(a)):

- **Rental application fee** charged by the landlord to all applicants;
- **Security deposit**, equal to or not more than two months' rent;
- **Last month's rent**, paid to landlord at the time security deposit and first month's rent are paid. The amount must not exceed one month's rent and is included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any three-year period;
- **Utility deposit** (gas, electric, water, sewer) required by the utility company for all customers;
- **Utility payment** can be for up to 24 months 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 three-year period.
- **Moving costs**, including truck rental, hiring a moving company, and temporary storage fees. Storage fees can be up to three month's rent, providing costs are not incurred until after program participation begins and before move-in. Moving costs cannot include arrearage temporary storage fees;

In addition to what is outlined above, the ESG Program can pay for the following services (24 CFR 576.105(b)):

- **Housing Search and Placement** as necessary to assist program participants in locating, obtaining, and retaining suitable permanent housing, including the following:

- assessment of client housing barriers, needs, and preferences;
- Development of an action plan for locating housing;
- Housing search;
- Outreach to and negotiation with owners;
- Assistance with submitting rental applications and understanding leases;
- Assessment of housing for compliance with ESG requirements for habitability, lead-based paint, and rent reasonableness;
- Assistance with obtaining utilities and making moving arrangements; and
- Tenant counseling.
- **Housing Stability Case Management**
- **Mediation** services to prevent the tenant from losing their housing including mediation between tenant and landlord, household members, neighbors or others impacting the tenant's housing stability;
- **Legal Services** pertaining to certain legal matters as identified in 24 CFR 576.102(a)(1)(vi) that are necessary to resolve in order for program participant to obtain or maintain stable housing; **and**
- **Credit Repair** including credit counseling, household budgeting, money management, obtaining credit reports and resolving credit related barriers to housing stability.

**NOTE:** Housing counseling for renters is an eligible activity under the ESG program. However, housing counseling must be provided by a HUD-certified Housing Counselor who works for an agency approved to participate in HUD's Housing Counseling program. Housing counseling is defined as independent, expert advice to address the consumer's housing barriers and to help achieve their housing goals, including homeownership. The content and process of housing counseling must meet the standards of the HUD Housing Counseling Program. Additional information can be found at [www.hudexchange.info/programs/housing-counseling/](http://www.hudexchange.info/programs/housing-counseling/). Services to program participants such as rental housing information, placement and referral services, or landlord recruitment and/or support, do not constitute housing counseling and may be carried out by subgrantee's staff.

## 2) Housing Stability Case Management

ESG funds may be used to pay the cost of assessing, arranging, coordinating, and monitoring the delivery of individualized housing stabilization services to a program participant already in permanent housing (not to exceed 24 months) or to assist a program participant to overcome immediate barriers to obtaining housing (not to exceed 30 days).

While providing homelessness prevention or rapid re-housing assistance to a program participant, the recipient or subrecipient must

- (a) Require the program participant to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability; and

- (b) Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses; other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area. Plans are required to be client driven, using input and goal setting by the client.

Case management includes the following services:

- Using a coordinated entry process (upon the CoC's development or approval of this system);
- Conducting initial evaluation, including verification and documentation of eligibility;
- Developing, securing and coordinating services;
- Obtaining federal, state, and local benefits;
- Monitoring and evaluating participant's progress in the program;
- Developing an individualized, client driven housing stability service plan; **and**
- Conducting re-evaluations of participant's eligibility and types and amounts of assistance needed.

### **3) Refund of Security and Utility Deposits**

OHCS recommends that subgrantees and subrecipients develop a written policy regarding to whom the landlord and utility companies will refund security and utility deposit payments. Regardless of whether the subgrantee develops a written policy, they must be consistent on their refund practice. Any deposit funds returned to subgrantee is program income and must be documented as match (See Section 9A: Program Match). Subgrantees must ensure that subrecipients have policies that align with OHCS requirements and are consistent with the intent of such a policy as outlined by OHCS. OHCS retains the right to require modification of any policy that, in its determination, does not meet basic principles or requirements of such a policy.

### **4) Ineligible Services**

Subgrantees may not provide financial assistance 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 covered by the URA payments. Financial assistance refers to: rental application fees, security deposits and eligible fees, last month's rent, utility deposits and arrearages, utility payments and moving costs.

## **C. Short-Term and Medium-Term Rental Assistance**

Subgrantees may use ESG funds to provide up to 24 months of rental assistance to eligible participants during any three-year period (24 CFR 576.106(a)). Rental assistance can include payment of rent arrearages for tenant, short-term assistance, medium-term assistance, providing project-based housing, or any combination of this assistance (24 CFR 576.106(a)).

- **Short-Term Assistance** is assistance for up to three months of rent (24 CFR 576.106(a)(1));

- **Medium-Term Assistance** is assistance for more than three months, but no more than 24 months, of rent (24 CFR 576.106(a)(2));
- **Payment of Rent Arrearages** is a one-time payment of up to six months of rent in arrears, including any late fees, so long as such payment is necessary for the participant to obtain permanent housing and maintain stability in that housing (24 CFR 576.106(a)(3)).
- **Lease Break Fee.** If a program participant receiving short- or medium-term rental assistance meets the conditions for an emergency transfer under 24 CFR 5.2005(e), ESG funds can be used to pay amounts owed for breaking a lease to allow for an emergency transfer. These costs are not subject to the 24-month limit on rental assistance.

Any limits on rental assistance apply to the total assistance an individual receives, either as an individual or as part of a family (24 CFR 576.106(j)).

Rental Assistance can be either tenant-based or project-based (24 CFR 576.106(a)(4)). The following sections will go into greater detail on the requirements for both types of rental assistance.

### 1) Tenant-Based Rental Assistance

Tenant-based rental assistance generally allows program participants to select a housing unit in which to live and may move to another unit or building and continue to receive rental assistance, provided that the participant continues to meet program requirements (24 CFR 576.106(h)(1)). However, subgrantees and subrecipients may require program participants to live within a particular area for the period in which the rental assistance is provided (24 CFR 576.106(h)(2)).

Subgrantees and subrecipients must terminate the rental assistance agreement with the property owner and may not provide further rental assistance payments under that agreement under the following circumstances (24 CFR 576.106(h)(3)):

- The program participant moves out of the housing unit for which the program participant has a lease;
- The lease terminates and is not renewed;
- The program participant becomes ineligible to receive ESG rental assistance.

**NOTE:** Under Rapid Re-housing, a subgrantee and subrecipient can provide tenant-based rental assistance to a program participant that chooses a unit in which the subgrantee and subrecipient has an ownership interest. However, the subgrantee and subrecipient cannot exclusively direct a program participant to a unit it owns, nor can it carry out the initial evaluation to determine eligibility for the assistance - another agency must make that determination. The participant's file must include documentation that the program participant had a choice of other units.

### 2) Project-Based Rental Assistance

If the subgrantee or subrecipient identifies a permanent housing unit that meets ESG requirements and becomes available before they can identify an eligible program participant, the subgrantee or subrecipient may enter into a rental assistance agreement

with owner to reserve and subsidize the unit (24 CFR 576.106(i)). This type of rental assistance is called project-based rental assistance. If a subgrantee or subrecipient wants to pursue project-based rental assistance, it must adhere to the following requirements:

- The rental assistance agreement may cover one or more permanent housing units in the same building. However, only program participants may occupy the assisted units (24 CFR 576.106(i)(1)).
  - **Exception (24 CFR 576.106(i)(4)):** If the program participant occupying an assisted unit is determined ineligible or reaches their maximum amount of rental assistance, the individual or family may remain in that unit as permitted under the lease. The subgrantee or subrecipient, however, must suspend or terminate the rental assistance payments for the unit. If suspended and payment does not resume (i.e., if the family does not regain eligibility), the subgrantee or subrecipient may transfer the rental assistance agreement to another available unit in the same building, provided that it also meets all ESG requirements.
- The subgrantee or subrecipient may pay up to 100 percent of first month's rent, provided that a program participant signs a lease and moves into the unit before the end of the month for which the first month's rent is paid. The rent paid before a program participant moves into the unit must not exceed the rent to be charged under the program participant's lease and must be included when determining that program participant's total rental assistance (24 CFR 576.106(i)(2)).
- The recipient or subrecipient may make monthly rental assistance payments only for each whole or partial month an assisted unit is leased to a program participant. When a program participant moves out of an assisted unit, the recipient or subrecipient may pay the next month's rent, i.e., the first month's rent for a new program participant (24 CFR 576.106(i)(3)).
- The rental assistance agreement must have an initial term of one year. When a new program participant moves into an assisted unit, the term of the rental assistance agreement may be extended to cover the initial term of the program participant's lease. If the program participant's lease is renewed, the rental assistance agreement may be renewed or extended, as needed, up to the maximum number of months for which the program participant remains eligible (24 CFR 576.106(i)(5)).

**Waiver for Project-Based Rental Assistance:** A subgrantee and subrecipient must receive a HUD approved waiver to provide project-based assistance for a unit where the subgrantee and subrecipient has ownership interest. A waiver is also required to provide Homelessness Prevention rent assistance to a participant residing in a unit owned by the subgrantee and subrecipient. The waiver is necessary because the rental agreement must be between the subgrantee or subrecipient and housing owner and it is not possible for the subgrantee or subrecipient to create such an agreement with itself. Waiver requests must be submitted to OHCS for review and submission to HUD.

### 3) General Rental Assistance Requirements and Restrictions

Regardless of whether the assistance is project-based or tenant-based, subgrantees and subrecipients must adhere to the following requirements and restrictions when providing either assistance under rapid re-housing or homelessness prevention:

- **Rental Caps and Conditions (24 CFR 576.106(b)):** Subgrantees and subrecipients may not terminate or otherwise end or reduce a participant's rental assistance subsidy as long as they remain eligible and have adequate funding. Further, subgrantees and subrecipients may not set a maximum number of times that a participant can receive rental assistance, nor can they require program participants to share in the costs of rent.
  - If ESG funding limitations or restrictions require subgrantees to reduce or otherwise terminate a participant's rental assistance subsidy, subgrantee must find other resources available to keep participant housed. If no other funding is available, subgrantee must add individual or family to their waitlist.
- **Use with Other Subsidies (24 CFR 576.106(c)):** 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.
- **Fair Market Rent (24 CFR 576.106(d)):** Rental assistance cannot be provided unless the rent does not exceed [Fair Market Rent as established by HUD](#). Please see Section 4(C)(4)(b) Fair Market Rent Requirements for more details on Fair Market Rent.
- **Rental Assistance Agreement (24 CFR 576.106(e)):** The subgrantee or subrecipient may make rental assistance payments only to property owners with rental assistance agreements with them. The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the following requirements:
  - During the term of the agreement, the property owner must give the subgrantee 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.
  - Each rental assistance agreement must include all Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. Please see Section 4(C)(5): Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking for more information on the requirements for these protections.
  - Payment due date, grace period, and late payment penalty requirements will be the same as documented in the program participant's lease;
  - The agreement must state whether the rental assistance is tenant-based or project-based;



- The amount to be paid by the subgrantee and subrecipient for payment of rent arrears, number of months covered, any other terms and conditions of the payment, and certification the program participant is eligible, and landlord has provided sufficient evidence of the rent arrears and that payment of such arrears is necessary for the participant to obtain permanent housing and maintain stability in that housing.
- **Late Payments (24 CFR 576.106(f)):** The subgrantee 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 subgrantee or subrecipient is solely responsible for paying late payment penalties that it incurs with non-ESG funds.
- **Lease (24 CFR 576.106(g)):** 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.
  - Please note that the rental assistance agreement is a separate document from the lease.
  - The lease must be between the property owner and the program participant.
  - Where the assistance is solely for rental arrears, a verbal 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.
  - Each lease must include a lease provision or incorporate a lease addendum that includes protections for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. Please see Section 4(C)(5): Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking for more information on the requirements for these protections.
- **Uniform Relocation Assistance (URA) Payments:** Except for a one-time payment of rental arrears, 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 received replacement housing payments under the URA during the period covered by the URA payments.

#### 4) Rental Restrictions: Rent Reasonableness and Fair Market Rent

As mentioned in Section 4(C)(3): General Rental Assistance Requirements and Restrictions, the ESG Program cannot pay for rental assistance unless the rent does not exceed the Fair Market Rent established by HUD and complies with HUD's standards of rent reasonableness (24 CFR 576.106(d)(1)). Additionally, HUD has specified how

subgrantees and subrecipients should calculate rent for the purposes of this program (24 CFR 576.106(d)(2)).

The calculated gross rent (rent plus appropriate utility allowance) must:

- be no greater than the Fair Market Rent set by HUD; **and**
- fit within the limitations resulting from a rent reasonableness analysis.

If the gross rent for the unit exceeds either the rent reasonableness standard or FMR, the subgrantee and subrecipient is prohibited from using ESG funds for any portion of the rent, even if the household is willing and/or able to pay the difference (24 CFR 576.106(d)).

**NOTE:** Fair Market Rent and rent reasonableness requirements do not apply when a program participant receives only financial assistance or services. This includes rental application fees, security deposits, utility payments/deposits/arrearages, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

This section will go into greater detail rent reasonableness, fair market rent and the requirements for calculating rent.

#### **a) Rent Reasonableness Determination**

Subgrantee and subrecipient must determine whether the gross rent of a particular unit is a reasonable rent in comparison to rent for other comparable unassisted units.

To make this determination, subgrantee must consider the following (24 CFR 982.507(b)):

- 1) the location, quality, size, unit type, and age of the contract unit; and
- 2) any amenities, housing services, maintenance, and utilities to be provided by the owner in accordance with the lease.

The unit's gross rent must be comparable to the rent reasonableness rent for the unit to be considered for rental assistance.

Subgrantees and subrecipients must make this determination at the following times:

- Prior to the initial execution of the lease agreement (24 CFR 982.507(a)(1));
- Prior to any rent increases (24 CFR 982.507(a)(2)(i));
- If the published Fair Market Rent decreases by 10 percent 60 days before the contract anniversary (24 CFR 982.507(a)(2)(ii));
- If directed by HUD (24 CFR 982.507(a)(2)(iii)); or
- If directed by OHCS.

OHCS has created a [Rent Reasonableness and FMR Certification Form](#) for subgrantees and subrecipients to use to conduct the rent reasonableness review for potential housing units. This form is available on [OHCS's website under Forms & Manuals](#). While this form may help to compare the selected units, subgrantees and subrecipients must ultimately determine how to select units to compare, using the criteria mentioned above. For example, subgrantees and subrecipients may compile a list of comparable rents by using a market study of rents charged for units of different sizes or by reviewing advertisements for comparable rental units.

To learn how public housing authorities establish rent reasonableness for the Housing Choice Voucher program, review [the Rent Reasonableness chapter of the HUD Housing Choice Voucher Program Guidebook](#). The link to the Guidebook is also in the appendices of this manual.

The Rent Reasonableness review completed for each unit must be documented in the client case file.

**b) Fair Market Rent (FMR) Requirements**

[HUD establishes Fair Market Rents \(FMRs\)](#) to determine rent ceilings for HUD-funded rental assistance programs and publishes the FMR schedule annually (24 CFR 888.202).

As mentioned in Section 4(C)(3): General Rental Assistance Requirements and Restrictions, gross rent for units in which ESG provides rental assistance must be the same or less than the FMR for that location. If subgrantee's and subrecipient's service area includes more than one county, subgrantee and subrecipient must use the appropriate FMR for the county in which the assisted rental unit is located.

Subgrantees and subrecipients must copy and place the applicable FMR data in the client file to document the FMR for that participant's unit size and geographic area.

**c) Rent Calculation Requirements**

When calculating gross rent for the purposes of this Program, 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 pay separately for utilities, the monthly allowance for utilities (excluding telephone), as established by the public housing authority for the area in which the housing is located (24 CFR 576.106(d)(2)).

**Utility Allowance:** The utility allowance is a projection of the cost of utilities the client will pay monthly while renting their unit. The local public housing authority maintains a utility allowance chart which considers the number of bedrooms and types of utilities in a unit (e.g.; gas and/or electric, water, sewer, and trash). Any utilities included in the rent payment must not also be included in the utility allowance calculation. Telephone, cable or satellite television service, and internet service are not counted as utility costs.

**Gross Rent Calculation:**

$$\begin{array}{r} \text{total contract rent amount of the unit} \\ \pm \\ \text{allowable* fees required for occupancy under the lease} \\ \pm \\ \text{monthly utility allowance established by local public housing authority} \\ \hline \text{Gross Rent Amount} \end{array}$$

\*excludes late fees and pet fees

**Example:**

A case manager wants to rapidly re-house a parent and child and has identified a two-bedroom unit at a rent of \$1,200 per month, not including utilities. The utility allowance for that size and type of unit is \$150. Therefore, the gross rent is \$1,350. A check of three similar units in the neighborhood reveals that the reasonable rent is \$1,400 for that area of the city. However, the FMR for the jurisdiction is \$1,300. This means the household cannot be assisted with ESG rental assistance in this unit because the gross rent exceeds the FMR.

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

## **5) Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Requirements**

As mentioned, the ESG Program requires each program participant to have a legally binding, written lease for the rental unit that contains protections for victims of domestic violence, dating violence, sexual assault, or stalking (24 CFR 576.106(g)). In addition, rental assistance agreements between subgrantees/subrecipients and property owners must contain protections for victims of domestic violence, dating violence, sexual assault, or stalking (24 CFR 576.106(e)). This section will go into greater detail on what must be included to fulfill this requirement.

### **a) Violence Against Women Act (VAWA) Notification of Occupancy Rights**

In relevant part, the Violence Against Women Act (VAWA) protects victims of domestic violence, dating violence, sexual assault, or stalking who are applying for, or are the beneficiaries of, assistance under certain HUD Programs, including the Emergency Solutions Grant Program (24 CFR 5.2001 and 24 CFR 576.409(a)).

Subgrantees may not deny or terminate assistance or eviction solely because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking (24 CFR 576.409(a)).

**Notification of Occupancy Rights:** To comply with VAWA regulations, subgrantees must provide [HUD-5380 Notice of Occupancy Rights Form](#) and [HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking](#) to each ESG rental assistance applicant and ESG rental assistance program participant at each of the following times (24 CFR 576.409(c)):

- When the applicant or participant is denied ESG rental assistance;
- When the applicant or participant is denied project-based rental assistance;
- When the applicant or participant begins receiving ESG rental assistance;
- When the applicant or participant is notified of termination of ESG rental assistance; and
- When a program participant receives notification of eviction.

**b) Violence Against Women Act (VAWA) Emergency Transfer Plan**

**NOTE:** For the purposes of this section, the following definitions apply (24 CFR 5.2005(e)(1)):

- 1) **Internal emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
- 2) **External emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit.
- 3) **Safe unit** refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

In accordance with the Violence Against Women Act (VAWA), subgrantees that administer ESG rental assistance must develop an Emergency Transfer Plan (ETP) (24 CFR 576.409(d) and 24 CFR 5.2005(e)). Per 24 CFR 5.2005(e)(2), this plan must allow survivor tenants to transfer to another available and safe unit assisted under covered housing program if they expressly request the transfer and:

- Tenant reasonably believes that they are threatened with imminent harm from further violence if they remain; **or**
- In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes they threatened with imminent harm from further violence if they remains within their currently-occupied dwelling unit, or the sexual assault occurred on the premises within 90 calendar days before the date of the request for transfer.

Subgrantees' Emergency Transfer Plans must model their Emergency Transfer Plan after [HUD-5381 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking](#) and contain the following elements and requirements (24 CFR 5.2005(e)):

- 1. Prioritization Requirements:** The ETP must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA protection (24 CFR 5.2005(e)(3)).
  - a. Project-Based Rental Assistance Participants:** Participants living in units receiving project-based rental assistance who qualify for an emergency transfer must have priority. If a safe unit is not immediately available for an internal emergency transfer, that 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 (24 CFR 576.409)(d)(3)(i)).
  - b. Tenant-Based Rental Assistance Participants:** For participants receiving tenant-based rental assistance who qualify for an emergency transfer, the required policies must specify what will happen with respect to non-transferring family members(s), if the family separates in order to effect an emergency transfer (24 CFR 576.409)(d)(3)(i)).
- 2. Lease Bifurcation (to fork or legally divide) Requirements (24 CFR 576.409(e) and 24 CFR 5.2009(a)):**
  - a.** Per 24 CFR 5.2009(a)(1), covered housing providers may bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual:
    - (i)** without regard to whether the household member is a signatory to the lease, and
    - (ii)** without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.
  - b.** If the household separates due to a lease bifurcation, or if the covered housing provider removes a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member engaging in criminal activity directly related to domestic violence, dating violence, stalking, or sexual assault, the remaining tenants may remain in the unit and continue to receive tenant-based rental assistance and utility assistance (24 CFR 576.409(e)(1) and 24 CFR 5.2009(a)(1)).

- c. If the household receives project-based rental assistance, the members not evicted or removed can remain in the assisted unit without interruption to the rental assistance or utility assistance provided for that unit (24 CFR 576.409(e)(2)).
- 3. Confidentiality:** The ETP must incorporate strict confidentiality measures to ensure that the covered housing provider does not disclose the location of the dwelling unit of the tenant to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant (24 CFR 5.2005(e)(4)).
- 4. Internal Transfer Plan:**
  - a. The ETP must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available (24 CFR 5.2005(e)(5)); and
  - b. The ETP must describe policies for assisting a tenant in making an internal emergency transfer under VAWA when a safe unit is not immediately available ((24 CFR 5.2005(e)(6)).
- 5. External Transfer Plan:** The ETP must describe reasonable efforts the covered housing provider will take to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available. (24 CFR 5.2005(e)(7)) These policies must include:
  - a. Arrangements, including memoranda of understanding, with other covered housing providers to facilitate moves (24 CFR 5.2005(e)(7)(i)); and
  - b. Outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(e)(7)(ii)).
- 6.** Nothing may preclude a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available (24 CFR 5.2005(e)(8)).
- 7.** Per 24 CFR 5.2005(e)(9), where applicable, the ETP must describe policies for a tenant to move quickly with their assistance if they:
  - a. Have tenant-based rental assistance;
  - b. Are a victim of domestic violence, dating violence, sexual assault, or stalking;
  - c. Expressly requests to transfer to another unit; and one of the following:
    - (i) Tenant reasonably believes that they are threatened with imminent harm from further violence if they remain; **or**
    - (ii) Tenant is a victim of sexual assault that occurred on premises within 90 days before the request.

8. The ETP may require documentation from a tenant seeking an emergency transfer (24 CFR 5.2005(e)(10)), provided that:
  - a. The tenant's submission of a written request to the covered housing provider, where the tenant certifies that they meet the following criteria shall be sufficient documentation (24 CFR 5.2005(e)(10)(i)):
    - (i) Tenant reasonably believes that they are threatened with imminent harm from further violence if they remain; or
    - (ii) In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes they threatened with imminent harm from further violence if they remains within their currently-occupied dwelling unit, or the sexual assault occurred on the premises within 90 calendar days before the date of the request for transfer.
  - b. The covered housing provider may, at its discretion, ask an individual seeking an emergency transfer to document the occurrence of domestic violence, dating violence, sexual assault, or stalking, in accordance with 24 CFR 5.2007, for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence (24 CFR 5.2005(e)(10)(ii)); and
  - c. No other documentation is required to qualify the tenant for an emergency transfer (24 CFR 5.2005(e)(10)(iii)).
9. The covered housing provider must make its ETP available upon request and, when feasible, must make its plan publicly available (24 CFR 5.2005(e)(11)).
10. The covered housing provider must keep a record of all emergency transfers requested under its ETP, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. ETP requests and outcomes of such requests must be reported to HUD annually (24 CFR 5.2005(e)(12)).
11. Nothing in this Emergency Transfer Plan shall be construed to supersede any eligibility or other occupancy requirements that may apply under a covered housing program (24 CFR 5.2005(e)(13)).

**NOTE:** For complete description of definitions and requirements that apply to the VAWA Final Rule, refer to the additional information provided in the Appendix.

In addition to the requirements listed above, HUD encourages housing providers to be familiar with and establish relationships with organizations that assist survivors of domestic violence, particularly those that offer help in locating safe housing for victims of domestic violence. Also, VAWA requires each housing provider to develop and issue an ETP that works with other housing providers in their area.

### **Emergency Transfer Plan Responsibilities**



The following table provides a guide clarifying if the subgrantee or housing provider has primary responsibility

<b>COVERED HOUSING PROVIDER RESPONSIBILITIES</b>		
	Subgrantee	Housing Owner
Lease bifurcation §5.2009 (a)		X
Victim status documentation; confidentiality §5.2007	X	X
Emergency transfer plan §5.2005(e)	X	
Actual and imminent threat exception §5.2005 (d) (3), (4)		X
Exception of violations not premised on DV; higher standard §5.2005 (d) (2)	PJ	X
Court order exception §5.2005 (d) (1)		X

## 5. Summary of Program Minimum Written Standards

### A. General Overview

Subgrantees and subrecipients are required to comply with the Oregon Housing and Community Services (OHCS) minimum standards outlined in this manual for providing ESG assistance (24 CFR 576.400(e)). In some cases, subgrantees may be required to develop their own written standards, policies, and procedures – which must be reviewed and approved by OHCS Program Analysts – prior to receiving funding. Subgrantees must consistently apply all minimum written standards for providing ESG assistance (24 CFR 576.400(e)(2)(i)(B)). This section serves to outline and clarify the required minimum standards for this Program.

Below is a list of required minimum written standards for each programmatic category. Subgrantees only need to provide standards that are relevant for the categorical activities they wish to fund with the ESG Program. For example, a subgrantee that allocates 100 percent of ESG funds to Rapid Re-Housing would not need to submit written standards that apply only to emergency shelter.

Please note that OHCS can neither approve a subgrantee's ESG budget nor provide ESG funding until the agency receives and approve the relevant standards, policies, and procedures. In addition, OHCS generally cannot reimburse subgrantees for expenses incurred prior to receiving and approving the relevant standards, policies, and procedures (i.e., no "back-dating").

Written Standards, Policies, and Procedures	ESG Category Requiring the Policy	Citation
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Evaluating Eligibility for Assistance under ESG Program	Street Outreach, Emergency Shelter, Rapid Re-Housing, Homelessness Prevention	24 CFR 576.400(e)(3)(i)
Targeting and Providing Essential Services Related to Street Outreach	Street Outreach	24 CFR 576.400(e)(3)(ii)
Admission, Diversion, Referral, and Discharge by Emergency Shelters	Emergency Shelter	24 CFR 576.400(e)(3)(iii)
Assessing, Prioritizing, and Reassessing Needs for Essential Services Related to Emergency Shelter	Emergency Shelter	24 CFR 576.400(e)(3)(iv)
Coordination Among Emergency Shelter Providers, Essential Services Providers, Homelessness Prevention, Rapid Re-Housing Assistance Providers, Other Homeless Assistance Providers, and Mainstream Service and Housing Providers	Street Outreach, Emergency Shelter, Rapid Re-Housing, Homelessness Prevention	24 CFR 576.400(e)(3)(v)
Determining and Prioritizing Eligibility for Homelessness Prevention Assistance and Rapid Re-Housing Assistance	Rapid Re-Housing, Homelessness Prevention	24 CFR 576.400(e)(3)(vi)
Determining Participant's Share of Rent and Utilities	Rapid Re-Housing, Homelessness Prevention	24 CFR 576.400(e)(3)(vii)
Determining Duration and Amount of Rental Assistance	Rapid Re-Housing, Homelessness Prevention	24 CFR 576.400(e)(3)(viii)
Determining Type, Amount, and Duration of Housing Stabilization and Relocation Assistance	Rapid Re-Housing, Homelessness Prevention	24 CFR 576.400(e)(3)(ix)

## B. Evaluating Eligibility for Assistance under the ESG Program

When funding ESG activities that require subgrantees to evaluating eligibility for assistance, subgrantees and their subrecipients must adopt the following eligibility process and criteria:

### 1) Initial Evaluation

When using ESG funds to provide client-level services, subgrantees evaluate applicants through a two-step process to determine eligibility:

- a) **Initial Screening:** The first step includes an initial screening to determine whether the applicant could reasonably meet one of HUD’s categorical definitions of “homeless” or “at risk of homelessness.” Please see in Section 3: Determining Applicant Homeless Category for Program Services of this manual for the various categories eligible for ESG assistance.

**NOTE:** The screening process may be conducted via phone call, in person, or through a virtual video call.

- b) **Comprehensive Assessment:** If the subgrantee or subrecipient determines that applicant could reasonably meet one of HUD’s categorical definitions of “homeless” or “at risk of homelessness,” then the subgrantee or subrecipient will conduct a more comprehensive assessment in person or through a virtual video call to verify applicants’ housing status and determine the ESG service components that best addresses their housing need. This assessment must be conducted in a way that aligns with the local Continuum of Care’s coordinated assessment system (24 CFR 576.400(d)).

At the end of this assessment, subgrantees or their subrecipients must be able to determine the amount and type of assistance the individual or family needs to regain stability in permanent housing (24 CFR 576.401(a)).

**NOTE:** While subgrantees and subrecipients must evaluate applicants through this two-step verification process, they may conduct both the initial screening and comprehensive assessment in one sitting, provided that:

- the subgrantee or subrecipient can determine, verify, and document income eligibility for the program; and
- doing such process would align with the local Continuum of Care’s coordinated assessment system.

## 2) Re-Evaluation

Subgrantees must re-evaluate the program participant’s eligibility and need at the following rates (24 CFR 576.401(b)(1)):

- Homelessness Prevention: Quarterly.
- Rapid Re-Housing: Annually.

Minimally, each re-evaluation of eligibility must verify the following (24 CFR 576.401(b)(1)):

- The client household does not have an annual income that exceeds thirty (30) percent of HUD-determined area median family income;
- The household continues to lack sufficient resources and support networks needed to retain housing without ESG assistance.

Meeting the definition of homelessness is not a requirement of re-evaluation for continued receipt of homelessness prevention and rapid re-housing assistance.

Neither subgrantees nor their subrecipients may require participants to notify them ahead of their re-evaluation regarding changes in income or other circumstances that would affect the program participant's need for assistance under the ESG Program (24 CFR 576.401(b)(2)). However, if the subgrantee or subrecipient becomes aware of a change in a client's circumstances anyway, the subgrantee or subrecipient must immediately re-evaluate the program participant's eligibility and make any necessary changes to their amount and type of assistance (24 CFR 576.401(b)(2)).

### **3) Household Composition**

For the purposes of determining the household composition for applicants, the household composition includes an individual living alone, a family with or without children, or a group of individuals who are living together as one economic unit. Children in shared custody agreements are part of the household composition if they reside within the household at least 50 percent of the time within a calendar year.

## **4) Income Determination and Requirements**

### **a) Income Eligibility**

Applicants must meet the income eligibility relevant to program category from which they will receive assistance. Subgrantees verify that the applicants meet income eligibility, as defined per program category in Section 2: ESG Categories: Eligible Expenses Per Category of this manual.

### **b) Sources of Income Types**

When determining an applicant's annual income, the ESG Program requires subgrantee to use the standards for calculating annual income under 24 CFR 5.609 (24 CFR 576.401(c)). This section will outline in greater detail how to calculate annual income.

Annual Income is the gross amount received from all sources by each member of the household composition who is 18 years of age or older – unless specifically excluded in this manual – plus the unearned amounts by or on behalf of each dependent under the age of 18 years (24 CFR 5.609(a)(1)).

#### **Assets as Income (24 CFR 5.609 (a)(2))**

Income also includes the household composition's net assets if it exceeds an amount as determined by [HUD's Annual Inflationary Adjustments and Passbook Rate](#). HUD adjusts the threshold for calculating assets each year for inflation, so subgrantees must review the HUD website annually to determine the amount of assets to include as annual income.

When the subgrantee or subrecipient cannot determine the household composition's earnings on assets in excess of HUD's inflation-adjusted asset threshold, then the subgrantee must multiply the assets by HUD's passbook rate, which is an average rate at which assets generate income if invested in a typical way. HUD determines the passbook rate annually and publishes it on their [Annual Inflationary Adjustments and Passbook Rate](#).

Income-producing assets include: bank accounts; life insurance policies; lump sum additions (legal settlement, refund, etc.); personal property held as investments; retirement/pension funds; trusts; assets disposed of for less than fair market value; and stocks, bonds or mutual funds.

### **Exclusion from Income**

Subgrantees must exclude the following when determining a household composition's income (24 CFR 5.609(b)):

- Assets or earnings from assets when the net assets total or are less than an amount as determined by [HUD's Annual Inflationary Adjustments and Passbook Rate](#).
- The following types of trust distributions:
  - For an irrevocable trust or a revocable trust outside the control of the household composition excluded from the definition of net assets:
    - Distributions of the principal or corpus of the trust; and
    - Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.
  - For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.
  - Earned income of those under the age of 18;
  - Payments received for foster care;
  - Insurance payments or settlements for personal or property losses (payments through health insurance, motor vehicle insurance, and workers' compensation);
  - Amounts received for the cost of health and medical care of expenses for any family member;
  - Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled;
  - Income of a live-in aide, foster child, or foster adult;
  - Any assistance that section 479B of the Higher Education Act of 1965, as amended (20 U.S.C. 1087uu), requires be excluded from a family's income;

- Student financial assistance for higher education institutions, including the cost of housing for students who are not considered to be the head of household or spouse;
  - NOTE: Student financial assistance does not include work study, a teaching fellowship, or gifts of any kind.
- Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, “baby bond” accounts created, authorized, or funded by Federal, State, or local government.
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (e.g., special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
- Amounts received under a resident service stipend not to exceed \$200 per month. A resident service stipend is a modest amount received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development.
- Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff.
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
- Earned income of dependent full-time students in excess of the amount of the deduction for a dependent in § 5.611.
- Adoption assistance payments for a child in excess of the amount of the deduction for a dependent in § 5.611.
- Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability

benefits that are received in a lump sum amount or in prospective monthly amounts.

- Payments related to aid and attendance under 38 U.S.C. 1521 to veterans in need of regular aid and attendance.
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit.
- Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit.
- Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car).
- Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law.
- Amounts that HUD is required by Federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in paragraph (b) of this section apply. HUD will publish a notice in the Federal Register to identify the benefits that qualify for this exclusion. Updates will be published when necessary.
- Replacement housing “gap” payments made in accordance with 49 CFR part 24 that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing “gap” payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing “gap” payments.
- Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from

income under this paragraph, even if the source, date, or amount of the income varies.

- Civil rights settlements or judgments, including settlements or judgments for back pay.
- Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.
- Income earned on amounts placed in a family's Family Self Sufficiency Account.
- Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:
  - Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations; and
  - Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

### **c) Calculating Annual Income**

Subgrantees must estimate the income of the family for the upcoming 12-month period. Income must be based on documents received in accordance with Section 5(B)(5): Eligibility Documentation and Recordkeeping of this manual.

To calculate the annual income, use one of the following methods:

#### **Converting Hourly Rate to Annual Income**

Annual Income = ((Amount Earned Per Hour X Average Number of Hours Worked Per Week) X 52 week) + Other Sources of Income – Income Exclusions

#### **Converting Biweekly Rate to Annual Income**

Annual Income = ((Average Biweekly Earnings) X 26 week) + Other Sources of Income – Income Exclusions

#### **Converting Monthly Rate to Annual Income**

Annual Income = ((Average Monthly Earnings) X 12 months) + Other Sources of Income – Income Exclusions



## **5) Eligibility Documentation and Recordkeeping**

Subgrantees and subrecipient must document eligibility determinations and establish written intake procedures in accordance with Section 5(B)(5): Eligibility Documentation and Recordkeeping of this manual.

## **C. Targeting and Providing Street Outreach Activities**

When funding ESG activities that require subgrantees to target and provide street outreach activities, subgrantees and their subrecipients must adopt the following policy and written standards:

To complete Street Outreach activities, subgrantees and subrecipients must identify those eligible for street outreach assistance under the Emergency Solutions Grant. To the extent that is possible, subgrantees and subrecipients should give preference to populations most vulnerable to being harmed by living in unsafe and unprotected places, including but not limited to:

- victims of domestic and other forms of violence,
- youth,
- families with children,
- people living with disabilities,
- elderly
- other high-risk groups specific to subgrantees' local context.

Engagement activities must include an initial assessment of need and eligibility to prioritize the most beneficial type and source of assistance, with safety and health being the highest priority. The ESG Program can fund emergency health services, including mental health services, only to the documented extent that other funds are inaccessible or unavailable within the service area (24 CFR 576.101(a)(3)(ii) and 24 CFR 576.101(a)(4)(ii)).

Based on need and assessment, street outreach can pay for the costs of connecting eligible individuals and families to essential services beyond emergency health and other crisis intervention assistance that include case management, transportation, and housing stabilization (24 CFR 576.101(a)(1)). Whenever feasible, subgrantees must prioritize rapid re-housing over the provision or referral to emergency shelter or transitional housing.

## **D. Admission, Diversion, Referral, and Discharge by Emergency Shelters**

Subgrantees must adopt the following written standards and policies if they fund ESG activities that require them to adopt standard for the admission, diversion, referral, and discharge by Emergency Shelters:

### **1) Local Governmental Approval**

Per 24 CFR 576.202(a)(2), private nonprofit organizations who receive ESG funds directly from OHCS must submit to OHCS a certification of approval from their local government(s) if they use ESG funds for emergency shelter activities. This certification expires at the end of each biennium, so subgrantees must submit renewed approval to

OHCS during the biennial funding application. Subgrantees must use the [ESG Local Government Approval Form located on OHCS's website](#) under Forms & Manuals.

Subgrantees whose jurisdiction spans multiple counties must submit this certification for each county in which they plan to use ESG funds for emergency shelter activities.

## **2) Admission**

Subgrantees and subrecipients must have standardized screening and intake criteria in writing for determining eligibility for admission to emergency shelter. The criteria must comply with Fair Housing Law and cannot force involuntary family separation by denying family admission based on the age of a child under the age of 18. The admission process requires an initial assessment to determine the homeless status of the applicant based on the Program's definition of homeless (24 CFR 576.2 "Homeless") and meeting other subgrantee and subrecipient determined eligibility criteria. The assessment process and tools must meet the service area's Continuum of Care coordinated entry requirements (24 CFR 576.400(d)) once developed; however, victim service providers may choose not to use their local CoC's coordinated or centralized assessment system.

## **3) Diversion from Shelter**

Based on screening results, subgrantees (or the subrecipient administering the program) must divert individuals and families to the most stable housing available whenever possible, including supportive or subsidized permanent housing using the Housing First or Rapid Re-housing service models.

## **4) Essential Services and Referral**

Emergency shelter participants and persons receiving hotel/motel vouchers must have access to essential services through direct service delivery by the subgrantee and subrecipient. The subgrantee or subrecipient may supplement essential services for participants by offering information and referrals to other service providers. Please see Section 2(C)(4): Allowable Costs and Activities: Shelter Services for a comprehensive list of essential shelter services.

## **5) Length of Stay and Discharge**

Subgrantees (or the subrecipient administering the program) must make available essential services and shelter for participants for at least the period during which the ESG funds are provided (24 CFR 576.101(b)). If subgrantees impose limits on participants' stays, they must identify such limitations in writing in the subgrantees' and subrecipients' policies and procedures governing emergency shelter or shelter operations. Further, these policies are subject to OHCS approval.

## **6) Safety and Accommodations for Special Populations**

Subgrantees and subrecipients must have policies in place to provide safeguards for special populations, or populations with the highest barriers to housing and are likely to experience homelessness the longest (24 CFR 576.400(e)(3)(iii)). The Emergency Solutions Grant regulations has identified the following special populations (24 CFR 576.101(a)(6)):

- Homeless Youth;
- People living with HIV/AIDS;
- Domestic Violence Survivors.

Subgrantees may identify additional populations with unique housing needs or needing safety and accommodations within their policies.

In addition, OHCS requires subgrantees to adopt the following accommodations:

**a) Accommodating Families**

If an ESG-assisted shelter has private rooms in which a family can stay together, then the family must be able to stay in a room together if they choose. Regardless, subgrantees and subrecipients must treat all families within shelters the same. For example:

- If the standard practice is to put down mats in a conference room for everyone who is considered “overflow” (beyond the capacity of the shelter beds), then it can shelter a family together in that space.
- If the standard practice is to place a family in its own room, it would be acceptable to leave a bed empty to accommodate the family (e.g., a family of four could stay in a unit with 5 beds, and the fifth bed could be open). In this example, OHCS would not expect the subgrantee to fill the 5<sup>th</sup> bed with an individual outside of the family, so long as the subgrantee or subrecipient documented the reasons for having open beds.

**NOTE:** Under HUD’s definition (24 CFR 5.403 “Family”), family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- A single person, who may be:
  - An elderly person, displaced person, disabled person, near-elderly person, or any other single person;
  - An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or at risk of becoming homeless at age 16 or older; or
- A group of people residing together, and such group includes but is not limited to:
  - A family with or without children (a child who is temporarily away from the house because of placement in foster care is considered a member of the family);
  - An elderly family;
  - A near-elderly family;
  - A disabled family; and
  - The remaining members of a tenant family.

**b) Non-Discrimination and Limited English Proficiency**

Subgrantees and subrecipients are required to comply with all state and federal statutes relating to nondiscrimination as identified in Section 7: Required Policies of this manual.

**c) Reasonable Accommodations**

Reasonable accommodations for those with disabilities must be available to ensure they have an equal opportunity to utilize the shelter and receive essential services. Greater levels of accessibility may be required for some shelters in compliance with The Americans with Disabilities Act.

**d) Domestic Violence**

Domestic violence victims and other persons in need of victim services must have access to a safe setting and have their identity protected. Subgrantees must adhere to the record retention requirements in Section 8(B)(4): Records of Domestic Violence Survivors and adhere to the following shelter policies and procedures:

- Prohibit disclosing personally identifying victim information to any third party without consent of the victim;
- Ensure victim consent is reasonably time-limited, written and specific as to whom information will be shared;
- Adhere to data collection practices in accordance with HSS Program Standards Guidance Section 4(F); **and**
- Include confidentiality policies and procedures that require staff to refrain from discussing client information in public and ensure client records are secure and only accessible to authorized staff.

**E. Assessing, Prioritizing, and Reassessing Needs for Essential Services Related to Emergency Shelter**

Subgrantees must have policies and procedures for assessing, prioritizing, and reassuring individuals' and families' needs for essential services related to emergency shelter (24 CFR 576.400(e)(3)(iv)). These policies and procedures must apply to all eligible recipients of essential shelter services, and, when developed, must align and comply with local services area(s) Continuum of Care assessment and prioritization requirements (24 CFR 576.400(d)).

**F. Coordination Among Homeless Assistance Providers, Mainstream Service Providers and Housing Providers**

OHCS, subgrantees, and subrecipients must coordinate and integrate, to the extent practicable, the following (24 CFR 576.400(b)-(c) and 24 CFR 576.400(e)(3)(v)):

- ESG-funded activities with other programs targeted to people experiencing homelessness within their service area; and
- ESG-funded activities with mainstream housing, health, social services, employment, education, and youth programs.

This coordination and integration include, but is not limited to, the following programs:

- Shelter Plus Care Program
- Supportive Housing Program
- Section 8 Moderate Rehabilitation Program for SRO Program for Homeless Individuals
- Veterans Affairs Supportive Housing
- Education for Homeless Children and Youth Grants for State and Local Activities
- Grants for the Benefit of Homeless Individuals
- Healthcare for the Homeless
- Programs for Runaway and Homeless Youth
- Projects for Assistance in Transition from Homelessness
- Services in Supportive Housing Grants
- Emergency Food and Shelter Program
- Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program
- Homeless Veterans Reintegration Program
- Domiciliary Care for Homeless Veterans Program
- VA Homeless Providers Grant and Per Diem Program
- Health Care for Homeless Veterans Program
- Homeless Veterans Dental Program
- Supportive Services for Veteran Families Program
- Veteran Justice Outreach initiative
- Public housing programs
- Housing programs receiving tenant-based or project-based assistance
- Supportive Housing for Persons with Disabilities
- HOME Investment Partnerships Program
- Temporary Assistance for Needy Families
- Health Center program
- State Children's Health Insurance Program
- Head Start
- Mental Health and Substance Abuse Block Grants
- Services funded under the Workforce Investment Act.

To ensure compliance with this requirement, subgrantees must submit to OHCS written CoC verification of support of the subgrantee's and subrecipient's plan for use of ESG funds.

## **G. Determining and Prioritizing Eligibility for Homelessness Prevention and Rapid Re-Housing Assistance**

In accordance with 24 CFR 576.400(e)(3)(vi), subgrantees using ESG funds for Homelessness Prevention or Rapid Re-Housing must have policies and procedures in place to determine and prioritize which eligible families and individuals will receive homelessness prevention assistance and rapid re-housing assistance. These policies must also include the emergency transfer plan priority, which is discussed in greater detail in Section 4(C)(5)(b): Violence Against Women Action – Emergency Transfer Plan of this manual.

### **1) Determining Eligibility**

Subgrantees and subrecipients must comply with Section 5B: Evaluating Eligibility for Assistance under the ESG Program of this manual.

### **2) Prioritization: Prevention**

Prioritization for homeless prevention assistance must comply with Continuum of Care standards once developed. Minimally, prioritization should align with vulnerable homeless and at-risk of homelessness populations identified in subgrantees' and subrecipients' service area homeless plan(s) and community assessment(s).

### **3) Prioritization: Rapid Re-Housing**

Prioritization for rapid re-housing must comply with Continuum of Care standards once developed and be supported by subgrantee and subrecipient service area homeless plans and community assessment data. When appropriate, local prioritization should also align with HUD's homeless strategic plan goals for ending chronic homelessness, homelessness among Veterans, and families with children and youth homelessness.

## **H. Determining Participants' Share of Rent and Utilities**

Subgrantees using ESG funds for activities requiring a policy to determine participant's share of rent and utilities must adopt the following policy:

Participants will contribute \$0 toward rent while receiving short-term rental assistance or medium-term rental assistance.

For utility assistance, subgrantees (or applicable subrecipients) should assist participants in accessing energy assistance programs for which they are eligible as a first option in providing utility assistance. In the absences of such programs, participants will contribute \$0 toward utilities.

When feasible, subgrantee must return un-used utility deposits households.

## **I. Determining Duration and Amount of Rental Assistance Provided to Participant**

Subgrantees using ESG funds for activities requiring a policy to determine the duration and amount of rental assistance provided to participants must not arbitrarily limit a participant's

rental assistance to be shorter than the amount listed under “medium-term rental assistance” on Section 4C: Short-Term and Medium-Term Rental Assistance of this manual, unless a shorter timeline is agreed upon by participant and subgrantee.

If the subgrantee or subrecipient needs to limit a participant’s rental assistance, they must maintain documentation of the reason for such limitations. This reasoning must be consistently applied to all participants.

## **J. Determining Type, Amount, and Duration of Housing Stabilization and Relocation Services Provided to Participants**

Subgrantees using ESG funds for activities requiring a policy to determine the type, amount, and duration housing stabilization and relocation services to participants must adopt the following policy:

Except for housing stability case management, the total period for which any client may receive assistance must not exceed 24 months during any 3-year period. The limits on the assistance apply to the total assistance an individual receives, either as an individual or as part of a household.

# **6. Shelter and Housing Standards**

## **A. General Overview**

Subgrantees who use the Emergency Solutions Grant Program for Emergency Shelter, Rapid Re-Housing, or Homelessness Prevention must ensure that the housing units and shelters funded with the ESG Program meet the Program’s shelter and housing standards as outlined in 24 CFR 576.403. This section will go into the detail the requirements of these standards.

## **B. Lead-Based Paint Requirements**

Federal lead-based paint requirements apply any time federal funds are used for housing assistance and the living space or unit was built prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing, then the requirements do apply) or any 0-bedroom dwelling. 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 with ESG funding and all housing occupied by program participants (24 CFR 576.403(a)).

The following subparts of HUD’s implementing regulations at 24 CFR part 35 include:

- Subpart A – Lead disclosure rule
- Subpart B – General requirements
- Subpart H – Project-based assistance
- Subpart J – Rehabilitation
- Subpart K – Acquisition, leasing, support services, or operation

Subpart M – Tenant-based rental assistance

Subpart R – Methods and standards for hazard evaluation and reduction

Subgrantee and subrecipient must provide the lead hazard information pamphlet to any resident who will be residing in a unit built before 1978. The tenant must receive the pamphlet before moving into the unit. If subgrantee and subrecipient can document the tenant received the pamphlet previously, subgrantee and subrecipient is not required to provide it again.

For units older than 1978 which will house one or more children under the age of 6, landlord and tenant must complete a Lead-Based Paint Disclosure form (see OHCS website for sample form). The form describes any known current or previous lead-based paint hazards, and documents tenant's receipt of records and the lead hazard information pamphlet. Additionally, a visual lead-based paint assessment must be completed by a person trained in this inspection process. The inspection may be completed in conjunction with the habitability inspection if the inspector is qualified. At Intake, it should be noted on the Application Form if there will be any child in the household younger than 6 years. This information should be provided to the habitability inspector prior to their examination of the proposed rental unit.

If a notification is received from a public health department or other medical health care provider that a child of less than 6 years of age living in a unit funded by ESG rental assistance, has an elevated blood lead level, an environmental investigation of the dwelling unit and common areas servicing the dwelling unit in which the child lived, regardless of whether the child is still living in the dwelling. For more information, see 24 CFR 35.730 and 35.1225.

Essential service activities, such as, counseling, case management, street outreach, referrals to employment, etc., are exempt and excluded from the lead-based paint inspection requirements.

## **C. Occupancy Standards**

Occupancy standards provide consistent criteria for determining the size of the permanent housing unit for which the household is eligible and thus, the amount of assistance to be provided.

Subgrantee and subrecipient may choose to use the occupancy guidelines set by the Housing Choice Voucher Program, 24 CFR 982 Subpart I: 982.401(d), or develop their own standards. Subgrantee and subrecipient must develop a written policy outlining their occupancy standards requirements and use those standards consistently. Such policy must be available to OHCS during OHCS monitoring. Subgrantees must ensure that subrecipients have policies that align with OHCS requirements and are consistent with the intent of such a policy as outlined by OHCS. OHCS retains the right to require modification of any policy that in its determination does not meet basic principles or requirements of such a policy.



## D. Minimum Habitability Standards: Emergency Shelter

Any building for which ESG funds are used for Emergency Shelter must meet the program's minimum safety, sanitation, and privacy standards (24 CFR 576.403(b)). In addition, the shelter must meet applicable state or local government safety and sanitation standards (24 CFR 576.403(b)). Minimum habitability standards include requirements for the following:

- structure and materials;
- access to and within the shelter;
- personal space and security;
- interior air quality;
- water supply;
- sanitary facilities;
- heating and cooling operating equipment;
- natural and electrically produced light;
- area for food preparation;
- safe and sanitary facility maintenance; **and**
- fire safety/smoke detectors.

The appendices section of this manual includes more information about habitability standard, and OHCS provides a habitability standards checklist on the OHCS website.

All shelters must meet minimum habitability standards. Documentation must be kept by the subgrantee/subrecipient denoting subgrantee's/subrecipient's compliance with this requirement and available to OHCS during OHCS monitoring.

**Please Note:** If a subgrantee uses ESG funds on a shelter within a jurisdiction that has additional or stricter safety, sanitation, or privacy standards that exceeds program minimum requirements, the subgrantee must create a checklist that incorporates those standards.

## E. Minimum Habitability Standards: Permanent Housing

Any building for which ESG funds are used for permanent housing must the inspection standards outlined in 24 CFR 5.703: National Standard for the Condition of HUD Housing, also known as NSPIRE. These standards are identical to the standards required for housing units under the HOME Tenant-Based Rental Assistance Program (HOME TBRA or HOME TBA), except that:

- **Relocation and Stabilization Services (24 CFR 576.403(c)(2)):** For the first 30 days in which a program participant receives homelessness prevention assistance, subgrantees or their subrecipients may provide relocation and stabilization assistance without inspecting a unit. However, the unit must still meet HUD's lead-based paint requirements.

- **Frequency of Inspections (24 CFR 576.403(c)(2))**: Subgrantees or their subrecipients must inspect the unit no less than once every 12 months during the period of assistance to confirm that it meets NSPIRE standards.
- **Correction of Deficiencies (24 CFR 576.403(c)(3))**: If the subgrantee or subrecipient finds one or more deficiencies during the inspection, they may not provide short-term or medium-term rental assistance unless the owner corrects the deficiencies within 30 days from the date of the inspection. Once the subgrantee or subrecipient verifies and documents that the property owner has corrected the deficiencies within 30 days, they may backdate expenses to cover rental assistance during that period of time. If the property owner corrects deficiencies, but it takes longer than 30 days, the subgrantee or subrecipient may not provide backdated assistance.
- **Rental Arrears (24 CFR 576.403(c)(4))**: Housing for which rental arrears are paid is only subject to the requirements in this section, if a program participant is seeking to stay in that housing.

For households moving into a new unit, the unit must meet habitability standards before the lease is signed and the household moves in. For households already residing in a unit, the unit must meet habitability standards before financial or rental assistance can be provided. The appendices section of this manual includes more information about NSPIRE requirements.

**Please Note:** If a subgrantee uses ESG funds on rental assistance within a jurisdiction that has additional or stricter property standards that exceeds program minimum requirements, the subgrantee must create an inspections process and checklist that incorporates those standards.

## F. Environmental Review

Subgrantee, subrecipient and their contractors shall not rehabilitate, convert, or renovate a shelter or prospective shelter until OHCS has performed an environmental review under 24 CFR part 50 (24 CFR 576.407(d)(2)). Subgrantee and subrecipient shall supply all available, relevant information as requested by OHCS so that HUD can perform any environmental review required by 24 CFR Part 50. Subgrantee and subrecipient must carry out mitigating measures required by HUD or select alternate eligible property. OHCS may eliminate from consideration any application that would require an Environmental Impact Statement (EIS).

Environmental reviews must also be completed for any project-based or leased housing assistance paid with ESG funding.

## G. Solid Waste Disposal Act

For all shelter rehabilitation, conversion, or renovation, subgrantees, subrecipients, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. Documentation must be kept by the subgrantee and subrecipient denoting their compliance with this requirement and must be available to OHCS during OHCS monitoring. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable,

consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

A subgrantee's failure to provide required report is non-compliant with program rules and guidelines and could be subject to the repayment of funds. Please read the requirements carefully to ensure compliance. Report forms are located on the [OHCS HSS Dashboard](#).

## 7. Required Policies

### A. General Overview

In order to administer grant programs under the Master Grant Agreement, OHCS requires subgrantees to develop certain policies to ensure programmatic integrity, fiscal responsibility, and compliance with state and federal nondiscrimination laws. The HSS Program Standards Guidance will outline the required policies that subgrantees must have in place prior to administering and expending OHCS-funded programs, including federal programs passed from HUD. OHCS must review and approve the policies in writing before subgrantees can administer these programs. See the HSS Program Standards Guidance for more information.

### B. Fair Housing

#### 1) Affirmative Outreach

Subgrantee and subrecipient must communicate and make known that use of ESG funded facilities, assistance and services are available to all on a nondiscriminatory basis.

Subgrantee and subrecipient must develop and implement affirmative outreach written procedures and communication tools and materials to inform persons without regard to race, color, ethnicity, religion, sex, age, national origin, familial status, or disability, how to obtain access to facilities and services. If it appears the procedures subgrantee and subrecipient intends to use to accomplish this will not reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those activities and services, subgrantee and subrecipient must establish additional procedures to ensure those persons are made aware of assistance opportunities.

Reasonable accommodations for persons with disabilities must be available to ensure participants with disabilities have an equal opportunity to utilize housing, including shelters, and receive essential services. Greater levels of accessibility may be required for some shelters in compliance with The Americans with Disabilities Act (ADA).

Outreach efforts must comply with Program Standard #3—*Emergency Shelter Operations (Safety and Accommodations for Special Populations)* located under *General Program Requirements* of this manual.

Subgrantee and subrecipient must document their compliance with federal affirmative outreach requirements. Subgrantee and subrecipient must have available for review records demonstrating compliance with state and federal nondiscrimination and equal opportunity rules, including data concerning race, ethnicity, disability status, sex, and family characteristics of persons and household who are applicants for, or program participants in, any program or activity funded in whole or in part with ESG funds and the affirmative outreach requirements above.

## 8. Data Entry, Reporting, and Recordkeeping

### A. Data Submission and Reporting Requirements

#### ESG Match Report

Subgrantees are required to submit an ESG Match Report in compliance with 24 CFR 576.201, within 20 days following the end of each fiscal quarter (Oct 20, Jan 20, Apr 20, Jul 20). The ESG Match Report can be found on the HSS Dashboard at: <https://app.smartsheet.com/b/publish?EQBCT=8a215621578a4f76ae98113d719d5e64>.

### B. Recordkeeping

#### 1) Client File Documentation

Documentation of participant eligibility, services received and funds expended must be maintained in 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 must include the participant's request for assistance, why they are ineligible and how it was communicated to the applicant/participant, along with notification of the subgrantee's grievance/appeal process. Ineligible participants do not need to be entered into HMIS unless the use of HMIS is a part of the subgrantee or subrecipient's intake/assessment process.

A participant services or housing plan is required for those participants **receiving more than one time only** services and must be in the case file. Existing assessments and active case plans with other providers can be used and included in the participant file.

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 as a part of shelter strategy, require that participant eligibility documentation be maintained in the participant file.

File documentation will be the basis of OHCS monitoring to ensure subgrantee and subrecipient comply with program requirements, rules and regulations. OHCS recommends that subgrantees and subrecipients use a participant file checklist to ensure adequate documentation of case files. Sample forms are available on the OHCS website.

At the minimum, client files must contain the following, if applicable to subgrantee's and subrecipient's service to the program participant:

- Verification of use of coordinated entry;
- Evidence of provision of a Privacy Notification and/or Signed Release of Information;
- Intake form and assessment of household needs;
- homeless or at risk of homelessness verification;
- Evidence applicant has no subsequent housing options and lacks sufficient resources to retain housing, but is not homeless;
- Rent Reasonableness documentation;
- Habitability Standards verification;
- Lead-based Paint visual assessment;
- Signed Lease Agreement;
- Signed Rental Assistance Agreement;
- Verification of client income;
- Amount and type of essential emergency shelter services provided;
- Re-evaluations of eligibility;
- Housing Plan and housing assistance provided;
- Verification of outstanding rent arrears;
- Evidence of client receipt of Grievance/Appeals Procedures;
- VAWA Addendum, Notice of Occupancy Rights, and Emergency Transfer Plan;
- Notice on Equal Access;
- Case notes;
- Evidence of referrals, if provided;
- Documentation of payments made on client's behalf; **and**
- Written notice of program termination.

## **2) Electronic Files**

Records can be stored electronically; however, electronic records must be maintained securely and confidentially and be available in paper format if requested by OHCS for monitoring, audit, or other purposes. HMIS can be used as a method of document collection and maintenance when it represents all required records and is appropriate.

## **3) Available Forms**

Sample program forms and reference documents are available for download from the OHCS HSS Dashboard. Subgrantee and subrecipient can use these sample standard forms or acceptable equivalents when administering its ESG-funded program. Any alternate form must collect all data requested on the standard form. Required forms must be used in the form and format required by OHCS. OHCS encourages the use of the standard forms for consistency and ease of monitoring and compliance.

#### **4) Records of Domestic Violence Survivors**

Subgrantees and subrecipients are required to implement procedures to ensure confidentiality of records pertaining to any individual who is provided family violence prevention, treatment, or other services. Subgrantees and subrecipients must also certify that the address of a family/individual violence shelter will not be made public without permission of the shelter or housing agency.

## **9. Financial Management**

### **A. Program Match**

Except as provided in the next paragraph and in accordance with 24 CFR 576.201, OHCS requires subgrantees to make matching contributions in an amount that equals 100 percent of the total amount of ESG funds allocated by OHCS.

#### **1) Sources of Match**

Subgrantee can obtain matching contributions from any source (other than ESG), including any federal, state, local, and private sources. Subgrantee must ensure the laws governing any funds used as matching contributions do not prohibit the use of those funds as ESG match. Subgrantee must keep records of the source and use of contributions made to satisfy the match requirement in 24 CFR part 576.201

All sources listed as match must meet these criteria:

- The matching contribution must be made within the Program's performance period – or the expenditure period as indicated in OPUS;
- Contributions used to match a previous ESG grant cannot not be used to match a subsequent ESG grant;
- Contributions that have been or will be counted as satisfying a match requirement of other federal funds cannot not be used as match for ESG funding;
- The matching funds must be used for ESG-eligible clients or activities;

Possible sources of match, other than federal, state, or local grants include:

- Cash;
- The value or fair rental value of any donated material or building;
- The value of any lease on a building;
- Any salary paid to staff to carry out the program of the recipient; **and**
- The value of the time and services contributed by volunteers.

Services provided by individuals must be valued at rates consistent with those ordinarily paid for similar work by subgrantee. If subgrantee does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in the same labor market.

The value of any real property, equipment, goods, or services can be used as match provided the costs would be allowable if subgrantee had purchased them. Some non-cash contributions would be considered indirect costs if purchased by subgrantee; match for these contributions may be given only if subgrantee has established a special indirect cost rate for allocating the value of those contributions to individual projects or programs.

Costs paid by program income shall count as match if the costs are eligible ESG costs that supplement subgrantee's ESG program.

Subgrantee must keep records of the source and use of contributions made to satisfy the matching requirement. Records must indicate the fiscal year grant for which each matching contribution is counted, the allowable ESG activity that the matching sources are funding, and the method used to derive the value of non-cash contributions. To the extent feasible, volunteer services must be supported by the same methods that subgrantee uses to support the allocation of regular personnel costs.

## **2) Match Waiver**

Subgrantees that are unable to meet the program's matching requirements may request for OHCS to waive all or a portion of their matching obligation. Such request must be made in writing through the [OHCS Emergency Solutions Grant Match Waiver Request Form](#). Waivers are subject to the following restrictions:

- HUD limits the waiver to no more than \$100,000 per program year award, and OHCS must pass that benefit to the subgrantees least capable of providing matching contributions (24 CFR 576.201(a)).
- OHCS will generally grant waiver requests at no more than \$25,000 intervals per calendar quarter per program year award. If no subgrantees are issued a waiver in one quarter, OHCS may increase the waiver cap the next quarter.
- Subgrantees must submit relevant supporting documentation to substantiate their reasoning for the match waiver.

If OHCS denies the subgrantee's waiver request, the subgrantee must make matching contributions. If they are unable to do so, OHCS may deallocate a portion of the subgrantee's ESG award.

## **3) Reporting Requirements**

Subgrantees must report a detailed list of the subgrantee's expenditures and amount of funds matched. This report will be on a form provided by OHCS and must be submitted in a cadence as required by OHCS.

# **B. Funds Disbursement**

## **1) Rollover of Funds**

Rolling of funds between fiscal periods is not guaranteed. ESG funds may be rolled at OHCS' sole discretion. Subgrantees are required to submit AGS/FSR within 60 days following the end

of each fiscal period (Aug. 30). The AGS/FSR is the mechanism for which a subgrantee will request an allowable rollover. Subgrantees are required to submit AGS/FSRs within 60 days following the end of each fiscal year.

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## 10. Acronyms and Definitions

### A. Acronym List

Acronyms commonly used are:

AGR	Agency Grant Request
AGS	Agency Grant Status
CAA	Community Action Agency
CFR	Code of Federal Regulations
COC	Continuum of Care
DHS	Department of Human Services, Oregon
ESG	Emergency Solutions Grant
ETP	Emergency Transfer Plan
FMR	Fair Market Rent
HH	Household
HMIS	Homeless Management Information System
HP/RRH	Homelessness Prevention and Rapid Re-Housing
HQS	Housing Quality Standards
HUD	United States Department of Housing and Urban Development
IDIS	Integrated Disbursement and Information System
OAR	Oregon Administrative Rules
OHCS	Oregon Housing and Community Services
ORS	Oregon Revised Statutes
RFF	Request for Funds
SRO	Single Room Occupancy
TTA/T &TA	Training and Technical Assistance
URA	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
VA	Veteran's Administration
VAWA	Violence Against Women Act

### B. Definitions

**Bifurcation** means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and state or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease

requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

**Client** means a household who has received an assessment of need, has been entered into an OHCS-funded program (intake) and who is receiving financial assistance. Once a household receives financial assistance, they are considered a client.

**Code of Conduct Agreements** may be required by any type of shelter facility. A Code of Conduct Agreement may be required that clients adhere to the shelter facility's rules and expectations of behavior and may be signed by the client. Code of Conduct Agreements are not the same as Occupancy/Lease/Rental Agreements.

**Covered Housing Provider** means the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes Public Housing Authorities, sponsors, owners, mortgagors, managers, state and local governments or agencies thereof, non-profit, or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in 24 CFR Part 5, subpart L, for any of the covered housing programs. It is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.

**Domestic Violence** This definition includes domestic violence, dating violence, sexual assault, stalking, attempting to cause, or intentionally, knowingly or recklessly causing or placing another in fear of imminent serious physical injury or emotional, mental or verbal abuse, and using coercive or controlling behavior. This does not include other criminal acts such as violence perpetrated by a stranger, neighbor, acquaintance or friend, unless those persons are family members, intimate partners or household members.

**HMIS** means Homeless Management Information System. Victim Service Provide must use an HMIS comparable database.

**Housing Counseling:** Independent, expert advice customized to the need of the consumer to address the consumers' housing barriers and achieve their housing goals and must include the following process: intake; financial and housing affordability analysis; an action plan, except for reverse mortgage counseling; and a reasonable effort to have follow-up communication with the client when possible. The content and process of housing counseling must meet the standards outlined in the regulations that govern HUD's Housing Counseling Program including but not limited to 24 CFR Part 5, 24 CFR Part 214, and HUD Handbook 7610.1REV 5. Homeownership counseling and rental counseling are types of Housing Counseling.

**Occupancy/Lease/Rental Agreements** are used for temporary or permanent housing, which includes Transitional Housing. Occupancy/Lease/Rental Agreements are not the same as a Code of Conduct Agreement.

**Participant** means a household who may or may not be a client, but is receiving OHCS-funded services (such as program delivery/case management).

**Priority Population** means persons that the subgrantee/subrecipient has determined as having the greatest need and will receive services first (such as veterans and homeless families with children). OHCS required priority populations must take precedence over any subgrantee/subrecipient priority population.

**Recipient:** The state entity receiving funds directly from HUD through an executed grant agreement for the Emergency Solutions Grant Program also referred to as Oregon Housing & Community Services (OHCS).

**Special Population:** Can include homeless youth, persons experiencing domestic violence or persons living with HIV/AIDS.

**Stand-Alone Policy/Procedure** means a written policy/procedure that includes all the requirements for such a policy/procedure and is either its own separate document or it is included in a larger document, such as a policy and procedures handbook, that can easily be separated from the larger document for the purpose of approval and review by OHCS.

**Subgrantee Agency:** Community Action Agencies (or other qualified entities) that receive funding from the Grantee (OHCS) and provides client assistance payments/services. Subgrantee agencies may contract client assistance payments/services to subrecipients.

**Subrecipient(s):** Subrecipients are entities that, by contract with the subgrantee agency, provide assistance payments/services and may receive funding directly from the subgrantee agency. Through its agreements with subgrantee agency, subrecipients must comply with all requirements for the program. Subrecipients include a subgrantee's subcontractors, contractors, vendor, subrecipients and any subcontractors, contractors, vendors or subrecipients of a subcontractor, contractor, vendor or subrecipient. Subrecipients are those organizations that receive OHCS funds from the Subgrantee.

**Support Network:** Examples include family, friends and faith-based or other social networks.

**Target Population:** Persons a subgrantee/subrecipient wishes to reach out to who are under-represented in their service population. Target populations may include a special population or other populations such as veterans, households with children, elderly households; persons leaving the correction system, households with frequent contact with the health care system, experiencing chronic homelessness, mental illness or chemical dependency or receiving Temporary Assistance to Needy Families (TANF), etc.

**Temporary Living:** Residing in a facility for fewer than 90 days

**Unaccompanied Youth** are less than 25 years of age and homeless under other Federal statutes and:

- (A) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;

- (B) Have experienced persistent instability as measured by two moves or more in the preceding 60 days; **and**
- (C) Can be expected to continue in such status for an extended period due to special needs or barriers.

**VAWA:** Violence Against Women Act. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.

## Appendix 1: Applicable Rules and Regulations

All the following as may be amended from time to time:

1. 24 CFR 5 subpart F: [Occupancy Requirements for Section 8 Project-Based Assistance](#)
2. 24 CFR part 91: [Consolidated Submissions for Community Planning and Development Programs](#)
3. 24 CFR part 576: [Emergency Solutions Grant Program](#)
4. 24 CFR part 121: [Homeless Management Information System \(HMIS\)](#)
5. 24 CFR part 982: [Fair Market Rent and Rent Reasonableness](#)
6. ORS 456.515 through 456.725: [Housing and Community Services Department](#)
7. OAR 166-300: [State Agency General Records Retention Schedules](#)
8. OAR 813-145: [Emergency Solutions Grant Program](#)
9. HMIS Data Standards Manual: <https://www.hudexchange.info/resource/3824/hmis-data-dictionary/>
10. **This manual** as a guideline for ESG program management.
11. Lead-Based Paint: <https://www.epa.gov/lead> and [24 CFR part 35](#)
12. Lead-Based Paint pamphlet:  
[http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_11875.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11875.pdf)
13. Annual Median Income: <https://www.hudexchange.info/resource/5079/esg-income-limits/>
14. [https://www.hudexchange.info/resource/3679/hud-income-limits/](https://www.hudexchange.info/resource/3679/hud-income-limits/HUD%20Resource%20Exchange/) HUD Resource Exchange:  
<https://www.hudexchange.info/esg/>
  - ESG program guidance
  - Federal regulations
  - Tools and technical assistance
  - Listserv opportunities
  - Frequently Asked Questions
15. FAQ Housing Counseling: <https://www.hudexchange.info/resource/5194/housing-counseling-new-certification-requirements-faqs/>
16. Personal Responsibility and Work Opportunity Reconciliation Act of 1996:  
<http://www.gpo.gov/fdsys/pkg/PLAW-104publ193/content-detail.html>
17. Housing Choice Voucher Guidebook:  
[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/hcv/guidebook](https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook)
18. Limited English Proficiency federal interagency website can be found at: <http://www.lep.gov/> and  
and FAQs can be found at:  
[https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/promoting\\_gfh/lep-faq](https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promoting_gfh/lep-faq)
19. CFRs cited are amended from time to time and can be found at:

<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=%2Findex.tpl>

20. ORS cited are amended from time to time and can be found at:  
[https://www.oregonlegislature.gov/bills\\_laws](https://www.oregonlegislature.gov/bills_laws)
21. OARs cited are amended from time to time and can be found at:  
<https://secure.sos.state.or.us/oard/ruleSearch.action>
22. OMBs cited are amended from time to time and can be found at:  
<https://www.whitehouse.gov/omb/information-for-agencies/circulars>

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