

# Emergency Solutions Grant (ESG) July 1, 2019



## Emergency Solutions Grant Program Operations Manual

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## 1. Program Summary

The Emergency Solutions Grant (ESG) provides federal funds to assist individuals and families to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness. ESG funds are available for five program components: street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and data collection through the Homeless Management Information System; as well as administrative activities. The ESG program is authorized by subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 – 11378).

## 2. General Program Requirements

### A. Program Written Standards

Subgrantees and subrecipients are required to comply with the department's state minimum standards for providing ESG assistance and when established, those standards relevant to ESG that are required by their Continuum of Care. The following minimum program standards are required for delivering the ESG program as outlined in CFR 576.400 (c) (3):

#### 1. Evaluating Eligibility for Assistance

Subgrantees and subrecipients are required to actively participate in and promote the Continuum of Care (CoC) coordinated entry process for their service area, including utilizing standard COC assessment tools and protocols once they are established. Subgrantees and subrecipients may choose to utilize a different intake and assessment system for victims of domestic violence and other crimes where safety is a predominant concern.

The minimum eligibility process will include an initial phone or in person screening to determine whether or not the applicant meets one of HUD's categorical definitions of homeless or at risk of homelessness. If yes, then a more comprehensive assessment will be completed in person by subgrantee staff to verify applicants' homeless status and determine which ESG service components they qualify for and that will address their housing need. Eligibility determinations must be documented in client files and preferably through third-party documentation. Intake worker observation or participant self-certification can be used when due diligence by staff and client is documented in the file indicating third-party verification is unavailable.

Re-evaluations of eligibility for continued receipt of homelessness prevention and rapid re-housing assistance are required—every three (3) months for prevention and annually for rapid re-housing. Minimally, each re-evaluation of eligibility must verify that the client household does not have an annual income that exceeds thirty (30) percent of HUD-determined area median family income **and** 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. If a

client household informs, but is not required to notify the subgrantee and subrecipient of a change in income or other circumstances that may affect eligibility, there is no immediate effect on the program participant's eligibility and assistance can continue at the discretion of the subgrantee and subrecipient until the next required re-evaluation. There is no HUD or OHCS requirement that the client notify the subgrantee and subrecipient of changes to income prior to the required re-evaluations as specified above.

## **2. Targeting and Providing Essential Services Related to Street Outreach**

To complete Street Outreach activities, subgrantees and subrecipients must seek out unsheltered homeless individuals and/or families whose primary nighttime residence is a public or private place not meant for human habitation. It is recommended that preference be given to those populations who are most vulnerable to being harmed by living in unsafe and unprotected places, i.e. victims of domestic and other forms of violence, youth, families with children, people or persons who are disabled, elderly, etc.

Engagement activities must include an initial assessment of needs and eligibility in order to prioritize the most beneficial type and source of assistance, with safety and health being the highest priority needs. Emergency health services, including mental health, can be funded with ESG only to the documented extent that other non-ESG funded appropriate health services are inaccessible or unavailable within the service area. Based on need and assessment, qualifying individuals and/or families will be offered essential services beyond emergency health and other crisis intervention assistance that include case management, transportation, and housing stabilization. Whenever feasible, rapid re-housing will be a priority over the provision or referral to emergency shelter or transitional housing.

## **3. Emergency Shelter Operations**

### ***a) Admission***

Subgrantees and subrecipients must have standardized screening and intake criteria in writing for determining eligibility for admission to emergency shelter. The criteria must be in compliance with Fair Housing Law and cannot force involuntary family separation by denying family admission based on the age of a child less than 18 years. The admission process requires an initial assessment to determine the homeless status of the applicant based on HUD's four categorical definitions of homeless (24 CFR 576.2) 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.

### ***b) Diversion from Shelter***

Based on screening results, individuals and families should be diverted when appropriate to the most stable housing available including supportive or subsidized permanent housing using the Housing First or Rapid Re-housing service models.

**c) *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 and/or provision of information and referral to other service providers. Essential services include: case management; child care; education services, employment assistance and job training; outpatient health services; legal services; life skills training; mental health services; substance abuse treatment services; transportation; services for special populations and mainstream income and health benefits where appropriate.

**d) *Length of Stay and Discharge***

Provision of essential services and shelter must be available for homeless individuals and families for at least the time period during which the ESG funds are provided. Limitations on individual and family shelter stays, if any, must be identified in writing in the subgrantees' and subrecipients' policies and procedures governing shelter operations.

**e) *Safety and Accommodations for Special Populations***

Any shelter facility that receives ESG assistance for conversion, major rehabilitation, renovation or operations is required to meet all federal, state and local government safety, sanitation and accessibility standards including compliance with the safety, sanitation and privacy requirements contained in 24 CFR 576.403.

**f) *Non-Discrimination***

Subgrantees and subrecipients are required to develop and implement written procedures and communication tools/materials that ensure persons of any particular race, color, ethnicity, religion, sex, age, national origin, familial status, or disability who may qualify for shelter and essential services are aware of and have access to such facilities and assistance.

**g) *Reasonable Accommodations***

Reasonable accommodations for persons with disabilities must be available in order to ensure persons with disabilities 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.

**h) *Limited English Proficiency***

Subgrantees and subrecipients must have a written Limited English Proficiency policy in place that ensures access to shelter facilities, assistance and services for limited English proficiency (LEP) persons. It is highly recommended that subgrantees and subrecipients develop and implement an agency Language Access Plan following guidelines provided in the Fair Housing Guide for Shelter and Transitional Housing Providers which can be accessed at [www.fhco.org](http://www.fhco.org) or HUD guidelines located at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_op/p/promotingfh/lep-faq](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_op/p/promotingfh/lep-faq).

***i) 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 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 agency.

Shelters for domestic violence survivors must 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;
- Identify and utilize an alternative HMIS to collect program data that will prevent the disclosure of personally identifying victim information; **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.

**4. Assessing, Prioritizing and Reassessing Needs for Essential Services**

**Related to Emergency Shelter**

Subgrantees and subrecipients are required to have a written standard assessment process and tool(s) that are applied to all eligible recipients of shelter essential services. Prioritization for services must align with service area homeless and/or community needs assessment plans. When developed, subgrantees and subrecipients are required to comply with their services area(s) Continuum of Care assessment and prioritization requirements (576.400(d)), including verifying and documenting eligibility.

Shelter essential services include: case management; child care; education services; employment assistance and job training; outpatient health services; legal services; life skills training; mental health services; substance abuse treatment services; transportation; and services for special populations. Provision of services should be determined based on client need and in alignment with subgrantee's and subrecipient's targeted populations.

Provision of essential services and shelter must be available to shelter residents and persons receiving hotel/motel vouchers, for at least the time period during which the ESG funds are provided. Services do not need to be limited to a particular site as long as the site serves the same categories and types of homeless originally provided with essential services or serves homeless persons in the same service area where the subgrantee originally provided the services.

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

Subgrantees and subrecipients must coordinate and integrate, to the extent possible, their ESG-funded assistance with other programs serving homeless and at-risk of homelessness people within their service area (refer to 24 CFR 576.400). Documentation of such coordination will minimally include written COC verification of support of the subgrantee's and subrecipient's plan for utilizing ESG funds as part of the subgrantee's biennial funding application to the state.

**6. Determining and Prioritizing Eligibility for Homeless Prevention and Rapid Re-housing Assistance**

Determination of eligibility for homeless prevention requires an in-person assessment (in compliance with COC coordinated entry process when established) to verify that applicants meet HUD's categorical definition for imminent risk of homelessness, homeless under other federal statutes, fleeing/attempting to flee domestic violence, or at-risk of homelessness **and** have an annual income at 30% or below of area median income. Homeless status and income eligibility must be documented in client files through third-party verification unless written justification is provided showing that due diligence was conducted substantiating that third-party was not available/accessible. Additionally, the assessment must indicate that prevention assistance would likely allow the applicant to regain stability in their current permanent housing or access other permanent housing and achieve stability.

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 subgrantee's and subrecipient's service area homeless plan(s) and/or community assessment(s).

Determination of eligibility for rapid re-housing requires an initial assessment to verify that clients meet HUD's categorical definition for literally homeless or fleeing/attempting to flee domestic violence and are literally homeless. Homeless status must be documented in client files in accordance with HUD documentation standards with preference given to third-party verification where available.

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/or 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.

**7. Determining Client's Share of Rent and Utility Costs**

Subgrantees and subrecipients must comply with existing Continuum of Care standards once developed for determining client's required share of rent and utility costs. State minimum standards require that whatever rent assistance model is chosen must be

consistently implemented for all households within each ESG funded program. Acceptable models include a client flat rate (specific dollar amount) contribution, percent of gross household income (typically not to exceed 30%) or a graduated client share over a fixed time at intervals predetermined by the subgrantee and subrecipient and communicated in advance to the client. Subgrantees and subrecipients can choose to not require any client contribution toward rent or utility costs unless their Continuum of Care standards require such contribution.

Utility assistance is limited to 24 months within a 3-year period and can be used to pay the cost of utility deposits, utility arrears (up to 6 months past due utilities), and gas, electric, water and sewage services. Assistance can only be provided if the utility account is in the name of a member of the client household or there is documented proof of household responsibility for utility payments. Utility arrears assistance for homeless prevention requires a shut off notice and for rapid re-housing must result in utilities being turned on at the new permanent housing location. The client's share of the utility costs, in the absence of COC standards, is at the discretion of the subgrantee and subrecipient who is encouraged to assist clients in accessing energy assistance programs for which they are eligible as a first option in providing utility assistance. It is recommended that un-used utility deposits be returned to households when feasible.

## **8. Determining Duration and Amount of Rental Assistance Provided to Client**

The duration of rental assistance is limited to twenty-four months within a 3-year time period. Short-term assistance can be provided up to three (3) months and medium-term assistance is limited to twenty-four (24) months. The amount of rent assistance provided must be the least amount needed to stabilize clients in their permanent housing. Subgrantees and subrecipient have the discretion to further set a maximum number of months that a client may receive rental assistance and the maximum dollar amount of assistance. The process for determining such conditions must be applied consistently for all households within each ESG funded program, incorporated into the subgrantee's and subrecipient's ESG policies and procedures and communicated in advance to eligible clients.

Rent arrearage assistance is defined as: past due rent owed to a current, prospective or previous landlord. If arrears are owed to a previous landlord, these arrears may be paid, but only when there is documented evidence that payment of the arrears is necessary for the participant to obtain permanent housing and maintain stability in that housing. Payment of arrears is restricted to a one-time payment for up to 6 months of past due rent.

## **9. Determining Type, Amount, and Duration of Housing Stabilization and/or Relocation Services Provided to Client**

### ***a) Eligible Activities***

Type of Housing Stabilization and/or Relocation Services is limited to financial assistance costs and service costs, subject to the general conditions and restrictions identified under 24 CFR 576.103 and 576.104. Security deposits are limited to no

more than 2 month's rent. A last month's rent must not exceed one month's rent and must be included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any 3-year period. Utility payments are limited to up to 24 months within a 3-year period per client, per service, including up to 6 months of arrears, per service. Eligible utility services are gas, electric, water, and sewage. Temporary storage fees associated with moving costs are limited to up to 3 months, provided that the fees are accrued after the date the program participant begins receiving assistance.

**b) *Housing Search/Stabilization/Relocation Services***

ESG funds may be used to pay cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing. This assistance cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing.

**c) *Other Eligible Services***

Mediation services are allowable, provided that the mediation is necessary to prevent the program participant from losing the permanent housing in which the client currently resides. Legal services must be necessary to resolve a legal problem that prohibits the client from obtaining permanent housing or will likely result in the client losing the permanent housing in which they currently reside. Credit repair does not include the payment or modification of a debt.

**d) *Ineligible Services***

Financial assistance cannot be provided to a client who is receiving the same type of assistance through other public sources or to a client who has been provided with replacement housing payments under the URA during the period of time covered by the URA payments.

**e) *Duration of Services and Participant Financial Responsibility***

The subgrantee and subrecipient may set a maximum dollar amount that a client may receive for each type of financial assistance and may set a maximum period for which a client may receive any of the types of assistance or service. However, 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.

## **B. MGA Operational Standards**

Master Grant Agreement (MGA) Operational Standards are specific identified criteria used to set a foundation of administrative, fiscal and service delivery expectations for community action agencies. The purpose of standing the standards is to ensure that no matter where

individuals and families enter the homeless system, Oregonians will be provided the same access to quality services.

Five service delivery components have been included in the MGA Operational Standards. They are:

- (1) The use of Housing First;  
The Housing First Model encourages clients to create and implement their own goals while immediately housing or sheltering clients with no preconditions (except complying with a shelter code of conduct or standard lease agreement). Research has shown that Housing First programs increase housing stability for clients serve, are cost effective compared to traditional services that impose sobriety perquisites to shelter or housing and increase client utilization of other services. More information can be found at: <https://endhomelessness.org/resource/housing-first> or at <https://www.usich.gov/solutions/housing/housing-first/>.
- (2) Maximizing participation in Coordinated Entry;  
Coordinated entry is a process developed to ensure that all people experiencing a housing crisis have a single or coordinated point of entry and equal access to the homeless delivery system. This type of entry allows homeless persons and those at-risk of homelessness to be quickly identified, assessed, referred and connected to the appropriate shelter or housing, and assistance. It also facilitates the assessing agency's ability to prioritize the most vulnerable individuals and households for immediate assistance. More information can be found in the Homeless Coordinated Entry Process section of this manual and at <https://www.hudexchange.info/resources/documents/Coordinated-Entry-Policy-Brief.pdf>.
- (3) Ensuring availability of low-barrier shelters in the community;  
Low and no barrier policies allow homeless individuals and households to access shelter, housing and services without preconditions such as sobriety, compliance with treatment plan, no pets, or agreement to participate in specific programs, activities or classes. These policies allow the most in need to have access to shelter and housing. More information can be found at [https://www.usich.gov/resources/uploads/asset\\_library/emergency-shelter-key-considerations.pdf](https://www.usich.gov/resources/uploads/asset_library/emergency-shelter-key-considerations.pdf).
- (4) Incorporating the lived experiences of homelessness into program design and implementation; and  
Incorporating the lived experience of homelessness into program design and implementation is a commitment and framework to include everyone, especially people with lived experience, in planning, implementation and evaluation. The Lived Experience Advisory Council in Canada developed seven principles for ensuring equitable participation for people with lived experiences that can further inform inclusion strategies. More information can be found at the Persons with Lived Experience Feedback section of this manual and at <https://www.usich.gov/news/people-with-lived-experience-must-be-meaningful->

[partners-in-ending-homelessness/](https://partners-in-ending-homelessness.org/) and  
<https://homelesshub.ca/sites/default/files/LEAC-7principles-final.pdf>.

- (5) Ensuring service provision has components for equity and racial justice. OHCS is committed to advancing equity and racial justice in alignment with the Statewide Housing Plan and informed by national promising practices and lived experience of communities of color. OHCS and Community Action Agencies commit to an intentional, data-driven approach to reduce disparities in housing and social service provision. Use of the EPIC Outcomes Tool to establish and measure equity and racial justice performance goals will help CAAs to analyze their progress in meeting these goals. More information can be found at the Performance Measure Requirements section of this manual and at <https://www.centerforsocialinclusion.org/our-work/our-four-strategies/>, <http://center4si.com/sparc/>, and <https://www.usich.gov/news/racial-equity-an-essential-component-of-our-nations-homelessness-response/>.

## C. Training

Subgrantee and subrecipient staff that provide direct services and supervise staff who provide direct services and manage homeless grants must receive training and demonstrate competency, as documented through the CSBG Organization Standards #5.8 (Board) and #7.9(Staff). Training is an eligible expense of case management and may include:

- Trauma Informed Services
- Mental Health First Aid
- Harm Reduction
- Supporting Victims of Domestic Violence
- Local Coordinated Entry Policies and Procedures
- Fair Housing
- Best Practices in Serving Homeless and Chronically Homeless Families and Individuals

## D. Persons with Lived Experience Feedback

Subgrantees and subrecipients must develop a systematic approach for collecting, analyzing and reporting client satisfaction data. A person with lived experience feedback system must document the steps the subgrantee and subrecipient will use to review feedback and will include how the persons with lived experience feedback is used or not used. Feedback may be through surveys, participation on advisory boards and other formats and may be received by the subgrantee or subrecipient in person, on paper, by posting through a website or by email or other electronic means.

## E. Emergency Transfer Plan

In accordance with the Violence Against Women Act (VAWA), an Emergency Transfer Plan (ETP) must be in place for all subgrantees and subrecipients receiving ESG assistance to allow survivor tenants to transfer to another available and safe unit assisted under covered housing program if:

- Tenant expressly requests the transfer; **and**
- Tenant reasonably believes that s/he is threatened with imminent harm from further violence if s/he remains or tenant is a victim of sexual assault that occurred on premises within 90 days before the request.

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

<b>COVERED HOUSING PROVIDER RESPONSIBILITIES</b>		
	Grantee	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

### **1. Emergency Transfer Plan Guidelines**

- (a) HUD’s model ETP presents the basic elements set out in §5.2005(e), Notification of Occupancy Rights and Certification form.
- (b) 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.
- (c) Housing providers in covered programs are allowed to establish preferences for victims of domestic violence, dating violence, sexual assault, and stalking. Covered housing providers must detail in their ETPs the measure of any priority that those who qualify for an emergency transfer under VAWA will receive.

Specific elements in §5.2005(e) must be adopted by all housing providers.

- (d) VAWA requires each housing provider to develop and issue an ETP that works with other housing providers in their area.
- (e) Lease Bifurcation: If housing providers allow the lease to bifurcate (to fork or legally divide), the remaining tenants may remain in the unit for a reasonable time to apply

for housing under a VAWA-covered program or to find new housing as the result of violence or abuse covered by VAWA. The remaining tenants who had not established eligibility for assistance must be given the maximum time permitted by statute or at least 90 days from the date of bifurcation or expiration of the lease.

## **2. Emergency Transfer Plan Requirements**

Each Grantee must develop an ETP that meets requirements in 24 CFR 5.2005 (e). For complete description of definitions and requirements that apply to the VAWA Final Rule, refer to the additional information provided in the Appendix.

### **(e) Emergency transfer plan**

Each [covered housing provider](#) shall have an ETP in place no later than June 14, 2017 based on [HUD's](#) model ETP, in accordance with the following:

(1) For purposes of this section, the following definitions apply:

- (i) **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.
- (ii) **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.
- (iii) **Safe unit** refers to a unit that the victim of [domestic violence](#), [dating violence](#), [sexual assault](#), or [stalking](#) believes is safe.

(2) The ETP must provide that a [tenant](#) receiving rental assistance through, or residing in a unit subsidized under, a [covered housing program](#) who is a victim of [domestic violence](#), [dating violence](#), [sexual assault](#), or [stalking](#) qualifies for an emergency transfer if:

- (i) The [tenant](#) expressly requests the transfer; and
- (ii) (A) The [tenant](#) reasonably believes there is a threat of imminent harm from further violence if the [tenant](#) remains within the same dwelling unit that the [tenant](#) is currently occupying; or  
(B) The [tenant](#) reasonably believes there is a threat of imminent harm from further violence if the [tenant](#) remains within the same dwelling unit that the [tenant](#) is currently occupying, or the [sexual assault](#) occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

- (3) The ETP must detail the measure of any priority given to [tenants](#) who qualify for an emergency transfer under [VAWA](#) protection.
- (4) 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](#).
- (5) The ETP must allow a [tenant](#) to make an internal emergency transfer under [VAWA](#) when a safe unit is immediately available.
- (6) 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.
- (7) 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. These policies may include:
  - (i) Arrangements, including memoranda of understanding, with other covered housing providers to facilitate moves; and
  - (ii) Outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking.
- (8) 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.
- (9) Where applicable, the ETP must describe policies for a tenant who has tenant-based rental assistance and who meets the requirements of paragraph (e)(2) of this section to move quickly with that assistance.
- (10) The ETP may require documentation from a tenant seeking an emergency transfer, provided that:
  - (i) The [tenant's](#) submission of a written request to the [covered housing provider](#), where the [tenant](#) certifies that they meet the criteria in [paragraph \(e\)\(2\)\(ii\)](#) of this section, shall be sufficient documentation of the requirements in [paragraph \(e\)\(2\)](#) of this section;
  - (ii) 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 [§ 5.2007](#), for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence; and
  - (iii) No other documentation is required to qualify the [tenant](#) for an emergency transfer.

- (11) The covered housing provider must make its ETP available upon request and, when feasible, must make its plan publicly available.
- (12) 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.
- (13) Nothing in this paragraph (e) may be construed to supersede any eligibility or other occupancy requirements that may apply under a covered housing program.

## **F. Continuum of Care Coordination**

HUD requires collaboration between ESG recipients/subrecipients and Continuums of Care in planning, funding, implementing and evaluating homeless assistance and homelessness prevention programs locally. Subgrantees are required to be active participants in their respective Continuum of Care and comply with Program Standard #5—*Coordination Among Homeless Assistance Providers, Mainstream Service Providers and Housing Providers*.

Subgrantees and subrecipients are expected to coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to homeless people in the area covered by their Continuum of Care and/or service area. These programs include (24 CFR 576.400 and 24 CFR 91.100(d)(e)) but are not exclusive to:

- 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
- As well as mainstream housing, health, social services, employment, education, and youth programs for which families and individuals at risk of homelessness and homeless individuals and families may be eligible, such as:
  - 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.

### **3. Applicant Eligibility**

#### **A. Assessment**

All applicants must be assessed to determine eligibility for receipt of ESG funded services and assistance in accordance with *Program Standard #1—Evaluating Eligibility for Assistance*. Applicant assessment and determination of ESG eligibility includes the cost of staff time to complete an intake and/or assessment, either as a sole provider or through a coordinated entry process even if it’s determined from the evaluation the applicant is not eligible for ESG program assistance. Service costs beyond initial assessment for applicants determined to be ineligible for ESG assistance are not allowable, including follow-up and case management.

#### **B. Household Composition**

Household composition includes an individual living alone, family with or without children, or a group of individuals who are living together as one economic unit. In all cases a household must lack sufficient resources and support networks necessary to obtain or retain housing without the provision of ESG assistance in order to be program eligible.

The type of ESG assistance for which an eligible household qualifies is determined by the stability of their current housing or their homeless status.

#### **C. Categorical Homeless Definitions and Criteria**

Eligible applicants for program services must meet one of the following categorical definitions of homeless or at-risk of homelessness:

**Category 1: Literally homeless**--a household that lacks 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 for 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 the institution.

**Category 2: Imminent risk of homelessness**--a household that will imminently lose their primary nighttime residence, provided that:

- The residence will be lost within 14 days of the date of application for homeless assistance; **and**
- No subsequent residence has been identified; **and**
- The household lacks the resources or support networks needed to obtain other permanent housing.

**Category 3: Homeless Under Other Federal Statutes**-- Unaccompanied youth under 25 years of age, or family who do not otherwise qualify as literally homeless or imminent risk of homelessness, 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.

**Category 4: Fleeing, or attempting to flee, domestic violence**-- a household 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 to obtain other permanent housing.

## **D. Criteria for At Risk of Homelessness Qualification**

Applicants for program services for at-risk individuals or households must meet the following definition of At Risk of Homelessness:

- Have an annual income at or below 30% of 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 1 of the "homeless" definition; **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; **or**
- Is living in the home of another because of economic hardship; **or**
- 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; **or**
- 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; **or**
- Lives in an SRO or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than one and a half persons per room; **or**
- 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' approved Consolidated Plan.

A youth who does not qualify as homeless under the above eligibility criteria, is eligible if they:

- 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))m 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.

## **E. Criteria for Chronically Homeless Qualification**

*Chronically homeless* means:

(1) A “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:

(i) Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; **and**

(ii) Has been homeless and living as described in paragraph (1)(i) of this definition continuously for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (1)(i). Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility;

(2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; **or**

(3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

Evidence of chronically homeless individuals must be kept in the program participant file in order to demonstrate that an individual or family met the definition of “chronically homeless” at the point of entry into a program.

## **F. Income Determination and Requirements**

### **1) Income Eligibility**

Homeless Prevention assistance requires applicants to be at or below 30% AMI at time of intake.

Rapid Re-housing does not have income eligibility requirements at the time of intake; however, to qualify for continuation of Rapid Re-housing assistance, applicant client must have an annual income at or below 30% AMI at the time of re-evaluation.

There are no other initial income eligibility requirements to receive program services.

## 2) Calculating Gross Annual Income

Annual Income is the gross amount of income anticipated to be received by a household during the coming year based on the household's circumstances at the time of program intake and assessment. Annual Income determination is consistent with the Housing Choice

*Convert periodic wages to annual income by multiplying:*

- 1. Hourly wages by the number of hours worked per year (2,080 hours for full-time employment with a 40-hour week and no overtime);*
- 2. Weekly wages by 52;*
- 3. Bi-weekly wages (paid every other week) by 26;*
- 4. Semi-monthly wages (paid twice each month) by 24; and*
- 5. Monthly wages by 12.*

*To annualize other than full-time income, multiply the wages by the actual number of hours or weeks the person is expected to work.*

Voucher definition of annual income found at 24 CFR 5.609.

When determining the annual income of a household to establish eligibility for ESG assistance, subgrantee and subrecipient must count the income of all adults in the household, including nonrelated individuals, within the limitations imposed by 24 CFR 5.609. Not everyone living in the unit is considered a member of the household for the purposes of determining a household's income. Excluded persons include: foster children, foster adults, live-in aides, children of live-in aides and unborn children. A child subject to a shared-custody agreement should be counted as a household member if the child resides with the household at least 50 percent of the time.

Income generated by an asset, such as the interest on a savings or checking account is considered household income even if the household elects not to receive it. For example, though an applicant may elect to reinvest the interest or dividends from an asset, the interest or dividends are still counted as income anticipated to be received during the coming 12 months. Asset income is discussed in 24 CFR 5.609. 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.

## G. Eligibility Documentation and Recordkeeping

Subgrantees and subrecipient must establish written intake procedures that include a requirement for written documentation verifying eligibility for program services in accordance with the following preferred order of documentation:

**Third-party Verification**—source documents provided by an outside source.

Third party documentation is the preferable form of verification and includes but is not exclusive to a written statement or document from employer, landlord, public benefit worker, or agency service provider. Written verification sent directly to program staff or via the applicant is preferred.

**Intake/Case Manager Worker Observation**—documented by ESG staff.

Staff documentation may include oral statements made by a social worker, case manager, or other appropriate official at an institution, shelter, or other facility and documented by the program intake worker/case manager. When the Intake Worker is unable to obtain a written or oral statement from a shelter, institution or facility staff, the Intake Worker must document, in writing, their efforts to obtain eligibility documentation and must place their documentation in the client's file.

**Applicant Self-certification**—applicant signed document certifying eligibility.

Self-certification requires a written and signed document by the individual or head of household seeking assistance attesting to the eligibility facts for which they are certifying. A third party may be designated by an applicant to sign documents on their behalf when they are unable to do so. If needed, subgrantee must provide access to language interpretation services and assistive devices necessary for applicants to understand the documents they are certifying.

Self-certification documentation is only used when documented staff efforts verify that third-party or worker observation documentation is not available. However, lack of third-party documentation must not prevent an individual or household from being immediately admitted to emergency shelter, receiving street outreach services or immediately accessing domestic violence/victim service shelter and assistance.

Documentation of all client/applicant information must be available in client/applicant files or if kept electronically, available upon request. Documentation of all efforts to obtain higher preference of verification (3rd party and Intake Worker Observation) when lower forms of preference are used, must be in writing and kept in the client/applicant file See the appendices in this manual for examples of appropriate documentation of client/applicant eligibility.

## 4. Allowable Program Service Components and Activities

Documentation of allowable program components and expenditures must identify how an expense or service helped a client maintain or attain permanent housing.

### A. Service Components and Homeless Eligibility

ESG funds can pay for five program service components: Street Outreach; Emergency Shelter; Homelessness Prevention; Rapid Re-housing; and Homeless Management Information System (HMIS). The following chart shows which service components are available for homeless and/or at-risk households.

Component	Serving	
	Those who are Homeless	Those who are At-Risk of Homelessness
1) Street Outreach	✓	
2) Emergency Shelter	✓	
3) Homelessness Prevention		✓
4) Rapid Re-housing	✓	

Collecting Data		
5) Homeless Management Information System (HMIS)	✓	✓

**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.

## B. Street Outreach

Street outreach 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. Street outreach must be provided in accordance with Program Standard #2—*Targeting and Providing Essential Services Related to Street Outreach*.

Individuals defined as unsheltered must meet the criteria for: Category 1, literally homeless; or Category 4, fleeing/attempting to flee domestic violence (where the individual or household also meet the criteria for category 1); and are:

- living on the streets (or other places not meant for human habitation); **and**
- unwilling or unable to access services in emergency shelter.

### 1) Essential Services

#### ***Engagement Services***

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***

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***

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***

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***

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.

## 2) 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. Eligible costs include:

- Engagement;
- Case Management;
- Emergency Health Services;
- Emergency Mental Health Services; **and**
- Transportation.

## C. Emergency Shelter

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. Emergency Shelter must be provided in compliance with Program Standard #3—*Emergency Shelter Operations* and Program Standard #4—*Assessing, Prioritizing and Reassessing Needs for Essential Services Related to Emergency Shelter*. ESG funds can be used to provide essential services; renovation; and shelter operations.

### 1) Shelter Operations

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

- Minor or routine maintenance;
- 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.

## 2) Essential Services

Emergency shelter essential services are services to homeless households and individuals in emergency shelters. Program applicants meeting the definition of homeless in Categories 1, 2, 3, and 4 of the HUD definitions for homeless are eligible for emergency shelter services.

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.

### ***Child Care Costs***

The cost of child care is eligible if the child is under the age of 13, or a child(ren) with disabilities under the age of 18. The child-care 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 and retain housing. 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 support 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.

### **3) Shelter Facility 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. [Refer to your Master Grant Agreement, Exhibit C for additional information on procurement requirements.] 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 of time, 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.

Rehabilitation and Renovation Minimum Period of Use		
	Use Requirement	Determining Criteria
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.
*Recorded deed or use restriction required.		

All shelters must meet minimum habitability standards. See **Habitability Standards** section of this manual. Shelters renovated with ESG funds are also required to meet state or local government safety and sanitation standards, as applicable, including the use of energy-efficient appliances and materials.

In projects where lead-based paint evaluation and/or hazard reduction are undertaken with ESG funds as part of rehabilitation/renovation, additional Lead-Based Paint requirements apply as identified in 24 CFR 35.900-35.940.

ESG funds may not be used for rehabilitation or renovation of structures that will be used for inherently religious activities. ESG funds may 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 may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds. Sanctuaries, chapels, or other rooms used as a principal place of worship are ineligible for funded improvements paid by ESG.

For all shelter rehabilitation, conversion, or renovation, subgrantee, subrecipient and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. 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.

#### 4) Assistance Required under “URA”

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 may 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, may 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 may 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.

### D. 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

## E. Homelessness Prevention and Rapid Re-housing

Homelessness Prevention Services are intended to prevent persons who are housed from becoming homeless by helping them regain stability in their current housing or other permanent housing. Eligible participants must be at imminent risk of homelessness, homeless under other federal statutes, fleeing/attempting to flee domestic violence or meet the criteria for being at-risk of homelessness and have annual incomes at or below 30% of area median income. Rapid re-housing services are intended to help eligible participants who are literally homeless, including fleeing/attempting to flee domestic violence, to transition from the streets or shelter as quickly as possible into permanent housing and achieve housing stability. Eligible participants for either service component must lack the resources or support networks to help them retain or obtain other appropriate, stable housing. Eligibility determination and prioritization must comply with Program Standard #6—*Determining and Prioritizing Eligibility for Homelessness Prevention and Rapid Re-housing Assistance*.

Eligible activities for both service components include housing relocation and stabilization services and short- and medium-term rental assistance. These activities must comply with Program Standard #7—*Determining Client’s Share of Rent and Utility Costs* and Program Standard #8—*Determining Duration and Amount of Rental Assistance Provided to Client*.

If a client was first assisted under Homelessness Prevention and then became homeless, Subgrantee must exit the client from the Homelessness Prevention component and enter the individual or household into the appropriate homeless component.

### 1) Homelessness Prevention and Rapid Re-housing Comparison

The chart below shows the differences between Homelessness Prevention and Rapid Re-Housing service components.

	Homelessness Prevention	Rapid Re-Housing
Eligible Participants	<b>Category 2</b> – Imminent Risk <b>Category 3</b> – Other Federal Statutes <b>Category 4</b> – Fleeing/Attempting to Flee Domestic Violence and has no other residence <b>OR</b> <b>At-Risk of Homelessness</b>	<b>Category 1</b> – Literally Homeless <b>OR</b> <b>Category 4</b> – Fleeing/Attempting to Flee Domestic Violence and has no other residence.
Purpose	<ul style="list-style-type: none"> <li>To <u>prevent</u> persons who are housed from becoming homeless</li> <li>To help such persons <u>regain stability</u> in their current housing or other permanent housing</li> </ul>	<ul style="list-style-type: none"> <li>To help homeless persons living on the streets or in an emergency shelter <u>transition</u> as quickly as possible into permanent housing, and then</li> <li>To help such persons <u>achieve stability</u> in that housing</li> </ul>
Reassessment	<ul style="list-style-type: none"> <li>Every 3 months</li> <li>Must have income at <u>or below 30%</u></li> </ul>	<ul style="list-style-type: none"> <li>Every 12 months</li> <li>Must have income <u>at or below 30%</u></li> </ul>

	AMI, AND • Lack resources and support network	AMI, AND • Lack resources and support network
Eligible Activities	Housing Relocation and Stabilization Services and Financial Assistance	Housing Relocation and Stabilization Services and Financial Assistance
	Short- and Medium-Term Rental Assistance	Short- and Medium-Term Rental Assistance

## 2) Housing Relocation and Stabilization Financial Assistance

ESG funds may be used to pay landlords, utility companies and other third parties for the following housing related costs:

- **Rental application fee** charged by the landlord to all applicants;
- **Security deposit**, equal to or not more than 2 month’s 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 3-year period;
- **Moving costs**, including truck rental, hiring a moving company, and temporary storage fees. Storage fees may be up to 3 month’s rent, providing costs are not incurred until after program participation begins and before move-in. Moving costs may not include arrearage temporary storage fees;
- **Standard utility deposit** (gas, electric, water, sewer) required by the utility company for all customers;
- **Utility payment** may 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 3-year period.

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. Any policy must be applied consistently for all program participants. Any deposit funds returned to subgrantee is program income and must be documented as match.

Financial assistance cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments. 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.

### 3) Housing Relocation and Stabilization Services

ESG funds may be used to provide the following services:

- **Housing search and placement** including assessment of client housing barriers, needs, and preferences; housing search and landlord recruitment, assistance with rental applications and agreements, ensuring housing compliance with habitability and other housing related requirements;
- **Housing Stability Case Management** including client eligibility and service needs assessment, development of individualized housing and service plans, conducting required re-evaluations and follow-up, and coordinating access to other federal, state and local benefits;
- **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.

### 4) Short- and Medium-Term Rental Assistance

A participant can be provided up to 24 months of rental assistance during any 3-year period. Rental assistance may include payment of rent arrearages for tenant or project based housing. Duration of rental assistance must minimally comply with program standards including:

- **Short-Term Assistance** is for up to 3 months' rent;
- **Medium-Term Assistance** is more than 3 months, no more than 24 months; **and**
- **Payment of Rent Arrearages** must be a one-time payment of up to 6 months' rent, including late fees. If arrears are owed to a previous landlord, these arrears may be paid, but only when there is documented evidence that payment of the arrears is necessary for the participant to obtain permanent housing and maintain stability in that housing.
- **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 may be used to pay amounts owed for breaking a lease to effect an emergency transfer. These costs are not subject to the 24-month limit on rental assistance.

Subgrantee and subrecipients must comply with department minimum standards and Continuum of Care standards once developed regarding rental assistance. Subgrantee and subrecipient may establish their own written requirements beyond these standards upon review and approval by OHCS. Any subgrantee and subrecipient determined

requirements must be applied consistently for all program participants within each ESG-funded program.

Rental Assistance can be either tenant-based or project-based. Tenant-based rental assistance allows program participants to select a housing unit. If the participant chooses to move to another location within the service area, the rental assistance can go with them to the new unit. Project-based rental assistance requires the subgrantee or a contracted agency to identify permanent housing units that meet ESG requirements. Subgrantee and subrecipients enters into a rental assistance agreement with the owner to reserve the unit and provides the unit at a subsidized rent to eligible program participants.

For program participants living in housing with project-based rental assistance, the lease must have an initial term of one year.

Under Rapid Re-housing, a subgrantee and subrecipient may 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.

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 (refer to Section VI, Part C for more detail). 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.

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 of time covered by the URA payments.

## **5) Rental Agreement and Lease**

Short- and medium-term rental assistance requires both a rental assistance agreement signed by the subgrantee or subrecipient and landlord **and** a lease signed by the program participant and landlord. Subgrantees and subrecipients are required to make rental assistance payments only to a landlord with whom subgrantee or subrecipient has entered into a rental assistance agreement. The rental assistance agreement sets out the terms under which rental assistance will be paid. A rental assistance agreement is a separate document from the rental lease. There is no requirement that the term of

the lease coincide with the term of the rental assistance agreement as long as they are both in effect during the time ESG-funded rental assistance is provided.

A rental assistance agreement must set forth the terms under which rental assistance will be provided, including the following requirements:

- The landlord shall give the agency 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;
- Payment due date, grace period, and late payment penalty requirements will be the same as documented in the program participant's lease;
- If the rental assistance is tenant-based or project-based;
- If the subgrantee and subrecipient incurs late payment penalties, it is the sole responsibility of the agency to pay those penalties, using non-ESG funds;
- If the subgrantee and subrecipient requires the program participant to pay a portion of the monthly rental cost, the amount of rent to be paid by each party;
- 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.

If the only cost being paid with ESG funds is rent arrears, a rental assistance agreement is needed, but a current lease is not. When the assistance is solely for rent arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers or canceled checks.

Subgrantee and subrecipient must terminate the rental assistance agreement and provide no further rental assistance payments if the program participant moves out of the leased housing unit, the lease terminates and is not renewed or the program participant becomes ineligible to receive ESG rental assistance.

## **6) 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 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.

Subgrantee and subrecipient must determine the review method(s) they will use to establish rent reasonableness standards for their area (e.g.; A list of comparable rents can be compiled 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 Chapter 9 of the HUD Housing Choice Voucher Program Guidebook. The link to the Guidebook is in the appendices of this manual.

Comparable rents vary over time with market modifications. Rent Reasonableness standards must be reviewed periodically and adjusted to align with these rent market changes.

The Rent Reasonableness review completed for each unit must be documented in the client case file. A sample rent reasonableness form is included in the forms available on the OHCS web site.

## **7) Fair Market Rent (FMR) Requirement**

HUD establishes FMRs to determine rent ceilings for HUD-funded rental assistance programs. HUD publishes the FMR schedule annually for 530 metropolitan areas and 2,045 non-metropolitan county areas. The link to HUD's FMR index is included in the appendices in this manual.

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. The applicable FMR data should be copied and placed in the client file to document the FMR for that participant's unit size and geographic area.

## **8) Calculating Gross Rent**

Whether a household is seeking to maintain its current housing or relocate to another unit to avoid homelessness, or exiting homelessness into new permanent housing, the process for determining acceptable rent amounts is the same: the gross rent (rent plus appropriate utility allowance) must 1) be no greater than the Fair Market Rent set by HUD and 2) 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.

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.

A utility allowance is a projection of the cost of utilities the client will pay monthly while renting their unit. Subgrantee must determine the amount of utility allowance to be used in the calculation of gross rent. 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.

**To calculate the gross rent of a unit:**

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

\*excludes late fees and pet fees

**Example:**

A case manager wants to rapidly re-house a mother and son and has identified a 2-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 may be used to pay for the actual utility costs. The utility allowance calculation is only used to determine whether the unit meets the FMR standard.

## 9) Eligibility Re-certification

Reassessments are required for homelessness prevention and rapid re-housing participants. Homelessness prevention reassessments are required every three months and must verify that a household continues to have an annual income at or below 30% of area median income and lacks the resources or support to retain or obtain appropriate permanent housing. Rapid re-housing assessments are required at least once per year to verify that a household's income is at or below 30% area median income and they lack the resources and support networks to retain or obtain appropriate permanent housing. If a client informs staff of an income change, but is not required by the subgrantee and subrecipient to notify staff of a change in circumstances that may affect eligibility, there is no immediate effect on the client's eligibility and assistance can continue until the next required re-evaluation.

## 10) 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.

## F. HMIS / Data Collection Costs

ESG funds can be used for costs of contributing data to the HMIS designated by the Continuum of Care for the area, including the costs of:

- 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;
- Paying participation fees charged by the HMIS Lead, and
- If the subgrantee or subrecipient is a victim services provider or a legal services provider, it may use ESG funds to establish and operate a comparable database that collects client-level data over time (i.e., longitudinal data) and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into or provided to an HMIS.

## G. Ineligible Activities and Costs

Ineligible activities that cannot be funded with ESG include, but are not exclusive to:

- replacement of existing mainstream resources;
- payments made directly to program participants;
- payments on a mortgage or land contract;
- payment of rent for eligible individuals or families for the same period of time and for the same cost types being assisted through any other federal, state, or local housing subsidy program - financial assistance, such as payment of security deposits, is allowed if that cost is not eligible under the other subsidy program;
- payment of pet deposits;
- payments on credit card bills or other consumer debt, including child support or garnishments;
- provision of cash assistance;
- purchase of gifts cards for participants for any purpose;
- payment of costs of discharge planning programs in mainstream institutions such as hospitals, nursing homes, jails, or prisons; **and**
- payment for religious activities (**Note:** While organizations that are religious or faith-based are eligible to receive ESG funds, religious activities must be conducted separately, in time and location, from ESG-funded activities and participation must be voluntary for program participants).

## 5. Housing and Facility Standards

### A. 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.

### B. Habitability Standards

All housing units supported with program funds must meet HUD Habitability Standards. Habitability Standards are different from the Housing Quality Standards (HQS) used for HOME and HOME TBA programs. Because the HQS criteria are more restrictive than the Habitability Standards, subgrantee and subrecipient could use either standard for shelter or rental assistance funded with ESG. Housing also needs to be compliant with local housing codes relating to occupancy, health, and safety standards and the program must comply with the more stringent of the two.

#### 1) Permanent Housing

Minimum habitability standards for permanent housing include requirements for:

- structure and materials;
- 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 project maintenance; **and**
- fire safety.

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.

#### 2) Shelters

In addition to established housing codes, habitability standards for shelters in which ESG funds are used for conversion, major rehabilitation or renovation 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.

More information about habitability requirements is included in the appendices section of this manual.

### **C. 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.

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.

## **D. 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. Subgrantee and subrecipient shall supply all available, relevant information necessary for OHCS to 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.

# **6. Client Confidentiality**

## **A. General Requirements**

All information about the applicant/client is confidential. Disclose information only for the purpose of determining program eligibility, providing benefits, or investigating possible violation of federal, state and local regulation(s) associated with ESG delivery and never in a setting where members of the public can hear the conversation.

Subgrantees and subrecipients must have policies and procedures that ensure all client information and records are secure and confidentially maintained. Confidential records include all applications, records, files, and communications relating to applicant for, and clients, of ESG-funded services. Subgrantees' and subrecipients' officers, employees and agents must be aware of and comply with subgrantees' and subrecipients' confidentiality policies and procedures.

## B. Electronic Confidentiality

Electronic collection of client information requires procedures for ensuring confidentiality. The following guidelines apply to the use of a computer:

- The computer terminals used must be located in a secure location, limiting access to only those persons who have a legitimate interest in and are responsible for viewing client records.
- Computer monitors must be cleared (or a screen saver activated) immediately after accessing a client record.
- Computer terminals must be on a “locked” mode or turned off if the terminal is unattended.
- Access to the personally identifiable HMIS program shall be given to authorized staff persons and only insofar as access is necessary for performing the work required for the ESG program.

## C. Victims of Domestic Violence

Subgrantees and subrecipients must have procedures that ensure the safety and security of program participants who are victims of domestic violence, including maintaining strict confidentiality of records. Additionally, the address and location of ESG funded domestic violence shelter facilities must be protected from public disclosure except as authorized by the director of the organization responsible for operations of the shelter.

The confidential policy standards maintained by subgrantees and subrecipients must comply with all applicable local, state and federal requirements. All records shall be open for review to federal, state, and subgrantees’ auditors and/or examiners in the course of their regular audits and monitoring functions of ESG-funded programs.

## D. Release of Information

Client information (including identifying the person as a client) should not be released without written authorization from the client. Subgrantees and subrecipients are required to have a signed agency Release of Information form for each adult member of the identified household authorizing the release of information pertinent to determining program eligibility, providing assistance/service, HMIS reporting and other relevant need for sharing information. Each adult member must complete and sign their own ROI privately and ROIs cannot be shared with other household members. Unaccompanied youth who are the head of household must also have a signed Release of Information form on file. Release forms must be time-limited and specific as to with whom and what information will be shared.

OHCS is **required to be listed** as an entity with which client information will be shared as it pertains to data collection and monitoring (including third-party audits and reviews).

Client refusal to sign a Release of Information must be documented, dated and kept in the client file. Client refusal to sign such authorization **cannot** be the basis for denying program services to otherwise eligible clients.

## **7. Termination, Grievance and Conflict of Interest Policies**

### **A. Service Termination or Denial of Assistance**

Subgrantee and subrecipient must have written denial, termination, and grievance policies and procedures. The policies and procedures should be readily available to program participants either in writing or by posting them in a public place. Subgrantees and subrecipients are required to provide written notice to applicants/clients when denied program assistance or assistance is terminated. The notices must provide the specific reason(s) for the action and provide a process the applicant can follow to request a review of the decision.

If subgrantee and subrecipient is terminating rental assistance to a program participant, they must immediately notify the landlord of the date rental assistance for their tenant will end.

Termination from assistance does not prevent subgrantee and subrecipient from providing further assistance later to the same household or individual if they are determined eligible for such assistance.

### **B. Grievance and Appeals Process**

Subgrantee and subrecipient is required to have an established, written process for addressing client grievances for decisions, including termination or reduction of benefits, denial of benefits or other grievance. At a minimum, the process must include the following components:

- Informs the participant/applicant of the policy and policy must be posted in in general locations in which a client/applicant is expected to be;
- Informs the participant/applicant that they may contest any subgrantee's or subrecipient's decision that denies (for any reason) or limits eligibility of participant/applicant and/or terminates or modifies any benefits and identifies the steps to follow to contest the decision;
- Allows any aggrieved person a minimum of thirty days within which to request an administrative review;
- Informs the applicant/participant of their right to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the decision;
- Informs OHCS of the request for administrative review within 10 days of receiving the request;
- Informs the applicant/participant and OHCS in writing of the final determination and basis for the decision within ten days of the determination.

Any person or persons designated by subgrantee and subrecipient can complete the administrative review, other than the person who made or approved the decision under review or a subordinate of this person.

Subgrantees and subrecipients must make accommodations for clients who have language or disability barriers that would prevent them from participating in the appeals process.

OHCS retains the right to require modification of any review or appeals process that in its determination does not meet basic principles for notification, instruction, time allowance, impartiality, access and other necessary components..

## **C. Conflict of Interest**

### **1) Organizational**

The provision of any type or amount of ESG assistance may not be conditioned on an individual's or household's acceptance or occupancy of emergency shelter or housing owned by subgrantee, subrecipient or an affiliated organization. A subgrantee and subrecipient is prohibited from conducting a participant's intake assessment to determine program eligibility if the participant resides in housing where the subgrantee subrecipient has ownership interest. Subgrantee and subrecipient would need to find another independent organization that is also an ESG grantee to do the intake assessment and ensure that all program participants are eligible even if the subgrantee and subrecipient has a waiver of the conflict of interest requirements. Conflict of interest waivers regarding rent assistance and rental agreement requirements can only be approved by HUD. If a subgrantee and subrecipient wishes to apply for a waiver, they should contact the OHCS homeless program coordinator or manager for guidance in submission of a waiver request which must be approved by OHCS who will then submit to HUD. See 24 CFR 576.404(a).

Subgrantees and subrecipients cannot steer potential renters for units owned or operated by the subgrantee or subrecipient, if the renters will be using a rent subsidy paid with any OHCS funds. Rent-subsidized tenants are free to enter into a rental contract with another landlord within the subgrantee or subrecipient's jurisdiction or they may choose to rent a unit owned or operated by the subgrantee or subrecipient. A waiver request is not required for this situation; however, subgrantees and subrecipients must comply with this provision of the conflict of interest policy.

Subgrantee and subrecipient must keep records to show compliance with ESG program organizational conflicts-of-interest requirements.

### **2) Individual**

For the procurement of goods and services, subgrantee and subrecipient must comply with the codes of conduct and conflict of interest requirements under 24 CFR 85.36 (for governments) or 24 CFR 84.42 (for private nonprofit organizations).

Persons for whom the Conflict of Interest requirements apply include any person who is an employee, agent, consultant, officer, or elected or appointed official of the subgrantee and subrecipient agency. No person who exercises or has exercised any functions or responsibilities with respect to activities assisted under the ESG program, or who is in a position to participate in a decision-making process or gain inside information

with regard to activities assisted under the Program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.

Upon the written request of OHCS, HUD may grant an exception to the provisions of this paragraph on a case-by-case basis. Subgrantees and subrecipient wishing an exception must submit requests to OHCS for review and forwarding to HUD. There is no guarantee that an exception will be approved.

## **8. Fair Housing**

### **A. 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. Outreach efforts must comply with Program Standard #3—*Emergency Shelter Operations (Safety and Accommodations for Special Populations)*.

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.

### **B. Nondiscrimination and Equal Access**

Subgrantees and subrecipients are required to comply with all state and federal statutes relating to nondiscrimination. Subgrantee and subrecipient may not take any of the following actions based on race, color, national origin, religion, gender, familial status or disability (federal) or marital status, sexual orientation, gender identity or source of income (state):

- Refuse to accept an application for housing assistance or services
- Deny an application for housing assistance or services

- Set different terms, conditions or privileges for housing assistance or services
- Provide different or specific housing, facilities or services
- Falsely deny that housing is available for inspection or rental or that services are available
- Deny anyone access to a facility or service.

The Fair Housing Act prohibits discrimination based on protected classes in the housing activities of advertising, screening and unit rentals. Using a target population in screening is allowed; however, refusal to accept application or provide information on services or available housing to any protected class, even if these groups do not fit into your targeting strategy is prohibited.

For example, a provider might decide to give priority to clients who graduate from a rental rehabilitation program that is inclusive of all protected classes. If two applications come in at the same time and both meet the screening criteria, the applicant who also has the rental rehabilitation experience could receive priority over the applicant who does not; however, providers should always accept the first applicant meeting their criteria or prioritization policy.

- Screening criteria cannot be discriminatory and must be consistently applied. For more information, see the [Guide to Fair Housing for Nonprofit Housing and Shelter Providers](#) produced by the Fair Housing Council of Oregon, or contact them directly at [www.fhco.org](http://www.fhco.org).

### **Equal Access**

HUD ensures equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD), such as ESG. HUD ensures housing programs will be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. Subgrantees and subrecipients of CPD funding, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any CPD program must grant equal access to such facilities, and other buildings and facilities, benefits, accommodations and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.

Policies and procedures to protect privacy, health, safety, and security, shall be established or amended, as necessary, and administered in a nondiscriminatory manner to ensure that:

- Equal access is provided in accordance with gender identity;
- In single-sex facilities, individuals are placed, served and accommodated in accordance with one's gender identity;

- Individuals are not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of the individual's gender identity; and
- Nondiscriminatory steps are taken to address privacy concerns, including updating operating policies and procedures.

Subgrantees and subrecipients must provide the Notice of Equal Access to clients receiving housing assistance. The Notice of Equal Access form can be found on our website (see appendix).

### **C. Limited English Proficiency**

The Federal government has issued a series of policy documents, guides and regulations describing how subgrantee and subrecipient should address the needs of citizens who have limited English proficiency (LEP). The abbreviated definition of persons with limited English proficiency is those who: have difficulty reading, writing, speaking, or understanding English, and do not use English as their primary language.

Subgrantee and subrecipient must have a LEP policy document that describes the actions subgrantee and subrecipient took to identify LEP populations in their service area and define actions they will take to provide language assistance and address language barriers. The policy must also state how and how often staff will receive training about assisting LEP persons, how the level of success of the policy will be identified and how changes will be made if needed.

Links to more information about Limited English Proficiency requirements are provided in the appendices "Applicable Rules and Regulations".

Subgrantees and subrecipient should create a written Language Access Plan (LAP) to provide a framework to document how the agency's programs will be accessible to all populations in their service area. Subgrantees and subrecipient who serve few persons needing LEP assistance may choose not to establish a LAP; however, the absence of a written LAP does not release subgrantee's and subrecipient's obligation to ensure LEP persons have access to programs or activities.

## **9. Data Requirements**

### **A. Data Entry**

Subgrantees and their subrecipients are required to enter ESG related client and service data into the ServicePoint Homeless Management Information System (HMIS), except for data of victims of domestic violence clients, which must be entered into a comparable database system that meets HMIS standards. Projects serving survivors of domestic violence where the operator is not a victim services provider are required to enter data in their HMIS. Subgrantees and subrecipients are responsible for acquiring and documenting informed written consent from program participants, and protecting program participant's confidentiality.

Additional guides and assistance with HMIS data entry, data quality and reporting may be found on our website at: <http://www.oregon.gov/ohcs/Pages/housing-assistance-providers-in-oregon.aspx>.

## **B. Data Timeliness**

Timely and accurate data entry is critical to ensuring meaningful data analysis and reporting. Therefore, it is recommended that subgrantees and subrecipients enter data within three business days.

## **C. Data Entry Requirements for Shelters**

Emergency or transitional shelters, day or mass shelters, or hotel/motel vouchers are required to collect data and report outcomes using the Entry/Exit method of data collection.

Shelters which meet the three criteria below may be set up in HMIS to use the Night-by-Night method of tracking shelter use:

- The shelter serves a large number of clients on a nightly basis;
- Clients are permitted to spend nights at the shelter on an irregular basis; and
- There is a high degree of client turnover.

Night-by-Night (NBN) data collection involves recording, in HMIS, contacts with each person served. A contact is defined as the date of an interaction between a worker and a client designed to engage the client. A contact must be recorded any time a client is met. Engagements must also be recorded. An engagement is an interaction which results in a formalized assessment or discussion. The date of engagement should be entered into HMIS at the point when the client has been engaged by the shelter worker.

With the NBN method:

- All data required to be collected, is collected at project entry; and
- The duration of each stay can be accurately aggregated to calculate each client's total length of stay in the project.

Regardless of the method used to track shelter use, subgrantees and subrecipients must be able to determine who and how many people were served by a shelter or shelter type for any given night, based on HMIS data.

## **D. Required Data Elements**

HMIS Universal and OHCS-required Data Elements that must be collected include, but are not limited to:

1. Name
2. Social Security Number
3. Date of Birth
4. Race
5. Ethnicity
6. Gender

7. Veteran Status
8. Disabling Condition (inclusive of type)
9. Income and Sources
10. Non-Cash Benefits
11. Health Insurance
12. Living Situation
13. Project Start Date
14. Project Exit Date
15. Housing Move-In Date
16. Destination
17. Relationship to Head of Household
18. Client Location

## **E. Comparable Database**

Victim service providers are prohibited from entering data in HMIS; however, they are required to maintain comparable databases which provide aggregate information and data consistent with HMIS data collection requirements.

Comparable Databases must have the following characteristics:

- The victim service provider controls who can access and see client information.
- Access to the database is carefully controlled by the victim service provider.
- Meets the standards for security, data quality, and privacy of the HMIS within the Continuum of Care. The Comparable Database may use more stringent standards than the Continuum of Care's HMIS.
- Complies with all HUD-required technical specifications and data fields listed in HMIS.
- Be programmed to collect data with the most up-to-date HMIS Data Standards.
- Have the functionality necessary to de-duplicate client records within each system in order to provide an aggregate and unduplicated count of clients by project type.
- Be able to generate all reports required by federal partners, for example, the HUD-CoC APR and the HUD-ESG CAPER.
- Data fields that can be modified and customized by the victim service provider to benefit clients.

Additionally, individual survivor data must be routinely destroyed as soon as the program no longer needs it to provide client services or to satisfy grant/legal requirements. Victim service providers may suppress aggregate data on specific client characteristics if the characteristics would be personally identifying. Finally, the program's contract with the database vendor should include binding agreements to ensure security of and program control over client data.

A Comparable Database 101 document is available on our website at:

<https://www.oregon.gov/ohcs/Pages/best-practices-hmis.aspx>

## 10. Reporting Requirements

### A. Quarterly/Annual Reporting

Subgrantees are required to submit quarterly program reports by the 20th of the month following the end of each quarter in accordance with OHCS Master Grant Agreement directives for content and format. Subgrantees are required to submit an annual report within the timeframe set by OHCS. At the discretion of OHCS, other reports may be required when deemed necessary to provide program utilization and performance information. Subrecipient reporting to subgrantee must occur timely, so that subgrantees can meet the required deadline for reports to OHCS. Assistance with HMIS data entry, data quality and reporting may be found on our website at: <http://www.oregon.gov/ohcs/Pages/housing-assistance-providers-in-oregon.aspx>.

### B. System-Wide Performance Requirements

The Oregon Legislative Fiscal office adopted a set of criteria that agencies must meet when developing key performance measures. In alignment with the federal and state strategic plans to end homelessness, OHCS has established two performance measures:

- Increased housing stability as measured by the percentage of total program participants served who reside in permanent housing at time of exit from program; **and**
- Increased housing stability as measured by the percentage of program participants who at program exit reside in permanent housing and maintain permanent housing for six months from time of exit.

In addition to the current two required measures listed above, subgrantees will have the opportunity to choose additional performance measures from four categories – **E**nding Homelessness, **P**reventing Homelessness, **I**nclusion and Diversity, and **C**apacity of the Community (EPIC), as referenced in the Master Grant Agreement. The EPIC Outcomes Tool is a table listing a selection of performance measures and outcomes under each of the four headings.

All performance measures use HMIS as their primary data source, unless otherwise noted.

These outcome measurements will be in addition to reporting of required universal data elements that track client characteristic and service data.

Reporting of the performance measures are required in the year-end report and is client household-based, not funding source. Assistance with HMIS data entry and reporting may be found on our website at: <http://www.oregon.gov/ohcs/Pages/housing-assistance-providers-in-oregon.aspx>.

Locating and following up with clients can be challenging. Strategies that have shown the best results include the following:

- ✓ Follow-up is provided by the case manager or staff whom the client knows and has worked with;
- ✓ Informing the client at time of intake/assessment of the need and value of follow-up and requesting their permission to contact them and/or other identified contacts after they exit the program;
- ✓ Securing multiple points of contact for the client prior to their exit such as a friend, family member, employer, landlord or someone who the client is likely to stay in touch with during the six month period;
- ✓ Utilizing the subgrantee's LIHEAP or OEAP list of clients to verify permanent housing since LIHEAP and OEAP can only be delivered to those residing in permanent housing; and
- ✓ Development of MOUs with other agencies such as DHS, Housing Authorities, CDCs, etc. to determine the housing status of clients.

Regardless of the method of follow-up utilized, subgrantees must obtain client permission through a signed release of information to contact others.

## **11. Recordkeeping**

### **A. Client File Documentation**

Sufficient records must be established and maintained to enable OHCS and HUD to determine whether ESG requirements are being met. Subgrantee must make sure any subrecipients assisting subgrantee with the ESG program also maintain appropriate and complete records.

Documentation of client eligibility and services received must be maintained in client case files (paper or electronically) and include a copy of the coordinated entry assessment to confirm participation in coordinated entry. Documentation for applicants found to be ineligible for assistance or for clients who are no longer eligible to receive assistance is required and will include the client's request for assistance, why they are ineligible and how it was communicated to the applicant. Ineligible clients 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.

File documentation will be the basis of OHCS monitoring to ensure subgrantee and subrecipient is in compliance with program requirements and regulations. OHCS recommends that subgrantees and subrecipients use a client 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;
- 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 and assets;
- 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;
- Documentation of payments made on client's behalf; **and**
- Written notice of program termination.

## **B. Electronic Files**

If client file documents and signatures or policy documents are collected and maintained electronically, required documentation must be made available to OHCS in paper form when requested.

## **C. Records Access**

Subgrantees and their subrecipient organizations are required to permit OHCS, the Oregon Secretary of State's Office, the federal government, and the duly authorized representatives of such entities access to, and the right to copy, all program client and fiscal records for such purposes as research, data collection, evaluations, monitoring, and auditing. At the sole discretion of OHCS, access to records shall include the removing of records from the subgrantees' and subrecipients' office.

## **D. Records Retention**

Subgrantees and subrecipients shall retain all program records pertinent to client services and expenditures incurred under ESG in a manner consistent with the requirements of state and federal law. This includes, but is not limited to, those requirements listed in Administrative Rule, Operations Manual and Special Schedules. Find the OHCS Special Schedule at the Oregon State Archives:

(<http://arcweb.sos.state.or.us/pages/recmgmt/sched/state.html>);

Find the State Agency General Records Retention Schedules at the Oregon State Archives: ([http://arcweb.sos.state.or.us/pages/rules/oars\\_100/oar\\_166/166\\_300.html](http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_166/166_300.html)).

Subgrantees and subrecipients shall retain and keep accessible all such **fiscal and program records**, client records, digital and electronic records, books, documents, papers, plans, and writings for a minimum of **(6) six years**, or such longer period as may be required by applicable law, whichever date is later. Applicable law includes the following final payment and termination of ESG funding, or until the conclusion of any audit, controversy or litigation arising out of, or relating to, ESG.

## E. Available Forms

Program forms and reference documents are available for download from the OHCS web site. Subgrantee and subrecipient may use these standard forms or acceptable equivalents when administering its ESG funded program. Any alternate form must collect all data requested on the standard form. OHCS encourages the use of the standard forms for consistency and ease of monitoring and compliance.

# 12. Financial Management

## A. Administration

Subgrantees may use up to 2.5% of reimbursed costs during the grant period for administrative costs inclusive of what may be shared with subcontractors (subrecipients). Allowable administrative costs 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:

- Senior executive management personnel salaries and benefits (unless they are directly involved in program operations), administrative staff travel costs;
- General services such as accounting, budget development, personnel, contracting, marketing, agency audit, agency insurance;
- Board expenses;
- Organization-wide membership fees and dues specific to homeless systems and programs;
- General agency facilities costs (including those associated with executive positions), such as rent, depreciation expenses, and operation and maintenance (as part of the organization's direct or indirect cost allocation plan); and
- Equipment rental/purchase, insurance, utilities, and IT costs that are not program specific but relate to the administration of the agency as a whole

.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”).

## **B. Program Match**

Except as provided in the next paragraph, OHCS will require subgrantee to make matching contributions in an amount that equals (100%) the amount of ESG funds allocated by OHCS, including administration funds.

The first \$100,000 of OHCS’s ESG award from HUD is excluded and does not require match. OHCS may transfer, through an exception process, the benefit of HUD’s exception to its subgrantee agencies that are least capable of providing matching contributions. Subgrantees not able to provide 100% match must contact the OHCS Homeless Program Analyst to discuss receiving an exception to the requirement.

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.

All sources listed as match must meet these criteria:

- The matching contribution must be made after the date that HUD and OHCS sign the ESG Grant Agreement;
- Cash contributions must be expended within the expenditure deadline in 576.203;
- Non-cash contributions must be made within the expenditure deadline in 576.203.
- Contributions used to match a previous ESG grant may 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 may not be used as match for ESG funding;
- The matching funds must be used for ESG eligible clients and activities; **and**
- If ESG funds are used to satisfy matching requirements of another federal program, funding from that program cannot be used to satisfy the matching requirements of ESG.

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, as well as how the value of non-cash contributions was derived. To the extent feasible, volunteer services must be supported by the same methods that subgrantee uses to support the allocation of regular personnel costs.

## **C. Funds Disbursement**

### **1) Use of OPUS**

The OPUS System is a web-based centralized data system designed to meet business-processing needs. Subgrantee staff must complete training before being authorized to use the fiscal operations program of OPUS. Training is provided by the Fiscal Grant Specialist at OHCS.

OHCS maintains an OPUS Manual and OPUS Help Desk. Staff can be reached at:

**Email:** [opushelp@oregon.gov](mailto:opushelp@oregon.gov)

**Ph:** (503) 986-2099

**Toll Free:** (800) 453-5511 Option 6

### **2) Request for Funding Documentation**

Subgrantee must retain supporting documentation of all costs charged to the ESG grant and be able to provide evidence that grant funds were spent on allowable costs. When subgrantee submits a Request for Funds (RFF) on OPUS, they are required to download documentation of the costs for which they are requesting payment. Any RFF submitted without accompanying documentation or with insufficient documentation will be returned to the subgrantee with instructions to provide additional information.

### **3) Budget Change Requests and Implementation Report Amendments**

Changes in a subgrantee's scope of work may necessitate the submission of a budget change request. All budget changes require OHCS approval by submitting a Budget Change Request form electronically to: [mga.fiscal@oregon.gov](mailto:mga.fiscal@oregon.gov).

At the discretion of OHCS, additional information or an Implementation Report Amendment Request form may be required for a budget change request.

Implementation Report Amendments are required when there is a shift in program delivery and/or scope of work. All Implementation Report Amendments require OHCS

approval by submitting an Implementation Report Amendment Request form electronically to: [crd.reports@oregon.gov](mailto:crd.reports@oregon.gov).

Subgrantees must notify, within 30 days, and receive approval from OHCS when adding subrecipients. Notification and approval normally occurs during the Master Grant Agreement funding application process; however, if changes are made outside of the funding application, subgrantees must notify OHCS and obtain approval by submitting an Implementation Report Amendment Request form electronically to [crd.reports@oregon.gov](mailto:crd.reports@oregon.gov).

#### **4) Funds Spend Down**

Subgrantees are expected to fully obligate or expend grant funds during each funding cycle and after expending funds from a previous funding cycle. OHCS will review subgrantee's grant spending in accordance with subgrantee's Master Grant Agreement and OHCS policy. Contact your OHCS Program Analyst for any questions regarding your expenditure of funds.

#### **5) Purchasing**

Purchases of equipment or property are subject to additional provisions and requirements as stated in the Master Grant Agreement Standard Terms and Conditions and Special Provisions exhibits. Fixed assets with a value greater than \$5,000, includes computer equipment, electronic equipment, photography equipment, hand tools and other items. Title to all equipment purchased in whole or part with OHCS funds must be in the name and possession of the subgrantee. Subgrantee shall prohibit its subrecipients from using OHCS funds to purchase equipment. Disposal of any item having an original cost of more than \$5,000, and which is currently valued above \$5,000, requires prior OHCS consent. Property and equipment purchased with OHCS grants shall not be used for collateral or to secure financing.

Purchasing contracted services should only occur when the skills, knowledge and resources are not available within subgrantee's organization or the subgrantee is unable to complete the work within require time limitations. A contractor must be registered to do business in Oregon and have necessary credentials of expertise. Subgrantee is expected to obtain multiple bids or pricing. If using a sole source contract, subgrantee must have written documentation to explain why they were not able to obtain more options.

## **13. Monitoring**

### **A. Process**

OHCS will monitor subgrantee's program administration once every three years or more frequently at OHCS' discretion. Fiscal monitoring will be conducted annually unless an earlier review is warranted or required by the program's rules. Subgrantee will be notified thirty days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff or Board interviews. After the monitoring visit,

OHCS will provide subgrantee with a written monitoring report inclusive of any findings, concerns or comments. Subgrantee must submit timely corrective action to findings and failure to do so may result in the withholding and/or return of ESG funds to OHCS or other possible remedies as described in the Master Grant Agreement signed by subgrantee and OHCS.

## **B. Subgrantee Monitoring of Subrecipients**

Subgrantee shall perform onsite monitoring their subrecipients at least once during and not later than the third quarter of the term of the Master Grant Agreement. Subgrantee must maintain and provide access to subrecipient written monitoring procedures and reports as requested by OHCS. Subrecipient organization monitoring procedures must ensure compliance with ESG program requirements.

**All subrecipients must comply with all program rules and regulations as noted in this manual, the Master Grant Agreement and Program Element: Scope of Work.**

Subgrantees must notify and receive approval from OHCS when adding subrecipients and/or renewing subrecipients. Notification and approval normally occurs during the Master Grant Agreement funding application process. However, if changes are made outside of the funding application, subgrantees must submit a Implementation Report Amendment Request form.

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## 14. Acronyms and Definitions

### A. Acronym List

Acronyms commonly used are:

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
HPRP	Homelessness Prevention and Rapid Re-Housing Program
HQS	Housing Quality Standards
HUD	United States Department of Housing and Urban Development
IDIS	Integrated Disbursement and Information System
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes
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.

**Case Management Expense** is inclusive of

- Intake and assessment, including time spent assessing a household, whether or not the household is determined eligible;

- Direct client services includes developing an individualized housing and service plan, monitoring and evaluating household progress, identifying creative and immediate housing solutions outside of the traditional homeless service system (diversion), and ensuring that households' rights are protected;
- Services that increase access to the income supports of disability benefits programs administered by the Social Security Administration for eligible adults who are experiencing or at risk of homelessness and have a serious mental illness, medical impairment, and/or a co-occurring substance use disorder (i.e., SOAR or similar style services);
- Services for clients entering into or are in permanent supportive housing and need assistance to stabilize;
- Placement services includes services or activities designed to assist households in locating, obtaining, and retaining suitable housing, tenant counseling, assisting households to understand leases, inspections, securing utilities, making moving arrangements, and representative payee services concerning rent and utilities;
- Mediation and outreach to property owners/landlords related to locating or retaining housing;
- Outreach services;
- Connecting clients to resources;
- General liability insurance and automobile insurance;
- Training;
- Salary, benefits of staff performing case management services.

**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.

**Emergency Shelter** means a facility whose primary purpose is to provide temporary shelter to homeless households or specific populations of the homeless and which do not require occupants to sign leases or occupancy agreements. Emergency shelter types may include, but are not limited to:

- **Low-Barrier Shelters:** shelters with limited entry requirements that enable people, who otherwise may not be willing or able to access shelter services, to be off the streets. Low

barrier shelters may not expect residents to abstain from using alcohol or other drugs, or from carrying on with street activities while living on-site, so long as they do not engage in these activities in common areas of the house and are respectful of other tenants and staff. Low barrier shelters may allow pets, allow couples to stay together, and may provide secure storage space for personal item. Low-barrier shelters are a state priority and should be implemented whenever feasible.

- **High Barrier Shelters:** shelters where residents must meet specific entry requirements such as passing a sobriety/drug or alcohol test, criminal background check, allow belongings to be searched, have a specific level of income, participate in program activities, etc.
- **No-Barrier Shelter:** shelters where residents are not required to meet any specific entry requirements.
- **Abstinence-Based or Dry Shelter:** shelter where residents are not allowed to drink alcohol or use other drugs while in tenancy. Residents are expected to be "clean" before moving in and actively working on their recovery while living there and may be discharged from the program if they refuse treatment for a relapse.
- **Wet Shelters:** shelter where residents are not expected to abstain from using alcohol and other drugs, and where entering a rehabilitation program is not a requirement. Residents have access to recovery services and get to decide if and when they use these services.
- **Damp Shelters:** shelter where residents do not need to be "clean" when entering the program but are expected to be actively working on recovery from substance use problems.
- **Day Shelters:** temporary daytime accommodations and services for individuals and families who meet the definition of literally homeless as described under Client Eligibility and are sleeping on the streets, lack a fixed, regular and adequate nighttime shelter and/or are living in an emergency shelter.
- **Emerging Models of Shelter:** may include "sleeping pods", "conestoga huts", "sanctioned rest stops" or "sanctioned camping areas", etc.
- **Warming Shelters:** warming shelters are a short-term, emergency shelter that operates when temperatures or a combination of precipitation, wind chill, wind and temperature become dangerously inclement. Their paramount purpose is the prevention of death and injury from exposure to the elements.
- **Transitional Shelters:** emergency shelter projects with a primary purpose to provide temporary or transitional shelter and essential services to all eligible clients in general and/or for specific populations of the homeless. Some transitional shelter programs have a comprehensive service focus and participants may stay for a period of time based on client need. Transitional shelters are different from transitional housing, as they do not require an occupancy/rental/lease agreement. Transitional shelters may require a code of conduct agreement.

- **Mass Shelters:** high volume, high turnover emergency shelters where multiple individuals and/or family households sleep.
- **Hotel/Motel Vouchers:** used as emergency shelter in those areas and times when no emergency shelter is available.
- **Vehicular Shelters:** vehicular shelters provide clients with a place to park their vehicle that is secure and free from ticketing, where they have access to garbage and sanitation services, onsite management that ensures the safety of participants, site cleanliness and adherence to site rules. Participants in vehicular shelters are provided access to client services.

**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.

**EPIC Outcomes Tool** is a table listing a selection of performance measures and outcomes under each of the four headings of Ending Homelessness, Preventing Homelessness, Inclusion and Diversity; and Capacity of the Community. CAAs will have the opportunity to choose additional performance measures from this listing.

**Essential Components of Service Delivery** are included in the MGA Operational Standards. They are the use of Housing First, maximizing participation in Coordinated Entry, ensuring availability of Low-Barrier Shelters in the community, incorporating the Lived Experiences of Homelessness into program design and implements and ensuring service provision has components for Equity and Racial Justice.

**Housing First** is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements.

**HMIS:** means Homeless Management Information System. OHCS uses ServicePoint as their HMIS; however, for Domestic Violence Shelters use a comparable database (see “HMIS” section of this manual).

**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.

**MGA Operational Standards** are specific identified criteria used to set a foundation of administrative, fiscal and service delivery expectations for CAAs. The purpose of establishing the standards is to ensure that no matter where individuals and families enter the homeless system, Oregonians will be provided the same access to quality services.

**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.

**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).

**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.

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

**Subrecipient(s):** Subrecipients are entities that, by contract with the subgrantee agency, provide ESG direct client services and receive funding directly from the subgrantee agency. Through its agreements with subgrantee agency, subrecipients will comply with all requirements for the Emergency Solutions Grant.

**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:** 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. ORS 458.505 through 458.545: [Community Services Programs](#)
8. OAR 166-300: [State Agency General Records Retention Schedules](#)
9. OAR 813-145: [Emergency Solutions Grant Program](#)
10. HMIS Data Standards Manual: <https://www.hudexchange.info/resource/3824/hmis-data-dictionary/>
11. **This manual** as a guideline for ESG program management.
12. Lead-Based Paint: <http://www2.epa.gov/lead> and [24 CFR part 35](#)
13. 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)
14. Annual Median Income: <https://www.hudexchange.info/resource/5079/esg-income-limits/>
15. [https://www.hudexchange.info/resource/3679/hud-income-limits/HUD Resource Exchange:](https://www.hudexchange.info/resource/3679/hud-income-limits/HUD_Resource_Exchange/)  
<https://www.hudexchange.info/esg/>
  - ESG program guidance
  - Federal regulations
  - Tools and technical assistance
  - Listserv opportunities
  - Frequently Asked Questions
16. FAQ Housing Counseling: <https://www.hudexchange.info/resource/5194/housing-counseling-new-certification-requirements-faqs/>
17. Personal Responsibility and Work Opportunity Reconciliation Act of 1996:  
<http://www.gpo.gov/fdsys/pkg/PLAW-104publ193/content-detail.html>
18. Housing Choice Voucher Guidebook:  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/guidebooks/7420.10G](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/guidebooks/7420.10G).
19. Limited English Proficiency federal interagency website can be found at: <http://www.lep.gov/> and guidance can be found at: <https://www.hud.gov/offices/fheo/promotingfh/FederalRegistepublishedguidance.pdf> and FAQs

can be found at:

[https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep-faq](https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)

20. 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>

21. 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)

22. OARs cited are amended from time to time and can be found at:

<http://arcweb.sos.state.or.us/pages/rules/access/numerically.html>

23. 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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