NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: CSBG Program: Creates consistency in language between rules, amends definitions, and updates for eligibility requirements.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov
Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301

Filed By:
Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 9:00 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer St NE, Room 124B
Salem, OR 97301

SPECIAL INSTRUCTIONS:
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Creates consistency in language between rules, amends definitions, and updates for eligibility requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
None.
FISCAL AND ECONOMIC IMPACT:
No fiscal or economic impact.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is no cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

RULES PROPOSED:

AMEND: 813-210-0001

RULE SUMMARY: Amends statutory reference and creates consistency in language between divisions.

CHANGES TO RULE:

813-210-0001
Purpose and Objectives

OAR chapter 813, division 210, is promulgated to accomplish 813-210 carries out the general purpose of ORS 458.505 to 458.545, and particularly and ORS 458.5025 to 458.515, which designates the Oregon Housing and Community Services Department (OHCS) is designated as the state agency responsible for administering state and federal antipoverty programs in Oregon. The Community Services Block Grant Program (CSBG) addressed in this division (OAR 813-210) is one such program, subject to department OHCS administration and has as its purpose. The purpose of the CSBG Program is to alleviate the causes and conditions of poverty in local communities by providing services and activities designed to increase self-sufficiency for low-income eligible households.

Statutory/Other Authority: ORS 456.555, 458.235
Statutes/Other Implemented: ORS 458.210 - 458.240, 458.505
AMEND: 813-210-0009

RULE SUMMARY: Creates consistency in language between divisions, incorporates the CSBG State Plan, and amends definitions.

CHANGES TO RULE:

813-210-0009 Definitions ¶

All words and terms that are used in OAR chapter 813, division 210, are defined in the Act, in 813-005-0005 and below. As used Terms used throughout this division (OAR chapter 813, division 210, unless the context indicates otherwise:

1) "Administrative costs" means all program costs that are not directly related to delivery of program services. ¶
2) "Assistant director" means the assistant administrator for the housing stabilization programs. ¶
3) "Community Action Agency" or "CAA" means a private nonprofit corporation organized under ORS chapter 65, or an office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505(4). ¶
4) "Conditional" means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, satisfying the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required) relevant documents.

5) "Department" or "OHCS" means the Housing and Community Services Department for the state of Oregon. ¶
6) "Director" means the department director as appointed by the governor. ¶
7) "Funding agreement" means that master grant agreement or other written agreement, together with all incorporated documents and references, to be executed by and between the department and the subgrantee agency in form and substance satisfactory to the department, as a condition precedent for receipt of program funding from the department. ¶
8) "Funding application" means a subgrantee agency's application to the department for a program grant. ¶
9) "HHS" means the U.S. Department of Health and Human Services. ¶
10) "HMIS" means the Homeless Management Information System. ¶
11) "Household" means an individual living alone, a family with or without children or a group of individuals who are living together as one economic unit. ¶
12) "Low-income household" means a household with an annual household income at or less than 125% of the poverty line. ¶
13) "Migrant and seasonal farmworker organization" means a private nonprofit organization organized under ORS chapter 65 that serves migrant and seasonal farmworkers and their families. ¶
14) "Political activity" means:
   (a) Directly or indirectly to attempt to influence or actually influence elections and/or nominations for political office;
   (b) Directly or indirectly to solicit or coerce contributions for use in elections or in nominations for political office;
   (c) Directly or indirectly to provide voters and prospective voters with transportation to polls or nomination caucuses or similar activities;
   (d) Directly or indirectly to provide assistance with an election, nomination or voter registration activity
15) "Community Services Block Grant Program" or "CSBG" means the program administered by OHCS, pursuant to this division (OAR 813-210) and other applicable law.
estimates prepared by the Center for Population Research and Census at Portland State University.

(16) “Poverty guidelines” or “poverty line” means the simplified version of the federal (U.S. Census Bureau) poverty thresholds released annually by HHS to determine financial eligibility for the program.

(17) “Program” or “CSBG” means the Community Services Block Grant program administered by the department pursuant to this division and other applicable law.

(18) “Program requirements” means all funding agreement terms and conditions (including work plan objectives), department directives (including deficiency notices), and applicable state, local, and federal laws and regulations (including these rules and other applicable department rules), executive orders, local ordinances and codes.

(19) “Program services” means allowable antipoverty services and activities designed to reduce and mitigate the impact of poverty by addressing the needs of low-income households.

(20) “Secretary” means the Chief Executive of the U.S. Department of Health and Human Services.

(21) “Service area” means the specific geographic area or region within which a subgrantee agency provides program services directly or by contract.

(22) “Subcontractor” or “subrecipient” means a nonprofit corporation established under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or a local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

(23) “Subgrantee agency” or “agency” means a private, nonprofit corporation organized under ORS chapter 65 or a local government as defined in ORS 197.015 that is designated as a community action agency, migrant and seasonal farmworker organization or other eligible entity under ORS 458.505 with which the department has contracted to administer program services and activities at the local level.

(24) “Sufficiency” means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree for the department to assess appropriately subgrantee agency’s compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state pl. organization organized under ORS Chapter 65 that serves migrant and other appropriate standards, goals and requirements established by the department.

(25) “Work Plan” or “plan” means the subgrantee agency's plan for the use of program funds as approved by the department, which is part of its approved funding application, and included in its funding agreement with the department, seasonal farmworkers and their families.

Statutory/Other Authority: ORS 456.555, 458.235
Statutes/Other Implemented: ORS 458.210 - 458.240, 458.505

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.
CSBG State Plan

Program Name: Community Services Block Grant
Grantee Name: OREGON
Report Name: CSBG State Plan Revision # 1
Report Period: 10/01/2018 to 09/30/2019
Report Status: Submission Accepted by CO (Revision #1)

Report Sections>

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CSBG Cover Page (SF-424M)

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Community Services Block Grant (CSBG)

COVER PAGE

1. Type of Submission: Plan
   * 1.b. Frequency: Other (2 Year)
   * 1.c. Consolidated Application/Plan/Funding Request?
      Explanation:
   * 1.d. Version: Initial

2. Date Received: State Use Only:
3. Applicant Identifier:
4a. Federal Entity Identifier: 93-1070707
4b. Federal Award Identifier: 809-580-293
5. Date Received By State:
6. State Application Identifier:

7. APPLICANT INFORMATION
   * a. Legal Name: Oregon Housing and Community Services
   * b. Employer/Taxpayer Identification Number (EIN/TIN): 93-1070707
   * c. Organizational DUNS: 809-580-293
   * d. Address:
      * Street 1: 725 Summer St NE, Suite B
      * City: Salem
      * County: MARION
      * State: OR
      * Zip / Postal Code: 97301 - 1266
   e. Organizational Unit:
      Department Name: Oregon Housing and Community Services
      Division Name: Housing Stabilization Division
   f. Name and contact information of person to be contacted on matters involving this application:
      Prefix: * First Name: Claire
      Middle Name: * Last Name: Seguin
      Suffix: Title: Executive Director
      Organizational Affiliation: Housing Stabilization Division
      * Telephone Number: (503) 986-6758
      Fax Number (503) 986-6877
      * Email: claire.seguin@oregon.gov
   * 8a. TYPE OF APPLICANT:
      A: State Government
      b. Additional Description: n/a
   * 9. Name of Federal Agency:

   10. CFDA Numbers and Titles
       Catalog of Federal Domestic Assistance Number: 93569
       CFDA Title: Community Services Block Grant

11. Descriptive Title of Applicant's Project

12. Areas Affected by Funding:

13. CONGRESSIONAL DISTRICTS OF:
   * a. Applicant OR
   b. Program/Project:

14. FUNDING PERIOD:
   a. Start Date: b. End Date: 
   * 15. ESTIMATED FUNDING:
      * a. Federal ($): $0
      * b. Match ($): $0
<table>
<thead>
<tr>
<th>16. IS SUBMISSION SUBJECT TO REVIEW BY STATE UNDER EXECUTIVE ORDER 12372 PROCESS?</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. This submission was made available to the State under the Executive Order 12372 Process for Review on:</td>
</tr>
<tr>
<td>b. Program is subject to E.O. 12372 but has not been selected by State for review.</td>
</tr>
<tr>
<td>c. Program is not covered by E.O. 12372.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>17. Is The Applicant Delinquent On Any Federal Debt?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ YES</td>
</tr>
<tr>
<td>☐ NO</td>
</tr>
</tbody>
</table>

**Explanation:**

18. By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

**I Agree ✓

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

<table>
<thead>
<tr>
<th>18a. Typed or Printed Name and Title of Authorized Certifying Official</th>
<th>18c. Telephone (area code, number and extension)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>18d. Email Address</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>18b. Signature of Authorized Certifying Official</th>
<th>18e. Date Report Submitted (Month, Day, Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11/05/2018</td>
</tr>
</tbody>
</table>

Attach supporting documents as specified in agency instructions.
Section 1: CSBG Lead Agency, CSBG Authorized Official, CSBG Point of Contact, and Official State Designation Letter

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Identify whether this is One-Year or a Two-Year Plan</td>
<td>☑ One-Year ☑ Two-Year</td>
</tr>
<tr>
<td>1.1a Provide the Federal Fiscal Years this plan covers:</td>
<td>Year One 2019 Year Two 2020</td>
</tr>
<tr>
<td>1.2 Lead Agency: Update the following information in relation to the lead agency designated to administer CSBG in the state, as required by Section 676(a) of the CSBG Act.</td>
<td>Information should reflect the responses provided in the Application for Federal Assistance, SF-424M.</td>
</tr>
</tbody>
</table>
| Has information in regards to the state lead agency has changed since the last submission of the state plan? | ☑ Yes ☑ No

If yes, provide the date of change and select the fields that have been updated 11/05/2018

- ☑ Lead Agency
- ☑ Department Type
- ☑ Department Name
- ☑ Authorized Official
- ☑ Street Address
- ☑ City
- ☑ Zip Code
- ☑ Business Number
- ☑ Fax Number
- ☑ Email Address
- ☑ Website

1.2a. Lead agency

Oregon Housing and Community Services (OHCS)

1.2b. Cabinet or administrative department of this lead agency [Select one option and narrative where applicable]

- ☑ Community Services Department
- ☑ Human Services Department
- ☑ Social Services Department
- ☑ Governor's Office
- ☑ Community Affairs Department
- ☑ Health Department
- ☑ Housing Department
- ☑ Housing Stabilization Division

1.2c. Cabinet or Administrative Department Name: Provide the name of the cabinet or administrative department of the CSBG authorized official

Oregon Housing and Community Services - Housing Stabilization Division

1.2d. Authorized official of the lead agency

Name: Claire Sequin
Title: Executive Director

1.2e. Street Address

725 Summer Street NE, Suite B

city: Salem

c2. State: OR

c2. Zip: 97301

c2. Telephone number and extension: (503) 968 - 6758ext.

c2. Fax number: (503) 986 - 6877

1.2k. Email address: Claire.sequin@oregon.gov

1.2l. Lead agency website: www.oregon.gov/ohcs

1.3. Designation Letter:
Attach the State's official CSBG designation letter. A new designation letter is required if the chief executive officer of the state and/or the designated agency has changed.

1.4. CSBG Point of Contact: Provide the following information in relation to the designated State CSBG point of contact. The State CSBG point of contact should be the person that will be the main point of contact for CSBG within the State.

Has Information in regards to the state point of contact has changed since the last submission of the state plan? ☐ Yes ☑ No

If yes, Provide the date of change and select the fields that have been updated. Date Picker and Check all the apply

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Point of Contact</th>
<th>Street Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
<td>Zip Code</td>
<td>Office Number</td>
</tr>
<tr>
<td>Fax Number</td>
<td>Email Address</td>
<td>Website</td>
</tr>
</tbody>
</table>

1.4a. Agency Name

1.4b. Point of Contact

Name: ______________________  Title: ______________________

1.4c. Street address

1.4d. City  State  Zip code

1.4e. Telephone Number ( ) - ext.  1.4h. Fax Number ( ) -

1.4i. Email Address  1.4j. Agency Website

1.5. Provide the following information in relation to the state Community Action Association.

There is currently a state Community Action Association within the state. ☑ Yes ☐ No

Has Information in regards to the state Community Action Association has changed since the last submission of the state plan? ☐ Yes ☑ No

If yes, Provide the date of change and select the fields that have been updated. Date Picker and Check all the apply

☑ Agency Name  ☑ Executive Director  ☑ Street Address

☑ City  ☑ State  ☑ Zip Code

☑ Office Number  ☑ Fax Number  ☑ Email Address

☑ Website  ☑ RPIC Lead

1.5a. Agency Name  Community Action Partnership of Oregon (CAPO)

1.5b. Executive Director or Point of Contact

Name: Janet Merrell  Title: Executive Director

1.5c. Street address

1.5d. City  State  Zip code

1.5e. Telephone number ( ) - ext.  1.5h. Fax number ( ) -

1.5i. Email Address janet.merrell@caporegon.org  1.5j. State Association Website http://caporegon.org/

1.5k. State Association serves as the Regional Performance Innovation Consortia (RPIC) lead ☑ Yes ☐ No
### Section 2: State Legislation and Regulation

#### 2.1. CSBG State Legislation:
- State has a statute authorizing CSBG [☐ Yes ☐ No]

#### 2.2. CSBG State Regulation:
- State has regulations for CSBG [☐ Yes ☐ No]

#### 2.3. Legislation/Regulation Document:
Attach the legislation and/or regulations or provide a hyperlink(s) to the documents indicated under Item 2.1. and/or Item 2.2.

- [http://oregonlaws.org/ors/458.505](http://oregonlaws.org/ors/458.505)

#### 2.4. State Authority:
Select a response for each of the following items about the state statute and/or regulations authorizing CSBG:

- **2.4a. Authorizing Legislation:** State legislature enacts authorizing legislation or amendments to an existing authorizing statute, last Federal fiscal year [☐ Yes ☐ No]

- **2.4b. Regulation Amendments:** State established or amended regulations for CSBG last Federal fiscal year [☐ Yes ☐ No]

- **2.4c. Designation:** State statutory or regulatory authority designates the bureau, division, or office in the state government that is to be the state administering agency [☐ Yes ☐ No]
Section 3: State Plan Development and Statewide Goals

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Community Services Block Grant (CSBG)

SECTION 3
State Plan Development and Statewide Goals

3.1. CSBG Lead Agency Mission and Responsibilities:

Briefly describe the mission and responsibilities of the State agency that serves as the CSBG Lead Agency.

The mission of OHCS is to provide stable and affordable housing and engage leaders to develop integrated statewide policy that addresses poverty and provides opportunity for Oregonians. As the Housing Finance Agency for the state of Oregon, OHCS provides financing and program support to develop and preserve opportunities for quality, affordable housing for Oregonians of low to moderate income. In addition, the OHCS Housing Stabilization Division administers multiple poverty and asset building programs that address emergency situations, such as homelessness, as well as create pathways to self-sufficiency.

3.2. State Plan Goals:

Describe the State’s CSBG-specific goals for State administration of CSBG under this State Plan.

(Observable: This information is associated with State Accountability Measure 1Sa(i) and pre-populates the State’s Annual Report, Module 1, Item B.1.)

OHCS has seven 2018 Strategic Goals which support the purpose and intent of CSBG. The Housing Stabilization Division has responsibility for implementing the goal specific to CSBG; prevent and reduce statewide poverty and homelessness. The goal’s intent is to help vulnerable low-income Oregonians become stably housed by serving communities through technical assistance, best practice implementation, educating opinion leaders, advancing research, and improving policy. In addition to the current strategic goals, OHCS is in the process of developing a Statewide Housing Plan that will provide the following deliverables: A Clear articulation of the state of housing in Oregon A Clear articulation of the role of the state and the role of our partners, departments, developers and agencies working to reduce the impacts of poverty on low-income people A Reliable data that allows decision makers to consider impacts and alternatives A Goals and metrics that can be reached with existing resources A Clear direction for implementation.

3.3. State Plan Development:

Indicate the information and input the State accessed to develop this State Plan.

3.3a. Analysis of state-level tools (Check all that apply and narrative where applicable)

- State Performance Indicators and/or National Performance Indicators (NPIs)
- U.S. Census data
- State performance management data (e.g., accountability measures, ACSI survey information, and/or other information from annual reports)
- Monitoring Visits/Assessments
- Tools not identified above (specify)

3.3b. Analysis of local-level tools (Check all that apply and narrative where applicable)

- Eligible entity community needs assessments
- Eligible entity community action plans
- Public Hearings/Workshops
- Tools not identified above (e.g., State required reports) (specify)

3.3c Consultation with (Check all that apply and narrative where applicable)

- Eligible entities (e.g., meetings, conferences, webinar; not including the public hearing)
- State Association
- National Association for State Community Services Programs (NASCSP)
- Community Action Partnership (The Partnership)
- Community Action Program Legal Services (CAPLAW)
- CSBG Tribal Training and Technical Assistance (T/TA) provider
- Regional Performance Innovation Consortium (RPIC)
- Association for Nationally Certified ROMA Trainers (ANCRT)
- Federal CSBG Office
- Organizations not identified above (Specify)
3.4. Eligible Entity Involvement

3.4a. Describe the specific steps the State took in developing the State Plan to involve the eligible entities.

(Note: This information is associated with State Accountability Measures 1Sa(ii) and may pre-populate the State’s annual report form)

OHCS, in consultation with the state association, planned and implemented a specific meeting for the entire CAA network to provide feedback on the development of the state plan. The majority of the CAAs participated in the meeting and all were given the opportunity to provide individual written or verbal feedback to OHCS both during and after the meeting. Four areas of potential improvement/change were discussed: changes to Organizational Standards; changes to the CSBG allocation formula and use of discretionary funds, state training and TA, and opportunities for improved state linkages and communication. Most of the discussion centered on concerns and specific recommendations to improve the Organizational Standards. While participants expressed an interest in considering changes to the CSBG allocation formula and use of discretionary funds, there was consensus that now was not the time due to uncertain funding. There was agreement to follow-up with the state association to determine next steps in discussing formula changes but no changes were made to the plan at this time.

3.4b. Performance Management Adjustment: Describe how the state adjusted its State Plan development procedures under this State Plan, as compared to previous plans in order to:

1) encourage eligible entity participation and
2) ensure the State Plan reflects input from eligible entities?

Any adjustment should be based on the State’s analysis of past performance in these areas, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing.

If the State is not making any adjustments, provide further detail.

(Note: This information is associated with State Accountability Measures 1Sb(i) and (ii) and pre-populate the Annual Report, Module 1, Item B.1.)

Our agency received a score of 40 in the ACSI survey in regards to input and involvement in the State Plan so we altered the way we sought input. Previously we sent out a draft plan for eligible entity input and review. Any input received was incorporated into the draft. The network was then sent notice that the public hearing was being held and they could provide input on the plan in that forum as well. For this State Plan period, utilizing comments provided in the ACSI survey, we took a more direct approach. We set up a CSBG State Plan discussion meeting to garner agency feedback on topics that were relevant to the network as identified above in the state steps to develop the plan.

3.5. Eligible Entity Overall Satisfaction:

Provide the State’s target for eligible entity Overall Satisfaction during the performance period:

| Year One | 62 | Year Two | 70 |

Instructional Note: The state's target score will indicate improvement or maintenance of the state's Overall Satisfaction score from the most recent American Customer Survey Index (ACSI) survey of the state’s eligible entities.

(Note: Item 3.5 is associated with State Accountability Measure 8S and may pre-populate the State’s annual report form)
4.1. Public Inspection:
Describe the steps taken by the state to disseminate this State Plan to the public for review and comments prior to the public hearing, as required under Section 676(e)(2) of the Act.

The State made the plan available for public inspection in multiple ways to ensure the plan was available for review and comment from many, including stakeholders, community members, and the low-income population. The State Plan was posted to the OHCS website for view prior to the public hearing and was distributed electronically to the CAA Network, the Housing Stability Council, and the CAA State Association. Public Hearing notices were posted on the OHCS website and on a government transparency website, in addition to being sent electronically to the CAA Network, the CAA State Association, and via Constant Contact (the OHCS public listserv).

4.2. Public Notice/Hearing:
Describe how the State ensured there was sufficient time and statewide distribution of notice of the public hearing(s) to allow the public to comment on the State Plan, as required under Section 676(a)(2)(B) of the CSBG Act.

The State Plan and the public hearing notice were both posted two weeks prior to the hearing date. The CAA Network, the State Association, and the public all had access to the State Plan via the OHCS website. Additionally, the Plan was distributed electronically to the Network and State Association as well as via Constant Contact. The public comment period was held open for an additional two weeks after the hearing date.

4.3. Public and Legislative Hearings:
In the table below, specify the date(s) and location(s) of the public and legislative hearing(s) held by the designated lead agency for this State Plan, as required under Section 676(a)(2)(B) and Section 676(a)(3) of the Act.

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Type of Hearing</th>
<th>If a combined hearing was held, confirm that the public was invited</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/31/2018</td>
<td>North Mall Office Building, 725 Summer St NE, Room 124B, Salem, OR 97301</td>
<td>Public</td>
<td></td>
</tr>
</tbody>
</table>

4.4. Attach supporting documentation or a hyperlink for the public and legislative hearings.
See attached documentation.
### Section 5: CSBG Eligible Entities

#### U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Community Services Block Grant (CSBG)

**SECTION 5**
CSBG Eligible Entities

5.1 CSBG Eligible Entities:
In the table below, list each eligible entity in the State, and indicate public or private, the type(s) of entity, and the geographical area served by the entity.

*Note: Table 5.1 pre-populates the Annual Report, Module 1, Table C.1.*

Types of Entities include Community Action Agency, Limited Purpose Agency, Local Government Agency, Migrant or Seasonal Farmworker Organization, Tribe or Tribal Organization, and Other

<table>
<thead>
<tr>
<th>#</th>
<th>CSBG Eligible Entity</th>
<th>Geographical Area Served by county (Provide all counties)</th>
<th>Public or Nonprofit</th>
<th>Type of Entity [choose all that apply]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ACCESS</td>
<td>Jackson County</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>2</td>
<td>Community Action Organization</td>
<td>Washington County</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>3</td>
<td>Community Action Partnership of East Central Oregon, Inc</td>
<td>Umatilla, Morrow, Gilliam, and Wheeler Counties</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>4</td>
<td>Community Action Team, Inc.</td>
<td>Columbia, Clatsop, and Tillamook Counties</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>5</td>
<td>Community Connection of Northeast Oregon, Inc.</td>
<td>Union, Wallowa, Baker, and Grant Counties</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>6</td>
<td>Clackamas County acting by and through its Health, Housing, and Human Services Department; Social Services Division</td>
<td>Clackamas County</td>
<td>Public</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>7</td>
<td>Community in Action</td>
<td>Harney and Malheur Counties</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>8</td>
<td>Community Services Consortium</td>
<td>Linn, Benton, and Lincoln Counties</td>
<td>Public</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>9</td>
<td>Klamath Lake Community Action Services</td>
<td>Klamath and Lake Counties</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>10</td>
<td>Lane County Human Services Commission</td>
<td>Lane County</td>
<td>Public</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>11</td>
<td>Mid-Columbia Community Action Council</td>
<td>Hood River, Wasco, and Sherman Counties</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>12</td>
<td>Multnomah County Department of Human Services</td>
<td>Multnomah County</td>
<td>Public</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>13</td>
<td>Mid-Willamette Valley Community Action Agency</td>
<td>Marion and Polk Counties</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>14</td>
<td>NeighborImpact</td>
<td>Crook, Jefferson, and Deschutes Counties</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>15</td>
<td>Oregon Human Development Corporation</td>
<td>Statewide Farmworkers</td>
<td>Non-Profit</td>
<td>Migrant or Seasonal Farmworker Organization</td>
</tr>
<tr>
<td>16</td>
<td>Oregon Coast Community Action</td>
<td>Coos and Curry Counties</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>17</td>
<td>United Community Action Network</td>
<td>Douglas and Josephine Counties</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
<tr>
<td>18</td>
<td>Yamhill Community Action Partnership</td>
<td>Yamhill County</td>
<td>Non-Profit</td>
<td>Community Action Agency</td>
</tr>
</tbody>
</table>

5.2 Total number of CSBG eligible entities: **18**

5.3 Changes to Eligible Entities List:
Within the tables below, describe any changes that have occurred to the Eligible Entities within the state since the last federal fiscal Year (FFY), as applicable.

One or more of the following changes were made to the eligible entity list: [Check all that apply].

- [ ] Designation and/or Re-Designation
- [ ] De-designations and/or Voluntary Relinquishments
- [ ] Mergers
- [x] No Changes to Eligible Entities List

5.3a Designation and Re-Designation: Identify any new entities that have been designated as eligible entities, as defined under Section 676A of the Act, since the last federal fiscal year. Include any
eligible entities designated to serve an area previously not served by CSBG as well as any entities designated to replace another eligible entity that was terminated (de-designated) or that voluntarily relinquished its status as a CSBG eligible entity.

<table>
<thead>
<tr>
<th>CSBG Eligible Entity</th>
<th>Type</th>
<th>Start Date</th>
<th>Geographical Area Served</th>
<th>Delete</th>
</tr>
</thead>
</table>

5.3b. Designation and Voluntary Relinquishments: Identify any entities that are no longer receiving CSBG funding. Include any eligible entities that have been terminated (de-designated) as defined under Section 676(c) and Section 676C of the Act, or voluntarily relinquished their CSBG eligible entity status since the last Federal Fiscal Year (FFY). Include any eligible entities designated to serve an area previously not served by CSBG as well as any entities designated to replace another eligible entity that was terminated (de-designated).

<table>
<thead>
<tr>
<th>CSBG Eligible Entity</th>
<th>Reason</th>
<th>Delete</th>
</tr>
</thead>
</table>

5.3c. Mergers: In the table below, provide information about any mergers or other combinations of two or more eligible entities that were each listed in the prior year state plan.

<table>
<thead>
<tr>
<th>Original CSBG Eligible Entities</th>
<th>Surviving CSBG Eligible Entity</th>
<th>New Name (as applicable)</th>
<th>DUNS No.</th>
<th>Delete</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Original CSBG Eligible Entities</th>
<th>Surviving CSBG Eligible Entity</th>
<th>New Name (as applicable)</th>
<th>DUNS No.</th>
<th>Delete</th>
</tr>
</thead>
</table>
Section 6: Organizational Standards for Eligible Entities

6.1. Choice of Standards: Confirm whether the state will implement the CSBG Organizational Standards Center of Excellence (COE) organizational standards (as described in IM 138) or an alternative set during the federal fiscal year(s) of this planning period.

- [ ] COE CSBG Organizational Standards
- [ ] Modified version of COE CSBG Organizational Standards
- [ ] Alternative set of Organizational Standards

6.1a. Modified Organizational Standards: In the case that the state is requesting to use modified COE-developed organizational standards, provide the proposed modification for the FFY of this planning period including the rationale.

- The State will continue to use the merge of Standard 1.2 and 3.3, which included modified language to ensure the key components of both were captured, as approved in the last State Plan. The state will also continue to use the modification of Standard 2.2 as approved in the last State Plan in which the Standard was deemed optional for agencies with operating budgets of under $15 million. Additionally, based upon input gathered from the CAA Network and State Association as well as responses in the ACSI survey, the State would like to modify additional Standards as follows: 1. Standard 5.9 will be modified to state: The Organization’s governing board receives programmatic reports at each regular board meeting, or at minimum, on a quarterly basis. 2. Standard 7.1 will be modified and will now state: The organization has written personnel policies that have been reviewed by an attorney or an accredited HR professional within the past five years. The reason for this change is that this standard places an undue burden on smaller agencies that have limited resources. 3. Standards 7.4 and 7.5 will be merged and will now state: The governing board conducts a performance appraisal of the CEO/Executive Director, and reviews and approves their compensation, within every calendar year. The reason for this change is that both actions typically happen at the same board meeting and this will cut down on duplication.

6.1b. Alternative Organizational Standards: If using an alternative set of organizational standards, attach the complete list of alternative organizational standards.

6.1c. Alternative Organizational Standards Changes: If using an alternative set of organizational standards:
1) provide any changes from the last set provided during the previous State Plan submission;
2) describe the reasons for using alternative standards; and
3) describe how they are at least as rigorous as the COE-developed standards

- [ ] There were no changes from the previous State Plan submission
- Provide reason for using alternative standards
- Describe rigor compared to COE-developed Standards

6.2 Implementation: Check the box that best describes how the State officially adopt(ed) organizational standards for eligible entities in the State in a manner consistent with the State's administrative procedures act. If "Other" is selected, provide a timeline and additional information, as necessary. (Check all that apply and narrative where applicable)

- [ ] Regulation
- [ ] Policy
- [ ] Contracts with eligible entities
- [ ] Other, describe:

6.3. Organizational Standards Assessment: Describe how the State assess eligible entities against organizational standards this federal fiscal year(s). (Check all that apply.)

- [ ] Peer-to-peer review (with validation by the State or State-authorized third party)
- [ ] Self-assessment (with validation by the State or State-authorized third party)
- [ ] Self-assessment/peer review with State risk analysis
- [ ] State-authorized third party validation
- [ ] Regular, on-site CSBG monitoring
- [ ] Other
6.3a. Assessment Process: Describe the planned assessment process.

CSBG eligible entities submit an annual assessment utilizing an online assessment system. The system has been stylized to work with Oregon’s assessment processes and Oregon-specific state guidance has been incorporated. Eligible entities will be required to fill out a Technical Assistance Plan (TAP) for all unmet standards. The TAP is integrated into the online assessment system and will be submitted, tracked and approved through the system. The TAP will be closed once the standard is met. This is the third year of the implementation process for the Organizational Standards and agencies will be submitting a full assessment. We will continue to improve on the work done by the CSBG work group in early 2017, which worked to come up with ways to reduce the administrative burden that the Organizational Standards place on agencies. To that end we will continue to provide technical training and assistance and work to streamline duplicative processes. Additionally, enhancements have been made to the assessment software system that we use that will make the process more user-friendly and efficient. We have also created State Guidance documents for the standards that provide clear instruction on what each standard requires. The State Guidance documents can be accessed from within the assessment software as well as the OHCS CSBG website.

6.4. Eligible Entity Exemptions: Will the State make exceptions in applying the organizational standards for certain eligible entities due to special circumstances or organizational characteristics (as described in IM 138)?  Yes  No

6.4a. Provide the specific eligible entities the state will exempt from meeting organizational standards, and provide a description and a justification for each exemption

Total Number of Exempt Entities: 1

<table>
<thead>
<tr>
<th>CSBG Eligible Entity</th>
<th>Description / Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oregon Human Development Corporation</td>
<td>We are allowing OHDC to submit a modified Community Needs Assessment. Due to the nature of their work (they serve migrant farmworkers and their families), and the fact that they are spread throughout the entire state, a traditional needs assessment is not feasible. Standard 3.2 will be waived and Standard 3.4 will be modified to state: The community assessment includes key findings on the causes and conditions of poverty and the needs of farmworkers.</td>
</tr>
</tbody>
</table>

6.5. Performance Target: Provide the percentage of eligible entities that the State expects to meet all the State-adopted organizational standards for FFY(S) for this planning period

| Year One | 50% | Year Two | 75% |

Note: Item 6.5 is associated with State Accountability Measures 65a and prepopulate the Annual report, Module 1, Table D.2.
### Section 7: State Use of Funds

#### Eligible Entity Allocation (90 Percent Funds) [Section 675C(a) of the CSBG Act]

7.1. Formula:
Select the method (formula) that best describes the current practice for allocating CSBG funds to eligible entities.

- Base + Formula

#### 7.1a. Formula Description: Describe the current practice for allocating CSBG funds to eligible entities.

Current and historical practice is to utilize a base fund plus need based formula. The formula utilizes poverty and DHS SNAP data for the calculation.

#### 7.1b. Statue: Does a state statutory or regulatory authority specify the formula for allocating "not less than 90 percent" funds among eligible entities?

- Yes
- No

7.2. Planned Allocation:
Specify the percentage of your CSBG planned allocation that will be funded to eligible entities and "not less than of 90 percent funds" as described under Section 675C(a) of the CSBG Act.

In the table, provide the planned allocation for each eligible entity receiving funds for the fiscal year(s) covered by this plan.

Note: This information pre-populates the state's Annual Report, Module 1, Table E.2.

<table>
<thead>
<tr>
<th>Year One</th>
<th>Year Two</th>
</tr>
</thead>
<tbody>
<tr>
<td>90.00%</td>
<td>90.00%</td>
</tr>
</tbody>
</table>

#### Planned CSBG 90 Percent Funds

<table>
<thead>
<tr>
<th>CSBG Eligible Entity</th>
<th>Year One Funding Amount $</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCESS</td>
<td>$296,188</td>
</tr>
<tr>
<td>Community Action Organization</td>
<td>$408,986</td>
</tr>
<tr>
<td>Community Action Partnership of East Central Oregon, Inc</td>
<td>$150,000</td>
</tr>
<tr>
<td>Community Action Team, Inc.</td>
<td>$150,000</td>
</tr>
<tr>
<td>Community Connection of Northeast Oregon, Inc.</td>
<td>$150,000</td>
</tr>
<tr>
<td>Clackamas County acting by and through its Health, Housing, and Human Services Department; Social Services Division</td>
<td>$269,079</td>
</tr>
<tr>
<td>Community in Action</td>
<td>$150,000</td>
</tr>
<tr>
<td>Community Services Consortium</td>
<td>$353,871</td>
</tr>
<tr>
<td>Klamath Lake Community Action Services</td>
<td>$150,000</td>
</tr>
<tr>
<td>Lane County Human Services Commission</td>
<td>$464,614</td>
</tr>
<tr>
<td>Mid-Columbia Community Action Council</td>
<td>$150,000</td>
</tr>
<tr>
<td>Multnomah County Department of Human Services</td>
<td>$840,798</td>
</tr>
<tr>
<td>Mid-Willamette Valley Community Action Agency</td>
<td>$510,404</td>
</tr>
<tr>
<td>NeighborImpact</td>
<td>$292,751</td>
</tr>
<tr>
<td>Oregon Human Development Corporation</td>
<td>$150,000</td>
</tr>
<tr>
<td>Oregon Coast Community Action</td>
<td>$150,000</td>
</tr>
<tr>
<td>United Community Action Network</td>
<td>$326,182</td>
</tr>
<tr>
<td>Yamhill Community Action Partnership</td>
<td>$150,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,112,873</strong></td>
</tr>
</tbody>
</table>

CSBG Eligible Entity Year Two
### CSBG Eligible Entity

<table>
<thead>
<tr>
<th>CSBG Eligible Entity</th>
<th>Year Two Funding Amount $</th>
<th>Delete</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCESS</td>
<td>$296,188</td>
<td></td>
</tr>
<tr>
<td>Community Action Organization</td>
<td>$408,986</td>
<td></td>
</tr>
<tr>
<td>Community Action Partnership of East Central Oregon, Inc</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>Community Action Team, Inc.</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>Community Connection of Northeast Oregon, Inc.</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>Clackamas County acting by and through its Health, Housing, and Human Services Department; Social Services Division</td>
<td>$269,079</td>
<td></td>
</tr>
<tr>
<td>Community in Action</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>Community Services Consortium</td>
<td>$353,871</td>
<td></td>
</tr>
<tr>
<td>Klamath Lake Community Action Services</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>Lane County Human Services Commission</td>
<td>$464,614</td>
<td></td>
</tr>
<tr>
<td>Mid-Columbia Community Action Council</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>Multnomah County Department of Human Services</td>
<td>$840,798</td>
<td></td>
</tr>
<tr>
<td>Mid-Willamette Valley Community Action Agency</td>
<td>$510,404</td>
<td></td>
</tr>
<tr>
<td>NeighborImpact</td>
<td>$292,751</td>
<td></td>
</tr>
<tr>
<td>Oregon Human Development Corporation</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>Oregon Coast Community Action</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td>United Community Action Network</td>
<td>$326,182</td>
<td></td>
</tr>
<tr>
<td>Yamhill Community Action Partnership</td>
<td>$150,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,112,873</strong></td>
<td></td>
</tr>
</tbody>
</table>

#### 7.3. Distribution Process:

Describe the specific steps in the state’s process for distributing 90 percent funds to the eligible entities and include the number of days each step is expected to take; include information about State legislative approval or other types of administrative approval (such as approval by a board or commission).

As the designated lead agency, OHCS receives an award letter from the Department of Health and Human Services (HHS) representing the CSBG Allocation made available under Public Law 112-10. Award letters are received at the OHCS offices in both paper and electronic form. Once the CSBG Award Letter is received: The original award letter goes to the Grants Manager in the Finance Management Department. A pdf. version is emailed to the Program Analyst assigned to CSBG. Ninety percent is pass-thru funding to the agencies, five percent is discretionary, and five percent is admin for the State. The Program Analyst, using the current funding formula, processes the award to determine the allocation for the 18 eligible entities. Administration and program amounts are determined by each agency’s CSBG budget. (7 days) Once processed, the CSBG Program Coordinator creates a Notice of Allocation, submits to the Finance department and funds are available to agencies through the OPUS database system. (7 days) A copy of the award letter and spread sheet of the allocation break-down per agency is electronically filed with all other CSBG documents on the agency’s server. In the event of unexpected increases or decreases, OHCS, in agreements made with the CAA network, takes the following approaches: a) Floor amount is $150,000. If there is an increase in future CSBG funding, the total increase amount, beyond the prior year’s allocation, will be allocated equally to all agencies, unless the increase is above 6%. In cases where the increase is greater than 6%, the first 6% will be distributed equally among all agencies, while the remaining amount above 6% will be allocated to the formula agencies by formula percentage. b) If there is a decrease in future CSBG funding, and a formula agency sees a decrease higher than 10% of the year’s prior allocation, discretionary funds may be utilized to mitigate the decrease and make up the difference. Floor agencies will remain at $150,000 and not see a decrease. c) In the event that the discretionary resources are not sufficient to cover all increases over 10%, the issue will be brought to the CSBG Workgroup for discussion and recommendations consideration.

#### 7.4. Distribution Timeframe:

**Does the state plan to make funds available to eligible entities no later than 30 calendar days after OCS distributes the federal award?**

No

**7.4a. Distribution Consistency: If no, describe State procedures to ensure funds are made available to eligible entities consistently and without interruption.**

Notices of Allocations (NOAs) are not allocated to the eligible entities until January. CSBG funds are issued and expended on the calendar year. The grant period on the NOA is January – December. Depending on when the first quarter award is received, the first quarter award may not be issued within 30 days. When the calendar year covers a biennium, unexpended CSBG funds must be de-allocated from the existing biennium and re-allocated to the new biennium. If there are unexpended funds at the end of the calendar year, CSBG funds are extended or rolled from the existing calendar year through March 31st of the New Year. At times, the allocation guidelines do not address all conditions. In this event, OHCS seeks recommendations from the CAA network through the state association, CAPO. In this situation, OHCS may be unable to meet the 30-day timeline. However, OHCS is expedient in issuing the CSBG funds, once an additional agreement has been met.

#### 7.5. Performance Management Adjustment:

Describe the state’s strategy for improving grant and/or contract administration procedures under this State Plan as compared to past plans. Any improvements should be based on analysis of past performance, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If the state is not making any improvements, provide further detail.

**Note: This information is associated with State Accountability Measure 25B and may prepopulate the State’s annual report form.**

Based on the improvements to the Master Grant Agreement contracting process thispast biennium, OHCS is not planning any new contract administration procedures. As part of the ongoing process to develop a State Housing Plan, strategies will be developed for integrating outcome-oriented contracting into the Master Grant Agreement but will not be identified in time for the submission of the CSBG State Plan.

**Administrative Funds [Section 675C(b)(2) of the CSBG Act]**
7.6. Allocated Funds: Specify the percentage of your CSBG planned allocation for administrative activities for the FFY(s) covered by this State plan.

<table>
<thead>
<tr>
<th>Year One (0.00%)</th>
<th>Year Two (0.00%)</th>
<th>5.00%</th>
</tr>
</thead>
</table>

7.7. State Staff: Provide the number of state staff positions to be funded in whole or in part with CSBG funds for the FFY(s) covered by this State Plan.

<table>
<thead>
<tr>
<th>Year One</th>
<th>Year Two</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.00</td>
<td>18.00</td>
</tr>
</tbody>
</table>

7.8. State FTEs: Provide the number of State Full Time Equivalents (FTEs) to be funded with CSBG funds for the FFY(s) covered by this State Plan.

<table>
<thead>
<tr>
<th>Year One</th>
<th>Year Two</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.50</td>
<td>2.50</td>
</tr>
</tbody>
</table>

7.9. Remainder/Discretionary Funds Use: Does the state have remainder/discretionary funds, as described in Section 675C(b)(1) of the CSBG Act?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If yes, provide the allocated percentage and describe the use of the remainder/discretionary funds in the table below.

<table>
<thead>
<tr>
<th>Remainder/Discretionary Funds Use</th>
<th>Year One Planned $</th>
<th>Year Two Planned $</th>
<th>Brief description of services/activities and/or activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.9a. Training/technical assistance to eligible entities</td>
<td>$120,000.00</td>
<td>These planned services/activities will be described in State Plan Item 8.1.</td>
<td></td>
</tr>
<tr>
<td>7.9b. Coordination of State-operated programs and/or local programs</td>
<td>$0.00</td>
<td>These planned services/activities will be described in State Plan Section 9, State Linkages and Communication.</td>
<td></td>
</tr>
<tr>
<td>7.9c. Statewide coordination and communication among eligible entities</td>
<td>$70,000.00</td>
<td>These planned services/activities will be described in State Plan Section 9, State Linkages and Communication.</td>
<td></td>
</tr>
<tr>
<td>7.9d. Analysis of distribution of CSBG funds to determine if targeting greatest need</td>
<td>$0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.9e. Asset-building programs</td>
<td>$0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.9f. Innovative programs/activities by eligible entities or other neighborhood groups</td>
<td>$55,000.00</td>
<td>CAPO/Futures Project</td>
<td></td>
</tr>
<tr>
<td>7.9g. State charity tax credits</td>
<td>$0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.9h. Other activities, specify in column 3</td>
<td>$60,000.00</td>
<td>Organizational Standards software, support to floor agencies</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$305,000.00</strong></td>
<td><strong>$305,000.00</strong></td>
<td><strong>$305,000.00</strong></td>
</tr>
</tbody>
</table>

If a funded activity fits under more than one category in the table, allocate the funds among the categories. For example, if the state provides funds under a contract with the State Community Action association to provide training and technical assistance to eligible entities and to create a statewide data system, the funds for that contract should be allocated appropriately between items 7.9a. - 7.9c. If allocation is not possible, the state may allocate the funds to the main category with which the activity is associated.

Note: This information is associated with State Accountability Measures 3Sa and pre-populates the annual report Module 1, Table E.7.
7.10. Remainder/Discretionary Funds Partnerships: Select the types of organizations, if any, the State plans to work with (by grant or contract using remainder/discretionary funds) to carry out some or all of the activities in table 7.9. [Check all that apply and narrative where applicable]

<table>
<thead>
<tr>
<th>Choice</th>
<th>Expected Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>The state directly carries out all activities (No Partnerships)</td>
<td></td>
</tr>
<tr>
<td>The state partially carries out some activities</td>
<td></td>
</tr>
<tr>
<td>CSBG eligible entities (if checked, include the expected number of CSBG eligible entities to receive funds)</td>
<td>9</td>
</tr>
<tr>
<td>Other community-based organizations</td>
<td></td>
</tr>
<tr>
<td>State Community Action association</td>
<td></td>
</tr>
<tr>
<td>Regional CSBG technical assistance provider(s)</td>
<td></td>
</tr>
<tr>
<td>National technical assistance provider(s)</td>
<td></td>
</tr>
<tr>
<td>Individual consultant(s)</td>
<td></td>
</tr>
<tr>
<td>Tribes and Tribal Organizations</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

Note: This response will link to the corresponding CSBG assurance, item 14.2.

7.11. Performance Management Adjustment:
Describe any adjustments the State adjusting the use of remainder/discretionary funds under this State Plan as compared to past plans. Any adjustment should be based on the State's analysis of past performance, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If the State is not making any adjustments, provide further detail.

Note: This information is associated with State Accountability Measures 33B, and may pre-populate the State's annual report form.

State usage of the discretionary funds is consistent with past years, in which a majority of the funding is utilized to fund Training and Technical Assistance for eligible entities and support of the state association. A secondary usage that has emerged is mitigating funding reductions within the floor agencies' funding cycle, in addition to mitigating a percentage decrease over 10% for any qualifying formula agency. In advance of the 2017 funding cycle, OHCS and the CSBG Workgroup determined policy to ensure the mitigating funds for floor agencies are distributed at the start of the funding year. OHCS continued with this practice in the 2018 fiscal year. The third usage will continue to be contracting with the CSG software company, which enables efficient review and tracking of the Organizational Standards.
Section 8: State Training and Technical Assistance

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Community Services Block Grant (CSBG)

SECTION 8
State Use of Funds

8.1. Describe the State's plan for delivering CSBG-funded training and technical assistance to eligible entities under this State Plan by completing the table below.

(CSBG funding used for this activity is referenced under item 7.9(a), Remainder/Discretionary Funds. States should also describe training and technical assistance activities performed directly by state staff, regardless of whether these activities are funded with remainder/discretionary funds.)

[Note: This information is associated with State Accountability Measure 3Sc and pre-populates the Annual Report, Module I, Table F.1.]

**Training and Technical Assistance - Year One**

<table>
<thead>
<tr>
<th>Planned Timeframe</th>
<th>Training, Technical Assistance, or Both</th>
<th>Topic</th>
<th>Brief Description of &quot;Other&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ongoing / Multiple Quarters</td>
<td>Both</td>
<td>Fiscal</td>
</tr>
<tr>
<td>2</td>
<td>Ongoing / Multiple Quarters</td>
<td>Both</td>
<td>Organizational Standards - General</td>
</tr>
<tr>
<td>3</td>
<td>Ongoing / Multiple Quarters</td>
<td>Both</td>
<td>Organizational Standards for eligible entities with unmet TAPs and QIPs</td>
</tr>
<tr>
<td>4</td>
<td>Ongoing / Multiple Quarters</td>
<td>Both</td>
<td>Strategic Planning</td>
</tr>
<tr>
<td>5</td>
<td>Ongoing / Multiple Quarters</td>
<td>Both</td>
<td>Community Assessment</td>
</tr>
<tr>
<td>6</td>
<td>Ongoing / Multiple Quarters</td>
<td>Both</td>
<td>Reporting</td>
</tr>
<tr>
<td>7</td>
<td>Ongoing / Multiple Quarters</td>
<td>Both</td>
<td>Other</td>
</tr>
<tr>
<td>8</td>
<td>Ongoing / Multiple Quarters</td>
<td>Both</td>
<td>Other</td>
</tr>
<tr>
<td>9</td>
<td>Ongoing / Multiple Quarters</td>
<td>Both</td>
<td>Other</td>
</tr>
</tbody>
</table>

**Training and Technical Assistance - Year Two**

<table>
<thead>
<tr>
<th>Planned Timeframe</th>
<th>Training, Technical Assistance, or Both</th>
<th>Topic</th>
<th>Brief Description of &quot;Other&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ongoing / Multiple Quarters</td>
<td>Both</td>
<td>Other</td>
</tr>
</tbody>
</table>

8.1a. Training and Technical Assistance Budget: The planned budget for the training and technical assistance plan (as indicated in the Remainder/Discretionary Funds table in item 7.9):

Year One $120,000 Year Two $120,000

8.1b. Training and Technical Assistance Collaboration: Describe how the state will collaborate with the State Association and other stakeholders in the planning and delivery of training and technical assistance.

OHCS partners closely with our community action state association, Community Action Partnership of Oregon (CAPO), to provide training and technical assistance to the community action agency network. Annually, CAPO surveys the CAA network to determine agency training needs. Survey results, monitoring results, and performance expectations inform the annual CAPO work plan with OHCS.

8.2. TAPs and QIPs: Does the State have Technical Assistance Plans (TAPs) or Quality Improvement Plans (QIPs) in place for all eligible entities with unmet organizational standards, if appropriate? ☑ Yes ☐ No

[Note: This information is associated with State Accountability Measure 6Sb. QIPs are described in Section 678C(a)(4) of the CSBG Act. If the State, according to their corrective action procedures, does not plan to put a QIP in place for an eligible entity with one or more unmet organizational standards, the State should put a TAP in place to support the entity in meeting the standard(s).]

8.2a. Address Unmet Organizational Standards: Describe the state's plan to provide T/TA to eligible entities to ensure they address unmet Organizational Standards. OHCS works closely with the community action state association to provide training on topics that multiple agencies struggle with in relation to the Organizational Standards. For example, a training on how to use a community needs assessment in the strategic planning process was offered due to a number of agencies who had unmet standards in relation to those two categories. Additionally, OHCS staff offers one-on-one trainings upon request and have traveled out to numerous agencies to offer assistance.

8.3 Training and Technical Assistance Organizations: Indicate the types of organizations through which the State plans to provide training and/or technical assistance as described in item 8.1, and briefly describe their involvement (Check all that apply.)

☐ CSBG eligible entities (if checked, provide the expected number of CSBG eligible entities to receive funds)

☐ Other community-based organizations

☒ State Community Action association
Regional CSBG technical assistance provider(s)
National technical assistance provider(s)
Individual consultant(s)
Tribes and Tribal Organizations
Other

8.4. Performance Management Adjustment: Describe adjustments the State made to the training and technical assistance plan under this State Plan as compared to past plans. Any adjustment should be based on the State's analysis of past performance, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If the State is not making any adjustments, provide further detail.

Note: This information is associated with State Accountability Measures 3Sd may pre-populate the State's annual report form

OHCS will continue to allow CAPO the flexibility to design a training calendar based on agency need. To that end, CAPO conducts an annual survey to eligible entities asking for their training needs. Additionally, the state lead provides input on training needs garnered from reviewing Organizational Standards assessments. The state will continue to collaborate with CAPO to provide more hands-on, personalized training to assist agencies with Organizational Standards and Technical Assistance Plans (TAPS).
### Section 9: State Linkages and Communication

| U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES |
| Administration for Children and Families |
| Community Services Block Grant (CSBG) |

#### SECTION 9
State Linkages and Communication

**Note:** This section describes activities that the State may support with CSBG remainder/discretionary funds, described under Section 675C(b)(6) of the CSBG Act. The State may indicate planned use of remainder/discretionary funds for linkage/communication activities in Section 7, State Use of Funds, items 7.9(b) and (c).

#### 9.1 State Linkages and Coordination at the State Level:
Describe the linkages and coordination at the State level that the State plans to create or maintain to ensure increased access to CSBG services to low-income people and communities under this State Plan and avoid duplication of services (as required by the assurance under Section 676(b)(5)).

**Note:** This response will link to the corresponding CSBG assurance, item 14.5. In addition, this item is associated with State Accountability Measure 7Sa and may pre-populate the State’s Annual Report, Module 1, Item G.2.

- State Low Income Home Energy Assistance Program (LIHEAP) office
- State Weatherization office
- State Temporary Assistance for Needy Families (TANF) office
- State Head Start office
- State public health office
- State education department
- State Workforce Innovation and Opportunity Act (WIOA) agency
- State budget office
- Supplemental Nutrition Assistance Program (SNAP)
- State child welfare office
- State housing office
- Other

In addition to the internal coordination between OHCS administered poverty programs (i.e., LIHEAP, Weatherization, Housing, IDA), linkages will continue and be further strengthened with the TANF, public health, child welfare, Head Start, and WIOA state offices and departments. OHCS has Integrator staff specifically assigned to work at both the state, regional, and local level to identify opportunities for system alignment, coordination, innovation, and resource sharing centered on affordable housing and poverty. Based on CAA network feedback, we will also explore ways in which we can strengthen our partnership with WIOA to better link CAA clients with workforce training and support. Additionally, OHCS is pursuing opportunities with Housing Authorities to increase the number of mainstream vouchers available to low income Oregonians. Lastly, OHCS is co-leading a statewide initiative to end veteran homelessness with the Dept. of Veterans Affairs.

#### 9.2. State Linkages and Coordination at the Local Level:
Describe the linkages and coordination at the local level that the State to create or maintain with governmental and other social services, especially anti-poverty programs, to assure the effective delivery of and coordination of CSBG services to low-income people and communities and avoid duplication of services, (as required by assurances under Sections 676(b)(5) - (6)).

**Note:** This response will link to the corresponding CSBG assurances, items 14.5 and 14.6, and pre-populates the Annual Report, Module 1, Item G.2.

The statewide network of CAs is the statewide system for delivery of anti-poverty services, including the Community Services Block Grant (CSBG). CAs work extensively with governmental entities, nonprofits, mental and physical health providers, schools, public safety providers, and others to design, implement, and deliver programs and services to low-income individuals and families. Community Action Agencies provide information and referrals to the public and are key participants in their respective Continuums of Care, which enables them to be a community hub for linking low-income people to mainstream supportive services. CAs maintain partnerships with systems of care to ensure coordination, and to avoid duplication of services. The Department of Human Services (DHS) uses TANF funds to address crisis and short-term needs that put low-income families with children at risk of becoming homeless. OHCS partners with DHS in this effort, and works to strengthen and expand this program as well as replicate similar partnerships with other state departments. Oregon Continuums of Care (CoC) continue to enhance their coordinated entry processes. The assessment tool used as part of this process works to highlight both visible and hidden barriers. Community partnerships across all sectors are critical to a healthy Coordinated Entry system. Reaching across disciplines increases the possibility of touching upon a cross-section of basic need and life skills support, substance and or alcohol abuse treatment, anger management, counseling, and other areas that may help a person maintain housing stability. As providers of OHCS homeless funded programs, the CAA network plays a critical role in the operations of their regional or balance of state CoC including leadership as a CoC lead in five of the seven Continuums. Additionally, OHCS requires sub-grantee participation in their local Coordinated Entry system.

#### 9.3. Eligible Entity Linkages and Coordination:
Describe how the State will assure that the eligible entities will coordinate and establish linkages to assure the effective delivery of and coordination of CSBG services to low-income people and communities and avoid duplication of services (as required by the assurance under Section 676(b)(5)).

**Note:** This response will link to the corresponding CSBG assurance, item 14.5.
OHCs requires eligible entities to complete a Community Action Plan application as part of the Master Grant Agreement process. Within this application, eligible entities are required to report on the categories listed below. This allows OHCs to monitor local linkages and strategies as well as identify opportunities for state intervention to address linkage barriers. Required service categories include: o Identified top 5 county/service area needs and gaps o Strategies to address needs and gaps including identification of key partnerships; identification of poverty populations, services provided and CSBG staffing o Linkages and primary referral organizations o Plan for transitioning clients out of poverty o Additional inter-agency programs and services provided o Primary funding and service coordination partnerships In addition to the Master Grant Agreement process detailed above, eligible entities are required to report annually on their partnerships and linkages in the CSBG Annual Report.

9.3b State Assurance of Eligible Entity Linkages to Fill Service Gaps:
Describe how the eligible entities will develop linkages to fill identified gaps in the services, through the provision of information, referrals, case management, and follow-up consultations, according to the assurance under Section 676(b)(3)(B) of the CSBG Act.

Note: This response will link to the corresponding CSBG assurance, item 14.3b., and pre-populates the Annual Report, Module 1, Item G.3b.

As described previously, the required CSBG plan provides an opportunity for state agencies to address community needs and gaps. OHCs reviews the plans to ensure appropriate coordination is happening through existing MOU/service agreements, coordinated entry and assessment, joint case planning, convening of partners to provide wrap around services, resource sharing and other locally appropriate linkage examples.

9.4. Workforce Innovation and Opportunity Act (WIOA) Employment and Training Activities:
Does the State intend to include CSBG employment and training activities as part of a WIOA Combined State Plan, as allowed under the Workforce Innovation and Opportunity Act (as required by the assurance under Section 676(b)(5) of the CSBG Act)?

Note: This response will link to the corresponding CSBG assurance, item 14.5.

9.4a WIOA Combined Plan: If the State selected “yes” under item 9.4, provide the CSBG-specific information included in the state’s WIOA Combined Plan. This information includes a description of how the state and the eligible entities will coordinate the provision of employment and training services through statewide and local WIOA workforce development systems. This information may also include examples of innovative employment and training programs and activities conducted by community action agencies or other neighborhood-based organizations as part of a community anti-poverty strategy.

9.4b Employment and Training Activities: If the state selected “no” under item 9.4, describe the coordination of employment and training activities, as defined in Section 3 of WIOA, by the state and by eligible entities providing activities through the WIOA system.

Under the Governor’s Executive Order No. 11-12, Oregon has established an infrastructure in which State resources are strategically aligned throughout Oregon to accomplish community and economic goals through Regional Solutions Advisory Committees, Centers and Teams. This alignment serves and supports the unique economic and community development needs of each region and the regional boundaries are strategically aligned with the 11 federally designated Economic Development Districts. Regional Solutions Centers are located throughout Oregon to align investments in support of the priorities. Five core state agencies – the departments of transportation (ODOT), land conservation and development (DLCD), environmental quality (DEQ), housing and community services (OHCs), and business development (OBDD/Business Oregon) – locate their core staff in these centers to form Regional Solutions Teams (RSTs). The Governor’s Office provides coordination for these teams. Regional Solutions Teams work collaboratively on projects to address priorities and they serve as quick responders to emerging issues. This community-based strategy has been very well received by both local governments and the business community. OHCs utilizes it involvement in Regional Solutions work to identify opportunities for workforce affordable housing that benefits low income households. Additionally, OHCs will work with grantees to determine the best way in which to strengthen linkages with workforce employment and training activities in areas where CAs have identified barriers to utilization and coordination.

9.5. Emergency Energy Crisis Intervention:
Describe how the state will assure, where appropriate, that emergency energy crisis intervention programs under Title XXVI (relating to Low-Income Home Energy Assistance) are conducted in each community in the state, as required by the assurance under Section 676(b)(6) of the CSBG Act.

Note: This response will link to the corresponding CSBG assurance, item 14.6.

OHCs has the advantage of administering Low-Income Home Energy Assistance, Weatherization and Emergency Housing under the same Division which promotes on-going coordination at both the state and local level. The same Master Grant Agreement (MGA) contracting process is utilized for all three program areas and CAs are encouraged and in some instance required to link these services to ensure the most cost effective delivery of services to clients.

9.6. Faith-based Organizations, Charitable Groups, Community Organizations:
Describe how the state will assure local eligible entities will coordinate and form partnerships with other organizations, including faith-based organizations, charitable groups, and community organizations, according to the state’s assurance under Section 676(b)(9) of the CSBG Act.

Note: This response will link to the corresponding assurance, item 14.9.

OHCs assures local coordination and partnerships through its contracting process as described previously. The community action plan requires grantees to identify partnerships including those with faith-based organizations, nonprofit organizations and other community groups. Grantees are also required to submit partnership information through the Annual Report which is reviewed by CSBG state staff. Additionally, grantees must identify organizations with whom they subcontract for OHC funded services. Review of grantee community assessments also provides a view of the kind of partnerships that grantees have developed locally and regionally. Review of client service data provides the opportunity to see who is being served with an equity lens creating the opportunity for OHCs staff to assist where necessary in providing TA to create partnerships with key cultural communities and sub-populations or delivery organizations.

9.7 Coordination of Eligible Entity 90 Percent Funds with Public/Private Resources:
Describe how the eligible entities will coordinate CSBG 90 percent funds with other public and private resources, according to the assurance under Section 676(b)(3)(C) of the CSBG Act.

Note: This response will link to the corresponding assurance, item 14.3c.

Oregon/As CAs solicit and rely upon multiple public and private funding resources ranging from public foundations to private funders including OHCs. Oregon/As legislature has mandated the Community Action Agency network as the preferred delivery system to provide OHCs homeless services creating a strong coordination with CSBG. According to the most recent CSBG Annual Report, eligible entities received $35,471,622 in local public resources and $55,675,069 in private resources.

9.8. Coordination among Eligible Entities and State Community Action Association:
Describe State activities for supporting coordination among the eligible entities and the State Community Action Association.

Note: This information will pre-populate the Annual Report, Module 1, Item G.5.

OHCs works in close collaboration with the state association, Community Action Partnership of Oregon (CAPO) and annually provides CSBG funds for ...
CAPO operations and statewide services. CAPOÂ’s board of directors is comprised of executive directors from the Oregon community action agency network. In addition to being a legislatively-required advisory partner to OHCS, CAPO provides technical and training assistance to the CAA Network, as agreed upon in an annual contract with OHCS. The CAA network also has representation on the Housing Stability Council which is the departmentÂ’s governing policy body. In addition to mobilizing community action agencies across the state of Oregon, CAPO is the primary technical and training assistance provider utilized by OHCS for the CSBG eligible entities. CAPO hosts a website resource center for CSBG-related topics, advocates on behalf of the community action agencies and regularly sends CSBG and community action related newsletters to its member network. OHCS provides funding to assist CAPO in working regionally with other states, including Washington and Idaho. Through these partnerships, CAPO is able to coordinate special projects like the Futures Project. The Futures ProjectÂ’s goal is to develop key indicators to demonstrate the impact Community Action Agencies have on stabilizing and equipping low income individuals to exit poverty, as well as improving data collection and analysis to better target programs to reach their intended outcomes.

9.9 Communication with Eligible Entities and the State Community Action Association:
In the table below, detail how the state intends to communicate with eligible entities, the State Community Action Association, and other partners identified under this State Plan on the topics listed below. For any topic that is not applicable, select "Not Applicable" under Expected Frequency.

<table>
<thead>
<tr>
<th>Communication Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Matter</strong></td>
</tr>
<tr>
<td>Upcoming Public and/or Legislative Hearings</td>
</tr>
<tr>
<td>State Plan Development</td>
</tr>
<tr>
<td>Organizational Standards Progress</td>
</tr>
<tr>
<td>State Accountability Measures Progress</td>
</tr>
<tr>
<td>Community Needs Assessments/Community Action Plans</td>
</tr>
<tr>
<td>State Monitoring Plans and Policies</td>
</tr>
<tr>
<td>Training and Technical Assistance (T/TA) Plans</td>
</tr>
<tr>
<td>ROMA and Performance Management</td>
</tr>
<tr>
<td>State Interagency Coordination</td>
</tr>
<tr>
<td>CSBG Legislative/Programmatic Updates</td>
</tr>
<tr>
<td>Tripartite Board Requirements</td>
</tr>
</tbody>
</table>

9.10. Feedback to Eligible Entities and State Community Action Association:
Describe how the state will provide information to local entities and State Community Action Associations regarding performance on State Accountability Measures.

Note: This information is associated with State Accountability Measure 5S(iii), and will pre-populate the Annual Report, Module 1, Item G.6

In order to respond appropriately to State Accountability Measure 5S(iii), OHCS will utilize the Communication Agreement plan to provide feedback to local entities in cases where the feedback is statewide and generalized. In instances where the feedback is isolated to individual agencies, OHCS will initiate direct contact with the community action agency (ies) within 60 days. However, to honor our commitment to CAPO as an advisory body, and to take advantage of their expertise, OHCS will notify CAPO of impending communications. Regarding the stateÂ’s performance on state accountability measures, the state will also coordinate with CAPO to share and discuss relevant results and feedback.

9.11. Performance Management Adjustment:
Describe any adjustments the state made to the Communication Plan in this State Plan as compared to past plans. Any adjustment should be based on the State’s analysis of past performance, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If the state is not making any adjustments, provide further detail.
No adjustment is being made. The Communication Plan that has been developed has proven effective for OHCS communications with CAPO and the CAA Network. This plan is utilized often and OHCS and partners will continue to use it to guide our communications. In response to feedback received from the ACSI Survey and the MGA Surveys, the state has made concerted efforts to engage the CAA Network more frequently to communicate regular program updates, particularly in topics of homeless programming and data collection. This has resulted in regular in-person meetings with CAA program staff. During these meetings, staff share updates, answer questions and provide networking opportunities. This has been well received and will continue as a regular practice to increase communication, transparency and partnership.
10.1. Specify the proposed schedule for planned monitoring visits - including full on-site reviews; on-site reviews of newly designated entities; follow-up reviews - including return visits to entities that failed to meet State goals, standards, and requirements; and other reviews as appropriate.

This is an estimated schedule to assist States in planning. States may indicate “no review” for entities the State does not plan to monitor in the performance period.

Note: This information is associated with State Accountability Measure 4Sa(i); this response pre-populates the Annual Report, Module 1, Table H.1.

<table>
<thead>
<tr>
<th>CSBG Eligible Entity</th>
<th>Monitoring Type</th>
<th>Review Type</th>
<th>Target Quarter</th>
<th>Start Date of Last Full Onsite Review</th>
<th>End Date of Last Full Onsite Review</th>
<th>Brief Description of “Other”</th>
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</thead>
<tbody>
<tr>
<td>1 ACCESS</td>
<td>Full On-site</td>
<td>Onsite Review</td>
<td>FY1 Q1</td>
<td>09/28/2015</td>
<td>10/02/2015</td>
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<tr>
<td>2 Community Action Organization</td>
<td>Full On-site</td>
<td>Onsite Review</td>
<td>FY1 Q1</td>
<td>10/19/2015</td>
<td>10/20/2015</td>
<td></td>
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<tr>
<td>3 Community Action Partnership of East Central Oregon, Inc</td>
<td>Full On-site</td>
<td>Onsite Review</td>
<td>FY1 Q1</td>
<td>10/12/2015</td>
<td>10/15/2015</td>
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<tr>
<td>4 Community Action Team, Inc.</td>
<td>Full On-site</td>
<td>Onsite Review</td>
<td>FY1 Q1</td>
<td>05/13/2015</td>
<td>05/15/2015</td>
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<td>5 Community Connection of Northeast Oregon, Inc.</td>
<td>Full On-site</td>
<td>Onsite Review</td>
<td>FY1 Q2</td>
<td>10/18/2017</td>
<td>10/20/2017</td>
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<td>6 Clackamas County acting by and through its Health, Housing, and Human Services Department; Social Services Division</td>
<td>No review</td>
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<td></td>
<td></td>
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<td>7 Community in Action</td>
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<td>8 Community Services Consortium</td>
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<td>9 Klamath Lake Community Action Services</td>
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<td>10 Lane County Human Services Commission</td>
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<td>11 Mid-Columbia Community Action Council</td>
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<td>12 Multnomah County Department of Human Services</td>
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<td>13 Mid-Willamette Valley Community Action Agency</td>
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<td>14 NeighborImpact</td>
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<td>15 Oregon Human Development Corporation</td>
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<td>16 Oregon Coast Community Action</td>
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<td>17 United Community Action Network</td>
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<td></td>
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<tr>
<td>18 Yamhill Community Action Partnership</td>
<td>No review</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

A full onsite monitoring will be conducted on at least five agencies. The schedule
10.2. Monitoring Policies:
Provide a copy of State monitoring policies and procedures by attaching and/or providing a hyperlink.

See attachment.

10.3. Initial Monitoring Reports:
According to the State’s procedures, by how many calendar days must the State disseminate initial monitoring reports to local entities?

Note: This item is associated with State Accountability Measure 4Sa(ii) and may pre-populate the State’s annual report form.

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Corrective Action, Termination and Reduction of Funding and Assurance Requirements
(Section 678C of the Act)

10.4. Closing Findings:
Are State procedures for addressing eligible entity findings/deficiencies and documenting the closure of findings, included in the State monitoring protocols attached above? ☐ Yes ☐ No

10.4a. Closing Findings Procedures: If no describe State procedures for addressing eligible entity findings/deficiencies, and documenting the closure of findings.

10.5. Quality Improvement Plans (QIPs):
Provide the number of eligible entities currently on QIPs, if applicable.

Note: The QIP information is associated with State Accountability Measures 4Sc.

0

10.6. Reporting of QIPs:
Describe the State’s process for reporting eligible entities on QIPs to the Office of Community Services within 30 calendar days of the State approving a QIP

Note: This item is associated with State Accountability Measures 4Sa(iii).

In the event a community action agency has serious deficiencies to be addressed through a Quality Improvement Plan, the state will draft a report, within 30 days of the approval of the QIP, and submit to the Office of Community Services coordinator assigned to OHCS. This report will include: agency name, listed deficiencies, timeframe for improvement and approved action plan.

10.7. Assurance on Funding Reduction or Termination:
The State assures, “that any eligible entity that received CSBG funding the previous fiscal year will not have its funding terminated or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in Section 678C(b)” per Section 676(b)(8). ☐ Yes ☐ No

Note: This response will link with the corresponding assurance under item 14.8.

Policies on Eligible Entity Designation, De-designation, and Re-designation

10.8. Eligible Entity Designation: Do the State CSBG statute and/or regulations provide for the designation of new eligible entities? ☐ Yes ☐ No

10.8a. New Designation Citation: If yes, provide the citation(s) of the law and/or regulation.

OAR 813-230-0010

10.8b. New Designation Procedures: If no, describe state procedures for the designation of new eligible entities and how the procedures were made available to eligible entities and the public

10.9. Eligible Entity Termination: Do State CSBG statute and/or regulations provide for termination of eligible entities? ☐ Yes ☐ No

10.9a. Termination Citation: If yes, provide the citation(s) of the law and/or regulation.

OAR 813-230-0020

10.9b. Termination Procedures: If no, describe state procedures for termination of new eligible entities and how the procedures were made available to eligible entities and the public.
10.10. Does the State CSBG statute and/or regulations specify a process the State CSBG agency must follow to re-designate an existing eligible entity? ☑ Yes ☐ No

| 10.10a. If Yes, provide the citation(s) of the law and/or regulation. |
| OAR 813-230-0010 |

| 10.10b. If No, describe State procedures for re-designation of existing eligible entities. |
| Fiscal Controls and Audits and Cooperation Assurance |

10.11. Fiscal Controls and Accounting:
Describe how the State's fiscal controls and accounting procedures will a) permit preparation of the SF-425 Federal fiscal reports (FFR) and b) permit the tracing of expenditures adequate to ensure funds have been used appropriately under the block grant, as required by Block Grant regulations applicable to CSBG at 45 CFR 96.30(a).

All transactions must be supported with appropriate documentation. The same documentation requirements apply to transactions entered directly into SFMA, as well as those initially entered and processed in an agency subsystem that are transmitted to SFMA through an automated interface. In all cases, the documentation must be complete and accurate and must allow a transaction to be traced from the source documentation, through its processing, to the financial reports. All documentation should be readily available for examination.

10.12. Single Audit Management Decisions:
Describe State procedures for issuing management decisions for eligible entity single audits, as required by Block Grant regulations applicable to CSBG at 45 CFR 75.521.

Note: This information is associated with State Accountability Measure 4Sd.

When an audit finding in the grantee's single audit report pertains to a federal award, the contributing agency is required to issue a management decision within six months of receiving the report. In the management decision, the contributing agency should clearly state whether or not it supports the audit finding, the reasons for the decision and the expected grantee action to repay disallowed costs, make the financial adjustments or take other action. If the corrective action has not been completed, the contributing agency should include a timetable for completion. The contributing agency may request additional information or documentation from the grantee, including auditor assurance related to the documentation. The management decision should describe any appeal process available to the grantee. If an audit finding affects programs of more than one agency, the audit agency is responsible for coordinating the management decision for all affected agencies.

10.13. Assurance on Federal Investigations:
The State will "permit and cooperate with Federal investigations undertaken in accordance with Section 678D" of the CSBG Act, as required by the assurance under Section 676(b)(7) of the CSBG Act. ☑ Yes ☐ No

Note: This response will link with the corresponding assurance, Item 14.7.

10.14. Performance Management Adjustment:
Describe any adjustments the state made to monitoring procedures in this State Plan as compared to past plans. Any adjustment should be based on the state's analysis of past performance, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If the state is not making any adjustments, provide further detail.

Note: This item is associated with State Accountability Measure 4Sb and may pre-populate the State's annual report form.

OHCS is not making any significant adjustments to the monitoring process or procedures. Improvements that were identified in FFY 2017 continue to be applicable including the reduction in duplicate review and monitoring requests and closer alignment between program and fiscal monitoring. The monitoring cycle continues to include: the Master Grant Agreement contracting process inclusive of the Community Action Plan application; program and fiscal onsite reviews and the organizational standards assessment.
### 11.1. Tripartite Board Verification
Verify which of the following measures are taken to ensure that the state verifies CSBG Eligible Entities are meeting Tripartite Board requirements under Section 676B(a)(2) of the CSBG Act.

<table>
<thead>
<tr>
<th>Measure</th>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attend Board meetings</td>
<td>☑</td>
</tr>
<tr>
<td>Organizational Standards Assessment</td>
<td>☑</td>
</tr>
<tr>
<td>Monitoring</td>
<td>☑</td>
</tr>
<tr>
<td>Review copies of Board meeting minutes</td>
<td>☑</td>
</tr>
<tr>
<td>Track Board vacancies/composition</td>
<td>☑</td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

### 11.2. Tripartite Board Updates
Provide how often the state requires eligible entities (which are not on TAPs or QIPs) to provide updates regarding their Tripartite Boards. This includes but is not limited to copies of meeting minutes, vacancy alerts, changes to bylaws, low-income member selection process, etc.

- Semiannually

### 11.3. Tripartite Board Representation Assurance
Describe how the state will verify that eligible entities have policies and procedures by which individuals or organizations can petition for adequate representation on an eligible entity's Tripartite Board as required by the assurance under Section 676(b)(10) of the CSBG Act.

Note: This response will link with the corresponding assurance, item 14.10.

The eighteen eligible entities are monitored at a minimum once every three years. Additionally, the agencies complete a Master Grant Agreement application process every two years. With the implementation of Organizational Standards, agencies are monitored for organizational operations and practices annually. Within these instances, agencies must submit the following for review:

- Board of Directors roster
- Board of Directors bylaws
- Board of Directors bylaws are evaluated for stated tripartite requirements, including adequate representation and democratic election of board members. In the event that a complaint against representation has been filed with a community action agency, and the complaint is not resolved at the local level, OHCS has the right to review the complaint, the policy and the actions taken towards resolution. OHCS will work with the agency to ensure the issue is resolved satisfactorily and by agency policy.

### 11.4. Tripartite Board Alternative Representation
Does the state permit public eligible entities to use, as an alternative to a Tripartite Board, "another mechanism specified by the State to assure decision-making and participating by low income individuals in the development, planning, implementation, and evaluation of programs" as allowed under Section 676B(b)(2) of the CSBG Act.

- Yes
- No

### 11.4a. Tripartite Board Alternative Mechanism
If yes, describe the mechanism used by public eligible entities as an alternative to a Tripartite Board.
Section 12: Individual and Community Eligibility Requirements

12.1. Required Income Eligibility:
Provide the income eligibility threshold for services in the state.

[Check one item below.]

1. 125% of the HHS poverty line
2. X% of the HHS poverty line (fill in the threshold)
3. Varies by eligible entity

0%  % (Response Option: numeric field)

12.1a. Income Eligibility Policy and Procedures: Describe any State policy and/or procedures for income eligibility, such as treatment of income and family/household composition.

Income is used to ensure that participants do not exceed 125% of the Federal Poverty Level. Income eligibility is factored on all household income before any deduction (gross income) and the number of household members. Households must provide documentation of their gross income for the eligibility period. Household income is determined at the time of initial application and upon recertification. Proof of household income documentation includes, (but not limited to): Check stubs Award Letters Computer print-outs from DHS, Employment Office, SS Office Accessing DHS database (FCAS screen) Bank statements Copies of checks Letters from employers Self-employment records Once household income has been determined, reference to current Federal Poverty Guidelines determines if the household is income eligible based on their household size. For participants with zero income: Eligible entities should use a form for self-declaration. Within the Master Grant Agreement process and Community Action Plan application, each eligible entity is required to report how often they recertify a participant’s income (quarterly, annually, or bi-annually).

12.2. Income Eligibility for General/Short-Term Services:
Describe how the state ensures eligible entities generally verify income eligibility for those services with limited in-take procedures (where individual income verification is not possible or practical). An example of these services is emergency food assistance.

Eligibility determinations must be documented in client files and preferably through third-party documentation. In the event that a client seeking services is unable to provide documentation due to emergency and/or crisis situation, a client may self-certify. Income verification procedures and client file accuracy are reviewed during on-site monitoring visits by OHCS program compliance monitoring staff.

12.3. Community-targeted Services: Describe how the state ensures eligible entities’ services target and benefit low-income communities for services that provide a community-wide benefit (e.g., development of community assets/facilities, building partnerships with other organizations).

The state ensures eligible entities’ community-targeted services benefit low-income communities through the review of: Master Grant Agreement Community Action Agency application Community Needs Assessment National Performance Indicators ROMA results of CSBG Annual Report
13.1. Performance Measurement System:
Identify the performance measurement system that the state and all eligible entities use, as required by Section 678E(a) of the CSBG Act and the assurance under Section 676(b)(12) of the CSBG Act.

Note: This response will also link to the corresponding assurance, Item 14.12, and will pre-populate the Annual Report, Module 1, Item I.1.

The Results Oriented Management and Accountability (ROMA) System

Section 678E(b) of the CSBG Act

13.1a. ROMA Description: If ROMA was chosen in Item 13.1, describe the state's written policies, procedures, or guidance documents on ROMA.

OHCS requires eligible entities to adhere to and submit information on ROMA goals through the Master Grant Agreement process. Example language from Master Grant Agreement: A. SUBGRANTEE shall, and shall cause and shall require its SUBRECIPIENTS by contract to assure that data collection and reporting for CSBG funded activities be conducted through the use of OHCS approved HMIS and OPUS management information systems. SUBGRANTEE shall, and shall cause and require its SUBRECIPIENTS to assure that data entry into HMIS and OPUS occur in an accurate and timely manner as satisfactory to OHCS. B. SUBGRANTEE shall, and shall cause and shall require its SUBRECIPIENTS by contract to submit to the satisfaction of OHCS all reports as required in the Master Grant Agreement including the: 1) Annual submission of the CSBG Annual Report, by date determined by OHCS. Prior to the start of each CSBG Annual Report data collection period, training materials and instruction guides, created by NASCSP, are sent to each eligible entity. In addition, agencies have an opportunity to send staff to multiple ROMA workshops that are offered around the state as part of the technical and training assistance provided by the state association.

13.1b. Alternative System Description: If an alternative system was chosen in Item 13.1, describe the system the State will use for performance measurement.

13.2. Outcome Measures: Indicate and describe the outcome measures the state will use to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization, as required under Section 676(b)(12) of the CSBG Act.

☐ CSBG National Performance Indicators (NPIs)
☑ NPIs and others
☑ Others

Eligible entities agree to participate in ROMA and report NPIs as part of the Master Grant Agreement process. In addition to the NPIs required as part of the CSBG Annual Report, OHCS is working in collaboration with the state association, under the Theory of Change project, in developing additional performance indicators that best represent the local work done in communities across Oregon, including the indicators required by statute.

13.3. Eligible Entity Support: Describe how the state supports the eligible entities in using the ROMA or alternative performance measurement system.

Note: The activities described under Item 13.3 may include activities... listed in "Section 8: State Training and Technical Assistance." If so, mention briefly, and/or cross-reference as needed. This response will also link to the corresponding assurance, Item 14.12.

OHCS contracts with the Community Action Partnership (CAPO) to provide training and technical assistance to the eighteen eligible entities. CAPO provides the CAA Network with 2-3 ROMA trainings annually. Topics covered include History of ROMA, NPI Targeting and utilizing ROMA data for strategic planning and valuation. Additionally, CAPO assists OHCS with ROMA data collection for the annual CSBG Annual Report and provides technical assistance during this process. OHCS also contracts with the City of Portland to maintain and update the Service Point data management system, to ensure that agencies are able to access data required for completion of the CSBG Annual Report. With the release of ROMA: Next Gen, CAPO and OHCS will work together to determine additional training needs and design of new training materials to address the ROMA changes, including the ROMA Implementer training, designed to ensure all agencies have a designated staff member with the responsibility and skill to assume ROMA responsibilities within an agency.

13.4. Eligible Entity Use of Data:
Describe how is the state plans to validate the eligible entities that are using data to improve service delivery?

Note: This response will also link to the corresponding assurance, Item 14.12.

Agencies are required to submit the CSBG Annual Report each year, in addition to informing OHCS, during the Master Grant Agreement process and Community Action Plan application, of the presence of a ROMA trainer on staff and the ROMA expenditure categories under which their CSBG funds will be utilized. Within the Community Action Plan application, agencies are required to identify, when reporting services and strategies, the coordinating National Performance Indicators. This information provides OHCS the means to analyze and review the correlations between data collection and services provided. In FFY2017, OHCS provided funding to the state association to establish an HMIS User Group. The goal of this group was to provide targeted training and technical assistance on data collection to rural agencies with limited capacity. The state also reviewed the results of each agency's Community Needs Assessment to see the presence of data and how it is used to determine service delivery needs and target populations. The attention brought to HMIS at the state level led to the development of an annual HMIS user conference sponsored by OHCS, CAPO, and four of the seven Oregon Continuums of Care. The first conference was held in April 2018. The next is set for May 2019.
<table>
<thead>
<tr>
<th>13.5. Community Action Plan: Describe how the state will secure a Community Action Plan from each eligible entity, as a condition of receipt of CSBG funding by each entity, as required by Section 676(b)(11) of the CSBG Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible entities are required to submit a CSBG Community Action Plan application as part of the Master Grant Agreement Process. Within this application, agencies are required to submit information detailing their service area and poverty rates, strategies to address needs and gaps of services as determined by their most recent community needs, assessments, plans to transition out of poverty and linkages, in addition to further data that illustrates their plan to utilize CSBG funds to address poverty in their community.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13.6. Community Needs Assessment: Describe how the State will assure that each eligible entity includes a community needs assessment for the community served (which may be coordinated with community needs assessments conducted by other programs) in each entity’s Community Action Plan, as required by Section 676(b)(11) of the CSBG Act.</th>
</tr>
</thead>
</table>
| Eligible entities are required to submit a CSBG Community Action Plan application as part of the Master Grant Agreement Process. Within this application, agencies are required to submit information detailing their service area and poverty rates. In addition, agencies must report their Top 5 Needs and Top 5 Service Gaps, as discovered through the community needs assessment process. Agencies must also address the strategies they will take to address the needs and gaps, as well as any coordinating partners involved in those efforts. Annually, the agencies must also submit for review a community needs assessment as part of the Organizational Standards Assessment process. Within this process, agencies’ assessments will be reviewed for process, inclusion, methodology and content. An agency that fails to meet the standards for community needs assessments will be required to develop an action plan as part of a technical Assistance Plan.
Section 14: CSBG Programmatic Assurances and Information Narrative

14.1 Use of Funds Supporting Local Activities

CSBG Services

14.1a. 676(b)(1)(A): Describe how the State will assure "that funds made available through grant or allotment will be used -

(A) to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under title IV of the Social Security Act, homeless families and individuals, migrant or seasonal farm workers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals--

(i) to remove obstacles and solve problems that block the achievement of self-sufficiency (particularly for families and individuals who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act);

(ii) to secure and retain meaningful employment;

(iii) to attain an adequate education with particular attention toward improving literacy skills of the low-income families in the community, which may include family literacy initiatives;

(iv) to make better use of available income;

(v) to obtain and maintain adequate housing and a suitable living environment;

(vi) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent individual and family needs;

(vii) to achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to -

(I) document best practices based on successful grassroots intervention in urban areas, to develop methodologies for widespread replication; and

(II) strengthen and improve relationships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;

OAR 813-210-0025 Use of Program Funds (1) A subgrantee agency may use program funds to implement different strategic approaches designed to reduce or eliminate one or more conditions that block the achievement of economic self-sufficiency for low-income households. Such strategies must have measurable and potentially major impact on the causes of poverty in communities in the service area where poverty is a particularly acute problem. (2) Program funds will be used for allowable program services and activities for eligible low-income households in compliance with program requirements. These services and activities may include, but are not limited to helping members of low-income households: (a) Secure and retain meaningful employment; (b) Attain an adequate education; (c) Make better use of available income; (d) Obtain and maintain adequate housing and a suitable living environment; (e) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment-related assistance; (f) Remove obstacles and solve problems that block the achievement of self-sufficiency; (g) Achieve greater participation in the affairs of the community; and (h) Make effective use of other programs related to the purpose of this OAR chapter 813, division 210. (3) A subgrantee agency may also use program funds for a variety of services and activities intended to reduce or eliminate poverty conditions in communities in the service area, including but not limited to: (a) Providing on an emergency basis for the provision of such supplies and services; nutritious foodstuffs, and related services as may be necessary to counteract conditions of starvation and malnutrition among the poor; (b) Coordinating and establishing linkages between government and other social service programs to assure the effective delivery of such services to low income households; and (c) Encouraging the participation of public sector entities in community efforts to ameliorate poverty in the service area. Stat. Auth.: ORS 456.555 & 458.235 Stats. Implemented: ORS 458.210 - 458.240 & 458.505

14.1b. 676(b)(1)(B) Describe how the State will assure "that funds made available through grant or allotment will be used -

(B) to address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as--

(i) programs for the establishment of violence-free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs); and

(ii) after-school child care programs;

Oregon Community Action Agencies have a variety of programs dedicated to supporting youth in their communities. Agencies are required to report on services to youth through the CSBG Annual Report and identify and address the needs of youth in their communities through their comprehensive community needs assessments. Community action agencies are required by CSBG Statute to conduct a community needs assessment every three years to determine the top service needs in their community. Assessments are reviewed during the Organizational Standards Assessment process, as well as the Master Grant Agreement and Community Action Plan application process. Within the application, agencies must report on the top needs and gaps in
services in their community, as well as the strategies to address those needs. This provides the means for the OHCS CSBG analyst to review agencies' services and whether they are addressing needs, including needs of youth, through either the agency's services or a subrecipient to the agency. In 2017, Oregon CAAs utilized $118,577 of CSBG Funds to support youth-based activities.

**Coordination of Other Programs**

14.1c. 676(b)(1)(C) Describe how the State will assure "that funds made available through grant or allotment will be used -

(C) to make more effective use of, and to coordinate with, other programs related to the purposes of this subtitle (including State welfare reform efforts)

Oregon Community Action Agencies partner with multiple organizations to effectively maximize the impact of CSBG funds. Agencies may provide funds to subrecipients who can provide additional specialized services or partner with state and local agencies to strengthen their response to poverty in their community. Insight into the needs of the community is gathered through community needs assessments and partnerships are reported annually in the CSBG Annual Report. Strategies to address needs and gaps in services, as well as coordinating partners to do so, are required to be reported by agencies in the Master Grant Agreement process.

**State Use of Discretionary Funds**

14.2 676(b)(2) Describe "how the State intends to use discretionary funds made available from the remainder of the grant or allotment described in section 675C(b) in accordance with this subtitle, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of this subtitle."

Note: The State describes this assurance under "State Use of Funds: Remainder/Discretionary," items 7.9 and 7.10

**Eligible Entity Service Delivery, Coordination, and Innovation**

14.3. 676(b)(3) "Based on information provided by eligible entities in the State, a description of..."

14.3a. 676(b)(3)(A) Describe "the service delivery system, for services provided or coordinated with funds made available through grants made under 675C(a), targeted to low-income individuals and families in communities within the State;

Oregon community action agencies set policies, design programs, and evaluate services intended to reduce or eliminate the causes and conditions of poverty. Each agency utilizes a community-based needs assessment to target services based on local needs. Activities and services vary by agency, depending on the needs of the community, local resources, and the opportunities for collaboration and partnership with business, private non-profit organizations and state and local government. Currently Oregon has eighteen eligible entities which serve all thirty six counties in the state. Community Action Agencies in Oregon are the primary delivery mechanisms for Oregon Housing and Community Services' programs to low-income Oregonians. Oregon Administrative Rules Chapter 813, Division 210 stipulates that federal anti-poverty funds, administered by OHCS, shall be distributed to CAAs according to need. These funds include: rental assistance, home energy assistance, weatherization, CSBG and other anti-poverty funding as it becomes available to OHCS. These programs include: Federal Funds: Community Services Block Grant Home Tenant-Based Assistance Emergency Solutions Grant Housing Stabilization Program Low Income Weatherization and Energy Assistance Low Income Weatherization Programs Non-Federal Funds: Emergency Housing Assistance State Homeless Assistance Program Oregon Energy Assistance Program Energy Conservation Helping Oregonians (ECHO) Housing Choice Landlord Guarantee Program; Rent Guarantee Program; Wildfire Fund; Elderly Rental Assistance Program Eligible entities in Oregon use the Community Services Block Grant for programs to assist low-income participants including the elderly poor. CAAs provide a broad range of services utilizing CSBG dollars. The following services, by category, are examples of some of the programs typically seen in our partner agencies: Employment - Links with Children, Adult and Family Services Division of Oregon's Department of Human Services to help stabilize individuals and families and provide job counseling and life skills training Economic Development - Training in money management, budgeting, and naturalization for immigrant populations Income Management - Tenant readiness training where many work with local and state landlord groups, to provide courses on how to be a good tenant, including improving credit ratings and paying rent, and household budgeting Housing Assistance - Farmworker assistance, tenant readiness training, case management housing assistance in partnership with other state service agencies Nutrition - Many of the CAAs provide food assistance Health - Prevention programs and emergency assistance (including pre-natal care and emergency dental assistance) Emergency Assistance - All sub-grantee work plan narratives contain a strategy for unforeseen emergencies. The Department also has several discretionary sources of funding for unexpected emergencies. Energy Assistance A All CSBG grantees provide energy assistance through the Low-Income Home Energy Assistance Program and state programs. The majority also provide Weatherization Assistance to low-income households. Linkages and Coordination with Other Local Entities - Coordination with Habitat for Humanity, religious organizations and other nonprofits to better coordinate services. Examples of partnerships at the local level are with schools, churches, banks and landlord groups.

**Eligible Entity Linkages - Approach to Filling Service Gaps**

14.3b. 676(b)(3)(B) Describe "how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and followup consultations."

Note: The State describes this assurance in the State Linkages and Communication section, item 9.3b.

As described previously, the required CSBG plan requires identification of local linkages, primary coordinating partnerships and strategies to address community identified needs and gaps. OHCS reviews the plans to ensure appropriate coordination is happening as documented through existing MOU/service agreements, coordinated entry and assessment, joint case planning, convening of partners to provide wrap around services, resource sharing and other locally appropriate linkage examples.

**Coordination of Eligible Entity Allocation 90 Percent Funds with Public/Private Resources**

14.3c. 676(b)(3)(C) Describe how funds made available through grants made under 675C(a) will be coordinated with other public and private resources."

Note: The State describes this assurance in the State Linkages and Communication section, item 9.7.

Oregon's CAAs solicit and rely upon multiple public and private funding resources ranging from private foundations to public funders including OHCS. Oregon's legislature has mandated the Community Action Agency network as the preferred delivery system to provide OHCS homeless services creating a strong coordination with CSBG. According to the most recent CSBG Annual Report, eligible entities received $35,471,622 in local public resources and $55,675,069 in private resources.
14.3d. 676(b)(3)(D) Describe "how the local entity will use the funds [made available under Section 675C(a)] to support innovative community and neighborhood-based initiatives related to the purposes of this subtitle, which may include fatherhood initiatives and other initiatives with the goal of strengthening families and encouraging parenting."

Note: The description above is about eligible entity use of 90 percent funds to support these initiatives. States may also support these types of activities at the local level using State remainder/discretionary funds, allowable under Section 675C(b)(1)(F). In this State Plan, the State indicates funds allocated for these activities under item 7.9(f).

OHCS supports eligible entity usage of CSBG funds to develop innovative community and neighborhood-based initiatives. Oregon eligible entities currently devote a percentage of CSBG funds to providing innovative services to special populations, such as youth and seniors. Additionally, OHCS uses discretionary funds to support the state associationÂ’s delivery of innovation-based workshops and conferences.

Eligible Entity Emergency Food and Nutrition Services

14.4. 676(b)(4) Describe how the State will assure "that eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals."

All eligible entities directly provide emergency services and referrals to emergency services. AgenciesÂ’ ROMA goals are reviewed during the Master Grant Agreement and CSBG Community Action Plan application process to determine the type of services an agency provides. Community needs assessments are also reviewed to determine community needs and resources and ensure that a CAAÂ’s funding application aligns with those needs and does not duplicate other resources in the community. Additionally, agencies that provide emergency services and nutrition services are monitored every three years, and monitoring visits include food sites and nutrition programs, as appropriate and required. In 2017, agencies utilized $721,883 of CSBG funds to provide emergency services in their communities.

State and Eligible Entity Coordination/linkages and Workforce Innovation and Opportunity Act Employment and Training Activities

14.5. 676(b)(5) Describe how the State will assure "that the State and eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services, and [describe] how the State and the eligible entities will coordinate the provision of employment and training activities, as defined in section 3 of the Workforce Innovation and Opportunity Act, in the State and in communities with entities providing activities through statewide and local workforce development systems under such Act."

Note: The State describes this assurance in the State Linkages and Communication section, items 9.1, 9.2, 9.3a, 9.4, 9.4a, and 9.4b.

Federal Investigations

14.7. 676(b)(7) Provide "an assurance that the State will permit and cooperate with Federal investigations undertaken in accordance with section 678D." Yes

Note: The State describes this assurance in the Fiscal Controls and Monitoring section, item 10.13.

Funding Reduction or Termination

14.8. 676(b)(8) Provide "an assurance that any eligible entity in the State that received funding in the previous fiscal year through a community services block grant made under this subtitle will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b)." Yes

Note: The State describes this assurance in the Fiscal Controls and Monitoring section, item 10.7.

Coordination with Faith-based Organizations, Charitable Groups, Community Organizations

14.9. 676(b)(9) Describe how the State will assure "that the State and eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including religious organizations, charitable groups, and community organizations."

Note: The State describes this assurance in the State Linkages and Communication section, item 9.6.

Eligible Entity Tripartite Board Representation

14.10. 676(b)(10) Describe how "the State will require each eligible entity in the State to establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation."

Note: The State describes this assurance in the Eligible Entity Tripartite Board section, 11.3.

The eighteen eligible entities are monitored at a minimum once every three years. Additionally, the agencies complete a Master Grant Agreement application process every two years. With the implementation of Organizational Standards, agencies are monitored for organizational operations and practices annually. Within these instances, agencies must submit the following for review: Board of Directors roster Board of Directors bylaws Board of Directors bylaws are evaluated for stated tripartite requirements, including adequate representation and democratic election of board members. In the event that a complaint against representation has been filed with a community action agency, and the complaint is not resolved at the local level, OHCS has the right to review the complaint, the policy and the actions taken towards resolution. OHCS will work with the agency to ensure the issue is resolved satisfactorily and by agency policy.

Eligible Entity Community Action Plans and Community Needs Assessments
| 14.11. 676(b)(11) | Provide "an assurance that the State will secure from each eligible entity in the services block grant made under this subtitle for a program, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs."

Note: The State describes this assurance in the ROMA section, items 13.5 and 13.6. |

| State and Eligible Entity Performance Measurement: ROMA or Alternate system |

14.12. 676(b)(12) | Provide "an assurance that the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system for which the Secretary facilitated development pursuant to 678E(b), or an alternative system for measuring performance and results that meets the requirements of that section, and [describe] outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization."

Note: The State describes this assurance in the ROMA section, items 13.1, 13.2, 13.3, and 13.4. |

Validation for CSBG Eligible Entity Programmatic Narrative Sections

| 14.13. 676(b)(13) | Provide "information describing how the State will carry out the assurances described in this section."

Note: The State provides information for each of the assurances directly in section 14 or in corresponding items throughout the State Plan, which are included as hyperlinks in section 14. |

☑️ By checking this box, the State CSBG authorized official is certifying the assurances set out above.
15.1. CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

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

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

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The box after each certification must be checked by the State CSBG authorized official.
15.1. Lobbying

After assurance select a check box:

[ ] By checking this box, the State CSBG authorized official is providing the certification set out above.

15.2. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645 (a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

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

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

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

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

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

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

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

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

**Certification Regarding Drug-Free Workplace Requirements**

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

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

(b) Establishing an ongoing drug-free awareness program to inform employees about--

1. The dangers of drug abuse in the workplace;

2. The grantee's policy of maintaining a drug-free workplace;

3. Any available drug counseling, rehabilitation, and employee assistance programs; and

4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will - -

1. Abide by the terms of the statement; and

2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within 10 calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted - -

1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

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

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]
primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusive-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - -

Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had
become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph five of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - - Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to
any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

15.3. Debarment

After assurance select a check box:

☐ By checking this box, the State CSBG authorized official is providing the certification set out above.

15.4. CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity by signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

15.4. Environmental Tobacco Smoke

After assurance select a check box:

☐ By checking this box, the State CSBG authorized official is providing the certification set out above.

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)
Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.
AMEND: 813-210-0014

RULE SUMMARY: Creates consistency in language between divisions.

CHANGES TO RULE:

813-210-0014

Administration ¶

(1) The department may contract with subgrantee agencies to provide program CSBG services at the local level. In a service area where a community action agency exists, the community action agency has the conditional right of first refusal to serve as the subgrantee agency for the service area. ¶

(2) The department normally will allocate program CSBG funds to subgrantee agencies for the various service areas through a formula established by the department prior to the allocation process. However, the department reserves the right to modify such formula at any time, in its sole discretion and in compliance with the CSBG State Plan and CSBG Act’s proportional share program requirement, program requirements, and rules and regulations. ¶

(3) A subgrantee agency may subcontract with other organizations that meet the requirements of ORS 458.505(4) to provide program CSBG services in the subgrantee agency’s service area. ¶

(4) A subgrantee agency shall identify potential applicants, certify eligibility and provide program CSBG services to eligible households within its service area. Whenever appropriate, program participants will be assisted subgrantees shall assist CSBG participants in accessing other services designed to meet other, longer-term needs. ¶

(5) Subgrantee agency representatives will attend and participate in department required program CSBG training made available or conducted by the department. ¶

(6) The department normally will fund only one subgrantee agency within any service area. However, the department may, in its sole discretion, allow two or more subgrantee agencies to operate within a common service area. In such cases, the subgrantee agencies shall enter into a written agreement with the department, satisfactory to the department, in its sole discretion, in order, inter alia, to ensure full access to program CSBG services for all eligible households within the service area to the extent of available funding and to prevent duplication of services. ¶

(7)(a) A subgrantee agency may expend up to an amount authorized by the department in writing for reimbursement of reasonable and appropriate administrative costs. Administrative costs include all CSBG costs that are not directly related to the delivery of CSBG services. ¶

(b) If a subgrantee agency subcontracts with another organization to provide program CSBG services, that organization may expend up to an amount for administrative costs that does not exceed the subgrantee agency’s proportionate share of the amount authorized by the department for reasonable and appropriate administrative costs of the funding award. ¶

(c) The ultimate determination of reasonable and appropriate administrative costs is reserved to the department in its sole discretion funding award authorized by OHCS for administrative costs. ¶

(8) A subgrantee agency and its subcontractor recipients shall comply with the terms of the funding agreement (see OAR 813-210-0035) and all other program CSBG requirements, including, but not limited to department, OHCS directives (including deficiency notices), applicable local, state and federal laws, rules (including the program manual), CSBG State Plan, regulations, executive orders, local ordinances and codes.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-210-0021

RULE SUMMARY: Creates consistency in language between divisions.

CHANGES TO RULE:

813-210-0021

Clie Applicant Eligibility ¶

(1) Program CSBG services shall be available to low-income households households who:

(a) Have an income equal to or less than 125% of the poverty guidelines as established by the U.S. Department of Health and Human Services, as adjusted for household size; and ¶

(b) Are in need of assistance to address basic needs and/or barriers to achieving economic self-sufficiency. Achieve stability (self-sufficiency) in areas including, but not limited to; housing, household income, nutrition, health care and accessing needed services. ¶

(2) A subgrantee agency may consider a household’s self-declaration or referral of a household from local, state, or federal human service agencies for CSBG services, if no other verifiable documentation is available, to determine eligibility of that household for program services.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-210-0025

RULE SUMMARY: Amend for consistent language between divisions.

CHANGES TO RULE:

813-210-0025

Use of Program Funds

(1) A subgrantee agency may use Program CSBG funds to implement different strategic approaches designed to reduce or eliminate one or more conditions that block the achievement of economic self-sufficiency for low-income eligible households. Such strategies must have measurable and potentially major impact on the causes of poverty in communities in the service area where poverty is a particularly acute problem.¶

(2) Program CSBG funds will be used for allowable Program CSBG services and activities for eligible low-income households in compliance with Program CSBG requirements. These services and activities may include, but are not limited to, helping members of low-income eligible households:

(a) Secure and retain meaningful employment;

(b) Attain an adequate education;

(c) Make better use of available income;

(d) Obtain and maintain adequate housing and a suitable living environment;

(e) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment-related assistance;

(f) Remove obstacles and solve problems that block the achievement of self-sufficiency;

(g) Achieve greater participation in the affairs of the community; and

(h) Make effective use of other programs related to the purpose of this OAR chapter 813, division 210 CSBG.¶

(3) A subgrantee agency may also use Program CSBG funds for a variety of services and activities intended to reduce or eliminate poverty conditions in communities in the service area, including, but not limited to:

(a) Providing, on an emergency basis, for the provision of such supplies and services, nutritious foodstuffs, and related services as may be necessary to counteract conditions of starvation and malnutrition among the poor;

(b) Coordinating and establishing linkages between government and other social service programs to assure the effective delivery of such services to low income households; and

(c) Encouraging the participation of private sector entities in community efforts to ameliorate poverty in the service area.

(4) CSBG funds may be used to supplement existing funds or to support existing programs or establish new programs. CSBG funds, granted or otherwise awarded, shall not be used by a subgrantee to replace funds currently being received from other sources, available or reasonably expected to be available to the subgrantee.

Statutory/Other Authority: ORS 456.555, 458.235
Statutes/Other Implemented: ORS 458.210 - 458.240, 458.505
AMEND: 813-210-0035

RULE SUMMARY: Creates consistency in language between divisions and incorporates current program requirements.

CHANGES TO RULE:

813-210-0035
Funding Application for Funding Agreement ¶

(1) Prior to providing any program CSBG services, a subgrantee agency shall submit on a biennial basis, a funding application satisfactory to the department, including a work plan for funding agreement satisfactory to OHCS which must be approved by the department OHCS, in writing, before being operative. The subgrantee agency shall adhere to the department’s OHCS requirements and deadlines for obtaining approval of this funding application. A funding application is subject to approval, including as modified by the department OHCS, or disapproval by the department OHCS. ¶

(2) A subgrantee agency’s funding application shall include details satisfactory to the department on how the subgrantee agency provided a meaningful opportunity for participation in the development of the work plan by low-income households, local service providers, advocates, clients, businesses, churches, general community members, governments and other interested stakeholders. ¶

(3) A subgrantee agency’s funding application must meet all requirements established by the department for the form and content of the funding application’s application for funding agreement must meet all requirements established by OHCS. In cases where a Community Action Agency has the conditional right of first refusal for antipoverty program administration, and the Community Action Agency cannot meet the requirements for the form and content of the funding application, the department OHCS, in its sole discretion, may allow other eligible organizations to submit a funding application with respect to the funding agreement for that service area. ¶

(4) Funding applications will be evaluated by the department for sufficiency with respect to application OHCS to meet CSBG Program and application sufficiency requirements. Sufficiency is based on the quantity, thoroughness and quality of performance that is satisfactory to OHCS. This includes, but is not limited to, providing relevant information necessary for OHCS to assess subgrantee’s compliance with relevant CSBG requirements and that such provision of CSBG services are consistent with the terms of the funding agreement, state plan and other program requirements, appropriate standards, goals and requirements established by OHCS. ¶

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
RULE SUMMARY: Amend for consistent language between divisions.

CHANGES TO RULE:

813-210-0050 Reporting and Recordkeeping

(1) Subgrantees and their subrecipients shall maintain accurate financial records satisfactory to the department and consistent with CSBG requirements, which document, inter alia, the receipt and disbursement of all funds provided through the program by the department; and have an accounting system in place satisfactory to the department, which meets, inter alia, OHCS, which meets generally accepted accounting principles.

(2) Subgrantees and their subrecipients shall maintain other program records satisfactory to the department and consistent with CSBG requirements, which document, inter alia, client eligibility, receipt of allowable program services, termination of CSBG services and the basis for same, housing and income status of clients, administrative actions, contracts with subcontractor recipients, review of subcontractor recipient performance, action taken with respect to deficiency notices, and any administrative review proceedings. Such records shall be in substance and format satisfactory to the department.

(3) Subgrantees must provide the department with all required reports, data, and financial statements, in form and substance satisfactory to the department, as may be required or requested from time to time by the department, including, but not limited to, quarterly reports covering items set forth in OAR 813-210-0025(2) and (3), which shall be in a format prescribed by the department. Such quarterly reports shall be coded in such a way as to allow the linking and analysis of expenditures for each separate service funded by the program.

(4)(a) Subgrantees and their subcontractor recipients shall furnish representatives of the department, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives' access to and permit copying of all electronic records and books, accounts, documents, and records, and allow reasonable access to the project and other property pertaining to the program, at any such representative's request.

(b) Subgrantee agencies and their subcontractors shall cooperate fully in any inspections or other monitoring actions taken by the department, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives.

(c) Subgrantee agencies and their subcontractor recipients shall retain and keep accessible all program records for a minimum of five years, or such longer period as may be required by applicable law and state records retention requirements, following final payment and termination of program involvement, or until the conclusion of any audit, controversy or litigation arising out of or related to the program, whichever date is later.

(5) Subgrantees shall ensure that data is reported, collected and organized accurately, timely, and otherwise in a manner satisfactory to the department through the use of a department-approved submitted within time period specified by OHCS and satisfactory to OHCS and consistent with CSBG requirements, including, as appropriate, through the use of an OHCS-approved Homeless Management Information System (HMIS).

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505 ORS 458.620, 458.650
RULE SUMMARY: Amend for consistent language between divisions.

CHANGES TO RULE:

813-210-0066 Compliance Monitoring; Remedies

(1) The department OHCS will conduct reviews, audits, and other compliance monitoring as it deems appropriate with respect to each subgrantee agency and its subcontractors, inter alia, recipients to verify compliance with program CSBG requirements. Minimally, the department will conduct an on-site monitoring once every three years and immediately after the first year for newly-designated community action agencies. Subgrantee agencies and their subcontractors, subgrantees and their subrecipients will cooperate fully with the department OHCS in all compliance monitoring activities.

(2) Subgrantee agencies shall require by contract and monitor their subcontractors' compliance with all program CSBG requirements including, but not limited to, recordkeeping and retention of records and department OHCS compliance monitoring and enforcement.

(3)(a) The department OHCS may take such remedial action as it deems appropriate including, but not limited to, terminating its funding agreement (see OAR 813-210-0035) with a subgrantee agency and requiring repayment of partial or all program CSBG funding, if it determines that the performance of the subgrantee agency or any of its subcontractors is deficient in any manner, including with respect to the CSBG State Plan and program CSBG requirements.

(b) The department OHCS will notify a subgrantee agency of deficiencies identified through the monitoring process and provide documentation for the basis of such determination and the specific deficiency or deficiencies that must be corrected.

(c) The department OHCS will require the subgrantee to correct any deficiencies in a manner and timeframe satisfactory to the department.

(d) The department OHCS may offer training and technical assistance to the subgrantee; or if the department OHCS determines such training and technical assistance are not appropriate, prepare and submit to the U.S. Department of Health and Human Services (HHS) Chief Executive (Secretary) a report stating the reasons for such determination.

(e) The department OHCS, at its sole discretion, may offer the subgrantee assistance in the development of a corrective action plan. If a corrective action plan is allowed, the subgrantee must develop and submit the plan to the department OHCS within sixty days after being informed of the deficiency or deficiencies. The department OHCS will review and issue a decision on whether to approve or disapprove the plan within thirty days after receipt of the plan from the subgrantee. If disapproved, the department OHCS will provide the subgrantee agency with the reasons why the plan cannot be approved.

(4) The department OHCS will provide adequate notice and opportunity for a hearing prior to a remedial action that terminates organizational eligibility for program CSBG funding or otherwise reduces the proportional share of program CSBG funding for cause.

(5) Requests for and proceedings of hearings will be addressed to and held before the assistant director or designee whose decision may be further appealed to the department director. Termination of the agency's program eligibility for program funds would require termination of its CAA designation which may be appealed if the Housing Stabilization Division of OHCS or designee whose decision may further be reviewed by the governor in accordance with OAR 813-230-0000.

(6) The subgrantee agency may request within thirty days following notification of the department's final decision by OHCS, a review by the HHS Secretary.

(7) Termination of a subgrantee's eligibility for CSBG funds would require termination of its Community Action Agency designation. A determination to terminate the subgrantee agency's CAA's Community Action Agency designation or reduce the proportionate share of funding of the agency subgrantee is reviewable by the HHS.
The Secretary shall, upon request, review such determination. The review shall be completed not later than 90 days after the Secretary receives from the department all necessary documentation relating to the determination to terminate the agency’s Community Action Agency designation or reduce its proportional share of funding. If the review is not completed within 90 days, the determination of the state shall become final at the end of the 90th day.

(8) Issuance of a deficiency notice shall not constitute a waiver of other remedies available to the department or preclude the department from exercising such other remedies available to it under the funding agreement (see OAR 813-210-0035) or other program requirements, at law or otherwise.

Statutory/Other Authority: ORS 456.555, 458.235
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
CHANGES TO RULE:

813-210-0071
Challenge of Subgrantee Action ¶

(1) Local interest groups, service providers or others aggrieved by a subgrantee agency with respect to its program obligations may submit a written request to the department for its review of such contested action. Any person or entity aggrieved by a subgrantee administering or providing CSBG services may challenge the subgrantee’s action, but only after first exhausting the applicable administrative review process furnished by the relevant subgrantee agency and entering the subgrantee’s administrative review process (see OAR 813-210-0076). Any person or entity who received either an unsatisfactory determination or refusal of a review by the subgrantee may submit a request to OHCS within thirty (30) days of receiving the notice of review determination or refusal by the subgrantee agency to provide such administrative review determination.¶

(2) The department may accept or deny a request for its administrative review.¶

(2) OHCS may accept or deny a request to conduct a subgrantee administrative review, in whole or in part, at its sole discretion. Any department OHCS review will be in the manner determined appropriate by the department and may include, but will not necessarily be limited to, review of provided information.¶

(3) If the department OHCS accepts the review request, the requester(s) of the review, the subgrantee agency, and relevant subcontractor recipients will produce all information required by the department OHCS, including requested affidavits or testimony.¶

(4) The department OHCS may make a determination on a review request and require such remedial action as the department determines, in its sole discretion, to be appropriate.¶

(5) Department OHCS review will not take the form of a contested case review under ORS 183 unless specifically so stated in writing by the OHCS director in writing.¶

(6) Timely.¶

(6) Request for department OHCS review by an aggrieved person or entity and its completion to final order by the department OHCS are requirements for exhaustion of administrative remedies by such aggrieved person or entity.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
AMEND: 813-210-0076

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-210-0076

Review By Subgrantee ¶

(1) Subgrantee agencies will establish in writing a process satisfactory to the department that in a timely manner, enables beneficiaries of, and applicants for CSBG services to contest a determination by the subgrantee agency or its subcontractors that:

(a) Denies or limits the eligibility of a beneficiary or applicant for CSBG benefits or other assistance; or

(b) Terminates or modifies CSBG benefits or other assistance awarded by the subgrantee agency or subcontractor or subrecipient to a beneficiary.

(2) Persons aggrieved by the action of a subgrantee agency or its subcontractor described in subsection (1) or entities may request administrative review of such action by the subgrantee agency within the time frame and pursuant to the process established by the subgrantee agency consistent with program requirements. At all times, a subgrantee's or subrecipient's contested action described in subsection (1) above, the subgrantee agency will allow a minimum of thirty (30) days within which an aggrieved person may request review from the time of the contested action or the aggrieved person's reasonable discovery of such action, whichever is longer. The ultimate determination of an aggrieved person's reasonable discovery period is reserved to OHCS, in its sole discretion.

(3) The subgrantee agency will inform the department in writing of any request by an aggrieved party for administrative review within ten (10) days of such request.

(4) The subgrantee agency will inform the department and the aggrieved party in writing of any final administrative review determination made by the subgrantee agency, and the basis for same, and reasoning within ten (10) days of such final determination.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
AMEND: 813-210-0081

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-210-0081
Reduction or Termination of CSBG Funding ¶

(1) No community action agency or migrant and seasonal farmworker organization which received CSBG funding in the previous federal fiscal year shall have its present or future CSBG funding terminated or reduced below the proportional share of funding it received in the previous federal fiscal year unless, after notice and opportunity for hearing on the record, the department determines that cause existed for such termination or reduction, subject to the procedures and review by the OHCS director and the HHS Secretary for the United States Department of Health and Human Resources. ¶

(2) For purposes of making a determination with respect to CSBG funding reduction or termination, the term "cause" includes, but is not limited to: ¶
(a) A statewide redistribution of CSBG funds to respond to: ¶
(A) The results of the most recently available Census or other appropriate data; ¶
(B) The establishment of a new migrant and seasonal farmworker organization; or ¶
(C) Severe economic dislocation; and ¶
(b) The failure of a migrant and seasonal farmworker organization to comply with the terms of its CSBG contract with or the Department or the Community Services Block Grant Act as amended by Public Law 101-501, applicable state, local and federal laws and regulations, executive orders or these rules.

Statutory/Other Authority: ORS 456.555, 458.235
Statutes/Other Implemented: ORS 458.210 - 458.240, 458.505
NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT
CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: EHA Program: Incorporates Manuals, applies consistent language between programs, and updates definitions.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov
Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301
Filed By: Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 9:00 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer Street NE, Room 124B
Salem, OR 97301

SPECIAL INSTRUCTIONS:
Accessibility Note: The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Amend to incorporate dated manuals, amend for consistent language between divisions, amend for use of general rule for definitions as well as consistency, repeal obsolete rules, adopt new rule for consistency between divisions.
DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
None.

FISCAL AND ECONOMIC IMPACT:
No fiscal or economic impact.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is no cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

RULES PROPOSED:

AMEND: 813-046-0000

RULE SUMMARY: Amends statutory reference and creates consistency in language between divisions.

CHANGES TO RULE:
813-046-0000

Purpose and Objectives
OAR chapter 813, division 46, is promulgated to accomplish the general purpose of ORS 458.505 and, 458.600 to 458.650, and particularly ORS 458.600 to 458.650, which designates the Oregon Housing and Community Services Department (OHCS) as designated as the state agency responsible for administering state and federal antipoverty programs in Oregon. The Emergency Housing Assistance Program (EHA) addressed in this division (OAR 813-046) is one such program, subject to department OHCS administration and has as its purpose the funding of EHA Program to fund local homeless programs to assist low- and very-low-income homeless persons and those persons who are at risk of becoming homeless, including, but not limited to, veterans, persons more than 65 years of age, disabled persons, farmworkers and Native American income households who are homeless or at risk of becoming homeless to attain housing stability.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
AMEND: 813-046-0011

RULE SUMMARY: Amends definitions, creates consistency with General Definitions rule (OAR 813-005-0005), and incorporates current 2019 manual.

CHANGES TO RULE:

813-046-0011 Definitions ¶

All words and terms that are used in OAR chapter 813, division 46 are defined in the Act, and in 813-005-0005 and 813-005-0015 and below. As used in OAR chapter 813, division 46, unless the context indicates otherwise:

(1) "Account" means the Emergency Housing Account, revolving account within the Oregon Housing Fund created under ORS 458.620.

(2) "Administrative costs" means all program costs that are not directly related to delivery of program services.

(3) "Assistant director" means the department's assistant director for the housing stabilization programs.

(4) "Community action agency" or "CAA" means a private, nonprofit corporation organized under ORS chapter 65, or an office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505(4).

(5) "Conditional" means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, satisfy Terms used throughout this division (OAR 813-046) may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used within the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required) relevant documents.

(6) "Department" or "OHCS" means the Oregon Housing and Community Services Department for the state of Oregon.

(7) "Director" means the department director as appointed by the governor.

(8) "Funding agreement" means that master grant agreement or other written agreement, together with all incorporated documents and references, to be executed by and between the department and subgrantee agency in form and substance satisfactory to the department as a condition precedent for receipt of program funding from the department.

(9) "Funding application" means the subgrantee agency's application to the department for a program grant.

(10) "HMIS" means the Homeless Management Information System.

(11) "Homeless" means an individual, family or household that lacks a fixed, regular and adequate nighttime residence in accordance with department categorical definitions. Categorical definitions are contained in the program manual, is division observe those definitions, except as defined below.

(12) "Household" means an individual living alone, a family with or without children or a group of individuals who are living together as one economic unit.

(13) "Household income" means the total household income from all sources before taxes. Income under this definition may be reduced by deductions allowed by the department in compliance with program requirements. Income does not include assets or funds over which the applicant or household has no control.

(14) "HUD" means the U.S. Department of Housing and Urban Development.

(15) "Low-income household" means a household with an annual household income that is more than fifty (50) percent but at or below eighty (80) percent of the area median income based on HUD determined guidelines as adjusted for family size.

(16) "Program" or "EHA" means the Emergency Housing Assistance Program or "EHA" means the program administered by the department OHCS, pursuant to this division (OAR 813-046) and other applicable law.

(17) "Program manual" or "manual" means the "State Homeless Funds Program Operations Manual, dated
January 17, 2019, incorporated herein by this reference. The manual may be accessed online on the department’s website.

(18) “Program requirements” means all funding agreement terms and conditions (including work plan objectives), department directives (including deficiency notices), and applicable state, local, and federal laws and regulations (including these rules, other applicable department rules and the manual), executive orders, local ordinances and codes.

(19) “Program services” means allowable services as defined in the department program manual and eligible for funding under the program.

(20) “Self-sufficiency” means meeting basic needs and achieving stability in areas including, but not limited to, housing, household income, nutrition and health care, and accessing needed services.

(21) “Service area” means the specific geographic area or region within which a subgrantee agency provides program services directly or by contract.

(22) “Subcontractor” or “subrecipient” means a nonprofit corporation established under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

(23) “Subgrantee agency” or “agency” means a private, nonprofit corporation organized under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or a local government as defined in ORS 197.015 with whom the department has contracted to administer program services at the local level.

(24) “Sufficiency” means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree for the department to assess appropriately subgrantee agency’s compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by the department.

(25) “Work plan” or “plan” means the subgrantee agency’s plan for use of program funds as approved by the department, which is part of its approved funding application, and included in its funding agreement with the department.

(26) “Very-low income household” means a household with an annual household income that is fifty (50) percent or less of the area median income based on HUD determined guidelines, adjusted for family size or “SHF Manual” means the manual dated July 1, 2019, incorporated herein by reference. The SHF Manual may be accessed online on the OHCS website.

(27) “Veteran” means a person who served in the U.S. Armed Forces with an honorable discharge or is receiving a nonservice-connected pension from the U.S. Department of Veterans Affairs as further defined in ORS 408.225 and the program manual SHF Manual.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.
State Homeless Funds Program Operations Manual

Emergency Housing Assistance (EHA)
State Homeless Assistance Program (SHAP)
Low Income Rental Housing Fund (LIRHF)

Prepared by: Oregon Housing and Community Services Department

January 1, 2019 - July 1, 2019

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(503) 986-2000, FAX (503) 986-2020, TTY (503) 986-2100
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1. **Program Summary**

**Emergency Housing Assistance** (EHA) provides state funds to supplement effective existing local programs and/or establish new programs designed to prevent and reduce homelessness. EHA funds are available for the following program components: street outreach, emergency and transitional shelter; transitional housing; homelessness prevention; supportive in-home services; rapid re-housing; data collection; shelter or transitional housing acquisition, rehabilitation or conversion; and community capacity building designed to enhance, expand or sustain homeless services. EHA can serve households that are homeless or unstably housed with an income that is at or below 80% area median income. [ORS 458.650]

The **State Homeless Assistance Program** (SHAP) provides operational support for emergency shelters and related client supportive services for homeless individuals, families and households. SHAP funds are available for the following program components: street outreach, emergency and transitional shelter; data collection; and shelter acquisition, rehabilitation or conversion. There is no income eligibility requirement for SHAP-funded assistance.

The **Low Income Rental Housing Fund** (LIRHF) program provides state funds to assist very low income (at or below 50% AMI) households who are homeless or unstably housed and at risk of homelessness. LIRHF funds are available for the following program components: homelessness prevention; rapid re-housing; and data collection.

EHA program funding comes from legislatively approved state general funds and the Document Recording Fee (DRF). EHA funds, including DRF, are allocated annually, effective with the 2019-2021 Master Grant Agreement. The DRF funding for Veterans requires separate tracking and reporting of Veteran clients and expenditures. [ORS 458.650]

SHAP and LIRHF program funding comes from legislatively approved state general funds allocated on a biennial basis.

2. **Administrative Requirements**

(A) **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;
2. Maximizing participation in Coordinated Entry;
3. Ensuring availability of low-barrier shelters in the community;
(4) Incorporating the lived experiences of homelessness into program design and implementation; and
(5) Ensuring service provision has components for equity and racial justice.

(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 – Ending Homelessness, Preventing Homelessness, Inclusion and Diversity, and Capacity of the Community (EPIC), as referenced in the Master Grant Agreement. The EPIC Card 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](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.

(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) **Homeless Coordinated Entry Process**
Subgrantees and subrecipients are required to actively participate in and promote the Continuum of Care (CoC) coordinated entry process for their service area.

(E) **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.

3. **General Program Requirements**

(A) **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. 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.

(B) **Client Service or Housing Plan**

*[ORS 458.528]*

Development of a client service or housing plan is required for those clients receiving more than one-time only services. Plans are required to be client driven, using input and goal setting by the client. Warming shelters are excluded from this requirement. Existing and active service/housing plans with other providers may be used and amended for state-funded services.

(C) **Confidentiality**

Subgrantees and subrecipients must have policies and procedures that ensure all client information and records are secure and confidentially maintained. Subgrantee and subrecipient officers, employees and agents must be aware of and comply with the subgrantees’ and subrecipients’ confidentiality policies and procedures.

Confidential records includes all applications, records, files, and communications relating to applicants for, and clients of, EHA, SHAP and LIRHF-funded services.

Electronic collection of client information requires procedures for ensuring confidentiality including:

- Computer terminals must be located in a secure location, limiting access to only those persons who have a legitimate interest in and are responsible for 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; and
- Access to personally identifiable HMIS data shall be given to only authorized personnel as necessary for performing the work required for the EHA _and_, SHAP _and_ LIRHF-programs.

**Note to Domestic Violence Providers:**

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 EHA and SHAP 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 EHA, SHAP, and LIRHF funded programs.

(D) **Service Termination or Denial of Assistance**
Subgrantees and subrecipients must have written termination, denial, and grievance policies and procedures. The policies and procedures should be readily available to program participants either at intake or by posting the policy in a public place. It is important to effectively communicate these policies and procedures to applicants/clients and ensure they are fully understood.

Subgrantees and subrecipients are required to provide **written notice** to applicants/clients when denied program assistance or assistance is terminated. The notice must include the specific reason(s) for the denial/termination and identify the steps to appeal the subgrantee’s and subrecipient’s decision.

(E) **Grievance and Appeals Process**
Subgrantees and subrecipient are required to have an established, written process for addressing client grievances for decisions, including termination or reduction of benefit, denial of benefit 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 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 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; and
- 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.

(F) **Nondiscrimination**

Subgrantees and subrecipients are required to comply with all state and federal statutes relating to nondiscrimination. Subgrantees and subrecipients 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.

Screening criteria cannot be discriminatory and must be consistently applied. For example, a provider might decide to give priority to clients who graduate from a tenant readiness education 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 tenant readiness education experience could receive priority over the applicant who does not; however, providers should always accept the first applicant meeting their criteria or prioritization policy.

For more information, see the [Guide to Fair Housing for Nonprofit Housing and Shelter Providers](https://www.fhco.org) produced by the Fair Housing Council of Oregon, or contact them directly at [www.fhco.org](http://www.fhco.org).
(G) **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 subrecipients 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.

(H) **Conflict of Interest**

Subgrantee and subrecipient must keep records to show compliance with program conflict of interest requirements.

(1) **Organizational**

The provision of any type or amount of 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 or subrecipient has ownership interest. Subgrantee and subrecipient would need to find another independent organization that is also an OHCS subgrantee to do the intake assessment and ensure that all program participants are eligible even if the subgrantee or subrecipient has a waiver of the conflict of interest requirements. Conflict of interest waivers regarding rent assistance and rental agreement requirements can only by approved by OHCS. If a subgrantee or subrecipient wishes to apply for a waiver, they should contact the OHCS homeless program analyst or manager for guidance in submission of a waiver request, which must be approved by OHCS.

*Subgrantees and subrecipients cannot steer potential renters to 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.

(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 or subrecipient agency. No person who exercises or has exercised any functions or responsibilities with respect to activities assisted under the programs, or who is in a position to participate in decision-making processes or gain inside information with regard to activities assisted under the programs, 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 a family or business tie, during his or her tenure or during the one-year period following his or her tenure.

(I) Monitoring
[OAR 813.046, 049, 240]

OHCS will conduct a program monitoring of subgrantees once every three years or more frequently at OHCS’ discretion. Fiscal monitoring will be conducted annually unless circumstances require sooner. Subgrantees will be notified thirty (30) days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff or Board interviews. OHCS will provide subgrantees with a written monitoring report inclusive of any findings, concerns or comments. Subgrantees are required to submit timely corrective action to findings and failure to do so may result in the withholding and/or return of EHA, SHAP and LIRHF funds to OHCS.

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 Work Plan Implementation Report Amendment Request form.

(J) Subrecipient Monitoring
[OAR 813.046, 049, 240]

Subgrantees must monitor their subrecipient organizations at least once during a biennium or the term of the Master Grant Agreement, as determined by OHCS. Subrecipient organization monitoring procedures must be in place and adequately ensure
compliance with EHA, SHAP, and LIRHF program requirements. Monitoring reports will be retained by the subgrantee and available for review by OHCS or other authorized entity.

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.

4. **Client Applicant Eligibility**

<table>
<thead>
<tr>
<th>Client Applicant Eligibility</th>
<th>Emergency Housing Assistance (EHA)</th>
<th>State Homeless Assistance Program (SHAP)</th>
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<tbody>
<tr>
<td>Homeless Status</td>
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<td>• literally homeless</td>
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<td>• imminent risk</td>
<td>• other federal statutes</td>
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<td>• other federal statutes</td>
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<td>• fleeing DV</td>
<td>• unstably housed</td>
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<tr>
<td>Income Requirement</td>
<td>80% or below area median income</td>
<td>no income requirements</td>
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</table>

(A) **Household Composition**

[ORS 458.650, OAR 813.046, 049, 240]

“Household” means an individual living alone, family with or without children, or a group of individuals who are living together as one economic unit.

(B) **Legislatively Targeted Populations for EHA**

[ORS 458.650, OAR 813.046]

Legislatively targeted populations for EHA include veterans, seniors over 65 years of age, persons with disabilities, farmworkers, and Native Americans.

(C) **Housing Status**

[ORS 458.528, 458.650]

Homeless households are eligible to receive EHA, LIRF, and SHAP funded services; and unstably housed households can receive EHA and LIRHF services. Eligible applicants for program services must meet one of the following categorical definitions of homeless or unstably housed and at risk of homelessness:

**Category 1: Literally Homeless**—Individual or family who 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 human habitation (including, but not exclusive to, a car, park, abandoned building, bus or train station, airport or camping ground);

- Living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional shelter, and hotels or...
motels paid for by charitable organizations or by federal, state or local government programs); OR

- Exiting an institution where he or she has resided for 90 days or less AND who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

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

- The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- No subsequent residence has been identified; AND
- The individual or family lacks the resources or support networks (e.g., family, friends, faith-based or other social networks) needed to obtain other permanent housing.

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

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

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

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

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

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

(D) **Income**

[OAR 813.046, 049]

There is no income eligibility requirement for SHAP funded assistance.
**EHA**-provided services require applicants to be low income; i.e., gross household income at or below 80% of area median income.

**LIRHF**-funded rental assistance requires applicants to be very low income; i.e., gross household income at or below 50% of area median income.

Income includes the current gross income of all adult household members at the time of assessment. Income earned by household members who are minors or full-time students and are not considered heads of household is excluded. While household assets should be identified to determine that a program applicant lacks the resources to obtain or retain permanent housing, they are generally not counted as income. Documentation of income for 30 days prior to the assessment must be kept in the client applicant file. If income statements are not available for 30 days prior to the assessment, client applicant must self-certify the previous 30 days of income.

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**Veteran Status**

[ORS 408.225; OAR 813.046]

Eligible applicants for **EHA DRF** veterans funding (EHA DRF VET) must meet one of the following conditions as documented with original discharge papers or DD214 Identification or other acceptable Veteran’s Affairs documentation:

1. Served on active duty with the Armed Forces of the United States for an identifiable period of time as further defined in ORS 408.225 and was discharged or released from active duty under honorable conditions; **OR**
2. Received a combat or campaign ribbon or an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions; **OR**
3. Is receiving a non-service-connected pension from the United States Department of Veterans Affairs.

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**Citizenship and Residency**

There is no client citizenship or residency requirement to be eligible for **EHA**, **SHAP**, and **LIRHF**-funded assistance.

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*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.*
(G) Eligibility Documentation

[OAR 813.046, 049, 240 – also see Records Section of this Manual]

(1) Documentation of all client/applicant eligibility information must be available in client/applicant files or if kept electronically, available upon request in the format requested. 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.

(2) OHCS requires program staff to comply with the following general documentation standards listed in order of preference:

- **Third-party documentation**, where it is available, is the preferable form of documentation. Third party documentation includes verification from an employer, landlord, public benefit worker, agency service provider, etc. Written verification sent directly to program staff or via the applicant is preferred.

- **Intake Worker Observation** 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 Intake Worker. 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.

- **Participant-Applicant Self-Certification** requires a written and signed document by the individual or head of household seeking assistance attesting to the facts for which they are certifying. A third-party may be designated by a participant/applicant to sign documents on their behalf when they are unable to do so. It is the responsibility of the subgrantee and subrecipient to provide access to language interpretation services and assistive devices necessary for participants/applicants to understand the documents they are certifying.

(3) Simplified Documentation Option

When a subgrantee or subrecipient moves an active client from the Housing Stabilization Program (HSP) to EHA, LIRHF, SHAP or Elderly Rental Assistance (ERA) programs or between state funds (EHA, LIRHF, SHAP, ERA), they may choose to use a simplified documentation process for the client’s homeless status and income; whereby the subgrantee or subrecipient case manager verifies that the client meets the homeless status and income of the funding source at the time of entry and that the client is eligible for the funding source to which they are moving, without requiring additional documentation. Documentation from the original source of funding must be readily accessible for monitoring purposes. To use the Simplified Documentation Option, there can be no lapse in service from one program to the other.
Subgrantee and subrecipient may use the sample form provided on the OHCS website to document the client file using this simplified documentation option.

Emergency Solution Grant (ESG) funds still require separate documentation and are not subject to a simplified documentation option.

5. **Allowable Program Components and Expenditures**

   [ORS 458.650]

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

   **EHA (inclusive of EHA Document Recording Fee (DRF) and EHA DRF VET), and SHAP** and LIRHF can be used in **one or more** of the following eight program components:

   (A) **Street Outreach**
   
   (B) **Emergency & Transitional Shelter**
   
   a. Shelter and Facility Operations (inclusive of motel/hotel vouchers)
   
   b. Shelter Resident Support Services

   (C) **Transitional Housing**

   (D) **Homelessness Prevention & Rapid Re-Housing**

   (E) **Supportive In-Home Services**

   (F) **Shelter or Transitional Housing Facilities Acquisition, Rehab/Conversion**

   (G) **Community Capacity Building**

   (H) **Data Collection**

   **(A) Street Outreach**

   **EHA (and DRF/DRF VET) and SHAP** funding can pay for street outreach services for the specific purpose of reaching out to unsheltered homeless people; connecting them with emergency shelter, housing, or critical services; and providing urgent, non-facility-based care. Eligible services include, but are not exclusive to:

   (a) Conducting an initial assessment of applicant needs and eligibility;

   (b) Providing crisis counseling;

   (c) Addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries;

   (d) Actively connecting and providing information and referrals to needed services;

   (e) Cell phone costs of outreach workers;

   (f) Case management activities;

   (g) Emergency health services to the extent that other appropriate services and treatment are unavailable or inaccessible within the community;

   (h) Emergency mental health services to the extent that other appropriate services and treatment are unavailable or inaccessible within the community; and
(i) Travel expenses incurred by outreach workers, social workers, medical professionals or other service agency employees during the provision of allowable street outreach services.

(B) **Emergency and Transitional Shelter**

(1) **Shelter Facility Operations**

EHA (and DRF/DRF VET) and SHAP funding can pay for the costs of maintaining and operating Emergency or Transitional Shelter facilities whose primary purpose is to provide temporary or transitional shelter to the general homeless or specific populations of the homeless. Eligible facility costs include, but are not exclusive to:

(a) Lease or rent payments for shelter facility;
(b) Utilities for shelter facility;
(c) Security equipment or service to operate shelter facility;
(d) Janitorial supplies and service to operate shelter facility;
(e) Facility management;
(f) Repairs to facility (for rehabilitation or conversion costs see Section 5F of this manual);
(g) Furnishings for shelter facility; and
(h) Hotel/Motel vouchers for clients.

(2) **Shelter Resident Support Services**

EHA (and DRF/DRF VET) and SHAP funding can pay to meet the essential needs of shelter residents to facilitate transition out of shelter into more stable housing. Support services must be made available to households that receive hotel or motel vouchers to ensure quick and successful transition to more stable housing. Eligible support service costs include, but are not exclusive to, at the discretion of the subgrantee or subrecipient case manager:

(a) Intake and case management including pre-eligibility determination for housing and other needed services;
(b) Housing relocation (e.g., first and last month’s rent payments and arrearages, manufactured home rental space “lot rent”, application fee, security deposit, utility deposit);
(c) Purchase of identification and driver’s license;
(d) Purchase of birth certificates;
(e) Credit repair assistance (not debt payment);
(f) Tenant readiness education;
(g) Food and clothing;
(h) Crisis intervention/counseling;
(i) Transportation; and
(j) Client direct services.
(C) **Transitional Housing**

EHA (and DRF/DRF VET) funding can pay for temporary housing and services intended to facilitate a homeless household’s transition to permanent housing within a reasonable amount of time (usually less than 24 months). Transitional Housing is designed to provide interim support to successfully move to and maintain permanent housing and will require program participants to sign either a lease or occupancy agreement.

Eligible services include, but are not exclusive to:

1. Transitional housing operational costs such as rent, maintenance, security, utilities;
2. Rent subsidy;
3. Housing relocation assistance, including staff time locating permanent housing and related upfront housing costs, such as application fees, moving costs, deposits;
4. Support services, such as purchase of birth certificates, identification and driver’s license; credit repair assistance (not debt payment), tenant readiness education, food and clothing, crisis intervention/counseling, transportation, direct client services;
5. Case management; and
6. Education and training in such areas as personal finance and budgeting, job search and access to job training, and literacy.

(D) **Homelessness Prevention and Rapid Re-Housing**

EHA (and DRF/DRF VET) and LIRHF can pay for prevention services to enable households who are at imminent risk of homelessness or unstably housed to regain stability in their current housing or other permanent housing.

EHA (and DRF/DRF VET) and LIRHF funding can pay for rapid re-housing services to enable households who are literally homeless to transition directly to permanent housing.

Eligible homelessness prevention and rapid re-housing services include, but are not exclusive to:

1. **EHA (and DRF/DRF VET)**
   
   1. Housing move-in costs such as rent payments and arrearages, manufactured home rental space “lot rent”, utility payments and arrearages (whenever feasible utility assistance payments should use Oregon’s emergency assistance funds), moving costs, security and utility deposits and application fees;
   
   2. Landlord engagement (such as incentives, communication, newsletters, etc.);
   
   3. Client direct services;
   
   4. Case management and housing relocation assistance; and
   
   5. Self-sufficiency activities including education and training in such areas as personal finance and budgeting, job search and access to job training, and literacy.
1) LIRRF

(a) Short-term rent assistance, defined as three months or less, and medium-term rent assistance, defined as more than three months, but not exceeding twenty-four months, including manufactured home rental space “lot rent”; and

(a) Application fees, security and utility deposits, and utility and rent arrearages required for move into permanent housing.

(E) Supportive In-Home Services

EHA (and DRF/DRF VET) funding can pay for supportive services designed to enable persons to continue living in their own homes when in-home supportive programs are not available or accessible in their service area. Case manager must document in the client file, the efforts to find other in-home service options. Eligible services include, but are not exclusive to:

(1) Housing modifications to address mobility or safety barriers;
(2) Life skills training and assistance;
(3) Short-term personal care assistance;
(4) Case management;
(5) Needs assessment and linkage with appropriate health care management and safety services;
(6) Linkage with family support and/or community social support networks; and
(7) Costs to cover emergency situations that threaten the health and safety of the household.

(F) Shelter or Transitional Housing Facilities Acquisition, Rehab/Conversion

[Refer to your Master Grant Agreement for additional information about procurement requirements. ORS 456.555, 559, 561; 458.625]

EHA (and DRF) funding can be used for the acquisition, rehab or conversion of emergency shelter and transitional housing for households who are homeless or unstably housed and at risk of homelessness.

SHAP funding can be used for acquisition, rehab or conversion of emergency shelter for households who are homeless.

Use of EHA and SHAP funding for acquisition, rehab or conversion must have a separate approved Real Estate Application before entering into a contract or before funds are expended. For the Real Estate Application, contact your OHCS Program Analyst.

(G) Community Capacity Building

Homeless services funding is not adequate to ensure that all people experiencing homelessness receive the holistic services they need to obtain housing and remain stable. It is essential for community action agencies to work collaboratively with community partners to provide wrap-around support. EHA (and DRF) funding can be used to support
projects and activities that increase a subgrantee’s service area’s capacity to provide emergency housing and services.

Community capacity projects must be defined and approved in the subgrantee’s work plan Implementation Report. Allowable activities include, but are not exclusive to:

1. Expand partnerships and supports in the coordinated entry system;
2. Advance efforts to locate and increase the number of shelter beds;
3. Purchase of incentives to attract unsheltered persons to participate in the Point-in-Time Count;
4. Expand community partnerships and stakeholders providing wrap-around services to homeles individuals and families;
5. Implement feasibility studies for improving and increasing shelter and services that serve homeless and at-risk individuals and families;
6. Provide matching funds to Continuum of Care planning grants;
7. Develop and increase landlord engagement;
8. Representation of the community’s underserved population in decision making capacities; and
9. Increasing skills, knowledge and resources for residents of the community (such as board training or citizen representative participation on Advisory Boards; education campaign for community groups about the people experiencing homelessness in their communities, or forming a coalition of service providers and the area’s Coordinated Care Organization).

(K)(H) Data Collection

EHA (and DRF/DRF VET), SHAP, and LIRHF funding may be used to support staff and related costs necessary to collect and report shelter bed nights, client services, client demographic data, performance outcomes and other reporting requirements. Eligible data collection costs include, but are not exclusive to:

1. HMIS licenses;
2. Data entry;
3. Equipment upgrade;
4. Network systems upgrade (it is recommended that systems be networked); and
5. Staff training.

(L)(I) Ineligible Costs

1. State Homeless Funds may not pay for mortgage payments or mortgage payments for manufactured homes being purchased by the applicant receiving these state funds.
2. State Homeless Funds may not be used for the purchase of gift cards, with the single exception of gas payments as a transportation expense. See definition of transportation in the Definitions section of this manual.
6. Financial Management

(A) **Administration**

[ORS 458.625, 650; OAR 813.046, 049, 240]

Subgrantees are allowed to use up to fifteen percent (15%) of their total EHA, LIRHF and SHAP allocation for administrative costs, including those allowed for subrecipient organizations with whom the subgrantee contracts.

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.

(B) **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 can be 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

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

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

(C) **Request for Funding Documentation**

Subgrantees must retain supporting documentation of all costs charged to the applicable 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.
(D) **Budget Change Requests and Work Plan Implementation Report Amendments**

[OAR 813.046, 049, 240]

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.

EHA DRF program funds may be used for all EHA-eligible components and expenditures and does not require the submission of a budget change request, except for acquisition/rehab. Submission for budget change requests of DRF funds to acquisition/rehab will occur after the Real Estate Application has been submitted and approved.

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

Work Plan Implementation Report Amendments are required when there is a shift in program delivery and/or scope of work. All Work Plan Implementation Report Amendments require OHCS approval by submitting a Work Plan Implementation Report Amendment Request form electronically to: 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 a Work Plan Implementation Report Amendment Request form electronically to crd.reports@oregon.gov.

(E) **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.

(F) **Match**

[ORS 458.625]

EHA funds can be used as match for case management costs and supplemental rent subsidy for qualifying OHCS and CoC projects, inclusive of case management for clients entering into or are in permanent supportive housing and need assistance to stabilize. OHCS may require subgrantee to submit periodic reports of this EHA usage.

(G) **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.

7. Data Requirements

(A) Data Entry
Subgrantees and their subrecipients are required to enter EHA (and DRF/DRF VET), and SHAP and LIRHF-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: https://www.oregon.gov/ohcs/Pages/best-practices-hmis.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 Quality
The HUD CoC APR Data Quality/Completeness and Data Completeness Report Card (EE) is measured by the percent of valid data collected for each data element. “Client doesn’t know”, “Client refused”, and “Data not collected” are considered invalid responses and will count against data quality. Subgrantees and subrecipients are required to run data quality reports periodically (preferably monthly). Use of the HUD CoC APR Data Quality/Completeness and Data Completeness Report Card helps to ensure data is being entered with valid responses.
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 subrecipient 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.

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

**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; and
- 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

**Reporting Requirements**

[OAR 813.046, 049, 240]

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:  
https://www.oregon.gov/ohcs/Pages/best-practices-hmis.aspx
8. Records Requirements

(A) Case Files

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.

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

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

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.

(B) Records Access

[OAR 166.300; OAR 813.046, 049.240]

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.

(C) Records Retention

[OAR 166.300; OAR 813.046, 049.240]

Subgrantees and subrecipients shall retain all program records pertinent to client services and expenditures incurred under EHA, and SHAP and LIRHF 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:


Find the State Agency General Records Retention Schedules at the Oregon State Archives:

Subgrantees and subrecipients shall retain and keep accessible all such fiscal 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 EHA and SHAP and/or LIRHF funding, or until the conclusion of any audit, controversy or litigation arising out of, or relating to, EHA and SHAP and LIRHF.

Subgrantee and subrecipients shall retain and keep accessible all such program records, client records, digital and electronic records, books, documents, papers, plans, and writing for a minimum of **five (5) years** after final payment to client.

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9. Applicable Rules and Regulations

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

1. ORS 456.515 through 456.725 (OHCS): https://www.oregonlegislature.gov/bills_laws
2. ORS 458.505 through 458.545 (Community Services): https://www.oregonlegislature.gov/bills_laws
5. OAR 813-046 (EHA): https://secure.sos.state.or.us/oard/ruleSearch.action
6. OAR 813-240 (SHAP): https://secure.sos.state.or.us/oard/ruleSearch.action
7. OAR 813-049 (LIRHF): https://secure.sos.state.or.us/oard/ruleSearch.action
9. Limited English Proficiency federal interagency website can be found at: http://www.lep.gov/ and guidance and additional materials can be found at: https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency_0

This manual as guidelines for EHA, SHAP and LIRHF are amended from time to time along with all other references made within this manual. All references made in this manual are understood to be as written, and as amended from time to time.

ORS cited are amended from time to time and can be found at: https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx
OARs cited are amended from time to time and can be found at: http://arcweb.sos.state.or.us/pages/rules/access/numerically.html
10. **Definitions**

A. **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’ right 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; and
   - Salary, benefits of staff performing case management services.

B. **Client Direct Services** are the provision of good or payments of expenses not included in other allowable expense categories, which directly help a household to obtain or maintain permanent housing or meet essential household needs, as documented in the client service or housing plan. Consumer debt payments are not allowed as a client direct service. Prior approval by the case manager’s supervisor is required before goods or payments are delivered.

C. **Code of Conduct Agreements** may be required by any type of shelter facility. A Code of Conduct Agreement may 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.

D. **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 shelters 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.

E. **EPIC Card** 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.

F. **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.

G. **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.

H. **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.

I. **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.

J. **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). *(For example, for the purposes of HSP, TANF clients are a priority as required by the federal funds.)*

K. **Rent arrearage** is past due rent owed (and other rental-related expenses incurred such as filing fees, court fees or lease break fees required by prospective landlord) to a current, prospective or previous landlord. If arrears are owed to a previous landlord or to a collection agency, 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 month’s past due rent. Subgrantees and subrecipients have the discretion to limit payments for rent arrearage.

L. **Target Population** means persons a subgrantee/subrecipient wishes to reach out to who are under-represented in their service population.

M. **Transportation Payments** may include bus/train passes, fuel vouchers, vehicle insurance payments or vehicle repair. Payments that allow clients to use public transportation are the highest priority; however, case managers have the discretion to provide payments for private transportation. Case managers must document why private transportation options are preferred over public transportation options and that the expense will lead to the stabilization of housing. Car repairs for a vehicle **not owned** by an individual in the household are not allowed and client must have a valid driver’s license. Gift cards may be used **ONLY** as a gas payment and the expense must have a receipt in the file. If there is no receipt of purchase using the gift card, the cost would not be allowed.

N. **Utility arrearage** assistance is past due utilities and can only be provided when there is documented evidence of a utility bill in the participant’s name. Utility arrears assistance must result in utilities being turned on at the new permanent housing location. If arrears are owed to a previous utility company or to a collection agency, these arrears may be paid, but only when there is documented evidence that payment of the arrears is necessary for the participant to obtain utility service.

O. **Veteran** means a person who:
   - Served on active duty with the Armed Forces of the United States:
     - For a period of more than 90 consecutive days beginning on or before January 31, 1955, and was discharged or released under honorable conditions;
     - For a period of more than 178 consecutive days beginning after January 31, 1955, and was discharged or released from active duty under honorable conditions;
     - For 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability;
     - For 178 days or less and was discharged or released from active duty under honorable conditions and has a disability rating from the United States Department of Veterans Affairs; or
     - For at least one day in a combat zone and was discharged or released from active duty under honorable conditions;
   - Received a combat or campaign ribbon or an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions; or
   - Is receiving a nonservice-connected pension from the United States Department of Veterans Affairs.
AMEND: 813-046-0021

RULE SUMMARY: Amends definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-046-0021
Administration

(1) The department may contract with subgrantee agencies to provide program services at the local level. In a service area where a Community Action Agency exists, the Community Action Agency has a conditional right of first refusal to serve as the subgrantee agency for the service area.

(2) The department will allocate program funds to subgrantee agencies for the various service areas through a formula established by the department prior to the allocation process. However, the department reserves the right to modify such formula at any time, in its sole discretion.

(3) A subgrantee agency may subcontract with other organizations that meet the requirements of ORS 458.505(4) to provide program services in the subgrantee agency's service area.

(4) A subgrantee agency shall identify potential applicants, certify eligibility and provide program services to eligible households within its service area. Whenever appropriate, program participants will be assisted in accessing other services designed to meet other, longer-term needs.

(5) The department normally representatives will attend and participate in program training made available or conducted by OHCS.

(6) OHCS will fund only one subgrantee agency within any service area. However, the department may, in its sole discretion, allow two or more subgrantee agencies to operate within a common service area. In such cases, the subgrantee agencies shall enter into a written agreement with the department, satisfactory to the department, in its sole discretion, in order, inter alia, to ensure full access to program services for all eligible households within the service area, to the extent of available funding and to prevent duplication of services.

(a) A subgrantee agency may expend up to an amount authorized by the department in writing for reimbursement of reasonable and appropriate administrative costs. Administrative costs include all EHA costs that are administrative in nature and not directly related to the delivery of EHA services.

(b) If a subgrantee agency subcontracts with another organization to provide program services, that organization may expend up to an amount for administrative costs that does not exceed the subgrantee agency's proportionate share of the amount authorized by the department for reasonable and appropriate administrative costs of the funding award.

(e) The ultimate determination of reasonable and appropriate administrative costs is reserved to the department in its sole discretion.

(f) A subgrantee agency and its subcontractors shall comply with the terms of the funding agreement and all other program requirements, including, but not limited to, department directives (including deficiency notices), applicable local, state and federal laws, rules (including the program Manual), regulations, executive orders, local ordinances and codes.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
813-046-0040

(1) Program EHA services shall be available to low income and very low income households including but not limited to veterans, persons more than 65 years of age, persons with disabilities, farmworkers and Native Americans that households who:

(a) Have an income equal to or less than 80% of the area median income, based on U.S. Department of Housing and Urban Development (HUD)-determined guidelines, as adjusted for household size; and

(b) Are homeless or unstably housed and at risk of becoming homeless, as defined in the program in SHF Manual.

(2) EHA subgrantee agency may consider services may be available to household's self-declaration or referral of a household from local, state or federal human service agencies if no other verifiable documentation is available, to determine eligibility of that household for program services with members including, but not limited to, veterans, persons more than 65 years of age, persons with disabilities, farmworkers and Native Americans.

(3) A subgrantee will not require legal status of household members as an applicant eligibility criterion.

(4) Eligibility documentation for veterans housing stabilization services must include service discharge papers, DD214 identification document or other acceptable Veteran's Affairs documentation. Self-declaration of veteran status is not acceptable.

(5) A subgrantee agency will not require residency within its service area or legal status as a client may consider a household's self-declaration or referral of a household from local, state or federal human service agencies for EHA services, if no other verifiable documentation is available (except Veteran status), to determine eligibility criterion.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
813-046-0045
Use of Funds ¶

(1) Program EHA funds will be used for eligible EHA services within the allowable program components and activities as further defined in the funding agreement and program manual.

(2) Program EHA funds may be used to supplement existing funds or to support existing programs or establish new programs. EHA funds, granted or otherwise awarded, shall not be used by a subgrantee agency to replace funds currently being received from other sources, available or reasonably expected to be available to the subgrantee agency but may be used to supplement existing funds or to support existing programs or establish new programs.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
(1) Prior to providing any EHA services, a subgrantee agency shall submit on a biennial basis, a funding application satisfactory to the department, including a work plan for funding agreement satisfactory to OHCS, which must be approved by the department, in writing, before being operative. The subgrantee agency shall adhere to the department’s OHCS requirements and deadlines for obtaining approval of this funding application. A funding application is subject to approval, including as modified by the department, or disapproval by the department.

(2) A subgrantee agency’s funding application shall include details satisfactory to the department on how the subgrantee agency provided a meaningful opportunity for participation in the development of the work plan by the local or regional continuum of care, local service providers, advocates, clients, businesses, churches, citizens, governments, and other interested stakeholders.

(3) A subgrantee agency’s funding application must meet all requirements established by the department for the form and content of the funding application’s application for funding agreement must meet all requirements established by OHCS. In cases where a Community Action Agency has the conditional right of first refusal for antipoverty program administration, and the Community Action Agency cannot meet the requirements for the form and content of the funding application, the department, in its sole discretion, may allow other eligible organizations to submit a funding application with respect to funding agreement for that service area.

(4) Funding applications will be evaluated by the department for sufficiency with respect to application for funding agreements will be evaluated by OHCS to meet EHA Program and application sufficiency requirements. Sufficiency is based on the quantity, thoroughness and quality of performance that is satisfactory to OHCS. This includes, but is not limited to, providing relevant information necessary for OHCS to assess subgrantee’s compliance with relevant EHA requirements and that such provision of EHA services are consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by OHCS.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
AMEND: 813-046-0061

RULE SUMMARY: Clarifies definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-046-0061
Reporting and Recordkeeping ¶

(1) Subgrantees and their subrecipients shall maintain accurate financial records satisfactory to the department, which document, inter alia, the receipt and disbursement of all funds provided through the program by EHA by OHCS; and have an accounting system in place satisfactory to the department, which meets, inter alia, generally accepted accounting principles. ¶

(2) Subgrantees and their subrecipients shall maintain other program EHA records satisfactory to the department and consistent with EHA requirements, which document, inter alia, client eligibility, receipt of allowable program EHA services, termination of EHA services and the basis for same, housing status of clients, administrative actions, contracts with subrecipients, review of subrecipient performance, action taken with respect to deficiency notices, and any administrative review proceedings. Such records shall be in substance and format satisfactory to the department. ¶

(3) Subgrantee agencies shall provide the department with all required reports, data, and financial statements by department-determined submission deadlines including:

(a) Program EHA reports detailing the progress made toward meeting program EHA performance measures and EHA service delivery objective(s); and ¶

(b) Fiscal reports detailing all administrative and program EHA costs; ¶

(4) (a) Subgrantee agencies and their subcontractor recipients shall furnish representatives of the department, the Oregon Secretary of State’s Office, the federal government, and their duly authorized representatives’ access to, and permit copying of, all electronic records and books, accounts, documents, and records, and allow reasonable access to the project and other property pertaining to the program, at any such representative’s request. ¶

(b) Subgrantee agencies and their subcontractors shall cooperate fully in any inspections or other monitoring actions taken by the department, the Oregon Secretary of State’s Office, the federal government, and their duly authorized representatives. ¶

(c) Subgrantee agencies and their subcontractor recipients shall retain and keep accessible all program EHA records for a minimum of five (5) years, or such longer period as may be required by applicable law and state records retention requirements, following final payment and termination of program involvement, or until the conclusion of any audit, controversy or litigation arising out of or related to the program, whichever date is later. ¶

(5) Subgrantee agencies. ¶

(5) Subgrantees and their subrecipients shall ensure that data is reported, collected and organized accurately, timely, and otherwise in a manner satisfactory to the department through the use of a department-approved Homeless Management Information System (HMIS). ¶

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
AMEND: 813-046-0065
RULE SUMMARY: Clarifies definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-046-0065
Compliance Monitoring; Remedies ¶

(1) The department OHCS will conduct reviews, audits and other compliance monitoring as it deems appropriate with respect to each subgrantee agency and its subcontractors, inter alia, recipients to verify compliance with program EHA requirements. Subgrantee agencies and their subcontractor recipients will cooperate fully with the department OHCS in its all compliance monitoring activities. ¶

(2) Subgrantee agencies shall require, by contract, and monitor their subcontractor recipients’ compliance with all program EHA requirements including, but not limited to, recordkeeping and retention of records and department OHCS compliance monitoring and enforcement. ¶

(3)(a) The department OHCS may take such remedial action as it deems appropriate including, but not limited to, terminating its the funding agreement (see OAR 813-046-0050) with a subgrantee agency and requiring repayment of partial or all program EHA funding, if it OHCS determines, (in its sole discretion), that the performance of the subgrantee agency or any of its subcontractor recipients is deficient in any manner, including with respect to program EHA requirements. ¶

(b) The department OHCS will notify a subgrantee agency of deficiencies identified through the monitoring process and provide documentation for the basis of such determination and the specific deficiency or deficiencies that must be corrected. ¶

(c) The department OHCS will require the subgrantee to correct any deficiencies in a manner and time frame satisfactory to the department OHCS and may offer training and technical assistance to the subgrantee. ¶

(d) The department OHCS, at its sole discretion, may offer the subgrantee agency assistance in the development of a corrective action plan. If a corrective action plan is allowed, the department OHCS will review and issue a decision on whether to approve or disapprove. ¶

(4) The department OHCS will provide adequate notice and opportunity for an appeal administrative review prior to a remedial action that terminates organizational eligibility for program EHA funding for cause. ¶

(5) Appeals Requests for administrative review will be addressed to the assistant director of the Housing Stabilization Division of OHCS or designee whose decision may be further appealed to by the department OHCS director. ¶

(6) Issuance of a deficiency notice shall not constitute a waiver of other remedies available to the department or preclude the department OHCS or preclude OHCS from exercising such other remedies available to it under the funding agreement or other program EHA requirements, at law or otherwise.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
813-046-0070
Challenge of Subgrantee Action ¶

(1) Local interest groups, service providers or others aggrieved by a subgrantee agency with respect to its program obligations may submit a written request to the department for its review of such contested action. Any person or entity aggrieved by a subgrantee administering or providing EHA services may challenge the subgrantee’s action, but only after first exhausting the applicable administrative review process furnished by the relevant subgrantee agency and entering the subgrantee’s administrative review process (see OAR 813-046-0081). Any person or entity who received either an unsatisfactory determination or refusal of a review by the subgrantee may submit a request to OHCS within thirty (30) days of that administrative review determination or refusal by the subgrantee agency to provide such administrative review.

(2) The department may accept or deny a request for its administrative review. ¶
(2) OHCS may accept or deny a request to conduct a subgrantee administrative review, in whole or in part, at its sole discretion. Any department OHCS review will be in the manner determined appropriate by the department OHCS and may include, but will not necessarily be limited to, review of provided information. ¶

(3) If the department OHCS accepts the review request, the requester(s) of the review, the subgrantee agency, and relevant subcontractor recipients will produce all information required by the department OHCS, including requested affidavits or testimony. ¶

(4) The department OHCS may make a determination on a review request and require such remedial action as the department OHCS determines, in its sole discretion, to be appropriate. ¶

(5) Department OHCS review will not take the form of a contested case review under ORS Chapter 183 unless specifically so stated in writing by the OHCS director in writing. ¶

(6) Timely request for department OHCS review by an aggrieved person or entity and its completion to final order by the department OHCS are requirements for exhaustion of administrative remedies by such aggrieved person or entity. Statutory/Other Authority: ORS 456.555 Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
(1) Subgrantee agencies will establish in writing a process satisfactory to the department that in a timely manner, OHCS that enables beneficiaries of, and applicants for, EHA services to contest a determination by the subgrantee agency or its subcontractor recipients that:

(a) Denies or limits the eligibility of a beneficiary or applicant for EHA benefits or other assistance; or
(b) Terminates or modifies EHA benefits or other assistance awarded by the subgrantee agency or subcontractor or subrecipient to a beneficiary.

(2) Persons aggrieved by the act of a subgrantee agency or its subcontractors described in subsection (1) entities may request administrative review of such action by the subgrantee agency within the time frame and pursuant to the process established by the subgrantee agency consistent with program requirements. At all times, a subgrantee’s or subrecipient’s contested action described in subsection (1) above. The subgrantee agency will allow a minimum of thirty (30) days within which an aggrieved person may request review from the time of the contested action or the aggrieved person’s reasonable discovery of such action, whichever is longer.

(3) The subgrantee agency will inform the department ultimate determination of an aggrieved person’s reasonable discovery period is reserved to OHCS, in its sole discretion.

(4) The subgrantee agency will inform OHCS in writing of any request by an aggrieved party for administrative review within ten (10) days of such request.

(5) The subgrantee agency will inform the department OHCS and the aggrieved party in writing of any final administrative review determination made by the subgrantee agency, and the basis for same, and reasoning within ten (10) days of such final determination.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT


LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov
Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301

Filed By:
Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 9:00 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer St NE, Room 124B
Salem, OR 97301

SPECIAL INSTRUCTIONS:
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Incorporates new Manual, creates consistency in language between divisions, and amends definitions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
None.
**FISCAL AND ECONOMIC IMPACT:**
No fiscal or economic impact.

**COST OF COMPLIANCE:**
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).
There is no cost to comply.

**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES**

**HOUSING IMPACT STATEMENT:**
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

**RULES PROPOSED:**

**AMEND:** 813-053-0000

**RULE SUMMARY:** Amends statutory reference and creates consistency in language between divisions.

**CHANGES TO RULE:**
813-053-0000

Purpose and Objectives

OAR chapter 813, division 053, is promulgated to accomplish the general purposes of ORS 458.505, 458.600 to 458.620 and particularly 458.375, and to 458.377. ORS 458.505 identifies the community action agency network as the delivery system for federal antipoverty programs in Oregon. ORS 458.650 designates the Oregon Housing and Community Services Department (OHCS) is designated as the state agency responsible for administering state and federal antipoverty programs in Oregon. The Elderly Rental Assistance Program authorized under ORS 458.375 and 458.377 (ERA) addressed in this division (OAR 813-053) is one such antipoverty program, subject to department OHCS administration and has as its purpose the funding of ERA Program is to fund local homeless programs to assist very-low-income homeless persons or those persons who are households who are homeless or at risk of becoming homeless and unstably housed, where a household member is 58 years of age or older, to attain housing stability.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, ORS 458.375, ORS 458.650377
AMEND: 813-053-0010

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-053-0010
Definitions ¶

All words and terms that are used in OAR chapter 813, division 053 are defined in the Act, and in 813-005-0005 and 813-005-0015 and below. As used in OAR chapter 813, division 053, unless the context indicates otherwise:

1. “Administrative costs” means all program costs that are not directly related to delivery of program services.

2. “Assistant director” means the department’s assistant director for the housing stabilization programs.

3. “Community action agency” or “CAA” means a private, nonprofit corporation organized under ORS Chapter 65, or an office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505(4).

4. “Conditional” means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, satisfying the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required) relevant documents.

5. “Department” or “OHCS” means the Housing and Community Services Department for the state of Oregon.

6. “Director” means the department director as appointed by the governor.

Terms used throughout this division (OAR 813-053) may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used within this division observe those definitions, except as defined below:

7. “Elderly household” means an individual living alone, a family with or without children, or a group of individuals who are living together as one economic unit, where at least one member of the household is age 58 or older.

8. “Fund” means the Elderly Rental Assistance Fund created within the State Treasury, separate and distinct from the General Fund.

9. “Funding agreement” means that master grant agreement or other written agreement, together with all incorporated documents and references, to be executed by and between the department and subgrantee agency in form and substance satisfactory to the department as a condition precedent for receipt of program funding from the department.

10. “Funding application” means the subgrantee agency’s application to the department for a program grant.

11. “HMIS” means the Homeless Management Information System.

12. “Homeless” means an individual, family or household that lacks a fixed, regular and adequate nighttime residence or is unstably housed in accordance with department categorical definitions. Categorical definitions are contained in the program manual.

13. “Household income” means the total household income from all sources before taxes. Income under this definition may be reduced by deductions allowed by the department in compliance with program requirements. Income does not include assets or funds over which the applicant or household has no control.


15. “Program” or “ERA” means the Elderly Rental Assistance program administered by the department pursuant to this division Program” or “ERA” means the program administered by OHCS, pursuant to this division (OAR 813-053) and other applicable law.

16. “Program manual” or “manual” means the Elderly Rental Assistance Program Operations Manual, effective as of May 16, 2017 and as amended from time to time, incorporated herein by this reference. The manual may be accessed online on the department’s website.

17. “Program requirements” means all funding agreement terms and conditions (including work plan objectives), applicable federal statutes and regulations, applicable State statutes, applicable OHCS and other administrative
rules, manuals, and orders (including deficiency notices), as well as applicable local codes, ordinances, and resolutions (including all of the foregoing as amended from time to time).

(18) “Program services” means allowable services for transitional housing, supportive in-home services, rapid re-housing, homelessness prevention, data collection, and case management and housing stabilization services, as defined in the department program manual and eligible for funding under the program.

(19) “Self-sufficiency” means meeting basic needs and achieving stability in areas including, but not limited to, housing, household income, nutrition and health care, and accessing needed services.

(20) “Service area” means the specific geographic area or region within which a subgrantee agency provides program services directly or by contract.

(21) “Subcontractor” or “subrecipient” means a nonprofit corporation established under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

(22) “Subgrantee agency” or “agency” means a private, nonprofit corporation organized under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235 or a local government as defined in ORS 197.015 with whom the department has contracted to administer program services at the local level.

(23) “Sufficiency” means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree for the department to assess appropriately subgrantee agency’s compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by the department.

(24) “Work plan” or “plan” means the subgrantee agency’s plan for use of program funds as approved by the department, which is part of its approved funding application, and included in its funding agreement with the department.

(25) “Very-low income household” means a household with an annual household income that is fifty (50) percent or less of the area median income based on HUD determined guidelines, adjusted for family size or “ERA Manual” means the manual, dated July 1, 2019, incorporated herein by reference. The ERA Manual may be accessed online on the OHCS website.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, ORS 458.375, ORS 458.650377
Elderly Rental Assistance Program Operations Manual

Elderly Rental Assistance (ERA)

Prepared by: Oregon Housing and Community Services Department
April 19, July 1, 2019

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www.ohcs.oregon.gov
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1. **Program Summary**

   Elderly Rental Assistance (ERA) provides state funds to defray the cost of rental housing for very-low income households that are homeless or unstably housed and at risk of homelessness, where at least one household member is 58 years or older. ERA funds are available for the following program components: transitional housing; rapid re-housing; homelessness prevention; supportive in-home services; case management; program administration and data collection.

2. **Client Applicant Eligibility**

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<td>• unstably housed</td>
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<td>Income Requirement</td>
<td>50% or below area median income</td>
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<td>Age</td>
<td>One member of the household must be 58 years or older</td>
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   **(A) Household Composition**

   “Household” means an individual living alone, family with or without children, or a group of individuals who are living together as one economic unit. At least one member of the household must be at least 58 years of age.

   **(B) Housing Status**

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

   **Category 1: Literally Homeless**—Individual or family who 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 human habitation (including, but not exclusive to, a car, park, abandoned building, bus or train station, airport or camping ground);
   - Living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional shelter, and hotels or motels paid for by charitable organizations or by federal, state or local government programs);
   - Exiting an institution where he or she has resided for 90 days or less AND who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

   **Category 2: Imminent Risk of Homelessness**—Individual or family who will imminently lose their primary nighttime residence provided that:
• The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
• No subsequent residence has been identified; **AND**
• The individual or family lacks the resources or support networks (e.g., family, friends, faith-based or other social networks) needed to obtain other permanent housing.

*CATEGORY 3: HOMELESS UNDER OTHER FEDERAL STATUTES*—Not applicable to ERA.

*CATEGORY 4: FLEEING/ATTEMPTING TO FLEE DOMESTIC VIOLENCE*—Individual or family who:
• Is fleeing, or is attempting to flee, domestic violence;
• Has no other safe residence; **AND**
• Lacks the resources or support networks to obtain other permanent housing.

*CATEGORY 5: UNSTABLY HOUSED*—Individual or family who:
• Is at risk of losing their housing, and does not otherwise qualify as homeless under the above listed (1-4) categories, provided that:
• They have been notified to vacate current residence or otherwise demonstrate high risk of losing current housing; **AND**
• Lack the resources or support networks to obtain other permanent housing.

**(C) INCOME**

ERA-provided services require applicants to be very-low income; i.e., gross household income at or below 50% of area median income.

Income includes the current gross income of all adult household members at the time of assessment. Income earned by household members who are minors or full-time students and are not considered heads of household is excluded. While household assets should be identified to determine that a program applicant lacks the resources to obtain or retain permanent housing, they are generally not counted as income. Documentation of income for 30 days prior to the assessment must be kept in the **client**-applicant file. If income statements are not available for 30 days prior to the assessment, the **client**-applicant must self-certify the previous 30 days of income.

> **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.
(D) **Citizenship and Residency**

There is no client citizenship or residency requirement to be eligible for ERA-funded assistance.

(E) **Assessment**

(1) All applicants must be assessed to determine eligibility for receipt of ERA-funded assistance.

(2) The staffing cost to complete the assessment and confirm eligibility is eligible for ERA payment, even if it is determined from the evaluation that the applicant is not eligible for ERA-funded assistance.

(F) **Eligibility Documentation**

(1) Documentation of all client-applicant eligibility information must be available in client/applicant files or if kept electronically, available upon request in the format requested. 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.

(2) OHCS requires program staff to comply with the following general documentation standards listed in order of preference:

- **Third-party documentation**, where it is available, is the preferable form of documentation. Third party documentation includes verification from an employer, landlord, public benefit worker, agency service provider, etc. Written verification sent directly to program staff or via the applicant is preferred.

- **Intake Worker Observation** 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 Intake Worker. 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 applicant’s file.

- **Participant-Applicant Self-Certification** requires a written and signed document by the individual or head of household seeking assistance attesting to the facts for which they are certifying. A third-party may be designated by a participant applicant to sign documents on their behalf when they are unable to do so. It is the responsibility of the subgrantee agency to provide access to language interpretation services and assistive devices necessary for participants-applicants to understand the documents they are certifying.

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.
Observation) when lower forms of preference are used, must be in writing and kept in the client’s/applicant’s file.

(3) Simplified Documentation Option
When a subgrantee or subrecipient moves an active client from the Housing Stabilization Program (HSP) to EHA, LIHGF, SHAP or Elderly Rental Assistance (ERA) programs or an active client moves between state funds (EHA, LIHGF, SHAP, ERA), they may choose to use a simplified documentation process for the client’s homeless status and income; whereby the subgrantee or subrecipient case manager verifies that the client meets the homeless status and income of the funding source at the time of entry and that the client is eligible for the funding source to which they are moving, without requiring additional documentation. Documentation from the original source of funding must be readily accessible for monitoring purposes. To use the Simplified Documentation Option, there can be no lapse in service from one program to the other.

Subgrantee and subrecipient may use the sample form provided on the OHCS website to document the client file using this simplified documentation option.

Emergency Solution Grant (ESG) and HOME Tenant Based Assistance (HTBA) funds still require separate documentation and are not subject to a simplified documentation option.

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

ERA can be used in one or more of the following program components:

(A) Supportive In-Home Services
(B) Transitional Housing
(C) Homelessness Prevention & Rapid Re-Housing
(D) Case Management and Housing Stabilization Services
(E) Data Collection

(A) Supportive In-Home Services
ERA funding can pay for supportive services designed to enable persons to continue living in their own homes when in-home supportive programs are not available or accessible in their service area. Case manager must document, in the client file, the efforts to find other in-home service options. Eligible services include, but are not exclusive to:

(1) Housing modifications to address mobility or safety barriers;
(2) Life skills training and assistance;
(3) Short-term personal care assistance;
(4) Case management;
(5) Needs assessment and linkage with appropriate health care management and safety services;
(6) Linkage with family support and/or community social support networks; and
(7) Costs to cover emergency situations that threaten the health and safety of the household.

(B) **Transitional Housing**

ERA funding can pay for temporary housing and services intended to facilitate a homeless household’s transition to permanent housing within a reasonable amount of time (usually less than 24 months). Transitional Housing is designed to provide interim support for seniors who are waiting for permanent placement in adult foster care, a facility, or other assisted housing.

Eligible services include, but are not exclusive to:

1. Transitional housing operational costs such as rent, maintenance, security, utilities;
2. Rent subsidy;
3. Housing relocation assistance, including staff time locating permanent housing and related upfront housing costs, such as application fees, moving costs, deposits (security & utility);
4. Support services, such as purchase of birth certificates, identification and driver’s license, credit repair assistance (not debt payment), tenant readiness education, food and clothing, crisis intervention/counseling, and transportation; and client direct services.
5. Case management.

(C) **Homelessness Prevention and Rapid Re-Housing**

ERA can pay for prevention services to enable households who are at imminent risk of homelessness or unstably housed and at risk of losing existing housing, to regain stability in their current housing or other permanent housing.

ERA can pay for rapid re-housing services to enable households who are literally homeless to transition directly to permanent housing.

Eligible homelessness prevention and rapid re-housing services include, but are not exclusive to:

1. Housing move-in costs such as rent payments and arrearages, manufactured home rental space “lot rent”, utility payments and arrearages (whenever feasible utility assistance payments should use Oregon’s emergency assistance funds), moving costs, security and utility deposits and application fees;
2. Landlord engagement (such as incentives, communication, newsletters, etc.);
3. Client direct services;
4. Case management and housing relocation assistance; and
(5) Self-sufficiency activities including education and training in such areas as personal finance and budgeting, job search and access to job training, and literacy.

(D) **Case Management and Housing Stabilization Services**
ERA funding may be used to support staff and related costs necessary to assist the client in activities that will stabilize the client’s housing status. Eligible services include, but are not exclusive to:

1. Housing search and landlord recruitment;
2. Assessment of client housing barriers, needs and preferences;
3. On-going case management;
4. Assisting with access to federal, state and local benefits;
5. Assisting to mediate between the client and landlord or other involved parties to prevent client from losing their housing.

Subgrantees and subrecipients are expected to link program participant(s) to other longer-term case management and support resources whenever feasible through other programs within the agency, or through programs offered by local branches of state offices and/or other community providers.

(E) **Data Collection**
ERA funding may be used to support staff and related costs necessary to collect and report client services, client demographic data, performance outcomes and other reporting requirements. Eligible data collection costs include, but are not exclusive to:

1. HMIS licenses;
2. Data entry;
3. Equipment upgrade;
4. Network system upgrade (it is recommended that systems be networked); and
5. Staff training.

(F) **Ineligible Activities and Costs**
Ineligible activities cannot be funded with ERA and include, but are not exclusive to:

1. Rental assistance to a program participant who is already receiving rental subsidy through other public sources (payment of arrearages and deposits for persons receiving subsidy through other sources is allowed);
2. Payments made directly to program participants;
3. Payments of a mortgage or land contract;
4. Payments to assisted living or care facilities;
5. Payments of costs of discharge planning programs in mainstream institutions; and
(6) Purchase of gift cards for program participants, with the single exception of gas payments as a transportation expense. See definition of transportation in the Definitions section of this manual.

4. Determining Amount and Duration of ERA Subsidy

(A) The ERA program is designed to provide flexibility of use for subgrantees, and subrecipients who may choose to develop their own program standards within the program restrictions set out in this manual. Subgrantees and subrecipients may set ERA program requirements to align with, or compliment, other program policies, or use as a stand-alone program. Possibilities of additional program development at the subgrantee and subrecipient level include, but are not exclusive to;

(1) Limiting the maximum number of months served or dollars expended per client; or
(2) Identifying subpopulations for outreach or prioritized service; or
(3) Establishing additional program policies, e.g.; when, or if, to complete income recertification; or maximum amount to pay for a security deposit.
(4) Developing protocols for flexible client rent share payments to support stability in permanent housing and to maximize the capacity of ERA funds.
(5) Limits on allowable rent increases by landlords during or at the end of a lease period for clients being assisted with ERA.
(6) Housing quality standards to ensure safe and healthy living environments for clients being assisted with ERA.
(7) Developing strategies that align with other housing subsidies to support stability in permanent housing for clients being assisted with ERA.

(B) The rent assistance model developed by the subgrantee and subrecipient must be consistently implemented for all households within the program and communicated in advance to eligible clients.

(C) The amount of rent assistance offered must be the least amount needed to keep the client in their permanent housing.

5. Rent Reasonableness

Subgrantees and subrecipients are required to set rent reasonableness standards based on the market rent of other units of similar location, type, size, and amenities within the community. Rent reasonableness standards govern the amount of rent acceptable for the unit.

Subgrantees and subrecipients must determine the method(s) they will use to establish the rent reasonableness standards for their areas. Subgrantees and subrecipients should consider the location, quality, size, type, and age of the unit, and any amenities, maintenance, and utilities provided by the landlord. A list of comparable rents can be compiled by using a market study of rents charged for units of different sizes in different locations 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 Appendix 1: Applicable Rules and Regulations.

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

The rent reasonableness review completed for each unit must be documented in the case file. Use of a single form to collect data on rents for units of different sizes and locations will make the data collection process uniform. A sample “Rent Reasonableness Checklist and Certification” form is included in the sample forms available on the OHCS web site.

Many landlords will request a rent increase during or at the end of a lease period. Subgrantee and subrecipient must again determine that the proposed rent increase is reasonable in comparison to rents charged for comparable, unassisted units.

11. Calculating Gross Rent

Gross rent consists of the monthly rent, any monthly fees required by the landlord and the monthly utility allowance calculated for that rental unit.

Program participants must pay 30% of monthly income towards gross rent.

14. Housing Standards

( ) 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.

There may be circumstances where it is not appropriate for two persons to share a bedroom. As examples, these occur when the household includes:

- Persons of different generations, persons of the opposite sex, and unrelated adults;
- A live-in care attendant who is not a member of the household; or
- Members with medical problems who need privacy or space for medical equipment.

22.5 General Program Requirements

(A) 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;
2. Maximizing participation in Coordinated Entry;
3. Ensuring availability of low-barrier shelters in the community;
4. Incorporating the lived experiences of homelessness into program design and implementation; and
5. Ensuring service provision has components for equity and racial justice.

(B) 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

(C) 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.

(D) Outreach
Subgrantees and subrecipients are encouraged to determine the most vulnerable and underserved sub-populations in their service area and tailor their outreach efforts to reach those households as well as households that are least likely to apply for assistance.

(E) Release of Information
Client information (including identifying the person as a client) must 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 data collection and reporting and other relevant need for sharing information. 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.

**Confidentiality**

Subgrantees and subrecipients must have policies and procedures that ensure all client information and records are secure and confidentially maintained. Subgrantee and subrecipient officers, employees and agents must be aware of and comply with the subgrantee’s and subrecipient’s confidentiality policies and procedures.

Confidential records includes all applications, records, files, and communications relating to applicants for, and clients of, ERA-funded services.

Electronic collection of client information requires procedures for ensuring confidentiality including:

- Computer terminals must be located in a secure location, limiting access to only those persons who have a legitimate interest in and are responsible for 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; and
- Access to personally identifiable HMIS data shall be given to only authorized personnel as necessary for performing the work required for the ERA program.

**Note to Domestic Violence Providers:**

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.

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 ERA-funded programs.

**Service Termination or Denial of Assistance**

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

Subgrantees and subrecipients are required to provide written notice to applicants/clients when denied program assistance or assistance is terminated. The notice must include the specific reason(s) for the denial/termination and identify the steps to appeal the subgrantee’s decision.

(H) **Grievance and Appeals Process**

Subgrantees and subrecipients are 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 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 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; and
- 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 administrative review 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.
Nondiscrimination

Subgrantees and subrecipients are required to comply with all state and federal statutes relating to nondiscrimination. Subgrantee and subrecipients 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.

Screening criteria cannot be discriminatory and must be consistently applied. For example, a provider might decide to give priority to clients who graduate from a tenant readiness education 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 tenant readiness education experience could receive priority over the applicant who does not; however, providers should always accept the first applicant meeting their criteria or prioritization policy.

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.

Limited English Proficiency

The Federal government has issued a series of policy documents, guides and regulations describing how subgrantees and subrecipients 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.

Subgrantees and subrecipients 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 subrecipients 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 subrecipients 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.

(K) **Conflict of Interest**

Subgrantee and subrecipient must keep records to show compliance with program conflict of interest requirements.

(1) **Organizational**

The provision of any type or amount of 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 or subrecipient has ownership interest. Subgrantee and subrecipient would need to find another independent organization that is also an OHCS subgrantee to do the intake assessment and ensure that all program participants are eligible even if the subgrantee or subrecipient has a waiver of the conflict of interest requirements. Conflict of interest waivers regarding rent assistance and rental agreement requirements can only by approved by OHCS. If a subgrantee or subrecipient wishes to apply for a waiver, they should contact the OHCS homeless program analyst or manager for guidance in submission of a waiver request, which must be approved by OHCS.

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.

(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 or
subrecipient agency. No person who exercises or has exercised any functions or responsibilities with respect to activities assisted under the programs, or who is in a position to participate in decision-making processes or gain inside information with regard to activities assisted under the programs, 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 a family or business tie, during his or her tenure or during the one-year period following his or her tenure.

(L) **Homeless Coordinated Entry Process**
Subgrantees and subrecipients are required to actively participate in and promote the Continuum of Care (CoC) coordinated entry process for their service area.

### 23.6 Financial Management

(A) **Administration**
Subgrantees are allowed to use up to **fifteen percent** (15%) of their total ERA allocation for administrative costs, including those allowed for subrecipient organizations with whom the subgrantee contracts.

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.

(B) **Use of OPUS**
The OPUS System is a web-based centralized data system designed to meet fiscal tracking and payment-processing needs. Subgrantee staff must complete training before being authorized to use the fiscal operations program of OPUS. Training can be 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  
**Ph:** (503) 986-2099  
**Toll Free:** (800) 453-5511 Option 6

### (C) Request for Funding Documentation

Subgrantees must retain supporting documentation of all costs charged to the ERA 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.

### (D) Budget Change Requests and Work Implementation Plan 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.

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

Work Plan Implementation Report Amendments are required when there is a shift in program delivery and/or scope of work. All Work Plan Implementation Report Amendments require OHCS approval by submitting a Work Plan Implementation Report Amendment Request form electronically to: crd.reports@oregon.gov.

### (E) 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.

### (F) 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.
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.

24.7 Data Requirements

(A) Data Entry
Subgrantees and subrecipients are required to enter ERA-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 Quality
The HUD CoC APR Data Quality/Completeness and Data Completeness Report Card (EE) is measured by the percent of valid data collected for each data element. “Client doesn’t know”, “Client refused”, and “Data not collected” are considered invalid responses and will count against data quality. Subgrantees and subrecipients are required to run data quality reports periodically (preferably monthly). Use of the HUD CoC APR Data Quality/Completeness and Data Completeness Report Card helps to ensure data is being entered with valid responses.

(E)(C) 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

**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

25.8 Reporting Requirements

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.

(A) System Wide Performance Measures 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 – Ending Homelessness, Preventing Homelessness, Inclusion and Diversity, and Capacity of the Community (EPIC), as referenced in the Master Grant Agreement. The EPIC Card 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.

26.9 Records Requirements

(A) Client File Documentation

Sufficient records must be established and maintained to enable OHCS to determine whether ERA requirements are being met. Subgrantee must make sure any subrecipients assisting subgrantee with the ERA 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;
- Verification of age;
- Homelessness or unstably housed verification;
• Evidence applicant has no subsequent housing options and lacks sufficient resources to obtain or retain housing;
• Rent Reasonableness documentation;
• Verification of client income and assets;
• If services include payment of rent: calculation to determine tenant’s rent portion
• Amount and type of services provided;
• Verification of outstanding rent or utility arrears;
• Case notes;
• 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 subrecipient shall retain all program records pertinent to client services and expenditures incurred under ERA 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).

Subgrantees and subrecipient shall retain and keep accessible all such fiscal 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 ERA funding, or until the conclusion of any audit, controversy or litigation arising out of, or relating to, ERA.
Subgrantee and subrecipient shall retain and keep accessible all such program records, client records, digital and electronic records, books, documents, papers, plans, and writing for a minimum of five (5) years after final payment to client.

(E) Available Forms
Program forms and reference documents are available for download from the OHCS website. Subgrantee and subrecipient may use these standard forms or acceptable equivalents when administering its ERA 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.

27.10. Monitoring
OHCS will conduct a program monitoring of subgrantees once every three years or more frequently at OHCS’ discretion. Fiscal monitoring will be conducted annually unless circumstances require sooner. Subgrantees will be notified thirty (30) days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff or Board interviews. OHCS will provide subgrantees with a written monitoring report inclusive of any findings, concerns or comments. Subgrantees are required to submit timely corrective action to findings and failure to do so may result in the withholding and/or return of ERA funds to OHCS.

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 Work Plan Implementation Report Amendment Request form.

28.11. Subrecipient Monitoring
Subgrantees must monitor their subrecipient organizations at least once during a biennium or the term of the Master Grant Agreement, as determined by OHCS. Subrecipient organization monitoring procedures must be in place and adequately ensure compliance with ERA program requirements. Monitoring reports will be retained by the Subgrantee and available for review by OHCS or other authorized entity.

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.

(remainder of page left blank intentionally)
29.12. Applicable Rules and Regulations

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

1. ORS 456.515 through 456.725: Housing and Community Services Department
2. ORS 458.375: Rental housing assistance for very low income elderly persons
3. ORS 458.377: Elderly Rental Assistance Fund
4. ORS 458.505 through 458.545: Community Services Program
5. ORS 458.600 through 458.650: Oregon Housing Fund
6. OAR 166-300: State Agency Record Retention Schedule
7. OAR 813-370: Elderly Rental Assistance
11. This manual, as guidelines for ERA are amended from time to time along with all other references made within this manual. All references made in this manual are understood to be as written, and as amended from time to time.
12. ORS cited are amended from time to time and can be found at: https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx
13. OARs cited are amended from time to time and can be found at: http://arcweb.sos.state.or.us/pages/rules/access/numerically.html
30.13. **Definitions**

**A. 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’ right 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.

- **EPIC Card** 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.

- **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.

- **Transportation Payments** may include bus/train passes, fuel vouchers, vehicle insurance payments or vehicle repair. Payments that allow clients to use public transportation are the highest priority; however, case managers have the discretion to provide payments for private transportation. Case managers must document why private transportation options are preferred over public transportation options and that the expense will lead to the stabilization of housing. Car repairs for a vehicle not owned by an individual in the household are not allowed and client must have a valid driver’s license. Gift cards may be used ONLY as a gas payment and the expense must have a receipt in the file. If there is no receipt of purchase using the gift card, the cost would not be allowed.

- **Utility arrearage** assistance is past due utilities and can only be provided when there is documented evidence of a utility bill in the participant’s name. Utility arrears assistance must result in utilities being turned on at the new permanent housing location. If arrears are owed to a previous utility company or to a collection agency, these arrears may be paid, but only when there is documented evidence that payment of the arrears is necessary for the participant to obtain utility service.
AMEND: 813-053-0020

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-053-0020

Administration ¶

(1) The department OHCS may contract with subgrantee agencies to provide program ERA services at the local level. In a service area where a Community Action Agency exists, the Community Action Agency has a conditional right of first refusal to serve as the subgrantee agency for the service area. ¶

(2) The department normally OHCS will allocate program ERA funds to subgrantee agencies for the various service areas through a formula established by the department OHCS prior to the allocation process. However, the department OHCS reserves the right to modify such formula at any time, in its sole discretion. ¶

(3) A subgrantee agency may subcontract with other organizations that meet the requirements of OAR 813-053-0010(21 RS 458.505(4) to provide program ERA services in the subgrantee agency’s service area. ¶

(4) A subgrantee agency shall identify potential applicants, certify eligibility and provide program ERA services to eligible elderly households within its service area. Whenever appropriate, program participants will be assisted subgrantees shall assist ERA participants in accessing other services designed to meet other, longer-term needs. ¶

(5) The subgrantee agency normally representatives will attend and participate in ERA training made available or conducted by OHCS. ¶

(6) OHCS will fund only one subgrantee agency within any service area. However, the department OHCS may, in its sole discretion, allow two or more subgrantee agencies to operate within a common service area. In such cases, the subgrantee agencies shall enter into a written agreement with the department OHCS, satisfactory to the department OHCS, in its sole discretion, in order, inter alia, to ensure full access to program ERA services for all eligible elderly households within the service area, to the extent of available funding and to prevent duplication of services. ¶

(6f) A subgrantee agency may expend up to an amount authorized by OHCS for reimbursement of reasonable and appropriate administrative costs. Administrative costs include all ERA costs that administrative costs are not directly related to the delivery of ERA services. ¶

(b) If a subgrantee agency subcontracts with another organization to provide program ERA services, that organization may expend up to an amount for administrative costs that does not exceed the subgrantee agency’s proportionate share of the amount authorized by the department for reasonable and appropriate administrative costs of the funding award. ¶

(e) The ultimate determination of reasonable and appropriate administrative costs is reserved to the department in its sole discretion. ¶

(7) The funding award authorized by OHCS for administrative costs. ¶

(8) A subgrantee agency and its subcontractor recipients shall comply with the terms of the funding agreement (see OAR 813-053-0050) and all other program ERA requirements, including, but not limited to, department OHCS directives (including deficiency notices), applicable local, state and federal laws, rules (including the program ERA Manual), regulations, executive orders, local ordinances and codes.

Statutory/Other Authority: ORS 456.555
AMEND: 813-053-0030

RULE SUMMARY: Amends eligibility requirements, creates consistency in language between divisions, and amends definitions.

CHANGE TO RULE:

813-053-0030

ClieApplicant Eligibility ¶

(1) ProgramERA services shall be available to very low income elderly households where at least one member of the household is age 58 or older and the household 1) meets the definition of homeless in accordance with department categorical definitions and 2) is otherwise eligible. Categorical definitions are contained in the program manual. ¶

(a) Have an income equal to or less than 50% of the area median income based on U.S. Department of Housing and Urban Development (HUD)-determined guidelines, as adjusted for household size; and ¶

(b) Are homeless or unstably housed and at risk of becoming homeless, as defined in the ERA Manual. ¶

(2) A subgrantee will not require legal status of household members as an applicant eligibility criterion. ¶

(23) A subgrantee agency may consider an elderly household's self-declaration or referral of an elderly household from local, state or federal human service agencies for ERA services, if no other verifiable documentation is available, to determine eligibility of that household for program services. ¶

(3) Members of the elderly household must be Oregon residents.

Statutory/Other Authority: ORS 456.555

Statutes/Other Implemented: ORS 458.505, ORS 458.375, ORS 458.650377
AMEND: 813-053-0040

RULE SUMMARY: Amends to identify all uses of funds, creates consistency in language between divisions, and amends definitions.

CHANGE TO RULE:

813-053-0040
Use of Funds ¶

Program (1) ERA funds will be used for homeless eligible ERA services within the allowable program ERA components and activities as further defined in the funding agreement and program manual ERA Manual. ¶

(2) ERA funds may be used to supplement existing funds or to support existing programs or establish new programs. ERA funds, granted or otherwise awarded, shall not be used by a subgrantee to replace funds currently being received from other sources, available or reasonably expected to be available to the subgrantee.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, ORS 458.620, ORS 458.375, ORS 458.650377
RULE SUMMARY: Amends definitions, creates consistency in language between divisions, and amends to incorporate current program requirements.

CHANGES TO RULE:

813-053-0050
Funding Application for Funding Agreement

(1) Prior to providing any program ERA services, a subgrantee agency shall submit on a biennial basis, a funding application satisfactory to the department, including a work plan for funding agreement satisfactory to OHCS, which must be approved by the department OHCS in writing, before being operative. The subgrantee agency shall adhere to the department’s OHCS requirements and deadlines for obtaining approval of this funding application. A funding application is subject to approval, including as modified by the department OHCS, or disapproval by the department OHCS.

(2) A subgrantee agency’s funding application shall include details satisfactory to the department on how the subgrantee agency provided a meaningful opportunity for participation in the development of the work plan by the local or regional continuum of care, local service providers, advocates, clients, businesses, churches, citizens, governments, and other interested stakeholders.

(3) A subgrantee agency’s funding application must meet all requirements established by the department for the form and content of the funding application’s application for funding agreement must meet all requirements established by OHCS. In cases where a Community Action Agency has the conditional right of first refusal for antipoverty program administration, and the Community Action Agency cannot meet the requirements for the form and content of the funding application, the department OHCS in its sole discretion, may allow other eligible organizations to submit a funding application with respect to funding agreement for that service area.

(4) Funding Applications will be evaluated by the department for sufficiency with respect to application for funding agreements will be evaluated by OHCS to meet ERA Program and application sufficiency requirements. Sufficiency is based on the quantity, thoroughness and quality of performance that is satisfactory to OHCS. This includes, but is not limited to, providing relevant information necessary for OHCS to assess subgrantee’s compliance with relevant HSP requirements and that such provision of ERA services are consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by OHCS.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, ORS 458.375, ORS 458.650377
813-053-0060

Reporting and Recordkeeping ¶

(1) Subgrantees and their subrecipients shall maintain accurate financial records satisfactory to the department and otherwise OHCS and consistent with program ERA requirements, which document, inter alia, the receipt and disbursement of all funds provided through the program by the department ERA by OHCS; and have an accounting system in place satisfactory to the department, which meets, inter alia, OHCS, which meets generally accepted accounting principles. ¶

(2) Subgrantees and their subrecipients shall maintain other program ERA records satisfactory to the department and otherwise OHCS and consistent with program ERA requirements, which document, inter alia, client eligibility, receipt of allowable program ERA services, termination of ERA services and the basis for same, housing status of clients, administrative actions, contracts with subcontractor recipients, review of subcontractor recipient performance, action taken with respect to deficiency notices, and any administrative review proceedings. Such records shall be satisfactory to OHCS in substance and format satisfactory to the department. ¶

(3) Subgrantee agencies shall provide the department. ¶

(3) Subgrantees must provide OHCS with all required reports, data, and financial statements by department OHCS-determined submission deadlines including:

(a) Program ERA reports detailing the progress made toward meeting program ERA performance measures and ERA service delivery objective(s), and ¶

(b) Fiscal reports detailing administrative and program ERA costs. ¶

(4)(a) Subgrantee agencies and their subcontractor recipients shall furnish representatives of the department OHCS, the Oregon Secretary of State’s Office, the federal government, and their duly authorized representatives: access to, and permit copying of, all electronic records and books, accounts, documents, and records, and allow reasonable access to the project and other property pertaining to the program ERA, at any such representative’s request. ¶

(b) Subgrantee agencies and their subcontractors shall cooperate fully in any inspections or other monitoring actions taken by the department, the Oregon Secretary of State’s Office, the federal government, and their duly authorized representatives. ¶

(e) Subgrantee agencies and their subcontractor recipients shall retain and keep accessible all program ERA records for a minimum of five (5) years, or such longer period as may be required by program requirements, including applicable law and state records retention requirements, following final payment and termination of program involvement, or until the conclusion of any audit, controversy or litigation arising out of or related to the program, whichever date is later. ¶

(5) Subgrantee agencies such time as required by applicable law and state records retention requirements. ¶

(5) Subgrantees and their subrecipients shall ensure that data is reported, collected and organized accurately, timely, and otherwise in a manner submitted within time period specified by OHCS and satisfactory to the department OHCS and consistent with program requirements including, as appropriate, through the use of a department-approved OHCS-approved Homeless Management Information System (HMIS).
Compliance Monitoring; Remedies

(1) The department OHCS will conduct reviews, audits, and other compliance monitoring as it deems appropriate with respect to each subgrantee agency and its subcontractors, inter alia recipients to verify compliance with program ERA requirements. Subgrantee agencies and their subcontractor recipients will cooperate fully with the department OHCS in its all compliance monitoring activities.

(2) Subgrantee agencies shall require, by contract, and monitor their subcontractor recipients' compliance with all program ERA requirements including, but not limited to, recordkeeping and retention of records and department OHCS compliance monitoring and enforcement.

(3)(a) The department OHCS may take such remedial action as it deems appropriate including, but not limited to, terminating its the funding agreement (see OAR 813-053-0050) with a subgrantee agency and requiring repayment of partial or all program ERA funding, if OHCS determines, (in its sole discretion), that the performance of the subgrantee agency or any of its subcontractor recipients is deficient in any manner, including with respect to program ERA requirements.

(b) The department OHCS may notify a subgrantee agency of deficiencies identified through the monitoring process and provide documentation for the basis of such determination and the specific deficiency or deficiencies that must be corrected.

(c) The department OHCS may require the subgrantee to correct any deficiencies in a manner and time frame satisfactory to the department OHCS and may offer training and technical assistance to the subgrantee.

(d) The department OHCS, at its sole discretion, may offer the subgrantee agency assistance in the development of a corrective action plan. If a corrective action plan is allowed, the department OHCS will review and issue a decision on whether to approve or disapprove.

(4) The department OHCS will provide adequate notice and opportunity for administrative review prior to a remedial action that terminates organizational eligibility for program ERA funding for cause.

(5) Requests for administrative review must will be addressed to the assistant director unless otherwise allowed in writing by the department of the Housing Stabilization Division of OHCS or designee whose decision may further be reviewed by the OHCS director.

(6) Issuance of a deficiency notice shall not constitute a waiver of other remedies available to the department or preclude the department OHCS or preclude OHCS from exercising such other remedies available to it under the funding agreement (see OAR 813-051-0050) or other program ERA requirements, at law or otherwise.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, ORS 458.375, ORS 458.650377
AMEND: 813-053-0080

RULE SUMMARY: Amends definitions.

CHANGES TO RULE:

813-053-0080

Challenge of Subgrantee Action ¶

(1) Local interest groups, service providers or others aggrieved by a subgrantee agency with respect to its program obligations may submit a written request to the department for its review of such contested action. Any person or entity aggrieved by a subgrantee administering or providing ERA services may challenge the subgrantee’s action, but only after first exhausting the applicable administrative review process furnished by the relevant subgrantee agency and entering the subgrantee’s administrative review process (see OAR 813-053-0090). Any person or entity who received either an unsatisfactory determination or refusal of a review by the subgrantee may submit a request to OHCS within thirty (30) days of that administrative review determination or refusal to request a subgrantee agency to provide such administrative review determination.

(2) The department may accept or deny a request for its review under this section.

(3) If the department accepts the review request, the requester(s) of the review, the subgrantee agency, and relevant subcontractor recipients will produce all information required by the department, including requested affidavits or testimony.

(4) The department may make a determination on a review request and require such remedial action as the department determines, in its sole discretion, to be appropriate.

(5) Department review will not take the form of a contested case review under ORS Chapter 183 unless specifically stated in writing by the OHCS director in writing.

(6) Request for department review by an aggrieved person or entity and its completion to final order by the department are requirements for exhaustion of administrative remedies by such aggrieved person or entity.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, ORS 458.375, ORS 458.650377
AMEND: 813-053-0090

RULE SUMMARY: Amends definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-053-0090

Review by Subgrantee ¶

(1) Subgrantee agencies will establish in writing a process satisfactory to the department that in a timely manner, OHCS that enables beneficiaries of, and applicants for program, ERA services to contest a determination by the subgrantee agency or its subcontractor recipients that:

(a) Denies or limits the eligibility of a beneficiary or applicant for ERA benefits or other assistance; or

(b) Terminates or modifies ERA benefits or other assistance awarded by the subgrantee agency or subcontractor or subrecipient to a beneficiary.

(2) Persons aggrieved by the act of a subgrantee agency or its subcontractors described in subsection (1) or entities may request administrative review of such action by the subgrantee agency within the time frame and pursuant to the process established by the subgrantee agency consistent with program requirements. At all times, the subgrantee agency will allow a minimum of thirty (30) days within which an aggrieved person may request review from the time of the contested action or the aggrieved person's reasonable discovery of such action, whichever is longer. The ultimate determination of an aggrieved person's reasonable discovery period is reserved to OHCS, in its sole discretion.

(3) The subgrantee agency will inform the department in writing of any request by an aggrieved party for administrative review within ten (10) days of such request.

(4) The subgrantee agency will inform the department and the aggrieved party in writing of any final administrative review determination made by the subgrantee agency, and the basis for same, and reasoning within ten (10) days of such final determination.

Statutory/Other Authority: ORS 456.555

Statutes/Other Implemented: ORS 458.505, 458.620, ORS 458.375, ORS 458.650, 377
NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: ESG Program: Incorporates Manuals, applies consistent language between programs, and updates definitions.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov
Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301
Filed By: Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 9:30 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer Street NE, Room 124B
Salem, OR 97301

SPECIAL INSTRUCTIONS:
Accessibility Note: The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Amend to incorporate dated manuals, amend for consistent language between divisions, amend for use of general rule for definitions as well as consistency, repeal obsolete rules, adopt new rule for consistency between divisions.
FISCAL AND ECONOMIC IMPACT:
No fiscal or economic impact.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).
There is no cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED?  YES

HOUSING IMPACT STATEMENT:
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

RULES PROPOSED:

AMEND: 813-145-0000

RULE SUMMARY: Amends statutory reference and creates consistency in language between divisions.

CHANGES TO RULE:
813-145-0000
Purpose and Objectives
OAR chapter 813, division 145, is promulgated to accomplish 813-145 carries out the general purpose of ORS 458.505 to 458.545, and particularly ORS 458.5025 to 458.515, which designates the Oregon Housing and Community Services Department (OHCS) as designated as the state agency responsible for administering state and federal antipoverty programs in Oregon. The Emergency Solutions Grant Program (ESG) addressed in this division (OAR 813-145) is one such program, subject to department OHCS administration and has as its purpose of the funding of ESG Program is to fund local homeless programs intended to assist homeless households and those at risk to homelessness to quickly regain permanent stability. Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-145-0010

RULE SUMMARY: Amends definitions and incorporates the new 2019 manual.

CHANGES TO RULE:

813-145-0010
Definitions:

All terms are defined in OAR chapter 813, division 145, are defined in the Act and in 813-005-0005 and below. As used throughout this division (OAR chapter 813, division 145, unless the context indicates otherwise:

(1) “Administrative costs” means all program costs that are not directly related to delivery of program services.

(2) “Assistant director” means the department’s assistant director for the housing stabilization programs.

(3) “Community action agency” or “CAA” means a private, nonprofit corporation organized under ORS chapter 65, or an office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505(4).

(4) “Conditional” means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, satisfy 813-145) may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used within the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required) relevant documents.

(5) “Department” or “OHCS” means the Housing and Community Services Department for the state of Oregon.

(6) “Director” means the department director as appointed by the governor.

(7) “Funding agreement” means that master grant agreement or other written agreement, together with all incorporated documents and references, to be executed by and between the department and subgrantee agency in form and substance satisfactory to the department as a condition precedent for receipt of program funding from the department.

(8) “Funding application” means the subgrantee agency’s application to the department for a program grant.

(9) “HMIS” means the Homeless Management Information System.

Division observe those definitions, except as defined below:

(10) “Homeless” means an individual, family or household that lacks a fixed, regular and adequate nighttime residence in accordance with HUD categorical definitions. Categorical definitions are contained in the program manual.

(11) “Household” means an individual living alone, a family with or without children or a group of individuals who are living together as one economic unit.

(12) “Household income” means the total household income from all sources before taxes. Income under this definition may be reduced by deductions allowed by the department in compliance with program requirements.

(13) “HUD” means the U.S. Department of Housing and Urban Development.

(14) “Emergency Solutions Grant Program” or “ESG” means the Emergency Solutions Grant program administered by the department OHCS, pursuant to this division (OAR 813-145) and other applicable law.

(15) “Program manual” or “manual” means the Emergency Solutions Grant operations manual as amended from time to time, incorporated herein by this reference. The manual may be accessed online on the department’s website.

(16) “Program requirements” means all funding agreement terms and conditions (including work plan objectives), department directives (including deficiency notices), and applicable state, local, and federal laws and regulations (including these rules, other applicable department rules and the manual), executive orders, local ordinances and codes.

(17) “Program services” means allowable services for street outreach, emergency shelter, rapid re-housing, homelessness prevention and data collection as defined in the department program manual and eligible for funding under the program.
(18) "Service area" means the specific geographic area or region within which a subgrantee agency provides program services directly or by contract.

(19) "Subcontractor" or "subrecipient" means a private, nonprofit corporation organized under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or a local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

(20) "Subgrantee agency" or "agency" means a private, nonprofit corporation organized under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or a local government as defined in ORS 197.015 with whom the department has contracted to administer program services at the local level.

(21) "Sufficiency" means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree for the department to assess appropriately subgrantee agency's compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by the department.

(22) "Work plan" means the subgrantee agency's plan for the use of program funds as approved by the department, which is part of its approved funding application, and included in its funding agreement with the department.


Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.
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(End)
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;
(2) Maximizing participation in Coordinated Entry;
(3) Ensuring availability of low-barrier shelters in the community;
(4) Incorporating the lived experiences of homelessness into program design and implementation; and
(5) Ensuring service provision has components for equity and racial justice.

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.

### COVERED HOUSING PROVIDER RESPONSIBILITIES

<table>
<thead>
<tr>
<th></th>
<th>Grantee</th>
<th>Housing Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lease bifurcation §5.2009 (a)</td>
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<tr>
<td>Victim status documentation; confidentiality §5.2007</td>
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</tr>
<tr>
<td>Emergency transfer plan §5.2005(e)</td>
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<td>Actual and imminent threat exception §5.2005 (d) (3), (4)</td>
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<td>Exception of violations not premised on DV; higher standard §5.2005 (d) (2)</td>
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<td>X</td>
</tr>
<tr>
<td>Court order exception §5.2005 (d) (1)</td>
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</table>

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.
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.

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. **Client 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*. **Client 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. 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 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, an applicant 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 Voucher definition of annual Income found at 24 CFR 5.609.

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.

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.

**Participant-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 a participant/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 participants/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.

<table>
<thead>
<tr>
<th>Component</th>
<th>Those who are Homeless</th>
<th>Those who are At-Risk of Homelessness</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Street Outreach</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>2) Emergency Shelter</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>3) Homelessness Prevention</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>4) Rapid Re-housing</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>5) Homeless Management Information System (HMIS)</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Collecting Data**

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*Oregon Housing and Community Services*

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*Emergency Solutions Grant Program Manual – April 19, July 1, 2019*
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

<table>
<thead>
<tr>
<th>Use Requirement</th>
<th>Determining Criteria</th>
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<tbody>
<tr>
<td>Major Rehabilitation</td>
<td>10 years* Reval costs exceed 75% of the value of the building before rehabilitation.</td>
</tr>
<tr>
<td>Conversion</td>
<td>10 years* Conversion costs exceed 75% of the value of the building after conversion.</td>
</tr>
<tr>
<td>Renovation, including rehab and conversion costs that do not meet 10 Year criteria.</td>
<td>3 years Renovation costs are 75% or less of the value of the building before renovation.</td>
</tr>
</tbody>
</table>

*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.

<table>
<thead>
<tr>
<th><strong>Comparison of Essential Services</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Outreach</strong> (Unsheltered Homeless persons)</td>
</tr>
<tr>
<td>Engagement</td>
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<tr>
<td>Case Management</td>
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<tr>
<td>----</td>
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<tr>
<td>Emergency Health Care</td>
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<tr>
<td>Emergency Mental Health Care</td>
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<tr>
<td>Services for Special Populations</td>
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<td>----</td>
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<tr>
<td>Transportation</td>
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</tbody>
</table>
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/attempts 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/attempts 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.

<table>
<thead>
<tr>
<th>Eligible Participants</th>
<th>Homelessness Prevention</th>
<th>Rapid Re-Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category 2</strong> – Imminent Risk</td>
<td><strong>Category 1</strong> – Literally Homeless OR Category 4 – Fleeing/Attempting to Flee Domestic Violence and has no other residence.</td>
<td></td>
</tr>
<tr>
<td><strong>Category 3</strong> – Other Federal Statutes</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Category 4</strong> – Fleeing/Attempting to Flee Domestic Violence and has no other residence <strong>OR</strong> At-Risk of Homelessness</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Purpose</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• To prevent persons who are housed from becoming homeless</td>
<td>• To help homeless persons living on the streets or in an emergency shelter transition as quickly as possible into permanent housing, and then</td>
<td></td>
</tr>
<tr>
<td>• To help such persons regain stability in their current housing or other permanent housing</td>
<td>• To help such persons achieve stability in that housing</td>
<td></td>
</tr>
<tr>
<td><strong>Reassessment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Every 3 months</td>
<td>• Every 12 months</td>
<td></td>
</tr>
<tr>
<td>• Must have income at or below 30%</td>
<td>• Must have income at or below 30%</td>
<td></td>
</tr>
</tbody>
</table>
AMI, AND
- Lack resources and support network

<table>
<thead>
<tr>
<th>Eligible Activities</th>
<th>AMI, AND</th>
<th>AMI, AND</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Housing Relocation and Stabilization Services and Financial Assistance</td>
<td>Housing Relocation and Stabilization Services and Financial Assistance</td>
</tr>
<tr>
<td></td>
<td>Short- and Medium-Term Rental Assistance</td>
<td>Short- and Medium-Term Rental Assistance</td>
</tr>
</tbody>
</table>

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:

\[
total \text{ contract rent amount of the unit} + \frac{\text{allowable* fees required for occupancy under the lease}}{\text{monthly utility allowance established by local public housing authority}} = \text{Gross Rent Amount}
\]

*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 eligibility 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. 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.

**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.

Subrantees 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 Quality
The HUD CoC APR Data Quality/Completeness and Data Completeness Report Card (EE) is measured by the percent of valid data collected for each data element. “Client doesn’t know”, “Client refused”, and “Data not collected” are considered invalid responses and will count against data quality. Subgrantees and subrecipients are required to run data quality reports periodically (preferably monthly). Use of the HUD CoC APR Data Quality/Completeness and Data Completeness Report Card helps to ensure data is being entered with valid responses.

E. 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.
**E.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

**G.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 — Ending Homelessness, Preventing Homelessness, Inclusion and Diversity, and Capacity of the Community (EPIC), as referenced in the Master Grant Agreement. The EPIC Card 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).

Subgrantees and subrecipients shall retain and keep accessible all such fiscal 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.

Subgrantee and subrecipients shall retain and keep accessible all such program records, client records, digital and electronic records, books, documents, papers, plans, and writing for a minimum of five (5) years after final payment to client.

E. Available Forms
Program forms and reference documents are available for download from the OHCS website. 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
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 Work Plan 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.

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

Work Plan Implementation Report Amendments are required when there is a shift in program delivery and/or scope of work. All Work Plan Implementation Report Amendments require OHCS approval by submitting a Work Plan Implementation Report Amendment Request form electronically to: 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 a Work Plan Implementation Report Amendment Request form electronically to: 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 Work Plan 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 include 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 require 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 shelters 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 items. 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 Card** 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
11. This manual as a guideline for ESG program management.
12. Lead-Based Paint: http://www2.epa.gov/lead and 24 CFR part 35
   • 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/
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/promoting_fgh/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

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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AMEND: 813-145-0020

RULE SUMMARY: Amends definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-145-0020
Administration

(1) The department may contract with subgrantee agencies to provide program services at the local level. In a service area where a Community Action Agency exists, the Community Action Agency has a conditional right of first refusal to serve as the subgrantee agency for the service area.

(2) The department normally will allocate program funds to subgrantee agencies for the various service areas through a formula established by the department prior to the allocation process. However, the department reserves the right to modify such formula at any time, in its sole discretion.

(3) A subgrantee agency may subcontract with other organizations that meet the requirements of ORS 458.505(4) to provide program services in the subgrantee agency's service area.

(4) A subgrantee agency shall identify potential applicants, certify eligibility and provide program services to eligible households within its service area. Whenever appropriate, program participants will be assisted.

(5) The department normally representatives will attend and participate in program training made available or conducted by OHCS.

(6) OHCS will fund only one subgrantee agency within any service area. However, the department may, in its sole discretion, allow two or more subgrantee agencies to operate within a common service area. In such cases, the subgrantee agencies shall enter into a written agreement with the department, satisfactory to the department, in its sole discretion, in order, inter alia, to ensure full access to program services for all eligible households within the service area, to the extent of available funding and to prevent duplication of services.

(a) A subgrantee agency may expend up to an amount authorized by the department in writing for reimbursement of reasonable and appropriate administrative costs. Administrative costs include all ESG costs that are not directly related to the delivery of ESG services.

(b) If a subgrantee agency subcontracts with another organization to provide program services, that organization may expend up to an amount for administrative costs that does not exceed the subgrantee agency's proportionate share of the amount authorized by the department for reasonable and appropriate administrative costs of the funding award.

(e) The ultimate determination of reasonable and appropriate administrative costs is reserved to the department in its sole discretion.

(funding award authorized by OHCS for administrative costs.

(8) A subgrantee agency and its subcontractor recipients shall comply with the terms of the funding agreement and all other program requirements, including, but not limited to department directives (including deficiency notices), applicable local, state and federal laws, rules (including the program ESG Manual), regulations, executive orders and local ordinances and codes.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-145-0026

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-145-0026
Claimant Eligibility

Program
(1) ESG services shall be available to homeless and households that:
(a) Have an income within the limits defined in the ESG Manual; and
(b) Are homeless or at risk of homelessness, individuals, families and, as defined in the ESG Manual.

(2) A subgrantee may consider a household's in accordance with HUD and department self-declaration or referral of a household from local, state or federal definitions as defined in the program manual and to the degree permitted by funding levels. Federal human services agencies for ESG services, in accordance with ESG requirements, as defined in the ESG Manual.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-145-0030

RULE SUMMARY: Amend for consistent language between divisions and for use of general rule for definitions.

CHANGES TO RULE:

813-145-0030
Use of Funds ¶

1. Program ESG funds will be used only for homeless and at-risk of homelessness for eligible ESG services within the allowable HUD program components and activities as further defined in the funding agreement and program manual.

2. Program (see OAR 813-145-0040) and ESG Manual.

3. Use of ESG funds may be used to supplement existing funds or to support existing programs or establish new programs. ESG funds, granted or otherwise awarded, shall not be used by a subgrantee agency to replace funds currently being received from other sources, available or reasonably expected to be available to the subgrantee agency, but may be used to supplement existing funds or to support existing programs or establish new programs.

4. Use of program ESG funds must be in accordance with the allowable homeless services category percentages as determined by the department OHCS.

5. A subgrantee agency will provide matching funds for the program ESG through cash or in-kind contributions equal to the amount of program funds received from the department OHCS, in accordance with ESG requirements. Matching funds must be from HUD allowable sources identified in the funding application and approved by the department OHCS.

Statutory/Other Authority: ORS 458.555
Statutes/Other Implemented: ORS 458.505
813-145-0040
Funding Application for Funding Agreement

(1) Prior to providing any program ESG services, a subgrantee agency shall submit on a biennial basis, a funding application satisfactory to the department, including a work plan for funding agreement satisfactory to OHCS, which must be approved, in writing, by the department OHCS before being operative. The subgrantee agency shall adhere to the department's OHCS requirements and deadlines for obtaining approval of this funding application. A funding application is subject to approval, including as modified by the department OHCS, or disapproval by the department OHCS.¶

(2) A subgrantee agency's funding application shall include details satisfactory to the department on how the subgrantee agency provided a meaningful opportunity for participation in the development of the work plan by the local or regional continuum of care, local service providers, advocates, clients, businesses, churches, governments, and other interested stakeholders.¶

(3) A subgrantee agency's funding application must meet all requirements established by the department for the form and content of the funding application's application for funding agreement must meet all requirements established by OHCS. In cases where a Community Action Agency has the conditional right of first refusal for antipoverty program administration, and the Community Action Agency cannot meet the requirements for the form and content of the funding application, the department OHCS, in its sole discretion, may allow other eligible organizations to submit a funding application with respect to the funding agreement for that service area.¶

(4) Funding applications will be evaluated by the department for sufficiency with respect to application for funding agreements will be evaluated by OHCS to meet ESG Program and application sufficiency requirements. Sufficiency is based on the quantity, thoroughness and quality of performance satisfactory to OHCS. This includes, but is not limited to, providing relevant information necessary for OHCS to assess subgrantee's compliance with relevant ESG requirements and such provision of ESG services are consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by OHCS.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-145-0050

RULE SUMMARY: Amend for consistent language between divisions and for use of general rule for definitions.

CHANGES TO RULE:

813-145-0050

Reporting and Recordkeeping

(1) Subgrantees and their subrecipients shall maintain accurate financial records satisfactory to the depart OHCS and consistent with ESG requirements, which document, inter alia, the receipt and disbursement of all funds provided through the program by the department, ESG by OHCS, and have an accounting system in place satisfactory to the department, which meets, inter alia, OHCS, which meets generally accepted accounting principles.

(2) Subgrantees agencies and their subrecipients shall maintain other program records satisfactory to the depart OHCS and consistent with ESG requirements, which document, inter alia, client eligibility, receipt of allowable program ESG services, termination of ESG services and basis for same, housing status of clients, administrative actions, contracts with subcontractor recipients, review of subcontractor recipient performance, action taken with respect to deficiency notices, and any administrative review proceedings. Such records shall be in substance and format satisfactory to the department.

(3) Subgrantee agencies shall provide the department must be satisfactory to OHCS in substance and format.

(3) Subgrantees must provide OHCS with all required reports, data, and financial statements by department OHCS-determined submission deadlines including:

(a) Program, satisfactory to OHCS, including, but not limited to:

(a) ESG reports detailing the progress made toward meeting program ESG performance measures and ESG service delivery objective(s), and

(b) Fiscal reports detailing all administrative and program ESG costs.

(4)(a) Subgrantee agencies and their subcontractor recipients shall furnish representatives of the department OHCS, the Oregon Secretary of State’s Office, the federal government, and their duly authorized representatives: access to, and permit copying of, all electronic records and books, accounts, documents, and records, and allow reasonable access to the project and other property pertaining to the program ESG, at any such representative’s request.

(b) Subgrantee agencies and their subcontractors shall cooperate fully in any inspections or other monitoring actions taken by the department, the Oregon Secretary of State’s Office, the federal government, and their duly authorized representatives.

(c) Subgrantee agencies and their subcontractor recipients shall retain and keep accessible all program ESG records for a minimum of 5 years, or such longer period as may be such time as required by applicable law and state records retention requirements, following final payment and termination of program involvement, or until the conclusion of any audit, controversy or litigation arising out of or related to the program, whichever date is later.

(5) Subgrantee agencies shall ensure that data is reported, collected and organized accurately, timely submitted with time period specified by OHCS and otherwise in a manner satisfactory to the department through the use of a department-approved OHCS and consistent with ESG requirements, including, as appropriate, through the use of an OHCS-approved Homeless Management Information System (HMIS).

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-145-0060
RULE SUMMARY: Amend for consistent language between divisions and for use of general rule for definitions.
CHANGES TO RULE:

813-145-0060
Compliance Monitoring: Remedies ¶

(1) The department OHCS will conduct reviews, audits, and other compliance monitoring as it deems appropriate with respect to each subgrantee agency and its subcontracts, inter alia recipients, to verify compliance with program ESG requirements. Subgrantee agencies and their subcontract recipient will cooperate fully with the department OHCS in all compliance monitoring activities. ¶

(2) Subgrantee agencies shall require, by contract, and monitor their subcontract recipient's compliance with all program ESG requirements including, but not limited to, recordkeeping and retention of records and department OHCS compliance monitoring and enforcement. ¶

(3)(a) The department OHCS may take such remedial action as it deems appropriate including, but not limited to, terminating its funding agreement (see OAR 813-145-0040) with a subgrantee agency and requiring repayment of partial or all program ESG funding, if it determines, in its sole discretion, that the performance of the subgrantee agency or any of its subcontract recipient is deficient in any manner, including with respect to program ESG requirements. ¶
(b) The department OHCS will notify a subgrantee agency of deficiencies identified through the monitoring process and provide documentation for the basis of such determination and the specific deficiency or deficiencies that must be corrected. ¶
(c) The department OHCS will require the subgrantee agency to correct any deficiencies in a manner and time frame satisfactory to the department OHCS and may offer training and technical assistance to the subgrantee. ¶
(d) The department OHCS, at its sole discretion, may offer the subgrantee agency assistance in the development of a corrective action plan. If a corrective action plan is allowed, the department OHCS will review and issue a decision on whether to approve or disapprove. ¶

(4) The department OHCS will provide adequate notice and opportunity for appeal in administrative review prior to a remedial action that terminates organizational eligibility for program ESG funding for cause. ¶

(5) Appeals for administrative review will be addressed to the Assistant Director of the Housing Stabilization Division of OHCS or designee whose decision may be further appealed to by the department OHCS director. ¶

(6) Issuance of a deficiency notice shall not constitute a waiver of other remedies available to the department or preclude the department OHCS or preclude OHCS from exercising such other remedies available to it under the funding agreement (see OAR 813-145-0040) or other program ESG requirements, at law or otherwise. ¶

[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-145-0070

RULE SUMMARY: Amend for consistent language between divisions.

CHANGES TO RULE:

813-145-0070
Challenge of Subgrantee Action ¶

(1) Local interest groups, service providers or others aggrieved by a subgrantee agency with respect to its program obligations may submit a written request to the department for its review of such contested actions. Any person or entity aggrieved by a subgrantee administering or providing ESG services may challenge the subgrantee’s action, but only after first exhausting the applicable administrative review process furnished by the relevant subgrantee agency and entering the subgrantee’s administrative review process (see OAR 813-145-0080). Any person or entity who received either an unsatisfactory determination or refusal of a review by the subgrantee may submit a written request to OHCS within 30 days of receiving the notice of review determination or refusal by the subgrantee agency to provide such administrative review determination. ¶

(2) The department may accept or deny a request for its administrative review. ¶
(2) OHCS may accept or deny a request to conduct a subgrantee administrative review, in whole or in part, at its sole discretion. Any department OHCS review will be in the manner determined appropriate by the department OHCS and may include, but shall not necessarily be limited to, review of provided information. ¶

(3) If the department OHCS accepts the review request, the requester(s) of the review, the subgrantee agency, and relevant subcontractor recipients will produce all information required by the department OHCS, including requested affidavits or testimony. ¶

(4) The department OHCS may make a determination on a review request and require such remedial action as the department OHCS determines, in its sole discretion, to be appropriate. ¶

(5) Department OHCS review will not take the form of a contested case review under ORS Chapter 183 unless specifically so stated in writing by the OHCS director in writing. ¶

(6) Timely ¶

(6) Request for department OHCS review by an aggrieved person or entity and its completion to final order by the department OHCS are requirements for exhaustion of administrative remedies by such aggrieved person or entity.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-145-0080

RULE SUMMARY: Amend for consistent language between divisions.

CHANGES TO RULE:

813-145-0080

Review by Subgrantee

(1) Subgrantee agencies will establish in writing a process satisfactory to the department that in a timely manner, OHCS that enables beneficiaries of, and applicants for program, ESG services to contest a determination by the subgrantee agency or its subrecipient that:

(a) Denies or limits the eligibility of a beneficiary or applicant for ESG benefits or other assistance; or

(b) Terminates or modifies ESG benefits or other assistance awarded by the subgrantee agency or subcontractor or subrecipient to a beneficiary.

(2) Persons aggrieved by the action of a subgrantee agency or its subcontractors described in subsection (1) entities may request administrative review of such action by the subgrantee agency within the time frame and pursuant to the process established by the subgrantee agency consistent with program requirements. At all times, the subgrantee's or subrecipient's contested action described in subsection (1) above. The subgrantee agency must allow a minimum of thirty (30) days within which an aggrieved person may request review from the time of the contested action or the aggrieved person's reasonable discovery of such action, whichever is longer. The ultimate determination of an aggrieved person's reasonable discovery period is reserved to OHCS.

(3) The subgrantee agency will inform the department in writing of any request by an aggrieved party for administrative review within ten (10) days of such request.

(4) The subgrantee agency will inform the department and the aggrieved party in writing of any final administrative review determination made by the subgrantee agency, and the basis for same and reasoning within ten (10) days of such final determination.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT
CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: HCLGP Program: Creates consistency in language between divisions, amends definitions, and incorporates current program requirements.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov
Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301

Filed By:
Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 9:00 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer St NE, Room 124B
Salem, OR 97301

SPECIAL INSTRUCTIONS:
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Creates consistency in language between divisions, amends definitions, and incorporates current program requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
FISCAL AND ECONOMIC IMPACT:
No fiscal or economic impact.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).
There is no cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

RULES PROPOSED:
813-360-0000, 813-360-0010, 813-360-0020, 813-360-0030, 813-360-0035, 813-360-0045, 813-360-0055

AMEND: 813-360-0000

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-360-0000
Purpose and Objectives

The rules in OAR chapter 813, division OAR 813-360 are promulgated to accomplish the general purpose of implementing ORS 456.375 to ORS 456.390 (the “Act”), which designates the Housing and Community Services Department, herein after referred to as “the Department”, Oregon Housing and Community Services (OHCS) is designated as the state agency responsible for developing and administering the Housing Choice Landlord Guarantee Program and set forth the program requirements (HCLGP), addressed in this division (OAR 813-360). The purpose of the HCLGP Program is to provide certain assistance to qualifying landlord eligible claimants to mitigate damages caused by tenants as a result of occupancy under the Housing Choice Voucher Program.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.375 to 456.390
RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

813-360-0010
Definitions

Words and terms used in OAR chapter 813, division 360 should be construed as defined or used in the Act, in 813-005-0005, or in this division unless the context clearly requires otherwise. For purposes of this division:

(1) "Claim" means a claim in form and substance acceptable to the department filed by a landlord for program assistance to reimburse the landlord for qualifying damages awarded in a final judgment as further provided in these rules.

(2) "Housing Choice Landlord Guarantee Program" or "program" means the program established in the Act as further set forth in this division.

(3) "Housing Choice Landlord Guarantee Program Fund" or "fund" means the fund established pursuant to ORS 456.385 for the reimbursement of qualifying program damages.

(4) "Housing Choice Voucher Program" means the federal tenant-based assistance program established under 42 USC 1437(f)(o).

(5) "Landlord" means an owner of a dwelling unit that has entered into an agreement with a local housing authority to receive tenant-based assistance payments under the Housing Choice Voucher Program and that has entered into a rental or lease agreement with a tenant determined to be eligible to receive assistance under the Housing Choice Voucher Program. "Landlord" includes a person who is authorized by the owner, lessor or sublessee to manage the premises or to enter into a rental agreement.

(6) "Local housing authority" means a housing authority defined in ORS Chapter 456 that has entered into a contract with the Secretary of Housing and Urban Development of the United States pursuant to which the housing authority is authorized to make tenant-based assistance payments to landlords within a designated county or area of operation under the Housing Choice Voucher Program.

(7) "Program assistance" means reimbursement funding to a landlord by the department from the Housing Choice Landlord Guarantee Program Fund pursuant to these rules in response to a claim filed with the department by a landlord.

(8) "Tenant" means an individual or a family eligible to receive tenant-based assistance payments under the Housing Choice Voucher Program who has entered into a rental or lease agreement with a landlord. Terms used throughout this division (OAR 813-360) may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used within this division observe those definitions, except as defined. For the purposes of this division (OAR 813-360), "Housing Choice Landlord Guarantee Program" or "HCLGP" means the program administered by OHCS, pursuant to this division and other applicable law.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.375 to 456.390
AMEND: 813-360-0020

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-360-0020
Program Administration ¶

(1) The department, OHCS, will provide HCLGP administration or, in its sole discretion, may choose to contract with one or more public or private provider(s) for the administration of the Housing Choice Landlord Guarantee Program. The department, HCLGP, OHCS, is not subject to the provisions of ORS Chapter 279A or 279B in procuring or effectuating such a contract. ¶

(2) If the department chooses to contract for the administration of the program: ¶
(a) The department will do so in accordance with OAR chapter 813, division 6 as supplemented herein. ¶
(b) The department, HCLGP: ¶
(a) OHCS will do so in accordance with applicable laws, rules and regulations. ¶
(b) OHCS will publish solicitations, application requirements, award criteria, and deadlines through the Oregon Procurement Information Network (ORPIN). ¶
(c) The department, OHCS, will provide stakeholders, including the Housing Choice Advisory Committee, as created by ORS 456.390(4), with the opportunity to provide input regarding the contract award process. ¶

(3) OHCS may expend HCLGP funds to pay administrative expenses incurred by OHCS for costs related to the administration of HCLGP.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.375 to 456.390
AMEND: 813-360-0030

RULE SUMMARY: Creates consistency in language between divisions, amends definitions, and provides additional clarity.

CHANGES TO RULE:

813-360-0030
LandlordClaimant Eligibility ¶

(1) In order to be eligible for programHCLGP assistance, a landlordclaimant (i.e., landlord, which includes a person who is authorized by the owner, lessor or sublessor to manage the property or to enter into a rental agreement with the local housing authority and tenant for which the claim is being submitted), must first obtain a judgment with a monetary award against the tenant(s) from a court in the county in which the tenant(s) or the property is located. ¶
   (a) The judgment must be from a circuit court, the small claims department of a circuit court, or a justice court. ¶
   (b) The time frame of appeal of the judgment must have expired without appeal or the judgment must otherwise not be subject to further judicial review. ¶

(2) ProgramHCLGP assistance is limited to reimbursement for those amounts covered in a judgment that are related to property damage, unpaid rent or other damages satisfactorily described and documented in a claim to the department OHCS from a landlord claimant and: ¶
   (a) Incurred from occupancy that began after July 1, 2014; ¶
   (b) Caused as a result of the tenant's occupancy, pursuant to a rental agreement under the Housing Choice Voucher Program, in effect at the time the damage was incurred; ¶
   (c) That exceed normal wear and tear; and ¶
   (d) That are in excess of $500, but not more than $5,000 per tenancy. ¶

(A3) Program assistance for damages in amounts less than $500 may be provided by the department, when a partial amount still owes on a judgment in excess of $500. For example, if a landlord has received a payment of $400 on a $700 judgment for qualifying damages, the landlord may seek reimbursement for the remaining $300 owing to it under the judgment. ¶

(B) Program assistance for damages up to $5,000 may be provided by the department on a judgment that is in excess of $5,000. For example, if a landlord has a judgment for $7,000 of qualifying damages, the landlord may seek reimbursement for up to $5,000 of the qualifying damages. ¶

(3) Qualifying damages included within the meaning of pQualifying damages include, but are not limited to: ¶
   (a) Property damage; ¶
   (b) Unpaid rent; or other damages may include: ¶
      (ac) Attorney fees, court costs, and interest, but does not include eviction costs or fees; ¶
      (bd) Loss of rental income during the time required for repairs with respect to qualifying property damage; ¶
      (ce) Lease-break fees; ¶
      (df) Other costs related to lease violations by a tenant. ¶
   (4) A landlord claimant may not seek, accept or retain programHCLGP assistance from the department OHCS for amounts paid to the landlord claimant for qualifying damages by the tenant or by a third party. ¶
   (5) If, after submitting a claim for programHCLGP assistance to the department, a landlord OHCS, a claimant receives payment for any claimed damages from a tenant or a third party, the landlord claimant must notify the department OHCS within ten (10) days of such payment. ¶
   (6) A landlord claimant must provide restitution to the department OHCS for overpaid programHCLGP assistance within forty-five (45) days. ¶
   (7) The department OHCS shall maintain a record of programHCLGP assistance provided to a landlord claimant to assist it in determining if there has been an overpayment of programHCLGP assistance to that landlord claimant. ¶
   (8) The following examples are illustrative of when restitution may or may not be owed by a landlord to the department. Any amounts paid to the landlord shall be applied to the sum total of the qualifying judgment owed...
the landlord:

(a) Example 1: A qualifying judgment is $6,000. The landlord receives a $5,000 reimbursement from the fund, and a $1,000 payment from the tenant. The landlord reports the receipt of $1,000. There has been no overpayment.

(b) Example 2: A qualifying judgment is for $6,000. The landlord receives a $5,000 reimbursement from the fund, and a $2,000 payment from the tenant. The landlord reports the $2,000. There has been a $1,000 overpayment to the landlord, which must be reimbursed to the department by the landlord to receive HCLGP assistance. The claimant must submit an application, satisfactory to OHCS, along with supporting documentation as requested in the application. The HCLGP application shall be available on the OHCS website.

(9) A landlord must submit a claim for program assistance to the department to OHCS an application for HCLGP assistance within one year from the date of the expiration of the right to appeal a qualifying judgment against a tenant or the date after which the judgment is not subject to further appeal.

(10) A landlord must file a satisfaction of judgment in the amount of any program HCLGP assistance received from the department OHCS in the court from which the judgment against the tenant was obtained. A copy of this filed satisfaction must be delivered to the department OHCS within 30 days of the landlord claimant’s receipt of the program HCLGP assistance.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.375 to 456.390
ADOPT: 813-360-0035

RULE SUMMARY: Adopts consistent language between divisions and clarifies use of funds.

CHANGES TO RULE:

813-360-0035

Use of Funds
(1) OHCS may provide HCLGP assistance, not to exceed $5,000 per claim, to eligible claimants. ¶
(2) Prior to approving a claim for HCLGP assistance, OHCS will determine if the claim is complete and satisfies the criteria necessary to be a qualifying claim. ¶
(3) OHCS will review claims and make awards of HCLGP assistance for qualifying applications within 45 days of its receipt of all required information. OHCS may choose to require the submittal of additional or clarifying information.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.375 to 456.390
813-360-0045
Reporting and Recordkeeping
(1) OHCS shall retain and keep accessible all HCLGP records for such time as required by applicable law and state
records retention requirements.
(2) OHCS shall maintain reports, data and financial information of HCLGP administration in accordance with
OHCS policy.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.375 to 456.390
ADOPT: 813-360-0055

RULE SUMMARY: Adopts consistent language between divisions and clarifies administrative review requirements.

CHANGES TO RULE:

813-360-0055

Administrative Review

(1) A claimant aggrieved by the actions of OHCS with its HCLGP obligations may submit a written request to OHCS for its review of such contested action within 30 days of that action.

(2) Any OHCS review will be in the manner determined appropriate by OHCS and may include, but shall not necessarily be limited to, review of provided information.

(3) If OHCS accepts the review request, the requester of the review must produce all information required by OHCS, including requested affidavits or testimony.

(4) OHCS may make a determination on a review request and require such remedial action as OHCS determines, in its sole discretion, to be appropriate.

(5) OHCS review will not take the form of a contested case review under ORS Chapter 183 unless specifically so stated by the OHCS director, in writing.

(6) A timely request for OHCS review by an aggrieved person and its completion to final order by OHCS are requirements for exhaustion of administrative remedies by such aggrieved person.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.375 to 456.390
NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: HSP Program: Incorporates new manual, amends definitions, and creates consistency in language between divisions.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov
Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301

Filed By:
Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 8:30 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer St NE, Room 124B
Salem, OR 97301

SPECIAL INSTRUCTIONS:
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Incorporates new manual, amends definitions, and creates consistency in language between divisions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
None.
FISCAL AND ECONOMIC IMPACT:
No fiscal or economic impact.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).
There is no cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

RULES PROPOSED:
813-051-0000, 813-051-0010, 813-051-0020, 813-051-0030, 813-051-0040, 813-051-0050, 813-051-0060, 813-051-0070, 813-051-0080, 813-051-0090

AMEND: 813-051-0000

RULE SUMMARY: Amends statutory reference and creates consistency in language between divisions.

CHANGES TO RULE:

813-051-0000
Purpose and Objectives ¶
OAR chapter 813, division 51 is promulgated to accomplish 813-051 carries the general purpose of ORS 458.505 and particularly ORS 458.528. Oregon Housing and Community Services Department (OHCS) is designated as the state agency responsible for administering state and federal antipoverty programs in Oregon. The Housing Stabilization Program (HSP) addressed in this division (OAR 813-051) is one such program, subject to department OHCS administration and has as its The purpose of the funding of housing stabilization services for eligible family household. HSP Program is to fund local homeless programs to assist low-income families that are homeless or at risk of becoming homeless. This program to attain housing stability. HSP is partially funded through the Department of Human Services (DHS) and, by agreement with DHS, is administered by the department OHCS.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-051-0010
RULE SUMMARY: Amends definitions and incorporates the new 2019 manual.
CHANGES TO RULE:

813-051-0010
Definitions ¶

All words and terms that are used in OAR chapter 813, division 51 are defined in the Act, and in 813-005-0005 and below. As used in OAR chapter 813, division 51, unless the context indicates otherwise:

(1) "Administrative costs" means all program costs that are not directly related to delivery of program services.

(2) "Assistant director" means the department's assistant director for the housing stabilization programs.

(3) "Community action agency" or "CAA" means a private, nonprofit corporation organized under ORS chapter 65, or an office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements of ORS 458.505(4).

(4) "Conditional" means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, satisfying the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required) relevant documents.

(5) "DHS" means the Department of Human Services for the state of Oregon.

(6) "Department" or "OHCS" means the Housing and Community Services Department for the state of Oregon.

(7) "Director" means the department director as appointed by the governor.

(8) "Eligible family household" means a low-income household with an eligible dependent child or children living together as one economic unit or a single low-income pregnant woman in the month before her due date as defined in the department program manual.

(9) "Funding agreement" means that master grant agreement or other written agreement, together with all incorporated documents and references, to be executed by and between the department and subgrantee agency in form and substance satisfactory to the department as a condition precedent for receipt of program funding from the department.

(10) "Funding application" means the subgrantee agency's application to the department for a program grant.

(11) "HHS" means the U.S. Department of Health and Human Services.

(12) "HMIS" means the Homeless Management Information System.

(13) "Homeless" means an eligible family household that lacks a fixed, regular and adequate nighttime residence or is at risk of becoming homeless in accordance with department categorical definitions. Categorical definitions are contained in the program manual.

(14) "Household income" means the total household income from all sources before taxes. Income under this definition may be reduced by deductions allowed by the department in compliance with program requirements.

(15) "Low-income" means total annual household income at or below the DHS determined percentage of the federal poverty line and defined in the program manual. Terms used throughout this division (OAR 813-051) may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used within this division observe those definitions, except as defined below.

(16) "Maintenance of effort" means DHS allowable nonfederal cash and in-kind contributions used to supplement program services in an amount that equals the subgrantee agency's program allocation as defined in the program manual and approved by the department.

(17) "Poverty guidelines" or "poverty line" means the simplified version of the federal (U.S. Census Bureau) poverty thresholds released annually by HHS to determine financial eligibility for the program.

(18) "Housing Stabilization Program" or "HSP" means the Housing Stabilization Program administered by the department OHCS, pursuant to this division (OAR 813-051) and other applicable law.

(19) "Program manual" or "manual" means the Housing Stabilization Program Operations Manual, dated
September 5, 2018, incorporated herein by this reference. The manual may be accessed online on the department’s website.

(20) “Program requirements” means all funding agreement terms and conditions (including work plan objectives), department directives (including deficiency notices), and applicable state, local and federal laws and regulations (including these rules, other applicable department rules and “HSP manual” means the manual), executive orders, local ordinances and codes.

(21) “Program services” means allowable temporary financial assistance, housing support services, auxiliary services, case management and data collection as defined in the department program manual and eligible for funding under the program.

(22) “Service area” means the specific geographic area or region within which a subgrantee agency provides program services directly or by contract.

(23) “Subcontractor” or “subrecipient” means a nonprofit corporation established under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

(24) “Subgrantee agency” or “agency” means a private, nonprofit corporation organized under ORS chapter 65, a housing authority established under 456.055 to 456.235, or a local government as defined in 197.015 with whom the department has contracted to administer program services at the local level.

(25) “Sufficiency” means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree for the department to assess appropriately subgrantee agency’s compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by the department.

(26) “Work plan” or “plan” means the subgrantee agency’s plan for the use of program funds as approved by the department, which is part of its approved funding application, and included in its funding agreement with the department dated July 1, 2019, incorporated herein by reference. The HSP Manual may be accessed online on the OHCS website.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.
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1. **Program Summary**

The Housing Stabilization Program (HSP) provides temporary financial assistance and support services to stabilize housing for low income eligible families who are homeless or unstably housed and at risk of losing their housing. HSP funds are available for four program components: housing related costs, auxiliary services, case management and data collection.

U.S. Department of Health and Human Services, Temporary Assistance for Needy Families (TANF) federal funds are provided for the program through an interagency agreement with the Oregon Department of Human Services. As pursuant to 45 CFR 260.31, the program’s purpose is to assist eligible needy families with non-recurrent, short-term benefits that:

- Deal with a specific crisis situation or episode of need; AND
- Are not intended to meet recurrent or ongoing needs; AND
- Will not extend beyond four months.

HSP requires subgrantees to identify and match TANF Maintenance of Effort (MOE) funds equal to the amount of HSP funds they receive. TANF MOE funds must not originate with the federal government and are not expended as a condition of receiving federal funds under another program. See detailed information regarding MOE in this manual.

Appendices are included in this manual for common definitions and acronyms, as well as rules and regulations associated with the program.

2. **Administrative Requirements**

(A) **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;
2. Maximizing participation in Coordinated Entry;
3. Ensuring availability of low-barrier shelters in the community;
4. Incorporating the lived experiences of homelessness into program design and implementation; and
5. Ensuring service provision has components for equity and racial justice.
(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 – **Ending Homelessness, Preventing Homelessness, Inclusion and Diversity,** and **Capacity of the Community (EPIC),** as referenced in the Master Grant Agreement. The EPIC Card 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](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.

(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) Homeless Coordinated Entry Process

Subgrantees and subrecipients are required to actively participate in and promote the Continuum of Care (CoC) coordinated entry process for their service area.

(E) 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.

3. General Program Requirements

(A) Limited English Proficiency

The Federal government has issued a series of policy documents, guides and regulations describing how subgrantees and subrecipients 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.

Subgrantees and subrecipients must have a LEP policy document that describes the actions subgrantees and subrecipients 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 subrecipients 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 subrecipients 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.

(B) 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. 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 and the Department of Human Services are 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).

In addition, any Release of Information form must include the option of alternative formats including native languages, Braille, large print, computer disk and oral presentation. The MSC2099 form from DHS meets this obligation.

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.

(C) Confidentiality
DHS has determined that the HSP directly relates to the administration of the TANF public assistance programs. TANF confidentiality rules apply to clients who receive HSP services and TANF benefits (see Applicable Rules and Requirements appendix of this manual).

Subgrantee and subrecipient agencies must have policies and procedures that ensure all client information and records are secure and confidentially maintained. Subgrantee and subrecipient officers, employees and agents must be aware of and
comply with the subgrantees’ and subrecipients’ confidentiality policies and procedures.

Confidential records includes all applications, records, files, and communications relating to applicants for, and clients of, HSP funded services.

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

**Note to Domestic Violence Providers:**
Subgrantee and subrecipient agencies 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 HSP 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.

**D) Electronic Confidentiality**
Electronic collection of client information requires procedures for ensuring confidentiality including:

- Computer terminals must be located in a secure location, limiting access to only those persons who have a legitimate interest in and are responsible for 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; and
- Access to personally identifiable HMIS data shall be given to only authorized personnel as necessary for performing the work required for the HSP.

**E) Conflict of Interest**
Subgrantee and subrecipient must keep records to show compliance with program conflict of interest requirements.

**(1) Organizational**
The provision of any type or amount of 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 or subrecipient has ownership interest. Subgrantee and subrecipient would need to find another independent organization that is also an
OHCS subgrantee to do the intake assessment and ensure that all program participants are eligible even if the subgrantee or subrecipient has a waiver of the conflict of interest requirements. Conflict of interest waivers regarding rent assistance and rental agreement requirements can only by approved by OHCS. If a subgrantee or subrecipient wishes to apply for a waiver, they should contact the OHCS homeless program analyst or manager for guidance in submission of a waiver request, which must be approved by OHCS.

Subgrantees and subrecipients cannot steer potential renters to 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.

(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 or subrecipient agency. No person who exercises or has exercised any functions or responsibilities with respect to activities assisted under the programs, or who is in a position to participate in decision-making processes or gain inside information with regard to activities assisted under the programs, 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 a family or business tie, during his or her tenure or during the one-year period following his or her tenure.

(F) Service Termination or Denial of Assistance
Subgrantees and subrecipients must have written termination, denial, and grievance policies and procedures. The policies and procedures should be readily available to program participants either at intake or by posting the policy in a public place. It is important to effectively communicate these policies and procedures to applicants/clients and ensure they are fully understood.

Subgrantees and subrecipients are required to provide written notice to applicants/clients when denied program assistance or assistance is terminated. The notice must include the specific reason(s) for the denial/termination and identify the steps to appeal the subgrantee’s and subrecipient’s decision.
Grievance and Appeals Process

Subgrantees and subrecipients are 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 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.

Nondiscrimination

Subgrantees and subrecipients are required to comply with all state and federal statutes relating to nondiscrimination. Subgrantee and subrecipients 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
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.

4. Additional HSP Requirements

(A) TANF Collaboration

Communication between DHS staff and local CAAs administering HSP is fundamental to maximizing housing-related assistance for families in a more holistic approach while avoiding duplication of benefits or services. Collaboration with DHS case managers is required. Subgrantees must coordinate with their local DHS offices to write and sign a collaboration plan that is submitted through the MGA Funding Application.

(B) Case Files & Housing Stability Plan

Documentation of client eligibility and services received must be maintained in printed or electronically-saved with client case files, including files for applicants found to be ineligible. Files for applicants found to be ineligible for assistance or for clients who are no longer eligible to receive assistance will include documentation of why they are ineligible and how that was determined. File documentation will be the basis of OHCS monitoring to ensure subgrantee and subrecipient is in compliance with program requirements and regulations.

Case allocation plans are required for all HSP clients and identifies how funds are allocated to the client. When completed in their entirety, referral forms by DHS may take the place of the case allocation plan.
Development of a housing stability plan is required for those clients receiving more than one time only services and includes an assessment related to housing barriers. The plan needs to identify how HSP funds/services provided will address such barriers to housing stability. Existing assessments and active case plans with other providers may be used and included in the client file. Subgrantees and subrecipients can request copies of assessment and case plans from DHS for those clients receiving TANF. Co-case planning with DHS is strongly recommended as part of your collaboration plan to address client needs and to develop a housing plan. Case management is an expectation for the delivery of HSP funds. Co-case planning with DHS will further develop effective case management strategies for each client.

(C) Criminal Records Check

Subgrantee and subrecipient agencies must verify that any employee working with HSP households do not have a conviction of child abuse, offenses against persons, sexual offenses, child neglect, or other offense bearing a substantial relation to the qualifications, functions or duties of an employee scheduled to work with HSP households.

“Criminal records check” means obtaining and reviewing criminal records and includes any or all of the following for at least the state of Oregon:

1. Obtain an Oregon criminal records check from Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal information [http://www.oregon.gov/OSP-ID/Pages/public_records.aspx];
2. Request a national criminal records check where criminal records are obtained from the Federal Bureau of Investigation (FBI) through the use of fingerprint cards and other identifying information sent to OSP; or
3. Obtain a state-specific criminal record check from law enforcement agencies, courts, or other criminal records information resources located in, or regarding, a state or jurisdiction inside and/or outside Oregon.

2.5 Client Applicant Eligibility

(A) Prioritization

Subgrantees and subrecipients shall ensure priority of HSP services is given:

1. First to households applying for or receiving TANF; and
2. Second to households who are not applying or receiving TANF, but who meet HSP eligibility requirements.

(B) Household Composition

1. The Eligibility Group must include at least the following people:
   - A Dependent Child, AND
   - Parent or Caretaker Relative living with Dependent Child, and, if applicable, their spouse and children, AND Self-certification of caretaker
relative status, either by a document signed by the caretaker relative or by appropriate case notes that self certification occurred, is sufficient, unless caretaker relative status is questionable and then third-party documentation is required.

- Siblings of the Dependent Child living with Dependent Child, if applicable. Siblings must be under age 18 or 18 and attending school full-time.

4 Dependent Child: In order to receive HSP, at least one dependent child from the eligibility group must meet citizenship (or qualified non-citizenship status) and have a social security number or have applied for one. If the dependent child is an unborn child and the mother is ineligible due to not meeting citizenship requirements, the household is not eligible until the child is born (see Section 265C: Pregnancy). If the only eligible dependent child is in foster care and in the process of reunification, subgrantee and subrecipient shall confirm with DHS the plan, timeline and requirements for reunification. If subgrantee determines obtaining housing within 4 months from the date of receiving HSP services allows the eligible child to rejoin the household, the household will be eligible for HSP assistance. Subgrantee and subrecipient must retain appropriate documentation in the client-applicant file of their contact/s with DHS personnel. In cases where there is DHS documentation of TANF or a written DHS referral for HSP assistance of a TANF client, no additional dependent child documentation in the file is required.

5 Categorical Eligibility: In cases where there is DHS documentation that the if someone in the eligibility group is receiving TANF (EBT cash benefits) eligible (determined by local DHS), then the eligibility group is categorically eligible to receive HSP, without meeting any other financial or non-financial eligibility criteria. Households must still meet the housing status requirements; however, in cases where there is a written referral from DHS indicating housing status, no further documentation is required.

C Pregnancy
A parent/caretaker relative whose only child is an unborn may be eligible when the mother’s pregnancy has reached the calendar month before the month in which the due date falls. (For example, if the due date is June 20, the mother of an unborn may be eligible for HSP as early as May 1). The client’s written statement that a medical practitioner, health department, clinic crisis pregnancy center or like facility verified the pregnancy is adequate for verification. This requirement may be waived in situations of domestic violence. A domestic violence client could be at any stage of pregnancy to qualify.

D Housing Status
The eligibility group must meet one of the following categorical definitions of homeless or at risk of becoming homeless. In cases where there is a written referral from DHS indicating housing status, no further documentation is required.
Category 1: Literally Homeless—household who 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 as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport or camping ground;
- Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, or hotels and motels paid for by charitable organizations or by federal, state or local government programs); OR
- Exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Category 2: Imminent Risk of Homelessness—household who will imminently lose their primary nighttime residence provided that:

- The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- No subsequent residence has been identified; AND
- Household lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.

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

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

Category 4: Fleeing/Attempting to Flee Domestic Violence—household who:

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

Category 5: Unstably Housed—household who:

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

(E) Income

Income includes the current gross income of all adult household members at the time of assessment. Income earned by household members who are minors or full-time students and are not considered heads of household is excluded. Documentation of
income for 30 days prior to the assessment must be kept in the applicant file. If income
statements are not available for 30 days prior to the assessment, applicant must self-
certify the previous 30 days of income.

<table>
<thead>
<tr>
<th>Convert periodic wages to annual income by multiplying:</th>
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<tbody>
<tr>
<td>1. Hourly wages by the number of hours worked per year (2,080 hours for</td>
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<tr>
<td>full-time employment with a 40-hour week and no overtime);</td>
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<tr>
<td>2. Weekly wages by 52;</td>
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<tr>
<td>3. Bi-weekly wages (paid every other week) by 26;</td>
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<td>4. Semi-monthly wages (paid twice each month) by 24; and</td>
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<tr>
<td>5. Monthly wages by 12.</td>
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<tr>
<td>To annualize other than full-time income, multiply the wages by the actual</td>
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<td>number of hours or weeks the person is expected to work.</td>
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</table>

(1) **Income Limits**: Count the income of every person in the eligibility group, except SSI
income, to determine financial eligibility for HSP. The countable income limit for
HSP and MOE is at or below 150% of the Federal Poverty Level in the month of
In cases where there is DHS documentation of TANF or a written DHS referral for HSP
assistance of a TANF client, no additional income documentation in the file is
required.

(2) The income limit for households served with MOE is 250% of the Federal Poverty
Level.

(3)(2) TANF Grant as Unearned Income: TANF grants (EBT cash benefits) received in
the month of application are unearned income for HSP applicants and are included
in the income calculation.

(4)(3) SSI Benefits as Unearned Income: For the purpose of eligibility, during the
month of application, exclude SSI monthly income when calculating income. However, if the household income is within the HSP income guidelines, any available
income or resources regardless of their source (such as SSI), will be used to establish
the amount of HSP benefits offered.

(5)(4) **Resource Limit**: The resource limit is $2,500 for all eligibility groups. In cases
where there is DHS documentation of TANF or a written DHS referral for HSP
assistance of a TANF client, no additional resource limit documentation in the file is
required. Resources can be verified through applicant self certification.

**Citizenship and Residency**

(1) **Citizen/Qualified Non-Citizen Status**: At a minimum, the eligible, dependent child
must be a US citizen or Qualified Non-Citizen, except in situations of domestic
violence, and documentation attesting to citizenship or qualified non-citizen status
must be in the file. In cases where there is DHS documentation of TANF or a written
DHS referral for HSP assistance of a TANF client, no additional citizenship
documentation in the file is required. [See definitions of Citizen/Qualified Non-Citizen Status in this section for more information]; AND

(2) Social Security Number: At a minimum, the eligible, dependent child must have, or be applying for, a SSN. In cases where there is DHS documentation of TANF or a written DHS referral for HSP assistance of a TANF client, no additional SSN documentation in the file is required.

(3) Non-Applicants: Members of the eligibility group who do not wish to provide their citizenship or immigration status or SSN may elect to be a non-applicant. Exclude non-applicants from the eligibility group as an ineligible household member and do not require them to disclose information about their citizenship or immigration status or SSN as a condition of HSP eligibility. His or her failure to disclose this information will not affect the potential eligibility of other family members; however, consider any income or resources provided by the non-applicant available to the eligibility group and include them in the financial eligibility calculation.

Family or household members who are not seeking benefits may designate themselves as non-applicants early in the eligibility process. Applications will not be delayed, discontinued or denied because non-applicant household members do not provide their citizenship, immigration status or SSN.

(4) U.S. Citizen

A U.S. citizen includes the following people:
(a) A person born in the U.S.;
(b) A naturalized citizen;
(c) A person born outside of the U.S., but whose parents (both mother and father) are U.S. citizens;
(d) A person born outside of the U.S., who is over 18 years of age, but who has at least one parent who is a U.S. citizen. The person must either have a certificate of U.S. citizenship or meet one of the following criteria:
   (i) Born on or after December 24, 1952, and prior to November 14, 1986, and their citizen parent was physically present in the U.S. or its outlying possessions for 10 years or more, at least five of which were after age 14;
   (ii) Born on or after November 14, 1986, and their citizen parent was physically present in the U.S. or its outlying possessions five years or more, at least two of which were after age 14.
(e) A child born outside of the U.S., who is under 18 years of age and has at least one parent who is a U.S. citizen. The child is residing in the U.S. in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence;
(f) A person lawfully adopted by U.S. citizens;
(g) A citizen of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands (Saipan, Tinian, Rota and Pagan), American Samoa and the Swains Islands.

(5) Qualified Non-Citizen
Qualified non-citizens are individuals who are admitted to the United States with a lawful immigrant status. The person who is granted that status either enters the United States as a lawful permanent resident or will be eligible to become a lawful permanent resident in the future. A lawful permanent resident is eligible to be naturalized as a U.S. citizen usually after five years of lawful permanent residency in the U.S.

A qualified non-citizen includes the following people:

(a) A person who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
(b) A person who is admitted to the United States as a refugee under section 207 of the INA;
(c) A person admitted to the United States under the Trafficking Victims Protection Act of 2000;
(d) A person who is granted political asylum under section 208 of the INA;
(e) A person whose deportation is being withheld under section 243(h) of the INA;
(f) A person who is paroled into the United States under section 212(d)(5) of the INA;
(g) A person who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980
(h) Battered immigrant spouse, battered immigrant child, immigrant parent of a battered child or an immigrant child of a battered parent, with a petition under 204(a)(1)(A) or (B) or 244(a)(3) of the INA;
(i) Cuban/Haitian persons who are either public interest or humanitarian parolees; or
(j) A person granted immigration status according to the Amerasian Homecoming Act, section 584(a) of the INA.

(6) Additional Qualified Non-Citizens

The following people also meet qualified non-citizen status requirements for HSP:
(a) American Indians born in Canada; or
(b) Non-citizens (regardless of INS status) who are currently victims of domestic violence or are at risk of victimization by domestic violence.

(7) Non-Qualified, Non-Citizen

Non-qualified non-citizens are:
Individuals who may be admitted lawfully into the United States but do not have immigrant status (i.e., they may stay here for a specific period, but cannot stay in the country for longer than their travel visa allows them). Foreign students, tourists, diplomats, performers, artists, entertainers, certain private company employers, etc., are included in this category.

If there any further questions on non-citizens, find the information at the following link of the DHS Family Services Manual:
(8) **Residency**

Program applicants must be residents of Oregon and intend to remain in Oregon.

**Limited English Proficiency**

The Federal government has issued a series of policy documents, guides and regulations describing how subgrantees and subrecipients 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.

Subgrantees and subrecipients must have a LEP policy document that describes the actions subgrantees and subrecipients 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.

Subgrantees and subrecipients should create a written Language Access Plan (LAP) to provide a framework to ensure all program information is available in languages other than English. Subgrantees and subrecipients who serve few LEP persons 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. Links to more information about Limited English Proficiency requirements are provided in the appendices “Applicable Rules and Regulations”.

7.6 **Eligibility Documentation**

(1) Documentation of all applicant eligibility information must be available in applicant files or if kept electronically, available upon request in the format requested. 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 applicant file.

(1)(2) Program staff must verify and document that clients served by this program meet HSP/MOE eligibility guidelines. Verification and related documentation must be maintained in clients’ files within the following specific areas:

- **Homeless/Housing status** *(or DHS Referral form for HSP services for a TANF client indicating housing status)*
- **Citizenship/Qualified Non-Citizen Status** *(or DHS documentation of TANF status or DHS Referral form for HSP services of a TANF client)*
- **Social Security Number (SSN)** or application for a SSN *(or DHS documentation of TANF status or DHS Referral form for HSP services of a TANF client)*
- **Pregnancy status**, if using pregnancy to meet eligibility requirements. The client’s written statement that a medical practitioner, health department,
clinic crisis pregnancy center or like facility verified the pregnancy is adequate for verification.

- Reasonable return (typically, of less than 30 days) for a minor child from foster care, where applicable
- Income, resources and/or TANF benefit (or DHS documentation of TANF status or DHS Referral form for HSP services of a TANF client).
- Dependent child eligibility (birth/hospital certificate) (or DHS documentation of TANF status or DHS Referral form for HSP services of a TANF client).
- Oregon residency status
- Caretaker/relative status to Eligible Dependent Child (identity documents, or DHS documentation of TANF status, DHS Referral form for HSP services of a TANF client or self-certification either by caretaker relative or by case notes, unless questionable, then by 3rd party documentation).

OHCS requires program staff to comply with the following general documentation standards listed in order of preference:

- **Third-party documentation**, where it is available, is the preferable form of documentation. Third party includes verification from an employer, landlord, public benefit worker, agency service provider, etc. Written verification directly to program staff or via the applicant is preferred.

- **Intake Worker Observation** 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 intake worker. 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.

- **Participant-Applicant Self-Certification** requires a written and signed document by the individual or head of household seeking assistance attesting to the facts for which they are certifying.

Documentation of all client information must be available in client 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’s file.

(4) **Simplified Documentation Option**

When a subgrantee or subrecipient moves an active client from HSP to EHA, SHAP or Elderly Rental Assistance (ERA) programs or an active client moves between state funds (EHA, SHAP, ERA), they may choose to use a simplified documentation process for the client’s homeless status and income; whereby the subgrantee or subrecipient case manager verifies that the client meets the homeless status and income of the funding source at the time of entry and that the client is eligible for the funding source to which they are moving, without requiring additional documentation.
documentation. Documentation from the original source of funding must be readily accessible for monitoring purposes. To use the Simplified Documentation Option, there can be no lapse in service from one program to the other.

Subgrantee and subrecipient may use the sample form provided on the OHCS website to document the client file using this simplified documentation option.

Emergency Solution Grant (ESG) and HOME Tenant Based Assistance (HTBA) funds still require separate documentation and are not subject to a simplified documentation option.

Domestic Violence Waiver of Eligibility Requirements:
Pursuant to a determination of good cause, some non-financial and financial eligibility requirements may be waived in cases where compliance with such requirements would make it more difficult for the household receiving assistance under this part to escape domestic violence or unfairly penalize such household who are or have been victimized by such violence, or households who are at risk of domestic violence, with the following exceptions:

(a) The household must still include a dependent child; AND

(b) The household must still be income eligible; however, you may waive income eligibility if attempting to use the resources would subject the client-applicant to risk of domestic violence or if the client-applicant is using the resource to avoid the abusive situation. Income of the eligibility group may include only the income that is immediately available for the group to meet the need. The eligibility group includes only the members who are fleeing from the domestic violence situation.

If client is at any stage of pregnancy and is using pregnancy as a means of eligibility, use the effective date for when you provide the services and you may waive the time limit used for pregnancy eligibility. (see section 2.B. of this manual for using pregnancy as eligibility)

Documentation that client-applicant meets requirements for use of a domestic violence eligibility waiver must be included in client-applicant file.

(A) Case Files & Housing Stability Plan
Documentation of client eligibility and services received must be maintained in printed or electronically saved client case files, including files for applicants found to be ineligible. Files for applicants found to be ineligible for assistance or for clients who are no longer eligible to receive assistance will include documentation of why they are ineligible and how that was determined. File documentation will be the basis of OHCS monitoring to ensure subgrantee and subrecipient is in compliance with program requirements and regulations.

Case allocation plans are required for all HSP clients and identifies how funds are allocated to the client.
Development of a housing stability plan is required for those clients receiving more than one time only services and includes an assessment related to housing barriers. The plan needs to identify how HSP funds/services provided will address such barriers to housing stability. Existing assessments and active case plans with other providers may be used and included in the client file. Subgrantees and subrecipients can request copies of assessment and case plans from DHS for those clients receiving TANF.

12.7 Allowable Client Expenditures

(A) General Requirements

Issue HSP payments to meet household needs, which other programs or other resources immediately available do not meet and that are necessary to stabilize the client’s ability to obtain/retain housing, as documented in the client case plan.

HSP funds shall be provided only for reimbursement of allowable costs incurred by subgrantee. HSP assistance cannot be paid directly to clients, but must be paid to the vendor (e.g., landlord, utility company, etc.). Documentation of client expenditures must be included in the client case file.

As pursuant to 45 CFR 260.31, allowable expenses are to be Non-Recurrent, Short-Term Benefits that:

- Deal with a specific crisis situation or episode of need; AND
- Are not intended to meet recurrent or ongoing needs; AND
- Will not extend beyond four months.

Eligible applicants may receive HSP assistance for one or more of the following expenditures/services:

1. **Housing Costs** including, but not exclusive to:
   - rent and rent arrears* (see note following this list)
   - mortgage
   - costs for room and board at a domestic violence shelter, emergency shelter, or “safe home”**; (see note following this list)
   - property taxes, for up to one year, if necessary to avoid foreclosure
   - late fees
   - move-in fees
   - security deposit (last month rent is also allowable)
   - application fee
   - utility payments/deposits/arrearages*** (see note following this list)
   - moving costs
   - motel voucher until rental unit available
   - costs of home repairs necessary to make the applicant’s housing habitable and if less costly than moving to other shelter

**NOTE to Allowable Expenses:** * Rent arrears is defined as past due rent owed (and other rental-related incurred expenses such as filing fees, court fees or lease break fee required by prospective landlord) 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 and total HSP assistance, including rent arrears, cannot exceed program required limit of $8,000.

**NOTE to Allowable Expenses**: Shelter Room and Board: A prorated cost of room and board (percentage of cost related to a HSP client), may be an allowable expense. While general administrative costs of a shelter are not allowable, costs directly attributable to a HSP client could be, such as lodging, utilities and food. Subgrantees and subrecipients must document how they calculate the expense attributable to a HSP client. HSP clients residing in shelters must continue to meet all HSP eligibility requirements and must be entered into ServicePoint and reported on the quarterly report.

**Note to Allowable Expenses**: Payment of utility arrears assistance can only occur when there is documented evidence of a utility bill in the participant’s name and that payment of those arrears is necessary for the participant to obtain utility service. Utility arrears assistance must result in utilities being turned on at the new or existing permanent housing location and is restricted to a one-time payment and total HSP assistance, including utility arrears, cannot exceed program required limit of $8,000.

**6**(2) **Auxiliary Services** include but are not exclusive to:

(a) Employment related
   (i) job readiness classes
   (ii) fees for identification/birth certificate/transcripts
   (iii) clothing-related expenses
   (iv) supplies (i.e. tool belt), and
   (v) child care

(b) Transportation (see note following this list)
   (i) bus passes
   (ii) other public transportation costs
   (iii) fuel
   (iv) car repairs
   (v) insurance
   (vi) licensing fees

(c) Self-Sufficiency
   (i) energy education
   (ii) budgeting education
   (iii) tenant readiness
   (iv) health and safety
   (v) Other expenses as approved by OHCS (includes basic home furnishing).

**7**— **Case Management Costs** include but are not exclusive to:

**8**— assessment/staffing
(9) Brokering for other services and supports that will help stabilize the household’s situation
(10)(3) Services to targeted populations such as teen parents, persons with severe mental illness or survivors of domestic violence
(11)(4) **Data Collection Costs:** include, but not exclusive to:
   (a) HMIS licenses;
   (b) Data entry;
   (c) Equipment upgrade; and
   (d) Staff training.

**NOTE to Allowable Expenses:**
*Transportation:* Payments that allow clients to use public transportation are the highest priority; however, provide payments for private transportation if the following are true:

- The client or driver has a valid driver’s license and vehicle insurance; AND
- No public transportation is available; OR
- Public transportation is available, but the client has a verifiable medical condition or disability that keeps them from utilizing public transportation and for which no accommodation is available; OR
- Public transportation is available, but it is more costly than the cost of car repair or fuel.

In considering transportation payments, it is vital that case managers evaluate all aspects of the client’s transportation need and cost-effectiveness. For example, if childcare costs will be higher because of requiring a client to ride the bus instead of driving their own car or getting a ride with another person, case managers should consider paying for gas vouchers or other payments.

HSP will not authorize car repairs for a vehicle not owned by an individual in the household.

**(J)(B) Ineligible Costs**
HSP cannot be used to purchase gift cards for participants for any purpose, with the exception of transportation (see definition of transportation payments).

**(K)(C) Assistance Payments**
Households may receive up to $8,000 of assistance during a (4) four-month period as long as they comply with their housing stability plan. The four-month period begins on the effective date of the case. If an eligible family household receives less than the maximum amount, the case manager may request additional payments as needed, up to the initial $8,000, during the four-month period, as long as the household continues to comply with their housing stability plan. Housing Stability Plan are required only for those households receiving more than one-time only assistance. Amend the case allocation plan if changes in allocation are made to the original plan.
If any member in the eligibility group received HSP benefits in the past 12 months in Oregon, consider the entire eligibility group as having received benefits and they do not meet eligibility requirements. (This does not include the four-month period of current benefits). When possible, verify previous payments with ServicePoint or subgrantee agency case records.

Use of other OHCS resources (such as EHA) is encouraged to continue assisting HSP clients past the four month limitation of HSP funds. Many client barriers to housing stability cannot be fully addressed in four months. Continued case management and collaboration with DHS can help to ensure long-term housing stability and produce more effective client outcomes.

**Extensions**

If the eligibility group completes their case allocation plan and leaves the HSP, but returns for additional assistance before their four-month limit is up, the case manager can re-evaluate the eligibility group’s needs and provide further assistance up to the assistance limit. The eligibility group must continue to meet all program eligibility requirements.

If the case manager approves extended assistance, the case manager completes a new case allocation plan form identifying it as amended with the current date. The case manager must sign the extended plan.

Extensions beyond a four-month period are not allowed.

### 13.8 Maintenance of Effort (MOE)

Allowable MOE expenditures that are made on behalf of an eligible needy household, must comply with HSP allowable client expenditures within the four (4) month time HSP expenditure limitation as detailed in this manual.

MOE funds can serve families whose income is at or below 250% of the Federal Poverty Level (FPL), as long as the allowable MOE requirements are met. MOE requirements are:

1. Eligible families with income up to 250% of FPL, must also have a
2. Qualifying child, be a
3. Citizen or have Qualified Non-Citizen Status (see Section 2 for eligibility); be a
4. Resident of Oregon, and have a
5. SSN (see Section 2 for eligibility); and
6. Meet one of the four purposes of TANF:
   (a) assisting needy families, so that children can be cared for in their own homes;
   (b) reducing the dependency of needy parents by promoting job preparation, work and marriage;
   (c) preventing out-of-wedlock pregnancies; and
   (d) encouraging the formation and maintenance of two-parent families.
Countable TANF MOE funds are other state, county, local governments, and other such public or private funds. MOE must be “matched” at a rate equal to the amount of HSP funds allocated (dollar-for-dollar), including administrative funds. MOE can be:

1. Cash, or
2. Third party in-kind contributions, such as volunteer services, or professional services. In-kind services must be identified through a MOU with partner organizations. **OHCS must approve the methodology used for valuation prior to including the value on the quarterly report.**

MOE funds must not be otherwise counted towards a federal cost-sharing or matching requirement. Examples of cash and in-kind MOE funds can be found on the OHCS website for providers.

Expenditures counted towards MOE cannot exceed the limitation of assistance as identified for HSP

14.9 Financial Management

(A) **Administration**

Subgrantee agencies are allowed to use up to ten percent (10%) of their total allocation for administrative costs, including costs allowed for subrecipient organizations with whom the subgrantee agency contracts.

Administrative Allowable administrative costs are 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.

Agency-wide expenses related to general management, oversight, coordination, and evaluation. Allowable costs include but are not exclusive limited to:

1. Senior executive management personnel salaries and benefits (unless they are directly involved in program operations), administrative staff travel costs;
2. General services such as accounting, budget development, personnel, contracting, marketing, agency audit, **agency insurance**;
3. Board expenses;
4. **Organization-wide membership fees and dues specific to homeless systems and programs;**
5. **and/or**
6. Equipment rental/purchase, insurance, utilities and IT costs, that are **not program specific, but relate to the for administration of the agency as a whole.**

Expenditures counted toward MOE for administrative funds cannot exceed ten percent (10%) of the total allocation.
(B) **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  
**Ph:** (503) 986-2099  
**Toll Free:** (800) 453-5511 Option 6

(C) **Request for Funds**

Subgrantees must retain supporting documentation of all costs charged to the applicable 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. Timely submission of RFFs are crucial for HSP. Submit RFFs frequently and ensure that all RFFs are submitted for each fiscal year by June 30th of each fiscal year.

Subgrantees should submit Requests for Funds (RFFs) monthly as costs are incurred. At a minimum, Subgrantees are required to submit Requests for Funds for expenses incurred during each fiscal quarter by the 20th of the month following the end of each fiscal quarter.

Subgrantee must retain supporting documentation of all costs charged to the grant. 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.

(D) **Budget Change Requests and Work Plan 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.

At the discretion of OHCS, additional information or a Work Plan Implementation Report Amendment Request form may be required for a budget change request. Work Plan Implementation Report Amendments are required when there is a shift in program delivery and/or scope of work. All Work Plan Implementation Report Amendments require OHCS approval by submitting a Work Plan Implementation Report Amendment Request form electronically to: 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 a Work Plan Implementation Report Amendment Request form electronically to crd.reports@oregon.gov.

(E) **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.

(F) **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.

15. General Program Requirements

(-) **Criminal Records Check**

Subgrantee and subrecipient agencies must verify that any employee working with HSP households do not have a conviction of child abuse, offenses against persons, sexual offenses, child neglect, or other offense bearing a substantial relation to the qualifications, functions or duties of an employee scheduled to work with HSP households.

“Criminal records check” means obtaining and reviewing criminal records and includes any or all of the following for at least the state of Oregon:
(19) Obtain an Oregon criminal records check from Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal information [http://www.oregon.gov/OSP/ID/Pages/public_records.aspx];

(20) Request a national criminal records check where criminal records are obtained from the Federal Bureau of Investigation (FBI) through the use of fingerprint cards and other identifying information sent to OSP; or

(21) Obtain a state-specific criminal record check from law enforcement agencies, courts, or other criminal records information resources located in, or regarding, a state or jurisdiction inside and/or outside Oregon.

(1) Release of Information

All information about the applicant/eligibility group is confidential. Disclose information only for purposes of determining program eligibility, providing benefits, or investigating possible violation of federal, state and local regulation(s).

Client information (including identifying the person as a client) should not be released without written authorization from the client. Client refusal to provide such authorization cannot be the basis for denying program services to otherwise eligible clients. Subgrantees and subrecipients are required to have a signed agency Release of Information form for all clients authorizing the release of information pertinent to determining program eligibility, providing assistance/service, HMIS data collection and reporting and other relevant need for sharing information. If client refuses to provide a Release of Information, the refusal must be documented, dated and kept in the client file. Any Release of Information form used must include OHCS and the Department of Human Services as entities to which information is shared.

In addition, any Release of Information form must include the option of alternative formats including native languages, Braille, large print, computer disk and oral presentation. The MSC2099 form from DHS meets this obligation.

(2) Confidentiality

DHS has determined that the HSP directly relates to the administration of the TANF public assistance programs. TANF confidentiality rules apply to clients who receive HSP services and TANF benefits (see Applicable Rules and Requirements appendix of this manual).

Subgrantee and subrecipient agencies must have policies and procedures that ensure all client information and records are secure and confidentially maintained. Agency officers, employees and agents must be aware of and comply with the agency’s confidentiality policies and procedures.

Confidential records are all applications, records, files, and communications relating to applicants for, and clients of, HSP funded services.

Note to Domestic Violence Providers:
Subgrantee and subrecipient agencies 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 HSP 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 the subgrantee and subrecipient agencies must comply with all applicable local, state and federal requirements. All records shall be open for review to federal, state, and subgrantee agency auditors and/or examiners in the course of their regular audits and monitoring functions of HSP funded programs.

(-) Conflict of Interest

Subgrantees and subrecipients are required to have a conflict of interest policy that minimally requires staff and board members to disclose to appropriate board or staff member(s) the conflict or potential conflict; prohibits those with a conflict from voting or making a decision on the matter in which there is a conflict; defines the process for managing and determining conflicts of interest; and documents that staff and board members are aware of and understand the policy.

(-) TANF Collaboration

Collaboration or an attempt to collaborate with DHS case managers is required when the applicant is an active TANF client. The extent of coordination is at the discretion of agency staff but must minimally include an initial contact with the appropriate DHS worker to ensure services are aligned and avoid service duplication. Broader coordination on both a program and client level is strongly encouraged. Local DHS offices may be found at:


(-) Service Termination or Denial of Assistance

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

Subgrantees and subrecipients are required to provide written notice to applicants/clients when denied program assistance or assistance is terminated. The notice must include the specific reason(s) for the denial/termination and identify the steps to appeal the subgrantee’s and subrecipient’s decision.
(-) Grievance and Appeals Process

Subgrantees and subrecipients are 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 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.

(-) Nondiscrimination

Subgrantees and subrecipients are required to comply with all state and federal statutes relating to nondiscrimination. Subgrantee and subrecipients 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.

65.10. Reporting Requirements

(A) Data Entry

Subgrantee and subrecipient agencies are required to enter HSP related client and service data into the ServicePoint Homeless Management Information System (HMIS), except for data of victim services providers, 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 participants’ 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 data be entered by subgrantees and subrecipients enter data within 72 hours or three business days, and data quality reports be run periodically (preferably monthly) using the HUD CoC APR Data Quality/Completeness and Data Completeness Report Card (EE). Subgrantees and subrecipients are responsible for acquiring and documenting informed written consent from program participants.
from program participants, and protecting program participants’ confidentiality. 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.

(C) 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

(D)(C) 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. Projects serving survivors of domestic violence where the operator is not a victim services provider are required to enter data in their HMIS.

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

**Reporting Requirements**

Subgrantee agencies 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 adequate 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.

**[Key] Performance Measures and Follow-Up Contact**

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.

Both measurements should be entered into HMIS. Preliminary performance benchmarks have been set at 30% for all program participants who exit to permanent housing and 80% for those exiting to permanent housing that remain in permanent housing at six month follow-up. These outcome measurements will be in addition to reporting of required universal data elements that track client characteristic and service data.
Reporting of the two performance measures will be provided in the year-end report and is client household-based, not funding source. In other words, measurement will occur at time of client’s program exit whether or not the program is exclusively HSP or partially HSP funded. 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 list of clients to verify permanent housing since LIHEAP 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.

(1) Electronic Confidentiality

Electronic collection of client information requires procedures for ensuring confidentiality including:

(81) Computer terminal(s) used for client data collection 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;
(82) Computer monitors must be cleared (or a screen saver activated) immediately after accessing a client record;
(83) Computer terminals must be on a “locked” mode or turned off if the terminal is unattended; AND
(84) Access to ServicePoint will only be given to authorized staff persons and only insofar as access is required for meeting program requirements.

85.11. Records Requirements

(A) Records Access

Subgrantee agencies and their subrecipients 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 subgrantee and subrecipient agency’s office.

(B) Records Retention

Subgrantee and subrecipient agencies shall retain all program records pertinent to client services and expenditures incurred under HSP 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 these at the Oregon State Archives:
(http://arcweb.sos.state.or.us/pages/recmgmt/sched/state.html);

and State Agency General Records Retention Schedules, found at the Oregon State Archives:
(http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_166/166_300.html).

Subgrantee and subrecipient agencies shall retain and keep accessible all such fiscal 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 HSP funding, or until the conclusion of any audit, controversy or litigation arising out of, or relating to, HSP.

Subgrantee and subrecipient agencies shall retain and keep accessible all such program records, client records, digital and electronic records, books, documents, papers, plans, and writing for a minimum of six (6) years after final payment to client.

86.12. Monitoring

OHCS will conduct a program monitoring of subgrantees once every three years or more frequently at OHCS’ discretion. Fiscal monitoring will be conducted annually unless circumstances require sooner. Subgrantees will be notified thirty (30) days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff or Board interviews. OHCS will provide subgrantees with a written monitoring report inclusive of any findings, concerns or comments. Subgrantees are required to submit timely corrective action to findings and failure to do so may result in the withholding and/or return of HSP funds to OHCS.

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.

13. Subrecipient Monitoring

Subgrantees must monitor their subrecipient organizations at least once during a biennium or the term of the Master Grant Agreement, as determined by OHCS. Subrecipient organization
monitoring procedures must be in place and adequately ensure compliance with HSP program requirements. Monitoring reports will be retained by the subgrantee and available for review by OHCS or other authorized entity.

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

OHCS will conduct a program monitoring of subgrantee agencies once every three years or sooner if warranted or required by the program’s rules. Fiscal monitoring will be conducted annually unless circumstances require sooner. Subgrantee agencies will be notified thirty (30) days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff or Board interviews. OHCS will provide subgrantee agencies with a written monitoring report inclusive of any findings, concerns or recommendations. Subgrantee agencies are required to submit timely corrective action to findings and failure to do so may result in the withholding and/or return of HSP funds to OHCS.

Subgrantee agencies must monitor their subrecipients at least once during a biennium or the term of the Master Grant Agreement, as determined by OHCS. Subrecipient monitoring procedures must be in place and adequately ensure compliance with HSP program requirements. Monitoring reports will be retained by the subgrantee agency and available for review by OHCS or other authorized entity.

All subrecipients must comply with all program rules and regulations as noted in the Master Grant Agreement, 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 Work Plan Implementation Report Amendment Request form.
Appendix 1: Applicable Rules and Regulations

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


2. **Food Stamp Act:** 7 USC §2020(e)(8), 7 CFR § 272.1(c); ORS 411.320 and 411.990; OAR 461-105-0010 through OAR 461-105-0140.

3. **Temporary Assistance to Needy Families (TANF):** 42 USC § 602(a)(1)(A)(iv); ORS 418.130 and 418.990; OAR 461-105-0010 through 461-105-0140.


5. **Medicaid:** Medicaid Services under the Medicaid Act, Title XIX, 42 USC § 1396 et. seq; including § 1396a(a)(27); 42 CFR § 431.107(b)(1) & (2); 42 CFR Part 1002.3(a); 42 CFR Part 455 Subpart (B); 42 USC § 1396(a)(57) and (w); 42 CFR Part 431.107(b)(4); 42 CFR Part 489 Subpart I; Section 6032 of the Deficit Reduction Act of 2005, 42 USC § 1396a(a)(68).; ORS 411.320 and 411.990; OAR 461-105-0010 through 461-105-0140.

6. **Income Eligibility Verification System (IEVS):** 5.3.1.4.1 42 USC § 1320b-7, 20 CFR § 603; ORS 411.320, 411.990, ORS 418.130, 418.990; OAR 461-105-0010 through 461-105-0140.

7. **Social Security Numbers:** 5 USC § 552a, 42 USC §405 and § 408, and individual programmatic confidentiality provisions; ORS 411.320, 411.990, ORS 418.130, 418.990; OAR 461-105-0010 through 461-105-0140.

8. **Tax Information:** 26 USC § 6103, 26 USC § 7213(a) (2); ORS 314.835, ORS 314.840 and ORS 314.991.

9. **Unemployment Insurance Information:** ORS 657.670; ORS 411.320, 411.990, ORS 418.130, 418.990; OAR 461-105-0010 through 461-105-0140.

10. **Alcohol and Drug Information:** 42 USC § 290dd-2; 42 CFR § 2.1; ORS 411.320, 411.990, ORS 418.130, 418.990; OAR 461-105-0010 through 461-105-0140.

11. **Mental Health Information:** 42 USC § 6041, 42 USC § 10841(1) (H); ORS 179.505 and ORS 192.515 through ORS 192.525.

12. **Child Abuse Information:** ORS 419B.035.

13. **Support Enforcement Information:** 42 USC § 654(26), ORS 25.260 and 25.990; OAR 461-200-1140.

14. **Criminal Background Check Information:** ORS 181.536, 181.537 and ORS 181.540; OAR 461-165-0400.; OAR 407-007-0000 through 407-007-0640.

15. **School Records:** ORS 192.496(4) and ORS 326.565; OAR 581-021-0330 and OAR 581-021-0350.

16. **Disclosure:** 42 CFR Part 455.104 and 455.434.

17. **Public Records In General:** ORS 192.496 through 192.530.
18. **Misuse of Confidential Information:** ORS 162.425.

19. **Refugee Program:** 45 CFR 400.27, OAR 461-105-0010 through 461-105-0140.


21. **Federal Intellectual Property Rights Notice:** 37 CFR Part 401

22. **Federal Whistleblower Protection:** 41 USC 4712, Pilot Program for Enhancement of Employee Whistleblower Protection; Attachment 4, “Information Required by 2 CFR Subtitle B and 2 CFR 200.331(a)(1)”.

23. **ORS 456.515 through 456.725:** [Housing and Community Services Department](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.asp)

24. **ORS 458.505 through 458.545:** [Community Services Program](http://www.arcweb.sos.state.or.us/pages/rules/access/numerically.html)

25. **OAR 166-300:** [State Agency General Records Retention Schedules](http://arcweb.sos.state.or.us/pages/rules/access/numerically.html)

26. **OAR 813-051:** [Housing Stabilization Program](http://www.dhs.state.or.us/policy/selfsufficiency/em_firstpage.htm)

27. **Inter-Agency Agreement between DHS and OHCS**

28. **This manual** as guidelines for HSP, and all other references made within this manual.


30. **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](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=%2Findex.tpl)

31. **ORS** cited are amended from time to time and can be found at: [https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

32. **OARs** cited are amended from time to time and can be found at: [http://arcweb.sos.state.or.us/pages/rules/access/numerically.html](http://arcweb.sos.state.or.us/pages/rules/access/numerically.html)

33. The DHS Family Service Manual can be found at: [http://www.dhs.state.or.us/policy/selfsufficiency/em_firstpage.htm](http://www.dhs.state.or.us/policy/selfsufficiency/em_firstpage.htm)

Appendix 2: Acronyms

Acronyms commonly used in this program are:

- **CFR** Code of Federal Regulations
- **DHS** Department of Human Services, Oregon
- **FPL** Federal Poverty Level
- **HMIS** Homeless Management Information System
- **HSP** Housing Stabilization Program
- **HUD** United States Department of Housing and Urban Development
- **MOE** Maintenance of Effort
- **OAR** Oregon Administrative Rule
- **OHCS** Oregon Housing and Community Services
- **ORS** Oregon Revised Statute
- **OSP** Oregon State Police
- **SNAP** Supplemental Nutrition Assistance Program (formerly food stamps)
- **SSI** Social Security Income
- **SSN** Social Security Number
- **TANF** Temporary Assistance for Needy Families
Appendix 3: Definitions

Barriers to Employment: include lack of childcare, education, transportation, or work experience, lack of a high school degree or GED (General Educational Development) Certificate, illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, or a history of unstable employment.

Caretaker Relative:
The Dependent Child must live with a Caretaker Relative:

Any blood relative of the dependent child's, including those of half-blood, and including first cousins, nephews, nieces and individuals of preceding generations as denoted by prefixes of grand, great or great-great, stepfather, stepmother, stepbrother, stepsister or an individual who has legally adopted the dependent child, who lives in a residence maintained by one or more of the relatives, and as the child's or the relative's own home. This includes:

Any individual who legally adopts the child and any individual related to the individual adopting the child;

When a legal adoption exists, the biological parent can be the caretaker relative when the dependent child lives with the biological parent and the adoptive parent has given up care, control and supervision of dependent child; AND

Any of the preceding relationships established through marriage. Such relationship remains the same even upon termination of the marriage by death or divorce.

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' right 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.

**Dependent Child:** A dependent child must be one of the following:

1. An individual (who is not a caretaker relative of a child) who is in the household living with the caretaker relative and is unmarried or married but separated, AND is under the age of 18, OR is under 19 and a full-time student in secondary school (high school) or the equivalent level of vocational or technical training; OR
2. A minor parent whose parents have chosen to apply for benefits for the minor parent (this does not apply to a minor parent who is married and living with his or her spouse); OR
3. An unborn child (see client eligibility requirement for pregnancies)

**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. (Note: This definitional aligns with TANF rules and regulations)

**EPIC Card** 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.

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

**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.

**Housing Instability:** Means a household who meets at least one of the following conditions:

1. Has moved because of economic reasons (2) two or more times during the 60 days immediately preceding the application for assistance
(2) Living in the home of another because of economic hardship on a short-term/temporary basis (provide the date that this housing will end)
(3) Living 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
(4) Living in a Single Room Occupancy or efficiency apartment unit in which there resides more than (2) two persons
(5) Is exiting a publicly funded institution or system of care
(6) Is currently living in unsafe housing
(7) Has some other condition which rises to the level of “housing instability” as described above

**Marriage:** Means the union of two individuals who are legally married. Legally married means a marriage unifying two individuals according to the provision of:

1. The statutes of the state where the marriage occurred;
2. The common law of the state in which the two individuals previously resided while meeting the requirements of common law marriage in that state; or
3. The laws of a country in which the two individuals previously resided while meeting the requirements for legal or cultural marriage in that country.

**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.

**Other Federal Statutes:** Other Federal Statutes include:

1. Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.),
2. Head Start Act (42 U.S.C. 9831 et seq.),
4. Section 330 of the Public Health Service Act (42 U.S.C. 254b),
6. Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and
7. Subtitle B of title VII of the McKinney-Vento Act (42 U.S.C. 11431 et seq.)

**Parent:** Means the biological mother or father of an unborn child or the biological, step, or adoptive mother or father of a child.

**Priority Population** means persons that the subgrantee/subrecipient, the funding source or OHCS has determined as having the greatest need and will receive services first (such as veterans and homeless families with children). Directives by the funding source or OHCS shall take precedence.

**Rent arrearage** is past due rent owed (and other rental-related expenses incurred such as filing fees, court fees or lease break fees required by prospective landlord) to a current, prospective or previous landlord. If arrears are owed to a previous landlord or to a collection agency, 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 month’s past due rent. Subgrantees and subrecipients have the discretion to limit payments for rent arrearage.

**Shelter:** “Emergency shelter,” means any facility whose purpose is to provide temporary shelter for the homeless including congregate shelters, hotels/motels paid for by charitable organizations, or federal, state and/or local government programs, which do not require occupants to sign leases or occupancy agreements.

**Shelter Room and Board:** A prorated cost of room and board (percentage of cost related to a HSP client), may be an allowable expense. While general administrative costs of a shelter are not allowable, costs directly attributable to a HSP client could be, such as lodging, utilities and food. Subgrantees and subrecipients must document how they calculate the expense attributable to a HSP client. HSP clients residing in shelters must continue to meet all HSP eligibility requirements and must be entered into ServicePoint and reported on the quarterly report.

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

**Spouse:** Means an individual who is legally married to another individual.

**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:** Subrecipients are entities that, by contract with the subgrantee agency, provide HSP 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 Housing Stabilization Program.

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

**Target Population:** A specific population to which funds will be targeted. 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., means persons a subgrantee/subrecipient wishes to reach out to who are under-represented in their service population (such as refugees, teen parents, SSI recipients).

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

**Transportation Payments** may include bus/train passes, fuel vouchers, vehicle insurance payments or vehicle repair. Payments that allow clients to use public transportation are the highest priority; however, case managers have the discretion to provide payments for private transportation. Case managers must document why private transportation options are preferred over public transportation options and that the expense will lead to the stabilization of housing. Car repairs for a vehicle not owned by an individual in the household are not allowed and client must have a valid
driver’s license. Gift cards may be used ONLY as a gas payment and the expense must have a receipt in the file. If there is no receipt of purchase using the gift card, the cost would not be allowed.

**Unaccompanied Youth with Child/ren:** A minor parent under the age of 18 or a teen parent under the age of 20 and has not completed a high school diploma or GED program.

If the Unaccompanied Youth with Child/ren is a Minor Parent (under the age of 18), to be eligible for benefits, the minor Parent must live with his/her parent, legal guardian or another adult relative. If it is determined that it is in the best interest of the minor parent to live on their own, the minor parent must attend high school or its equivalent full-time or participate in the Department of Human Services JOBS or other training program to develop employment or self-sufficiency skills.

Operational Flexibility: Sexual abuse or other physical or emotional abuse is grounds to waive the requirement that a minor parent live with their parent(s), legal guardian or other adult relative in order to receive benefits. The decision to waive this requirement may also be based on the unavailability of the parent(s), legal guardian or other adult relative in providing the minor parent’s care, control and supervision. This is true when they are not living in the same state, or when the minor parent has been living on his/her own for over 12 months before or since the birth of his/her last child.

If a Minor Parent returns to live with his/her parent, parents or legal guardian, consider the parent, parents, or legal guardian’s income during application for benefits.

**Utility arrearage** assistance is past due utilities and can only be provided when there is documented evidence of a utility bill in the participant’s name. Utility arrears assistance must result in utilities being turned on at the new permanent housing location. If arrears are owed to a previous utility company or to a collection agency, these arrears may be paid, but only when there is documented evidence that payment of the arrears is necessary for the participant to obtain utility service.

(End)
## Appendix 4: MOE FAQs

### 1. What kinds of expenditures DO NOT count towards MOE:

(1) Funds that originated with the Federal government;
(2) State funds expended under the Medicaid program;
(3) State funds from a prior fiscal year;
(4) Any funds used as MOE for a previous HSP grant (not used again for MOE on a subsequent grant award).

### 2. What are some examples of Cash contributions that DO NOT count towards MOE:

- Low-Income Home Energy Assistance Program (LIHEAP)
- HOME Tenant Based Assistance (HTBA)
- Community Development Block Grant (CDBG)
- Community Services Block Grant (CSBG)
- Continuum of Care (CoC)
- Emergency Food and Shelter Program (EFSP)
- Supplemental Assistance for Facilities to Assist the Homeless Program (SAFAHP)
- Supplemental Nutrition Assistance Program (SNAP)
- Women Infants & Children nutrition program (WIC)
- US Housing & Urban Development Family Unification Voucher (HUDFUV)

### 3. What are some examples of Cash contributions that DO count towards MOE:

- Emergency Housing Assistance (EHA)
- Elderly Rental Assistance (ERA)
- State Homeless Assistance Program (SHAP)
- Private funds
- Foundation funds
- State funds (as qualified by #5 in this FAQ and not already counted by another source)
- Local government funds (as qualified by #5 in this FAQ and not already counted by another source)

  **IF YOU PLAN TO USE STATE OR LOCAL GOVERNMENT FUNDS, THESE FUNDS MUST NOT ALREADY BE COUNTED AS MOE BY ANOTHER SOURCE. PLEASE CONTACT THE SOURCE OF THESE FUNDS TO ENSURE THAT THEY ARE NOT ALREADY COUNTED AS MOE.**

### 4. What are some examples of In-Kind contributions that DO count towards MOE (funds not already counted by other sources, such as Oregon Food Bank, and with prior approval — see Section 4 of this manual):

- Volunteer driver hours
- Volunteer food pantry hours
- Other volunteer worker hours
5. What kinds of State expenditures count toward meeting a State's basic MOE expenditure requirement?

(a) Expenditures of State funds in TANF MOE may count if they are made for the following types of benefits or services:

(1) Cash assistance, including the State's share of the assigned child support collection that is distributed to the family, and disregarded in determining eligibility for, and amount of the TANF assistance payment;

(2) Child care assistance (see §263.3);

(3) Education activities designed to increase self-sufficiency, job training, and work (see §263.4);

(4) Any other use of funds allowable under section 404(a)(1) of the Act including:

   (i) Nonmedical treatment services for alcohol and drug abuse and some medical treatment services (provided that the State has not commingled its MOE funds with Federal TANF funds to pay for the services), if consistent with the goals at §260.20 of this chapter [these services are not allowable with HSP]; and

   (ii) Pro-family healthy marriage and responsible fatherhood activities enumerated in part IV-A of the Act, sections 403(a)(2)(A)(iii) and 403(a)(2)(C)(ii) that are consistent with the goals at §§260.20(c) or (d) of this chapter, but do not constitute “assistance” as defined in §260.31(a) of this chapter; and

(5)(i) Administrative costs for activities listed in paragraphs (a)(1) through (a)(4) of this section, not to exceed 15 percent of the total amount of countable expenditures for the fiscal year.

   (ii) Costs for information technology and computerization needed for tracking or monitoring required by or under part IV-A of the Act do not count towards the limit in paragraph (5)(i) of this section, even if they fall within the definition of “administrative costs.”

(A) This exclusion covers the costs for salaries and benefits of staff who develop, maintain, support, or operate the portions of information technology or computer systems used for tracking and monitoring.

(B) It also covers the costs of contracts for the development, maintenance, support, or operation of those portions of information technology or computer systems used for tracking or monitoring.

(b) With the exception of paragraph (a)(4)(ii) of this section, the benefits or services listed under paragraph (a) of this section count only if they have been provided to or on behalf of eligible families. An “eligible family” as defined by the State, must:
(1) Be comprised of citizens or non-citizens who:

(i) Are eligible for TANF assistance;

(ii) Would be eligible for TANF assistance, but for the time limit on the receipt of federally funded assistance; or

(iii) Are lawfully present in the United States and would be eligible for assistance, but for the application of title IV of PRWORA;

(2) Include a child living with a custodial parent or other adult caretaker relative (or consist of a pregnant individual); and

(3) Be financially eligible according to the appropriate income and resource (when applicable) standards established by the State and contained in its TANF plan.

(c) Benefits or services listed under paragraph (a) of this section provided to a family that meets the criteria under paragraphs (b)(1) through (b)(3) of this section, but who became ineligible solely due to the time limitation given under §264.1 of this chapter, may also count.

(d) Expenditures for the benefits or services listed under paragraph (a) of this section count whether or not the benefit or service meets the definition of assistance under §260.31 of this chapter. Further, families that meet the criteria in paragraphs (b)(2) and (b)(3) of this section are considered to be eligible for TANF assistance for the purposes of paragraph (b)(1)(i) of this section.

(e) Expenditures for benefits or services listed under paragraph (a) of this section may include allowable costs borne by others in the State (e.g., local government), including cash donations from non-Federal third parties (e.g., a non-profit organization) and the value of third party in-kind contributions if:

(1) The expenditure is verifiable and meets all applicable requirements in 45 CFR 92.3 and 92.24;

(2) There is an agreement between the State and the other party allowing the State to count the expenditure toward its MOE requirement; and,

(3) The State counts a cash donation only when it is actually spent.

(f)(1) The expenditures for benefits or services in State-funded programs listed under paragraph (a) of this section count only if they also meet the requirements of §263.5.

(2) Expenditures that fall within the prohibitions in §263.6 do not count.

(g) State funds used to meet the Healthy Marriage Promotion and Responsible Fatherhood Grant match requirement may count to meet the MOE requirement in §263.1, provided the expenditure also meets all the other MOE requirements in this subpart.
6. When do child care expenditures count?

(a) State funds expended to meet the requirements of the CCDF Matching Fund (i.e., as match or MOE amounts) may also count as basic MOE expenditures up to the State's child care MOE amount that must be expended to qualify for CCDF matching funds.

(b) Child care expenditures that have not been used to meet the requirements of the CCDF Matching Fund (i.e., as match or MOE amounts), or any other Federal childcare program, may also count as basic MOE expenditures. The limit described in paragraph (a) of this section does not apply.

(c) The child care expenditures described in paragraphs (a) and (b) of this section must be made to, or on behalf of, eligible families, as defined in §263.2(b).

7. When do educational expenditures count?

(a) Expenditures for educational activities or services count if:

(1) They are provided to eligible families (as defined in §63.2(b)) to increase self-sufficiency, job training, and work; and

(2) They are not generally available to other residents of the State without cost and without regard to their income.

(b) Expenditures on behalf of eligible families for educational services or activities provided through the public education system do not count unless they meet the requirements under paragraph (a) of this section.
### 94.18. HSP CASE ALLOCATION FORM

#### HSP Case Allocation Plan

Client Name: ____________________________________________________________

(You are required to have SS# on file of at least the family member meeting eligibility requirements)

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<th>Number of Months</th>
<th>Month Assisted / NOTES</th>
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<tr>
<td>B) Fees</td>
<td>$</td>
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<td></td>
</tr>
<tr>
<td>C) Security Deposit(s)</td>
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<td></td>
<td></td>
</tr>
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<td>D) Moving Expenses</td>
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<td>H) Education Related</td>
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<tr>
<td>J) Total Case Management</td>
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<td>Total (E+I+J) Amount of</td>
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<tr>
<td>Total MOE and list sources</td>
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</tr>
</tbody>
</table>

Case Manager Approval: ___________________________________________ Date: __________

Sources: $
813-051-0020
Administration ¶

(1) The department OHCS may contract with subgrantee agencies to provide program HSP services at the local level. In a service area where a Community Action Agency exists, the Community Action Agency has a conditional right of first refusal to serve as the subgrantee agency for the service area. ¶

(2) The department normally OHCS will allocate program HSP funds to subgrantee agencies for the various service areas through a formula established by the department OHCS prior to the allocation process. However, the department OHCS reserves the right to modify such formula at any time, in its sole discretion. ¶

(3) A subgrantee agency may subcontract with other organizations that meet the requirements of ORS 458.505(4) to provide program HSP services in the subgrantee agency's service area. ¶

(4) A subgrantee agency shall identify potential applicants, certify eligibility and provide program HSP services to eligible family households within its service area. Whenever appropriate, program participants will be assisted subgrantees shall assist HSP participants in accessing other services designed to meet other, longer-term needs. ¶

(5) The department normally representatives will attend and participate in HSP training made available or conducted by OHCS. ¶

(6) OHCS will fund only one subgrantee agency within any service area. However, the department OHCS may, in its sole discretion, allow two or more subgrantee agencies to operate within a common service area. In such cases, the subgrantee agencies shall enter into a written agreement with the department OHCS, satisfactory to the department OHCS, in its sole discretion, in order, inter alia, to ensure full access to program HSP services for all eligible household families within the service area, to the extent of available funding and to prevent duplication of services. ¶

(67)(a) A subgrantee agency may expend up to an amount authorized by the department in writing for reimbursement of reasonable and appropriate administrative costs. Administrative costs include all HSP costs that are not directly related to the delivery of HSP services. ¶

(b) If a subgrantee agency subcontracts with another organization to provide program HSP services, that organization may expend up to an amount for administrative costs that does not exceed the subgrantee agency's proportionate share of the amount authorized by the department for reasonable and appropriate administrative costs of the funding award. ¶

(c) The ultimate determination of reasonable and appropriate administrative costs is reserved to the department in its sole discretion funding award authorized by OHCS for administrative costs. ¶

(78) A subgrantee agency and its subcontractor recipients shall comply with the terms of the funding agreement and all other program HSP requirements, including, but not limited to department, OHCS directives (including deficiency notices), applicable local, state and federal laws, rules (including the program HSP Manual), regulations, executive orders, local ordinances and codes.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-051-0030

RULE SUMMARY: Amends eligibility requirements, amends definitions, and creates consistency in language between divisions.

CHANGES TO RULE:

813-051-0030

(1) Program HSP services shall be available to low-income eligible family households that are families (households with children) who:

(a) Have an income equal to or less than 250% of the federal poverty guidelines established by the U.S. Department of Health and Human Services (HHS), as adjusted for family size; §

(b) Are homeless or unstably housed and at risk of becoming homeless and that are otherwise eligible in accordance with program requirements defined in the HSP Manual; §

(c) Meet citizenship requirements, as defined in the HSP Manual, and are residents of Oregon; and §

(d) Have at least one dependent child in the household, as defined in the HSP Manual. §

(2) As a subgrantee agency may consider an eligible family household’s self-declaration or referral from local, state or federal human service agencies, if no other verifiable documentation is available, to determine eligibility must collaborate with their local Department of Human Services (DHS) field office(s) and develop a referral process for the purpose of identifying eligible families, submitted with the funding application and requiring approval by OHCS, in writing. §

(3) Priority for HSP services will be given first to families that are receiving Temporary Assistance for Needy Families (TANF) either through a referral from the subgrantee’s local DHS field office(s) or through confirmation of TANF eligibility of that household for program services. §

(3) Members of an eligible family household must be United States citizens or have qualified non-citizen status and be Oregon residents. §

(4) An eligible family household may receive program HSP services for a maximum length of time as determined by the Department HSP Manual.

Statutory/Other Authority: ORS 456.555

Statutes/Other Implemented: ORS 458.505
813-051-0040
Use of Funds ¶

(1) Program HSP funds may will be used for housing stabilization eligible HSP services within the allowable program HSP components and activities as further defined in the funding agreement and program HSP Manual. ¶

(2) Program HSP services provided to an eligible family household families are subject to a maximum dollar amount limitation set by the department. ¶

(3) Program OHCS ¶

(3) HSP funds may be used to supplement existing funds or to support existing programs or establish new programs. HSP funds, granted or otherwise awarded, shall not be used by a subgrantee agency to replace funds currently being received from other sources, available or reasonably expected to be available to the subgrantee agency, but may be used to supplement these existing funds or to support existing programs or establish new programs. ¶

(4) Subgrantee agency will supplement the program by providing maintenance of effort funding through. Maintenance of effort means allowable nonfederal cash or, and in-kind contributions equal to the amount of program funds received from the department. Maintenance of effort funds resources must be from DHS allowable sources and aped to supplement program services as approved by OHCS and further defined in the HSP Manual. OHCS reserves the right to establish the amount of maintenance of effort required to be provided by the department subgrantee. ¶

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
RULE SUMMARY: Amends definitions, creates consistency in language between divisions, and updates current program requirements.

CHANGE TO RULE:

813-051-0050 Funding Application for Funding Agreement ¶

(1) Prior to providing any program services, a subgrantee agency shall submit on a biennial basis, a funding application satisfactory to the department, including a work plan for funding agreement satisfactory to OHCS, which must be approved by the department, in writing, before being operative. The subgrantee agency shall adhere to the department’s requirements and deadlines for obtaining approval of this funding application. A funding application is subject to approval, including as modified by the department, or disapproval by the department.

(2) A subgrantee agency’s funding application shall include details satisfactory to the department on how the subgrantee agency provided a meaningful opportunity for participation in the development of the work plan by local DHS branch offices, the local or regional continuum of care, local service providers, advocates, clients, businesses, churches, governments and other interested stakeholders.

(3) A subgrantee agency’s funding application must meet all requirements established by the department for the form and content of the funding application’s application for funding agreement must meet all requirements established by OHCS. In cases where a Community Action Agency has the conditional right of first refusal for antipoverty program administration, and the Community Action Agency cannot meet the requirements for the form and content of the funding application, the department, in its sole discretion, may allow other eligible organizations to submit a funding application with respect to funding agreement for that service area.

(4) Funding applications will be evaluated by the department for sufficiency with respect to application for funding agreements will be evaluated by OHCS to meet HSP Program and application sufficiency requirements. Sufficiency is based on the quantity, thoroughness and quality of performance that is satisfactory to OHCS. This includes, but is not limited to, providing relevant information necessary for OHCS to assess subgrantee’s compliance with relevant HSP requirements and that such provision of HSP services are consistent with the terms of the funding agreement, state plan and other program requirements, appropriate standards, goals and requirements established by OHCS.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-051-0060

RULE SUMMARY: Amends definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-051-0060
Reporting and Recordkeeping ¶

(1) Subgrantees and their subrecipients shall maintain accurate financial records satisfactory to the department, which document, inter alia, the receipt and disbursement of all funds provided through the HSP program by the department, and has an accounting system in place satisfactory to the department, which meets, inter alia, OHCS, which meets generally accepted accounting principles. ¶

(2) Subgrantees and their subrecipients shall maintain other program HSP records satisfactory to the department, which document, inter alia, client eligibility, receipt of allowable program HSP services, termination of HSP services and basis for same, housing status of clients, administrative actions, contracts with subcontractor recipients, review of subcontractor recipient performance, action taken with respect to deficiency notices, and any administrative review proceedings. Such records shall be satisfactory to OHCS in substance and format satisfactory to the department. ¶

(3) Subgrantees shall provide the department with all required reports, data and financial statements by the department-determined submission deadlines including:

(a) Program satisfaction to OHCS, including, but not limited to:

(a) HSP reports detailing the progress made toward meeting program HSP performance measures and HSP service delivery objective(s) and;

(b) Fiscal reports detailing all administrative and program HSP costs. ¶

(4)(a) Subgrantees and their subcontractor recipients shall furnish representatives of the department, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives access to, and permit copying of, all electronic records and books, accounts, documents, and records, and allow reasonable access to the project and other property pertaining to the program, at any such representatives request. ¶

(b) Subgrantees and their subcontractors shall cooperate fully in any inspections or other monitoring actions taken by the department, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives. ¶

(c) Subgrantees and their subcontractor recipients shall retain and keep accessible all program HSP records for a minimum of five (5) years, or such longer period as may be required by applicable law and state records retention requirements, following final payment and termination requirements, until the conclusion of any audit, controversy or litigation arising out of or related to the program, whichever date is later. ¶

(5) Subgrantees and their subrecipients shall ensure that data is reported, collected and organized accurately, timely and otherwise in a manner satisfactory to the department through the use of a department-approved submitted within time period specified by OHCS and satisfactory to OHCS and consistent with HSP requirements, including, as appropriate, through the use of an OHCS-approved Homeless Management Information System (HMIS).

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-051-0070

RULE SUMMARY: Amends definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-051-0070
Compliance Monitoring; Remedies ¶

(1) The department OHCS will conduct reviews, audits, and other compliance monitoring as it deems appropriate with respect to each subgrantee agency and its subcontractors, inter alia recipients to verify compliance with program HSP requirements. Subgrantee agencies and their subcontractor recipients will cooperate fully with the department OHCS in its all compliance monitoring activities. ¶

(2) Subgrantee agencies shall require, by contract, and monitor their subcontractor recipients' compliance with all program HSP requirements including, but not limited to, recordkeeping and retention of records and department OHCS compliance monitoring and enforcement. ¶

(3)(a) The department OHCS may take such remedial action as it deems appropriate including, but not limited to, terminating its the funding agreement (see OAR 813-051-0050) with a subgrantee agency and requiring repayment of partial or all program HSP funding, if it OHCS determines, (in its sole discretion), that the performance of the subgrantee agency or any of its subcontractor recipients is deficient in any manner, including with respect to program HSP requirements. ¶

(b) The department OHCS will notify a subgrantee agency of deficiencies identified through the monitoring process and provide documentation for the basis of such determination and the specific deficiency or deficiencies that must be corrected. ¶

(c) The department OHCS will require the subgrantee to correct any deficiencies in a manner and time frame satisfactory to the department OHCS and may offer training and technical assistance to the subgrantee. ¶

(d) The department OHCS, at its sole discretion, may offer the subgrantee agency assistance in the development of a corrective action plan. If a corrective action plan is allowed, the department OHCS will review and issue a decision on whether to approve or disapprove. ¶

(4) The department OHCS will provide adequate notice and opportunity for an appeal administrative review prior to a remedial action that terminates organizational eligibility for program HSP funding for cause. ¶

(5) Appeals Requests for administrative review will be addressed to the assistant director of the Housing Stabilization Division of OHCS or designee whose decision may be further appealed by review by the department OHCS director. ¶

(6) Issuance of a deficiency notice shall not constitute a waiver of other remedies available to the department or preclude the department OHCS or preclude OHCS from exercising such other remedies available to it under the funding agreement (see OAR 813-051-0050) or other program HSP requirements, at law or otherwise. ¶

[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
CHANGES TO RULE:

813-051-0080
Challenge of Subgrantee Action ¶

(1) Local interest groups, service providers or others aggrieved by a subgrantee agency with respect to its program obligations may submit a written request to the department for its review of such contested action. Any person or entity aggrieved by a subgrantee administering or providing HSP services may challenge the subgrantee's action, but only after first exhausting the applicable administrative review process furnished by the relevant subgrantee agency and entering the subgrantee's administrative review process (see OAR 813-051-0090). Any person or entity who received either an unsatisfactory determination or refusal of a review by the subgrantee may submit a request to OHCS within thirty (30) days of that administrative determination or refusal by the subgrantee agency to provide such administrative review.

(2) The department may accept or deny a request for its administrative review. ¶

(2) OHCS may accept or deny a request to conduct a subgrantee administrative review, in whole or in part, at its sole discretion. Any department OHCS review will be in the manner determined appropriate by the department OHCS and may include, but shall not necessarily be limited to, review of provided information.

(3) If the department OHCS accepts the review request, the requester(s) of the review, the subgrantee agency, and relevant subcontractor recipients will produce all information required by the department OHCS, including requested affidavits or testimony.

(4) The department OHCS may make a determination on a review request and require such remedial action as the department OHCS determines, in its sole discretion, to be appropriate.

(5) Department OHCS review will not take the form of a contested case review under ORS Chapter 183 unless specifically so stated in writing by the OHCS director in writing.

(6) Timely request for department OHCS review by an aggrieved person or entity and its completion to final order by the department OHCS are requirements for exhaustion of administrative remedies by such aggrieved person or entity.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-051-0090

RULE SUMMARY: Amends definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-051-0090

Review by Subgrantee ¶

(1) Subgrantee agencies will establish in writing a process satisfactory to the department in a timely manner, OHCS that enables beneficiaries of, and applicants for program, HSP services to contest a determination by the subgrantee agency or its subcontractor recipients that:

(a) Denies or limits the eligibility of a beneficiary or applicant for HSP benefits or other assistance; or

(b) Terminates or modifies HSP benefits or other assistance awarded by the subgrantee agency or subcontractor or subrecipient to a beneficiary.

(2) Persons aggrieved by the action of a subgrantee agency or its subcontractors described in subsection (1) Aggrieved persons or entities may request administrative review of such action by the subgrantee agency within the time frame and pursuant to the process established by the subgrantee agency consistent with program requirements. At all times, a subgrantee's or subrecipient's contested action described in subsection (1) above. The subgrantee agency must allow a minimum of thirty (30) days within which an aggrieved person may request review from the time of the contested action or the aggrieved person's reasonable discovery of such action, whichever is longer. The ultimate determination of an aggrieved person's reasonable discovery period is reserved to OHCS, in its sole discretion. ¶

(3) The subgrantee agency will inform the department OHCS in writing of any request by an aggrieved party for administrative review within ten (10) days of such request.

(4) The subgrantee agency will inform the department OHCS and the aggrieved party in writing of any final administrative review determination made by the subgrantee agency, and the basis for same, and reasoning within ten (10) days of such final determination.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: IDA Program: Amends definitions and creates consistency in language between divisions.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov

Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301

Filed By:
Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 9:00 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer St NE, Room 124B
Salem, OR 97301

SPECIAL INSTRUCTIONS:
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Amends definitions and creates consistency in language between divisions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
None.
FISCAL AND ECONOMIC IMPACT:
No fiscal or economic impact.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).
There is no cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

RULES PROPOSED:

AMEND: 813-300-0005

RULE SUMMARY: Amends definitions.

CHANGES TO RULE:

813-300-0005

General Purpose Purpose and Objectives ¶
OAR 813, division 300, is promulgated to accomplish 300 carries out the general purposes of ORS 315.271 and 458.670 through 458.700, as they pertain to the Oregon Housing and Community Services Department (OHCS) and its supervision of Individual Development Accounts (“IDAs”). These statutes, among other things, authorize the creation of IDAs between lower income account holders and authorized fiduciary organizations (“FOs”). Through these IDAs, account holders may deposit funds into cooperating financial institutions so as to accumulate assets that may be used by them in a manner consistent with personal development plans developed in conjunction with their participating fiduciary organization. The fiduciary organization (“FO”)s, in turn, deposit matching funds through the corresponding IDAs into financial institutions so as to augment account holder assets. The fiduciary organization (“FO”)s also provide their expertise in coordination of the personal development plans. Fiduciary organization (“FO”)s largely obtain their matching funds from contributors. Contributions to fiduciary organization (“FO”)s for use as IDA matching deposits may qualify the contributor for a tax credit under ORS 315.271.
Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
**AMEND: 813-300-0010**

**RULE SUMMARY:** Amends definitions.

**CHANGES TO RULE:**

813-300-0010
Definitions ¶

Terms used in these rules, unless the context indicates otherwise:

1. “Account holder” means an Oregon resident, age 12 or older, of a lower income household that has a net worth of less than $20,000 who is the named depositor of an individual development account throughout this division (OAR 813-300) may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used within this division observe those definitions, except as defined below:

21. “Administrative and operational costs” means all reasonable and appropriate administrative and program costs approved by the department or its designee for the operation of the IDA Program as outlined in the fiduciary organization program plan. Such costs include, but are not limited to costs related to marketing, program implementation and evaluation.

32. “Contributor” means a person or entity contributing funds to the Department, its designee or to a fiduciary organization for the purpose of matching IDA deposits by an account holder or for funding program plan operations.

4. “Department” means the Housing and Community Services Department established in ORS 456.555 and, where applicable, its designee.

53. “Designated beneficiary” means a minor-age member of the account holder’s household who is the beneficiary of an IDA used to pay the member’s extracurricular non-tuition expenses designed to prepare the member for post-secondary education or job training.

64. “Fiduciary organization” means a non-profit, fund raising organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code as amended and in effect on January 1, 1999, or a federally recognized Oregon Indian tribe that is located, to a significant degree, within the boundaries of this state, as selected by the department or its designee under these rules.

7. “Fiduciary organization program plan” or “program plan” means a mission statement by a fiduciary organization and the corresponding detailed plan by it for the solicitation of contributions (tax credit or otherwise) and prospective account holders, the management of IDA’s and their associated personal development plans, and the operation of the fiduciary organization itself - all as approved by the Department or its designee and with such modifications as the Department or its designee may require. A prospective program plan must accompany any application to the Department or its designee for its approval of a fiduciary organization.

8. “Financial institution” means an organization regulated under ORS Chapters 706 to 716, 722 or 723, or in the case of an account established for the purpose described in 458.685(1)(c) related to college savings plans, a financial institution as defined in 348.841.

9. “Individual development account,” “account” or “IDA” means a contract between an account holder and a fiduciary organization for the deposit of funds into a financial institution by the account holder, and the deposit of matching funds into a financial institution by the fiduciary organization, to allow the account holder to accumulate assets for use toward achieving a specific purpose approved by the fiduciary organization.

10. “Lower income household” means a household having an income equal to or less than the greater of the following:

a. 80 percent of the median household income for the area as determined by the Department or its designee. In making the determination, the Department or its designee shall give consideration to any data on area household income published by the United States Department of Housing and Urban Development.

b. 200 percent of the poverty guidelines as determined by the Department or its designee. In making the determination, the Department or its designee shall give consideration to poverty guidelines published by the...
United States Department of Health and Human Services or may consider other income data periodically published by other federal or Oregon agencies.

(11) "Median Household Income" means, for the appropriate household size, the higher of:
(a) The median family income for the Metropolitan Statistical Area or county as published annually by the United States Department of Housing and Urban Development, or
(b) The statewide median family income for Oregon as published annually by the United States Department of Housing and Urban Development.
(12) "Net worth" means the value of all assets owned in whole or part by household members excluding equity in a residence and one vehicle, and excluding holdings in pension accounts, as defined by the Department of Human Services (OHCS) by rule, that are valued at $60,000 or less, minus the total debts and obligations of household members, all as measured at the time the prospective account holder applies to establish the IDA.
(13) "Oregon individual development account (IDA) tax credit" or "tax credit" means a credit against taxes otherwise due under ORS Chapter 316, 317, or 318, as allowed in return for contributions to a fiduciary organization for eventual distribution to individual development accounts (IDAs) established under ORS 458.685.
(14) "Pension Account" means an account that is funded by an employee and/or the employer specifically to provide a retirement income, and in which the account is structured so that the funds in the account are either inaccessible to the employee until he/she terminates employment or reaches retirement or are accessible with an early withdrawal penalty.
(15) "Personal development plan" means a written plan developed jointly by the fiduciary organization and the prospective account holder for an IDA that is designed to provide the account holder with appropriate financial and asset training, counseling, career or business planning and other services that will increase the self-reliance of the account holder and his/her household through achievement of the IDA's approved purposes. The personal development plan must be in conformance with ORS 458.680, these rules and other requirements of the Department or its designee.
(16) "Related funds" means contributions to fiduciary organizations for IDA program purposes that do not qualify for tax credits and supplemental funding from the Department or its designee.
(17) "Resident of this state" has the meaning given in ORS 316.027.
(18) "Reverted funds" means matching IDA deposits that devolve to a fiduciary organization because of the termination or revocation of a person as an account holder or unused tax credit contributions or supplemental funds upon termination or revocation of a fiduciary organization or at the expiration of its program plan.
(19) "Supplemental funding" means funds provided by the Department or its designee to fiduciary organizations for program plan purposes.
(20) "Tax credit contributor" means a contributor who receives a corresponding tax credit as allowed in ORS 315.271.
(21) "Tax credit contributions" means funds obtained from tax credit contributors who, in return, earn a tax credit.
(22) "Trust Land" means all lands held in trust by the United States on behalf of an Indian Tribe or individual Indian.

Statutory/Other Authority: ORS 456.625, 456.555, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
Rule Summary: Amends definitions.

Changes to Rule:

813-300-0020
Fiduciary Organization Application Process ¶

(1) The Department of Human Services (DHSS) or its designee from time to time may solicit applications from entities desiring to be authorized as fiduciary organizations. The Department, in its sole discretion, may choose to consider for approval only proposed fiduciary organizations identified in applications received in response to such solicitations. The Department, in its sole discretion, also may approve fiduciary organizations on its own initiative or consider for approval proposed fiduciary organizations identified in applications received outside of a Department or its designee solicitation. ¶

(2) All applications for approval of a proposed fiduciary organization shall be in writing to the Department or its designee in such form and with such content as the Department or its designee may require. In addition to any other information required by the Department or its designee, an application must include the following: ¶

(a) The name, address, telephone number, Fax number, tax identification number of the proposed fiduciary organization, and key program contact person; ¶

(b) A description of the proposed fiduciary organization entity, its officers, and ownership structure; ¶

(c) Copies of the organic documents of the proposed fiduciary organization and proof, satisfactory to the Department or its designee, that such entity is in good standing and is authorized to transact business in the State of Oregon; ¶

(d) A statement of the proposed fiduciary organization’s capacity to act as a fiduciary organization, including relevant experience; ¶

(e) A description of the geographic area to be served; ¶

(f) A description of the key personnel who will specifically administer the individual development account program in the proposed fiduciary organization; ¶

(g) The proposed program plan of the proposed fiduciary organization; ¶

(h) A description of proposed third-party contractors and others, if any, by which the proposed fiduciary organization intends to accomplish program plan responsibilities; ¶

(i) Signed agreements with one or more financial institutions to hold and operate individual development accounts; ¶

(j) The entity’s proposed program plan budget through the entity’s first full fiscal year of its program plan identifying, at a minimum, projected revenues and expenses. ¶

(k) If applicable, an application for supplemental funding from the Department or its designee for the period of the proposed program plan budget. ¶

(3) The Department or its designee, in its sole discretion, may determine the number of fiduciary organizations to be authorized at any particular time. Consistent with such discretion, and its discretion to solicit, to consider and to initiate applications, the Department or its designee will approve as fiduciary organizations those entities that, in its judgment, best suit the DHSS’ purposes of ORS 458.670 through 458.700 and these rules. ¶

(4) The Department or its designee, in its sole discretion, may establish time limits upon the duration of any approval of a fiduciary organization.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
AMEND: 813-300-0030

RULE SUMMARY: Amends definitions.

CHANGES TO RULE:

813-300-0030
Fiduciary Organization Application Review ¶

(1) In reviewing applications for authorization as a fiduciary organization, the Department FO, OHCS or its designee shall consider the following factors:

(a) The ability of the prospective fiduciary organization FO to implement and administer the individual development account IDA program, including the ability to verify account holder eligibility, certify that matching deposits are used only for approved purposes and exercise general fiscal accountability;

(b) The capacity of the prospective fiduciary organization FO to provide or raise matching funds for the deposits of accountholders;

(c) The capacity of the prospective fiduciary organization FO to provide appropriate support services and general assistance to advance account holder self-reliance; and

(d) The links that the prospective fiduciary organization FO has to other activities and programs designed to increase the independence of this state’s lower income households through education and training, home ownership and small business development.

(2) In reviewing applications for authorization as a fiduciary organization, the Department FO, OHCS or its designee may consider additional factors including, but not limited to, the following:

(a) The eligibility of the entity;

(b) The sufficiency and accuracy of the application;

(c) The geographic area of proposed program plan operation and the need to be addressed;

(d) The performance of the entity in providing additional information, as requested;

(e) The quality of the proposed program plan, including the range and quality of potential personal development plans;

(f) The willingness and ability of the prospective fiduciary organization FO to effect modifications to its proposed program plan;

(g) The capacity of the prospective fiduciary organization FO to work together with third-party contractors and other program plan partners to accomplish its proposed program plan as modified, if at all, by the Department OHCS or its designee;

(h) The Department’s OHCS’ or its designee’s past experience with the entity, its proposed third-party contractors, other proposed program plan partners, and identified personnel;

(i) Public opinion or other input; and

(j) Department OHCS or its designee administrative interests.

(3) The Department OHCS or its designee may condition authorization of an entity as a fiduciary organization upon Department FO upon OHCS or designee-required changes in the terms of the entity’s application including, but not limited to its proposed program plan. The Department OHCS or its designee also may condition its authorization upon such other requirements as the Department OHCS or designee determines to be appropriate.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
Fiduciary Organization General Responsibilities ¶

(1) All entities must satisfy applicable legal standards, including these rules as modified from time to time as well as orders and other directives of the Department OHCS or its designee, and be authorized in writing by the Department OHCS or its designee, prior to and during all times that such entities function as fiduciary organizations.¶

(2) Authorized fiduciary organization FOs ¶

(2) Authorized FOs must operate in a manner consistent with the program plan and organizational documents submitted by them to the Department OHCS or its designee as approved by the Department OHCS or designee. Fiduciary organization FOs may amend program plans and organizational documents from time to time with the prior written approval of the Department OHCS or its designee. The Department OHCS or its designee, from time to time, also may require changes to a program plan.¶

(3) Subject to Department OHCS or its designee approval, fiduciary organization FOs may engage third-party contractors or otherwise partner with others to perform program plan duties. Any contract or other agreement between a fiduciary organization FO and a third-party contractor or other partner must provide that the terms thereof and performance by the parties is subject to applicable law, these rules as amended from time to time, and the orders and directives of the Department OHCS or its designee.¶

(4) Fiduciary organization FOs assume full responsibility to the Department OHCS or its designee for operation of their program plan and the use of tax credit contributions and related funds. Such assumption does not limit the Department’s OHCS or its designee’s rights or powers with respect to, or the responsibility of, third-party contractors, fiduciary organization FO partners, account holders, designated beneficiaries, or others.¶

(5) The program plan duties of a fiduciary organization FO include, but are not necessarily limited to:

(a) Complying with applicable law, including these rules as amended from time to time, and orders and other directives of the Department OHCS or its designee;

(b) Preparing, updating, and complying with an applicable program plan as authorized by the Department OHCS or its designee;

(c) Correlating with account holders and designated beneficiaries in preparing and effecting the preparation of appropriate personal development plans consistent with the program plan;

(d) Managing personal development plans including where relevant, but not limited to, counseling account holders and designated beneficiaries, providing financial and asset literacy training, and conducting required verification and compliance activities;

(e) Arranging for, coordinating with, remunerating, auditing, and otherwise ensuring compliance by appropriate third-party contractors and others;

(f) Marketing to, evaluating applications by, and signing individual development account IDA agreements with appropriate potential account holders;

(g) Establishing agreements with appropriate financial institutions to operate IDA accounts;

(h) Marketing tax credits, soliciting contributions, and providing other funding as necessary to cover those and other program plan costs including, without limitation, the management of personal development programs and the matching of IDA deposits by account holders;

(i) Maintaining records with respect to all program plan activities in a manner satisfactory to the Department OHCS and its designee, and providing the Department OHCS and its designee access to such records as required by the Department OHCS and its designee;

(j) Providing annual reports of IDA activity acceptable to the Department OHCS or its designee within 90 days after the end of the fiscal year of the fiduciary organization FO.
(k) Providing such other informational reporting to the Department as the Department as OHCS or its designee may require in the form and at the times required by the Department as OHCS or its designee; and
(l) Fully complying with all verification requirements of the Department as OHCS or its designee, in a timely manner.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
813-300-0050
Fiduciary Organization Selection of Account Holders and Designated Beneficiaries
(1) Each fiduciary organization must establish an application process for potential account holders and designated beneficiaries satisfactory to the Department of Human Services or its designee. At a minimum, the application process must accomplish the following objectives:
(a) Verify the eligibility of each prospective account holder and of any prospective designated beneficiary;
(b) Assist each selected account holder and designated beneficiary, if any, to prepare an appropriate personal development plan;
(c) Execute an IDA with each selected account holder;
(d) Engage a financial organization for maintenance of appropriate IDA accounts; and,
(e) Assure the collection of other information necessary for appropriate record keeping and reporting requirements.
(2) Subject to the approval of the Department or its designee and the limitations of applicable law, each fiduciary organization may impose such other criteria and require such other information in the selection of account holders and designated beneficiaries as that fiduciary organization deems to be appropriate.
(3) Additional selection criteria may include, but are not limited to the following:
(a) The capacity and funding of the fiduciary organization to accommodate prospective account holders and designated beneficiaries;
(b) The availability of necessary or appropriate third-party contractors and other partners;
(c) The extent to which the income and net worth of the prospective account holders are lower than the income and net worth limitations established in ORS 458.670(5) and 458.680(2);
(d) The accuracy, substance, and completeness of submitted applications;
(e) Any identified ability or inability of the prospective account holder or the prospective designated beneficiary to fulfill the terms of an appropriate IDA and the corresponding personal development plan;
(f) The cost and feasibility of an appropriate personal development plan;
(g) Past experience with prospective account holders and designated beneficiaries; and
(h) Such other considerations as the Department or its designee may identify.
Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
813-300-0060
Fiduciary Organization Suspension or Termination of Account Holders

(1) Subject to these rules, fiduciary organization FOs, for cause, may suspend or terminate a person's status as an account holder or designated beneficiary and may suspend or terminate any related IDA and personal development plan.

(2) Factors that fiduciary organization FOs may consider as sufficient cause for any such suspension or termination include the following:

(a) If an account holder or designated beneficiary moves from the area where the personal development program is conducted or is otherwise unable to continue in the personal development program;

(b) The withdrawal of funds by an account holder from an account for other than a purpose approved by the fiduciary organization FO;

(c) The failure by an account holder to make a timely reimbursement to an account after an emergency withdrawal pursuant to ORS 458.685(2);

(d) A material misrepresentation or omission by the account holder or designated beneficiary to the fiduciary organization FO in the application or otherwise;

(e) A material failure by the account holder or designated beneficiary to comply with applicable law, these rules, orders or directives of the Department OHCS or its designee, the terms of the IDA or the terms of the personal development plan;

(f) Ineligibility of the account holder or designated beneficiary;

(g) Failure by the account holder or designated beneficiary to cooperate reasonably with the fiduciary organization FO or its third-party contractors or other partners in the performance or evaluation of the personal development plan or in the performance, evaluation, or audit of the IDA and the funds related thereto.

(3) In conjunction with the termination of any person's status as an account holder based on factors identified above in Section 813-300-0060(2)(a), (b), or (c), all matching IDA deposits and all interest earned on such matching IDA deposits shall revert to the fiduciary organization FO.

(4) In conjunction with the termination of any person's status as an account holder or designated beneficiary based on other factors identified or allowed in section 813-300-0060(2), fiduciary organization FOs may rescind any right or interest of account holders in, and assume sole ownership of, any or all matching IDA deposits and the interest earned on such matching IDA deposits.

(5) Fiduciary organization FOs must provide thirty (30) days written notice to an account holder and any designated beneficiary receiving assistance through the account holder's personal development plan, and to the Department OHCS or its designee before suspending or terminating the person's status as an account holder. The notice must include a provision satisfactory to the Department OHCS advising the account holder of his or her right to obtain administrative review by the Department OHCS or its designee of any determination by the fiduciary organization to suspend or terminate his/her status as an account holder. The administrative review provision also must advise the account holder and any designated beneficiary receiving assistance through the account holder's personal development plan of their right to obtain administrative review by the Department or its designee of any determination by the fiduciary organization to suspend or terminate the related personal development plan or to rescind any right or interest of the account holder in, and to assume sole ownership of, any or all matching IDA deposits and the interest earned on such matching IDA deposits.

(6) A fiduciary organization FO may provide a shorter written notice of suspension or termination if the fiduciary organization FO identifies in the notice the exigent circumstances reasonably requiring such shorter notice period.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
813-300-0070
Fiduciary Organization Funding ¶

(1) Fiduciary organizations must solicit contributions and otherwise generate funding to finance their operations and to effectuate carry out their program plan. ¶

(2) Fiduciary organizations may apply to the Department OHCS or its designee for supplemental funding. Applications for supplemental funding must be in form, timing, and content satisfactory to the Department OHCS or its designee. ¶

(3) The Department OHCS or its designee may provide supplemental funding and the conditions thereof in response to such applications, or on its own initiative, as the Department OHCS or its designee deems appropriate. In making supplemental funding determinations the Department OHCS or its designee may consider factors including, but not limited to the following: ¶

(a) The financial need of the fiduciary organization FO; ¶

(b) The progress of the fiduciary organization FO in implementing its program plan; ¶

(c) Factors relevant to the Department OHCS’s or designee’s review of the fiduciary organization FO’s application for authorization; ¶

(d) The fiduciary organization FO’s own fundraising efforts; ¶

(e) The availability of Department OHCS or its designee, funds for this purpose; and ¶

(f) The need for services in the area addressed by the fiduciary organization FO.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
RULE SUMMARY: Amends definitions.

CHANGES TO RULE:

813-300-0080
Fiduciary Organization Use of Tax Credit Contributions and Related Funds
(1) Oregon individual development account (IDA) tax credit contributions to fiduciary organization (FOs), other contributions to fiduciary organization (FOs) specifically for their program plan, and any supplemental funds from the Department (OHCS) or its designee, to fiduciary organizations shall be used by fiduciary organization (FOs) solely for reasonable and documented program plan purposes consistent with these rules.¶

(2) In addition to any other limitations on supplemental funds imposed by the Department (OHCS) or its designee when providing such supplemental funds to fiduciary organization (FOs), the following limitations apply to the use of tax credit contributions and related funds:

(a) Fiduciary organization (FOs) only may expend tax credit contributions and related funds in a manner consistent with their budget as approved by the Department (OHCS) or its designee;¶

(b) Fiduciary organization (FOs) may expend up to an amount authorized in writing by the Department (OHCS) and its designee for reimbursement of reasonable and appropriate administrative and program operational costs;¶

(c) The ultimate determination of reasonable and appropriate is reserved to the Department (OHCS) in its sole discretion;¶

(d) Fiduciary organization (FOs) may not expend supplemental funds for administering the solicitation of tax credit contributions;¶

(e) Fiduciary organization (FOs) may expend tax credit contributions and related funds for appropriate matching of account holder IDA deposits as follows:

(A) Allowable matching IDA deposits by fiduciary organization (FOs) must equal at least $1, but not exceed $5, for each $1 of IDA deposits by the account holder;¶

(B) Matching IDA deposits must be placed in:

(i) A savings account with an approved financial institution jointly held by the account holder and the fiduciary organization (FO) and requiring the signatures of both for withdrawals;¶

(ii) A savings account with an approved financial institution that is controlled by the fiduciary organization (FO) and is separate from the savings account of the account holder; or¶

(iii) In the case of an account established for the purpose described in ORS 458.685(1)(c), a qualified tuition savings program account under ORS 348.841 to 348.873, in which the fiduciary organization (FO) is the account owner as defined in ORS 348.841.¶

(C) The aggregate maximum amount of matching IDA funds that a fiduciary organization (FO) may deposit with respect to a specific account holder shall not exceed more than $3,000 in a 12-month period; and¶

(D) The aggregate maximum amount of matching IDA funds that a fiduciary organization (FO) may deposit with respect to a specific account holder during the existence of that account holder’s IDA shall not exceed $20,000.¶

(f) Supplemental funds not expended, obligated or deposited consistent with these rules within one year from the date that such supplemental funds are received from the Department (OHCS) or its designee shall be returned immediately to the Department (OHCS) or its designee; and,¶

(3) Reverted matching IDA deposits must be used by fiduciary organization (FOs) to make matching IDA deposits for eligible account holders consistent with these rules as soon as is reasonably practicable.¶

(4) A fiduciary organization (FO) that is the account owner of a qualified tuition savings program account:

(a) May make a qualified withdrawal only at the direction of the designated beneficiary and only after the qualified tuition savings program account of the account holder that was established for the designated beneficiary has been reduced to a balance of zero exclusively through qualified withdrawals by the designated beneficiary; and¶

(b) May make nonqualified withdrawals only if the qualified tuition savings program account of the account holder that was established for the designated beneficiary has a balance of less than $100 or if the account holder or designated beneficiary has granted permission to make the withdrawal. Moneys received by a fiduciary
from such a nonqualified withdrawal must be used for program plan purposes.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
Fiduciary Financial Controls; Audit and Repayment Responsibilities

(1) Fiduciary organization(s), third-party contractors and other program plan partners shall maintain appropriate financial controls, acceptable to the Department of Housing and Community Services (OHCS) and its designee and using generally accepted accounting principles, in the receipt and expenditure of tax credit contributions and related funds.

(2) Fiduciary organization(s) by contract shall require third-party contractors and other program plan partners to maintain appropriate financial controls acceptable to the fiduciary organization and to the Department of Housing and Community Services (OHCS) and its designee.

(3) Fiduciary organization(s), third-party contractors and other program plan partners only shall charge reasonable and necessary costs to the program plan consistent with the approved program plan budget.

(4) All costs charged to the program plan by a fiduciary organization, third-party contractors, and other program plan partners shall be supported properly by vouchers and other records satisfactory to the Department of Housing and Community Services (OHCS) and its designee that indicate in proper detail the nature and propriety of the costs.

(5) Fiduciary organization(s), third-party contractors and other program plan partners shall cooperate fully with all audits of them by the fiduciary organization, the Department of Housing and Community Services (OHCS) and its designee, the Office of the Oregon Secretary of State or the Oregon Department of Justice with respect to relevant program plans.

(6) Fiduciary organization(s) are responsible to the Department of Housing and Community Services (OHCS) or its designee for the immediate repayment of all unused or improperly expended tax credit contributions and supplemental funds.

(7) Fiduciary organization(s) and any relevant third-party contractor or other program plan partner are jointly and severally responsible to the Department of Housing and Community Services (OHCS) or its designee for the immediate repayment of all tax credit contributions and supplemental funds improperly retained or improperly expended by any such third-party contractor or other program plan partner of a fiduciary organization.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
Fiduciary Organization Records and Reporting Requirements

(1) Fiduciary organizations shall prepare and maintain appropriate, accurate and complete program plan record-keeping systems and records satisfactory to the Department of Human Services and its designee. Such record-keeping systems also must cover and include records generated by third-party contractors and other program plan partners.

(2) A fiduciary organization must maintain separate files for each account holder that, at a minimum, includes the following records:
   (a) Documentation of income eligibility;
   (b) The personal development plan;
   (c) The IDA;
   (d) Records of all IDA deposits, withdrawals, and other financial information;
   (e) Evidence of training received;
   (f) Documentation of any determination with respect to the status of the account holder or any beneficiaries;
   (g) Documentation of any exit interviews; and
   (h) Any other information required by the Department or its designee.

(3) Fiduciary organizations shall maintain such program plan record-keeping systems and records at their principal place of business in Oregon.

(4) Fiduciary organizations shall maintain program plan records for a period of six years from the date of completion or termination of each account holder’s or designated beneficiary’s personal development plan and the expiration of the IDA. The Department and its designee may require fiduciary organizations to maintain records for longer periods including, without limit, for unresolved audit matters.

(5) The Department, the Office of the Oregon Secretary of State’s Office, and the Oregon Department of Justice shall be permitted to inspect, copy, and audit any and all program plan records and take other action that to them seems appropriate in the conduct of such inspections or audits.

(6) Fiduciary organizations shall file quarterly reports with the Department or its designee in form, substance and timing acceptable to the Department.

(7) Quarterly reporting periods end on March 31, June 30, September 30, and December 31 of each calendar year. Fiduciary organizations shall deliver quarterly reports to the Department no later than 5:00 p.m. on the date determined by the Department. Reports shall be in a format approved by the Department and its designee.

(8) In addition to participating in data collection and reporting as required by the Department and its designee, quarterly and/or annual reports shall include, but are not limited to, the following:
   (a) Summary demographic data and cumulative totals regarding current account holders;
   (b) New account and graduate reports regarding account holders entering and exiting program; and
   (c) A funds tracking report accounting for funds allocated to account holders, dispersed as match, for program delivery, for administration, and for funds held in reserve, in a format agreed upon with the Department and its designee.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
Account Holder and Beneficiary Responsibilities

(1) To be an account holder, eligible persons must apply to a fiduciary organization FO authorized by the Department OHCS or its designee and in a manner established by the fiduciary organization FO as approved by the Department OHCS or its designee.

(2) Persons selected to be account holders must execute an IDA with their fiduciary organization FO and, as necessary, with a financial institution, in form and content satisfactory to the Department OHCS or its designee before they may act as account holders.

(3) Account holders and their beneficiaries at all times must comply with applicable law, these rules, applicable orders and directives of the Department OHCS or its designee and their fiduciary organization FO, the provisions of their IDA, and their personal development plan.

(4) Account holders at all times must be residents of the State of Oregon. When the account is opened, the applicant to become an account holder must be a member of a lower income household.

(5) Account holders, upon request by the Department OHCS or its designee or their fiduciary organization FO, and as otherwise required by the terms of their IDA, must provide evidence satisfactory to the Department OHCS or its designee and to their fiduciary organization FO that they and any beneficiaries qualify by residence, income, and age (if applicable) to be account holders or beneficiaries.

(6) Account holders, upon request by the Department OHCS or its designee or their fiduciary organization FO, and as otherwise required by the terms of their IDA, must provide evidence satisfactory to the Department OHCS or its designee and to their fiduciary organization FO that they and any beneficiaries are complying with the terms of their IDA and its associated personal development plan.

(7) Account holders and their beneficiaries must cooperate fully with the Department OHCS and its designee and their own fiduciary organization FO in any review or audit of the IDA, of their personal development plan, or of their eligibility.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
Account Holder Use of Funds ¶

(1) Account holders only may withdraw and use IDA deposits in a manner consistent with their IDA, the relevant personal development plan, these rules and any relevant directives of the Department and its designee. IDA deposits are considered to be the participant’s savings, matching funds, and any interest earned thereon. ¶

(2) Account holders only may withdraw and use IDA deposits for the following purposes as approved by their fiduciary organization FO: ¶

(a) For the acquisition of post-secondary education or job training; ¶

(b) If the account holder has established the account for the benefit of a designated beneficiary, for the payment of extracurricular non-tuition expenses designed to prepare the designated beneficiary for post-secondary education or job training; ¶

(c) If the account holder has established an account for the acquisition of post-secondary education or job training, the account holder may withdraw, or authorize the withdrawal of funds, including matching deposits, into a college savings network account under ORS 348.841 to 348.873. The rollover of moneys into a college savings network account under this subsection may not cause the amount in the college savings network account to exceed the limit on total contributions established pursuant to ORS 348.857. Any amount of the rollover that has been subtracted on the taxpayer’s federal return pursuant to section 219 of the Internal Revenue Code shall be added back in the determination of taxable income. ¶

(d) To capitalize a small business; ¶

(e) For the purchase of a primary residence; ¶

(f) For the rental of a primary residence to help achieve housing stability. Account moneys also may be used for security deposits, first and last months’ rent, application fees and other expenses necessary to move into the primary residence. ¶

(g) With respect to account holder deposits only, for an emergency as set forth in ORS 458.685(2)(a); ¶

(h) If the account holder has established a qualified tuition savings program account under ORS 348.841 to 348.873 on behalf of a designated beneficiary, for the establishment of an additional qualified tuition savings program account on behalf of the same designated beneficiary; ¶

(i) For improvements, repairs or modifications necessary to make or keep the account holder’s primary dwelling habitable, accessible, or visitable for the account holder or a household member. This does not include improvements, repairs, or modifications made to a rented primary dwelling to achieve or maintain a habitable condition for which ORS 90.320(1) places responsibility on the landlord; ¶

(j) For the purchase of equipment, technology, or specialized training required to become competitive in obtaining or maintaining employment or to start or maintain a business; ¶

(k) For the purchase or repair of a vehicle; ¶

(l) For the saving of funds for retirement; ¶

(m) If the account holder has established an account for the purpose of saving for retirement, the account holder may withdraw or authorize the withdrawal of funds, including matching deposits and interest into an individual retirement account, a retirement plan, or a similar account or plan established pursuant to the terms of The Internal Revenue Code of 1986, as amended. Any amount of the rollover that has been subtracted on the taxpayer’s federal return pursuant to section 219 of the Internal Revenue Code shall be added back in the determination of taxable income; or ¶

(n) For the replacement of a primary residence when replacement offers significant opportunity to improve habitability or energy efficiency. ¶

(3) IDA deposits, including the interest earned thereon, withdrawn by the account holder for an emergency as set
forth in ORS 458.685 and OAR 813-300-0120(2)(e) above, must be repaid by the account holder within 12 months.

(4) Account holders may withdraw IDA deposits, including interest earned thereon, to repay debts related to post-secondary education, job training, or medical purposes.

(5) Account holders may withdraw IDA deposits received to secure a loan or a financial product that is designed to improve their credit score.

(6) In addition to payment on the purchase price of a residence pursuant to OAR 813-300-0120(2)(d) above, appropriate account moneys may be used to pay any usual or reasonable settlement, financing or other closing costs with respect to such residence.

(7) Account holders may not use IDA deposits to purchase a primary residence if they have owned or held any interest in a residence during the three years prior to making the purchase for which they intend to use IDA deposits. This three-year restriction shall not apply in the following:

(a) For displaced homemakers or other individuals who have lost homeownership as a result of divorce.

(b) For a tribal member who has an interest in trust land and still has rights to an allotment under the Dawes Act Public Law 280 and amended in 1891, the 1906 Burke Act and the 1910 Omnibus Act Statutes at Large 24, 388-91, NADP Document A1887, but the tribal member faces multiple ownership of his or her land status and cannot successfully achieve sole ownership in order to receive any equity or collateral from that allotment. If the tribal member solely owns a residence on land known as an allotment and has successfully received sole ownership including the receipt of title status report (TSR) through the Bureau of Indian Affairs, they may not use IDA deposits to purchase a primary residence. If the person can receive more than $2500 in equity or collateral of their allotment, the value over $2500 shall be included in their asset limit.

(c) For owners of manufactured homes.

(8) In capitalizing a small business pursuant to OAR 813-300-0120(2)(c) above, IDA deposits may be used for capital, plant, equipment and inventory expenses, to hire employees, and for working capital pursuant to a business plan approved by the fiduciary organization. To qualify for fiduciary organization approval, the business plan must have been developed by a financial institution, a nonprofit microenterprise program or other qualified agent demonstrating business expertise. The business plan also must include a description of the services or goods to be sold, a marketing plan and projected financial statements.

(9) Account holders must repay moneys improperly taken from IDA deposits including the interest earned thereon, when required by their fiduciary organization or by the department.
Amend: 813-300-0130

Rule Summary: Amends definitions.

Changes to Rule:

813-300-0130

Voluntary Termination of a Fiduciary Organization

(1) Any fiduciary organization, the Department OF, OHCS and its designee may terminate that fiduciary organization's program plan and its authorization as a fiduciary organization upon thirty (30) days' notice by written mutual consent.

(2) In determining whether or not to provide its termination consent, the Department OF, OHCS and its designee may consider factors including, but not limited to the following:

(a) The financial and organizational capacity of the fiduciary organization to continue;

(b) The impact of the termination upon account holders and designated beneficiaries;

(c) The past performance of the fiduciary organization;

(d) The current eligibility of the fiduciary organization;

(e) The ability and willingness of the fiduciary organization to transfer account holder IDAs and related personal development plans, and the management and funding of same, to other fiduciary organizations;

(f) The ability and willingness of the fiduciary organization to transfer tax credit contributions, related funds, and other moneys to other fiduciary organizations in support of the transfer of account holder IDAs and related personal development plans;

(g) The willingness of account holders and designated beneficiaries with respect to termination of the fiduciary organization;

(h) Whether or not the fiduciary organization has delivered to the Department OF, OHCS or its designee any unused tax credit contributions, related funds and any other moneys.

(3) The Department OF, OHCS and its designee may condition its consent upon such terms and conditions as seems reasonable, including without limit, that the fiduciary organization continue to perform with respect to any or all existing IDAs.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700

Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
RULE SUMMARY: Opened up this rule for recommendations.

CHANGES TO RULE:

813-300-0140
Financial Institutions

Financial Institutions shall secure and maintain IDA deposits in accordance with law and the terms of the applicable IDA.
Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
AMEND: 813-300-0150

RULE SUMMARY: Amends definitions.

CHANGES TO RULE:

813-300-0150

Tax Credit Contributor ¶

(1) Contributions to a fiduciary organization approved by the Department of Human Services or its designee may qualify for an Oregon IDA tax credit.

(2) The percentage of tax credit to be awarded to taxpayers is determined upon recommendation by the fiduciary organization with approval of the Department of Human Services or its designee. In making such a determination, the Department of Human Services or its designee may consider factors including but not limited to:

(a) The availability of the Oregon IDA Tax Credit;

(b) The nature and value of the contribution; and

(c) The recommendation of the approved fiduciary organization.

(3) The percentage of allowable credit will be determined in advance of accepting contributions.

(4) The maximum percentage of tax credit allowable to a single taxpayer within a particular year is seventy percent.

(5) The maximum tax credit allowable to a single taxpayer within a particular year is $500,000.

(6) Contributions from contributors not utilizing an Oregon IDA tax credit may be eligible for a charitable deduction against taxable income.

(7) The Department of Human Services and its designee make no representation on whether or not specific contributions qualify for an Oregon IDA tax credit. In all cases, contributors are encouraged to seek professional advice to determine the actual tax ramifications of their contribution.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700

Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
(1) The Department and its designee may limit, suspend, revoke or terminate its authorization of a fiduciary organization. In addition to, or in lieu of, such action, the Department or its designee may require the fiduciary organization to take appropriate remedial action including, without limitation, to complete any or all IDA's current at the time of revocation or termination, to return supplemental funds to the Department or its designee, to transfer contributions as required by the Department or its designee, and to meet such other requirements and submit to such audits and reviews as the Department and its designee deems appropriate.

(2) The Department and its designee may refuse to approve any proposed fiduciary organization action requiring such approval. The Department and its designee also may condition its approval of any proposed fiduciary organization action requiring such approval.

(3) The Department or its designee may require fiduciary organizations to terminate or revise contracts or other engagements with any financial institution, third-party contractor or other program plan partner.

(4) The Department and its designee may limit, suspend, revoke or terminate its authorization of a fiduciary organization. In addition to, or in lieu of, such action, the Department or its designee may require the fiduciary organization to take appropriate remedial action including, without limitation, to complete any or all IDA's current at the time of revocation or termination, to return supplemental funds to the Department or its designee, to transfer contributions as required by the Department or its designee, and to meet such other requirements and submit to such audits and reviews as the Department and its designee deems appropriate.

(5) The Department and its designee may refuse to approve any proposed fiduciary organization action requiring such approval. The Department and its designee also may condition its approval of any proposed fiduciary organization action requiring such approval.

(6) The Department and its designee may require fiduciary organizations to terminate or revise contracts or other engagements with any financial institution, third-party contractor or other program plan partner.

(7) The Department or its designee may require the termination of any individual development account. The Department or its designee may require the termination of any IDA. The Department or its designee may require the transfer of any individual development account, including related deposits, from one fiduciary organization to another or to such other fiduciary as the Department or its designee determines to be appropriate.

(8) The Department and its designee may audit any fiduciary organization, any third-party contractor, and any other program plan partner. The Department and its designee also may inspect and copy IDA program documents in the possession or under the control of such entities including, without limitation, any individual development account IDA, any contract or other IDA program agreement, and any personal development plan.

(9) The Department or its designee may suspend, terminate or require modifications in personal development plans.

(10) The Department or its designee, on its own initiative or at the request of an aggrieved party, may review fiduciary organization decisions with respect to individual development account IDAs, including but not limited to decisions to withdraw matching funds from individual development account IDAs or to suspend or terminate matching deposits to deposits made by the account holder.

(11) The Department or its designee may suspend, overturn or modify fiduciary organization decisions with respect to individual development account IDAs including, but not limited to funding decisions.

(12) The Department or FO program plan decision.

(9) OHCS or its designee, on its own initiative or at the request of any aggrieved party, may review other fiduciary
The Department of Human Services (DHSS) or its designee may suspend, overturn or modify fiduciary organization program plan decisions.

The Department of Human Services (DHSS) or its designee may limit the number of authorized fiduciary organizations (FOS) eligible to collect tax credit contributions and may limit the amount of tax credit contributions that specific fiduciary organizations (FOS) may receive in any particular time-period.

The Department of Human Services (DHSS) and its designee may take such other action to regulate and enforce compliance with the IDA program, including these rules, as the Department of Human Services (DHSS) and its designee determines to be necessary or appropriate.

Factors that the Department of Human Services (DHSS) or its designee may consider in taking any regulatory or enforcement action under these rules may include, but are not limited to the following:

(a) Those factors identified in these rules for the authorization of fiduciary organizations (FOS);
(b) A person or entity's compliance with these rules and other relevant law;
(c) The efficient and effective operation of the IDA program;
(d) The integrity of account management; and
(e) The best interests of account holders and designated beneficiaries.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
Account holders and designated beneficiaries aggrieved by any decision of a fiduciary organization to suspend or terminate the account holder's IDA, or any decision by the fiduciary organization to suspend or terminate a personal development plan, any decision by the fiduciary organization to withdraw matching IDA deposits, or any decision by the fiduciary organization requiring the account holder to repay withdrawn IDA deposits, may request administrative review by the Department or its designee.

The request for administrative review must be in writing, stating the nature of the decision, the reasons why the aggrieved party disagrees with the decision, and the nature of the requested relief.

The request for administrative review must be delivered to the Department or its designee within thirty (30) days from the date that the aggrieved party receives written notice of the decision by the fiduciary organization. The aggrieved party simultaneously shall provide a copy of the request for administrative review to the fiduciary organization.

Upon receipt of an appropriate request for administrative review, the Department or its designee will make such investigation of the matter as it determines to be appropriate. In making any such investigation, the Department or its designee may require and receive from the parties or other participants in the program plan any additional information or require such other proceedings, as it deems appropriate.

The Department or its designee will provide its written determination on the request for administrative review following the completion of its investigation. The Department or its designee also may issue such preliminary orders as it deems appropriate pending the issuance of its written determination.

In its written determination, or in any preliminary order, the Department or its designee may reverse, revise, stay, or approve the decision at issue made by the fiduciary organization.

The Department or its designee also may enforce its written determinations and preliminary orders by such action as it deems appropriate.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670 - 458.700
NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: LIHRF, HCLGP, and RGP Programs: Repeals inapplicable rules and rules incorporated within other divisions' rules.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov
Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301

Filed By:
Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 8:30 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer St NE, Room 124B
Salem, OR 97301

SPECIAL INSTRUCTIONS:
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Repeals rules that were either incorporated within the text of other divisions' rules or are no longer applicable.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
None.
FISCAL AND ECONOMIC IMPACT:
No fiscal or economic impact.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).
There is no cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

RULES PROPOSED:

REPEAL: 813-049-0001

RULE SUMMARY: Repeal division as program was incorporated in OAR 813-046 through the state budget process effective 7/1/19.

CHANGES TO RULE:

813-049-0001
Purpose and Objectives:
OAR chapter 813, division 49, is promulgated to accomplish the general purpose of ORS 458.505 to 458.545, specifically ORS 458.505 to 458.515, which designates the Housing and Community Services Department as the state agency responsible for administering state and federal antipoverty programs in Oregon. The Low Income Rental Housing Fund addressed in this division is one such program subject to department administration and has as its purpose the funding to provide rental housing assistance for very low income households.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.561, 456.625, 458.605 & 2011 OL Ch. 595, Sec. 3(4)
REPEAL: 813-049-0005

RULE SUMMARY: Repeal division as program was incorporated in OAR 813-046 through the state budget process effective 7/1/19.

CHANGES TO RULE:

813-049-0005
Definitions ¶

All words and terms that are used in OAR chapter 813, division 49 are defined in sections 1 through 10, chapter 716, Oregon Laws 1991, or as provided in OAR 813-005-0005 and below. As used in OAR chapter 813, division 49, unless the context indicates otherwise:

(1) "Administrative costs" means all program costs that are not directly related to delivery of program services.

(2) "Assistant Director" means the department's assistant director for housing stabilization programs.

(3) "Community action agency" or "CAA" means a private, nonprofit corporation organized under ORS chapter 65, or an office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505(4).

(4) "Conditional" means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, satisfying the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required), relevant documents.

(5) "Department" or "OHCS" means the Housing and Community Services Department for the state of Oregon.

(6) "Director" means the department director as appointed by the governor.

(7) "Fund" means the Low Income Rental Housing Fund.

(8) "HUD" means the U.S. Department of Housing and Urban Development.

(9) "Household" means an individual living alone, a family with or without children or a group of individuals who are living together as one economic unit.

(10) "Income" means income from all sources of each member of the household not including income from employment of children under the age of 18.

(11) "Program" or "LIRHF" means the Low Income Rental Housing Fund program administered pursuant to this division and other applicable law.

(12) "Program manual" or "manual" means the State Homeless Funds Program Operations Manual, dated January 17, 2019, incorporated herein by this reference. The manual may be accessed online on the department's website.

(13) "Program requirements" means all funding agreement terms and conditions (including work plan objectives), department directives (including deficiency notices), and applicable state, local, and federal laws and regulations (including these rules, other applicable department rules and the manual), executive orders, local ordinances and codes.

(14) "Program services" means allowable services as defined in the department program manual and eligible for funding under the program.

(15) "Self-sufficiency" means meeting basic needs and achieving stability in areas including, but not limited to, housing, household income, nutrition, health care and accessing needed services.

(16) "Service area" means the specific geographic area or region within which the subgrantee agency provides program services directly or by contract.

(17) "Subcontractor" or "subrecipient" means a nonprofit corporation established under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

(18) "Subgrantee agency" or "agency" means a private, nonprofit corporation organized under ORS chapter 65; a housing authority established under ORS 456.055 to 456.235; or a local government as defined in ORS 197.015
with whom the department has contracted to administer program services at the local level.

(19) “Sufficiency” means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree for the department to assess appropriately subgrantee agency’s compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by the department.

(20) “Very low income household” means a household with an annual household income that is fifty (50) percent or less of the area median income based on HUD determined guidelines adjusted for household size.

(21) “Work plan” or “plan” means the subgrantee agency’s plan for the use of program funds as approved by the department, which is part of its approved funding application, and included in its funding agreement with the department.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.561, 456.625, 458.605 & 2011 OL Ch. 595, Sec. 3(4)
REPEAL: 813-049-0008

RULE SUMMARY: Repeal division as program was incorporated in OAR 813-046 through the state budget process effective 7/1/19.

CHANGES TO RULE:

813-049-0008
Administration
(1) The department may contract with subgrantee agencies to provide program services at the local level. In a service area where a community action agency exists, the community action agency has a conditional right of first refusal to serve as the subgrantee agency for the service area.

(2) The department normally will allocate program funds to subgrantee agencies for the various service areas through a formula established by the department prior to the allocation process. However, the department reserves the right to modify such formula at any time in its sole discretion.

(3) A subgrantee agency may subcontract with other organizations that meet the requirements of ORS 458.505(4) to provide program services in the subgrantee agency's service area.

(4) A subgrantee agency shall identify potential applicants, certify eligibility and provide program services to eligible households within its service area. Whenever appropriate, program participants will be assisted in accessing other services designed to meet other, longer-term needs.

(5) The department normally will fund only one subgrantee agency within any service area. However, the department may, in its sole discretion, allow two or more subgrantee agencies to operate within a common service area. In such cases, the subgrantee agencies shall enter into a written agreement with the department, satisfactory to the department in its sole discretion, in order, inter alia, to ensure full access to program services for all eligible households within the service area to the extent of available funding and to prevent duplication of services.

(6)(a) A subgrantee agency may expend up to an amount authorized by the department in writing for reimbursement of reasonable and appropriate administrative costs.

(b) If a subgrantee agency subcontracts with another organization to provide program services that organization may expend up to an amount for administrative costs that does not exceed the subgrantee agency's proportionate share of the amount authorized by the department for reasonable and appropriate administrative costs of the funding award.

(c) The ultimate determination of reasonable and appropriate administrative costs is reserved to the department in its sole discretion.

(7) A subgrantee agency and its subcontractors shall comply with the terms of the funding agreement and all other program requirements, including but not limited to department directives (including deficiency notices), applicable local, state and federal laws, rules (including the [program manual] regulations, executive orders, local ordinances and codes).

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 456.561, 456.625, 458.605 & 2011 OL Ch. 595, Sec 3(4)
REPEAL: 813-049-0020

RULE SUMMARY: Repeal division as program was incorporated in OAR 813-046 through the state budget process effective 7/1/19.

CHANGE TO RULE:

813-049-0020
Client Eligibility ¶

(1) Program services shall be available to very low income households that are homeless or unstably housed and at risk of homelessness, as defined in the program manual.¶

(2) A subgrantee agency may consider a household's self-declaration or referral of a household from a local, state or federal human service agencies if no other verifiable documentation is available, to determine eligibility of that household for program services.¶

(3) A subgrantee agency will not require residency within its service area or legal status as a client eligibility criterion.

Statutory/Other Authority: ORS 458.355
Statutes/Other Implemented: Ch. 716, OL 1991
REPEAL: 813-049-0025

RULE SUMMARY: Repeal division as program was incorporated in O AR 813-046 through the state budget process effective 7/1/19.

CHANGES TO RULE:

813-049-0025
Use of the Fund ¶

(1) Program funds will be used for eligible services within the allowable program components as further defined in the funding agreement and program manual. ¶

(2) Program funds granted or otherwise awarded shall not be used by the subgrantee agency to replace funds currently being received from other sources, available or reasonably expected to be available to the subgrantee agency, but may be used to supplement existing funds or to support existing programs or establish new programs.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.561, 456.625, 458.605 & 2011 OL Ch. 595, Sec. 3(4)
REPEAL: 813-049-0045

RULE SUMMARY: Repeal division as program was incorporated in OAR 813-046 through the state budget process effective 7/1/19.

CHANGES TO RULE:

813-049-0045
Funding Application

(1) Prior to providing any program services, a subgrantee agency shall submit on a biennial basis, a funding application satisfactory to the department, including a work plan, which must be approved by the department before being operative. The subgrantee agency shall adhere to the department’s requirements and deadlines for obtaining approval of this funding application. A funding application is subject to approval, including as modified by the department, or disapproval by the department.

(2) A subgrantee agency’s funding application shall include details satisfactory to the department on how the subgrantee agency provided a meaningful opportunity for participation in the development of the work plan by the local or regional continuum of care, local service providers, advocates, clients, businesses, churches, citizens, governments and other interested stakeholders.

(3) A subgrantee agency’s funding application must meet all requirements established by the department for the form and content of the funding application. In cases where a community action agency has the conditional right of first refusal for antipoverty program administration, and the community action agency cannot meet the requirements for the form and content of the funding application, the department, in its sole discretion, may allow other eligible organizations to submit a funding application with respect to that service area.

(4) Funding applications will be evaluated by the department for sufficiency with respect to application and other program requirements.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
REPEAL: 813-049-0055

RULE SUMMARY: Repeal division as program was incorporated in OAR 813-046 through the state budget process effective 7/1/19.

CHANGES TO RULE:

813-049-0055

Reporting and Recordkeeping

(1) Subgrantee agencies shall maintain accurate financial records satisfactory to the department, which document, inter alia, the receipt and disbursement of all funds provided through the program by the department; and have an accounting system in place satisfactory to the department, which meets, inter alia, generally accepted accounting principles.

(2) Subgrantee agencies also shall maintain other program records satisfactory to the department, which document, inter alia, client eligibility, receipt of allowable program services, termination of services and the basis for same, housing status of clients, administrative actions, contracts with subcontractors, review of subcontractor performance, action taken with respect to deficiency notices, and any administrative review proceedings. Such records shall be in substance and format satisfactory to the department.

(3) Subgrantee agencies shall provide the department with all required reports, data and financial statements by the department determined submission deadlines including:

(a) Program reports detailing the progress made toward meeting program performance measures and service delivery objective(s) and;

(b) Fiscal reports detailing all administrative and program costs.

(4)(a) Subgrantee agencies and their subcontractors shall furnish representatives of the department, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives' access to and permit copying of all books, accounts, documents, records and allow reasonable access to the project and other property pertaining to the program, at any such representative's request.

(b) Subgrantee agencies and their subcontractors shall cooperate fully in any inspections or other monitoring actions taken by the department, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives.

(c) Subgrantee agencies and their subcontractors shall retain and keep accessible all program records for a minimum of five (5) years, or such longer period as may be required by applicable law and state records retention requirements, following final payment and termination of program involvement, or until the conclusion of any audit, controversy or litigation arising out of or related to the program, whichever date is later.

(5) Subgrantee agencies shall ensure that data is reported, collected and organized accurately, timely, and otherwise in a manner satisfactory to the department through the use of a department-approved HMIS.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
REPEAL: 813-049-0065

RULE SUMMARY: Repeal division as program was incorporated in OAR 813-046 through the state budget process effective 7/1/19.

CHANGE TO RULE:

813-049-0065
Compliance Monitoring; Remedies

(1) The department will conduct reviews, audits, and other compliance monitoring as it deems appropriate with respect to each subgrantee agency and its subcontractors, inter alia, to verify compliance with program requirements. Subgrantee agencies and their subcontractors will cooperate fully with the department in its compliance monitoring.

(2) Subgrantee agencies shall require by contract and monitor their subcontractors’ compliance with all program requirements including but not limited to, recordkeeping and retention of records and department compliance monitoring and enforcement.

(3)(a) The department may take such remedial action as it deems appropriate including, but not limited to terminating its funding agreement with a subgrantee agency and requiring repayment of partial or all program funding, if it determines (in its sole discretion) that the performance of the subgrantee agency or any of its subcontractors is deficient in any manner, including with respect to program requirements.

(b) The department will notify a subgrantee agency of deficiencies identified through the monitoring process and provide documentation for the basis of such determination and the specific deficiency or deficiencies that must be corrected.

(c) The department will require the subgrantee to correct any deficiencies in a manner and timeframe satisfactory to the department and may offer training and technical assistance to the subgrantee.

(d) The department, at its discretion, may offer the subgrantee assistance in the development of a corrective action plan. If a corrective action plan is allowed, the department will review and issue a decision on whether to approve or disapprove.

(4) The department will provide adequate notice and opportunity for an appeal prior to a remedial action that terminates organizational eligibility for program funding for cause.

(5) Appeals will be addressed to the assistant director whose decision may be further appealed to the department director.

(6) Issuance of a deficiency notice shall not constitute a waiver of other remedies available to the department or preclude the department from exercising such other remedies available to it under the funding agreement or other program requirements, at law or otherwise.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
813-049-0075
Challenge of Subgrantee Action.
(1) Local interest groups, service providers or others aggrieved by a subgrantee agency with respect to its program obligations may submit a written request to the department for its review of such contested action, but only after first exhausting the applicable administrative review process furnished by the relevant subgrantee agency and within thirty (30) days of that administrative review determination or refusal by the subgrantee agency to provide such administrative review determination.¶
(2) The department may accept or deny a request for its review in whole or in part, at its sole discretion. Any department review will be in the manner determined appropriate by the department and may include, but will not necessarily be limited to review of provided information.¶
(3) If the department accepts the review request, the requester of the review, the subgrantee agency, and relevant subcontractors will produce all information required by the department, including requested affidavits or testimony.¶
(4) The department may make a determination on a review request and require such remedial action as the department determines, in its sole discretion, to be appropriate.¶
(5) Department review will not take the form of a contested case review under ORS chapter 183 unless specifically so stated by the director in writing.¶
(6) Timely request for department review by an aggrieved person or entity and its completion to final order by the department are requirements for exhaustion of administrative remedies by such aggrieved person or entity.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
REPEAL: 813-049-0080

RULE SUMMARY: Repeal division as program was incorporated in OAR 813-046 through the state budget process effective 7/1/19.

CHANGES TO RULE:

813-049-0080
Review by Subgrantee

(1) Subgrantee agencies will establish in writing a process satisfactory to the department that in a timely manner, enables beneficiaries of and applicants for program services to contest a determination by the subgrantee agency or its subcontractors that:

(a) Denies or limits the eligibility of a beneficiary or applicant for benefits or other assistance; or

(b) Terminates or modifies benefits or other assistance awarded by the subgrantee agency or subcontractor to a beneficiary.

(2) Persons aggrieved by the action of a subgrantee agency or its subcontractors described in subsection (1) may request administrative review of such action by the subgrantee agency within the time frame and pursuant to the process established by the subgrantee agency consistent with program requirements. At all times, the subgrantee agency will allow a minimum of thirty (30) days within which an aggrieved person may request review from the time of the contested action or the aggrieved person's reasonable discovery of such action, whichever is longer.

(3) The subgrantee agency will inform the department in writing of any request by an aggrieved party for administrative review within ten (10) days of such request.

(4) The subgrantee agency will inform the department and the aggrieved party in writing of any final administrative review determination made by the subgrantee agency, and the basis for same, within ten (10) days of such final determination.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, 458.620, 458.650
REPEAL: 813-300-0180

RULE SUMMARY: Repeal rule already incorporated in General Rules (OAR 813-005).

CHANGES TO RULE:

813-300-0180

Waiver
The Department may waive or modify any requirements of OAR 813, division 300, unless such waiver or modification would violate applicable federal or state law.

Statutory/Other Authority: ORS 456.555, 456.625, 458.700
Statutes/Other Implemented: ORS 315.271, 458.670–458.700
813-360-0040
Claim for Assistance
(1) The department will provide the required form or information for a claim for program assistance on its website. A claim must include a signed declaration by the landlord as to the truth of matters asserted, including but not necessarily limited to:
(a) An attestation regarding how the damages submitted for reimbursement meet the criteria set out in OAR 813-360-0030 (Landlord Eligibility);
(b) The tenant’s last known address and the address used to accomplish service of the court pleadings on the tenant, if different;
(c) The landlord’s current mailing or contact address;
(d) The specific address of the property where the tenant resided at the time the damage was incurred;
(e) A list of any payments the landlord has received towards the judgment, either by the tenant or a third party;
(2) The claim must be accompanied by:
(a) A copy of the complaint;
(b) A court-certified copy of the judgment;
(c) A copy of the final security deposit accounting containing an itemization of damages;
(d) A copy of the pre- and post-tenancy inspection reports, if any;
(e) A copy of Part A of the Housing Choice Voucher Program agreement between the landlord, the tenant, and the housing authority, for the property where the damage was incurred; and
(f) Such other information as the department may require.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.375 to 456.390
REPEAL: 813-360-0050

RULE SUMMARY: Repeal rules incorporated in Use of Funds (OAR 813-360-0035).

CHANGES TO RULE:

813-360-0050

Awards of Assistance
(1) Prior to approving a claim for program assistance, the department will:
(a) Determine if the claim is complete and satisfies the criteria necessary to be a qualifying claim, including as set out in OAR 813-360-0030 and 813-360-0040;
(b) Verify with the public housing authority that the tenant was a voucher holder at the time the tenancy was terminated.

(2) The department will endeavor to review claims for program assistance and make awards of program assistance for qualifying applications within 45 days of its receipt of all required information. The department may choose to require the submittal of additional or clarifying information.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.375 to 456.390
REPEAL: 813-360-0060

RULE SUMMARY: Repeal inapplicable rules.

CHANGES TO RULE:

813-360-0060

Tenant Repayment Plans ¶

(1) When a payment of program assistance is made to a landlord, the department will require the responsible tenant to repay the full or a partial amount of any program assistance paid to the landlord and shall offer the responsible tenant a reasonable repayment agreement that provides for repayment by the tenant to the department of the full or a partial amount of the program assistance paid to the landlord. ¶

(2) Repayment plans from the department shall take into account factors the department deems relevant as to capacity for repayment, including but not limited to the tenant’s family size, monthly income, debt obligations, and the family’s ability to meet the basic needs of the household. ¶

(3) After the department pays a claim for program assistance to a landlord, the department will serve a notice upon the responsible tenant that informs the tenant of the following: ¶

(a) That the tenant must repay to the department the amount of any program assistance paid to a landlord on the tenant’s behalf; ¶

(b) That the tenant may enter into a reasonable repayment agreement with the department to repay the full or a partial amount of any program assistance paid to a landlord on the tenant’s behalf. The tenant may request a repayment plan by contacting the department; ¶

(c) That the tenant may request a waiver of the repayment requirement for good cause by contacting the department; ¶

(d) That if the tenant does not enter into a repayment agreement or make good faith efforts to comply with the terms of a repayment agreement, or otherwise fails to repay the full or an agreed-upon partial amount of assistance paid to the landlord on the tenant’s behalf, the department may seek to collect any amount remaining unpaid by the tenant; ¶

(e) That the department will make available upon request by local housing authorities and landlords information regarding a tenant’s compliance with the provisions of this section, including records of repayments made by the tenant, where applicable; ¶

(f) That the tenant may seek a waiver of repayment requirements under this section for good cause shown and may contest the department’s determination that the tenant has an obligation to repay any amounts of assistance paid to a landlord on the tenant’s behalf, in accordance with ORS Chapter 183; and ¶

(g) The means by which a tenant may contest the department’s determination that the tenant has an obligation to repay any program assistance, its determination as to a tenant’s failure to comply in good faith with a repayment agreement, or the department’s determination with respect to any requested waiver of repayment. ¶

(4) The department will waive program assistance repayment requirements upon its determination of good cause for such waiver. The department may waive other requirements of the Act and this division upon its determination of good cause for such waiver. Factors that the department may consider if there is good cause for waiver include, but are not limited to the following: ¶

(a) The landlord has already been paid, either by the tenant or a third party; ¶

(b) The damages resulting in the judgment were the result of domestic violence, sexual assault, stalking, or other crime of which the tenant or someone in the tenant’s household was the victim; ¶

(c) The tenant and family have insufficient income, including all financial assistance and subsidies, to meet the basic minimum needs of the household; and ¶

(d) Other extenuating circumstances as further defined in the guidelines. ¶

(5) Amounts repaid by tenants under this section will be deposited by the department into the fund. ¶

(6) The department may pursue any rights, remedies or processes provided at law or otherwise for the collection of unpaid amounts due from a tenant for program assistance paid to a landlord on the tenant’s behalf. ¶
The department will, in accordance with ORS chapter 183, provide an opportunity for the tenant to contest the following:

(a) The department's determination that the tenant has an obligation to repay the department,

(b) That the tenant has failed to repay amounts due under a repayment agreement,

(c) That the tenant has not made or is not making a good faith effort to comply with the repayment agreement,

(d) That the tenant has not paid to the department the full or a partial amount of the assistance paid to a landlord on the tenant's behalf; or

(e) That the department properly failed to waive a repayment obligation.

The department will serve a notice of noncompliance upon a tenant in accordance with ORS 183.415 that states the amount of program assistance remaining unpaid by the tenant. If the notice is served by mail, it will be sent to the tenant's last known address, and the address used to accomplish service of the court pleadings on the tenant, if different.

The department will note whether or not a tenant is in compliance with applicable repayment obligations and make that information available to local housing authorities and landlords at no cost. A tenant will be considered in compliance if the tenant has been granted a relevant waiver, or the department determines that the tenant has made or is making good faith efforts at repayment. The department will note if the full amount of program assistance has been repaid.

(a) The contact number or email address that a landlord may use to request compliance information will be made available on the department's website.

(b) The department will respond promptly to requests for compliance information.

(c) The department will update compliance information on a timely basis, not less frequently than every 30 days.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.375–456.390
REPEAL: 813-365-0050

RULE SUMMARY: Repeal rules incorporated in Claimant Eligibility (OAR 813-365-0030).

CHANGES TO RULE:

813-365-0050

Request for Application

(1) A program provider's application must adhere to the terms and conditions of the relevant request for applications issued by the department. A submitted application is subject to approval (including as modified by the department) or disapproval by the department.

(2) A program provider must only provide program services in compliance with program requirements, including the terms and conditions of the funding agreement and applicable request for applications.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: RGP Program: Creates consistency in language between divisions, amends definitions, and incorporates current program requirements.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov
Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301

Filled By:
Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 9:00 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer St NE, Room 124B
Salem, OR 97301

SPECIAL INSTRUCTIONS:
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Creates consistency in language between divisions, amends definitions, and incorporates current program requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
FISCAL AND ECONOMIC IMPACT:
No fiscal or economic impact is expected.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).
There is no cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

RULES PROPOSED:

AMEND: 813-365-0000

RULE SUMMARY: Amends statutory reference and creates consistency in language between divisions.

CHANGES TO RULE:
813-365-0000
Purpose and Objectives
OAR chapter 813, division 365, is promulgated to accomplish the general purpose of ORS 458.505, which designates the Oregon Housing and Community Services Department (OHCS) as the state agency responsible for administering state and federal antipoverty programs in Oregon. The Rent Guarantee Program (RGP) addressed in this division is one such program subject to department administration and has as its purpose to provide incentives and financial assistance to landlords that rent or lease to low-income households by guaranteeing payments to landlords for unpaid rent and for eviction and property damage costs within limits established by the department. These rules are subject to the department’s descriptive and procedural rules found in OAR 813, division 1, to the department’s general rules found in OAR 813, division 5, and in the department’s general procedures for public contracts and procurements found in OAR 813, division 6 of the program.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, HB 2724, O.L. 2017 HB 2724, O.L. 2019 SB 278
AMEND: 813-365-0011


CHANGES TO RULE:

813-365-0011
Definitions
All words and terms that are used in OAR chapter 813, division 365 are defined in the Act and below. As used in OAR chapter 813, division 365, unless the context indicates otherwise:

(1) “Application” means a program provider’s response to the department’s request for applications to be a program provider and to receive a program grant for that purpose.

(2) “Department” means the Housing and Community Services Department for the State of Oregon.

(3) “Fund” means the Rent Guarantee Program Fund created within the State Treasury, separate and distinct from the General Fund.

(4) “Funding agreement” means the grant agreement or other written agreement, together with all related documents required by the department for program funding, including those required by the department to be executed by or between the program provider and the department, all in form and substance satisfactory to the department in its sole discretion.

(5) “Household income” means the total household income from all sources before taxes. Income under this definition may be reduced by deductions allowed by the department in compliance with program requirements. Income does not include assets or funds over which the applicant or household has no control.

(6) “HUD” means the U.S. Department of Housing and Urban Development. Terms used throughout this division (OAR 813-365) may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used within this division observe those definitions, except as defined below.

(7) “Landlord” means an owner of a dwelling unit that has entered into a rental or lease agreement with a tenant, including a person who is authorized by the owner to manage the premises or to enter into a rental agreement and has entered into a program agreement with the program provider.

(8) “Low income household” means a household with an annual household income that is sixty (60) percent or less of the area median income based on HUD determined guidelines, adjusted for family size.

(9) “Program” means the Rent Guarantee Program or “RGP” means the program administered by the department OHCS, pursuant to this division (OAR 813-365) and other applicable law.


(11) “Program provider” means an organization that meets legislative requirements, with whom the department has contracted to administer program services at the local level.

(12) “Program requirements” means all funding agreement terms and conditions (including work plan objectives), department administrative rules (including” or “RGP Manual” means the manual), department orders and directives (including deficiency notices), terms and conditions of any relevant request for applications, and other applicable state, local, and federal laws, rules, orders, regulations, codes, and ordinances (all of the foregoing, including as amended from time to time).

(13) “Program services” means allowable services for unpaid rent, eviction costs, and property damage costs, as defined in the program manual and eligible for funding under the program.

(14) “Tenant” means a low-income household, in Oregon, and includes, but is not limited to a household that is homeless or unstably housed and at risk of homelessness and that experience barriers to obtaining housing, including, but not limited to poor credit history or ratings; criminal background history; and/or history of housing evictions; and will be entering into a rental or lease agreement with a qualified landlord; has completed tenant readiness education and has not had any prior program claims.

(15) “Tenant Readiness Education” means the department approved curriculum of personal budgeting, tenant/landlord relationships and other relevant matters taught to eligible tenants for participation in the program dated July, 1, 2019, incorporated herein by reference. The RGP Manual may be accessed online on the
OHCS website.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: O.L. HB 2724, ORS 458.505, O.L. 2019 SB 278

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.
Rent Guarantee Program

Operations Manual

Prepared by: Oregon Housing and Community Services Department
Revised: January 8, 2018 July 1, 2019

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1. Rent Guarantee Program Overview

OHCS’s Rent Guarantee Program provides incentives and financial assistance to landlords that rent or lease to low-income households by guaranteeing payments to landlords for unpaid rent, eviction and property damage costs.

To be eligible to participate in the program, tenants must be low-income, and experience barriers to obtaining housing, including, but not limited to, poor credit history/ratings, youth with a lack of rental history, criminal background history, or a history of housing eviction(s), having been a ward of the state and may be homeless or unstably housed.

To be eligible for program benefits, a tenant must graduate from a Tenant-Readiness Course offered by the program provider. Financial assistance is limited to a maximum of $2,000 per eligible tenant for unpaid rent and a maximum of $5,000 in total claims for a single landlord.

Program providers determine which tenants meet program eligibility and are selected to participate in the program. Once tenants successfully complete an OHCS-approved Tenant Readiness Education course, program providers give tenants a Certificate of Completion which the tenant can use to assist their search for permanent housing. Once a landlord is selected, the landlord must enter into a Program Provider/Landlord Agreement with the program provider, as well as a Landlord/Tenant Agreement with the tenant.

2. Definitions

**Eligible Tenants or Tenants:** means individuals or families:
- with a household income at or below sixty percent (60%) of area median income;
- who may be homeless or unstably housed;
- who have program-specific barriers to housing stability (e.g.; poor credit history/ratings, youth with a lack of rental history, criminal background history, or a history of housing eviction(s) or has been a ward of the state);
- who have completed an OHCS-approved Tenant Readiness Education course prior to entering into an agreement with the landlord; and
- who have had no previous program claim.

**Landlord:** means, owners or operators of any rental housing, participating in the program through an agreement with the program provider and who have entered into a rental agreement with a participating tenant.

**Program:** means Rent Guarantee Program.

**Program Payments:** means the payments to program providers to cover landlord expenses such as unpaid rent, eviction and property damages for which the program provider seeks reimbursement from OHCS on behalf of the landlord.
**Program Provider:** means an entity that has entered into a contract with OHCS to provide program services.

**Tenant Readiness Education:** means, the curriculum of personal budgeting, tenant/landlord relationships and other relevant matters taught to eligible tenants of the program and who receive a certification of completion after successfully completing the course.

**Ward:** means a person within the jurisdiction of the juvenile court as defined by ORS 419A.004 (shown below) within the past 10 years and is at least 16 years of age and less than 27 years of age.

OAR 419A.004: (1) Except as otherwise provided in subsection (5) of this section and ORS 107.726, the juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age and:

(a) Who is beyond the control of the person’s parents, guardian or other person having custody of the person;

(b) Whose behavior is such as to endanger the welfare of the person or of others;

(c) Whose condition or circumstances are such as to endanger the welfare of the person or of others;

(d) Who is dependent for care and support on a public or private child-caring agency that needs the services of the court in planning for the best interest of the person;

(e) Whose parents or any other person or persons having custody of the person have:

   (A) Abandoned the person;

   (B) Failed to provide the person with the care or education required by law;

   (C) Subjected the person to cruelty, depravity or unexplained physical injury; or

   (D) Failed to provide the person with the care, guidance and protection necessary for the physical, mental or emotional well-being of the person;

(f) Who has run away from the home of the person;

(g) Who has filed a petition for emancipation pursuant to ORS 419B.550 to 419B.558; or

(h) Who is subject to an order entered under ORS 419C.411 (7)(a).

(2) The court shall have jurisdiction under subsection (1) of this section even though the child is receiving adequate care from the person having physical custody of the child.

(3) The provisions of subsection (1) of this section do not prevent a court of competent jurisdiction from entertaining a civil action or suit involving a child.

(4) The court does not have further jurisdiction as provided in subsection (1) of this section after a minor has been emancipated pursuant to ORS 419B.550 to 419B.558.

(5)(a) An Indian tribe has exclusive jurisdiction over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of the tribe, except where the jurisdiction is otherwise vested in the state by existing federal law.

(b) Upon the petition of either parent, the Indian custodian or the Indian child’s tribe, the juvenile court, absent good cause to the contrary and absent objection by either parent, shall transfer a proceeding for the foster care placement of, or termination of parental rights to, an Indian child not domiciled or residing within the reservation of the Indian child’s tribe, to the jurisdiction of the tribe.
(c) The juvenile court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child custody proceeding to the same extent that the juvenile court gives full faith and credit to the public acts, records and judicial proceedings of any other entity.

3. Program Providers

Program providers are responsible for administering the program through a contract with OHCS. Written contracts are for a duration specified by OHCS.

To participate in the program, program providers must respond to OHCS within the specified time through a Request for Application (RFA).

The required duties of the program provider include:

- Determine eligibility of landlord and tenants in the program;
- Assist tenants in obtaining permanent housing through housing placement activities;
- Provide communication and outreach to landlords to increase their willingness to rent to tenants who have rental barriers, but have gone through the program’s tenant readiness education course;
- Provide Tenant Readiness Education;
- Notify OHCS of any substantive changes to the OHCS-approved Tenant Readiness Education;
- Enter into Execute program agreements with landlords;
- Enter client information into OHCS’ Homeless Management Information System (HMIS);
- Process program claims, which include verification of damages, and process request for funds;
- Provide timely submission of required program reports;
- Comply with monitoring requirements and remedy actions as required by OHCS; and
- Adhere to all program guidelines.

Program providers cannot solicit potential renters for units owned or operated by the program provider. Tenants are free to enter into a rental contract with another landlord within the program provider’s jurisdiction or tenants may freely choose to rent a unit owned or operated by the program provider.

Program providers and Landlords may choose to waive certain screening criteria, such as income/rent ratios or review of previous criminal history or eviction history, when a tenant is eligible for the program. Any waiver of criteria will be applied consistently and in accordance with Fair Housing laws, rules and guidelines.
4. Landlords

A landlord is an owner or operator, or represents an owner or operator, of any rental housing unit participating in the program through an agreement with the program provider and who have entered into a rental agreement with a participating tenant. **Landlords must completely execute a Program Provider/Landlord Agreement within 30 calendar days of the date a participating tenant takes possession of the rented/leased residence to be eligible for the program.**

The Rent Guarantee Program Provider/Landlord Agreement includes, but is not limited to, the following terms and conditions:

- Landlord is an independent contractor and not an agent of Oregon Housing and Community Services or of the program provider.

- Landlord agrees to rent/lease a residence to the tenant in accordance with the Landlord/Tenant Agreement for a period of at least twelve (12) months from the date the agreement begins, providing tenant remains in compliance with the Landlord/Tenant Agreement.

- The guarantee is only valid on claims submitted within twelve (12) months of the effective date of the Landlord/Tenant Agreement and upon tenant’s vacancy of the residence. The guarantee is subject to available funding at the time of claim and is limited to $2,000 for unpaid rent and $5,000 in total for all damages to a single landlord under the program. The guarantee covers only those costs allowable by the program and that exceed the security deposit.

- Landlord agrees to **notify the program provider if the tenant vacates or is evicted from the residence within the first twelve (12) months of tenancy, even if no claim is requested.**

- **Landlords agree to** submit a request for guarantee funds, with all required documentation **if damages exceed the security deposit**, to the program provider within 30 *calendar* days of the date when the tenant vacates the residence or is evicted for non-compliance of the Landlord/Tenant Agreement.

- Landlord agrees not to recoup any costs **claimed against paid by** the program from the tenant or from the Housing Choice Landlord Guarantee Program, or any other third party, such as insurance. If a judgment has already been filed against the tenant, the landlord will file a satisfaction of judgment with 30 *calendar* days of receipt of payment and send a copy of such satisfaction to OHCS.

- Landlord agrees to comply with all laws, regulations and guidelines under the program, including, but not limited to program specific requirements, public policy for protecting civil rights, government-wide administrative mandates affecting the landlord’s accounting and record keeping systems, and any rules, regulations or guidelines imposed by the program provider.

- Landlord agrees to program provider’s and OHCS’ monitoring rights and responsibilities and the methods used by program provider and OHCS for monitoring. Landlord agrees
to the non-revocable rights to inspect the residence identified in the agreement by program provider or OHCS upon reasonable notice, for the purposes of monitoring and/or the verification of claimed expenses.

- Termination of the agreement may occur upon such a directive by the program provider or by OHCS through the program provider. OHCS shall not be liable to any of the parties of the agreement or to other persons for directing that such agreement be terminated.

5. Tenant Readiness Education

Tenant Readiness Education must be approved by OHCS. Curriculum must include:

- A trainer who has either received certification or has sufficient past experience in teaching a Tenant Readiness Education course.
- Course that will extend over multiple weeks. The curriculum schedule will be pre-determined and available to tenants at the beginning of the first class.
- Each participating tenant will receive a passing or failing grade. Tenants who pass will receive a Certificate of Completion.
- A maximum number of acceptable absences will be set. Tenants will be made aware of the attendance requirement. No tenant who exceeds the allowable amount of absences will receive a Certificate of Completion.
- Will cover at least the following areas:
  a) Landlord/Tenant Law
  b) The Application and Screening Process
  c) Understanding a Rental or Lease Agreement
  d) Personal Finance, Budgeting, How Credit Reports are Used
  e) Energy Conservation
  f) Fair Housing Rights and Responsibilities
  g) What Makes a Good Tenant and Communicating With Your Landlord
  h) Barriers to Obtaining Housing
  i) Tips for Moving In and Moving Out
  j) Care and Maintenance of Your Unit and Maintenance Responsibilities
  k) Termination Notices
  l) Recovering your Deposit

Program providers may require that the guarantee be applicable only in the county in which the tenant was provided the Tenant Readiness Education course or in the service area covered by the program provider.
Tenant Readiness Completion Certifications are valid for a period of 18 months following the date of the final Tenant Readiness class to allow tenants an opportunity to find housing.

The Rent Guarantee Program’s Tenant Readiness Completion Certification is non-transferable and may only be used by the individual completing the class. The guarantee must be used in the first rental/lease agreement immediately following the completion of TRE. The guarantee does not apply to subsequent landlords/rental units. Tenants may use the certification as a means of proving class attendance with subsequent landlords/rental units, which may assist them in obtaining a unit; however, the guarantee will not apply.

The Rent Guarantee Program’s Tenant Readiness Completion Certification applies only to those tenants who have completed OHCS-approved TRE. If other adult members of the household move in either at the inception of a rental/lease agreement or during tenancy, the guarantee applies only to the tenant with a TRE certification. If a TRE tenant moves out of a guarantee-covered unit before other adult members of the rental/lease agreement move out, the guarantee does not continue with the unit, but leaves with the TRE tenant.

Other adult members of the household may be listed on the rental/lease agreement and the provider/landlord agreement; however, providers should only enter tenant data in the reporting system for the tenant who has completed TRE. If the provider submits a provider/landlord agreement that includes additional adult members of the household, the provider must notify OHCS for which specific tenant the guarantee applies, either as a notation on the agreement or by email. It is the responsibility of the provider to notify the landlord how the guarantee applies to the household with additional adult members who did not complete TRE.

6. Tenant Eligibility

(A) Income

The countable income must be at or below 60% of the area median income in the month of application, as determined by HUD HOME Income Limits. Find Income limits at [http://www.oregon.gov/ohcs/pages/research-income-rent-limits.aspx](http://www.oregon.gov/ohcs/pages/research-income-rent-limits.aspx). Count the earned and un-earned income of every adult person in the household to determine financial eligibility for the program. Once income is certified, it does not need to be recertified prior to placement in permanent housing. Tenants have 18 months from tenant readiness education completion and client certification to final placement in permanent housing in which to use the guarantee.

(B) Housing Status

Tenants may meet one of the following categorical definitions of homeless or at risk of becoming homeless.

Category 1: Literally Homeless—household who 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 as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport or camping ground;
• Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, or hotels and motels paid for by charitable organizations or by federal, state or local government programs); OR
• Exiting an institution where he or she resided for 90 calendar days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

**Category 2: Imminent Risk of Homelessness**—household who will imminently lose their primary nighttime residence provided that:
• The primary nighttime residence will be lost within 14 calendar days of the date of application for homeless assistance;
• No subsequent residence has been identified; AND
• Household lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.

**Category 3: Homeless Under Other Federal Statutes**—unaccompanied youth under 25 years of age, or family who do not otherwise qualify as literally homeless or imminent risk of homelessness, but who:
• Are defined as homeless under other listed federal statutes;
• Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 calendar days prior to the program assistance application; AND
• Have experienced persistent instability as measured by two moves or more during the preceding 60 calendar days; and can be expected to continue in such status for an extended period of time due to special needs or barriers.

**Category 4: Fleeing/Attempting to Flee Domestic Violence**—household who:
• Is fleeing, or is attempting to flee, domestic violence;
• Has no other safe residence; AND
• Lacks the resources or support networks to obtain other permanent housing.

**Category 5: Unstably Housed**—household who:
• Is at risk of losing their housing, and does not otherwise qualify as homeless under the above listed (1-4) categories, provided that:
• They have been notified to vacate current residence or otherwise demonstrate high risk of losing current housing; AND
• Lack the resources or support networks to obtain other permanent housing.

(C) **Barriers**
Tenants must experience specific barriers to housing stability. Barriers include, but are not limited to, having a poor credit history or ratings, youth with a lack of rental history, having a criminal background history, been a ward (see definition section) within the past 10 years and is at least 16 years of age and less than 27 years of age, and/or having a history of housing eviction(s). Meeting the homeless/unstably housed
status or having a low income are not considered additional barriers for the purpose of the program. A tenant must experience an additional barrier to housing stability as stated in this section.

(D) Tenant Readiness Education
Tenants must have successfully completed an OHCS-approved Tenant Readiness Education course.

(E) Residence Location
Residences covered by the Rent Guarantee Program must be located in Oregon.

7. Eligibility Documentation

Documentation related to tenant eligibility must be obtained and available in tenant files. Documentation must include barriers to housing stability, income and the successful completion of an OHCS-approved tenant readiness education course. Documentation of ward status and lack of rental history may be made by client self-certification. In the case where tenant files are collected and maintained electronically, required documentation must be made available to OHCS in paper form when requested.

OHCS requires program providers to comply with the following general documentation standards listed in order of preference:

- **Third-Party Documentation**, where it is available, is the preferable form of documentation. Third party documentation includes verification from an employer, landlord, public benefit worker, agency service provider, etc. Written verification sent directly to program staff or via the applicant is preferred.

- **Intake Worker Observation** 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 Intake Worker. 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 their efforts, in writing, to obtain eligibility documentation and place it in the client’s file.

- **Participant Self-Certification** requires a written and signed document by the individual or head of household seeking assistance attesting to the facts for which they are certifying. A third-party may be designated by a participant to sign documents on their behalf when they are unable to do so. It is the responsibility of the program provider to provide access to language interpretation services and assistive devices necessary for participants to understand the documents they are certifying.

Documentation of all efforts to obtain higher preference of verification (3rd party and Intake Worker Observation) must be in writing and kept in the tenant’s file.
8. General Program Requirements

(A) Release of Information
Tenant information (including identifying the person as a tenant) must not be released without written authorization from the tenant. Program providers must ensure that a signed Release of Information form for all tenants—adult members of the household who have completed tenant readiness education authorizing the release of information pertinent to determining program eligibility, providing assistance/service, HMIS data collection and reporting, monitoring or other relevant need for sharing information, is signed by all tenants—adult members of the household who have completed tenant readiness education and kept in the tenant’s file. Release forms must be time-limited and specific as to with whom and what information will be shared. OHCS must 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). Program providers may use the sample form posted on the OHCS website.

Client refusal to provide such authorization cannot be the basis for denying program services to otherwise eligible tenants.

(B) Confidentiality
Confidentiality of tenant information is essential and must be assured by the program provider and to protect the confidentiality of all information concerning applicants for and recipients of program services. Program providers must not release or disclose any such information except as necessary for the administration of the program, as authorized in writing by the applicant or recipient of program services or as required by law.

Program providers must ensure that policies and procedures are in place and ensure all client information and records are secure and confidentially maintained. Officers, employees and agents must be aware of and comply with the program provider’s confidentiality policies and procedures.

Confidential records are all applications, records, files, and communications relating to applicants for, and recipients of program services.

Electronic collection of tenant information requires procedures for ensuring confidentiality including:

- Computer terminal(s) must be located in a secure location, limiting access to only those persons who have a legitimate interest in and are responsible for client records;
- Computer monitor must be cleared (or a screen saver activated) immediately after accessing a client record;
• Computer terminal must be on a “locked” mode or turned off if the terminal is unattended; and

• Access to HMIS-tenant data shall be given only to authorized personnel as necessary for performing the work required for the program.

**Note to Domestic Violence Providers:**
Program providers must have procedures that ensure the safety and security of program participants who are victims of domestic violence, including maintaining strict confidentiality of records.

The confidential policy standards maintained by program providers must comply with all applicable local, state and federal requirements. All records shall be open for review to federal, state, and program providers’ auditors and/or examiners in the course of their regular audits and monitoring functions of the Rent Guarantee Program.

**(C) Nondiscrimination**
Program providers and landlords are required to comply with all state and federal statutes relating to nondiscrimination. Program providers may not take any of the following actions based on race, color, national origin, religion, gender or gender identity, sexual orientation, marital or familial status, age, physical or mental disability, victims of domestic violence, harassment, sexual assault or stalking, retaliation, genetic information, or association with protected class:

• Refuse to rent housing or provide services;
• Make housing or services unavailable;
• Deny a dwelling or service;
• Set different terms, conditions or privileges for rental of a dwelling or obtaining services;
• Provide different housing services or facilities or different services;
• Falsely deny that housing is available for inspection or rental or that services are available; or
• Deny anyone access to a facility or service.

**(D) Fair Housing**
Fair Housing laws protect against illegal housing discrimination based on “protected class status” in any housing transaction. Protected Classes include race, color, national origin, religion, gender or gender identity, sexual orientation, marital or familial status, age, physical or mental disability, victims of domestic violence, harassment, sexual assault or stalking, source of income, honorably discharged veterans/military status, retaliation, genetic information, or association with protected class.
Fair Housing laws apply to individual homes, duplexes, multifamily housing (apartments, condos, townhomes), retirement housing, adult foster homes and long-term care facilities, homeless shelters, and other non-profit housing, sales, rentals, mortgage lending, building and construction, home insurance, appraisals and inspections, as well as neighbor-on-neighbor harassment.

Fair Housing laws do not apply only to U.S. citizens. It is legal to rent to an undocumented individual. Anyone living in the United States has fair housing protection as well as the right to file a fair housing complaint. Suggestions for how to identify an individual identity and history without using a social security number can be found at the Fair Housing Council of Oregon’s website: www.fhco.org

Program providers and landlords are encouraged to publicly display a Fair Housing Policy. An example of a Fair Housing Policy is shown below:

Fair housing for all is the policy of the owner/manager of this community and it is the law. The owner/manager and employees and agents are forbidden from discriminating against any applicant/resident because of race, color, national origin, religion, gender or gender identity, sexual orientation, marital or familial status, age, physical or mental disability, victims of domestic violence, harassment, sexual assault or stalking, source of income, honorably discharged veterans/military status, retaliation, genetic information, or association with protected class. Applicants/Residents may not be denied housing, treated differently than others, harassed, or evicted from housing based on any of these discriminatory criteria. The owner/manager will consider all applications for rental housing and will provide all services equally. Further, the owner/manager will not make or publish any discriminatory statements or advertisements.

Fair housing resources can be found as follows:

- Fair Housing Council of Oregon – www.fhco.org
- Oregon Fair Housing Laws (ORS Chapter 659A) – https://www.oregonlegislature.gov/bills_laws/ors/ors659A.html

(E) Limited English Proficiency
The Federal government has issued a series of policy documents, guides and regulations describing how program providers and landlords 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.
Program providers should create a written Language Access Plan (LAP) to provide a framework to ensure all program information is available in languages other than English. Program providers who serve few LEP persons may choose not to establish a LAP; however, the absence of a written LAP does not release program provider’s obligation to ensure LEP persons have access to programs or activities. Links to more information about Limited English Proficiency requirements are provided in the appendices “Applicable Rules and Regulations”.

(F) Conflict of Interest
Program providers are required to have a conflict of interest policy that minimally requires staff and board members to disclose to appropriate board or staff member(s) the conflict or potential conflict; prohibits those with a conflict from voting or making a decision on the matter in which there is a conflict; defines the process for managing and determining conflicts of interest; and documents that staff and board members are aware of and understand the policy.

9. Financial

(A) Allowable Expenses for Reimbursement
Total claims are limited to $2,000 for unpaid rent. OHCS cannot pay any single landlord an amount in excess of $5,000 for all claims submitted under the program. Claims for allowable expenses for reimbursement include:

- Unpaid rent (up to $2,000);
- Damages beyond the normal wear and tear of tenant occupancy cause by tenant;
- Expenses related to removal of excessive debris left by tenant, including disposal fees;
- Eviction costs include court filing fees, attorney fees, and serving of notice;
- Damages by pets or service animals included on the tenant’s rental agreement.

(B) Unallowable Expenses
Unallowable expenses for reimbursement include costs that do not exceed the security deposit and are not limited to:

- Costs deemed to be due to normal wear and tear of the tenant’s occupancy, including, but not limited to, those costs attributable to the depreciation of flooring, paint and appliances; and
- Any costs claimed by the landlord in a small claims judgment and paid through the Oregon Housing Choice Landlord Guarantee Program, or costs paid by the tenant or costs paid by a third-party (e.g., insurance).
(C) **Claims**

Program providers must submit a Rent Guarantee Program Provider Claim Form to OHCS for reimbursement of allowable expenditures using the Claim Form in the Rent Guarantee Smartsheet Dashboard located at: https://app.smartsheet.com/b/publish?EBCT=a09499a5ca154ef790baee31d36dc34f. Claims forms must include a copy of the Rent Guarantee Program Provider/Landlord Agreement.

Program providers are responsible for verifying expenses claimed for reimbursement, which may include a site-visit to the vacated unit. Copies of the final security deposit accounting, move-in and move-out inspection/checklists, applicable receipt or proof of damages, documentation of non-payment of rent may all assist in the Program Provider’s verification of expenses. All documentation used to verify expenses must be kept in the tenant file. There is no requirement by OHCS for landlords to use a specific claim request form when submitting a request to the program provider; however, sufficient documentation must be kept in the tenant’s file that supports such a claim request.

Landlords are required to request funds from the program provider within 30 calendar days from the date when landlord takes possession of the unit, whether by voluntary tenant move or tenant eviction. Claims must be made within the first 12 months of occupancy and only upon tenant’s vacancy of program covered unit, either by voluntary move-out or by eviction.

Program providers must submit Rent Guarantee Program Provider Claim Forms to OHCS within 10 business days from the date that landlord submits a claim request to the program provider.

Once a claim is approved by OHCS, a Notice of Allocation will be processed and the program provider will be notified of approval and that they may submit a Request for Funds. It is the responsibility of the program provider to reimburse the landlord for claimed expenses within ten (10) business days of the program provider’s receipt of funds from OHCS.

(D) **Use of OPUS**

The OPUS System is a web-based centralized data system designed to meet financial business-processing needs. Program provider 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
- **Ph:** (503) 986-2099
- **Toll Free:** (800) 453-5511 Option 6
(E) **Request for Funds**
Program providers shall submit Requests for Funds (RFFs) after claims are approved and program provider has been notified by OHCS that the allocation of funds has been processed. Program providers must include supporting documentation of all costs charged to the grant and be able to provide evidence that grant funds were spent on allowable costs. Supporting documentation does not include the claim form, but should be the provider’s general ledger and revenue/expense sheet.

(F) **Financial Status Report**
Program providers shall submit Financial Status Report (FSR) in accordance with OHCS-fiscal policy and within 30 calendar days of the end of the fiscal quarter and within 45 calendar days of the end of the fiscal year.

10. **Reporting**

(A) **Data Entry**
Program providers are responsible for entering tenant-client data, claims and TRE data and service data into OHCS-approved reporting forms (see also the Claims section of this manual), the ServicePoint Homeless Management Information System (HMIS)*. Program providers may allow organizations that they contract with to enter data into HMIS for the purposes of this program; however, program providers are ultimately responsible for the timely and accurate entry of such data.

Timely and accurate data entry is critical to ensuring meaningful data analysis and reporting. It is recommended that data be entered within three (3) business days and data quality reports be run periodically (preferably monthly) using the HUD CoC APR Data Quality/Completeness and Data Completeness Report Card (EE).

Program providers are responsible for ensuring acquisition and documentation of informed written consent from program participants, and for protecting program participants’ confidentiality. Assistance on HMIS data entry and reporting may be found on our website at: http://www.oregon.gov/ohcs/Pages/housing-assistance-providers-in-oregon.aspx.

HMIS Universal Data Elements are defined by HUD, as amended from time to time, and are required elements to be collected. Additionally, OHCS may require specific Data Elements to be collected, as amended from time to time. 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
(1) — Veteran Status
(1) — Disabling Condition (inclusive of type)
(1) — Income and Sources
(1) — Non-Cash Benefits
(1) — Health Insurance
(1) — Living Situation
(1) — Project Start Date
(1) — Project Exit Date
(1) — Housing Move-In Date
(1) — Destination
(1) — Relationship to Head of Household
(1) — Client Location
(1) — Carry-Over Status (tracking clients between fiscal years)
(1) — County
(1) — Housing Status
(1) — Barriers
(1) — Number of Persons in Household
(1) — Monthly Gross Income
(1) — Completion of Tenant Education (pass/fail)
(1) — Moved/Evicted Before End of Contract (yes/no)
(1) — Months of Occupancy
(1) — Claim Amount

*Note to Domestic Violence Providers:
Victim service providers are prohibited from entering data in HMIS; however, they are required to maintain a comparable database which provides aggregate information and data consistent with HMIS data collection requirements. Projects serving survivors of domestic violence where the operator is not a victim services provider are required to enter data in their HMIS.

**(II)(B)** Reports
Program providers are required to submit quarterly program reports by the 20th of the month following the end of each fiscal quarter **within the timeframe requested by OHCS and** in accordance with OHCS directives for content and format.

Reports include the Financial Status Report (as noted in the Financial section of this manual), the OHCS Rent Guarantee Program Tracking Spreadsheet, the HMIS CAPER—(Consolidated Annual Performance and Evaluation Report), **Provider Tracking Input data, Provider TRE Input data, Tenant Move-Out Tracking data**, along with copies of each Program Provider/Landlord Agreement.

Program providers are required to submit an annual report by the 20th of the month following the end of each fiscal year (July 20th), in accordance with OHCS directives for content and format. At the discretion of OHCS other reports/data
may be required when deemed necessary to provide adequate program utilization and performance information.

Program providers will need organizations that they contract with to provide reports required data to the program provider, so that the program provider is able to submit an aggregate report this data to OHCS within the timeframe requested.

(C) Provider Tracking Input Form (client data)

Reports are Client Data is submitted within 3 business days from the date of execution of the Provider/Landlord Agreement, electronically to ohcsreporting@gmail.com through the Rent Guarantee Program Smartsheet Dashboard located at: https://app.smartsheet.com/b/publish?EQBCT=a09499a5ca154ef790baee31d36dc34f. Providers may submit Provider/Landlord Agreements either through the Smartsheet attachment function, by sending electronically to ohcsreporting@gmail.com, or by sending through the U.S. mail. By submitting the reports data, the program provider certifies the following for each tenant for which they are reporting:

- All information reported is true and accurate to the best of the program provider’s knowledge;
- All tenants meet the eligibility requirements of the program.
- The tenants receiving the guarantee have completed and been certified in the OHCS-approved Tenant Readiness Education course required by the program; and
- The individual records for the tenants are kept on file, including relevant landlord and tenant communication.

(D) Tenant Move-Out Tracking Form

If a tenant remains in their unit for 12 months, no further tracking is required. However, if a tenant moves out or is evicted within the first 12 months of tenancy and the landlord does not file a claim, the provider must enter the move-out date in the Tenant Move Out Tracking form in the Rent Guarantee Smartsheet located at: https://app.smartsheet.com/b/publish?EQBCT=a09499a5ca154ef790baee31d36dc34f, within 3 business days from the date in which the provider was notified by the landlord of the tenant’s move out.

(E) Personally Identifiable Information (PII)

Program providers must use a unique identifier when completing the Provider Tracking Input Form. Program providers must use the same number on the Provider/Landlord Agreement. Such a unique identifier protects personally identifying information; however, OHCS must be able to match up the Provider/Landlord Agreements with the data entered into the Smartsheet in order to ensure no duplication of funds have been used for the client.
**F. Provider Tenant Readiness Education Input Form**

Program providers enter general information about TRE in the Provider TRE Input form in the Rent Guarantee Smartsheet Dashboard located at: https://app.smartsheet.com/b/publish?EQBCT=a09499a5ca154ef790baee31d36dc34f. TRE data must be entered within 20 calendar days from the end of each fiscal quarter (October 20, January 20, April 20, July 20). TRE data includes the number of persons referred to TRE, the number of persons that did not show up for their first class of TRE (no-show), the number of persons who completed TRE and the number of persons who were given a Rent Guarantee Certificate, which may or may not be the same number as the number of persons completing TRE.

**11. Records**

**(A) Client File Documentation**

Sufficient records must be established and maintained to enable OHCS to determine whether program requirements are being met. Program providers must make sure that any organization that they contract with also maintains appropriate and complete records.

Documentation of tenant eligibility and services received must be maintained in printed or electronically-saved tenant case files, including files for applicants found to be ineligible. File documentation will be the basis of OHCS monitoring to ensure program provider is in compliance with program requirements and regulations.

At the minimum, tenant files must contain the following:

- signed Release of Information (or documentation of refusal to sign ROI);
- tenant intake form;
- verification of tenant income;
- verification of tenant housing barriers;
- certification of successful completion of OHCS-approved Tenant Readiness Education;
- Rent Guarantee Program Provider/Landlord Agreement;
- Landlord/Tenant Agreement;
- move-in condition report;
- verification of housing status, if applicable;
- claim form, if applicable;
- final security accounting containing an itemization of expenses charged, if applicable;
- move-out condition report, if applicable;
• receipts for any repairs, if applicable;
• receipts for any eviction related court costs, if applicable;
• documentation of non-payment of rent, if applicable; and
• case notes (tenant, landlord, program provider, OHCS, if applicable).

(B) Electronic Files
If tenant file documents and signatures are collected and maintained electronically, required documentation must be made available to OHCS in paper form when requested.

(C) Records Access
Program providers 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 books, accounts, documents, records at any such representative’s request. At the sole discretion of OHCS, access to records shall include the removing of records from the program provider’s office.

(D) Records Retention
Program providers shall retain all program records 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, this Operations Manual and OHCS Special Schedule. 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 Schedule at the Oregon State Archives:

(http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_166/166_300.html).

Program providers shall retain and keep accessible all such program and fiscal records, books, documents, papers, plans, and writings for a minimum of (6) six years, following final payment or termination of agreement, or until the conclusion of any audit, public records request, controversy or litigation arising out of, or relating to, the program or such longer period as may be required by applicable law, whichever date is later.

12. Monitoring / Remedies
Program providers shall cooperate fully in any inspections or other monitoring actions taken by the department, the Oregon Secretary of State’s Office, and their duly authorized representatives.

OHCS may conduct a program/fiscal monitoring of program providers once every three years or sooner if warranted. Program providers are customarily notified thirty (30)
calendar days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff interviews. Monitoring may include attendance at a class(es) of the Tenant Readiness Education course. OHCS will provide program providers with a written Management Evaluation Report inclusive of any findings, concerns or comments.

The department may take such remedial action as it deems appropriate including, but not limited to terminating its funding agreement with a program provider and requiring repayment of partial or all program funding, if it determines (in its sole discretion) that the performance of the program provider is deficient in any manner, including with respect to program requirements.

The department will notify a program provider of deficiencies identified through the monitoring process within sixty-(60) calendar days from the date the monitoring took place and provide documentation for the basis of such determination and the specific deficiency or deficiencies that must be corrected.

The department will require the program provider to make timely, within thirty-(30) calendar days correction of any deficiencies in a manner satisfactory to the department.

The department, at its discretion, may offer the program provider training and technical assistance in the development of a corrective action plan. The department will review and issue a decision on whether to approve or disapprove the corrective action plan.

The department will provide adequate notice and opportunity for an appeal prior to a remedial action that terminates organizational eligibility for program funding for cause.

Appeals will be addressed to the assistant director or their designee whose decision may be further appealed to the department director.

Issuance of a deficiency notice shall not constitute a waiver of other remedies available to the department or preclude the department from exercising such other remedies available to it under the funding agreement or other program requirements, at law or otherwise.

It is customary to notify the program provider thirty-(30) calendar days in advance of such a review; however, this is not a requirement and, when appropriate, spot reviews may occur. Such reviews will include an entrance and exit interview with the program provider’s representative; however, they do not need to be present during the review. Whether there are findings or not, OHCS will create a Management Evaluation Report in response to the review.

Program Providers are required to monitor their subrecipients at least once during a biennium. Subrecipient monitoring procedures must be in place and adequately ensure compliance with program requirements. Monitoring reports are retained by the program provider and made available for review by OHCS or other authorized entity.
All subrecipients of the program provider must comply with all program rules and regulations.
13. **Applicable Rules and Regulations**

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

1. ORS 456.515 through 456.725: [Housing and Community Services Department](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

2. ORS (HB2724-2017 Regular Session)456.607 through 456.609: [Rent Guarantee Program](https://www.hudexchange.info/resources/search/keyword%20"HMIS")

3. ORS 458.505 through 458.545: [Community Services Program](https://www.arcweb.sos.state.or.us/pages/rules/access/numerically.html)

4. ORS 458.600 through 458.650: [Oregon Housing Fund](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

5. OAR 166-300: [State Agency Record Retention Schedule](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

6. OAR 813-365: [Rent Guarantee Program](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

7. OHCS Special Retention Schedule: [Special Schedule](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)


10. This manual, as guidelines for the Rent Guarantee Program are amended from time to time along with all other references made within this manual. All references made in this manual are understood to be as written, and as amended from time to time.

11. ORS cited are amended from time to time and can be found at: [https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

12. OARs cited are amended from time to time and can be found at: [http://arcweb.sos.state.or.us/pages/rules/access/numerically.html](http://arcweb.sos.state.or.us/pages/rules/access/numerically.html)
AMEND: 813-365-0021

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-365-0021
Administration

(1) The department, subject to applicable law, may contract with program providers, organizations that meet RGP requirements and have executed a funding agreement with OHCS, to provide program services at the local level upon such terms as it determines to be satisfactory, in its sole discretion.

(2) The department and subject to OHCS' rules and policies.

(2) OHCS will pool available program RGP funds and make such funds available in applicable amounts to program providers upon submission of qualifying claims that meet all requirements established by the department OHCS for the form and content of a qualifying claim, as further defined in the funding agreement and program manual.

(3) Program providers shall comply with the terms of the funding agreement and all other applicable program RGP requirements, as determined by the department.

(4) The department may use OHCS.

(4) Program providers will attend and participate in RGP training made available or conducted by OHCS.

(5) OHCS may expend RGP funds to pay the administrative costs associated with the delivery of the program administration of RGP, within limitations determined by the department OHCS and RGP rules and regulations.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, O.L. 2017 HB 2724, O.L. 2019 SB 278
813-365-0030
Claimant Eligibility
(1) In order to be eligible for RGP assistance, a claimant (program provider on behalf of a landlord, which includes a
person who is authorized by the owner, lessor or sublessor to manage the property and enter into a rental
agreement with an eligible tenant of RGP) must have an executed Program Provider/Landlord Agreement.
(2) Claims for qualifying damages must be made within the first 12 months of tenant’s occupancy and only after
tenant’s vacancy of an RGP-covered unit, either by voluntary move-out or by eviction. Landlords have 30 days in
which to submit a request for funds to the program provider, from the date that the landlord takes possession of
the unit.
(3) Qualifying damages include, but are not limited to:
(a) Unpaid rent (limited to a maximum of $2,000 per eligible tenant);
(b) Damages beyond normal wear and tear and caused by the tenant or the tenant’s occupancy; and
(c) Eviction costs include court filing fees, attorney fees, and serving of notice.
(4) Program providers must submit to OHCS a RGP Claim Form, in form, format and substance satisfactory to
OHCS, within 10 days from the date that the landlord submits a request for funds to the program provider.
(5) Program providers must certify that the claim details and supporting documentation (i.e.; final security deposit
accounting, move-in and move-out inspection/checklists, applicable receipt or proof of damages, documentation
of non-payment of rent) have been received from the landlord and have been reviewed and verified by the
program provider. Program providers must keep all claim information within the tenant file.
(6) The RGP Claim Form shall be available on OHCS’ website.
(7) A submitted application is subject to approval, including as modified by OHCS, or disapproval by OHCS.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, O.L. 2017 HB 2724, O.L. 2019 SB 278
AMEND: 813-365-0045

RULE SUMMARY: Creates consistency in language between divisions, amends definitions, and clarifies use of funds.

CHANGES TO RULE:

813-365-0045

Use of Funds

Program funds [1] RGP assistance will be used only for eligible services and activities as further defined in the funding agreement and program manual RGP Manual.[¶]

(2) OHCS may provide RGP assistance not to exceed $5,000 per eligible landlord.[¶]

(3) Prior to approving a claim for RGP assistance, OHCS will determine if the claim is complete and satisfies the criteria necessary to be a qualifying claim.[¶]

(4) OHCS will review claims and make awards of RGP assistance to eligible claimants within 14 days of its receipt of all required information. OHCS may choose to require the submittal of additional or clarifying information.

Statutory/Other Authority: ORS 456.555

Statutes/Other Implemented: ORS 458.505, O.L. 2017 HB 2724, O.L. 2019 SB 278
AMEND: 813-365-0061

RULE SUMMARY: Creates consistency in language between divisions, amends definitions, and clarifies reporting and recordkeeping requirements.

CHANGES TO RULE:

813-365-0061

Reporting and Recordkeeping

(1) Program providers shall maintain accurate financial records satisfactory to the department, consistent with RGP requirements, which document, inter alia, the receipt and disbursement of all funds provided through the program by the department, which meets, inter alia, OHCS, which meets generally accepted accounting principles.

(2) Program providers also shall maintain other program records satisfactory to the department. Such records shall be consistent with RGP requirements, which document client eligibility, receipt of allowable RGP services, termination of RGP services and bases for same, housing substance and format satisfactory to the department, status of clients, administrative actions, and contracts with landlords. Such records shall be satisfactory to OHCS in substance and format.

(3) Program providers shall provide the department with all required reports, data, and financial statements in substance and format satisfactory to the department, by OHCS-determined submission deadlines, including, but not limited to:

   (a) Reports that detail households served, including demographics and copies of the Program Prover/Landlord Agreement, as defined in the RGP Manual;

   (b) Quarterly reports determined by OHCS-determined submission deadlines.

(4) Records identified in this section must be maintained throughout the term of, and in compliance with, the applicable funding agreement, but not for a period less than six years, extended by two years following the resolution of any litigation or claims with respect to the program.

(5) Program providers shall ensure that data is reported, collected and organized accurately, submitted within time period specified by OHCS and otherwise in a manner satisfactory to OHCS and consistent with RGP requirements.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, O.L. 2017 HB 2724, O.L. 2019 SB 278
AMEND: 813-365-0065

RULE SUMMARY: Creates consistency in language between divisions, amends definitions, and clarifies monitoring requirements.

CHANGES TO RULE:

813-365-0065

Compliance Monitoring

The department may conduct reviews, audits, and other compliance monitoring as it deems appropriate with respect to each program provider, inter alia, to verify compliance with program requirements. Program providers will cooperate fully with the department in its compliance monitoring to verify compliance with RGP requirements. Program providers will cooperate fully with OHCS in its compliance monitoring.

(2) Program providers shall require, by contract, and monitor their subrecipients’ compliance with all RGP requirements including, but not limited to, recordkeeping and retention of records and OHCS compliance monitoring and enforcement.

(3) (a) OHCS may take such remedial action as it deems appropriate including, but not limited to, terminating its funding agreement with a program provider and requiring repayment of partial or all RGP funding, if it determines, in its sole discretion, that the performance of the program provider or any of its subrecipients is deficient in any manner, including with respect to RGP requirements.

(b) OHCS will notify a program provider of deficiencies identified through the monitoring process and provide documentation for the basis of such determination and the specific deficiency or deficiencies that must be corrected.

(c) OHCS will require the program provider to correct any deficiencies in a manner and time frame satisfactory to OHCS and may offer training and technical assistance to the program provider.

(d) OHCS, at its sole discretion, may offer the program provider assistance in the development of a corrective action plan. If a corrective action plan is allowed, OHCS will review and issue a decision on whether to approve or disapprove.

(4) OHCS will provide adequate notice and opportunity for an administrative review prior to a remedial action that terminates organizational eligibility for RGP funding for cause.

(5) Requests for administrative review will be addressed to the assistant director of the Housing Stabilization Division of OHCS or designee whose decision may further be reviewed by the OHCS director.

(6) Issuance of a deficiency notice shall not constitute a waiver of other remedies available to OHCS or preclude OHCS from exercising such other remedies available to it under the funding agreement or other RGP requirements, at law or otherwise.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, O.L. 2017 HB 2724, O.L. 2019 SB 278
ADOPT: 813-365-0070

RULE SUMMARY: Adopts consistency in language between divisions and identifies administrative review requirements.

CHANGES TO RULE:

813-365-0070
Administrative Review
(1) A person aggrieved by the actions of OHCS with its RGP obligations may submit a written request to OHCS for its review of such contested action within 30 days of that action.¶
(2) Any OHCS review will be in the manner determined appropriate by OHCS and may include, but shall not necessarily be limited to, review of provided information.¶
(3) If OHCS accepts the review request, the requester of the review must produce all information required by OHCS, including requested affidavits or testimony.¶
(4) OHCS may make a determination on a review request and require such remedial action as OHCS determines, in its sole discretion, to be appropriate.¶
(5) OHCS review will not take the form of a contested case review under ORS Chapter 183 unless specifically stated in writing by the OHCS director.¶
(6) A request for OHCS review by an aggrieved person and its completion to final order by OHCS are requirements for exhaustion of administrative remedies by such aggrieved person.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505, O.L. 2017 HB 2724, O.L. 2019 SB 278
NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: SHAP Program: Creates consistency in language between divisions, amends definitions, and incorporates current program requirements.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov
Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301
Filed By:
Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 9:00 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer St NE, Room 124B
Salem, OR 97301
SPECIAL INSTRUCTIONS:
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Creates consistency in language between divisions, amends definitions, and incorporates current program requirements.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
FISCAL AND ECONOMIC IMPACT:
No fiscal or economic impact.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).
There is no cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

RULES PROPOSED:

AMEND: 813-240-0001

RULE SUMMARY: Amends statutory reference and creates consistency in language between divisions.

CHANGES TO RULE:

813-240-0001
Purpose and Objectives

OAR chapter 813, division 240, is promulgated to accomplish 813-240 carries out the general purpose of ORS 458.505 to 458.545, and particularly ORS 458.505, which designates the to 458.528. Oregon Housing and Community Services Department (OHCS) is designated as the state agency responsible for administering state and federal antipoverty programs in Oregon. The State Homeless Assistance Program (SHAP) addressed in this division (OAR 813-240) is one such program, subject to administration by OHCS administration and has as its purpose the funding of emergency shelters and the supportive services directly related to them in order to meet the emergency needs of those who are homeless.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-240-0005


CHANGES TO RULE:

813-240-0005
Definitions ¶

All words and terms as used in OAR chapter 813, division 240 are defined in the Act, in OAR 813-005-0005 and below. As used in OAR chapter 813, division 240, unless the context indicates otherwise:

(1) “Administrative costs” means all costs that are not directly related to delivery of program services.

(2) “Assistant director” means the department’s assistant director for the housing stabilization program.

(3) “Community action agency” or “CAA” means a private, nonprofit corporation organized under ORS chapter 65, or office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505(4).

(4) “Conditional” means subject to relevant conditions subsequent, including but not limited to continued department authority and funding capacity as well as subgrantee agency, to the satisfaction of the department, throughout this division (OAR 813-240) may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used withing the terms of its funding application, maintaining legal standing as a CAA, timely satisfying relevant program requirements, and executing and recording (if required) relevant documents.

(5) “Department” or “OHCS” means the Housing and Community Services Department for the state of Oregon.

(6) “Director” means the department director as appointed by the governor.

(7) “Emergency shelter” means any appropriate facility that has the primary purpose 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.

(8) “Funding agreement” means that master grant agreement or other written agreement, together with all incorporated documents and references, to be executed by and between the department and subgrantee agency in form and substance satisfactory to the department as a condition precedent for receipt of program funding from the department.

(9) “Funding application” means the subgrantee agency’s application to the department for a program grant. is division observe those definitions, except as defined below:

(10) “HMIS” means the Homeless Management Information System.

(11) “Homeless” means an individual, family or household that lacks a fixed, regular and adequate nighttime residence in accordance with department categorical definitions. Categorical definitions are contained in the program manual.

(12) “Household” means an individual living alone, a family with or without children or a group of individuals who are living together as one economic unit.

(13) “HUD” means the U.S. Department of Housing and Urban Development.

(14) “State Home Assistance Program” or “SHAP” means the State Homeless Assistance Program administered by the department OHCS, pursuant to this division (OAR 813-240) and other applicable law.

(15) “Program manual” or “manual” means the State Homeless Funds Program Operations Manual, dated January 17, 2019, incorporated herein by this reference. The manual may be accessed online on the department’s website.

(16) “Program requirements” means all funding agreement terms and conditions (including work plan objectives), department directives (including deficiency notices), and applicable state, local, and federal laws and regulations (including these rules, other applicable department rules, and " or "SHF Manual" means the manual), executive orders, local ordinances and codes.

(17) “Program services” means allowable services as defined in the department program manual and eligible for
funding under the program.

(18) “Service area” means the specific geographic area or region within which a subgrantee agency provides program services directly or by contract.

(19) “Subcontractor” or “subrecipient” means a nonprofit corporation established under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235 or local government as defined in ORS 197.015, contracting with a subgrantee agency to provide program services.

(20) “Subgrantee agency” or “agency” means a private, nonprofit corporation organized under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235, or a local government as defined in ORS 197.015, with whom the department has contracted to administer program services at the local level.

(21) “Sufficiency” means that the quantity, thoroughness and quality of performance is satisfactory to the department, including but not limited to providing relevant information in a manner and to a degree for the department to assess appropriately subgrantee agency’s compliance with relevant program requirements such as the provision of services consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by the department.

(22) “Work plan” or “plan” means the subgrantee agency’s plan for the use of program funds as approved by the department, which is a part of its approved funding application, and included in its funding agreement with the department dated July 1, 2019, incorporated herein by reference. The SHF Manual may be accessed online on the OHCS website.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505 - 458.515

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.
State Homeless Funds Program Operations Manual

Emergency Housing Assistance (EHA)
State Homeless Assistance Program (SHAP)
Low Income Rental Housing Fund (LIRHF)

Prepared by: Oregon Housing and Community Services Department
January 1, 2017 - July 1, 2019

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1. **Program Summary**

   **Emergency Housing Assistance** (EHA) provides state funds to supplement effective existing local programs and/or establish new programs designed to prevent and reduce homelessness. EHA funds are available for the following program components: street outreach, emergency and transitional shelter; transitional housing; homelessness prevention; supportive in-home services; rapid re-housing; data collection; shelter or transitional housing acquisition, rehabilitation or conversion; and community capacity building designed to enhance, expand or sustain homeless services. EHA can serve households that are homeless or unstably housed with an income that is at or below 80% area median income. [ORS 458.650]

   The **State Homeless Assistance Program** (SHAP) provides operational support for emergency shelters and related client supportive services for homeless individuals, families and households. SHAP funds are available for the following program components: street outreach, emergency and transitional shelter; data collection; and shelter acquisition, rehabilitation or conversion. There is no income eligibility requirement for SHAP-funded assistance.

   The **Low Income Rental Housing Fund** (LIRHF) program provides state funds to assist very low income (at or below 50% AMI) households who are homeless or unstably housed and at risk of homelessness. LIRHF funds are available for the following program components: homelessness prevention; rapid re-housing; and data collection.

   EHA program funding comes from legislatively approved state general funds and the Document Recording Fee (DRF). EHA funds, including DRF, are allocated annually, effective with the 2019-2021 Master Grant Agreement. The DRF funding for Veterans requires separate tracking and reporting of Veteran clients and expenditures. [ORS 458.650]

   SHAP and LIRHF program funding comes from legislatively approved state general funds allocated on a biennial basis.

2. **Administrative Requirements**

   (A) **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;
   2. Maximizing participation in Coordinated Entry;
   3. Ensuring availability of low-barrier shelters in the community;
(4) Incorporating the lived experiences of homelessness into program design and implementation; and
(5) Ensuring service provision has components for equity and racial justice.

(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 – Ending Homelessness, Preventing Homelessness, Inclusion and Diversity, and Capacity of the Community (EPIC), as referenced in the Master Grant Agreement. The EPIC Card 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](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.

(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) Homeless Coordinated Entry Process
Subgrantees and subrecipients are required to actively participate in and promote the Continuum of Care (CoC) coordinated entry process for their service area.

(E) 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.

3. General Program Requirements

(A) 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. 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.

(B) **Client Service or Housing Plan**  
[ORS 458.528]

Development of a client service or housing plan is required for those clients receiving more than one-time only services. Plans are required to be client driven, using input and goal setting by the client. Warming shelters are excluded from this requirement. Existing and active service/housing plans with other providers may be used and amended for state-funded services.

(C) **Confidentiality**

Subgrantees and subrecipients must have policies and procedures that ensure all client information and records are secure and confidentially maintained. Subgrantee and subrecipient officers, employees and agents must be aware of and comply with the subgrantees’ and subrecipients’ confidentiality policies and procedures.

Confidential records includes all applications, records, files, and communications relating to applicants for, and clients of, EHA, SHAP and LIRHF funded services.

Electronic collection of client information requires procedures for ensuring confidentiality including:

- Computer terminals must be located in a secure location, limiting access to only those persons who have a legitimate interest in and are responsible for 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; and
- Access to personally identifiable HMIS data shall be given to only authorized personnel as necessary for performing the work required for the EHA, SHAP and LIRHF-programs.

**Note to Domestic Violence Providers:**

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 EHA and SHAP 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 EHA, and SHAP, and LIRHF funded programs.

(D) **Service Termination or Denial of Assistance**

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

Subgrantees and subrecipients are required to provide written notice to applicants/clients when denied program assistance or assistance is terminated. The notice must include the specific reason(s) for the denial/termination and identify the steps to appeal the subgrantee’s and subrecipient’s decision.

(E) **Grievance and Appeals Process**

Subgrantees and subrecipient are required to have an established, written process for addressing client grievances for decisions, including termination or reduction of benefit, denial of benefit 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 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 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; and
- 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.

(F) **Nondiscrimination**

Subgrantees and subrecipients are required to comply with all state and federal statutes relating to nondiscrimination. Subgrantees and subrecipients 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.

Screening criteria cannot be discriminatory and must be consistently applied. For example, a provider might decide to give priority to clients who graduate from a tenant readiness education 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 tenant readiness education experience could receive priority over the applicant who does not; however, providers should always accept the first applicant meeting their criteria or prioritization policy.

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).
(G) **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 subrecipients 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.

(H) **Conflict of Interest**

Subgrantee and subrecipient must keep records to show compliance with program conflict of interest requirements.

(1) **Organizational**

The provision of any type or amount of 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 or subrecipient has ownership interest. Subgrantee and subrecipient would need to find another independent organization that is also an OHCS subgrantee to do the intake assessment and ensure that all program participants are eligible even if the subgrantee or subrecipient has a waiver of the conflict of interest requirements. Conflict of interest waivers regarding rent assistance and rental agreement requirements can only by approved by OHCS. If a subgrantee or subrecipient wishes to apply for a waiver, they should contact the OHCS homeless program analyst or manager for guidance in submission of a waiver request, which must be approved by OHCS.

*Subgrantees and subrecipients cannot steer potential renters to 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.

(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 or subrecipient agency. No person who exercises or has exercised any functions or responsibilities with respect to activities assisted under the programs, or who is in a position to participate in decision-making processes or gain inside information with regard to activities assisted under the programs, 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 a family or business tie, during his or her tenure or during the one-year period following his or her tenure.

(I) Monitoring
[OAR 813.046. 049, 240]
OHCS will conduct a program monitoring of subgrantees once every three years or more frequently at OHCS’ discretion. Fiscal monitoring will be conducted annually unless circumstances require sooner. Subgrantees will be notified thirty (30) days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff or Board interviews. OHCS will provide subgrantees with a written monitoring report inclusive of any findings, concerns or comments. Subgrantees are required to submit timely corrective action to findings and failure to do so may result in the withholding and/or return of EHA and SHAP and LIRHF funds to OHCS.

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 Work Plan Implementation Amendment Request form.

(J) Subrecipient Monitoring
[OAR 813.046, 049, 240]
Subgrantees must monitor their subrecipient organizations at least once during a biennium or the term of the Master Grant Agreement, as determined by OHCS. Subrecipient organization monitoring procedures must be in place and adequately ensure
compliance with EHA and SHAP, and LIRHF program requirements. Monitoring reports will be retained by the subgrantee and available for review by OHCS or other authorized entity.

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.

4. **Client Applicant Eligibility**

<table>
<thead>
<tr>
<th>Client Applicant Eligibility</th>
<th>Emergency Housing Assistance (EHA)</th>
<th>State Homeless Assistance Program (SHAP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeless Status</td>
<td>• literally homeless</td>
<td>• literally homeless</td>
</tr>
<tr>
<td></td>
<td>• imminent risk</td>
<td>• other federal statutes</td>
</tr>
<tr>
<td></td>
<td>• other federal statutes</td>
<td>• fleeing DV</td>
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<tr>
<td></td>
<td>• fleeing DV</td>
<td>• unstably housed</td>
</tr>
<tr>
<td>Income Requirement</td>
<td>80% or below area median income</td>
<td>no income requirements</td>
</tr>
</tbody>
</table>

(A) **Household Composition**
[ORS 458.650, OAR 813.046, 049, 240]

“Household” means an individual living alone, family with or without children, or a group of individuals who are living together as one economic unit.

(B) **Legislatively Targeted Populations for EHA**
[ORS 458.650, OAR 813.046]

Legislatively targeted populations for EHA include veterans, seniors over 65 years of age, persons with disabilities, farmworkers, and Native Americans.

(C) **Housing Status**
[ORS 458.528, 458.650]

Homeless households are eligible to receive EHA, LIRF, and SHAP funded services; and unstably housed households can receive EHA and LIRHF services. Eligible applicants for program services must meet one of the following categorical definitions of homeless or unstably housed and at risk of homelessness:

**Category 1: Literally Homeless**—Individual or family who 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 human habitation (including, but not exclusive to, a car, park, abandoned building, bus or train station, airport or camping ground);
- Living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional shelter, and hotels or
motels paid for by charitable organizations or by federal, state or local government programs); OR

- Exiting an institution where he or she has resided for 90 days or less AND who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

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

- The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- No subsequent residence has been identified; AND
- The individual or family lacks the resources or support networks (e.g., family, friends, faith-based or other social networks) needed to obtain other permanent housing.

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

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

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

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

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

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

**(D) Income**

\[\text{[OAR 813.046, 049]}\]

There is no income eligibility requirement for SHAP funded assistance.
EHA-provided services require applicants to be low income; i.e., gross household income at or below 80% of area median income.

LIRHF-funded rental assistance requires applicants to be very low income; i.e., gross household income at or below 50% of area median income.

Income includes the current gross income of all adult household members at the time of assessment. Income earned by household members who are minors or full-time students and are not considered heads of household is excluded. While household assets should be identified to determine that a program applicant lacks the resources to obtain or retain permanent housing, they are generally not counted as income. Documentation of income for 30 days prior to the assessment must be kept in the client-applicant file. If income statements are not available for 30 days prior to the assessment, client-applicant must self-certify the previous 30 days of income.

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.

(E) Veteran Status
[ORS 408.225; OAR 813.046]

Eligible applicants for EHA DRF veterans funding (EHA DRF VET) must meet one of the following conditions as documented with original discharge papers or DD214 Identification or other acceptable Veteran’s Affairs documentation:

1. Served on active duty with the Armed Forces of the United States for an identifiable period of time as further defined in ORS 408.225 and was discharged or released from active duty under honorable conditions; OR
2. Received a combat or campaign ribbon or an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions; OR
3. Is receiving a non-service-connected pension from the United States Department of Veterans Affairs.

(F) Citizenship and Residency
There is no client citizenship or residency requirement to be eligible for EHA-, and SHAP- and LIRHF-funded assistance.
(G) Eligibility Documentation
[OAR 813.046, 049, 240 – also see Records Section of this Manual]

(1) Documentation of all client/applicant eligibility information must be available in client/applicant files or if kept electronically, available upon request in the format requested. 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.

(2) OHCS requires program staff to comply with the following general documentation standards listed in order of preference:

- **Third-party documentation**, where it is available, is the preferable form of documentation. Third party documentation includes verification from an employer, landlord, public benefit worker, agency service provider, etc. Written verification sent directly to program staff or via the applicant is preferred.

- **Intake Worker Observation** 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 Intake Worker. 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.

- **Participant-Applicant Self-Certification** requires a written and signed document by the individual or head of household seeking assistance attesting to the facts for which they are certifying. A third-party may be designated by a participant/applicant to sign documents on their behalf when they are unable to do so. It is the responsibility of the subgrantee and subrecipient to provide access to language interpretation services and assistive devices necessary for participants/applicants to understand the documents they are certifying.

(3) Simplified Documentation Option

When a subgrantee or subrecipient moves an active client from the Housing Stabilization Program (HSP) to EHA, LIRHF, SHAP or Elderly Rental Assistance (ERA) programs or between state funds (EHA, LIRHF, SHAP, ERA), they may choose to use a simplified documentation process for the client’s homeless status and income; whereby the subgrantee or subrecipient case manager verifies that the client meets the homeless status and income of the funding source at the time of entry and that the client is eligible for the funding source to which they are moving, without requiring additional documentation. Documentation from the original source of funding must be readily accessible for monitoring purposes. To use the Simplified Documentation Option, there can be no lapse in service from one program to the other.
Subgrantee and subrecipient may use the sample form provided on the OHCS website to document the client file using this simplified documentation option.

Emergency Solution Grant (ESG) funds still require separate documentation and are not subject to a simplified documentation option.

5. **Allowable Program Components and Expenditures**

   [ORS 458.650]

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

   **EHA** (inclusive of EHA Document Recording Fee (DRF) and EHA DRF VET), and **SHAP** and **LIR HF** can be used in **one or more** of the following eight program components:

   (A) **Street Outreach**
   (B) **Emergency & Transitional Shelter**
       a. Shelter and Facility Operations (inclusive of motel/hotel vouchers)
       b. Shelter Resident Support Services
   (C) **Transitional Housing**
   (D) **Homelessness Prevention & Rapid Re-Housing**
   (E) **Supportive In-Home Services**
   (F) **Shelter or Transitional Housing Facilities Acquisition. Rehab/Conversion**
   (G) **Community Capacity Building**
   (H) **Data Collection**

   **(A) Street Outreach**

   **EHA** (and **DRF**/**DRF VET**) and **SHAP** funding can pay for street outreach services for the specific purpose of reaching out to unsheltered homeless people; connecting them with emergency shelter, housing, or critical services; and providing urgent, non-facility-based care. Eligible services include, but are not exclusive to:

   (a) Conducting an initial assessment of applicant needs and eligibility;
   (b) Providing crisis counseling;
   (c) Addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries;
   (d) Actively connecting and providing information and referrals to needed services;
   (e) Cell phone costs of outreach workers;
   (f) Case management activities;
   (g) Emergency health services to the extent that other appropriate services and treatment are unavailable or inaccessible within the community;
   (h) Emergency mental health services to the extent that other appropriate services and treatment are unavailable or inaccessible within the community; and
(i) Travel expenses incurred by outreach workers, social workers, medical professionals or other service agency employees during the provision of allowable street outreach services.

(B) Emergency and Transitional Shelter

(1) Shelter Facility Operations

EHA (and DRF/DRF VET) and SHAP funding can pay for the costs of maintaining and operating Emergency or Transitional Shelter facilities whose primary purpose is to provide temporary or transitional shelter to the general homeless or specific populations of the homeless. Eligible facility costs include, but are not exclusive to:

(a) Lease or rent payments for shelter facility;
(b) Utilities for shelter facility;
(c) Security equipment or service to operate shelter facility;
(d) Janitorial supplies and service to operate shelter facility;
(e) Facility management;
(f) Repairs to facility (for rehabilitation or conversion costs see Section 5F of this manual);
(g) Furnishings for shelter facility; and
(h) Hotel/Motel vouchers for clients.

(2) Shelter Resident Support Services

EHA (and DRF/DRF VET) and SHAP funding can pay to meet the essential needs of shelter residents to facilitate transition out of shelter into more stable housing. Support services must be made available to households that receive hotel or motel vouchers to ensure quick and successful transition to more stable housing. Eligible support service costs include, but are not exclusive to, at the discretion of the subgrantee or subrecipient case manager:

(a) Intake and case management including pre-eligibility determination for housing and other needed services;
(b) Housing relocation (e.g., first and last month’s rent payments and arrearages, manufactured home rental space “lot rent”, application fee, security deposit, utility deposit);
(c) Purchase of identification and driver’s license;
(d) Purchase of birth certificates;
(e) Credit repair assistance (not debt payment);
(f) Tenant readiness education;
(g) Food and clothing;
(h) Crisis intervention/counseling;
(i) Transportation; and
(j) Client direct services.
(C) **Transitional Housing**

**EHA (and DRF/DRF VET)** funding can pay for temporary housing and services intended to facilitate a homeless household’s transition to permanent housing within a reasonable amount of time (usually less than 24 months). Transitional Housing is designed to provide interim support to successfully move to and maintain permanent housing and will require program participants to sign either a lease or occupancy agreement.

Eligible services include, but are not exclusive to:

1. Transitional housing operational costs such as rent, maintenance, security, utilities;
2. Rent subsidy;
3. Housing relocation assistance, including staff time locating permanent housing and related upfront housing costs, such as application fees, moving costs, deposits;
4. Support services, such as purchase of birth certificates, identification and driver’s license; credit repair assistance (not debt payment), tenant readiness education, food and clothing, crisis intervention/counseling, transportation, direct client services;
5. Case management; and
6. Education and training in such areas as personal finance and budgeting, job search and access to job training, and literacy.

(D) **Homelessness Prevention and Rapid Re-Housing**

**EHA (and DRF/DRF VET)** and **LIRHF** can pay for prevention services to enable households who are at imminent risk of homelessness or unstably housed to regain stability in their current housing or other permanent housing.

**EHA (and DRF/DRF VET)** and **LIRHF** funding can pay for rapid re-housing services to enable households who are literally homeless to transition directly to permanent housing.

Eligible homelessness prevention and rapid re-housing services include, but are not exclusive to:

**1) EHA (and DRF/DRF VET)**

1. Housing move-in costs such as rent payments and arrearages, manufactured home rental space “lot rent”, utility payments and arrearages (whenever feasible utility assistance payments should use Oregon’s emergency assistance funds), moving costs, security and utility deposits and application fees;
2. Landlord engagement (such as incentives, communication, newsletters, etc.);
3. Client direct services;
4. Case management and housing relocation assistance; and
5. Self-sufficiency activities including education and training in such areas as personal finance and budgeting, job search and access to job training, and literacy.
1) **LIRHF**

(a) Short-term rent assistance, defined as three months or less, and medium-term rent assistance, defined as more than three months, but not exceeding twenty-four months, including manufactured home rental space “lot rent”; and

(a) Application fees, security and utility deposits, and utility and rent arrearages required for move into permanent housing.

(E)(H) **Supportive In-Home Services**

EHA (and DRF/DRF VET) funding can pay for supportive services designed to enable persons to continue living in their own homes when in-home supportive programs are not available or accessible in their service area. Case manager must document in the client file, the efforts to find other in-home service options. Eligible services include, but are not exclusive to:

1. Housing modifications to address mobility or safety barriers;
2. Life skills training and assistance;
3. Short-term personal care assistance;
4. Case management;
5. Needs assessment and linkage with appropriate health care management and safety services;
6. Linkage with family support and/or community social support networks; and
7. Costs to cover emergency situations that threaten the health and safety of the household.

(F)(I) **Shelter or Transitional Housing Facilities Acquisition, Rehab/Conversion**

[Refer to your Master Grant Agreement for additional information about procurement requirements. ORS 456.555, 559, 561; 458.625]

EHA (and DRF) funding can be used for the acquisition, rehab or conversion of emergency shelter and transitional housing for households who are homeless or unstably housed and at risk of homelessness.

SHAP funding can be used for acquisition, rehab or conversion of emergency shelter for households who are homeless.

Use of EHA and SHAP funding for acquisition, rehab or conversion must have a separate approved Real Estate Application before entering into a contract or before funds are expended. For the Real Estate Application, contact your OHCS Program Analyst.

(G)(J) **Community Capacity Building**

Homeless services funding is not adequate to ensure that all people experiencing homelessness receive the holistic services they need to obtain housing and remain stable. It is essential for community action agencies to work collaboratively with community partners to provide wrap-around support. EHA (and DRF) funding can be used to support
projects and activities that increase a subgrantee’s service area’s capacity to provide emergency housing and services.

Community capacity projects must be defined and approved in the subgrantee’s work plan Implementation Report. Allowable activities include, but are not exclusive to:

(1) Expand partnerships and supports in the coordinated entry system;
(2) Advance efforts to locate and increase the number of shelter beds;
(3) Purchase of incentives to attract unsheltered persons to participate in the Point-in-Time Count;
(4) Expand community partnerships and stakeholders providing wrap-around services to homeless individuals and families;
(5) Implement feasibility studies for improving and increasing shelter and services that serve homeless and at-risk individuals and families;
(6) Provide matching funds to Continuum of Care planning grants;
(7) Develop and increase landlord engagement;
(8) Representation of the community’s underserved population in decision making capacities; and
(9) Increasing skills, knowledge and resources for residents of the community (such as board training or citizen representative participation on Advisory Boards; education campaign for community groups about the people experiencing homelessness in their communities, or forming a coalition of service providers and the area’s Coordinated Care Organization).

Data Collection

EHA (and DRF/DRF VET), SHAP, and LIRHF funding may be used to support staff and related costs necessary to collect and report shelter bed nights, client services, client demographic data, performance outcomes and other reporting requirements. Eligible data collection costs include, but are not exclusive to:

(1) HMIS licenses;
(2) Data entry;
(3) Equipment upgrade;
(4) Network systems upgrade (it is recommended that systems be networked); and
(5) Staff training.

Ineligible Costs

(1) State Homeless Funds may not pay for mortgage payments or mortgage payments for manufactured homes being purchased by the applicant receiving these state funds.
(2) State Homeless Funds may not be used for the purchase of gift cards, with the single exception of gas payments as a transportation expenses. See definition of transportation in the Definitions section of this manual.
6. Financial Management

(A) Administration

[ORS 458.625, 650; OAR 813.046, 049, 240]

Subgrantees are allowed to use up to fifteen percent (15%) of their total EHA, LIRHF and SHAP allocation for administrative costs, including those allowed for subrecipient organizations with whom the subgrantee contracts.

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.

(B) 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 can be 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
Ph: (503) 986-2099
Toll Free: (800) 453-5511 Option 6

(C) Request for Funding Documentation

Subgrantees must retain supporting documentation of all costs charged to the applicable 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.
(D) **Budget Change Requests and Work Plan Implementation Report Amendments**  

[OAR 813.046, 049, 240]

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.

EHA DRF program funds may be used for all EHA-eligible components and expenditures and does not require the submission of a budget change request, except for acquisition/rehab. Submission for budget change requests of DRF funds to acquisition/rehab will occur after the Real Estate Application has been submitted and approved.

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

**Work Plan Implementation Report** Amendments are required when there is a shift in program delivery and/or scope of work. All **Work Plan Implementation Report** Amendments require OHCS approval by submitting a **Work Plan Implementation Report** Amendment Request form electronically to: 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 a **Work Plan Implementation Report** Amendment Request form electronically to: crd.reports@oregon.gov.

(E) **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.

(F) **Match**  

[ORS 458.625]

EHA funds can be used as match for case management costs and supplemental rent subsidy for qualifying OHCS and CoC projects, inclusive of case management for clients entering into or are in permanent supportive housing and need assistance to stabilize. OHCS may require subgrantee to submit periodic reports of this EHA usage.

(G) **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.

7. Data Requirements

(A) Data Entry
Subgrantees and their subrecipients are required to enter EHA (and DRF/DRF VET), and SHAP and LIRHF–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: https://www.oregon.gov/ohcs/Pages/best-practices-hmis.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 Quality
The HUD CoC APR Data Quality/Completeness and Data Completeness Report Card (EE) is measured by the percent of valid data collected for each data element. “Client doesn’t know”, “Client refused”, and “Data not collected” are considered invalid responses and will count against data quality. Subgrantees and subrecipients are required to run data quality reports periodically (preferably monthly). Use of the HUD CoC APR Data Quality/Completeness and Data Completeness Report Card helps to ensure data is being entered with valid responses.
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 subrecipient 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.

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

**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; and
- 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

**Reporting Requirements**

**[OAR 813.046, 049, 240]**

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: https://www.oregon.gov/ohcs/Pages/best-practices-hmis.aspx
8. Records Requirements

(A) Case Files

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.

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

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

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.

(B) Records Access

[OAR 166.300; OAR 813.046, 049.240]

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.

(C) Records Retention

[OAR 166.300; OAR 813.046, 049.240]

Subgrantees and subrecipients shall retain all program records pertinent to client services and expenditures incurred under EHA, and SHAP and LIRHF 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: [https://sos.oregon.gov/archives/Pages/state_admin_schedules.aspx](https://sos.oregon.gov/archives/Pages/state_admin_schedules.aspx).

Find the State Agency General Records Retention Schedules at the Oregon State Archives:
Subgrantees and subrecipients shall retain and keep accessible all such fiscal 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 EHA and, SHAP and/or LIRHF funding, or until the conclusion of any audit, controversy or litigation arising out of, or relating to, EHA and, SHAP, and LIRHF.

Subgrantee and subrecipients shall retain and keep accessible all such program records, client records, digital and electronic records, books, documents, papers, plans, and writing for a minimum of five (5) years after final payment to client.

(Remainder of page left blank intentionally)
9. **Applicable Rules and Regulations**

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

2. ORS 458.505 through 458.545 (Community Services):
   [https://www.oregonlegislature.gov/bills_laws](https://www.oregonlegislature.gov/bills_laws)
3. ORS 458.600 through 458.650 (Oregon Housing Fund):
   [https://www.oregonlegislature.gov/bills_laws](https://www.oregonlegislature.gov/bills_laws)
4. OAR 166-300 (Retention Schedule):
   [https://sos.oregon.gov/archives/Pages/records_retention_schedule.aspx](https://sos.oregon.gov/archives/Pages/records_retention_schedule.aspx)
5. OAR 813-046 (EHA): [https://secure.sos.state.or.us/oard/ruleSearch.action](https://secure.sos.state.or.us/oard/ruleSearch.action)
6. OAR 813-240 (SHAP): [https://secure.sos.state.or.us/oard/ruleSearch.action](https://secure.sos.state.or.us/oard/ruleSearch.action)
7. OAR 813-049 (LIRHF): [https://secure.sos.state.or.us/oard/ruleSearch.action](https://secure.sos.state.or.us/oard/ruleSearch.action)
8. HMIS Data Standards Manual: [https://www.oregon.gov/ohcs/Pages/best-practices-hmis.aspx](https://www.oregon.gov/ohcs/Pages/best-practices-hmis.aspx)
9. Limited English Proficiency federal interagency website can be found at:
   [http://www.lep.gov/](http://www.lep.gov/) and guidance and additional materials can be found at:
   [https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency_0](https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency_0)
10. This manual as guidelines for EHA, SHAP and LIRHF are amended from time to time along with all other references made within this manual. All references made in this manual are understood to be as written, and as amended from time to time.
11. ORS cited are amended from time to time and can be found at:
    [https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)
12. OARs cited are amended from time to time and can be found at:
    [http://arcweb.sos.state.or.us/pages/rules/access/numerically.html](http://arcweb.sos.state.or.us/pages/rules/access/numerically.html)
10. Definitions

A. **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’ right 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; and
   - Salary, benefits of staff performing case management services.

B. **Client Direct Services** are the provision of good or payments of expenses not included in other allowable expense categories, which directly help a household to obtain or maintain permanent housing or meet essential household needs, as documented in the client service or housing plan. Consumer debt payments are not allowed as a client direct service. Prior approval by the case manager’s supervisor is required before goods or payments are delivered.

C. **Code of Conduct Agreements** may be required by any type of shelter facility. A Code of Conduct Agreement may 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.

D. **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 shelters 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.

E. **EPIC Card** 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.

F. **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.

G. **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.

H. **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.

I. **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.

J. **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). *(For example, for the purposes of HSP, TANF clients are a priority as required by the federal funds.)*

K. **Rent arrearage** is past due rent owed (and other rental-related expenses incurred such as filing fees, court fees or lease break fees required by prospective landlord) to a current, prospective or previous landlord. If arrears are owed to a previous landlord or to a collection agency, 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 month’s past due rent. Subgrantees and subrecipients have the discretion to limit payments for rent arrearage.

L. **Target Population** means persons a subgrantee/subrecipient wishes to reach out to who are under-represented in their service population.

M. **Transportation Payments** may include bus/train passes, fuel vouchers, vehicle insurance payments or vehicle repair. Payments that allow clients to use public transportation are the highest priority; however, case managers have the discretion to provide payments for private transportation. Case managers must document why private transportation options are preferred over public transportation options and that the expense will lead to the stabilization of housing. Car repairs for a vehicle not owned by an individual in the household are not allowed and client must have a valid driver’s license. Gift cards may be used ONLY as a gas payment and the expense must have a receipt in the file. If there is no receipt of purchase using the gift card, the cost would not be allowed.

N. **Utility arrearage** assistance is past due utilities and can only be provided when there is documented evidence of a utility bill in the participant’s name. Utility arrears assistance must result in utilities being turned on at the new permanent housing location. If arrears are owed to a previous utility company or to a collection agency, these arrears may be paid, but only when there is documented evidence that payment of the arrears is necessary for the participant to obtain utility service.

O. **Veteran** means a person who:

   - Served on active duty with the Armed Forces of the United States:
     - For a period of more than 90 consecutive days beginning on or before January 31, 1955, and was discharged or released under honorable conditions;
     - For a period of more than 178 consecutive days beginning after January 31, 1955, and was discharged or released from active duty under honorable conditions;
     - For 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability;
     - For 178 days or less and was discharged or released from active duty under honorable conditions and has a disability rating from the United States Department of Veterans Affairs; or
     - For at least one day in a combat zone and was discharged or released from active duty under honorable conditions;
   - Received a combat or campaign ribbon or an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions; or
   - Is receiving a nonservice-connected pension from the United States Department of Veterans Affairs.
AMEND: 813-240-0010

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-240-0010
Administration ¶

(1) The department OHCS may contract with subgrantee agencies to provide program SHAP services at the local level. In a service area where a Community Action Agency exists, the Community Action Agency has a conditional right of first refusal to serve as the subgrantee agency for the service area. ¶

(2) The department normally, OHCS will allocate program SHAP funds to subgrantee agencies for the various service areas through a formula established by the department OHCS prior to the allocation process. The department However, OHCS reserves the right to modify such formula at any time, in its sole discretion. ¶

(3) A subgrantee agency may subcontract with other organizations that meet the requirements of ORS 458.505(4) to provide program SHAP services in the subgrantee agency’s service area. ¶

(4) A subgrantee agency shall identify potential applicants, certify eligibility and provide program SHAP services to eligible households within its service area. Whenever appropriate, program participants will be assisted subgrantees shall assist SHAP participants in accessing other services designed to meet other, longer-term needs. ¶

(5) Subgrantee department normally representatives will attend and participate in SHAP training made available or conducted by OHCS. ¶

(6) OHCS will fund only one subgrantee agency within any service area. However, the department OHCS may, in its sole discretion, allow two or more subgrantee agencies to operate within a common service area. In such cases, the subgrantee agencies shall enter into a written agreement with the department OHCS, satisfactory to the department OHCS, in its sole discretion, in order, inter alia, to ensure full access to program SHAP services for all eligible households within the service area, to the extent of available funding and to prevent duplication of services. ¶

(67)(a) A subgrantee agency may expend up to an amount authorized by the department in writing for reimbursement of reasonable and appropriate administrative costs. Administrative costs include all SHAP costs that administrative costs are not directly related to the delivery of SHAP services. ¶

(b) If a subgrantee agency subcontracts with another organization to provide program SHAP services, that organization may expend up to an amount for administrative costs that does not exceed the subgrantee agency’s proportionate share of the amount authorized by the department for reasonable and appropriate administrative costs of the funding award. ¶

(c) The ultimate determination of reasonable and appropriate administrative costs is reserved to the department in its sole discretion funding award authorized by OHCS for administrative costs. ¶

(78) A subgrantee agency and its subcontractor recipients shall comply with the terms of the funding agreement (see OAR 813-240-0041) and all other program SHAP requirements, including, but not limited to department, OHCS directives (including deficiency notices), applicable local, state and federal laws, rules (including the program SHF Manual, regulations, executive orders, local ordinances and codes.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505 - 458.515
AMEND: 813-240-0020

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-240-0020

ClieApplicant Eligibility ¶

(1) Program SHAP services shall be available to households that are certi-

experiencing homelessness, as defined in the subgrantee agency as homeless SHF Manual. ¶

(2) A subgrantee will not require income limitations or legal status of household members as an applicant eligibility criterion. ¶

(3) A subgrantee agency may consider a household's self-declaration or referral of a household from local, state or federal human service agencies for SHAP services, if no other verifiable documentation is available, to determine eligibility of that household for program services. ¶

(3) A subgrantee agency will not require residency within its service area or legal status as client eligibility criteria.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
(1) SHAP funds will be used for eligible SHAP services within the allowable program components and activities as further defined in the funding agreement and program manual.

(2) SHAP funds may be used to supplement existing funds or to support existing programs or establish new programs. SHAP funds, granted or otherwise awarded, shall not be used by the subgrantee agency to replace funds currently being received from other sources, available or reasonably expected to be available to the subgrantee agency, but may be used to supplement existing funds or to support existing programs or establish new programs.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505 - ORS 458.515
AMEND: 813-240-0041

RULE SUMMARY: Creates consistency in language between divisions, amends definitions, and incorporates current program requirements.

CHANGES TO RULE:

813-240-0041

Funding Application-for Funding Agreement ¶

(1) Prior to providing any program SHAP services, a subgrantee agency shall submit on a biennial basis, a funding application satisfactory to the department, including a work plan for funding agreement satisfactory to OHCS, which must be approved, in writing, by the department OHCS before being operative. The subgrantee agency shall adhere to the department’s OHCS requirements and deadlines for obtaining approval of this funding application. A funding application is subject to approval, including as modified by the department OHCS, or disapproval by the department OHCS ¶

(2) A subgrantee agency’s funding application shall include details satisfactory to the department on how the subgrantee agency provided a meaningful opportunity for participation in the development of the work plan by the local or regional continuum of care, local service providers, advocates, clients, businesses, churches, governments and other interested stakeholders. ¶

(3) A subgrantee agency’s funding application must meet all requirements established by the department for the form and content of the funding application’s application for funding agreement must meet all requirements established by OHCS. In cases where a Community Action Agency has the conditional right of first refusal for antipoverty program administration, and the Community Action Agency cannot meet the requirements for the form and content of the funding application, the department, OHCS, in its sole discretion, may allow other eligible organizations to submit a funding application with respect to funding agreement for that service area. ¶

(4) Funding Applications will be evaluated by the department for sufficiency with respect to application for funding agreements will be evaluated by OHCS to meet SHAP Program and application sufficiency requirements. Sufficiency is based on the quantity, thoroughness and quality of performance that is satisfactory to OHCS. This includes, but is not limited to, providing relevant information necessary for OHCS to assess subgrantee’s compliance with relevant SHAP requirements and that such provision of SHAP services are consistent with the terms of the funding agreement, state plan and other appropriate standards, goals and requirements established by OHCS. ¶

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-240-0050

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

813-240-0050 Reporting and Recordkeeping

(1) Subgrantee agencies and their subrecipients shall maintain accurate financial records satisfactory to the department, OHCS and consistent with SHAP requirements, which document, inter alia, the receipt and disbursement of all funds provided through the program by the department, SHAP by OHCS; and have an accounting system in place satisfactory to the department, which meets, inter alia, OHCS, which meets generally accepted accounting principles.

(2) Subgrantee agencies and their subrecipients shall maintain other program records satisfactory to the department, OHCS and consistent with SHAP requirements, which document, inter alia, client eligibility, receipt of allowable program SHAP services, termination of SHAP services and bases for same, housing status of clients, administrative actions, contracts with subcontractor recipients, review of subcontractor recipient performance, action taken with respect to deficiency notices, and any administrative review proceedings. Such records shall be in substance and format satisfactory to the department.

(3) Subgrantee agencies shall provide the department with all required reports, data, and financial statements by department-determined submission deadlines including:
   (a) Program SHAP reports detailing the progress made toward meeting program SHAP performance measures and SHAP service delivery objectives; and
   (b) Fiscal reports detailing all administrative and program SHAP costs.

(4)(a) Subgrantee agencies and their subcontractor recipients shall furnish representatives of the department, the Oregon Secretary of State’s Office, the federal government, and their duly authorized representatives access to, and permit copying of, all electronic records and books, accounts, documents, and records, and allow reasonable access to the project and other property pertaining to the program, at any such representative’s request.
   (b) Subgrantee agencies and their subcontractors shall cooperate fully in any inspections or other monitoring actions taken by the department, the Oregon Secretary of State’s Office, the federal government, and their duly authorized representatives.
   (c) Subgrantee agencies and subcontractor recipients shall retain and keep accessible program SHAP records for a minimum of five (5) years, or such longer period as may be required by applicable law and state records retention requirements, following final payment and termination of program involvement, or until the conclusion of any audit, controversy or litigation arising out of or related to the program, whichever date is later.

(5) Subgrantees and their subrecipients shall ensure that data is reported, collected and organized accurately, timely and otherwise in a manner satisfactory to the department through the use of a department-approved Homeless Management Information System (HMIS).

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-240-0060

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-240-0060
Compliance Monitoring: Remedies ¶

(1) The department OHCS will conduct reviews, audits, and other compliance monitoring as it deems appropriate with respect to each subgrantee agency and its subcontracts, inter alia, recipients to verify compliance with program SHAP requirements. Subgrantee agencies and their subcontractor recipients will cooperate fully with the department OHCS in its all compliance monitoring activities. ¶

(2) Subgrantee agencies shall require, by contract, and monitor their subcontractor recipients' compliance with all program SHAP requirements including, but not limited to, recordkeeping and retention of records and department OHCS compliance monitoring and enforcement. ¶

(3)(a) The department OHCS may take such remedial action as it deems appropriate including, but not limited to, terminating its the funding agreement (see OAR 813-240-0041) with a subgrantee agency and requiring repayment of partial or all program SHAP funding, if it OHCS determines, in its sole discretion, that the performance of the subgrantee agency or any of its subcontractor recipients is deficient in any manner, including with respect to program SHAP requirements. ¶

(b) The department OHCS will notify a subgrantee agency of deficiencies identified through the monitoring process and provide documentation for the basis of such determination and the specific deficiency or deficiencies that must be corrected. ¶

(c) The department OHCS will require the subgrantee agency to correct any deficiencies in a manner and time frame satisfactory to the department OHCS and may offer training and technical assistance to the subgrantee. ¶

(d) The department OHCS, at its sole discretion, may offer the subgrantee assistance in the development of a corrective action plan. If a corrective action plan is allowed, the department OHCS will review and issue a decision on whether to approve or disapprove. ¶

(4) The department OHCS will provide adequate notice and opportunity for appeal an administrative review prior to a remedial action that terminates organizational eligibility for program SHAP funding for cause. ¶

(5) Appeals Requests for administrative review will be addressed to the assistant director of the Housing Stabilization Division of OHCS or designee whose decision may be further appealed to by the department OHCS director. ¶

(6) Issuance of a deficiency notice shall not constitute a waiver of other remedies available to the department or preclude the department OHCS or preclude OHCS from exercising such other remedies available to it under the funding agreement (see OAR 813-240-0041) or other program SHAP requirements, at law or otherwise.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
AMEND: 813-240-0070

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-240-0070
Challenge of Subgrantee Action

(1) Local interest groups, service providers or others aggrieved by a subgrantee agency with respect to its program obligations may submit a written request to the department for its review of such contested action. Any person or entity aggrieved by a subgrantee administering or providing SHAP services may challenge the subgrantee’s action, but only after first exhausting the applicable administrative review process furnished by the relevant subgrantee agency and entering the subgrantee’s administrative review process (see OAR 813-240-0080). Any person or entity who received either an unsatisfactory determination or refusal of a review by the subgrantee may submit a request to OHCS within thirty (30) days of that administrative review determination or refusal by the subgrantee agency to provide such administrative review determination.

(2) The department may accept or deny a request for its administrative review.

(2) OHCS may accept or deny a request to conduct a subgrantee administrative review, in whole or in part, at its sole discretion. Any OHCS review will be in the manner determined appropriate by the department and may include, but will not necessarily be limited to, review of provided information.

(3) If the department accepts the review request, the requester(s) of the review, the subgrantee agency, and relevant subcontractor recipients will produce all information required by the department, including requested affidavits or testimony.

(4) The department may make a determination on a review request and require such remedial action as the department determines, in its sole discretion, to be appropriate.

(5) Department review will not take the form of a contested case review under ORS Chapter 183 unless specifically so stated in writing by the OHCS director in writing.

(6) Timely request for department review by an aggrieved person or entity and its completion to final order by the department are requirements for exhaustion of administrative remedies by such aggrieved person or entity.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
813-240-0080

Review by Subgrantee ¶

(1) Subgrantee agencies will establish in writing a process satisfactory to the department that, in a timely manner, enables beneficiaries of and applicants for program SHAP services to contest a determination by the subgrantee agency or its subcontractor recipients that:

(a) Denies or limits the eligibility of a beneficiary or applicant for SHAP benefits or other assistance; or

(b) Terminates or modifies SHAP benefits or other assistance awarded by the subgrantee agency or subcontractor or subrecipients to a beneficiary.

(2) Persons aggrieved by the act of a subgrantee agency or its subcontractors described in subsection (1) or entities may request administrative review of such action by the subgrantee agency within the time frame and pursuant to the process established by the subgrantee agency consistent with program requirements. At all times, the subgrantee agency must allow a minimum of thirty (30) days within which an aggrieved person may request review from the time of the contested action or the aggrieved person's reasonable discovery of such action, whichever is longer. The ultimate determination of an aggrieved person's reasonable discovery period is reserved to OHCS, in its sole discretion.

(3) The subgrantee agency will inform the department OHCS in writing of any request by an aggrieved party for administrative review within ten (10) days of such request.

(4) The subgrantee agency will inform the department OHCS and the aggrieved party in writing of any final administrative review determination made by the subgrantee agency, and the basis for same and reasoning within ten (10) days of such final determination.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.505
NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILING CAPTION: WDHR Program: Amends definitions and creates consistency in language between divisions.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2019 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Sheila Parkins
503-986-2062
Sheila.Parkins@oregon.gov
Oregon Housing and Community Services
725 Summer St NE, Suite B
Salem, OR 97301

Filed By:
Joy Aldrich
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2019
TIME: 8:30 AM - 9:00 AM
OFFICER: Sheila Parkins
ADDRESS: Oregon Housing and Community Services
North Mall Office Building
725 Summer St NE, Room 124B
Salem, OR 97301

SPECIAL INSTRUCTIONS:
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 72 hours before the meeting to Joe Saltarello at joe.saltarello@oregon.gov or 503-986-5215 or by TTY at 503-986-2100.

NEED FOR THE RULE(S):
Amends definitions and creates consistency in language between divisions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
None.
FISCAL AND ECONOMIC IMPACT:
No fiscal or economic impact.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).
There is no cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
None. The RAC members determined that the rules impact only the community action agency receiving the funds and that small business were not impacted for the development of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:
These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel. (ORS 183.534)

RULES PROPOSED:

AMEND: 813-330-0000

RULE SUMMARY: Amends statutory reference and creates consistency in language between divisions.

CHANGES TO RULE:
813-330-0000
Purpose and Objectives
OAR chapter 813, division 330 is promulgated to accomplish the general purpose of ORS 458.620 which establishes the Wildfire Damage Housing Relief Account within the Oregon Housing Fund and designates the Oregon Housing and Community Services Department (OHCS) as designated as the state agency responsible for administering the Account. The Wildfire Damage Housing Relief Account assists certain persons Program (WDHR) addressed in this division (OAR 813-330). The purpose of the WDHR Program is the provision of financial assistance to eligible claimants who have experienced a loss of housing due to wildfire by providing funds.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.620, OL 2015 HB 3148
AMEND: 813-330-0010

RULE SUMMARY: Creates consistency in language between divisions and amends definitions.

CHANGES TO RULE:

813-330-0010
Definitions ¶

(1) “Account” means the Wildfire Damage Housing Relief Account, revolving acc Terms used throughout within the Oregon Housing Fund created under ORS 458.620. ¶
(2) “Administrative costs” means costs that are incurred in the process of administering the program. ¶
(3) “Department” or “OHCS” means the Housing and Community Services Department for the state of Oregon. ¶
(4) “Households of lower income” means persons division (OAR 813-330) may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used within this division or families residing in Oregon whose federal adjusted gross income for the tax year preceding the year in which serve those definitions, except as defined. For the purposes of housing due to wildfire occurs does not exceed 200 percent of the federal poverty guidelines. ¶
(5) “Wildfire” has the definition as used in ORS 477.089 this division (OAR 813-330). “Wildfire Damage Housing Relief Program” or “WDHR” means the program administered by OHCS, pursuant to this division and other applicable law.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.620, OL 2015 HB 3148, OL 2017 HB 2742
AMEND: 813-330-0020

RULE SUMMARY: Amends definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-330-0020
Administration ¶

(1) The department will directly provide WDHR services and assistance.

(2) OHCS may expend WDHR funds to pay administrative expenses incurred by OHCS for costs related to the administration of WDHR.

(3) In the event of a wildfire, the department OHCS may consider the referral of a household from a local, state, or federal disaster relief agency or human service agency to determine eligibility of the household for WDHR services. OHCS may also allow household claimants to apply directly for WDHR assistance with verification of the loss of housing or eligibility from a local, state, or federal disaster relief agency or human service agency.

(34) The department OHCS may request information including, but not limited to, the scope and location of the wildfire, the type of housing damaged, proof of ownership, and the previous years' household income.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.620, OL 2015 HB 3148
SWDHR services shall be available to households of lower income claimants who meet the following criteria:

1. The applicant must be an Oregon resident at the time of the loss or damage to housing.
2. The claimant must have a federal adjusted gross income for the tax year preceding the year in which a loss of housing due to wildfire occurs, that is equal to or less than 200% of the federal poverty guidelines established the U.S. Department of Health and Human Services (HHS), as adjusted for household size.
3. The loss or damage to housing must have occurred in Oregon on or after July 1, 2017.
4. The home lost or damaged due to wildfire must be the household claimant’s primary residence.
5. The household claimant must own the home that is lost or damaged due to wildfire.
6. The home that is lost or damaged due to wildfire may be a stick built home, a site built home, or a recreational vehicle that is the primary residence of the applicant.
7. If the home lost or damaged due to wildfire is a recreational vehicle that is the primary residence of the applicant, the applicant must own or rent the land on which the RV was damaged.
8. The home damaged by the wildfire is considered uninhabitable unless repaired or replaced.
9. To receive WDHR assistance, the household claimant must submit an application to the department in form, format and substance satisfactory to OHCS, along with verification of loss, proof of ownership, and proof of income.
10. The household must apply for grant funds within one hundred and eighty (180) days after the loss of the home.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.620, OL 2015 HB 3148, OL 2017 HB 2742
AMEND: 813-330-0040

RULE SUMMARY: Creates consistency in language between divisions, amends definitions, and relocates eligibility criteria to correct rule (OAR 813-330-0030).

CHANGES TO RULE:

813-330-0040
Use of Funds ¶

(1) The funds in the account will only be allocated to households of lower income who have lost their home due to wildfire.

(2) The department OHCS may provide WDHR assistance in the form of grants, not to exceed $7,000 per grant, to an eligible applicant.

(3) If approved claims for WDHR assistance exceed the available balance of the account, the department allocated to the WDHR through the Oregon Housing Fund, OHCS may make pro-rata reductions in grant amounts to increase the number of claimants who receive WDHR assistance.

(4) The department shall verify eligibility of applicants.

(5) The department shall award a grant to a qualified household within thirty (OHCS shall award WDHR assistance to eligible claimants within 30) days of receiving a complete application from that household.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.620, OL 2015 HB 3148, OL 2017 HB 2742
AMEND: 813-330-0050

RULE SUMMARY: Amends definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-330-0050
Reporting and Recordkeeping

The department shall maintain records documenting the applications received for grants distributed through the department as required by its retention schedules.

1. OHCS shall retain and keep accessible all WDHR records for such time as required by applicable law and state records retention requirements.

2. OHCS shall maintain reports, data and financial information of WDHR administration in accordance with OHCS policy.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.620, OL 2015 HB 3148
AMEND: 813-330-0060

RULE SUMMARY: Amends definitions and creates consistency in language between divisions.

CHANGES TO RULE:

813-330-0060
Appeal Procedure

Administrative Review

(1) An applicant aggrieved by the department's action with respect to its program(s) of OHCS in its WDHR obligations may submit a written request to the department for its review of such contested action and such request must be submitted within thirty (within 30) days of that action.

(2) Any department review will be in the manner determined appropriate by the department and may include, but shall not necessarily be limited to, review of provided information.

(3) If the department accepts the review request, the requester of the review must produce all information required by the department, including requested affidavits or testimony.

(4) The department may make a determination on a review request and require such remedial action as the department determines, in its sole discretion, to be appropriate.

(5) Department review will not take the form of a contested case review under ORS Chapter 183 unless specifically so stated in writing by the OHCS director in writing.

(6) A timely request for department review by an aggrieved person and its completion to final order by the department are requirements for exhaustion of administrative remedies by such aggrieved person.

Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.620, OL 2015 HB 3148