

Emergency Solutions Grant - Coronavirus Relief (ESG-CV)

**Updated April 5, 2022, to include recent HUD
CPD waivers for ESG-CV funding**



ESG-CV Phases 1 and 2 Program Operations Manual

Contacts

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1. Program Summary

The Emergency Solutions Grant Coronavirus Relief program (ESG-CV) is funded through the federal CARES Act signed into law on March 27, 2020. These special ESG-CV funds are to be used to prevent, prepare for, and respond to the coronavirus pandemic (COVID-19) among individuals and families who are homeless or receiving homeless prevention assistance and have experienced the impacts of COVID-19 either economically or on their health and well-being; and to support additional homeless assistance and homelessness prevention activities to mitigate the spread of the pandemic. ESG-CV 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.

2. Waivers

To allow OHCS and its subgrantees to respond quickly to the needs of their communities' homeless and at-risk households dealing with the COVID-19 pandemic, HUD has provided waivers and flexibility for some ESG regulatory requirements. These are incorporated in this operating manual. Waivers and revisions are available through the final date for spending, June 30, 2022, or if HUD provides future notices that change the deadlines.

HUD waived requirements to use the CoC's coordinated assessment, administer the assistance in accordance with written standards and participate in HMIS, for the first 60 days of the federal allocation of funds in 2020. Those waivers have expired.

3. ESG-CV through the MGA; ESG-CV through the RFA GA

This operating manual provides instructions and expectations for ESG-CV allocations OHCS made to subgrantees through three distinct allocation events. OHCS has distributed ESG-CV1 and a portion of ESG-CV2 in separate allocations to subgrantees by formula using the Master Grant Agreement (MGA). OHCS awarded ESG-CV2 to subgrantees for specific projects through a Request for Applications Grant Agreement (RFA GA). The federal ESG-CV requirements and/or OHCS expectations provided in this manual may not be applicable to both funding programs. The manual will explain ESG-CV program requirements for each program if needed.

All ESG-CV 1 and 2 allocations must be spent by June 30, 2022.

NOTE: Subgrantees may continue to use their annual ESG allocation for non-COVID-19 services during the time they carry out COVID-19 activities. However, annual ESG funds cannot pay for costs identified as COVID-19 related. (2021 ESG may be spent for documented COVID-19 services under certain circumstances. See ESG Operations Manual.)

NOTE: The requirement that subgrantees may not subaward funds to Indian Tribes and Tribally Designated Housing Entities is waived.

4. Program Written Standards

Subgrantees and subrecipients are required to comply with the department's state minimum standards for providing ESG-CV assistance or standards relevant to ESG-CV that are required by their Continuum of Care. The minimum standards set by OHCS follow:

A. Evaluating Eligibility for Assistance

Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under ESG-CV.

Subgrantees and subrecipients are required to actively participate in and promote the Continuum of Care (CoC) coordinated entry system (CES) for their service area, but may modify the assessment and eligibility determination process to identify and expedite services for households impacted or at risk because of the COVID-19 pandemic.

Also, agencies may make changes to the standard assessment process if the current process puts agency staff at risk of COVID-19 exposure. 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 for persons seeking services will include an initial phone or in person screening to determine if the applicant meets one of HUD's categorical definitions of homeless or at risk of homelessness. If yes, subgrantee staff will complete a more comprehensive assessment to verify applicant's situation and determine which ESG-CV service components will address their housing need. Eligibility determinations must be documented in client files and preferably through third-party documentation. To quickly place homeless households in non-congregate housing, the 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 or impractical.

Gross income is determined by using the household's present income, not the income the household had before the coronavirus pandemic.

To be eligible for Homelessness Prevention assistance, a household must be very low income, with an annual gross income no greater than 50% AMI. Household income must be re-evaluated every 6 months. These are modifications of the federal rule. Minimally, each re-evaluation of eligibility must verify that the household's annual income has not exceeded the maximum allowable and the household continues to lack sufficient resources and support networks needed to retain housing without ESG-CV assistance.

NOTE: Section 4024 of the CARES Act imposes a temporary moratorium on evictions. The eviction moratorium went into effect on March 27, 2020, upon the enactment of the CARES Act. The temporary moratorium applies to ESG, ESG-CV and Continuum of Care programs. While the moratorium is active, ESG-CV Homelessness Prevention funds must not be used solely to assist renter households facing eviction. Subgrantees should look ahead to the time the moratorium ends and plan accordingly.

To be placed in housing through Rapid Re-Housing, the household must meet HUD's definition of homeless. Their gross income is not a determinant until their first re-evaluation. At that time, the household must be very low income, which is 50% AMI or less. This is a modification of federal rules for annual ESG.

HUD Notice CPD-21-05 has expanded the eligibility standards for Rapid Re-Housing. Subgrantees may provide Rapid Re-Housing financial assistance, rent subsidy, and stabilization services to households who are already in housing if they qualified as homeless immediately before moving into their current housing and if they meet both of the following criteria: The household does not have sufficient support or resources needed to retain their current housing without ESG assistance; and their current rent assistance is time-limited and provided through a homeless assistance program other than an ESG program. The ESG RRH rent assistance must not overlap the current assistance and there must be no more than the equivalent of a one-month period between the end of the current assistance and the start of the ESG RRH assistance.

Additionally, households already in an ESG funded RRH program but only receiving financial assistance and services and NOT rental assistance may be eligible for RRH rent subsidy. Subgrantee must confirm the household does not have the resources or support needed to retain their housing without ESG RRH assistance.

If a client household informs, but is not required to notify, the subgrantee or subrecipient of a change in income or other circumstances that may affect eligibility, there is no immediate effect on the program participant's eligibility. Assistance can continue until the next re-evaluation.

B. Targeting and Providing Essential Services Related to Street Outreach

Standards for targeting and providing essential services related to street outreach.

COVID-19 related Street Outreach consists of activities carried out to keep people healthy, reduce risk of exposure and avoid or slow the spread of the disease. To complete Street Outreach activities, subgrantees and subrecipients must seek out and engage unsheltered homeless individuals and/or families. Preference should 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., or most susceptible to exposure, contraction or spreading of the coronavirus.

Engagement activities must include an initial assessment of needs and eligibility to prioritize the most beneficial type and source of assistance, with safety and health being the highest priority needs. Whenever feasible, rapid re-housing will be a priority over the provision or referral to emergency shelter or transitional housing.

C. Emergency Shelter Operations

Policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG-CV, including standards regarding length of stay, if any, and safeguards to meet the safety and shelter needs of special populations, e.g., victims of domestic violence, dating violence, sexual assault, and stalking; and individuals and families who have the highest barriers to housing and are likely to be homeless the longest.

1) Admission to Temporary Emergency Shelter (TES)

Temporary Emergency Shelters (TES) can be used during the COVID-19 pandemic to assist homeless persons who have been impacted economically or health-wise by the pandemic, or who need to have non-congregate shelter as protection from the pandemic. Applicant households must meet HUD's definition of homeless.

TES operations will end when the shelter is no longer needed or on June 30, 2022, unless HUD grants an exception upon OHCS's written request, which must include subgrantee's plan to connect program participants to permanent housing when the temporary emergency shelter is no longer funded. If OHCS allows an extension to a grant agreement beyond June 30th, TES can also be further extended; however this must be approved beforehand by OHCS.

Program participants cannot be required to sign leases or occupancy agreements, receive treatment, or perform any other prerequisite activities as a condition for staying in any shelter or receiving services.

2) Admission to Emergency Shelter (ES)

Subgrantees can serve households in emergency shelters (ES). The costs of serving homeless persons in emergency shelter are eligible for payment with ESG-CV if the admission is an effort to prevent, prepare for, or respond to the coronavirus pandemic. Subgrantees and subrecipients must complete standardized screening and intake to determine eligibility for admission to emergency shelter. Admission must comply 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.

3) Diversion from Shelter

Based on screening results and confirmation of COVID-19 impact, 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.

ESG-CV can pay for hotel/motel costs for households experiencing homelessness, receiving rapid re-housing, receiving homelessness prevention, or residing in permanent supportive housing. This is an opportunity to provide isolated and non-congregate housing to participants needing to be separated from other shelter occupants or household members because of the coronavirus threat.

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

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.

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

Provision of essential services and shelter must be available for homeless individuals and families for at least the time during which the ESG-CV 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.

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

Any shelter facility that receives ESG-CV assistance for operation, conversion, major rehabilitation, or renovation 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.

7) ***Non-Discrimination***

Subgrantees and subrecipients are required to develop and implement written procedures and communication tools/materials that ensure persons of any 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 facilities and assistance.

8) ***Reasonable Accommodations***

Reasonable accommodations for persons with disabilities must be available to ensure persons with disabilities have an equal opportunity to use facilities and

receive essential services. Greater levels of accessibility may be required for some shelters in compliance with The Americans with Disabilities Act.

9) ***Limited English Proficiency***

Subgrantees and subrecipients must have a written Limited English Proficiency policy in place that ensures persons with limited English proficiency (LEP) have access to shelter facilities and services. It is highly recommended that subgrantees and subrecipients develop and implement an agency Language Access Plan (LAP) following guidelines provided in the Fair Housing Guide for Shelter and Transitional Housing Providers which can be accessed at www.fhco.org or HUD guidelines located at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq.

10) ***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.

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

Policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter.

Subgrantees and subrecipients must develop and use written policies for standardized screening and intake to assess a household's service needs while the

household is in temporary or emergency shelter due to an economic or health impact of COVID-19. However, individuals and families experiencing homelessness must not be required to receive treatment or perform any other prerequisite activities as a condition for receiving shelter.

Provision of essential services and shelter must be available to persons receiving hotel/motel vouchers, for at least the time during which the ESG-CV funds are provided.

The requirement that subgrantees develop service prioritization in consultation with service area homeless providers and their Continuum of Care **is waived** for ESG-CV 1 and 2.

E. Coordination Among Homeless Assistance Providers, Mainstream Service Providers and Housing Providers

Policies and procedures for coordination among emergency shelter providers, essential services providers, homelessness prevention, and rapid re-housing assistance providers; other homeless assistance providers; and mainstream service and housing providers (see §576.400(b) and (c) for a list of programs with which ESG-funded activities must be coordinated and integrated to the maximum extent practicable).

For ESG-CV 1 and 2 funds, the requirement to coordinate with other homeless assistance providers and mainstream resources **is waived**.

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

Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and which eligible families and individuals will receive rapid re-housing assistance (these policies must include the emergency transfer priority required under §576.409).

Homelessness Prevention

Determination of eligibility for homelessness prevention assistance requires an in-person assessment to verify that applicants meet HUD's categorical definition of at-risk of homelessness and have an annual income of 50% or below of area median income. 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.

Prioritizing households for homelessness prevention assistance must follow the Coordinated Entry process in effect in that county and align with coronavirus planning and community assessments for the service area.

Section 4024 of the CARES Act imposes a temporary moratorium on evictions. The eviction moratorium went into effect on March 27, 2020, upon the enactment of the CARES Act. The temporary eviction moratorium applies to ESG, ESG-CV, and Continuum of Care Programs. While the moratorium is active, ESG-CV Homelessness Prevention funds must not be used solely to assist renter households facing eviction. Subgrantees should look ahead to the time the moratorium ends and plan accordingly.

Rapid Re-Housing

Determination of eligibility for rapid re-housing assistance requires an initial assessment to verify that the applicant meets HUD's categorical definition for literally homeless. Homeless status must be documented in client files in accordance with HUD documentation standards with preference given to third-party verification if available.

Prioritizing households for rapid re-housing assistance must follow the Coordinated Entry process in effect for that county and align with coronavirus planning and community assessments for the service area.

HUD Notice CPD-21-05 has expanded the eligibility standards for Rapid Re-Housing. Subgrantees may provide Rapid Re-Housing financial assistance, rent subsidy, and stabilization services to households who are already in housing if they qualified as homeless immediately before moving into their current housing and if they meet both of the following criteria: The household does not have sufficient support or resources needed to retain their current housing without ESG assistance; and their current rent assistance is time-limited and provided through a homeless assistance program other than an ESG program. The ESG RRH rent assistance must not overlap the current assistance and there must be no more than the equivalent of a one-month period between the end of the current assistance and the start of the ESG RRH assistance.

Additionally, households already in an ESG funded RRH program but only receiving financial assistance and services and NOT rental assistance may be eligible for RRH rent subsidy. Subgrantee must confirm the household does not have the resources or support needed to retain their housing without ESG RRH assistance.

G. Determining Client's Share of Rent and Utility Costs

Standards for determining what percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention or rapid re-housing assistance.

Subgrantees and their subrecipients must comply with existing Continuum of Care standards for determining client's required share of rent and utility costs. State minimum standards require that the rent assistance model chosen must be consistently implemented for all households within each ESG-CV 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. Subgrantees should encourage clients to access energy assistance programs as a first option in providing utility assistance. It is recommended that un-used utility deposits be returned to households when feasible.

H. Determining Duration and Amount of Rental Assistance Provided to Client

Standards for determining how long a particular program participant will be provided with rental assistance and whether and how the amount of that assistance will be adjusted over time.

Rent assistance can be either short term (0-3 months duration) or medium term (4 months or more). The amount of rent assistance provided must be the least amount needed to stabilize clients in their permanent housing. Subgrantees 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 served with ESG-CV funds. HUD has waived the 24-month rent assistance maximum for persons assisted with ESG-CV funds.

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.

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

Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a program participant, including the limits, if any, on the homelessness prevention or rapid re-housing assistance that each program participant may receive, such as the maximum amount of assistance, maximum number of months the program participant receive assistance; or the maximum number of times the program participant may receive assistance.

Eligible activities include:

1) Financial Assistance

Housing Stabilization and/or Relocation Services include Financial Assistance, which must follow the general conditions and restrictions identified under 24 CFR 576.103 and 576.104. Security deposits, last month's rent, and other eligible costs such as landlord incentives are paid through the Financial Assistance category. 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.

2) Housing Search/Stabilization/Relocation Services

ESG-CV funds may be used to pay costs 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 60 days during the period the program participant is seeking permanent housing. This is a COVID-19 expansion of the standard 30 day maximum for ESG-CV funds only. The requirement that assistance cannot exceed 24 months during the period the program participant is living in permanent housing is also waived..

3) Rental Assistance

Households can be provided Rental Assistance in the Homelessness Prevention and Rapid Re-housing categories. Homelessness Prevention rent subsidy is intended to prevent persons who are housed from becoming homeless by helping them regain stability in their current housing or other permanent housing. Eligible households must meet the appropriate HUD definition for at-risk, and must have an income no greater than 50% AMI. To qualify for Rapid Re-housing rent assistance, a household must meet the HUD definition of homeless.

4) Other Eligible Services

Mediation services are allowable, provided that the mediation is necessary to prevent the program participant from losing their permanent housing. 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.

5) Duration of Assistance

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. The limits on the assistance apply to the total assistance an individual receives, either as an individual or as part of a household.

6) Ineligible Services

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 Uniform Relocation Act regulations during the time covered by the URA payments.

5. Coordinated Entry

Subgrantees must identify, assess, and prioritize households for assistance through the Coordinated Entry (CES) process developed by the area's Continuum of Care or homeless advisory group. Subgrantees may modify the assessment and eligibility determination process to identify and expedite services for households impacted or at risk because of the COVID pandemic. Also, agencies may make changes to the standard assessment process if the current process puts agency staff at risk of COVID exposure. 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.

Coordinated Entry best practices include, but are not limited to:

a) Prioritization

An effective coordinated entry process ensures that people with the greatest needs receive priority for any type of housing and homeless assistance available, including Permanent Supportive Housing (PSH), Rapid Rehousing (RRH), and other interventions.

b) Low Barrier

The coordinated entry process does not screen people out for assistance because of perceived barriers to housing or services, including, but not limited to, lack of employment or income, drug or alcohol use, or having a criminal record. In addition, housing and homelessness programs lower their screening barriers in partnership with the coordinated entry process.

c) Housing First Orientation

The coordinated entry process is Housing First oriented, such that people are housed quickly without preconditions or service participation requirements.

d) Person-Centered

The coordinated entry process incorporates participant choice, which may be facilitated by questions in the assessment tool or through other methods. Choice can include location and type of housing, level of services, and other options about which households can participate in decisions.

e) Fair and Equal Access

All people in the service area have fair and equal access to the coordinated entry process, regardless of where or how they present for services. Fair and equal access means that people can easily access the coordinated entry process, whether in person, by phone, or some other method, and that the process for accessing help is well known.

f) Emergency Services

The coordinated entry process does not delay access to emergency services such as shelter. The process includes a manner for people to access emergency services at all hours independent of the operating hours of the coordinated entry intake and assessment processes. For example, people who need emergency shelter at night can access shelter, to the extent that shelter is available, and then receive an assessment in the days that follow, even if the shelter is the access point to the coordinated entry process.

g) Standardized Access and Assessment

All coordinated entry locations and methods (phone, in-person, online, etc.) offer the same assessment approach and referrals using uniform decision-making processes. A person presenting at a particular coordinated entry location is not steered toward any specific program or provider simply because they presented at that location.

h) Inclusion

A coordinated entry process includes all subpopulations, including people experiencing chronic homelessness, Veterans, families, youth, and survivors of domestic violence. However, subgrantees may have different processes for accessing coordinated entry, including different access points and assessment tools.

i) Referral to projects

The coordinated entry process makes referrals to all projects in the CES network, including emergency shelter, RRH, PSH, and transitional housing (TH), as well as other housing and homelessness projects.

j) Referral protocols

Programs that participate in CES accept all eligible referrals unless the subgrantee has a documented protocol for rejecting referrals that ensures that

such rejections are justified and rare and that participants can identify and access another suitable project.

k) Outreach

The coordinated entry process is linked to street outreach efforts so that people sleeping on the streets are prioritized for assistance in the same manner as any other person assessed through the coordinated entry process.

l) Leverage Local Attributes and Capacity

The physical and political geography, including the capacity of partners in a community, and the opportunities unique to the community's context, inform local coordinated entry implementation.

m) Safety planning

The coordinated entry process has protocols in place to ensure the safety of the individuals seeking assistance. These protocols ensure that people fleeing domestic violence have safe and confidential access to the coordinated entry process and domestic violence services, and that any data collection adheres to the Violence Against Women Act (VAWA).

n) Using HMIS and other systems for coordinated entry

The subgrantee must use HMIS to capture data and track the services provided to the household, unless the participant's situation calls for using a data base separate from HMIS.

o) Full coverage

A coordinated entry process must cover the entire geographic area; when geographic areas are large, there may be several separate coordinated entry processes that each cover a portion of the area but in total cover the entire area.

More information can be found at:

<https://www.hudexchange.info/resources/documents/Coordinated-Entry-Policy-Brief.pdf>.

6. Continuum of Care Coordination

The requirement to consult with Continuums of Care **is waived**.

7. Administrative Best Practices

Administrative Best Practices apply to ESG-CV1 and 2 funds allocated through the OHCS MGA. Subgrantees receiving only ESG-CV2 funds through the OHCS RFA GA are not required to fulfill these requirements as part of their program management.

Administrative Best Practices are specific identified criteria used to set a foundation of administrative, fiscal and service delivery expectations for community action agencies and all agencies receiving an allocation of ESG-CV 1 and 2 funds through the MGA. The purpose of the best practices is to ensure that no matter where individuals and families

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

Four service delivery components, in addition to the coordinated entry system, are identified as Administrative Best Practices. They are:

A. Housing First

The Housing First Model provides for housing or sheltering with no preconditions (except complying with a shelter code of conduct or standard lease agreement).

Housing First best practices include, but are not limited to:

- a) Access to programs is not contingent on sobriety, minimum income requirements, lack of a criminal record, completion of treatment, participation in services or other unnecessary conditions.
- b) Programs or projects do everything possible not to reject an individual or family on the basis of poor credit or financial history, poor or lack of rental history, minor criminal convictions or behaviors that are interpreted as indicating a lack of “housing readiness”.
- c) People with disabilities are offered clear opportunities to request reasonable accommodations within application and screening processes and during tenancy; and building and apartment units include special physical features that accommodate disabilities.
- d) Programs or projects that cannot serve someone work through the coordinated entry process to ensure that those individuals or families have access to housing and services elsewhere.
- e) Housing and service goals and plans are highly tenant-driven.
- f) Supportive services emphasize engagement and problem-solving rather than therapeutic goals.
- g) Participation in services or compliance with service plans are not conditions of tenancy but are regularly offered as a resource to tenants.
- h) Services are informed by a harm-reduction philosophy that recognizes that drug and alcohol use and addiction are a part of some tenants’ lives. Tenants are engaged in non-judgmental communication regarding drug and alcohol use and are offered education to better understand how to avoid risky behaviors and engage in safer practices.
- i) Substance use in and of itself, without other lease violations, is not considered a reason for eviction.
- j) Tenants in supportive housing are given reasonable flexibility in paying their share of rent on time and offered special payment arrangements for rent arrears and/or assistance with financial management, including representative payee arrangements.

- k) Every effort is made to provide a tenant the opportunity to transfer from one housing situation, program or project to another if a tenancy is in jeopardy. Whenever possible, eviction back into homelessness is avoided.

More information can be found at: <https://endhomelessness.org/resource/housing-first> or at <https://www.usich.gov/solutions/housing/housing-first/>.

B. Low-Barrier Shelters

Low and no barrier policies allow homeless individuals and households to access shelter, housing and services without preconditions such as sobriety, compliance with treatment plan, no pets, or agreement to participate in specific programs, activities or classes. These policies allow the most in need to have access to shelter and housing.

Low Barrier Shelter best practices include, but are not limited to:

- a) Imposes minimal expectations or requirements of people seeking shelter
- b) Focuses on addressing disruptive or dangerous behaviors rather than compliance to rules or case plans;
- c) Welcomes self-defined family and kinship groups to seek shelter together;
- d) Identifies financial resources that can support the adoption of low-barrier policies and practices and supports extended or flexible hours and adapted service-delivery models;
- e) Accommodates pets and belongings;
- f) Uses intake processes and housing navigation services that coordinate closely with community-based outreach services and coordinated entry;
- g) Creates flexible and predictable access for people seeking shelter.

More information can be found at:

https://www.usich.gov/resources/uploads/asset_library/emergency-shelter-key-considerations.pdf.

C. Lived Experience

Incorporating the lived experience (LE) of homelessness into program design and implementation is a commitment and framework to include everyone, especially people with lived experience, in planning, implementation and evaluation.

Lived Experience best practices included, but are not limited to:

- a) Bring the perspective of LE to the forefront by ensuring that no one is left out or misrepresented; ensuring that your organization's communications, fundraising, research and programs do not reinforce the misconceptions that homelessness is caused by individual problems or can be solved by charity; using professional influence to help advance the goals identified by first voice people; and

dedicating time and resourced to advocacy and supporting grassroots social change efforts.

- b) Include people with LE at all levels of the organization by hiring those with LE in positions at all levels within the organization; inviting those with LE to join the organization’s Board and committees; including LE as a dimension in your organization’s equity and diversity policies; creating liaisons within municipal governments to include city councils and police boards; and working towards sustainability and advancement for peer positions so that those hired on as peer counselors or peer researchers can advance to permanent positions.
- c) Value the time of those with LE and provide appropriate supports by anticipating the compensation required, and including that cost within your budget, of properly including people with LE; creating a welcoming environment in which it is safe to express emotions; provide training and capacity building to all members of the organization; and ensuring timeframes for LE initiatives do things at a reasonable pace.
- d) Challenge stigma, confront oppression and promote dignity by providing training that addresses these issues to the whole organization; confronting oppression; educate around the intersectionality of racism, sexism, classism and ableism and how they work together and reinforce each other; and reviewing organizational policies and practices to ensure they promote equity, dignity and the rights of people facing homelessness.
- e) Recognize LE expertise and engage those with LE in decision making by mandating that people with LE are included in decision making roles in the organization and including those with LE in influential roles allowing them to speak when they can, use social media and other platforms and methods as they are available.
- f) Work together toward equitable representation by including equitable representation in the organization’s strategic planning process; setting concrete objectives and specific timeframes; working with other organizations that have successfully implemented equitable representation and evaluate your progress, seeking input from people with LE in the process.
- g) Build authentic relationships between with and without LE by cultivating an environment of caring, acceptance and openness where differences are celebrated and everyone’s contribution is acknowledged; ensuring that all members of the organization are included in social activities and that those activities are accessible to all; and breaking down rigid roles such as “service provider” and “service user”.

More information can be found at: <https://www.usich.gov/>. Search for “Lived Experience”.

D. Equity and Racial Justice

OHCS is committed to advancing equity and racial justice in alignment with the Statewide Housing Plan and informed by national promising practices and lived

experience of communities of color. Subgrantees must commit to an intentional, data-driven approach to reduce disparities in housing and social service provision. Additional guidance and information continue to be developed to further identify how service providers can advance equity and racial justice within state and federally funded programs.

More information can be found at the Performance Measure Requirements section of this manual and at <https://www.centerforsocialinclusion.org/our-work/our-four-strategies/>, <http://center4si.com/sparc/>, and <https://www.usich.gov/news/racial-equity-an-essential-component-of-our-nations-homelessness-response/>.

8. Homeless, At-Risk and Chronically Homeless Definitions

HUD's definitions of homeless, At-Risk of Homelessness, and Chronically Homeless are published at 24 CFR 91.5, and are used for the ESG-CV program. Eligible applicants for program services must meet one of the definitions, as follows:

A. Homeless

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 120 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering the institution. This is a waiver from the published HUD definition which requires residency for 90 days or less. This waiver allows for longer stays due to COVID-19 related delays; i.e., postponed court dates.

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

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

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

- Are defined as homeless under Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); **and**
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance; **and**
- Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; **and**
- Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

Category 4: Fleeing, or attempting to flee, domestic violence-- a household who:

- Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and
- Has no other residence; **and**
- Lacks the resources or support networks to obtain other permanent housing.

B. At Risk of Homelessness

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

- Have an annual income at or below 50% of median household income for the area. This is a waiver of the ESG limit of 30% AMI to allow COVID-19 impacted households with incomes between 30% - 50% to be assisted with Homelessness Prevention assistance.
- 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.

C. Chronically Homeless

- (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, if 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 120 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, if 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. This is a modification of ESG restrictions, which allow for less than 90 days to not constitute a break in homelessness.
- (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 120 days and met all 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 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 to demonstrate that an individual or family met the definition of "chronically homeless" at the point of entry into a program.

9. Allowable Program Service Components and Activities

Five service components are eligible for payment with ESG-CV funds if the services provided were for the purpose of preventing, preparing for, or responding to the coronavirus pandemic:

- Street Outreach
- Emergency Shelter Operations and Essential Services, including Temporary Emergency Shelter
- Homelessness Prevention
 - **NOTE:** ESG-CV should not be used for eviction prevention costs if a federal or state eviction moratorium is in effect.
- Rapid Re-Housing
- HMIS / Data collection and reporting

MGA and RFA grantees may only incur costs in the components associated with their approved project and included in their project budget.

In addition to the five ESG-CV components, subgrantees can use ESG-CV to pay the costs of conducting or providing training about infectious disease prevention and mitigation for staff working directly to prevent, prepare for, and respond to coronavirus. Infectious disease training is a program cost, not administrative, and can be used to train homeless assistance providers including those who do not receive ESG-CV funding.

A. Service Components and Homeless Eligibility

Street Outreach, Emergency Shelter, and Rapid Re-housing components can be used to assist persons who meet the HUD definition of homeless. Homelessness Prevention is available for households at risk of losing their current housing. The chart below shows which populations can be served with each ESG-CV component.

Component	Serving	
	Those who are Homeless	Those who are At-Risk of Homelessness
1) Street Outreach	✓	
2) Emergency Shelter	✓	
3) Homelessness Prevention		✓
4) Rapid Re-housing	✓	
Collecting Data		
5) Homeless Management Information System (HMIS)	✓	✓

Federal ESG rules require subgrantees to spend less than 60% of their ESG allocation for street outreach and emergency shelter activities. This requirement is **waived** for ESG-CV. Subgrantees may spend as much of their funding on street outreach and emergency shelter costs as needed to prevent, prepare for, and respond to

coronavirus among people experiencing homelessness including mitigating the impacts caused by coronavirus.

Reasonable incentives to volunteers who help the subgrantee or subrecipient carry out activities are eligible program costs for the categories of Street Outreach, Shelter, Homelessness Prevention and Rapid Rehousing.

B. HMIS / Eligible Data Collection Costs

ESG-CV funds can be used for costs of contributing data to the HMIS designated for the area. ESG-CV funds can pay for HMIS data collection for all programs where the collected data will help the geographic area prevent, prepare for, and respond to coronavirus. Eligible costs include:

- 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-CV 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.

C. Street Outreach (SO)

Street outreach is service delivery to reach out to unsheltered homeless people; connecting them with emergency shelter, housing, or critical services; and providing urgent, non-facility-based care. 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.

Essential Services include:

1) SO 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 for street outreach include the following:

- 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;
- Cell phone costs of outreach workers;
- Hiring “vaccine ambassadors” to engage and educate unsheltered persons about COVID-19 and available vaccines;
- Offering cash (up to \$50) or other goods as vaccine incentives. ESG-CV funds may only be used for vaccine incentives to the extent that other vaccine incentives are inaccessible or unavailable;
- Installing and maintaining handwashing stations and bathrooms in outdoor locations; and
- Providing or paying for laundry services.

2) SO 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 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;

- Developing an individualized housing stabilization plan that leads to the attainment of stable permanent housing; and
- Training staff about the vaccine and rollout strategies.

3) SO 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 increasing the understanding of health needs;
- Providing directly or assisting to obtain appropriate emergency medical treatment;
- Providing medication and follow-up services;
- Renting space for vaccine events;
- Using mobile outreach vans and staff to support vaccine distribution; and
- Purchasing PPE and supplies for vaccine events.

4) SO 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.

5) SO 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;

- Costs of staff to accompany or assist program participants to use public transportation; and
- Transporting unsheltered people to and from vaccine events.

6) SO 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.

Essential Services Comparison between Outreach and Shelter

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

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

D. Temporary and Emergency Shelter (TES) (ES)

Temporary Emergency Shelters (TES) and Emergency Shelters (ES) have separate purposes and the ESG-CV funding requirements are also different between the two facilities. Any agency preparing to provide shelter to address the coronavirus pandemic must be clear if their project is TES or ES.

1) Temporary Emergency Shelter (TES)

Temporary emergency shelter means any structure or portion of a structure, which is used for a limited time because of a crisis to provide shelter for individuals and families displaced from their normal place of residence or sheltered or unsheltered locations. ESG-CV may be used for the costs of providing temporary emergency shelter but only for those costs that are necessary to prevent, prepare for, and respond to coronavirus. A local public health official must determine that temporary emergency shelter is necessary for the community's coronavirus response. A letter from that local public health official needs to be kept on file with the Subgrantee that states that the TES is necessary for the community's coronavirus response. A statewide order is not sufficient for this purpose. Please reach out to OHCS if you need additional guidance on connecting with your local public health official.

Examples of temporary emergency shelters include:

- an overnight, daytime, or 24-hour shelter in which program participants are only provided a safe place to sleep, rest, bathe and eat;
- a shelter where one or more services are made available on-site, whether by shelter staff or contractors or through a memorandum of understanding with another subrecipient or service provider;
- a shelter designed to facilitate the movement of homeless individuals and families into permanent housing within a fixed period of time and employs or contracts with one or more case managers or service providers.

Use of a Temporary Emergency Shelter must end when the shelter is no longer needed. However, TES facilities can continue to operate with other funds if a local official confirms a different public health crisis requires the use of a temporary emergency shelter. Regardless of other circumstances, ESG-CV funding for Temporary Emergency Shelters will end June 30, 2022, unless HUD grants an exception upon OHCS's written request, which must include subgrantee's plan to connect program participants to permanent housing when the temporary emergency shelter is no longer funded.

The subgrantee must retain documentation that the property or structure or portion of a structure used as TES meets the definition of TES during the time it was in use. In general, a TES must be able to meet a person's basic needs, including:

- Protection from inclement weather that provides cover on all sides and overhead;
- Access to sanitary facilities for hygiene and toileting; and
- Space to sleep and rest, which includes sleeping accommodations (e.g., mat, cot, bed) for structures that provide overnight shelter.

Whether or not services are provided as part of TES, subgrantee must assure service needs are evaluated and appropriate services are made available as

needed. Essential services can be offered through entities other than the shelter's managing provider.

Program participants cannot be required to sign leases or occupancy agreements, receive treatment, or perform any other prerequisite activities as a condition for staying in any shelter or receiving services

Eligible costs include:

- Operating Costs such as leasing facilities, repairs, rent, security, fuel, equipment, insurance, utilities, food, furnishings, supplies necessary for the operation of the TES;
- Essential services, including housing search and placement;
- Facility acquisition.

Temporary emergency shelters are exempt from the following ESG-CV requirements:

- Minimum habitability standards for shelters
- Environmental review
- Minimum period of use set at 2 CFR 200.311 if costs include acquisition or rehabilitation.
- **NOTE:** lead-based paint requirements still apply.

Ineligible TES types include the following. Any subgrantee who has questions about the eligibility of their project should confer with OHCS.

- Parking lots
- Camping tents
- Open courtyard
- Non-congregate sheltering program operated under the Stafford Act
- Shelter of last resort operated by the Red Cross

Property Acquisition or Improvement for Temporary Emergency Shelters

Eligible costs for Temporary Emergency Shelters include acquisition of real property, not to exceed \$2.5 million in ESG-CV funds per property; and renovation of the property.

If funds are used for acquisition or renovation, the property's use and disposition will be subject to the real property requirements of 2 CFR 200.311. **Note**, this may result in the potential for needing to pay back HUD when the emergency is over. This requirement does not exist when using regular ESG Emergency Shelter funds for renovation, however, minimum use requirements *do* exist in that scenario.

Please reach out to OHCS Program Analyst for more information and your justification if you are considering using TES for facility acquisition or renovation.

The chart below shows some of the regulatory differences between the two types of shelter facility costs for acquisition and renovation.

	Permanent Emergency Shelter (subject to 24 CFR 576.102)	Temporary Emergency Shelter (subject to 24 CFR 576.102 and CPD Notice 20-08)
Is acquisition of property allowed?	No	Yes
Is there a minimum use period?	3 to 10 years depending on type of renovation	No, but subject to the Disposition requirements at 2 Part 200
Is an environmental review required?	Yes	No
Must the ES meet minimum property standards?	Yes	No

Temporary emergency shelter in which ESG-CV funds were used for acquisition or improvement may be converted to emergency shelter as defined at 24 CFR 576.2 without triggering the disposition requirements in 2 CFR 200.311(c). It must be used as emergency shelter for at least the period specified in the chart above. Subgrantee must record a lien against the property to state the use and disposition of the property. When it becomes unnecessary or impracticable to use the property either as temporary emergency shelter or emergency shelter, the owner of the property must obtain disposition instructions from HUD as provided by 2 CFR 200.311(c).

2) Hotels/Motels as Non-Congregate Shelter

As permitted under 24 CFR 576.102(a)(3), eligible costs include a hotel or motel voucher for homeless individuals and families where no appropriate emergency shelter is available. Additionally, ESG-CV funds may be used for hotel/motel costs for individuals or families in shelters, receiving rapid-rehousing or homelessness prevention rent assistance, or residing in permanent supportive housing, if the isolation is needed to help the household prevent or respond to coronavirus. The subgrantee may rent one or more rooms directly or provide eligible persons with hotel/motel vouchers. Providing permanent housing in hotels and motels in an ineligible use of ESG-CV funds.

Eligible costs include:

- the cost of the room,

- charges and costs for enhanced cleaning, and
- repairs for damage caused above normal wear and tear.

To be eligible for a hotel or motel placement, a household must be:

- experiencing homelessness as per the HUD definition of homelessness; or
- have the need to be isolated from other members of the household because of COVID-19, and be:
 - receiving Rapid Re-Housing assistance through the ESG-CV program, or
 - receiving Homelessness Prevention assistance through the ESG-CV program, or
 - residing in Permanent Supportive Housing

3) Emergency Shelter (ES)

ESG-CV funds can be used to provide shelter; non-congregate shelter; essential services; and renovation of shelter facilities. The requirements at 24 CFR 576.102 apply, except funds may only pay for the costs of providing emergency shelter during the period beginning on the date the subgrantee began preventing, preparing for, and responding to coronavirus and ending on June 30, 2022, or earlier, and only for those costs that are necessary to prevent, prepare for, and respond to coronavirus.

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

a) ES: Operations

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

- Minor or routine repair and maintenance;
- Rent;
- Security;
- Fuel;
- Equipment;
- Insurance;
- Utilities;
- Food;
- Furnishings;
- Supplies necessary for the operation of the emergency shelters;
 - Hotel/Motel vouchers for families and individuals when no emergency shelter is available;
- Hotels/Motels as Non-Congregate Shelter;
- Purchase of PPE and supplies for vaccine events held for shelter residents
- Renovation.

b) ES: 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 the following:

c) ES: 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.
- Hiring “vaccine ambassadors” to engage and educate shelter residents about the vaccine
- Training staff about the vaccine and rollout strategies.

d) ES: Child Care Costs

The cost of childcare is eligible if the child is under the age of 13, or a child(ren) with disabilities under the age of 18. The 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.

e) ES: 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.

f) ES: 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.

g) ES: 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 secure 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.
- Renting spaces for vaccine events.

h) ES: Legal Services

Legal services are limited to those services necessary to help program participants obtain housing or keep a program participant from losing housing where they currently reside. 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.

i) ES: Life Skills Training

Life Skills Training teaches critical life management skills that may never have been learned or have been lost during 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.

j) ES: 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.

k) ES: 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

l) ES: 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;
- 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; and
- Transporting shelter residents to and from vaccine events.

m) ES 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.

Shelter Facility Rehabilitation, Conversion and Renovation

For costs of rehabilitation, conversion or renovation of an emergency shelter to be eligible for payment with ESG-CV funds, the building must be used for an emergency shelter for homeless families and individuals with the focus on preventing, preparing and responding to coronavirus. A government entity or private non-profit organization must own the emergency shelter building before and after the renovation or rehabilitation. Except for Temporary Emergency Shelters, property acquisition is not an eligible cost.

Emergency shelters renovated with ESG-CV funds are required to meet habitability standards, as well as state or local government safety and sanitation standards. Refer to the Habitability Standards section of this manual.

Eligible Costs include:

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

ESG-CV funds may not be used for rehabilitation or renovation of structures that will be used for inherently religious activities. ESG-CV funds may pay for rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under the ESG-CV program. Where a structure is used for both eligible and religious activities, the amount of ESG-CV 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-CV funds. Sanctuaries, chapels, or other rooms used as a principal place of worship are ineligible for funded improvements paid by ESG-CV.

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.

Minimum Use Period

Emergency shelters receiving renovation, conversion or rehabilitation paid with ESG-CV are required to meet a minimum use period. The length of the use period depends on the cost and scope of the work performed.

by homeless individuals or families after the renovation or, if the building is occupied during the renovation, the period of use is completed.

Types of Renovation Activities	ESG Definition	Minimum Period of Use	Level of Environmental F
Minor Rehabilitation	The cost of the rehabilitation of an existing emergency shelter is 75% or less of the value of the building <u>before</u> rehabilitation*	3 years	Generally Categorically Ex subject to §58.6) (see 24 C Environmental Assessment (May require an Environm
Major Rehabilitation	The cost of the rehabilitation of an existing emergency shelter exceeds 75% of the value of the building <u>before</u> rehabilitation*	10 years**	
Minor Conversion	The cost of the conversion of a building to an emergency shelter is 75% or less of the value of the building <u>after</u> conversion*	3 years	

E. Housing Relocation and Stabilization: Homelessness Prevention (HP) and Rapid Re-Housing (RRH)

1) Homelessness Prevention

Assistance is intended to prevent housed persons from becoming homeless by helping them gain stability in their current housing or other permanent housing. Eligible participants must meet the criteria for being at-risk of homelessness and have annual incomes at or below 50% of area median income. The eligibility criteria of 50% AMI is a HUD waiver of the ESG requirement that income is no greater than 30% AMI.

2) Rapid Re-Housing

Assistance is used to help people who are literally homeless to transition quickly from the streets or shelter into permanent housing and achieve housing stability. There are no initial income eligibility requirements. At annual recertification, a household’s income must be at or below 50% AMI to be eligible for continued assistance. The eligibility criteria of 50% AMI is a HUD waiver of the ESG requirement that income is no greater than 30% AMI.

To qualify for either service component, a household must lack the resources or support networks to help them retain or obtain other appropriate, stable housing.

3) Homelessness Prevention and Rapid Re-housing Comparison

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

	Homelessness Prevention	Rapid Re-Housing
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Eligible Participants	Category 2 – Imminent Risk Category 3 – Other Federal Statutes Category 4 – Fleeing/Attempting to Flee Domestic Violence and has no other residence OR At-Risk of Homelessness	Category 1 – Literally Homeless OR Category 4 – Fleeing/Attempting to Flee Domestic Violence and has no other residence.
Purpose	<ul style="list-style-type: none"> To <u>prevent</u> persons who are housed from becoming homeless To help such persons <u>regain stability</u> in their current housing or other permanent housing 	<ul style="list-style-type: none"> To help homeless persons living on the streets or in an emergency shelter <u>transition</u> as quickly as possible into permanent housing, and then To help such persons <u>achieve stability</u> in that housing
Reassessment	<ul style="list-style-type: none"> Every 6 months Must have income at or below 50% AMI, and Lack resources and support network 	<ul style="list-style-type: none"> Every 12 months Must have income at or below 50% AMI, and Lack resources and support network
Eligible Activities	Housing Relocation and Stabilization Services and Financial Assistance	Housing Relocation and Stabilization Services and Financial Assistance
	Short- and Medium-Term Rental Assistance	Short- and Medium-Term Rental Assistance

HP and RRH each have three separate sub-categories:

- a) Financial Assistance;
- b) Services and Case Management; and
- c) Rent Assistance.

A subgrantee may choose to provide services in one, two, or all three sub-categories.

a) Housing Relocation and Stabilization Financial Assistance

Under HP or RRH Financial Assistance, ESG-CV funds may be used to pay landlords, utility companies and other third parties for housing related costs. A HUD waiver allows the current or prospective unit’s rent to not be required to meet Fair Market Rent or Rent Reasonableness limitations if Financial Assistance is provided without any rent subsidy.

Eligible costs for Financial Assistance include the following:

- Rental application fee, if charged by the landlord to all applicants;
- Security deposit;
- Last month’s rent if required by the landlord;
- Renters’ Insurance if required by the landlord
- Moving costs, including truck rental, hiring a moving company, and temporary storage fees. Storage fees may be up to 3 months’ rent, providing

costs are not incurred until after program participation begins and before move-in. Moving costs may not include arrearage 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. Any subgrantee receiving program income from ESG-CV 1 or 2 must confer with OHCS about reporting requirements.

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 covered by the URA payments.

b) Housing Relocation and Stabilization Services and Case Management

ESG-CV funds may be used to provide the following services:

- 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; The requirement that case managers meet monthly with ESG-CV program participants receiving rental assistance is waived. However, case managers must make housing stability case management and other appropriate services available and accessible. This waiver applies throughout the period the subgrantee uses ESG-CV funds to prevent, prepare for, and respond to coronavirus.
- 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.
- Landlord incentives are allowable for Homelessness Prevention and Rapid Re-Housing participants searching for housing. The total incentives may not exceed three times one month's rent charged for the unit. Incentives include:

- signing bonuses up to 2 months' rent;
- security deposits up to 3 months' rent;
- cost to repair damages incurred by program participant not covered by the security deposit;
- costs of extra cleaning or maintenance of the unit;
- furniture and household furnishings. Any purchases remain the property of the subgrantee. Property may be used in other federally funded programs. When the property is no longer needed, disposition requirements apply.
- 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 presenting a barrier to the participant obtaining or maintaining stable housing;
- Credit Repair including credit counseling, household budgeting, money management, obtaining credit reports and resolving credit related barriers to housing stability; and
- Hazard pay can be paid with ESG-CV for staff working directly to prevent, prepare for, and respond to coronavirus among persons who are homeless or at risk of homelessness.

c) Short- and Medium-Term Rental Assistance

Regarding rental assistance for Homeless Prevention, Section 4024 of the CARES Act imposes a temporary moratorium on evictions. The eviction moratorium went into effect on March 27, 2020, upon the enactment of the CARES Act. The temporary eviction moratorium applies to ESG, ESG-CV, and Continuum of Care Programs. While the moratorium is in effect, rent assistance should not be provided solely to prevent eviction.

The ESG requirement that a participant can only receive up to 24 months of rental assistance during any 3-year period **has been waived** with the publishing of HUD CPD Notice 21-08. .

Duration of rental assistance must minimally comply with program standards including:

- Short-Term Assistance is for 0 to 3 months' rent;
- Medium-Term Assistance is more than 3 months;
- If a program participant moves into a unit in the middle of the month, the initial payment of a half month's rent does not count towards the total rent assistance.
- 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-CV funds may be used to pay amounts owed for breaking a lease to affect an emergency transfer.

Subgrantees and subrecipients must comply with department minimum standards and Continuum of Care standards regarding rental assistance. Subgrantees may establish their own written requirements beyond these standards upon review and approval by OHCS. Any subgrantee-determined requirements must be applied consistently for all program participants within each ESG-CV funded program.

Rental Assistance can be tenant-based, project-based or sponsor-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 rent assistance can go with them to the new unit.
- Project-based rent assistance requires the subgrantee or a contracted agency to reserve permanent housing units that meet ESG-CV requirements. For program participants living in housing with project-based rent assistance, the lease must have an initial term of one year. Subgrantees providing project-based rental assistance may pay for rent for a maximum of 30 days from the end of the month in which the unit was vacated while the subgrantee attempts to house another eligible program participant in that unit.
- Sponsor-based rent assistance includes a contract between the subgrantee or subrecipient and a building owner. Program participants may enter into a sublease. The subgrantee may pay up to 100 percent of the rent for the first month that the unit becomes available for rent provided that a program participant signs a lease (sublease) and moves into the unit before the end of that month. If the participant moves in during the first half of the month, the month is counted in the total rental assistance. The tenant payment is made to the subgrantee. The subgrantee makes full rent payment to the owner. A subgrantee may not execute a sponsor-based rental assistance agreement with itself or a related organization.

4) 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 if they are both in effect during the time ESG-CV 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-CV 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.
- For program participants living in housing with project-based rent assistance, the lease must have an initial term of one year.

Rent arrears: If the only cost being paid with ESG-CV 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 or 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-CV rental assistance.

5) Ineligible Activities and Costs

Activities that cannot be funded with ESG-CV Homelessness Prevention or Rapid Re-housing funds 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 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;
- 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-CV funds, religious activities must be conducted separately, in time and location, from ESG-CV-funded activities and participation must be voluntary for program participants).

10. Emergency Transfer Plan

In accordance with the Violence Against Women Act (VAWA), subgrantees and subrecipients must have an Emergency Transfer Plan (ETP) in place to allow survivor tenants receiving rent assistance through ESG-CV to transfer to another available and safe unit 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		
	Grantee	Housing Owner
Lease bifurcation §5.2009 (a)		X
Victim status documentation; confidentiality §5.2007	X	X
Emergency transfer plan §5.2005(e)	X	
Actual and imminent threat exception §5.2005 (d) (3), (4)		X
Exception of violations not premised on DV; higher standard §5.2005 (d) (2)	PJ	X

Court order exception §5.2005 (d) (1)		X
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Emergency Transfer Plan Guidelines

For purposes of this section, the following definitions apply:

- 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.
- 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.
- Safe unit refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

Specific elements in §5.2005(e) must be adopted by all housing providers. ETPs must address the following:

- Any priority that those who qualify for an emergency transfer under VAWA will receive.
- 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.
- A tenant’s rights to make an internal emergency transfer under VAWA when a safe unit is immediately available. 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.
- 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 to secure appropriate housing.
- 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:
 - Arrangements, including memoranda of understanding, with other covered housing providers to facilitate moves; and
 - Outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking.
- 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.

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. No other documentation is required to qualify the tenant for an emergency transfer.

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.

11. Applicant Eligibility

A. Assessment

All applicants must be assessed to determine eligibility for ESG-CV funded services and assistance. Applicant assessment and determination of ESG-CV 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 is determined from the evaluation the applicant is not eligible for ESG-CV program assistance. Service costs beyond initial assessment for applicants determined to be ineligible for ESG-CV assistance are not allowable, including follow-up and case management.

B. Household Composition

Household composition could be an individual living alone, a family with or without children, or a group of individuals who are living together as one economic unit.

C. Income Determination and Requirements

To be eligible for Homeless Prevention assistance, applicants to be at or below 50% AMI at time of intake. This is a modification of the ESG rule.

Rapid Re-housing does not have income eligibility requirements at the time of intake; To qualify for continuation of Rapid Re-housing assistance, participant must have an annual income at or below 50% AMI at the time of annual re-evaluation. This is a modification of the ESG rule.

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

Calculating Gross Annual Income

Annual Income is the gross amount of income anticipated to be received by a household. Because the impact of the pandemic may have altered a household's ability to generate income, historical or previous income is not considered. Annual

income is computed using 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-CV assistance, subgrantee or 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.

D. Calculating Gross Rent

Gross monthly rent is a combination of the unit rent and a calculated utility allowance. 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.

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

NOTE: Once a housing unit is determined to meet the rent reasonableness requirements (see below), program funds may be used to pay for the actual utility costs.

E. 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.

If the participant is receiving ESG-CV financial assistance but not ESG-CV rent assistance, the Rent Reasonableness requirement is waived.

Subgrantee or subrecipient must establish the review method(s) they will use to determine 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 the Rent Reasonableness Chapter 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.

F. Fair Market Rent (FMR) Requirement

The requirement to meet FMR limitations for unit rent **is waived**.

G. Assistance Required under “URA”

Subgrantee and subrecipient must ensure they have taken all reasonable steps to minimize the displacement of persons or commercial entities because of a project assisted with ESG-CV funds. When a tenant is required to move because of a project assisted with ESG-CV 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 or subrecipient’s determination whether the person qualifies as a displaced person or the amount of relocation assistance offered is appropriate, 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 or subrecipient must keep records documenting compliance with the displacement, relocation, and acquisition requirements of the ESG-CV program. See 24 CFR 576.408.

H. Eligibility Documentation and Recordkeeping

Subgrantees must establish written intake procedures that include a requirement for written documentation verifying eligibility for program services. The order of preference of documentation is: 1) third-party verification; 2) Intake or Case Worker Observation; and lastly 3) Applicant Self-certification. If needed, subgrantee must provide access to language interpretation services and assistive devices necessary for applicants to understand the documents they are certifying.

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

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

Eligibility Re-certification

Reassessments are required for homelessness prevention and rapid re-housing participants. Homelessness prevention reassessments are required every six months and must verify that a household continues to have an annual income at or below

50% of area median income and lacks the resources or support to retain or obtain permanent housing. Rapid re-housing assessments are required at least once per year to verify that a household's income is at or below 50% area median income and the household lacks the resources and support networks to retain or obtain permanent housing. ESG requirements of re-certification for both homelessness prevention and rapid rehousing have been modified for ESG-CV.

If a client informs staff of an income change but the subgrantee does not require interim reviews, there is no immediate effect on the client's eligibility and assistance can continue until the next required re-evaluation.

12. Housing and Facility Standards

A. Occupancy Standards for Permanent Housing

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 or 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 must develop a written policy outlining their occupancy standards requirements and use those standards consistently.

B. Habitability Standards

Temporary Emergency Shelters are not subject to habitability standards, except for meeting federal lead-based paint requirements and local codes.

Emergency shelters and housing units supported with ESG-CV funds must meet HUD Habitability Standards. Habitability Standards are different from the Housing Quality Standards (HQS) used for HOME and HOME TBA programs. However, 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-CV. 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.

The ESG program requires that units must meet habitability standards before the lease is signed and the household moves in and for households already residing in a unit, the unit must meet habitability standards before financial or rental assistance can be provided.

In some cases, subgrantees and subrecipients can provide rental assistance and housing relocation and stabilization services without first inspecting the unit. These situations are described in Section 4.F. Determining and Prioritizing Eligibility for Homeless Prevention and Rapid Re-housing Assistance. See the paragraph that

references HUD Notice CPD-21-05. If the program participant meets the eligibility criteria outlined in that Notice, the subgrantee can use the following alternatives:

- maintain documentation that the prior rental assistance provider determined the housing meets either the habitability standards established at 24 CFR 576.403(c); or Housing Quality Standards (HQS) established at 24 CFR 982.401; or
- provide no more than 90 days of RRH assistance to the program participant; or
- conduct an inspection within the first 90 days and determine the housing meets the habitability standards established at 24 CFR 576.403(c) or the HQS established at 24 CFR 982.401.

1) Habitability Standards for Emergency Shelters

Habitability standards have been waived for temporary emergency shelters. Any emergency shelter that receives ESG-CV assistance for shelter operations, renovation, conversion, or major rehabilitation must also meet minimum safety, sanitation, and privacy standards. The recipient may also establish standards that exceed or add to these minimum standards.

Habitability standards for emergency shelters include adequate:

- Structure and materials. The shelter building must be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents. Any renovation (including major rehabilitation and conversion) carried out with ESG assistance must use Energy Star and WaterSense products and appliances.
- Access. The shelter must be accessible in accordance with Section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; the Fair Housing Act (42 U.S.C. 3601 et seq.) and implementing regulations at 24 CFR part 100; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and 28 CFR part 35; where applicable.
- Space and security. Except where the shelter is intended for day use only, the shelter must provide each program participant in the shelter with an acceptable place to sleep and adequate space and security for themselves and their belongings.
- Interior air quality. Each room or space within the shelter must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.
- Water supply. The shelter's water supply must be free of contamination.
- Sanitary facilities. Each program participant in the shelter must have access to sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.

- Thermal environment. The shelter must have any necessary heating/cooling facilities in proper operating condition.
- Illumination and electricity. The shelter must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the shelter.
- Food preparation. Food preparation areas, if any, must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
- Sanitary conditions. The shelter must be maintained in a sanitary condition.
- Fire safety. There must be at least one working smoke detector in each occupied unit of the shelter. Where possible, smoke detectors must be located near sleeping areas. The fire alarm system must be designed for hearing-impaired residents. All public areas of the shelter must have at least one working smoke detector. There must also be a second means of exiting the building in the event of fire or other emergency.

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

2) Habitability Standards for Permanent Housing

Minimum habitability standards for permanent housing are listed below. Complete descriptions are provided at 24 CFR part 576.403: Shelter and Housing.

- 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.

C. Lead-Based Paint Requirements

Lead-based paint requirements apply to all emergency shelters for which ESG-CV funds are used and all housing occupied by program participants. 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-CV 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 or subrecipient can document the tenant received the pamphlet previously, subgrantee or 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-CV 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 (ERR)

NOTE: There may be a revision to this section. If so, OHCS will notify all ESG-CV subgrantees. Check with OHCS before undertaking any ERR activity.

Federal requirements mandate certain activities funded with ESG-CV are reviewed for any environmental impact they may have. Environmental review regulations at 24 CFR § 58.34(a)(10) and 58.33 provide an exemption for certain activities undertaken in response to a national or locally declared public health emergency and a streamlined public notice and comment period. Subgrantee must complete an Environmental Review Record (ERR) to document that an activity meets this exemption. The ERR must describe compliance with 24 CFR 58.6.

There are four environmental review options, depending on the type of project. OHCS will provide the required review format to subgrantees if needed. These are described below.

Exempt and CENST activities §§ 58.34 and 58.35(b)

Examples of activities that may qualify as exempt include, but are not inclusive of:

- Preparing for capacity building and technical assistance;
- Establishing emergency infectious disease response plans;
- Providing supportive services activities that prevent, prepare for, and respond to coronavirus;
- Providing assistance to access government benefits and services;
- Offering in-home services such as meal delivery to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities;
- Purchasing and siting equipment, supplies, and materials necessary to carry out a public service; i.e. temporary washing/shower stations;
- Purchasing equipment such as beds/cots, privacy curtains, and other items for isolation/quarantine centers;
- Paying rent and utility costs so unsheltered and sheltered homeless individuals can obtain housing and those at risk of becoming homeless, i.e. individuals unemployed due to business closures as a result of coronavirus, to keep their housing;
- Assisting persons living with HIV/AIDS or household members not living with HIV/AIDS, and others who must self-isolate or quarantine, by providing lodging at hotels, motels, or other locations.

Exempt/CENST format and addendum

In some cases, the Responsible Entity must attach an addendum to the ERR that describes how the activity or activities meet exemption criteria and why the project is necessary to respond to the coronavirus. Activities that may qualify as exempt but will require the submission of an addendum may include:

- Providing water and setting up mobile or temporary water and sanitation stations to prevent the spread of infection;
- Improving existing residential buildings, group living facilities, and homeless shelters, to prevent the spread of COVID-19 by providing a separate area to treat and quarantine residents;
- Setting up temporary shelters; renovating motels, hotels, existing residential buildings, and community centers for homeless individuals to provide quarantine space to prevent the spread of infection and address overcrowding;
- Paying rent assistance for a rental unit that is project-based or leased by the subgrantee or subrecipient;
- Expanding or repurposing food distribution facilities or other commercial facilities to prepare meals for delivery to quarantined individuals or individuals that need to maintain social distancing due to local requirements or medical vulnerabilities.

Categorically Excluded Subject to 58.5 (CEST, 58.35(a)) § 58.35(a)

The following activities are categorically excluded and will require the submission of a Categorically Excluded Subject to 58.5 form (CEST, 58.35(a)) § 58.35(a):

- Rehabilitation, conversion or renovation of a facility that will be used as emergency shelter;
- Acquisition and rehabilitation of existing multifamily residential buildings (5 or more units) if improvements are in place, do not involve a change in unit density of more than 20 percent, do not involve a change in land use from residential to non-residential, and the cost of rehabilitation is less than 75% of the replacement value after rehabilitation.

CEST format and Environmental Assessment (EA) § 58.36

This review requires the completion of an Environmental Assessment and possibly an Environmental Impact Statement (EIS). OHCS may eliminate from consideration any application that would require this level of review.

13. 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-CV 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 participants of ESG-CV funded services. Subgrantees' and subrecipients' officers, employees and agents must be aware of and comply with subgrantees' and subrecipients' confidentiality policies and procedures.

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 during their regular audits and monitoring functions of ESG-CV funded programs.

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 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-CV program.

C. Victims of Domestic Violence Confidentiality

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-CV 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. Release of Information

Personally identifiable information is protected by federal laws (Privacy Act of 1974, as amended) and will be collected for the purpose of determining program eligibility, providing assistance/service, data collection, reporting and monitoring. Personally identifiable information will be shared with Oregon Housing and Community Services as is necessary to carry out the intent of an assistance or service program for the benefit of the person applying for such assistance or service and may be disclosed to Oregon Housing and Community Services without written authorization. Participants will be asked to sign a Release of Information; however, refusal to sign such authorization cannot be the basis for denying program services to otherwise eligible clients. Client refusal to sign a Release of Information does not negate the inclusion of personally identifiable data in secure reporting to Oregon Housing and

Community Services. Oregon Housing and Community Services will de-identify client demographic data for the purposes of reporting. Subgrantees and their subrecipients must document in the client file that this privacy notification was provided to the client either verbally or in writing. For all other purposes of collecting personally identifiable information, subgrantees and their subrecipients must follow state and federal laws for the collection, use and sharing of client information.

14. 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 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 applicant/participant 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 applicant/participant and/or terminates or modifies any benefits;
- Identifies the steps the applicant/participant must 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 initial 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 or 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

Organizational

The provision of any type or amount of ESG-CV 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 or subrecipient is prohibited from conducting a participant's intake assessment to determine program eligibility if the participant currently 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 ESG-CV 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 or 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 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.

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

Individual

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-CV 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.

15. Fair Housing

A. Affirmative Outreach

Subgrantee and subrecipient must communicate and make known that use of ESG-CV 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 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.

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.

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

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

- Equal access is provided in accordance with gender identity;
- In single-sex facilities, individuals are placed, served and accommodated in accordance with one's gender identity;
- Individuals are not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of the individual's gender identity; and
- Nondiscriminatory steps are taken to address privacy concerns, including updating operating policies and procedures.

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

B. 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 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 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.

16. Data Requirements

A. Data Entry

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

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

B. Data Timeliness

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

C. Data Entry Requirements for Shelters

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

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

D. Required Data Elements

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

1. Name
2. Social Security Number
3. Date of Birth
4. Race/Race Additional
5. Ethnicity
6. Gender
7. Veteran Status
8. Disabling Condition
9. Current Living Situation
10. Prior Living Situation
11. Project Start Date
12. Project Exit Date
13. Destination
14. Relationship to Head of Household
15. Client Location
16. Current County of Residence (for CAAs that cover more than one county)
17. Domestic Violence Victim/Survivor

Additional Elements collected on all ESG, ESG-CV, Transitional Housing, Rapid Re-Housing and Homelessness Prevention

18. Income and Sources
19. Non-Cash Benefits
20. Health Insurance
21. Disability Type
22. Percent of AMI
23. Housing Move-In Date

24. If Yes for Domestic Violence victim survivor, when experience occurred / are you currently fleeing?
25. Contacts / Date of Engagement (Street Outreach)
26. Direct Service Costs (monthly rent payment)
27. Client's Residence / Last Permanent Address

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 current HMIS Data Standards.
- Have the functionality necessary to de-duplicate client records within each system 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.

17. 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: <https://www.oregon.gov/ohcs/for-providers/Pages/hmis.aspx>.

B. Match

The requirement that subgrantees record and report matching funds for their ESG-CV allocations has been **waived**.

C. 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 one performance measure for this program:

- 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

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: <https://www.oregon.gov/ohcs/for-providers/Pages/hmis.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.

18. Recordkeeping

A. 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-CV 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.

B. Client File Documentation

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

C. 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.

D. 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.

E. Records Retention

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

19. Financial Management

A. Administration

Subgrantees may use up to 5.0% of reimbursed costs during the grant period for administrative costs inclusive of what may be shared with subrecipients. There is an expectation that administrative funds will be shared with subrecipients commensurate to the services provided through the program by 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 (excluding meals);
- 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. Funds Disbursement

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. Reimbursement of Pre-Award Costs

ESG-CV 1 and 2 allocations can reimburse eligible costs incurred by the subgrantee prior to the period of performance, provided that 1) costs are otherwise eligible; and 2) costs were incurred by the subgrantee or their subrecipient on or after March 1, 2020, to prevent, prepare for, and respond to coronavirus. Adequate documentation of the costs charged must be available.

D. Funds Advancement

ESG-CV funds can be advanced to subgrantees. Subgrantee must indicate how funds will be used to inject resources into communities quickly and to address resolutions to priority needs resulting from the COVID-19 pandemic.

E. Duplication of Benefits

Duplication of benefits occurs when Federal financial assistance is provided to a person or entity through a program to address losses resulting from a Federally-declared emergency or disaster, and the person or entity has received or will receive financial assistance for the same costs from any other source (including insurance), and the total amount received exceeds the total need for those costs. Subgrantees must establish and maintain adequate procedures to prevent any duplication of benefits with ESG-CV funds.

F. Spending Timelines

Unless a subgrantee has a pre-approved alternative spending plan, subgrantees are expected to spend at least 20 percent of their total award by September 30, 2021, and 80 percent by March 31, 2022. All ESG-CV funds allocated by formula or by RFA award must be spent by June 30, 2022. OHCS will review subgrantee's grant spending in accordance with subgrantee's Master Grant Agreement or RFA Grant Agreement and OHCS policy.

G. Request for Funds Documentation

Subgrantee must retain supporting documentation of all costs charged to the ESG-CV 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.

H. Budget Change Requests & IR 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 an Implementation Report (IR) Amendment Request form may be required for a budget change request.

Implementation Report Amendments are required when there is a shift in program delivery and/or scope of work. All Implementation Report Amendments require OHCS approval by submitting an Implementation Report Amendment Request through the appropriate Smartsheet form.

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 after funding approval, subgrantees must notify OHCS and obtain approval by submitting an Implementation Report Amendment Request through the appropriate Smartsheet form.

I. Procurement

Purchases of equipment or property are subject to 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.

20. 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-CV 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 of 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-CV program requirements.

All subrecipients must comply with all program rules and regulations as noted in this manual, the Master Grant Agreement or RFA Grant Agreement and Scope of Work exhibits.

21. Acronyms and Definitions

A. Acronym List

Acronyms commonly used are:

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

B. Definitions

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

Case Management Expense is inclusive of

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

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

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

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

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.

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:** Shelters 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:** Shelters 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:** Shelters 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** 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.

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.

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-CV 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 are less than 25 years of age and homeless under other Federal statutes **and:**

- (A) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
- (B) Have experienced persistent instability as measured by two moves or more in the preceding 60 days; **and**
- (C) Can be expected to continue in such status for an extended period due to special needs or barriers.

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

Appendix 1: Applicable Rules and Regulations

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

1. 24 CFR 5 subpart F: [Occupancy Requirements for Section 8 Project-Based Assistance](#)
2. 24 CFR part 91: [Consolidated Submissions for Community Planning and Development Programs](#)
3. 24 CFR part 576: [Emergency Solutions Grant Program](#)
4. 24 CFR part 121: [Homeless Management Information System \(HMIS\)](#)
5. 24 CFR part 982: [Fair Market Rent and Rent Reasonableness](#)
6. ORS 456.515 through 456.725: [Housing and Community Services Department](#)
7. ORS 458.505 through 458.545: [Community Services Programs](#)
8. OAR 166-300: [State Agency General Records Retention Schedules](#)
9. OAR 813-145: [Emergency Solutions Grant Program](#)
10. HMIS Data Standards Manual: <https://www.hudexchange.info/resource/3824/hmis-data-dictionary/>
11. **This manual** as a guideline for ESG-CV program management.
12. Lead-Based Paint: <http://www2.epa.gov/lead> and [24 CFR part 35](#)
13. Lead-Based Paint pamphlet:
http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11875.pdf
14. Annual Median Income: <https://www.hudexchange.info/resource/5079/esg-income-limits/>
15. [https://www.hudexchange.info/resource/3679/hud-income-limits/](https://www.hudexchange.info/resource/3679/hud-income-limits/HUD_Resource_Exchange/) HUD Resource Exchange:
<https://www.hudexchange.info/esg/>
 - ESG-CV program guidance
 - Federal regulations
 - Tools and technical assistance
 - Listserv opportunities
 - Frequently Asked Questions
16. FAQ Housing Counseling: <https://www.hudexchange.info/resource/5194/housing-counseling-new-certification-requirements-faqs/>
17. Personal Responsibility and Work Opportunity Reconciliation Act of 1996:
<http://www.gpo.gov/fdsys/pkg/PLAW-104publ193/content-detail.html>
18. Housing Choice Voucher Guidebook:
https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook
19. Limited English Proficiency federal interagency website can be found at: <http://www.lep.gov/> and FAQs can be found at:
https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq

20. CFRs cited are amended from time to time and can be found at:
<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=%2Findex.tpl>
21. ORS cited are amended from time to time and can be found at:
https://www.oregonlegislature.gov/bills_laws
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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