

# Wildfire Recovery and Resilience Account (WRRRA)



## Program Guidance

### Contacts

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## Purpose of WRRRA Program Guidance

This document provides the high-level guidelines and programmatic requirements of the WRRRA program (the program). The intended users of this document include Oregon Housing and Community Services (OHCS) and Community Action Agencies (CAAs or subrecipients) responsible for implementing the program. The guidelines include basic information on eligible participants, the types of eligible activities that can be funded, and overarching program recordkeeping, monitoring, and reporting requirements. Each CAA has the flexibility to design a program with their allocation that meets their participant's unique needs, as long as the program meets these guidelines.

## WRRRA Program Overview and Purpose

The Oregon Legislature approved \$21,500,000 in emergency funds for the WRRRA program, which assists Oregonians that were affected by the 2020 Labor Day wildfires and those who are still displaced by drought conditions across the state. The program funds shelter, clothing, and essential services for those impacted by the wildfire. It also provides housing and housing support to households who were made houseless by State Wildfires. Eligible expenditures begin on July 1, 2021.

The overarching goal of this program is to move participants into permanent housing that is affordable, acceptable, and safe, while acknowledging that some participants will have to stay in temporary (e.g., hotels) housing while permanent housing is built or obtained. OHCS designed this program in response to feedback from wildfire impacted communities around how the state could best support their recovery needs. It follows a "Housing First" philosophy, which increases equity by reducing barriers to program entry such as requirements around income, housing readiness, sobriety, and employment in favor of getting participants into housing as quickly as possible.

The program offers participants a flexible, individualized approach for housing assistance by connecting them with CAAs who identify the right solution for their needs. This includes rapid rehousing for households that lost their homes or were displaced because of wildfires, or helping to navigate the housing system and locate, obtain, and sustain housing in the region they choose.

## Program Principles

The WRRRA program is designed to flexibly address the realities that exist in Oregon – extremely limited housing stock in some of the most impacted regions, inflated rents, and substandard housing. This flexibility also allows the program to meet each household's needs, acknowledging that there is no one-size-fits-all solution for all program participants. This document offers a framework to help CAAs develop programs that meet their communities' needs.

### Expectations of CAAs

- **Housing comes first.** Understand, eliminate, and/or compensate immediate barriers to obtain and maintain housing. Proactively support program participants with Housing Navigators, including coordinating with other organizations and service providers.
- **Choice and respect.** Administer a participant-centric program that empowers individual decisions around housing or services and encourages responsibility for those decisions.
- **Transparency and data-driven decision making.** Share challenges and potential solutions with other organizations supporting participants to improve program administration and provide regular status reports to OHCS.
- **Equity above all.** Design programs to promote equitable outcomes, including the distribution of assistance. Provide the right level of financial of housing support to get participants into permanent housing, with the services they need, while preserving limited resources to serve as many participants as possible.

### Trauma-Informed Communications

Disaster Case Management involves serving participants who have experienced trauma on individual and community levels. Communicating with those who have experienced or are experiencing trauma requires a mindful approach that supports processing throughout the program without further traumatizing the participants. Key principles for case management that are trauma-informed include the following:

1. **Listen with empathy.** When working with participants, actively listen so that participants feel safe and respected. Join the conversation without judgement and as an ally in the broader work. While you may not share the same life experiences, it is critical to offer humility and compassion.
2. **Guide with compassion.** Help participants understand how they will be supported and identify their needs. Reassure them that this program is here to help.
3. **One size doesn't fit all.** Housing Navigators or Case Manager's appreciate that each participant's needs are different and work with them to meet those needs.
4. **Use Disaster Neutral Language.** Those impacted by disaster are commonly referred to as survivors, applicants, or other terminology that may re-surface the trauma of the disaster event. Refer to those served through this program as "participants" rather than survivors.

### Wildfire Focus and Equitable Disbursement of Funds

CAAs must provide OHCS with a plan, known as an Implementation Report, for how they will prioritize wildfire impacted participants who are most impacted and at risk, while ensuring equity in the distribution of funds. If a CAA's process relies on another entity (e.g., an LTRG), the CAA must describe the overall process their community will use.

### Community Action Agency Assignment

Participants may come into the program either through Disaster Case Managers, referral from Long Term Recovery Groups (LTRGs), or other organizations. Outreach, engagement, and support for those who are not engaged with traditional forms of disaster support is encouraged to ensure all those impacted and eligible are provided assistance. Participants are matched to

appropriate CAAs or LTRG's either based on their current location or the location in which they want to live. After participants submit an eligible application for assistance, they are assigned to a CAA to immediately assist in the housing search/leasing process, provide stabilization services such as assistance with access to community services, and administer financial assistance like rental and housing related payment. The CAA will serve as the participant's point of contact with the WRRR program, and OHCS' point of contact with the participant, for the duration of their participation in the program.

## Program Eligibility

### Eligible Participants

The WRRR provides rapid rehousing to households that experienced a verified loss from the 2020 wildfires and meet rehousing location requirements outlined below.

#### Verified Loss

A participant must have experienced a verified loss of housing from the 2020 wildfires in Oregon, which can be established by documents that include but are not limited to:

- FEMA approval letter;
- Letter from a government official or an insurance company;
- State or local government or non-profit damage assessment;
- Background/credit checks to prove address location at the time of the disaster; or
- Verification by a non-profit or other third-party organization such as the LTRG or ODHS DCM team through written or verbal verification.

OHCS may grant exceptions in writing given the range of impacts that the Wildfires have inflicted upon communities.

The WRRR primarily serves participants of the 2020 Wildfires, but OHCS may grant written exceptions to this determination. WRRR program staff may serve Wildfire Participant households who experienced a loss of housing from other wildfires after the 2020 Labor Day fires, but any assistance to cover costs like rent or move-in costs must come from other available program funds.

#### Rehousing Location Requirement

Eligible Participants must be a current Oregon resident or a former resident living outside the state and seeking assistance to move back. Participants that have since relocated outside Oregon and do not wish to return are not eligible for WRRR assistance. CAAs cannot provide assistance to help participants move into housing outside Oregon.

### Eligible Housing Structures

Housing is defined as a structure that housed Participants during the 2020 wildfires. Eligible housing structures include:

- Manufactured Housing Units (MHU);
- Site-built homes;
- RVs;
- Renters with formal and informal leasing arrangements that can provide a signed letter from their landlord attesting to them living in their home that was fire-impacted; and
- People who were doubled-up or sharing housing with others prior to the fire event may be served and enrolled as well.

Ineligible housing structures include:

- Sleeping outside without shelter;
- Tents; and
- Second homes where the owner can live in their non-wildfire impacted home.

CAAs may make reasonable determinations about the household's ability to access the home as a lawful tenant, even without proof of tenancy.

Acceptable Documentation for Eligible Housing Structures Includes:

- Photographs;
- Tax documents;
- Ownership documentation;
- Signed letter from landlords;
- Lease;
- Utility bill; and
- Verification by a non-profit or other third-party organization such as the LTRG or ODHS DCM team.

## Eligible Activities

WRRRA funds use a Housing First approach to deliver housing assistance and supports to participants of Oregon Wildfires. The Housing First approach has been successfully adopted in locations and rural areas around the world. It represents a documented, evidence-based strategy to end homelessness quickly for people who experienced a sudden loss. Participants deserve access and choice in the kinds of housing that work best for their families, and we will work with participants as the experts to determine the best options available to them.

Eligible uses of WRRRA funds include the following:

### Rapid Re-Housing and Homelessness Prevention

The program can pay for rapid re-housing and rental assistance through June 30th, 2023. This includes the costs of quickly re-housing participants in permanent housing that is suitable for their needs or the necessary costs to keep program participants from becoming homeless who were impacted by the Wildfire but have since been re-housed.

Eligible costs include:

- Housing costs (e.g., rent payments and late fees);



- Manufactured home rental space “lot rent” or RV space lot for primary housing;
- Utility payments and connection fees;
- Moving costs per GSA schedule, to be paid up to two times per participant (moving in, moving out);
- Security, pet, and utility deposits and application fees;
- Landlord engagement (e.g., incentives, communication, newsletters); and
- Case management and housing relocation assistance.

Program costs for rent can also be blended and braided with other programs (e.g., Emergency Housing Vouchers, Section 8 Vouchers, ESG-CV, HOME TBA) to ensure the household is receiving all available resources.

### Landlord Incentives

Landlord engagement and support is critical to the success of this program and can include but are not limited to:

- Signing bonuses and turnover cost mitigation bonuses limited to six weeks of rent or less;
- Refundable security deposits are limited to up to three months, subject to state laws listed at [https://oregon.public.law/statutes/ors\\_90.300](https://oregon.public.law/statutes/ors_90.300);
- Cost to repair damages incurred by the program participant not covered by a security deposit or that are incurred while the program participant is still residing in the unit; and
- Payment of rental insurance on behalf of participant.

In addition, CAAs can choose to allocate a portion of their funds to the Housing Choice Landlord Guarantee Program (Wildfire Landlord Guarantee Program) for OHCS to administer. Dependent on the household, CAAs can adopt the use of a Master Leasing strategy to allow for local non-profits and units of local government to lease the rental units directly and then sub-lease the units to wildfire impacted participants. This provides a degree of financial protection and risk mitigation for the unit’s owner while removing barriers to allow participants to enter housing quickly. OHCS can provide sample master lease agreements and technical assistance to CAAs upon request.

### Program Operations

Program operations include costs such as incentive payments to CAA’s for re-housing survivors, costs for non-rental unit renovation, reconstruction and acquisition as well as staffing costs for the program.

### Acquisition

Acquisition of property, including repayment of mortgage for the creation of affordable rental housing.

### Rehabilitation and Reconstruction

Funds for unmet rehabilitation or reconstruction needs (after insurance and FEMA and other duplicative assistance) that are necessary for participants to re-occupy damaged structures. Homeowners with second homes where the owner can live in their non-wildfire impacted home are not eligible for assistance under this program.

### Flexible Dollars for Wildfire Impacted Participants

We recognize that program participants may have unique needs that must be addressed to achieve housing stability, such as wraparound support services or housing-related funds that are not addressed through other activities. Funds for a general purpose for rehousing needs can go towards items such as:

- Furniture;
- Household goods and supplies;
- Behavioral health support;
- Employment and job training;
- Gift cards to support client needs;
- Intensive case management; and
- Other costs to facilitate rehousing of participants.

## Program Administration

The WRRRA program is delivered by CAAs or LTRGs from each region. CAAs serve as local housing experts that coordinate and/or deliver services; in some cases, they work with other partners such as community-based organizations, culturally-specific service providers or ODHS DCMs dependent on the communities impacted, services delivered, and assistance needed. OHCS will assist in the coordination, messaging, and outreach to statewide landlord groups to make them aware of this resource.

Resources will vary depending on the number of program participants within a given region. For example, a grantee with nine households to serve could commit the funds for their rent and services needs through June 30<sup>th</sup>, 2023, whereas a region with hundreds of participants may have to prioritize limited funding to meet the most pressing needs. Placing participants in appropriate and supportive accommodations facilitates stability, growth, and recovery for the entire household.

OHCS will also have a role in delivering and coordinating the response, overseeing the grants, and providing or facilitating technical assistance. OHCS will coordinate the messaging and outreach to statewide landlord groups to make them aware of this opportunity and use the platform for communicating about the program.

## Funding Disbursement

The total program amount for WRRRA is \$21,500,000, to be allocated among the following program administrators serving the identified counties:

Agency	Counties Served
ACCESS	Jackson
Clackamas County Long Term Recovery Group	Clackamas
Community Services Consortium (CSC)	Lincoln and Linn
Klamath & Lake Community Action Services (KLCAS)	Klamath
Lincoln County Health & Human Services (LCHHS)	Lane
Mid-Willamette Valley Community Action Agency, Inc. (MWVCAA)	Marion
United Community Action Network (UCAN)	Douglas

OHCS allocates funding to CAAs using a weighted methodology that considers wildfire impact data from each jurisdiction including:

- OEM Damaged Properties;
- FEMA Verified Loss;
- ODHS Shelter Data;
- Migrant Households; and
- OHDC People Served

### Financial Administration

CAAs may use up to fifteen percent (15%) of their total WRRRA allocation for administrative costs. Please note, that indirect costs are allowed to be applied to the WRRRA Administration category. Allowable administrative costs typically, but not exclusively, 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 Administrative 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);
- Equipment rental/purchase, insurance, utilities, and IT costs that are not program specific but relate to the administration of the agency as a whole;
- Directly allocable costs such as marketing and communications for the program;
- Indirect costs, including Negotiated Indirect Cost Rate Agreements (NICRA); and
- Allocated costs, consistent with an agency Cost Allocation Plan.

#### Community Action Agency Incentives

Recognizing the importance of unencumbered cash assistance for non-profit partners to invest back into their organizations, OHCS is also preparing an incentive structure that will allow for a payment to a provider based on the number of households that they have found and secured interim housing options. For instance, if a CAA successfully houses a participant household, they may be eligible to receive a payment as an incentive that does not have the same requirements as grant payments, allowing the CAA to use the incentive however they would like (for example, to build capital reserves or pay staff bonuses and hazard payments). OHCS looks forward to

building a program that supports the needs of organizations providing critical services to vulnerable Oregonians.

### Use of OPUS

OPUS is a web-based centralized data system designed to meet business-processing needs. OHCS' Fiscal Grant Specialist will train subgrantee staff so they may receive authorization to use the fiscal operations program of OPUS.

This program uses the following categories within OPUS:

- **Administration**  
Administration costs are those listed in the Allowable Administrative Costs section of this document.
- **Program Operations**  
Program operations costs include other costs such as incentive payments to CAA's for re-housing survivors, costs for non-rental unit renovation, reconstruction and acquisition as well as staffing costs for the program.
- **Rapid Re-Housing and Homelessness Prevention (RRH and HP)**  
Rapid-Re-Housing costs include any eligible costs to re-house a participant after the fire event, including landlord engagement, rent, deposits, move in costs and grants for needed household goods. Payment for eligible participants to stay in housing, known as homelessness prevention, is also allowable. A full list of eligible costs under this category is included in the Eligible Activities section of this document.

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

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

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

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

### Budget Change Requests and Implementation Report Amendments

Changes in a CAA's scope of work may necessitate the submission of a budget change request form electronically to [mga.fiscal@oregon.gov](mailto:mga.fiscal@oregon.gov) for OHCS approval. At the discretion of OHCS, additional information or an Implementation Report Amendment Request form may be required for a budget change request.

Subgrantees must submit an Implementation Report to OHCS using the amendment request form on the OHCS HSS Dashboard (<https://app.smartsheet.com/b/publish?EQBCT=8a215621578a4f76ae98113d719d5e64>) when there is a planned change in program delivery and/or scope of work for OHCS to review and approve.

CAAs must notify, within 30 days, and receive approval from OHCS when adding subrecipients. Notification and approval normally occur during the Master Grant Agreement funding application process; however, if changes are made outside of the funding application,

subgrantees must notify OHCS and obtain approval by submitting an Implementation Report Amendment Request through the appropriate Smartsheet form (<https://app.smartsheet.com/b/publish?EQBCT=8a215621578a4f76ae98113d719d5e64>).

### **Funds Spend Down**

WRRRA funds are exempt from Spend Down requirements, however, funds must be spent by June 30, 2023. Expedient delivery of funds and services to participants is required to support the recovery efforts of those impacted by the 2020 Wildfires.

### **Reporting**

Program providers send updated weekly status reports to OHCS every Monday before 5:00PM EST. The reports are provided by completing the survey located at the link below: [https://orhousing.sjc1.qualtrics.com/jfe/form/SV\\_7VEnx16XfHqXTLM](https://orhousing.sjc1.qualtrics.com/jfe/form/SV_7VEnx16XfHqXTLM). Program providers should delegate one point of contact for program reporting.

Program reports capture the following metrics:

- Name of Agency
- Number of Contacts with Participants (including telephone calls, face to face, electronic communications)
- Number of Placements (intermediate or permanent)
- Critical Path (and project roadblocks/challenges)
- Program successes

The data provided each week includes the prior week's work plus the total amount of households contacted and housed from past reports.

### **Request for Funding Documentation**

CAAs must retain supporting documentation of all costs charged to the applicable grant and be able to provide evidence that grant funds were spent on allowable costs. When CAAs submit Requests for Funds (RFF) on OPUS, they must download documentation of the costs for which they are requesting payment. Any RFF submitted with insufficient documentation will be returned to the CAA with instructions to provide additional information.

## **Program Outreach and Engagement**

OHCS and CAAs are encouraged to use the statewide, inter-agency resources and connections to connect with landlords and property owners who are willing to rent their homes to a wildfire participant household. This includes multimedia pushes, centralized and coordinated outreach to landlords, outreach to landlord groups, and informational sessions about this opportunity to support their community. Targeted outreach can be directed towards:

- Landlords;
- CBOs; and
- Program Participants.

## Disaster Case Management

### Initial Contact

Interested participants call the disaster hotline at 833-669-0554 to learn about the program, determine if they meet the minimum requirements, and be referred to a CAA for further support.

### Determining Eligibility

After contacting the disaster hotline, participants provide basic information to confirm they meet minimum program requirements. This includes confirming they experienced a verified loss of housing from the 2020 wildfires and live in an eligible structure as defined in the Program Eligibility section.

### Case Manager Responsibilities

Participants may come into the program either through Disaster Case Managers, referral from Long Term Recovery Groups, or other organizations. Participants are matched to appropriate CAAs either based on their current location or the location in which they want to live. CAAs and Case Managers are responsible for coordinating with other recovery partners, including DCMs to ensure participants have the resources to achieve housing stabilization.

Case Managers are responsible for:

- Intake and application processing;
- Verification of income and associated benefits;
- Housing search assistance and coordination with Housing Navigators on:
  - Landlord recruitment and management;
  - Landlord and tenant mediation;
  - Rent readiness; and
  - Inspection of selected unit.
- Creating a housing stabilization plan for each of the participants
- Intensive and ongoing case management support;
- Access and referral to community-based resources/training programs;
- Participant counseling;
- Monthly home visits; and
- Recommendations to permanent housing.

Case Management staff must be knowledgeable and have an effective working relationship with conventional programs and services available in the community to create connections for participants needing assistance. CAAs assign a Housing Navigator to the participant who coordinates with the Case Manager to support housing efforts.

## Inspections

CAAs identify housing options through ongoing housing searches in subsidized/public housing or the private sector. CAAs should take the necessary means to ensure that housing quality is sufficient to meet basic necessities. Upon identifying a unit, CAAs should conduct a habitability inspection to ensure the unit meets acceptable housing standards. An example of a habitability checklist that CAAs may use can be found at the link below:

<https://www.hudexchange.info/resource/1153/hprp-housing-habitability-standards-inspection-checklist/>

## Additional Support

After CAAs have secured appropriate housing for participants, they may need additional support services to meet their goals. CAAs and DCM at the local level should be coordinating weekly, and housing navigators are expected to engage frequently and actively with DCM to ensure a wholistic experience for meeting participant needs. This involves coordinating the overall recovery plan, while identifying contacts from various agencies to support the participant's unique needs. This may include:

- **Health Care:** Oregon Health Care Authority, Coordinated Care Organization
- **Basic Needs:** Oregon Department of Human Services
- **Unmet Needs:** Long Term Recovery Group

## General Program Requirements

### Records Requirements

#### Case Files

Documentation of client eligibility and services received must be maintained in client case files (paper or electronically) by the assigned CAA. Documentation for participants found to be ineligible for assistance or for clients who are no longer eligible to receive assistance is required and shall include the client's request for assistance, why they are ineligible, and how it was communicated to the participant. Ineligible clients do not need to be entered into HMIS or a comparable system unless the use of HMIS or comparable system is a part of the subgrantee or subrecipient's intake/assessment process.

File documentation is the basis of OHCS monitoring to ensure the CAA follows program requirements and regulations. OHCS recommends that CAAs use a client file checklist to ensure adequate documentation of case files. OHCS can provide sample forms.

#### Records Access

CAAs 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 CAAs' office.

## Records Retention

CAAs shall retain all program records pertinent to client services and expenditures incurred under WRRRA in a manner consistent with the requirements of state and federal law. This includes, but is not limited to, those requirements listed in Administrative Rule, Operations Manual and Special Schedules. Find the OHCS Special Schedule at the Oregon State Archives: ([https://sos.oregon.gov/archives/Pages/state\\_admin\\_schedules.aspx](https://sos.oregon.gov/archives/Pages/state_admin_schedules.aspx)).

Find the State Agency General Records Retention Schedules at the Oregon State Archives: ([https://sos.oregon.gov/archives/Pages/records\\_retention\\_schedule.aspx](https://sos.oregon.gov/archives/Pages/records_retention_schedule.aspx)).

CAAs 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 WRRRA funding, or until the conclusion of any audit, controversy or litigation arising out of, or relating to WRRRA funded programs.

## Confidentiality

CAAs must have policies and procedures to securely and confidentially maintain all client information and records. Confidential records include applications, records, files, and communications relating to participants for, and clients of, WRRRA funded services.

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

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

## Protecting Personally Identifiable Information (PII)

PII 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.

PII will be shared with OHCS 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 OHCS without written authorization.

Clients may also 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 information in secure reporting to OHCS. OHCS will de-identify client demographic data for the purposes of reporting. CAAs 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, CAAs must follow state and federal laws for the collection, use and sharing of client information.

## Service Termination or Denial of Assistance

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

CAAs are required to provide **written notice** to participants/clients when denied program assistance or assistance is terminated. The notice must include the specific reason(s) for the denial/termination and identify the steps to appeal the CAA's decision.

## Grievance and Appeals Process

CAAs are required to have a written process for addressing client grievances for decisions, including termination or reduction of benefit, denial of benefit or other grievance. At a minimum, the process must include the following components:

- Informs the participant/participant of the policy and policy must be posted in general locations in which a client/participant is expected to be;
- Informs the participant/participant that they may contest any decision that denies (for any reason) or limits eligibility of participant/participant and/or terminates or modifies any benefits and identifies the steps to follow to contest the decision;
- Allows any aggrieved person a minimum of thirty days to request an administrative review;
- Informs the participant/participant of their right to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the decision;
- Informs OHCS of the request for administrative review within 10 days of receiving the request; and
- Informs the participant/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 a CAA can complete the administrative review, other than the person who made or approved the decision under review or a subordinate of this person. CAAs must make accommodations for clients who have language or disability barriers that would prevent them from participating in the appeals process.

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

## Nondiscrimination

CAAs are required to comply with all state and federal statutes relating to nondiscrimination. CAAs 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; or
- Deny anyone access to a facility or service.

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

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

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

## Limited English Proficiency

The Federal government has issued a series of policy documents, guides and regulations describing how CAAs 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.

CAAs must have a LEP policy document that describes the actions the CAA 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 receive training about assisting LEP persons, how the level of success of the policy is identified and how changes will be made if needed.

Links to more information about LEP requirements are provided in the appendices “Applicable Rules and Regulations”.

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

## **Conflict of Interest (COI)**

CAAs must keep records to show compliance with program conflict of interest requirements.

### **(1) Organizational**

The provision of any type or amount of assistance may not be conditioned on an individual’s or household’s acceptance or occupancy of emergency shelter or housing owned by CAAs or an affiliated organization. COI waivers regarding rent assistance and rental agreement requirements can only be approved by OHCS. If a CAA wishes to apply for a waiver, they should contact the OHCS homeless program analyst or manager for guidance in submission of a waiver request, which must be approved by OHCS.

A CAA may conduct a participant’s intake assessment to determine program eligibility if the participant resides in housing where the CAA has ownership interest for the expediency of housing placement services and to create seamless service delivery while keeping the client engaged in services. A waiver of the COI policy for this purpose is not required for CRF-funded programs.

CAAs cannot steer potential renters to units owned or operated by the CAA, 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 CAA’s jurisdiction or they may choose to rent a unit owned or operated by the CAA. A waiver request is not required for this situation; however, CAAs must comply with this provision of the COI policy.

### **(2) Individual**

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

Persons for whom the COI requirements apply include any person who is an employee, agent, consultant, officer or elected or appointed official of the CAA. No person who exercises or has exercised any functions or responsibilities with respect to activities assisted under the programs, or who is in a position to participate in decision-making processes or gain inside information with regard to activities assisted under the programs, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract or agreement

with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has a family or business tie, during his or her tenure or during the one-year period following his or her tenure.

## **Monitoring**

OHCS will conduct a program monitoring of CAAs at a frequency to be determined by OHCS. Fiscal monitoring will be conducted annually unless circumstances require sooner. CAAs will be notified thirty (30) days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff or Board interviews. OHCS will provide CAAs with a written monitoring report inclusive of any findings, concerns or comments. CAAs are required to submit timely corrective action to findings and failure to do so may result in the withholding and/or return of WRRRA funds to OHCS.

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