



EMERGENCY SOLUTIONS GRANT

ESG Rapid Rehousing & Homeless Prevention AWARD MANUAL 2016-2017

Indiana Housing & Community Development Authority

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REQUIRED FORMS:

- ESG Client File Checklist Form (highly recommended)
- Homeless or At Risk of Homeless Documentation Form
- Coordinated/ Centralized Assessment
- HUD Income Checklist (for Homeless Prevention)
- Arizona Matrix Tool – embedded in HMIS
- Housing Plan-embedded in HMIS as a template under “case notes”
- Income Verification forms – as reference
- Zero Income Affidavit (if participant has no income)
- Income /Rent/ Utilities Calculation Form
- Initial Request for Unit Approval
- Housing Habitability Standards Form
- Lead Disclosure Form (If pregnant women and/or children under 6 will be living in a building built before 1978)
- Rental Assistance Payment Contract (RAP) between Sub-recipient and Tenant
- Rental Assistance Payment Contract (RAP) between Sub-recipient and Landlord
- Rent Reasonableness Certification from GoSection8 software
- Signed copy of Participant’s lease
- Termination & Appeal Policy & Procedure (recommend having client sign form that they’ve received a copy of it)

SECTION I PROGRAM OVERVIEW AND OBJECTIVES

On May 20, 2009, the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 was passed into law, which amended and reauthorized the McKinney-Vento Homeless Assistance Act. The Emergency Solutions Grant (ESG) program is one of the primary McKinney-Vento Act programs affected by the HEARTH Act. HUD released interim regulations for ESG in December 2011.

The primary changes include:

- A change of name to Emergency Solutions Grant (formerly Emergency Shelter Grant)
- Greater focus on program performance
- Expansion of the definition of homelessness and chronic homelessness
- Increased emphasis on prevention/rapid re-housing

The ESG Program is a formula grant allocated according to population and other demographic factors to eligible jurisdictions nationwide. IHCD is the designated recipient for ESG funds on behalf of the State of Indiana.

As a result of HEARTH Act changes, IHCD has created three separate ESG programs, the ESG Shelter Program, the ESG Rapid Re-housing/Homeless Prevention program, and the ESG Outreach Program.

The ESG program is designed as the first step in the continuum of assistance to prevent homelessness and to enable the homeless population to move steadily toward independent living. The Continuum of Care model is based on the understanding that homelessness is not caused by simply a lack of shelter, but involves a variety of underlying needs. The fundamental components of a Continuum of Care system are:

- Outreach and assessment to identify homeless person's needs;
- Immediate shelter as a safe, decent alternative to the streets;
- Transitional housing with appropriate supportive services;
- Permanent housing or permanent supportive housing for the disabled homeless.

SECTION II PROGRAM REQUIREMENTS

1) Eligibility Intake Criteria.

The sub-recipient must conduct an initial evaluation to determine each household's eligibility for ESG assistance and the amount and types of assistance the household needs to regain stability in permanent housing. Sub-recipient staff will conduct an initial intake interview with participants using a standardized assessment to verify program eligibility and assess the type of housing the participant may need.

Primary eligibility for Rapid Rehousing and Homelessness Prevention:

IHCDA is promoting the HUD Endorsed Benchmarks and Standards for Rapid Rehousing created by The National Alliance to End Homelessness (NAEH). The benchmarks promote a house-first adoption of Rapid Rehousing that is available to people experiencing literal homelessness without preconditions of income, criminal history, previous rental experience or other external factors.

The Benchmarks and Standards can be found on the NAEH website:

<http://www.endhomelessness.org/library/entry/rapid-re-housing-performance-benchmarks-and-program-standards>

IHCDA expects ESG-funded Rapid Rehousing programs to adopt the low-barrier, housing first approach to serving eligible households in the community.

Similarly, IHCDA expects that households served by Homelessness Prevention (HP) funds will be screened solely on regulatory requirements (income and housing status).

- For Rapid Rehousing: Utilize Homeless Documentation Form

-For Homeless Prevention: Utilize Homeless Prevention Documentation Form & Income Standard

See Documentation Requirements under Section III.

2) Creating and Maintaining an Operations Manual

Sub-recipients are required to create and maintain an operations manual that details program and contract expectations for staff and volunteers. The operations manual should include program specific rules and contract expectations as outlined in this manual.

3) Coordination with other targeted homeless services

Sub recipients must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to homeless people in the area covered by the Continuum of Care or area over which the services are coordinated to provide a strategic, community-wide system to prevent and end homelessness for that area. These programs include: Permanent Supportive Housing Programs, HUD VASH programs, Education for Homeless Children, Health Care, Domestic Violence agencies, Health Care for Homeless Veterans, Youth and Runaway programs, etc.

4) System and program coordination with mainstream resources

Sub recipients must coordinate and integrate, to the maximum extent practicable, ESG funded activities with mainstream housing, health, social services, employment, education, and youth programs for which families and individuals at risk of homelessness and homeless individuals and families may be eligible.

Sub-recipient staff will actively visit and/or contact homeless shelters and any other known areas where individuals who meet program eligibility requirements may be found in the community with a goal of engagement and admittance to the Program. Sub-recipient staff will work closely with community agencies to build collaborative relationships and to become familiar with how to access available services for participants efficiently and effectively. Further, sub-recipient staff will be responsible

for developing a matrix of available resources in their community to use as a tool in directing participants to the appropriate agencies in order to prioritize and access services they need.

5) The Arizona Matrix Tool.

The Arizona Self Sufficiency Matrix Tool is a case management tool to assist with overall assessment of client needs, program planning, performance measurement and staff supervision. This matrix tool is to be completed by qualified case managers who have training and/or education in structured interviewing and the obtaining of personal information in a sensitive and appropriate manner. The tool is embedded in HMIS.

This tool provides a concrete number of how persons are progressing out of shelter into stabilized housing and while being housed how they are becoming more self-sufficient. It points out the highest barriers that need to be addressed to help support the participant in feeling stable in their housing and lead to case management goals in the housing plan. It provides a focus for the case manager and the participant.

6) Coordinated Entry Assessment: VI-SPDAT.

HUD has required that all Continuum of Care's have a Coordinated Access Assessment system that all projects and agencies who serve homeless persons to utilize as the first step into the system. This is to be utilized by all types of programs that would include: Safe Havens, Day Shelters, Emergency Shelters, Transitional Housing, Permanent Housing including Rapid Rehousing, ESG Homeless Prevention and Permanent Supportive Housing and Shelter Plus Care Programs Legacy projects.

Once the Continuum of Care has developed a coordinated assessment every ESG funded program or project within the BOS Continuum of Care's area must use that assessment system. The sub recipient must work with the BOS Continuum of Care to ensure the screening, assessment and referral of program participants are consistent with the written standards required.

The Steering Committee selected the VI-SPDAT (Vulnerability Index- Service Prioritization Decision Assistance Tool) that will be embedded in HMIS software. Sub-recipients are expected to utilize the VI-SPDAT as a tool for assessment.

7) Habitability

Sub-recipients are required to conduct a habitability standards inspection on any unit that a participant will be receiving ANY ESG financial assistance such as any rental assistance, security deposit, last month's deposit, utility deposit, moving costs. Sub-recipients must certify that the unit has passed habitability standards before any ESG funds may be released. In addition, an annual habitability standards inspection must be conducted for any unit in which ESG funds are being used.

Utilize the Habitability Standards Form

8) Ensuring Confidentiality

A. The sub-recipient must develop and implement written procedures to ensure:

1. All records containing personally identifying information (as defined in HUD's standards for participation, data collection, and reporting in a local HMIS) of any individual or family who applies for and/or receives ESG assistance will be kept secure and confidential;
2. The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter; and
3. The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or sub-recipient and consistent with state and local laws regarding privacy and obligations of confidentiality.

B. The confidentiality procedures of the recipient and its sub-recipient must be in writing and must be maintained in accordance with this section.

C. In addition, sub-recipient should keep written records or files pertaining to families secured and only allow authorized personnel access to these files.

9) Rent Reasonableness

Sub-recipients must ensure that ESG funds used for rental assistance do not exceed the actual rental cost, which must be in compliance with HUD's standard of "rent reasonableness." "Rent reasonableness" means that the total rent charged for a unit must be reasonable in relation to the rents being charged during the same time period for comparable units in the private unassisted market and must not be in excess of rents being charged by the owner during the same time period for comparable non-luxury unassisted units. **Sub-recipient must Utilize GoSection8 Software to receive rent reasonable checklist. It is free to utilize:** <http://www.gosection8.com/> Ask IHCDA to request access if necessary.

10) Fair Market Rent

The unit must be at or below Fair Market Rent. Utilize the HUD Fair Market Rent website: <http://www.huduser.org/portal/datasets/fmr.html>

11) Tenant Rent Calculation

IHCDA encourages sub-recipients to work with individual households to identify the financial resources needed to assist in returning to housing as quickly as possible. Sub-recipients should be transparent and realistic when working with households to identify what financial assistance is available.

IHCDA does not require sub-recipients to adhere to one set-financial assistance model in an effort to address the unique needs household's experience. Examples of subsidy models include gradually decreasing the amount of subsidy the household receives over the course of rental assistance or require the household to pay an increasing percentage of income the longer they receive subsidy. **IHCDA requires the sub-recipient to document the determined structure for each household and documents when the standard is delineated from.**

A progressive engagement approach is encouraged. Progressive Engagement includes providing the minimum assistance necessary to assist a household in establishing permanent housing and reassessing their needs for financial assistance on a routine basis. It is recommended that sub-recipients establish an initial period of assistance and revisit the potential for extension based on household needs as the subsidy limit is reached.

Subsidy Model Examples: *Below are common models used to establish subsidy guidelines. Sub-recipients can adjust model amounts or percentages based on individuals needs of households.*

Decreased subsidy approach: This model is focused on decreasing the amount of subsidy the sub-recipient provides. The sub-recipient establishes a percentage of rent that will be subsidized for the household for a determined period of time. The provider/sub-recipient communicates with the household how the subsidy provided will decrease over time to support the household in preparing to take over the full rent amount when the subsidy ends.

Example: Provider/Sub-recipient pays 50% of the rent for months 1-3. Ongoing subsidy need is reviewed at the end of month two and determined that the household is not yet ready to take on the full amount of rent. The provider/sub-recipient agrees to subsidize months 4-6 by paying 35% of the rent. In month five the provider/sub-recipient revisits the need for ongoing assistance and it is determined that the household can take over the full rent amount after month 7. The provider agrees to pay 20% of the rent in month 7. The household pays 100% of their rent in month 8.

Increased tenant income approach: This model focuses on increasing the percentage of income the household contributes to their rent over the period of time assistance is provided. The sub-recipient will work with the household to determine what percentage of their income will be dedicated to the total rent amount once the subsidy ends and gradually increases the percentage of income the household pays toward their monthly rent with the goal of preparing the household to take over the full rent amount at the end of the subsidy period.

Example: Prior to moving in it is determined that the rent of the selected unit is the equivalent of 65% of the household's

adjusted monthly income. The household contributes 50% of their adjusted income to their rent in months 1-3 and the sub-recipient subsidizes the remaining portion of rent. Ongoing subsidy need is reviewed at the end of month two and determined that the household is not yet ready to take on the full amount of rent. The provider/sub-recipient agrees to subsidize months 4-6 and the household contribution is increased to 55% of their adjusted income. In month five the provider/sub-recipient revisits the need for ongoing assistance and it is determined that the household can take over the full rent amount after month 7. The household contributes 60% of their monthly income toward rent in month 7. The household pays 100% of their rent which is the equivalent to 65% of their monthly income in month 8.

Budget-based approach: This approach involves creating a budget with the household before their unit is selected/rented to establish what their rent contribution will be. Sub-recipients/partners will work with households to identify their current household budget and select an amount of rent they household will contribute.

Setting Limits/Thresholds for Assistance: Sub-recipients are encouraged to set a threshold for assistance, for example, if a household's rent is less than an equivalent of 50% of their income it is recommended that on-going monthly assistance is not provided but that move in-assistance is provided to support the household in obtaining permanent housing.

Thresholds should be documented in the sub-recipients program manual and communicated to potential and enrolled households seeking Rapid Rehousing assistance.

The Tenant's portion of the rent is paid directly to the landlord and is subject to the same timeliness requirements as the overall rent. In other words, failure to pay the tenant portion of the rent for an ESG assisted unit can be reason for eviction.

12) Utility payments.

ESG funds may be used for up to 24 months of utility payments per program participant, including 6 months of utility payments in arrears, per service. A partial payment of utility bill counts as one month. Utility payments must not be paid in situations where the standard practice of the landlord is to include utility costs in the rent. See Section IV for more information on the requirements.

Sub-recipients must obtain proof that a participant or a household member has a utility account in his/her name or proof of responsibility to make utility payments such as cancelled checks or receipts in his/her name from a utility company before utility payments are approved and released on behalf of the participant. Copies of the proof of responsibility should be obtained and maintained in the participant file. Utility payments may co-occur with rental assistance when the lease does not include utilities.

Utilize utility allowance as a guide of the amount of utilities can be paid. See IHEDA website for current allowance in the county. These change annually around May or June. <http://www.in.gov/myiheda/2430.htm>

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

13) Re-evaluations for homelessness prevention and rapid re-housing assistance.

The sub-recipient must re-evaluate the program participant's eligibility and the types and amounts of assistance the program participant needs not less than once every 3 months for program participants receiving homelessness prevention assistance, and not less than once annually for program participants receiving rapid re-housing assistance. At a minimum, each re-evaluation of eligibility must establish that:

- (i) The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and
- (ii) The program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance.

The sub recipient should require each program participant receiving assistance to notify the recipient or sub recipient regarding changes in the program participant's income or other circumstances (e.g., changes in household composition) that affect the program participant's need for assistance under ESG. When notified of a relevant change, the recipient or sub recipient must re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs.

14) Housing Stability Case Management.

While providing homelessness prevention or rapid rehousing assistance to a program participant, the sub recipient must:

- (i) The sub recipient is required to provide and the participant is required to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability; and
- (ii) Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses; other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area.
- (iii) Utilize the Arizona Self Sufficiency Matrix Tool as a guide for identifying goals to be targeted for participants within their housing plan. The Arizona Tool is embedded in HMIS.

15) Housing Plan.

The ESG program uses standardized Housing Case Management Plans. There are two basic forms of the Plan. The Homeless Prevention Phase Plan is intended for households which receive prevention assistance in an effort to maintain their present housing. The Rapid Re-Housing Phase Plan is aimed at households who are already experiencing homelessness.

The Housing Plan must be completed and placed in the participant file. The Housing Plan Form is embedded in HMIS as a template under "case notes." The Plan is a tool that will be used to assess and develop a strategy to achieve participant stability within the timeframe established by program regulations.

Utilize the information from the Arizona Matrix Tool to provide guidance on what goals should be targeted to provide self-sufficiency.

Additionally, the Plan must be used to actively assist participants in meeting established outcomes based upon individual participant need. The Plan should be referenced, revised and updated regularly throughout a participant's participation in the program. Either plan may address short term or intermediate term (up to 12 months) goals which are directly tied to the household's ability to recover and/or maintain housing stability.

All goals are to be written in observable and concrete terms, e.g.

"Will increase household income-- through part-time employment of spouse" or;

"Will obtain access to transportation – by relocating to apartment close to bus route" – with the first portion the goal and the remainder an example of an objective.

All goal statements should include specific objectives, which may be understood as "way points" in reaching the goal.

Typically, objectives may be added to the Housing Plan as the participant achieves each "step" but it is also allowable for the case manager and the participant to outline all the objectives when formulating a goal. This can give a participant a "road map" to follow in achieving a mutually agreed upon goal. Goals are not realistic unless they are understood by and accepted by the ESG participant. Interventions are services or direct assistance that will facilitate the participant in reaching the goal.

Form: ESG Housing Plan: Prevention: embedded in HMIS as a template under "case notes".

Form: ESG Housing Plan: Rapid Re-Housing: embedded in HMIS as a template under "case notes".

16) Termination of Participation and Grievance Procedure

It is important that sub-recipients effectively communicate termination and grievance procedures to participants and ensure that the procedures are fully understood. IHCDA recommends that each sub-recipient requires each participant to sign a form that states the participant has been explained the termination and grievance policy. Posting the policy on a bulletin board in a common area within the facility is an effective way to ensure that the termination and grievance procedures are available for participants to access at any time.

- A. If a participant violates ESG program requirements, the sub-recipient may terminate assistance in accordance with a formal process established by the sub-recipient that recognizes the rights of individuals affected. The sub-recipient must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases.
- B. To terminate rental assistance or housing relocation and stabilization services to a program participant, the required formal process, at a minimum, must consist of:
 1. Written notice to the program participant containing a clear statement of the reasons for termination;
 2. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
 3. Prompt written notice of the final decision to the program participant.
- C. Termination under this section does not bar the recipient or sub-recipient from providing further assistance at a later date to the same family or individual.

17) Participation of People with Lived Experiences of Homelessness

- A. Sub-recipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policy-making entity of the sub-recipient, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG).
- B. If the sub-recipient is unable to meet requirement under paragraph (a), it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG). The plan must be included in the annual action plan required under 24 CFR 91.220.
- C. To the maximum extent practicable, the Sub-recipient must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG. This involvement may include employment or volunteer services.

18) Regional Planning Council Participation

- A. **HUD recognizes 3 Continuums of Care (CoC) in State of Indiana:**
 1. Balance Of State
 2. Indianapolis
 3. St. Joseph County
- B. **Balance of State CoC**
 - Governed by **CoC Board** (meets monthly at IHCDA)
 - <http://www.indianabos.org/>
 - Quarterly General Membership Meetings (at IHCDA)
- C. **Regional Planning Councils (RPC)** (15 total).

RPC structures reflects local planning priorities and is a regionally-based homeless assistance programs planning group
- D. **Goals:** Coordinate efforts of identifying needs of local homeless populations (rental assistance, education and services, permanent supportive housing, affordable housing; gaps in services,

and identify the resources needed to fill gaps and strategies to obtain them.)

All sub-recipients must attend a minimum of 75% of local regional planning council meetings annually (formerly known as local continuum of care meetings) to remain eligible to receive ESG funds. Regional Planning Council information can be found on the Indiana Balance of State Website: <http://www.indianabos.org>.

SECTION III: ELIGIBILITY CRITERIA

ESG Rapid Rehousing Eligibility Criteria:

Rapid Re-Housing Assistance may be provided to individuals and families that are homeless under Paragraph 1 or Paragraph 4 of the homeless definition set forth in 24 CFR 576.2.

Rapid Re-housing (576.104):

ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing. This assistance, referred to as rapid re-housing assistance, may be provided to program participants who meet the criteria:

Homeless means: Paragraph 1 or 4 of the homeless definition set forth in 24 CFR 576.2:

Paragraph 1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- (ii) An individual or family 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 (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation **immediately** before entering that institution;

Paragraph 4) Any individual or family who:

- (i) 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;
- (ii) Has no other residence; and
- (iii) Lacks the resources or support networks, *e.g.*, family, friends, faith based or other social networks, to obtain other permanent housing.

The individual and family must also live in an emergency shelter or other place described in paragraph (1) of the "homeless" definition.

Documentation Requirements:

Paragraph 1:

A signed and dated general certification from an outreach worker verifying that the services are going to homeless persons, and indicates where the persons served reside.

Staff should provide written information obtained from third party regarding the participant's whereabouts, and, then sign and date the statement. Written referral from the agency.

Written verification from the institution's staff that the participant has been residing in the institution for less than 90 days; and information on the previous living situation as being homeless in shelter or streets.

Written verification if available. Self report is acceptable. Utilize the area on the form for person to self declare and then

sign and date.

Paragraph 4:

Acceptable Evidence for Individuals Fleeing Domestic Violence:

Oral statement by the individual or head of household seeking assistance, that is certified by the individual or head of household; and where the safety of the household is not in jeopardy:

Written observation by intake worker; or

Written referral by a housing or service provider, social worker, or other organization from whom the household has sought assistance for domestic violence.

If the individual or family is being admitted to a domestic violence shelter or is receiving services from a victim service provider, the oral statement need only be documented by a certification of the individual or head of household, or by the intake worker.

The purpose of ESG funds for rapid re-housing is to assist eligible program participants to quickly obtain and sustain stable housing. Therefore, sub-recipients providing assistance will utilize a process to assess, for all potential program participants, their level of service need, other resources available to them, and the appropriateness of their participation in the rapid re-housing assistance portion of ESG.

Program participants who require longer-term housing assistance and services should be directed to programs that can provide the requisite services and financial assistance. In such cases, the ESG may serve as a “bridge” to permanent supportive housing if the housing program has been identified, and is identified as homeless and disabled at time that Rapid Rehousing assistance began.

There is no income threshold to be met with at intake with Rapid Rehousing. Only that they are homeless under these categories.

ESG Homeless Prevention Eligibility Criteria:

ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the “homeless” definition in 24 CFR 576.2.

This assistance, referred to as homelessness prevention, may be provided to individuals and families who meet the criteria under the “at risk of homelessness” definition, or who meet the criteria in paragraph (2), (3), or (4) of the “homeless” definition in 24 CFR 576.2 and have an annual income below 30 percent of median family income for the area, as determined by HUD. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing.

Paragraph 2: Individual or family, who will imminently lose their primary nighttime residence, provided that:

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

These may include: At Risk of Homelessness:

- a) Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance; **OR**
- b) Is living in the home of another because of economic hardship; **OR**

- c) Has been notified 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
- d) 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
- e) Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; OR
- f) Is exiting a publicly funded institution or system of care; OR
- g) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved Con Plan

Paragraph 4) Any individual or family who:

- (i) 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;
- (ii) Has no other residence; **and**
- (iii) Lacks the resources or support networks, *e.g.*, family, friends, faith based or other social networks, to obtain other permanent housing.

And with these possible housing risk criteria, the family median household income must be at 30% or lower median income to qualify for HP funds.

Documentation Requirements:

Paragraph 2:

At least one of the following stating that the household must leave within 14 days:

A court order resulting from an eviction notice or equivalent notice, or a formal eviction notice;

For individuals in hotels or motels that they are paying for, evidence that the individual or family lacks the necessary financial resources to stay for more than 14 days; or

An oral statement by the individual or head of household stating that the owner or renter of the residence will not allow them to stay for more than 14 days.

The intake worker must verify the statement either through contact with the owner or renter, or documentation of due diligence in attempting to obtain such a statement.

Certification by the individual or head of household that no subsequent residence has been identified.

Self-certification or other written documentation that the individual or head of household lacks the financial resources and support networks to obtain other housing.

Paragraph 3:

A nonprofit, state, or local government entity that administers the other federal statute must certify that household qualifies as homeless under that statute's definition.

To document that the individual has not had a lease, occupancy agreement, or ownership interest in housing in the last 60 days, certification by the individual or head of household, written observation by an outreach worker, or referral by a provider.

To document that the individual or family has moved two times in the past 60 days, a certification from the individual and supporting documentation, including records or statements from each owner or renter of housing, shelter or housing provider, or social worker, case worker, or appropriate official of an institution where the individual or family resided. Where these statements are unobtainable, the intake worker should include a written record of his or her due diligence in attempting to obtain them.

Evidence of barriers includes: Written diagnosis from a licensed professional, employment records, department of corrections records, literacy, and English proficiency tests.

For disability, any of the above, written verification from the Social Security Administration (or a disability check receipt), or observation of the intake worker of disability, which must be confirmed within 45 days by an appropriate professional.

Paragraph 4:

Acceptable Evidence for Individuals Fleeing Domestic Violence:

Oral statement by the individual or head of household seeking assistance, that is certified by the individual or head of household; and where the safety of the household is not in jeopardy:

Written observation by intake worker; or

Written referral by a housing or service provider, social worker, or other organization from whom the household has sought assistance for domestic violence.

If the individual or family is being admitted to a domestic violence shelter or is receiving services from a victim service provider, the oral statement need only be documented by a certification of the individual or head of household, or by the intake worker.

It can be more challenging to identify persons who are housed but who have a very high risk of becoming homeless. There are many people who are housed and have great need but would not become homeless if they did not receive assistance. Sub-recipients are encouraged to target prevention assistance to those individuals and families at the greatest risk of becoming homeless.

The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing. Homelessness prevention must be provided in accordance with the housing relocation and stabilization services requirements in 24 CFR 576.105, the short-term and medium-term rental assistance requirements in 24 CFR 576.106, and the written standards and procedures established under 24 CFR 576.400.

HUD requires sub-recipients to evaluate and certify the **eligibility of program participants at least once every 3 months for all persons receiving medium-term rental assistance or other ESG assistance**. Similarly, sub-recipients should carefully assess a household's need and appropriateness for ESG assistance. If the household needs more intensive supportive services or long-term assistance than the sub-recipient can provide, or if a household is not at risk of imminent homelessness, sub-recipients must work to link them to other appropriate available resources.

SECTION IV: HOUSING RELOCATION & STABILITATION SERVICES

1) Housing Relocation & Stabilization: Financial Assistance

Financial assistance is limited to the following activities:

Rental application fees: ESG funds may pay for the rental housing application fee that is charged by the owner to all applicants

Security deposits: ESG funds may pay for a security deposit that is equal to no more than 2 months' rent.

In contrast to the requirements regarding rental assistance payments, security and utility deposits covering the same period of time in which assistance is being provided through another housing subsidy program are eligible, as long as they cover separate cost types. One example of this would be providing a security deposit for a participant receiving a HUD VA Supportive Housing (VASH) voucher, which provides rental assistance and services.

Last month's rent. If necessary to obtain housing for a program participant, the last month's rent may be paid from ESG funds to the owner of that housing at the time the owner is paid the security deposit and the first month's rent. This assistance must not exceed one month's rent and must be included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any 3-year period.

Utility deposits: ESG funds may pay for a standard utility deposit required by the utility for all customers for the utilities listed under the utility payment section.

Utility payments: *Utility payments.* ESG funds may pay for up to 24 months of utility payments 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.

Moving cost assistance: ESG funds may pay for moving costs, such as truck rental or hiring a moving company. This assistance may include payment of temporary storage fees for up to 3 months, provided that the fees are accrued after the date the program participant begins receiving assistance for services (housing search & placement and/or case management) and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.

IHCDA Requirement: If accessing moving/storage services, the sub-recipient must document in detail the circumstances surrounding the need to access these services, include monthly fees that will be charged and the dates in which the services will be accessed. In addition, Sub-recipient staff should take an active role in assisting the participant in finding reasonably priced vendors for this service.

2) Housing Relocation & Stabilization: Service Costs

Subject to the general restrictions under the homeless definitions of homeless prevention and rapid rehousing, 576.103 and 576.104, ESG funds may be used to pay the costs of providing the following services:

i. Housing Search and Placement

ESG funds may be used for services or activities designed to assist individuals or families in locating, obtaining, and retaining suitable permanent housing include the following:

- 1) Assessment of housing barriers, needs, and preferences;

- 2) Development of an action plan for locating housing;
- 3) Housing search;
- 4) Outreach to and negotiation with owners;
- 5) Assistance with submitting rental applications and understanding leases;
- 6) Assessment of housing for compliance with Emergency Solutions Grant (ESG) requirements for habitability, lead-based paint, and rent reasonableness;
- 7) Assistance with obtaining utilities and making moving arrangements
- 8) Tenant counseling.

IHCDA Requirement: Utilize Go Section8 software used for determination of rent reasonableness. Site: <http://www.gosection8.com/> Ask IHCDA to request access if necessary.

ii. Housing Stability Case Management

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

- 1) Using the centralized or coordinated assessment system as required under § 576.400(d), to evaluate individuals and families applying for or receiving homelessness prevention or rapid re-housing assistance;
- 2) Conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility, for individuals and families applying for homelessness prevention or rapid rehousing assistance;
- 3) Counseling;
- 4) Developing, securing, and coordinating services and obtaining Federal, State, and local benefits;
- 5) Monitoring and evaluating program participant progress;
- 6) Providing information and referrals to other providers;
- 7) Developing an individualized housing and service plan, including planning a path to permanent housing stability; and
- 8) Conducting re-evaluations required under § 576.401(b).

iii. Mediation:

ESG funds may pay for mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.

iv. Legal Services:

ESG funds may pay for legal services, as set forth in § 576.102(a)(1)(vi), except that the eligible subject matters also include landlord/tenant matters, and the services must be necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides.

v. Credit Repair:

ESG funds may pay for credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems. This assistance does not include the payment or modification of a debt.

3) Maximum Amounts and Periods of Assistance:

The recipient may set a maximum dollar amount that a program participant may receive for each type of financial assistance under financial assistance (1) of this section. The recipient may also set a maximum period for which a program participant may receive any of the types of assistance or services under this section. However, except for housing stability case management, the total period for which any program participant may receive the services under service costs paragraph (2) of this section **must not exceed 24 months during any 3-year period**. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family.

4) Use of Other Subsidies:

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

SECTION V RENTAL ASSISTANCE

Rental assistance may be provided under homeless prevention category of activities and the rapid rehousing category of activities.

- 1) *Use with other subsidies.* Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance, or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources. Rental assistance may not be provided to a program participant who has been provided with replacement housing payments under the URA during the period of time covered by the URA payments.
- 2) *Rent Restrictions.* Rental assistance cannot be provided if it exceeds the Fair Market Rent (FMR) established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent reasonableness, as established under 24CFR 982.507.

Rent must meet rent reasonableness standards and CANNOT EXCEED HUD's published FMRs for the area. In some communities, the reasonable rent for a specific unit may be lower than the FMR that has been established for the community.

For purposes of calculating rent under this section, the rent shall equal the sum of the total monthly rent for the unit, any fees required for occupancy under the lease (other than late fees and pet fees) and, if the tenant pays separately for utilities, the monthly allowance for utilities (excluding telephone) established by the public housing authority for the area in which the housing is located.

IHCDA requires the utilization of the Utility Allowance guidance. Utility Allowance guidance is released annually (May or June). They are located at: <http://www.in.gov/myihcda/2430.htm>

Rental Assistance Agreements

- 1) *Rental assistance agreement.* The sub recipient can make rental assistance payments only to an owner with whom the sub recipient has entered into a rental assistance agreement. The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements that apply under this section. The rental assistance agreement must provide that, during the term of the agreement, the owner must give the sub recipient 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.
- 2) *Late payments.* The sub recipient must make timely payments to each owner in accordance with the rental assistance agreement. The rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The sub recipient is solely responsible for paying late payment penalties that it incurs with non-ESG funds.
- 3) *Lease.* Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. Where the assistance is solely for rental 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.

IHCDA recommends only providing rental arrears when a copy of the lease is available for record keeping.

- 4) *Tenant-based rental assistance.*

- 1) A program participant who receives tenant-based rental assistance may select a housing unit in which to live and may move to another unit or building and continue to receive rental assistance, as long as the program participant continues to meet the program requirements.
- 2) The recipient may require that all program participants live within a particular area for the period in which the rental assistance is provided.
- 3) The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:
 - i) The program participant moves out of the housing unit for which the program participant has a lease;
 - ii) The lease terminates and is not renewed; or
 - iii) The program participant becomes ineligible to receive ESG rental assistance.

In general, the ESG Homeless Prevention Activity will offer rental assistance at 3 month intervals –ESG State approves **up to 12 months if needed**. The Rapid Re-Housing Program will offer rental assistance up to **maximum of 12 months. Reevaluations in the RRH program are not conducted as federal regulations do not require reevaluations until after 12 months of assistance have been provided.**

IHCDA recommends evaluating a person’s need for continued subsidy in the case of an absence in 30 day increments when a participant is away because of medical treatment or jail/incarceration. The subsidy cannot be provided for longer than 90 days in any scenario and should not be provided for longer than 30 days in most instances.

Rental assistance payments cannot be made on behalf of eligible individuals or families for the same period of time and for the same cost types that are being provided through another federal, state or local housing subsidy program. IHCDA understands this prohibition to extend to any form of public rental support but not to rental units deemed “affordable” by virtue of a Low Income Housing Tax Credit set aside.

SECTION VI: REPORTS AND HMIS

ESG sub-recipients are required to submit a semi-annual and annual report to the ESG Program Coordinator. Please *e-mail* these reports to the ESG Program Coordinator.

Any forms and requirements will be e-mailed to your organization by the ESG Program Coordinator and will be posted online prior to the due date. These dates are subject to change *with* notification from the ESG Program Coordinator.

- **Semi-Annual Report is due January 2017**
- **Annual and Close Out Report is due July 31, 2017**
- **Last 2016-2017 Claim is due January 31, 2018**

All reports are due in the IHCD office or submitted by e-mail by close of business (5pm EST) on the date noted. **One point will be deducted from the next ESG application for each day late.**

Homeless Management Information System

The Homeless Management Information System (“HMIS”) is a secure, confidential electronic data collection system used to determine the nature and extent of homelessness. **The Sub-recipient is required to enter data into HMIS on a regular and consistent basis, which is defined as data entry within two weeks from the time of intake.***

IHCDA will regularly monitor HMIS usage to verify consistent data entry for applicable shelters. Data must be entered for the ESG funded shelter program and all other residential programs serving homeless individuals and families. The HMIS data elements to be collected are determined by HUD. The HMIS system is used to report to HUD on an annual basis and to aid in local and statewide policy and planning.

Sub-recipients that utilize Essential Service funds for Case Management activities are required to enter all relevant client level data including case notes into HMIS or DV ClientTrack (if the sub-recipient is a victim services provider) on a consistent basis.

Victim services providers are not allowed to enter data into the HMIS but must enter data into a comparable database as described below.

Victim service providers must enter client-level data on ESG beneficiaries/clients into a comparable database, which collects all of the HMIS universal data elements listed in this paragraph and generates unduplicated aggregate reports. Victim service providers are encouraged to use DV ClientTrack database. The data required for entry into DV ClientTrack database or the victim service provider’s comparable database must include the following data elements: Name, Social Security Number, Date of Birth, Ethnicity, Race, Gender, Veteran Status, Disabling Condition, Residence Prior to Program Entry, Zip Code, Length of Stay at Previous Residence and Homeless Cause.

To sign up for DV ClientTrack, please contact Jill Robertson at jirobertson@ihcda.in.gov. Victim service providers within the Balance of State Continuum of Care can choose to opt into DV ClientTrack. Access to the data entered into the system will be restricted to the organization that entered it and therefore the system will be compliant with the Violence Against Women’s Act (VAWA). The system will collect client-level data over time including, but not limited to all of HMIS’s universal data elements, and generate unduplicated aggregate reports based on the data. Information entered into this comparable database will not be entered directly into or provided to an HMIS.

Client-level data including personally identifying information should never be stored in unsecured platforms including but not limited to Google Docs.

***Failure to enter data on a regular and consistent basis may result in the termination of the ESG agreement. ***

Statewide Point-in-Time Count

The sub-recipient is required to participate in the annual Statewide Point-in-Time count in collaboration with its regional Continuum of Care by submitting appropriate data upon request by deadlines established by the ESG Program Coordinator or the HMIS/ClientTrack Manager.

All sub-recipients will be required to meet the following minimum standards for HMIS/ESG data collection and reporting;

- Sub-recipients must enter into a HMIS/ESG Agency Participation Agreement and attend User training if they have not already attended.
- All sub-recipient staff that participates in ESG eligible activities must have regular and convenient access to a computer with a high speed Internet connection.
- All sub-recipient staff that participates in ESG eligible activities must have a unique assigned user name and password that they can access regularly during work hours. Each such user must sign a Code of Ethics statement prior to receipt of their log in and password.

SECTION VII: AWARD MONITORING

The ESG Program Coordinator will monitor a minimum of 25% of the total ESG Sub-recipients every year. New sub-recipients will be monitored within the first year of their grant agreement with Indiana Housing and Community Development Authority.

Sub-recipients are expected to make available all participant level, financial and program records for periodic review on a schedule to be established by IHCDA. In addition, sub-recipients will maintain participant files in compliance with the standard set by IHCDA. Significant deficiencies in file content or quality will result in required Plans of Corrective Action, with possible loss of allocated funds upon discovery of continuing deficiencies.

Program compliance and HMIS usage and data integrity will also be subject to regular and random monitoring by IHCDA staff. Monitoring of sub-recipients may be conducted by the IHCDA, local HUD Office of Community Planning and Development, HUD's Office of Special Needs Assistance Programs, HUD's Office of Inspector General, HUD's Office of Fair Housing and Equal Opportunity, or another federal agency to determine whether the sub-recipient complied with the requirements of this program.

All shelters who will be subject to on-site monitoring will receive at least two weeks notification prior to the visit confirming the date and time of the monitoring and a monitoring checklist. The checklist contains a list of areas that will be reviewed and documents that will need to be made available at the time of monitoring.

Upon completion of the review, IHCDA will send a letter detailing all concerns and findings discovered during the monitoring visit. The letter will be sent within 30 days of the monitoring visit unless an investigation of findings requires more time. If there are findings or concerns discovered, the letter will request the agency to submit a specific resolution or correction within a certain period of time.

Additionally, IHCDA staff may be available throughout the program year to conduct interim monitoring to help new sub-recipients or agencies with new staff ensure their continued compliance with the ESG program. Please contact the ESG Coordinator to schedule an interim monitoring.

SECTION VIII: ADMINISTRATIVE COSTS

Eligible administrative costs include:

(1) *General management, oversight: and coordination:* Costs of overall program management, coordination, monitoring, and evaluation. These costs include, but are not limited to, necessary expenditures for the following:

(i) Salaries, wages, and related costs of the recipient's staff, the staff of sub recipients, or other staff engaged in program administration. In charging costs to this category, the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose *primary* responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes *any* program administration assignments. The recipient may use only one of these methods for each fiscal year grant. Program administration assignments include the following:

(A) Preparing program budgets and schedules, and amendments to those budgets and schedules;

(B) Developing systems for assuring compliance with program requirements;

(C) Developing interagency agreements and agreements with sub recipients and contractors to carry out program activities;

(D) Monitoring program activities for progress and compliance with program requirements;

(E) Preparing reports and other documents directly related to the program for submission to HUD;

(F) Coordinating the resolution of audit and monitoring findings;

(G) Evaluating program results against stated objectives; and

(H) Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraph (a)(1)(i)(A) through (G) of this section. Services, accounting services, and audit services; and Other costs for goods and services required for administration of the program, including rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space.

SECTION IX: FINANCIAL MANAGEMENT

Before a sub-recipient may first request reimbursement for ESG funds expended on specific activities/budget line items, the following items must be received by IHCDA:

- Signed/executed award agreement;
- Completed budget page;
- Authorized signature form; and
- Requested documentation in response to conditional funding (if applicable)

Match

Each sub-recipient must match dollar-for-dollar the ESG funding provided by HUD with funds from other public or private sources. A sub-recipient may comply with this requirement through matching funds or voluntary efforts provided by any recipient or project sponsor.

Matching funds must be provided after the date of the grant award to the sub-recipient. Funds used to match a previous ESG grant may not be used to match a subsequent grant award. No federal funds can be used for match, with the exception of Community Development Block Grant (CDBG) and Community Service Block Grant (CSBG) funds.

Sub-recipients are required to submit monthly documentation of Match to the ESG coordinator. Match Documentation is due by the 15th of the month following the end of the quarter.

All ESG Sub-recipients are required to contribute 100% match to their ESG program. For example, if the ESG award is \$10,000, the sub-recipient must demonstrate \$10,000 as match. The following items may be used as match:

Type of Match	Documentation required
Cash/Grant	Award letter
Value or fair rental value of any donated material or building	Documentation of value of donated material or building. Documentation of previous year's match.
Value of any lease on a building	Documentation of value of lease on a building
Any salary paid to staff to carry out the program of the sub-recipient	Timecards of staff member. Proof of salary payment (cancelled checks / bank statements). Summary list of all salaries counted as match. List should contain staff name, hours worked and total monetary value of time worked.
Value of the time and services contributed by volunteers to carry out the program of the sub-recipient. (Note: Volunteers providing professional services such as medical or legal services are valued at the reasonable and customary rate in the local community.)	List containing all volunteer names, number of hours worked and total value of time contributed.

Examples of Possible Sources of ESG Match

Below are some examples of match that could be used as ESG match. Please note that in order for the match to be counted, it the source must be eligible and its use must be an eligible ESG activity. Match can be provided by the sub-recipient itself OR any other community agency, but must directly benefit the ESG participants and be provided during the award term in order to be counted. This list is not exhaustive.

In-Kind	Cash
211 Helpline: Time conducting I-HOPE assessments or other eligible expenses.	CDBG, CSBG
AIDS/HIV-related services provided to ESG participants	City or County funds
Alcohol and substance abuse services	Community Action Agencies
Bookkeeping/Administrative services for ESG program (but not billed to ESG)	Donations received as a result of the Neighborhood Assistance Program
Budgeting, credit repair service provided to participants in the community (but not billed to ESG)	ICJI grants, as eligible
Case management (not billed to ESG)	Local Foundations
Child care	Private donations
Clothing, Household, Hygiene items donated	Program income
Community Center - educational meetings related to housing, transportation vouchers, other eligible financial assistance	United Way
Donation Inventory Management	Township Trustees(s) assistance provided to ESG participants
Education, GED, classes (parenting)	
Employment assistance & Job Training	
Emergency Shelter/ Transitional Housing - services provided in program, not billed to ESG	
Faith Based Community; Ecumenical/Ministerial associations	
Food donated to participants by local churches (food stamps <i>cannot</i> be counted)	
Furniture donated	
Health care provided by	
Housing Food kit, Move-in kit preparation	
Housing placement	
Hygiene Kit preparation	
Legal Services	
Life skills Training not billed to ESG	
Mental health services (CMHC's)	
Minority Health Coalitions	
Motel Stays	
Move in Kits donated	
Office space donated	
Street Outreach: Engagement, case management, emergency mental health services, transportation, services to special populations	
Outpatient Health services - Community Health Centers, other medical centers	
Rent, not paid with ESG	
Renovation of shelter facility, benefiting ESG participants	
School Corporations- eligible services provided to ESG participants	
Transportation	
Utilities, not paid with ESG	
Utility Companies- any amount that is waived from arrears or deposits off of amount due	
Volunteer - professional - local, customary rate	

Budget Modifications

At some point during the program year, the sub-recipient may need to reallocate funds budgeted among their approved activities.

Budget modification requests are reviewed by the ESG Program Coordinator to determine whether the sub-recipient has administered the grant in a timely and responsible manner, or whether the proposed modification presents new problems in meeting federal or state regulatory or policy requirements, or if the request in any way changes the factors involved in the initial evaluation of the proposal for funds.

There are two types of budget modifications permitted with the Emergency Solutions Grant.

- 1) **Line item modification**: Sub-recipients can modify the amounts *among* line items within Essential Services and Operations as they deem necessary. No Budget Modification request to IHCD A is required for line item modifications.
- 2) **Budget modification**: Sub-recipients are limited to *one* budget modification each program year. This modification includes all changes made to the totals of Essential Services and Operations. Rapid Rehousing funds awarded via the shelter agreement may not be moved to Essential Service activities or shelter Operations and vice versa. The request to IHCD A must be in letter format and submitted with an original signature of the Sub-recipient's Chief Executive Officer or Executive Director. This letter may be emailed to the ESG Program Coordinator. The letter must explain the circumstances and rationale for the requested budget change. The request must also contain a Budget Modification form completed online. Once submitted, the ESG Program Coordinator will review the request and notify the sub-recipient of approval or denial in letter format via email. If approved, the letter will be accompanied with an amended award agreement, which must then be printed, signed and returned to IHCD A by mail. Once this is received, IHCD A will sign the form as well and send the executed copy back by e-mail.

To submit a budget modification, complete the form found on IHCD A's partner portal: <http://www.in.gov/myihcda/2450.htm>.

1. Upload the signed modification form on IHCD A Online under Award Claims Management.
2. Select Award Info from the left column.
3. Choose award from the dropdown menu.
4. Select supporting documentation tab
5. Choose the browse button to select the document from your computer.
6. Choose the Document Type Amendment/Budget Modification from the drop down menu.
7. . Choose ***Submit Document***- the document will now appear in the list shown above where it can be viewed by users with access to this screen.
8. A notification will be automatically sent to the appropriate staff member notifying that the document has been uploaded for review.
9. You will receive an email notification from Program Staff once the modification has been completed.

Claims

Claims for reimbursement will be submitted through IHCD A Online via <https://ihcdaonline.com/>. Supporting documentation must be submitted electronically through IHCD A Online. The fiscal year is July 1, 2016-June 30, 2017. Sub-recipients may submit claims monthly, for up to 12 months.

If you have questions regarding a specific claim, contact the online claims system at claims@ihcda.in.gov. The subject line of your email should contain your agency name, the award number, and the claim number, as well as any appropriate additional information (i.e. Homeless Shelter, ES-014-069, Claim 1, documentation clarifications).

Detailed instructions on claim access, submission, and claims policy information can be found via <https://ihcdaonline.com/>.

Claim Process

All claims are paid on a reimbursement basis. Sub-recipients incur eligible costs and then request reimbursement by IHCD A. There will be up to 12 claims per fiscal year. Each claim represents one month of bills that were ***incurred or paid*** during

that month. Example: Claim #1 (July) will contain all eligible ESG expenses for July. All of the expenses listed must have either been incurred at some time in July or paid in July. Sub-recipients cannot claim more or less than one month's expenses in one claim. After one month is claimed, the Sub-recipient cannot reclaim expenses for that same month later in the fiscal year. Similarly, if a Sub-recipient skips one month, and claims the month following the skipped month, the skipped month cannot be claimed at a later time. It is allowable to claim your award in less than 12 months (12 claims). Reimbursements for eligible ESG expenses as provided and approved on ESG claim voucher will be directly deposited into the sub-recipient bank account within 10 business days from IHCDCA approval.

Sub-recipients must submit request for reimbursement for no less than seventy-five percent (75%) of total award no later than March 1, 2017.

The sub-recipient must submit a claim for eligible expenses within sixty (60) days after the calendar month in which the expenses are incurred or paid by the Sub-recipient. For example, the July 2016 claim must be submitted no later than last day of September 2016.

The one exception to the 60 day deadline is the last claim. The last claim must be submitted no later than July 31, 2017.

The following claim documents must be submitted with each claim:

- 1) Signed Claims Receipt (E-Signature)
- 2) ESG RR and HP Excel Forms
- 3) Case Management Summary Sheet from HMIS
- 4) Supporting documentation

Claim components:

Signed Claims Receipt- The Claims Receipt is a receipt that is generated after the submission of the claim online. It can now be signed electronically.

Case Management Summary Sheet: The HMIS provides a summary of case management hours provided by each case manager. These hours must match the claim documentation of staff time spent when completing claims for reimbursement. The summaries must be attached showing the required 1x month of case management.

ESG RR & HP Financial Narrative Form- The financial narrative form is an excel form that is separate from the online claim system. The sub recipient must list the correct items listed on the forms.

Supporting Documentation- This documentation includes copies of the actual receipt or bills that are being claimed for reimbursement or a copy of the check sent to the vendor. If a bill/invoice is submitted, the check number and date paid must be written or stamped on it. The organization will be contacted if there is any issue with the claim.

Financial Narrative- The Financial Narrative is an excel form that is separate from the online claim system. The narrative details the expenses being claimed. The Sub-recipient must list the vendor name and the amount of the expense that is being claimed to ESG under the appropriate eligible category.

Supporting Documentation- This documentation includes copies of the actual receipt or bills that are being claimed for reimbursement or a copy of the check sent to the vendor. If a bill/invoice is submitted, the check number and date paid must be written/stamped on it. The organization will be contacted if there is any issue with the claim.

Claiming Salaries - Salaries can be budgeted in Essential Services and/or Operations. All salaries in Essential Services can be for staff time spent providing *direct services* to homeless clients, such as case management. All salaries claimed in Operations, can be for staff time spent operating the building and/or shelter program. Salaries can be claimed only to the amount budgeted for in the Award Agreement. On the claim financial narrative, list the employee's name in the corresponding activity column, and the amount claimed to ESG in the amount column.

Timesheets reflecting actual hours worked toward ESG eligible activities must be submitted with the claims documentation. Please include the type of eligible activity that the staff was doing for ESG. IHCDA also requires pay stubs to be submitted with each claim that includes payment for staff. The pay stubs may have personal information redacted but should have the date paid, hours worked, and pay rate easily identifiable.

Closeout of ESG Funds:

All ESG Sub-recipients will be required to complete and submit a grant closeout form as part of their Annual Progress Report due July 31, 2017. This form will be distributed to sub-recipients close to the end of the fiscal year. All outstanding claims must be submitted by July 31, 2017. All unclaimed funds remaining after this date will be closed out and no longer available to the sub-recipient. Any sub-recipient who does not claim all funds by the end of the program year will negatively affect the award amount the following program year.

OMB Audit and Financial Statements:

Each year IHCDA collects Year-End Financial Statements and OMB audits from its sub-recipients. To provide better customer service we have changed the submission process.

Organizations that are required to submit an OMB Audit formerly A133 must send their financials to IHCDA at A133@ihcda.in.gov.

Organizations that are not required to submit an OMB audit must submit their financials to lymorrow@ihcda.in.gov.

OMB Audit Required:

Sub-recipients that expend \$750,000 or more in federal funds (as a collective whole from all of their federal awards) in a fiscal year must be audited in accordance with the requirements of 2 CFR 200.501, and provide a copy of such audit to IHCDA and to the Federal Audit Clearinghouse. If this applies to your organization, please submit an electronic copy of your financial statements and OMB Audit to IHCDA at A133@ihcda.in.gov. Hard copies will not be accepted. Questions regarding your OMB audit should be directed to A133@ihcda.in.gov.

Also, please ensure that your OMB audit is performed by an approved auditor. You will find a list of approved auditors on IHCDA’s website.

OMB Audit Not Required:

Sub-recipients that do not spend over \$750,000 in federal funds (as a collective whole from all of their grants) will only need to submit their year-end financial statement or Form 990. If this applies to your agency, please send an electronic copy of year-end financial statement or Form 990 to Lynn Morrow at lymorrow@ihcda.in.gov. Hard copies will not be accepted.

Financials are due to IHCDA according to the following schedule:

Year End Date:	Due Date:
June 30	March 31 or 30 days after receipt of the auditor’s report (whichever is earlier)
Dec 31	Sept 30 or 30 days after receipt of the auditor’s report (whichever is earlier)

Internal Controls.

The sub-recipient must:

1. Establish and maintain effective internal control over federal funds that provides reasonable assurance that the sub-recipient is managing federal funds in compliance with Federal statutes, regulations, and the terms and conditions of the federal funding. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission

(COSO).

2. Comply with Federal statutes, regulations, and the terms and conditions of federal funds.
3. Evaluate and monitor the sub-recipients compliance with statutes, regulations and the terms and conditions of the federal funds.
4. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
5. Take reasonable measures to safeguard protected personally identifiable information and other information that IHCD or HUD designates as sensitive or the sub-recipient considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

Mandatory Disclosure.

The sub-recipient must disclose, in a timely manner, in writing to IHCD all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the ESG funds. The sub-recipient's failure to make these disclosures may subject to the sub-recipient to remedies of non-compliance set forth in 2 CFR 200.338.

If the total value of the sub-recipient's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the sub-recipient must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

SECTION X: CONFLICT OF INTEREST

Requirements

- A. The provision of any type or amount of ESG assistance may not be conditioned on an individual's or family's acceptance or occupancy of emergency shelter or housing owned by the sub-recipient, or a parent or subsidiary of the sub-recipient. No sub-recipient may, with respect to individuals or families occupying housing owned by the sub-recipient, or any parent or subsidiary of the sub-recipient, carry out the initial evaluation required under 24CFR 576.401 or administer homelessness prevention assistance under 24 CFR 576.103.
- (i) The sub-recipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the sub-recipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, the sub-recipient may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the sub-recipient.
- B. If the sub-recipient has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the sub-recipient must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the sub-recipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

HUD Procedure for Individual Conflicts of Interest

Conflicts Prohibited

No persons (as described in persons covered) who exercise or have exercised any functions or responsibilities with respect to ESG activities or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

Persons Covered

The conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, sub-recipients which are receiving ESG funds.

Exceptions

A request for an exception to this conflict of interest prohibition will be considered by IHEDA only after the sub-recipient has provided the following:

- A copy of the minutes from a public meeting denoting that the affected person has publicly disclosed the conflict of interest and has stated that he/she has withdrawn from functions or responsibilities with respect to the assisted activity in question.
- An opinion from the sub-recipient's attorney that the interest for which the exception is sought would not violate State or local law.

Once IHCDA receives minutes of the public meeting and an opinion from the sub-recipient's attorney, IHCDA will respond in writing as to whether or not an exception to the conflict of interest prohibition has been granted.

Should IHCDA approve the sub-recipient's request, a completed Uniform Conflict of Interest Disclosure Statement must be provided to IHCDA as well as filed with the State Board of Accounts and the Clerk of the Circuit Court of the county in which the governmental entity executed the contract or purchase within 15 days after the final action toward awarding ESG funds to the person in question. A copy of this form can be found at <http://www.in.gov/sboa/files/Form236.pdf>.

IHCDA will approve an exception to this conflict of interest prohibition only after it has been determined that such an exception will serve to further the purpose of the Act and the effective and efficient administration of the ESG program.

SECTION XI: OTHER FEDERAL REQUIREMENTS

Lead-Based Paint Requirements

Background

The primary cause of childhood lead poisoning is deteriorating lead-based paint and lead-contaminated dust and soil in older housing units. Although lead was banned from residential house paint in 1978 by the Consumer Product Safety Commission (CPSC), an estimated 57 million older homes still contain some lead-based paint. Of these, some 3.8 million dwellings are thought to have both lead-based paint hazards and young children as residents.

The amount of lead-based paint in housing is significant. Tens of millions of housing units contain at least some lead-based paint. Children living in homes with lead-based paint become exposed to lead by directly eating chips of lead-based paint or chewing on protruding surfaces painted with lead-based paint. The more common route of exposure, however, is the ingestion of lead-bearing dust that is generated by the paint when it deteriorates, chinks, or is disturbed through renovation or even abrasion from the opening and closing of windows. Even in this less direct way, lead-based paint can be a source lead poisoning.

The most common route of exposure for children is through ingestion of lead-contaminated dust. This dust sticks to moist hands as a child plays or crawls across the floor, and is then ingested via finger sucking or other normal hand-to-mouth activity. A child can also be poisoned by eating lead-based paint chips and lead-contaminated soil, and by being exposed to other environmental sources of lead from inside and outside the home. Additionally, repair and renovation activities, such as repainting, that disturb lead-based paint can generate significant levels of leaded dust to which children can be easily exposed.

“Lead-based paint hazards” have been defined in the Residential Lead-Based Paint Hazard Reduction Act of 1992, commonly referred to as “Title X,” as any of six conditions which can present lead exposures sufficient to cause adverse health effects. These include:

1. lead-contaminated dust;
2. deteriorated lead-based paint;
3. intact lead-based paint on friction surfaces;
4. intact lead-based paint on impact surfaces;
5. intact lead-based paint on chewable surfaces accessible to young children; and
6. lead contaminated bare soil.

ESG Lead Requirements

The only ESG-assisted housing covered under the lead based paint requirements is longer-term transitional housing in an apartment with one or more bedrooms AND which has family residents who are part of a program requiring continual residence of more than 100 days.

The EPA Lead brochures must be distributed to all households receiving long-term rental assistance. Documentation of this brochure must be maintained in each client file.

Exemptions to the New Lead Based Paint Requirements

- Residential structures built after January 1, 1978;
- Emergency action activities;

- Existence of Lead-Based Paint Unlikely;
- Areas where state and local governments banned lead-based paint prior to January 1, 1978;
- Properties found not to have lead-based paint during earlier testing that meets the requirements of prior evaluations;
- Properties where all lead-based paint has been identified and removed using approved methods;
- Human Threat Unlikely;
- Unoccupied units that will be demolished;
- Property not suitable for human residential habitation
- Rehabilitation that does not disturb paint;
- Child Occupancy Unlikely;
- Zero-room dwelling units;
- Elderly and disabled housing; and
- Emergency housing assistance (such as for the homeless) unless the assistance is for long-term assistance that lasts more than 100 days. In the case where longer-term housing assistance lasts for more than 100 days, then rule does apply.

Long-term Rental Assistance

If there will be a child under the age of 6 residing in the unit receiving ESG long-term housing, the award sub recipient must conduct a visual assessment for the presence of lead-based paint. Award sub recipients cannot provide long-term rental assistance to any unit with lead-based paint present.

Lead Hazard Evaluation

The interior and exterior surfaces and common areas of the rental property must be visually assessed to identify deteriorated paints. Note: A visual assessment is not considered an evaluation that requires a notification of lead hazard evaluation, since the assessment does not evaluate lead-based paint and/or lead hazards.

If the visual assessment reveals deteriorated paint, the award sub recipient should notify the owner of the unit with inspection results. The owner is required to have the deteriorated paint tested for lead based paint or to assume the presence of lead based paint is its stabilization activities.

Award sub recipient staff should instruct the owner to conduct paint stabilization before the unit is occupied to control possible lead-based paint hazards.

Owners must correct the deteriorated paint identified during the visual assessment process using safe work practices in order to participate in the long-term rental assistance program.

Lead Hazards Reduction

At the completion of any paint stabilization, the owner must sign the Lead Certification 8.11 of the HQS inspection form or a form with equivalent language. This section instructs the owner to provide certification to the administering agency if any correction of defective paint occurs at the unit.

- Training/Supervision. Workers performing paint stabilization must be trained in accordance with OSHA regulations at 29 CFR 1926.59. In addition, they must meet one of the following:
 - a) Supervision by a certified abatement supervisor;
 - b) Successful completion of an accredited abatement supervisor course in accordance with 40 CFR 745.225;
 - c) Successful completion of an accredited lead-based paint abatement worker course in accordance with 40 CFR 745.225;
 - d) Successful completion of the Lead-Based Paint Maintenance Training Program developed by the National Environmental Training Association for EPA and HUD;

- e) Successful completion of the Remodeler’s and Renovator’s Lead-Based Paint Training Program developed by HUD and the National Association of the Remodeling Industry; or
 - f) Successful completion of an equivalent course approved by HUD.
- Safe Work Practices. The owner must use safe work practices when conducting paint stabilization. Safe work practices include safe work methods, occupant protection, worksite preparation, and cleanup.
- a) Occupant Protection. Work should be performed in a vacant unit if possible. If residents must remain inside the dwelling during work, a barrier to the room where stabilization is taking place should be erected and residents should not be allowed to enter the work area until clearance has been completed.
 - b) Worksite Preparation. The worksite should be contained using plastic sheeting extending five feet beyond the perimeter of the treated area in all directions on the floor. Ventilation systems should be turned off until work is complete.
 - c) Cleanup. After paint stabilization is complete, the worksite should be cleaned to remove all lead-based paint dust. Cleanup must be accomplished by wet washing surfaces with a lead specific detergent or its equivalent. Other cleaning devices, such as vacuum cleaners with HEPA filters, can be used during cleanup. Waste and debris must be disposed of in sealed containers in accordance with Federal and state waste disposal requirements. Use of a HEPA vacuum is recommended.
- Exemptions to Safe Work Practices. Safe work practices are not required when treated areas are tested and found to be free of lead-based paint, or if the surface area being treated is smaller than a total of 2 square feet per room or 10 percent of the total surface area of interior components, such as window sills.
 - Occupant Protection. Property owners should protect residents and their personal belongings from exposure to lead-contaminated dust and debris during paint stabilization.
- a) Personal belongings should be relocated to an area outside the treatment area or covered with an impermeable covering with all seams and edges taped shut.
 - b) Residents may need to be temporarily relocated during treatment if they are exposed to lead-based paint hazards.
 - c) Worksite Preparation. The award sub recipient should instruct the owner to control the spread of dust and debris at the worksite. This preparation should ensure that leaded dust, lead-based paint chips and other debris are contained within the worksite until they can be safely removed. Protective measures include sealing off vents and doorways with poly sheeting; covering floors and furniture with poly sheeting and wrapping debris in poly before disposal.
- Cleanup. After paint stabilization is complete, the worksite should be cleaned to remove lead-based paint dust. Cleanup must be accomplished by wet washing surfaces a lead-specific detergent or its equivalent. Vacuum cleaners with HEPA filters should be used during cleanup. Waste and debris must be disposed in sealed containers in accordance with Federal and state disposal requirements.

Clearance

- Clearance must take place following paint stabilization. Clearance helps to ensure that lead-based paint hazards are controlled and the unit is safe for habitation.
 - Paint stabilization and other lead hazard reduction efforts are considered complete when clearance is conducted. Clearance must be performed to ensure that lead-based paint hazards have been controlled.
- a) Clearance consists of a visual examination, collection of dust samples, and laboratory analysis of the samples for lead.
 - b) Clearance is performed after lead hazard reduction and clean-up are complete.
 - c) Dwellings must meet the following clearance standards.

	Floors (µg/ft ²)	Interior Window Sills (µg,ft ²)	Window Troughs (µg/ft ²)
Lead in Dust (as	40	250	800

measured by a dust wipe sample)			
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- Clearance Examiner. The administering agency is responsible for hiring a certified professional to conduct the clearance. This professional may be a certified risk assessor, lead-based paint inspector, or clearance technician. The clearance examiner must be independent from the individual or entity who conducted the paint stabilization or other lead hazard reduction, unless they are employees of the administering agency. Note: If agency employees are used, the same individual who conducted paint stabilization is not permitted to conduct clearance.
- Clearance Report. Prior to closing, and within 15 calendar days of the completion of the lead hazard reduction activities, the tenant must be notified of the clearance examination. The administering agency should ensure that the report is prepared and sent to the tenant. This report should include:
 - a) Beginning and ending dates of the lead hazard reduction activities.
 - b) Name and address of the firm conducting lead hazard reduction activities and the name of the supervisor assigned to the lead hazard reduction activities.
 - c) The name, address and signature of each person conducting clearance sampling, the date of the clearance testing, and the certification number for each certified risk assessor or inspector who conducted sampling.
 - d) The results of clearance testing and the name of each laboratory that conducted the analyses and the identification number of the laboratory.
 - e) A detailed written description of the lead hazard reduction activities including methods used, location of rooms where activity occurred, and any suggested monitoring.
- Notify Tenants. The owner must provide a notice to tenants describing the results of the clearance examination. The award sub recipient should instruct the owner to notify tenants of clearance results.
- Staff Training. As a result of the new cleanup and clearance requirements, the administering agency will need to evaluate their program design and incorporate these new requirements.
 - a) All program staff should have a basic understanding of the proper clearance procedures;
 - b) Staff conducting the clearance examination must complete one of the acceptable training courses listed under paint stabilization; and

Program staff should understand the components of the clearance report and understand the procedures for notifying the buyer of the results. The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.), as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.) and implementing regulations at 24 CFR part 35, subparts A, B, M, and R shall apply to housing occupied by families receiving assistance through ESG. **This requires that a visual inspection be made of any property built prior to 1979 for possible evidence of flaking or peeling paint.**

Any suspect areas must be remediated according to HUD and EPA standards and the unit re-inspected prior to occupancy. The leaser of any such unit must be provided with the EPA leaflet related to lead risks. While households remaining in their present housing with ESG assistance are generally not required to undergo a habitability inspection, any unit built prior to 1979 with children under the age of six in it must be inspected if ESG assistance is rendered.

Nondiscrimination and Equal Opportunity Requirements

Sub-recipients must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). In addition, sub-recipients must make known that ESG rental assistance and services are available to all on a nondiscriminatory basis and ensure that all citizens have equal access to information about ESG and equal access to the financial assistance and services provided under this program.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English (“limited English proficient persons” or “LEP”) may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter. In accordance with Title VI of the

Civil Rights Act of 1964 (Title VI) and its implementing regulations, the sub-recipient agrees to take reasonable steps to ensure meaningful access to activities for LEP persons. Any of the following actions could constitute “reasonable steps”, depending on the circumstances: acquiring translators to translate vital documents, advertisements, or notices, acquiring interpreters for face to face interviews with LEP persons, placing advertisements and notices in newspapers that serve LEP persons, partnering with other organizations that serve LEP populations to provide interpretation, translation, or dissemination of information regarding the project, hiring bilingual employees or volunteers for outreach and intake activities, contracting with a telephone line interpreter service, etc.

In addition, all notices and communications shall be provided in a manner that is effective for persons with hearing, visual, and other communication related disabilities consistent with section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8.6. If the procedures that the sub-recipient intends to use to make known the availability of the rental assistance and services are unlikely to reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for such rental assistance and services, the sub-recipient must establish additional procedures that will ensure that such persons are made aware of the rental assistance and services.

Affirmatively Furthering Fair Housing

Under section 808(e) (5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing. HUD requires the same of its funding recipients. Sub-recipients will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. Examples of affirmatively furthering fair housing include: (1) marketing the program to all eligible persons, including persons with disabilities and persons with limited English proficiency; (2) making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities (see, for example, HUD’s rule on effective communications at 24 CFR 8.6); (3) providing fair housing counseling services or referrals to fair housing agencies; (4) informing participants of how to file a housing discrimination complaint, including providing the toll-free number for the Housing Discrimination Hotline: 1-800- 669-9777; and (5) recruiting landlords and service providers in areas that expand housing choice to program participants.

Lobbying and Disclosure Requirements

The disclosure requirements and prohibitions of section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the Byrd Amendment), and implementing regulations at 24 CFR part 87, apply to ESG . Applicants must disclose, using Standard Form LLL (SF-LLL), “Disclosure of Lobbying Activities,” any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific grants or contracts.

Violence Against Women Reauthorization Act of 2013 (“VAWA”):

Landlords participating in ESG-RRHP will be required to comply with the VAWA provisions set forth below and in the rental assistance payment contracts.

1. PROHIBITED DENIAL/TERMINATION

Landlord shall ensure that any tenant or applicant may not be denied admission to, denied assistance under, terminated from participation in, or evicted from ESG-RRHP Program-assisted housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

2. CONSTRUCTION OF LEASE TERMS

Landlord shall ensure that an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as:

- a. A serious or repeated violation of a lease for ESG-RRHP Program-assisted housing by the victim or threatened victim of such incident; or
- b. Good cause for terminating the assistance, tenancy or occupancy rights to ESG-RRHP Program-assisted housing of the victim of such incident.
- c.

3. TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY

Landlord shall not deny assistance, tenancy, or occupancy rights to ESG-RRHP Program-assisted housing to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking. Notwithstanding the foregoing, the Landlord and/or manager of ESG-RRHP Program-assisted housing may bifurcate a lease for the housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing. Landlord and or manager or ESG-RRHP Program-assisted housing must provide any remaining tenants with an opportunity to establish eligibility and a reasonable time to find new housing or to establish eligibility.

4. CONFIDENTIALITY OF TENANT INFORMATION RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Landlord shall ensure that any information submitted to the Landlord and or staff of ESG-RRHP Program-assisted housing including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in confidence and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is:

- a. Requested or consented to by the individual in writing;
- b. Required for use in an eviction proceeding against any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking; or
- c. Otherwise required by applicable law.

5. REQUIRED NOTICES

The Secretary of HUD shall develop a notice of the rights of individuals under (“VAWA”) including the right to confidentiality and the limits thereof. Landlord agrees to ensure that this notice is utilized and disseminated to the Tenant as directed by HUD and/or IHCDA.

6. EMERGENCY TRANSFERS

HUD shall provide guidance regarding a model emergency transfer plan for use in ESG-RRHP Program-assisted housing that allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available and safe dwelling unit. Landlord agrees to ensure that any guidance developed by HUD will be utilized as directed by HUD and/or IHCDA.

SECTION XII: PROCUREMENT

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards set forth in 2 CFR 200 establishes standards and guidelines for the procurement of supplies, equipment, construction, and services to ensure that they are obtained as economically as possible through an open and competitive process, and that contracts are managed with good administrative practices and sound business judgment. The regulations include:

- Standards that prohibit conflicts of interest;
- Procedures for open competition with consistent technical solicitations;
- Affirmative efforts to hire minority- and women-owned enterprises;
- Maintenance of selection documentation; and
- Contract administration system that provides sufficient monitoring.

The guidelines on procurement are summarized as follows:

- Sub-recipients are allowed to use their own procurement procedures as long as those procedures conform to the provisions of the regulations;
- Sub-recipients must maintain a system to handle disputes, protests, and other matters arising out of its contracts; maintain a code of conduct to prevent conflicts of interest (personal, financial, and organizational); and use solicitations which are clear and accurately describe the materials, products, or services being procured
- Sub-recipients must use some form of cost or price analysis in connection with each of its procurements. They must be able to justify procurements awarded on a non-competitive basis and justify the awarding of procurements by bid on the basis of other than the lowest bid.
- Sub-recipients must initiate positive efforts to use small and minority-owned businesses to the maximum extent possible; include all applicable contract provisions in contracts; and not use the cost-plus-percentage of cost contracts.
- If the sub-recipient has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the sub-recipient must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the sub-recipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
- The sub-recipient's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

SECTION XIII: FREQUENTLY ASKED QUESTIONS (FAQs)

Question:

Is an individual or family that is receiving Rapid Re-Housing Assistance considered homeless for purposes of remaining eligible for other permanent housing placements?

Answer:

Yes. Program participants that are receiving Rapid Re-Housing Assistance through programs such as the Emergency Solutions Grants (ESG) Program, the Continuum of Care (CoC) Program, the Supportive Services for Veterans Families (SSVF) Program, or the Veterans Homelessness Prevention Demonstration Program (VHPD) maintain their homeless status for the purpose of eligibility for other permanent housing programs, such as HUD-VASH and CoC-funded permanent supportive housing (so long as they meet any other additional eligibility criteria for these programs). Program participants only maintain their homeless status during the time period that they are receiving the rapid re-housing assistance. Rapid re-housing is a model for helping homeless individuals and families obtain and maintain permanent housing, and it can be appropriate to use as a bridge to other permanent housing programs.

It is important to note that although the program participants in rapid re-housing are considered homeless for purposes of eligibility for other programs, the housing itself is still considered permanent housing; therefore, these program participants are not considered homeless for counting purposes, and must not be included in the CoCs sheltered point-in-time count.

Question:

Can ESG be used in combination with HUD-VASH?

Answer:

ESG funds may be used to provide security deposits to help veterans move into units receiving HUD-VASH rental assistance, as long as the security deposit is not being paid for with another source of funds. ESG may not be used to provide rental assistance during the same period of time that HUD-VASH is providing rental assistance for the same participant. (See 24 CFR § 576.106).

Question:

To what ESG program components does the 30% area median income (AMI) limit apply?

Answer:

For **Rapid Re-Housing**, an income assessment is not required at initial evaluation. However, at annual re-evaluation, income must be **LESS THAN OR EQUAL TO 30% AMI**.

For **Homelessness Prevention** assistance, households must have an income **BELOW 30% AMI** at initial evaluation, and have no other housing options, financial resources, or support networks. At re-evaluation - not less than once every three months - the participant must have an annual income **LESS THAN OR EQUAL TO 30% AMI**.

Whether a sub recipient must stop a program participant's ESG assistance upon learning of an increase in income (or other change in household circumstances that may affect eligibility) depends upon whether the information is obtained through a re-evaluation, or through other means (e.g., case management).

If income over AMI is discovered *during* re-evaluation for homelessness prevention and rapid re-housing assistance: Each re-evaluation of eligibility must establish that the program participant has an annual income that does not exceed 30 percent of median family income for the area, as determined by HUD. (24 CFR §

576.401(b)(1)(i)). Rapid Re-Housing program participants must be re-evaluated not less than once annually and Homelessness Prevention program participants must be re-evaluated not less than once every three months. If the re-evaluation shows that the program participant is no longer eligible for ESG, assistance must be stopped at that time.

If income over AMI is discovered *outside* of the re-evaluation process for homelessness prevention and rapid re-housing assistance: HUD does not require sub recipients to conduct a re-evaluation outside of the regular re-evaluation process if information becomes available to indicate that a household has (or may have) increased income or a change in household circumstances that affect eligibility for the program. However, the sub recipient has discretion to institute its own standards and **MAY** require each program participant receiving Rapid Re-Housing or Homelessness Prevention assistance to provide information about changes in income or other circumstances (e.g., household composition) that affect the program participant's need for assistance. When a program participant notifies a sub recipient of a relevant change because the notification is **REQUIRED**, the recipient/sub recipient **MUST** re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs (see 24 CFR § 576.401(b)(2)). If the re-evaluation shows that the program participant is no longer eligible for ESG, assistance must be stopped at that time.

If the sub recipient has **NOT** required such a notification, simply receiving information about a change in a program participant's situation outside of the re-evaluation process (e.g., through case management or credit repair activities) has no immediate effect on the program participant's eligibility for ESG, and ESG assistance can continue until the next re-evaluation. At that time, the re-evaluation will determine whether the program participant continues to be eligible for ESG assistance.

Question:

If I am providing only housing relocation and stabilization services under the Rapid Re-housing or Homelessness Prevention components, do the habitability requirements apply?

Answer:

Yes, habitability standards (24 CFR § 576.403(c)) apply any time ESG funds are used to help a program participant remain in or move into housing under the Rapid Re-housing or Homelessness Prevention components. This would include providing only rental arrears assistance, only security deposit, only legal assistance, only credit repair, etc.

In cases where the program participant will be moving to a new unit, the habitability requirement applies to the new unit the program participant will move to, not to the unit the household is leaving.

Question:

What are the limits on rental assistance provided through ESG? For how many months of rental arrears can the ESG funds be used?

Answer:

The maximum length of time a program participant may receive rental assistance through ESG is 24 months during any 3-year period. Short-term rental assistance is for up to 3 months of rent. Medium-term rental assistance is for more than 3 months, but not exceeding 24 months. Payment of rental arrears consists of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears. The limit of up to 24 months of payments must include the arrears payments. For example, if a participant receives assistance for 6 months of rental arrears payments, the maximum amount of monthly rental assistance they may receive is 18 months.

Question:

Can the cost of sub recipients' travel time and expenses to an ESG-specific training provided by Recipient be an eligible Administrative expense under ESG? The Regulations states training includes the "Costs of providing training on ESG requirements and attending HUD-sponsored ESG trainings." However, what about trainings sponsored by the Recipient? With HPRP, these expenses were eligible as long as the training was HPRP specific. However based on the statement in the regulation stated above, it would appear the sub recipient's time and costs to travel for training would not be eligible. Please clarify what sub recipient expenses are eligible with regard to training and travel.

Answer:

The sub recipient's time and costs to travel to and attend ****recipient- or sub recipient-sponsored**** training or conferences is not an eligible ESG activity. Also, it cannot be considered match.

The costs of attending a ****HUD-sponsored**** training (including HUD webinars) can only be eligible as an Administrative cost. However, if a sub recipient does not receive Administrative funds, or if the recipient has used all of its available administrative funds (subject to the 7.5% cap), then the sub recipient could use the funds they spent to attend the training as match, as long as it was in accordance with HUD's match requirements (see 24 CFR 576.201 and the FAQ on match found at <http://hudhre.info/index.cfm?do=viewFaqById&faqID=1928>).

The costs of training ****provided by**** the recipient or sub recipient on ESG requirements is an eligible administrative cost, and therefore must be charged to Administration. If the sub recipient does not receive Administrative funds, then they cannot use ESG funds to pay for providing training. However, note that providing and attending meetings or structured information sessions in which in-house staff work to improve their knowledge of the ESG program in order to perform their jobs is allowable. For example, a supervisor could have a meeting with case management staff for a Rapid Re-Housing program to go over how to complete intake forms. This type of supervisory work would be charged to the applicable program component. In this example, it would be charged to the Rapid Re-housing component.

Question:

Can the rental arrears payment be paid to a former landlord who is now placed the arrears under a collection agency and now has gone to court? Can the payment go to the collection agency or the court directly?

Answer:

No, ESG funds may not be used to pay rental arrears to a former landlord who has placed the arrears under a collection agency nor can ESG funds be used to pay a collection agency directly.

If a former landlord has placed arrears under a collection agency, ESG funds may not be used to pay the arrears directly to the former landlord. That is because once the landlord turns the arrears over to a collection agency the funds are no longer owed to the landlord. Additionally, ESG funds may not be used to pay a collection agency for the arrears formerly owed to the landlord. A recipient or sub recipient may only make rental assistance payments, including an arrears payment, to an owner with whom the recipient or sub recipient has entered into a rental assistance agreement. § 576.106(e).

Please also note that the costs of Homelessness Prevention or Rapid Re-Housing assistance, including rental arrears assistance, are only eligible to the extent that the assistance is necessary to help the program participant regain stability in his/her current permanent housing or move into other permanent housing and achieve stability

in that housing. (See § 576.103 and § 576.104). This means that ESG funds should be used to pay for rental arrears ONLY if failing to pay the arrears would result in the potential participant moving into an emergency shelter or place not meant for human habitation or would prevent the eligible participant from obtaining housing.

Question:

Is there any guidance regarding clients who temporarily vacate due to illness or another unforeseen circumstance?

Answer:

Under the ESG Interim Rule, recipients and sub-recipients administering rental assistance must follow the guidelines established under 24 CFR 576.106, which do not include a regulatory requirement around the length of time that grant funds can be used to pay for an empty unit. Therefore, the amount of time that the unit may be held is at the discretion of the local program. However, when an individual is staying in an institution, HUD would advise that the recipient not hold the unit for the individual for more than 90 days. In addition, if you know in advance that the program participant is going to be in an institution for more than 90 days, then you should exit the program participant from the program. Recipients and sub-recipients should have clear policies and procedures in place regarding absences from units and program participant termination related to this.

IHCDA recommends evaluating a person's need for continued subsidy in the case of an absence in 30 day increments when a participant is away because of medical treatment or jail/incarceration. The subsidy cannot be provided for longer than 90 days in any scenario and should not be provided for longer than 30 days in most instances.

Question:

Can RRH pay lot rent and/or a security deposit for someone who is buying a mobile home? Also, if the mobile home is a rent to buy program, can RRH assist with the rent?

Answer:

Paying for rent of a lot on which a mobile home (also known as a manufactured home) is located is eligible as rental assistance under the ESG Homelessness Prevention and Rapid Re-Housing components.

With regard to providing rental assistance for a rent-to-buy program, the specific terms of the lease will determine whether providing ESG rental assistance would be allowable. To provide rental assistance under ESG, a lease must meet the requirements laid out in 24 CFR § 576.106 of the ESG Interim Rule and all applicable requirements under the ESG Interim Rule must be satisfied. In general, HUD does not expect that a lease-to-own agreement would meet these requirements and be considered a lease agreement. However, if you believe that the client's rent-to-buy agreement would meet the ESG program's lease requirements, then you will need to submit a copy of it to HUD via the Ask A Question portal for further review by HUD staff and lawyers. Please reference question number 42620 if you resubmit it.

Finally, keep in mind that all other program requirements pertaining to rental assistance would apply when assisting a household with lot rent, including habitability standards, rent reasonableness, and Fair Market Rent (FMR). Some communities have FMRs for manufactured home spaces. If there are no FMRs for manufactured home spaces in the area, the FMR requirement would not apply in this limited situation. HUD lists all of the current FMRs for communities on the HUD User website, which can be found at <http://www.huduser.org/portal/datasets/fmr.html> .

Question:

There are some residents who have been put on a budget with their electric/gas company. When assisting clients with utility payments, do we pay the actual bill (example \$20.00 this month due to the nice weather) or the monthly budget that the company billed them that is actually \$70.00. This \$70.00 is the due amount every month. If they do not pay the full budget amount, they will lose their budget agreement with the company and this becomes a major problem in the winter when utility bills are significantly higher. They would be in danger of losing their housing if they do not pay their utility bills and could be homeless. So do we pay the actual bill of \$20.00 or the required budget bill of \$70.00?

Answer:

Whether to allow utilities to be paid based on a budget billing agreement is left to the recipient's discretion. ESG assistance can be used to pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. The case manager/intake worker should assess each applicant's needs and determine the appropriate level of ESG financial assistance needed to prevent or end homelessness. HUD encourages recipients and sub-recipients to consider requiring the program participant to share costs to the extent possible as long as it is consistent with their written standards.

It is not clear from your question whether the utility assistance would be provided in conjunction with other ESG assistance, or as utility assistance only. Please note that recipients and sub-recipients may provide ****utility-only**** assistance under the Homelessness Prevention component; however, HUD expects that this will be rare. First, there are laws governing public utilities in many states that prevent utility companies from shutting off power to households during winter months, and which may also require the utility company to offer payment plans to households that miss payments. Second, there may be other forms of utility assistance available to prevent shut-off, such as LIHEAP.

However, utility-only assistance may be allowable if the household is going to have to leave its housing due to a lack of utilities, can avoid moving into an emergency shelter or place not meant for human habitation by having utilities paid, and meets other ESG eligibility requirements. The costs of utility-only homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in his/her current permanent housing or move into other permanent housing and achieve stability in that housing (24 CFR § 576.103).

Question:

Can ESG RRH funds allow for a sub-recipient to purchase bus tickets for a lady and her 3 children to move from Indiana back to Mississippi? The family would have housing there for them. The family is homeless and have been living in their car. Could the sub-recipient be reimbursed for the bus tickets from ESG RRH?

Answer:

HUD would consider a bus ticket to be an eligible moving cost under the rapid re-housing component of ESG; however, there are important caveats to allowing this activity.

First, the purpose of ESG rapid re-housing is to help individuals and families move as quickly as possible into permanent housing and achieve stability in that housing. Toward that end, HUD requires that all ESG program participants receive housing stability case management, which includes at least an initial meeting with a case manager and developing a plan to assist the program participant to retain permanent housing after the ESG

assistance ends (24 CFR 576.401(e)). Part of this would be for your organization to ensure that the family will have a stable housing situation in the location to which you are sending them via bus.

Second, a habitability inspection must be conducted for the unit into which they are moving -- this is the case even if they only receive moving assistance. Although the sub-recipient does not actually need to conduct the inspection, they will need to retain documentation in the case files that it has been conducted. The sub-recipient could work with an ESG sub-recipient in the area to which they will be moving, to conduct the inspection.

Third, whenever ESG funds are used to move a program participant outside of your jurisdiction, it should be at the request of the program participant, because they choose to live in a unit or location outside of your jurisdiction (not because the recipient or sub-recipient is trying to relocate persons who are homeless or at risk of homelessness).

Fourth, the sub-recipient would need to make sure that this assistance is provided in compliance with the applicable written standards (either the recipient's or the sub-recipient's) - such as any limits on the maximum amount of assistance that any program participant may receive, or any caps on moving costs.

Fifth, all costs must be reasonable, necessary, and appropriate. For example, the sub-recipient should document why a bus ticket is necessary if the family owns a car. If the sub-recipient can document that the costs of the move were reasonable and "necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing," it could be eligible. However, you as the recipient have the discretion to permit or to disallow/not reimburse some or all of these costs if you believe they do not meet these qualifications. Make sure that you or the sub-recipient documents the need for this move following the record keeping requirements in 24 CFR 576.500 of the ESG Interim Rule.

Finally, if the program participant is going to need additional ESG assistance beyond moving costs and case management directly applicable to the move, HUD recommends that you work with the ESG recipient or sub-recipient serving the community to which the individual or family wishes to move to coordinate the provision of ESG assistance and to possibly transfer them to the other jurisdiction's ESG program. This will ensure that any needed supportive services are available to the family and that local staff will be able to perform needed inspections of the unit.

Question:

Are there set occupancy standards for the family and unit size?

Answer:

While HUD has not set specific occupancy standards, IHCD recommends following Section 8 guidelines for unit and family size.

HQS Standards

Unit Size	Max Occupancy (Counting LR as sleeping area)
0-BR	1
1-BR	4
2-BR	6
3-BR	8
4-BR	10
5-BR	12
6-BR	14

Question:

The eligibility for Rapid Rehousing under the Emergency Solutions Grant program includes Categories 1 and 4 under the Homeless Definition. However, category 4 contains the caveat "(where the individual or family also meets the criteria for Category 1)". This caveat is also present under eligibility rules for Street Outreach but is not present for other programs. Could you further explain the differentiation between category 4 eligibility for ESG Rapid-Rehousing and Street Outreach and other homeless programs that allow category 4 under the homeless definition?

Answer:

Under ESG, an individual or family that qualifies as homeless under Category 4 of the "homeless" definition would be eligible for Emergency Shelter assistance and Homelessness Prevention assistance (to receive Homelessness Prevention assistance they would also have to have an annual income below 30% AMI). An individual or family who qualifies as homeless under Category 4 of the "homeless" definition AND lives in an emergency shelter or other place described in paragraph (1) of "homeless" definition would be eligible for Rapid Re-Housing assistance. Under the Street Outreach component, ESG assistance may only be provided to individuals and families who qualify as homeless under paragraph (1)(i) of the "homeless" definition under § 576.2. This is because Emergency Shelter and Street Outreach are eligible only for people who meet Category 1 of the homeless definition.

With regard to other McKinney-Vento homeless assistance programs, the following requirements apply. To receive assistance under the SHP and SPC programs, individuals and families defined as homeless under Category 4 are eligible for all types of assistance, except that to be eligible for Permanent Supportive Housing projects funded through the FY2011 CoC Homeless Assistance Grants Competition, an individual or family must qualify as homeless under Category 4 AND come from the streets, emergency shelters, Safe Havens, or transitional housing. Persons coming from transitional housing must have originally come from the streets or emergency shelters. (This restriction is based on the limitation on Permanent Supportive Housing set forth in the FY2011 Continuum of Care NOFA in Section III.E.2.d(3)).

Under the FY2012 CoC Program, individuals and families defined as homeless under Category 4 are eligible for assistance, including permanent supportive housing projects, even when the individuals and families who are fleeing domestic violence, sexual assault, dating violence, or stalking are living in transitional housing did not live on the streets, emergency shelters, or safe havens prior to entry into the transitional housing (see Section III.E.2.d(2) of the FY2012 CoC Program NOFA for more information).

If an individual or family is fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking, the recordkeeping requirements for Category 4 found at 576.500(b)(5), 582.301(b)(5), 583.301(b)(5), or 578.103(a)(3), depending upon the program, apply.

Criteria and recordkeeping requirements for each category of homelessness are available on the HUD HRE: <http://hudhre.info/index.cfm?do=viewResource&ResourceID=4579>.

Question:

How is the definition of ‘family’ that was included in the *Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity* apply to recipients and sub-recipients of ESG and CoC Program funds?

Answer:

The Equal Access Rule defines family as follows:

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or,
- (2) A group of persons residing together, and such group includes, but is not limited to:
 - a. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - b. An elderly family;
 - c. A near-elderly family;
 - d. A disabled family;
 - e. A displaced family; and,
 - f. The remaining member of a tenant family.

In general, this definition of “family” applies to both the ESG and CoC Program rules. However, the [McKinney-Vento Act, as amended by the HEARTH Act](#), distinguishes individuals from families. Therefore, paragraph (1) of the definition of family under the Equal Access Rule is considered an individual under the CoC and ESG programs and the definition of family for these programs is defined as follows:

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and

irrespective of age, relationship, or whether or not a member of the household has a disability. A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

What this means is that any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Further, a recipient or sub-recipient receiving funds under the ESG or CoC Programs cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any member's family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity.

Here are two examples of how this might apply:

1. **An emergency shelter, transitional housing project, or permanent housing project that serves households with children.** While it is acceptable for a shelter or housing program to limit assistance to households with children, it may not limit assistance to only women with children. Such a shelter must also serve the following family types, should they present, in order to be in compliance with the Equal Access rule:
 - o Single male head of household with minor child(ren); and
 - o Any household made up of two or more adults, regardless of sexual orientation, marital status, or gender identity, presenting with minor child(ren).

In this example, the emergency shelter or housing program would not be required to serve families composed of only adult members and could deny access to these types of families provided that all adult-only families are treated equally, regardless of sexual orientation, marital status, or gender identity.

2. **A permanent supportive housing project under the CoC Program rule that serves chronically homeless families.** A permanent supportive housing program that serves families must serve all types of families and cannot discriminate against any family based on marital status, actual or perceived sexual orientation of the family members, or gender identities of the family members. Therefore, if two adults present together as a family, the recipient or sub-recipient must serve the two adults as a family and may not require proof of marriage and may not limit assistance to couples in a heterosexual relationship.

This policy applies to any recipient and sub-recipient of funding under ESG or the CoC Program, including faith-based organizations that accept funds through these programs.

All recipients and sub-recipients are encouraged to review their current policies and procedures to ensure that they are compliant with this rule.

Question:

How should recipients determine a family's eligibility for assistance under the Emergency Solutions Grants (ESG) Program or for the Continuum of Care (CoC) Program when the individual members of the family are residing in different places upon presentation to the project?

Answer:

Under HUD's Homeless Assistance Programs, persons presenting together for assistance regardless of marital status, actual or perceived sexual orientation, or gender identity are considered a family and can be served as a

family in the ESG and CoC programs.

In general, when determining the homeless status of families where the individual members are not residing together when they present for intake into the project (e.g. one parent is staying in an emergency shelter and the other parent is staying with a child at a friend's house), eligibility must be assessed using:

1. The adult head of household (in cases where more than one adult is present in the family, HUD allows the family to choose which adult will be the head of household, for application purposes); or
2. The minor head of household when no adult is present.

Question:

Can households enrolled in RRHP elect to live with roommates who are not experiencing homelessness while they receive subsidy?

Yes. HUD has not provided guidance on participants electing a roommate who is not experiencing homelessness. Roommates can be a useful way to share housing costs and build housing stability to increase ability to maintain housing after RRH subsidy is received. Participants enrolled in RRHP who would like to live with a roommate who does not meet category 1 (i) of the HEARTH definition of homelessness can do so as long as it is well documented that no ESG funds are used to support the roommate who does not qualify under category 1 (i) of the definition. All individuals who will reside in the unit must be listed on the lease and are responsible for their own housing associated costs. Participants enrolled in an RRH program can have eligible housing costs paid for by the provider agency while they are enrolled in the program and receiving subsidy. Sub-recipients are expected to document procedure for ensuring that subsidy is not benefiting the non-homeless individual for household costs including:

- Utility payments- documentation demonstrating that only the eligible individual's utility costs have been paid for with ESG funds
- Rental Assistance-The cost of the eligible household's room would meet FMR standards i.e. if participant and their roommate rent a two bedroom unit the rent should be split equally and the FMR should be considered as if a one bedroom unit is being provided.
- Deposits- the deposit costs are split equally between renter's in the unit
- Arrears- paid only for the enrolled participant
- Moving costs- paid only for moving needs of the enrolled participant

Question:

Can Energy Assistance Program pledges for utility assistance be used as Match for an ESG RRHP program?

Answer:

The ESG program requires that all funds counted as match be contributed to the ESG program and expended for the recipient or sub-recipient's allowable ESG costs, and that all other ESG requirements (except for the expenditure limits in 24 CFR 576.100) be met (e.g., documentation requirements, eligibility requirements, and eligible costs). (24 CFR 576.201(c)(1)).

As stated in the ESG Interim Rule, matching contributions must meet all the requirements that apply to ESG (except for expenditure limits). If ESG program requirements are stricter than the match program's requirements, then, in order to count as a matching contribution for ESG, the funds must be used in accordance with both the other federal program's requirements and the stricter requirements that apply to the ESG grant funds.

Any utility payments would need to be paid to a third party, and not directly to the program participant.

Any program funds used for households that do not qualify for ESG would not be eligible as a matching contribution for ESG. A recipient's plan for meeting the match requirement should be established in its Consolidated Plan/Action Plan, in which it should have identified the sources of funds it would use as match. Finally, all match funds must be "contributed to" the ESG program; in practice, this means that a recipient would need to have designed a program in which the recipient is administering Energy Assistance and ESG funds jointly as one program, under the same program requirements.

Given these criteria, the Energy Assistance Program is likely not an allowable source of match in most cases. However, this help desk does not have enough information about the Energy Assistance Program requirements and your local program to know whether you could meet the ESG match requirements with these funds.

For additional guidance, please review the requirements for matching ESG funds described in 24 CFR § 576.201 of the ESG Interim Rule, and the requirements for documenting matching contributions, which are described in 24 CFR § 576.500(o). The ESG Interim Rule can be found at: <https://www.hudexchange.info/resource/1927/hearth-esg-program-and-consolidated-plan-conforming-amendments/>

Additionally, The ESG Match FAQ (ID # 1086) is copied below for your convenience, and is available online here: <https://www.hudexchange.info/faqs/1086/what-sources-of-funds-can-be-used-as-cash-match-for-esg/>

For future reference, all ESG FAQs are available on the HUD Exchange at: <https://www.hudexchange.info/esg/faqs/>. You may also find ESG FAQs from the HUD Exchange website search page at <https://www.hudexchange.info/search/>, or from the website search bar, located on each HUD Exchange page on the top right-hand corner of the page where it says "Search HUD Exchange." From the website search page or search bar, you can find FAQs by typing in the appropriate key word or FAQ ID number (e.g., "FAQ 1838"). On the search results page, use the filters on the left side of the page to narrow your search by topic or content type.

What sources of funds can be used as cash match for ESG?

The requirements for matching ESG funds are described in section 576.201 of the ESG Interim Rule, and the requirements for documenting matching contributions are described in section 576.500(o).

In general, federal (other than ESG), state, local, or private funds may be used to satisfy the requirement that the recipient provide matching contributions to ESG, so long as the following conditions are met:

1. The matching funds are contributed to the ESG program and expended for the recipient or sub-recipient's allowable ESG costs.*
2. If the matching funds are from another federal program, there is no specific statutory prohibition on using those funds as match;
3. The matching funds are used in accordance with all requirements that apply to ESG grant funds, except for the expenditure limits in 24 CFR 576.100. This includes requirements such as documentation requirements, eligibility requirements, and eligible costs.

4. The matching funds are expended (that is, the allowable cost is incurred) after the date HUD signs the grant agreement for the ESG funds being matched.
5. The matching funds are expended by the expenditure deadline that applies to the ESG funds being matched;
6. The matching funds have not been and will not be used to match any other Federal program's funds nor any other ESG grant;
7. The recipient does not use ESG funds to meet the other program's matching requirements; and
8. The recipient keeps records of the source and use of the matching funds, including the particular fiscal year ESG grant for which the matching contribution is counted.

*Note: because the matching funds are contributed to the ESG program and expended for the recipient or sub-recipient's allowable ESG costs, the following are not allowed to be used as match:

- SNAP benefits (food stamps), because the funds are being used to cover the program participant's costs;
- Housing Choice Vouchers, because the funds are used to pay the PHA's obligations under its Housing Assistance Payment contract with the owner; and
- The tenant's portion of the rent, because this amount is the tenant's obligation.

Please also note the following:

- HUD's matching requirement applies to the recipient. HUD provides the recipient with the discretion to pass that requirement on to sub-recipients.
- The matching funds are provided based on the total grant amount and do not have to be provided on a component-by-component basis. For example, if a recipient is spending \$10,000 on HMIS, they do not need to find \$10,000 in data collection funds from another source to use as match.
- HOME-TBRA funds generally cannot be used as match, because the requirements for rental assistance are significantly different between the two programs. There could be a rare instance where it is possible; if you believe this is the case, please contact HUD to see if it would be allowable.
- SHP funds generally cannot be used as match, because very few activity costs are allowable under both SHP and ESG. However, in some cases, such as where SHP funds are used for HMIS or street outreach costs that are allowable under ESG, SHP funds can be counted as match in accordance with conditions 1-8 above. Please note, however, that HMIS costs are only eligible to be used as match under ESG if they are eligible under section 576.107 and allocable to the ESG program, whether charged as direct costs or indirect costs. If the SHP HMIS funds are being used to pay for SHP projects' data entry, those data entry costs are not allocable to the ESG program and the funds used cannot be counted as match.

SECTION XIV: DEFINITIONS, REFERENCE RESOURCES

<http://www.in.gov/ihcda/>

Indiana Housing & Community Development Authority

<http://www.hudhre.info/index.cfm?do=viewResource&ResourceID=4517>

Emergency Solutions Grant (ESG) Program Interim Regulations

<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>

Code of Federal Regulations

<http://www.indianahousingoptions.org/home.asp>

Indiana Housing Opportunity Planner & Evaluator

<http://www.endhomelessness.org>

National Alliance to End Homelessness

<http://www.hud.gov/offices/fheo/index.cfm>

HUD Fair Housing Equal Opportunity Link

<http://www.indianahousingnow.org>

Indiana Housing Now Search Engine

<http://www.hud.gov/offices/fheo/promotingfh/928-1.pdf>

Equal Housing Opportunity/ Fair Housing Poster

<http://www.huduser.org/portal/datasets/fmr.html>

HUD Fair Market Rents. *Published every October*

<http://www.gosection8.com/>

GoSection8 site for Rent Reasonable requirement

Emergency Solutions Grant's Code of Federal Domestic Assistance (CFDA) Number: 14.231