



## Emergency Solutions Grant (ESG) Program

### Policies and Procedures Manual

#### CARES Edition

The manual and guides provide a basic overview of the Emergency Solutions Grant Program, including the special conditions applicable to Coronavirus Aid, Relief and Economic Security Act (CARES) funded projects, and its eligible activities and requirements. Policies and procedures may be updated as the need arises. They are not intended to replace existing guidance produced by HUD. Additional program information can be found on the [HUD Exchange ESG](#) Page.

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## SECTION 1: PROGRAM DESCRIPTION

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) amended the McKinney-Vento Homeless Assistance Act, revising the Emergency Shelter Grants Program in significant ways and renaming it the Emergency Solutions Grants (ESG) program. The ESG Interim Rule took effect on January 4, 2012. In addition, the HEARTH Act provides grantees with the programmatic framework to maximize communitywide planning and strategic use of resources, and to improve coordination and integrate with mainstream services to increase efficiency, including services funded by other programs targeted to homeless people. Based on the Emergency Solutions Grant (ESG) regulations at 24 CFR Subpart F § 576.500 the following policies were established and implemented by the State of Alaska. All ESG programs must implement, at a minimum, the policies contained in this document.

**Emergency Solutions Grant – CARES (ESG-CV) – The Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act) provided for a supplemental appropriation of Homeless Assistance Grants under the Emergency Solutions Grant (ESG) as authorized by McKinney-Vento Homeless Assistance Act of 1987 (P.L. 100-77), as amended by the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009.**

The CARES Act provides homeless assistance funds to:

- i. **Prevent, prepare for, and respond to coronavirus, among individuals and families who are homeless or receiving homeless assistance;**
- ii. **To support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus; and**
- iii. **People experiencing homelessness shall not be required to receive treatment or perform any other prerequisite activities as a condition for receiving assistance.**

Agencies must comply with applicable laws and guidance including the requirements of:

- Housing and Urban Development (HUD) [Docket Number FR-5474-I-01]
- Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)
- 24 CFR Part 91
- 24 CFR Part 576
- PART 91 — Consolidated Submissions for Community Planning and Development Programs
- The HEARTH Act
- OMB Uniform Guidance
- HUD Eligibility Determination and Documentation Guidance

These funds must exclusively be used for Emergency Shelter, Homelessness Prevention Assistance, Rapid Rehousing Assistance and Administration.

### Purpose of this Document

The Emergency Solutions Grants Program Policies and Procedures Manual (CARES) serves as a guide to units of local government and private non-profit organizations interested in participating in the State-administered Emergency Solutions Grant (ESG) Program.

The Emergency Solutions Grants Program Policies and Procedures Manual (CARES) will assist subrecipients to implement efficient and compliant ESG programs. It does not explain various AHFC processes, e.g., contracting, reporting, invoicing, etc. These types of processes are subject to changes; for more information, contact Alaska Housing Finance Corporation (AHFC) ESG staff.

The Alaska Emergency Solutions Grant Program Policies and Procedures Manual (CARES) does not replace the regulations contained in 24 CFR Part 576, and subsequent amendments, or any other applicable Federal, State and local laws, ordinances and regulations pertaining to the Emergency Solutions Grant. ESG programs must always refer to the regulations and the grant agreement in determining what is allowable under 24 CFR Part 576.

## Grant Terms

Grants will begin on October 1, 2020 and fully expire on September 30, 2022.

Emergency Services funding will expire on January 31, 2022. Grantees may request a budget revision through AHFC to move unspent emergency services funds to rapid rehousing or prevention funds.

- **Progressive Expenditure Guidelines**
  - **20 percent of funds must be spent by September 30, 2021**
  - **80 percent of funds must be spent by March 31, 2022**

Grant funds unexpended during the operating period of the grant will be rolled over into the following operating cycle and distributed via percentage calculation.

## Target Population

This program is targeted to individuals and families in Alaska who “but for” this assistance will become or remain homeless.

## Income Limit increase for Individuals Seeking Homeless Prevention

*Definitions from 24 CFR 576.2.* For purposes of ESG-CV funds, the definitions at 24 CFR 576.2 apply with the following exceptions:

**At Risk of Homelessness.** The CARES Act raised the income limit in paragraph (1)(i) of the “at risk of homelessness” definition at 24 CFR 576.2 from 30 percent of area median income to the **Very Low-Income limit of the area**, as determined by the Secretary. The entire definition of “at risk of homelessness,” incorporating the higher income limit for ESG-CV activities, is included below for reference.

*At Risk of Homelessness* means an individual or family who:

- (a) Has an annual income that does not exceed the Very Low-Income Limit, **50 percent of the area median income**, of the area, as established for HUD’s Section 8 and Public Housing programs at [www.huduser.gov/portal/datasets/il.html](http://www.huduser.gov/portal/datasets/il.html);
- (b) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “homeless” definition in 24 CFR 576.2; and



(c) Meets one of the following conditions:

(I) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(II) Is living in the home of another because of economic hardship;

(III) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

(IV) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;

(V) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;

(VI) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(VII) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

(i) A child or youth who does not qualify as "homeless" under 24 CFR 576.2, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7

U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(ii) A child or youth who does not qualify as "homeless" under 24 CFR 576.2, but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

### Definitions not in 24 CFR 576.2

*Coronavirus* means SARS-CoV-2 or another coronavirus with pandemic potential, as defined by section 23005 of the CARES Act.

*Temporary Emergency Shelter* means any structure or portion of a structure, which is used for a **limited period** because of a crisis, such as a natural disaster or public health emergency, to provide shelter for individuals and families displaced from their normal place of residence or sheltered or unsheltered locations. Examples of temporary emergency shelters include:

(i) an overnight, daytime, or 24-hour shelter in which program participants are only provided a safe place to sleep, rest, bathe, and eat;

(ii) a shelter where one or more services are made available on-site, whether by shelter staff or contractors or through a memorandum of understanding with another subrecipient or service provider; and

(iii) a shelter designed to facilitate the movement of homeless individuals and families into permanent housing within a fixed period of time (e.g., within 12 months) and employs or contracts with one or more case managers or service providers to provide services as specified under sections III.E.3.a.(i)(e) and III.E.3.a.(ii)(e) through (h).

a. *Prevent, Prepare for, and Respond to Coronavirus.* To assist recipients in ensuring that an activity being paid for with ESG-CV funds is eligible, or determining whether annual ESG funding may follow the waivers and alternative requirements established in this Notice, recipients and subrecipients should consider the following:

(i) *Prevent...coronavirus* means an activity designed to prevent the initial or further spread of the virus to people experiencing homelessness, people at risk of homelessness, recipient or subrecipient staff, or other shelter or housing residents. This includes providing Personal Protective Equipment to staff and program participants, paying for non-congregate shelter options such as hotels and motels, paying for handwashing stations and portable toilets for use by people living in unsheltered situations, and providing rapid re-housing or homelessness prevention assistance to individuals and families who are homeless or at risk of homelessness (as applicable) to reduce their risk of contracting or further spreading the virus.

(ii) *Prepare for...coronavirus* means an activity carried out by a recipient or subrecipient prior to or during a coronavirus outbreak in their jurisdiction to plan to keep people healthy and reduce the risk of exposure to coronavirus and avoid or slow the spread of disease. This includes updating written standards to prioritize people at severe risk of contracting coronavirus for shelter and housing consistent with fair housing and nondiscrimination requirements, adapting coordinated entry policies and procedures to account for social distancing measures or increased demand, developing a strategy and recruiting landlords to provide housing to people experiencing homelessness or at risk of homelessness, training homeless providers on infectious disease prevention and mitigation, and implementing a non-congregate shelter strategy to reduce the spread of coronavirus.

(iii) *Respond to coronavirus* means an activity carried out once coronavirus has spread to people experiencing homelessness, provider staff, or once individuals and families lose or are at risk of losing their housing as a result of the economic downturn caused by coronavirus. This includes transporting individuals and families experiencing homelessness to medical appointments, paying for shelter to isolate individuals who have contracted coronavirus from other program participants and people experiencing homelessness, providing rental assistance to those who are at risk of losing their housing, have already become homeless, or continue to experience homelessness due to the economic downturn caused by coronavirus, and providing hazard pay to recipient or subrecipient staff who put their own health at risk to

continue to provide necessary services to individuals and families experiencing and risk of homelessness.

### Eligible Applicants

Eligible applicants for AK-501 CoC funding are private non-profit organizations, provided that for emergency shelter activities, the recipient obtains a certification of approval from the unit of local government for the geographic area in which those activities are to be carried out.

## SECTION 2: ELIGIBLE ACTIVITIES

ESG grant funding can be used for five categories; HMIS, Street Outreach, Emergency Shelter, Rapid Rehousing, Prevention Services and eligible Administration Costs. AHFC provides funding for Emergency Shelter, Rapid Rehousing, Prevention and Administration Costs. HMIS services are supported through other state funding and are currently ineligible for ESG funding through AHFC.

Note: Program participants are not to be exited from ESG-funded programs and activities unless the sub-recipient can demonstrate improved and/or steady household income necessary to ensure household stability or terminate in accordance with the formal process established by the Continuum of Care.

If ESG funds are used to improve or renovate a building used for emergency shelter, the subgrantee will comply with the minimum terms of use as set forth by 24 CFR §576.102(c). Grantees must comply with 24 CFR §576.407, other appropriate provisions of 24 CFR §576 and other applicable Federal law concerning nondiscrimination and other equal opportunity.

### Street Outreach (24 CFR §576.101)

ESG funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility.

## Eligible Costs

Limited to those necessary to provide emergency care on the street. Staff salaries related to carrying out street outreach activities is allowable.

## Eligible Program Participants

Individuals and families who are literally homeless in areas not meant for human habitation.

## Emergency Shelter (24 CFR §576.102)

Shelter funding includes shelter operations and shelter essential services, i.e. case management.

## Eligible Costs

- Case management related to emergency shelter, referrals to employment, healthcare, substance abuse and related services within the community. (Note that referrals can be provided, however, direct case management for employment, health, substance abuse and other related services cannot be provided with these funds).
- Shelter Operations: including maintenance, rent, repair, security, fuel, insurance, and utilities. If major shelter repairs are being undertaken, ESG programs must comply with the requirements of 24 CFR §576.408 concerning displacement, relocation and acquisition in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- **Training on infectious disease prevention and mitigation for staff working directly to prevent, prepare for and respond to coronavirus among persons who are homeless or at-risk of homelessness.**
- **Hazard pay for staff working directly to prevent, prepare for, or respond to coronavirus among persons who are homeless or at risk of homelessness.**
- **Handwashing stations and portable bathrooms for individuals experiencing unsheltered homelessness.**

- Volunteer incentives, ie cash or gift cards, for individuals who have been or will provide services to support literally homeless individuals access essential services, housing stability and relocation during the coronavirus outbreak.
- Hotel/Motel Vouchers for homeless individuals and families where no appropriate emergency shelter is available. In addition to the cost of the accommodations, ESG-CV funds can be used for cleaning and damages that are beyond the normal wear and tear.

### Eligible Program Participants

Individuals and families who are literally homeless residing in an emergency shelter.

### Homeless Prevention Services (24 CFR §576.103)

Housing relocation and stabilization services (case management): Funds must be used to create and implement a comprehensive, easily accessible service and housing response system that addresses the needs of those who are homeless or at serious risk of homelessness.

### Eligible Costs

- Short-term rental assistance (3 months)
- **Medium-term rental assistance (3-12 months)** ESG-CV assistance is reduced from the standard of 3-24 months to allow for more families to receive assistance
- Housing search and placement
- Housing stability case management
- Rental arrearages (up to 6 months)
- Security and Utility deposits (for new units only)
- Utility deposits or arrearages
- Other related one-time or short-term expenses to assist in maintaining housing
- **Legal services that are directly related to the individual or family obtaining or**

### **maintaining their housing**

- Leasing assistance, as necessary, to prevent the individual or family from becoming homeless when the assistance is necessary to help program participants regain stability in their current permanent housing or move into other permanent housing and achieve stability in that housing.
- **Landlord incentives to assist in obtaining and maintaining housing**
  - **Signing bonuses equal to up to 2 months of rent;**
  - **Security deposits equal to up to 3 months of rent;**
  - **Paying the cost to repair damages incurred by the program participant not covered by the security deposit or that are incurred while the program participant is still residing in the unit; and,**
  - **Paying the costs of extra cleaning or maintenance of a program participant's unit or appliances.**
  - **Landlord incentives cannot exceed 3x the monthly rent charged for a unit.**

### **Eligible Program Participants**

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 **50 percent** of median family income for the area, as determined by HUD.

Risk factors that make finding and maintaining housing more challenging should be used to screen people into assistance rather than screening them out.

### **Housing Placement (Rapid Rehousing) Services (24 CFR §576.104)**

Actions taken to assist homeless persons to obtain permanent housing in properties not operated by the grantee; or payment of security deposits, utility deposits or first month's rent.

## Eligible Costs

- Rental Assistance: rental assistance and rental arrears for up to 24 months.
- Financial Assistance: rental application fees, security and utility deposits, utility payments, last month's rent, moving costs
- Services: housing search and placement, housing stability case management, landlord-tenant mediation, tenant legal services, credit repair
- **Legal services that are directly related to the individual or family obtaining or maintaining their housing**
- **Landlord incentives to assist in obtaining and maintaining housing**
  - **Signing bonuses equal to up to 2 months of rent;**
  - **Security deposits equal to up to 3 months of rent;**
  - **Paying the cost to repair damages incurred by the program participant not covered by the security deposit or that are incurred while the program participant is still residing in the unit; and,**
  - **Paying the costs of extra cleaning or maintenance of a program participant's unit or appliances.**
  - **Landlord incentives cannot exceed 3x the monthly rent charged for a unit.**

## Eligible Program Participants

Individuals and families who meet the criteria under paragraph (1) of the "homeless" definition in 24 CFR 576.2 or who meet the criteria under paragraph (4) of the "homeless" definition and live in an emergency shelter or other place described in paragraph (1) of the "homeless" definition.

## Administration

Not to exceed **10 percent** of total ESG program funds awarded. AHFC is passing on all administrative funds directly to local grantees.

## Eligible Costs

- Salaries, wages, and related costs for grantee staff whose primary responsibilities involve program administration, developing systems for ensuring compliance with program requirements, preparing reports and other documents related to the Homeless Assistance Program, performance of financial management responsibilities related to the grant and coordinating the resolution of audit and/or monitoring findings;
- Child care, employment assistance and education assistance.
- Administrative services performed under third party contracts or agreements such as accounting services and audit services; and
- Public information activities, such as notices for pre-development permit hearings or notices to announce availability and eligibility criteria for homeless services.

## Ineligible Costs

ESG funds cannot be used for:

- Continuum of Care Coordinating Expenses;
- Pay for foreclosure prevention;
- Pay rental assistance for rent to own/lease to purchase;
- Provide Prevention Assistance to help those on Section 8;
- Provide assistance (pay security deposits and/or utility deposits etc.) to those living in subsidized housing with the exception for a new voucher holder;
- Assist a household with their rent if they have a project-based voucher;
- Assist individual(s)/households in transitional housing;
- Set aside money for individual(s) who may be at risk of losing their job;
- Assist the homeless or those at risk of becoming homeless to expunge and/or pardon their criminal records or for re-entry advocacy to help ex-offenders get jobs;
- Pay rent bills from a previous address;



- Pay utilities and/or rent for tenants renting a unit owned by a family member;
- Shelter-focused case management;
- Mortgage payments or mortgage refinancing costs to make housing affordable;
- Rental assistance payments cannot be made on behalf of eligible individuals or families for the same period and for the same cost types that are being provided through another federal, state or local housing subsidy program;
- Pet Care;
- Construction or rehabilitation;
- Credit card bills or other consumer debt;
- Car repair for program participants;
- Medical or dental care and medicines;
- Clothing and grooming;
- Entertainment activities;
- Cash assistance to program participants;
- Development of discharge planning programs in mainstream institutions such as hospitals, nursing homes, jails, or prisons. However, persons who are being imminently discharged into homelessness from such public funded institutions are eligible to receive financial assistance through ESG;
- Payment of ESG programs licenses, certifications, and general classes (classes not specifically related to these funds); or
- Utility assistance for homeowners.

## SECTION 3: PROGRAM BASICS

Eligibility to receive assistance under all ESG programs will be based on the guidelines outlined by HUD, initially by determining if the individual or family qualifies as “homeless” as defined in the HEARTH Act of 2009, SEC. 103, or at-risk of homelessness. Evaluation and eligibility policies and procedures are developed in accordance with the centralized or coordinated assessment requirements set forth under 24 CFR §576.400(d).

## Intake

The recipient or its ESG programs must conduct an initial evaluation to determine the eligibility of each individual or family's eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing. These evaluations must be conducted in accordance with the centralized or coordinated assessment requirements set forth under § 576.400(d) and the written standards established under § 576.400(e).

## Intake Best Practices

**DO** Complete either the CoC approved Intake form or comparable AHFC approved intake form completely. The Intake form will collect demographic data and help determine which programs the participant is eligible for.

**DON'T** ask for extraneous information and be mindful of participants' privacy and potential past traumas (i.e. only ask information that is necessary for services/housing to be rendered).

*Participants have the right to refuse to answer questions on an intake/discharge form or refuse to have their data entered into HMIS and/or comparable database.*

## Determining eligibility for each ESG program type by Prior Living Situation

	Emergency Shelter	Essential Services only	Street Outreach	Rapid Rehousing	Homeless Prevention
Street/Car/Tent	Yes	No/Day Shelter only	Yes	Yes	No
Emergency Shelter	Yes	Yes	Yes	Yes	No
Transitional Housing	Yes	No	No	Yes	No
Institution <89 days (street prior)	Yes	No	No	Yes	No
Motel Voucher	Yes	Yes	No	Yes	No
Motel Self-Pay	Yes	No	No	No	Yes

Doubled Up/Couch	Yes	No	No	No	Yes
At-Risk	Yes	No	No	No	Yes
DV Shelter	Yes	Yes	No	Yes	No
Fleeing DV	Yes	No	No	No	Yes

### Limited English Proficiency

Executive Order 13166: Limited English Proficiency is a Federal mandate that requires grantees of federal financial assistance to provide “meaningful access” to applicants and beneficiaries of their programs who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

### Program Requirements for Homelessness Prevention (HP) & Rapid Rehousing (RRH)

*Any ESG programs receiving RRH/HP funds shall be subject to all of the requirements that apply to the grantee under the HUD ESG Interim Regulations.*

### Literally Homeless Requirement for RRH

To receive ESG rapid re-housing (ESG-RRH) assistance, an individual or family must demonstrate at initial evaluation that it is **literally homeless** (referred to as Category 1 in the Homeless Definition Final Rule). An individual or family is defined as “literally homeless” if;

1. Living in a public or private place not meant for human habitation,
2. Living in temporary shelter, which includes congregate shelters and transitional housing, or
3. Exiting an institution where the individual or family has resided for 90 or fewer days and was living in shelter or in a place not meant for habitation before entering the institution.

### Calculating Income

An ESG eligible household must have a gross annual income that is at or below **50**

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**percent** of the AMI. AMI is determined according to the state and local jurisdiction in which a household resides or enters the program and is dependent on the number of household members.

### Homelessness Prevention Income Requirements

The ESG Program interim rule limits eligibility for homelessness prevention assistance to individuals and families with incomes below **50 percent** of AMI at intake and incomes that do not exceed **50 percent of** AMI at reassessment, which must take place not less than once every **6** months. Income must be calculated at the time of application and every **six (6)** months thereafter as part of the re-certification process for individuals or families receiving Homelessness Prevention. Income calculations must be documented in the client file.

### Rapid Re-Housing Income Requirements

Program participants receiving ESG-RRH assistance do not require an income assessment at initial evaluation. At re-evaluation - which must take place not less than once annually, the participant's household must have an annual income that does not exceed **50 percent** of median family income for the area, as determined by HUD.

### RRH/HP Requirements for All Program Applicants

- Assess every program applicant for risk of entering shelter (HP) or verification of their current stay in shelter/on the street (RRH)
- Use a clear documented process to determine the type, level, and duration of assistance for each program participant, in compliance with the CoC's written standards.
- ~~Re-evaluate eligibility at least once every 3 months for all program participants receiving rental assistance for Homelessness Prevention assistance and every 12 months for Rapid Rehousing assistance.~~ **Waived for ESG-CV grantees. Best practice is regular meetings and assessments to support program participants in achieving**

and maintaining stability.

- ~~Provide case management or support services, at least once a month, to all program participants receiving assistance in order to transition them to independence.~~ **Waived for ESG-CV grantees. Best practice is regular meetings and assessments to support program participants in achieving and maintaining stability.**
- Adhere to all data collection and reporting requirements.

### Participation in Support Services

Support services **cannot be mandated** for individual(s) receiving ESG assistance.

Households who are income eligible but fail to make an effort to find employment, secure income, apply for other rental assistance programs etc. although they demonstrated the ability to sustain housing at the time of entry cannot have their assistance terminated based on these criteria.

Participants enter as eligible for three (3) months; they cannot be promised any certain length of assistance (i.e. assistance will be offered/paid month-by-month within the qualifying limits).

### Case Management

Sub grantees are expected, **but not required**, to provide case management services to all ESG program participants including connecting program participants to mainstream and other resources including

- Referrals to appropriate supportive services including obtaining permanent housing, health treatment, mental health treatment, vocational and educational training, and other services essential for achieving independent living; AND
- Other Federal, State, local and private assistance available to support program participants in obtaining housing stability including;
- Medicaid
- Supplemental Nutrition Assistance Program

- Women, Infants and Children (WIC)
- Federal/State Unemployment Insurance
- Social Security Disability Insurance,
- Supplemental Security Income
- Child and Adult Care Food Programs
- Denali Kid Care
- Senior Benefits Program
- Other resources that assist program participants in obtaining income and other benefits.

The requirement to coordinate with mainstream benefits is waived for ESG-CV grantees. However, connection to additional resources is a best practice for obtaining and maintain housing stability.

## SECTION 4: CONTINUUM OF CARE (COC) & SERVICE COORDINATION REQUIREMENTS

~~The HEARTH Act refocuses homelessness-related strategies on the ultimate goal of reducing and ending homelessness and aligns them with the Continuum of Care planning strategies and performance measures, such as shortening the period of time that persons experience homelessness and helping persons who were recently homeless avoid becoming homeless again. Communities receiving ESG funds should develop formal strategies that will ensure the success of coordinated community efforts as outlined in 24 CFR § 576.400.~~

**This requirement is waived for ESG-CV grant-funded programs. AHFC encourages applicants to coordinate with community-based and statewide programs where appropriate.**

## Area-Wide Systems of Coordination Requirements 24 CFR §576.400(a)

~~ESG programs requesting ESG funding must demonstrate such collaboration and document that proposed activities will assist the CoC in meeting identified outcomes. All ESG programs 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 CoC or area over which the services are coordinated to provide a strategic, community wide system to prevent and end homelessness in that area. ESG programs must document how these and other programs will be used in collaboration with proposed ESG funded activities.~~

~~Alaska Balance of State Continuum of Care and ESG programs need to work together and need to establish and meet performance standards (24 CFR §576.400 (a-c)) such as:~~

- ~~• Reducing the average length of time, a person is homeless;~~
- ~~• Reducing return to homelessness;~~
- ~~• Increasing access to permanent housing;~~
- ~~• Reducing the number of homeless individuals and families;~~
- ~~• Improving employment rate and income amounts of program participants;~~
- ~~• Reducing first time homelessness;~~
- ~~• Preventing homelessness and achieving independent living in permanent housing for families and youth defined as homeless under other Federal programs; and~~
- ~~• Connect individuals to mainstream resources such as public assistance, vocational and medical care resources 24 CFR §576.401(d).~~
- **This requirement is waived for ESG-CV grant-funded programs. AHFC encourages applicants to coordinate with community-based and statewide programs where appropriate.**

### Coordinated Entry Systems (24 CFR §576.400 (d))

Once the CoC has developed a centralized entry system in accordance with requirements to be established by HUD, each ESG-funded program or project within the CoC's jurisdiction must participate in that assessment system.

Acceptance of an ESG award means the ESG programs agrees to participate in the coordinated entry system implemented by the local CoC. All ESG programs must work with the CoC to ensure that screening, assessment, and referral of program participants are consistent with the written standards required in the next section. A victim service ESG programs may choose not to use the CoC's centralized or coordinated assessment system, but the information must still be provided using anonymous data via a secure process.

### Written Standards Requirements (24 CFR §576.400 (e))

ESG programs must establish and consistently apply written standards for providing ESG assistance. Standards must be established for each area covered by the ESG programs, including the area over which the services are coordinated and provided to program participants. ESG programs are required to submit copies of these standards in their annual funding application.

### Minimum Written Program Standards for CoC Representatives and ESG programs

- Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under Emergency Solutions Grant (ESG);
- Standards for targeting and providing essential services related to street outreach;
- Policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG, including standards regarding length of stay, if any, and safeguards to meet the safety and shelter needs of special populations, e.g., victims of domestic violence, dating violence, sexual assault, and stalking; and individuals and families who have the highest barriers to housing and are likely to be homeless the



longest;

- Policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter;
- Policies and procedures for coordination among emergency shelter providers, essential services providers, homelessness prevention, and rapid Rehousing assistance providers; other homeless assistance providers; and mainstream service and housing providers (see § 576.400(b) and (c) for a list of programs with which ESG-funded activities must be coordinated and integrated to the maximum extent practicable);
- Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and which eligible families and individuals will receive rapid Rehousing assistance (these policies must include the emergency transfer priority required under § 576.409);
- Standards for determining what percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention or rapid Rehousing assistance;
- Standards for determining how long a particular program participant will be provided with rental assistance and whether and how the amount of that assistance will be adjusted over time; and
- Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a program participant, including the limits, if any, on the homelessness prevention or rapid Rehousing assistance that each program participant may receive, such as the maximum amount of assistance, maximum number of months the program participant receive assistance; or the maximum number of times the program participant may receive assistance.

## Participation in HMIS 24 CFR §576.400 (f)

The recipient must ensure that data on all persons served and all activities assisted under ESG are entered into the applicable community-wide HMIS in the area in which those persons and activities are located, or a comparable database, in accordance with HUD's standards on participation, data collection, and reporting under a local HMIS. If the ESG programs is a victim service provider or a legal services provider, it may use a comparable database that collects client-level data over time (i.e., longitudinal data) and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into or provided to an HMIS.

## Homeless Participation 24 CFR §576.405

ESG programs must provide avenues for homeless participation in programs supported by ESG funds.

- 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 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);
- 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; or
- To the maximum extent practicable, the recipient or ESG programs 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.

## McKinney-Vento Act, 42 USC 1130

Develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

State and local governments are primarily responsible for the care of these individuals, and that ESG funds are not to be used to assist such persons in place of state and local resources.

- Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and which eligible families and individuals will receive rapid Rehousing assistance (these policies must include the emergency transfer priority required under § 576.409);
- Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under Emergency Solutions Grant (ESG);
- Standards for determining what percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention or rapid Rehousing assistance;
- Standards for determining how long a particular program participant will be provided with rental assistance and whether and how the amount of that assistance will be adjusted over time; and
- Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a program participant, including the limits, if any, on the homelessness prevention or rapid Rehousing assistance that each program participant may receive, such as the maximum amount of assistance, maximum number of months the program participant receive assistance; or the

maximum number of times the program participant may receive assistance.

## SECTION 5: DOCUMENTATION

### Intake Documentation CFR § 576.401(a)

ESG programs must conduct an initial evaluation to determine the eligibility of each individual or family's eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing.

These evaluations must be conducted in accordance with the centralized or coordinated assessment requirements set forth under § 576.400(d) and the written standards established under § 576.400(e).

Alaska ESG programs are required to collect basic demographic data on the persons served with ESG funds. This data includes but is not limited to the information outlined in the HUD Homeless Management Information System (HMIS) Data Standards, more information about these standards can be found online at:

<https://www.hudexchange.info/resource/3826/hmis-data-standards-manual/>.

## HUD Universal Data Elements

<i>Required of ALL ESG Programs</i>	
Name	Project Entry Date
Social Security Number	Project Exit Date
Date of Birth	Destination
Race	Relationship to Head of Household
Ethnicity	Client Location
Gender	Housing Move-In Date
Veteran Status	Living Situation
Disabling Condition	

## Housing Status Documentation Options by Program

<b>Program Component</b>	<b>Documentation of Prior Residence Required at Intake</b>	<b>Documentation Options (Must select one)</b>
Emergency Shelter Operations	Yes	Self-Certification or HMIS Record
Supportive Services	Yes (must demonstrate participants are in shelter)	1. Third Party Documentation (HMIS record, letter from shelter/Street Outreach Worker) 2. Self-Certification Signed by Participant
Street Outreach	No	N/A
Rapid Rehousing	Yes	See next chart for documentation options.
Homelessness Prevention	Yes	

## Documentation Options: Homeless/At-Risk Status

Literally Homeless	<ul style="list-style-type: none"> <li>• Written observation by the outreach worker; or</li> <li>• Written referral by another housing or service ESG programs; or</li> <li>• Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;</li> <li>• For individuals exiting an institution—one of the forms of evidence above and discharge paperwork or written/oral referral, or</li> <li>• written record of intake worker’s due diligence to obtain above evidence and certification by individual that they exited institution</li> </ul>
Imminent Risk of Homelessness	<ul style="list-style-type: none"> <li>• A court order resulting from an eviction action notifying the individual or family that they must leave; or</li> <li>• For individual and families leaving a hotel or motel— evidence that they lack the financial resources; or</li> <li>• A documented and verified oral statement; and</li> <li>• Certification that no subsequent residence has been identified; and</li> <li>• Self-certification or other written documentation that the individual lack the financial resources and support necessary to obtain permanent housing</li> </ul>
Homeless under other Federal statutes	<ul style="list-style-type: none"> <li>• Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; and</li> <li>• Certification of no PH in last 60 days; and</li> <li>• Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days;and</li> <li>• Documentation of special needs or 2 or more barriers</li> </ul>

<p>Fleeing or Attempting to Flee DV</p>	<p><b>For victim service ESG programs:</b></p> <ul style="list-style-type: none"> <li>• An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification or a certification by the intake worker.</li> </ul> <p><b>For non-victim service ESG programs:</b></p> <ul style="list-style-type: none"> <li>• Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and</li> <li>• Certification by the individual or head of household at no subsequent residence has been identified; and</li> <li>• Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.</li> </ul>
<p><b>At Risk of Homelessness</b> Individuals and Families</p>	<p>An individual or family who:</p> <ol style="list-style-type: none"> <li>1. Has an annual income below <u>30%</u> of median family income for the area AND</li> <li>2. Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition AND</li> <li>3. Meets one of the following conditions: <ul style="list-style-type: none"> <li>• Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance <u>OR</u></li> <li>• Is living in the home of another because of economic hardship <u>OR</u></li> <li>• 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 <u>OR</u></li> <li>• 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; <u>OR</u></li> <li>• Lives in an SRO or efficiency apartment unit in which there resides more than 2 persons or lives in a larger housing unit in which there resides more than one and a half persons per room; <u>OR</u></li> <li>• Is exiting a publicly funded institution or system of care; <u>OR</u> 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</li> </ul> </li> </ol>
<p><b>At Risk of Homelessness</b> Unaccompanied Youth</p>	<p>A child or youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under another Federal statute</p>

<b>At Risk of Homelessness</b> Families with Children and Youth	An unaccompanied youth who does not qualify as homeless under the homeless definition but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) or that child or youth if living with him or her.
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## General Program Documentation

- Completed Assessment (including data on secondary adults and children)
- Signed HMIS Release(s) (For all adult members of the household)
- Income Verification
- Backup Documentation (Paystubs, third Party Verifications, etc.)
- Housing Status Verification
- Backup Documentation (Doubled-Up Home Visit Form, Signed Note from Shelter, etc.)
- Lack of Resources Documentation
- Current Budget
- Case Notes
- Bank Statements/Credit Report
- Other documents to illustrate lack of resources.
- Staff Certification of Eligibility
- Case Notes and Housing Stabilization Plan
- Re-Evaluation of Eligibility (Completed every 3-months for RR and 12-months for HP)
- All OTHER documents and information collected during RR/HP services
- Financial Assistance Forms
- Lead Compliance Documentation
- Current Unit Inspection Report (Habitability)
- Signed Lease Containing Participant's Name(s)
- Rent Reasonableness Documentation
- Utility Bills (if paid with RR/HP funds)
- Copies of financial assistance payments (checks, POs, etc.)



## Required Documentation based on Component Type

	Emergency Shelter	Essential Services Only	Street Outreach	Rapid Rehousing	Homelessness Prevention
Intake/ Discharge Form	Yes	Yes	Yes	Yes	Yes
Case or Service Notes	Yes	Yes	Yes	Yes	Yes
HMIS Release	Yes	Yes	Yes	Yes	Yes
Document of Homeless Status	Yes (HMIS Release suffices)	Yes	Yes	Yes	Yes
Income Documentation	No	No	No	No	Yes
Resource Documentation (at intake)	No	No	No	Yes	Yes
Re-certification of Income/ Resources	No	No	No	Yes Annually	Yes Every 3 months

## Case / Service Notes Best Practices

Complete case notes for all transactions with participants.

**DO** focus on tracking progress and explaining or justifying program eligibility or service decisions.

**DO** include pertinent additional information or explain incongruities in the participant's file.

**DO** make sure notes are legible and securely stored in the participant file (either

electronically in HMIS or in a paper file),

**DO** sufficiently detail the services provided, including the date, time, type of service, and staff member(s) assisting,

**DO** spell out the participant's housing plan (to leave or avoid shelter) and any goals they might have set for themselves.

## Documentation of Income

Documentation of income is required at the following points:

- Homelessness Prevention – Intake and recertification (every 3 months)
- Rapid Rehousing – Annual recertification (annually)

For participants utilizing Shelter, Services, Rapid Rehousing, and Street Outreach documentation of income AT INTAKE is not required. There are no recertification requirements for Shelter, Services, and Street Outreach.

Participants may collect documentation of income but shall not condition income as a requirement for service eligibility. For participants utilizing Homelessness Prevention, ESG programs must calculate the annual income of an individual or family (as described in 24CFR 5.609).

When calculating income, it's important to keep the following in mind:

- ALL adults (persons 18 and over) MUST have documentation of income (even if there is no income).
- If there are more than one adult in a household, documentation must be provided for each adult household member.
- If an adult has more than one income source or job, each source of income should have its own documentation (i.e. paystubs for employment & TANF benefit letter for Jane Smith).

## SECTION 6: RECORDKEEPING AND REPORTING REQUIREMENTS 24 CFR §576.500

In general, the ESG program must have policies and procedures to ensure that ESG funds are used in accordance with the requirements. In addition, sufficient records must be established and maintained to enable the recipient and HUD to determine whether ESG requirements are being met.

ESG programs are responsible for verifying and documenting the eligibility of all ESG participants prior to providing ESG shelter and/or assistance. They are also responsible for maintaining this documentation in the participant case file. ESG programs with insufficient case file documentation may be found out of compliance with ESG program regulations during a State or HUD monitoring.

### Intake Procedures for Documenting Homeless Status 24 CFR §576.500 (b)

The ESG program must maintain and follow written intake procedures to ensure compliance with the homeless definition in § 576.2.

- The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status.
- The procedures must establish the order of priority for obtaining evidence as third-party documentation first, intake worker observations second, and certification from the person seeking assistance third.
  - However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider.
- Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake

worker observations.

- For each individual and family who receives ESG assistance, the records must include the evidence relied upon to establish and verify the individual or family's at-risk of homelessness status. 24 CFR §5576.500 (c)

This must also include:

- Documentation that meets the definition of "at risk of homelessness" 24 CFR §576.2.
  - Source documents (letter of termination, banks statements, eviction notice, etc.
- Determination of annual income.
- 
- For each individual and family determined ineligible to receive ESG assistance, the record must include documentation of the reason for that determination. 24 CFR §576.500 (d)

### Income Documentation required to be included in RRH and HP files 24 CFR §576.500 (e)

For each program participant who receives homelessness prevention assistance, or who receives rapid re-housing assistance longer than one year, the following documentation of annual income must be maintained:

- Income evaluation form containing the minimum requirements specified by HUD and completed by ESG Program Staff; and
- Source documents for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation (e.g., wage statement, unemployment compensation statement, public benefits statement, bank statement)

## Acceptable Alternatives to Income Source Documentation

- A written statement by the relevant third party (e.g., employer, government benefits administrator) or the written certification by intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period for which representative data is available; or
- To the extent that source documents and third party verification are unobtainable, the written certification by the program participant of the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.

If the program participant meets the criteria under paragraph (2) or (3) of the “at risk of homelessness” definition in §576.2, certification of the child or youth's homeless status by the agency or organization responsible for administering assistance under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), as applicable.

### Program Participant Records 24 CFR §576.500 (f)

In addition to evidence of homeless status or “at risk of homelessness” status, as applicable, records must be kept for each program participant that document:

- The services and assistance provided to that program participant, including, as applicable, the security deposit, rental assistance, and utility payments made on behalf of the program participant;

- Compliance with the applicable requirements for providing services and assistance to that program participant under the program components and eligible activities:
  - **Fair Market Rent (FMR) 24 CFR §576.106(d) - waived in specific circumstances in tight rental markets where rental units meeting the FMR standards are not available. Programs wishing to waive FMR in specific circumstances must notify AHFC program manager for approval.**
  - Rent Reasonableness 24 CFR §576.106(d)
  - Housing Standards 24 CFR 576.403(c)
  - Lead-based paint requirements 24 CFR §576.403(a)
  - Lease between the program participant and landlord 24 CFR §576.106(g)
  - Rental assistance agreement between the landlord and recipient or ESG programs 24 CFR §576.106(e)
  - Maximum Amounts and Periods of Assistance (24- month cap in 3-year period) 24 CFR §576.105(c) & §576.106(a)
  - Participation in HMIS 24 CFR §576.400(f)
  - Prohibition of use with other subsidies 24 CFR §576.105(d) & §576.106(c)

### Participant Records Additional Requirements

Each program must keep two sets of records per program participant:

- Demographic Records - Documentation illustrating data elements required by HUD (participants may refuse to answer questions). These records may be stored in HMIS or equivalent database.
- Service Records - Documentation illustrating provision of services, may include case notes, case plans, “sign-up” sheets, bed lists, leases, etc.

Review and verify documents and payments to ensure compliance with HUD regulations and to avoid and prevent fraud.

### Centralized or Coordinated Assessment 24 CFR §576.500 (g)

ESG programs must keep documentation evidencing the use of, and written intake procedures for, the centralized or coordinated assessment system(s) developed by the Continuum of Care(s) in accordance with the requirements established by HUD.

### Rental Assistance Agreements and Payments 24 CFR §576.500 (h)

The records must include copies of all leases and rental assistance agreements for the provision of rental assistance, documentation of payments made to owners for the provision of rental assistance, and supporting documentation for these payments, including dates of occupancy by program participants.

### Utility Allowance 24 CFR §576.500 (i)

The records must document the monthly allowance for utilities (excluding telephone) used to determine compliance with the rent restriction.

### Shelter and Housing Standards 24 CFR §576.500 (j)

The records must include documentation of compliance with the shelter and housing standards in § 576.403, including inspection reports.

- Lead-based paint remediation and disclosure. Required for all ESG funded shelter facilities and all housing occupied by program participants.
- Minimum standards for permanent housing.

### Emergency Shelter Facilities 24 CFR §576.500 (k)

The recipient must keep records of the emergency shelters assisted under the ESG program, including the amount and type of assistance provided to each emergency shelter.

As applicable, the recipient's records must also include documentation of the value of the building before the rehabilitation of an existing emergency shelter or after the conversion of a building into an emergency shelter and copies of the recorded deed or use restrictions.

## Section 7: HOUSING INSPECTION REQUIREMENTS

An ESG programs cannot use ESG funds to help a program participant remain in or move into housing that does not meet the minimum habitability standards under §576.403(c). This restriction applies to all activities under the Homeless Prevention and Rapid Rehousing components, including rental assistance and housing relocation and stabilization services. In addition:

- If an eligible household needs homeless prevention assistance to remain in its existing unit, the assistance can only be provided if that unit meets the minimum standards.
- If an eligible household needs homelessness prevention or rapid rehousing assistance to move to a new unit, the assistance can only be provided if the new unit meets the minimum standards.
- The unit the household is leaving does not need to be inspected.
- Minimum standards are required even if one-time assistance is provided (e.g. rental arrears, security deposit, etc.)
- The housing must also comply with other standards established by AHFC that exceed or add to these minimum standards.
- The same standards apply regardless of the amount of rental assistance and/or housing relocation and stabilizations services funds involved.
- The ESG programs must be sure to document compliance with the ESG habitability standards in the program participant's file.

### Lead-based Requirements

The lead-based paint requirements exist to protect vulnerable families from potential health hazards. To prevent lead-poisoning in young children, ESG programs must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Parts A, B, H, J, K, M, and R. Under ESG, the rule is that a lead-based paint visual



assessment must be completed for all units that meet the three following conditions:

- The household living in the unit is being assisted with ESG financial assistance (rent assistance, utilities assistance, utility/security deposits, or arrears),
- The unit was constructed prior to 1978, AND
- A child under the age of six is or will be living in the unit.

Under ESG, the lead requirements apply regardless of whether a household is remaining in an existing unit or moving to a new unit. The visual assessment must be completed prior to ESG assistance being provided, and annually thereafter.

ESG programs are responsible for ensuring that property owners and managers meet the lead-based paint requirements. It may be helpful for ESG programs to think about the requirements in two categories:

### Disclosure Requirements

Disclosure requirements are triggered for ALL properties constructed prior to 1978. These requirements require that lessors (property owners or managers) provide tenants with:

HUD's disclosure form for rental properties disclosing the presence of known and unknown lead-based paint; AND

- A copy of the "Protect Your Family from Lead in the Home" pamphlet. Both the disclosure form and pamphlet are available at: <https://www.epa.gov/lead/protect-your-family-lead-your-home>
- As explained, this requirement actually relates to property owners/managers, but sharing this information with your participants (or ensuring they have received it) is an easy thing to do and will make your job easier.

### The Visual Assessment

As explained in the ESG Notice, visual assessments for ESG funded units are only triggered under certain circumstances:

- The leased property was constructed before 1978; AND
- A child under the age of six will be living in the unit occupied by the household receiving ESG assistance.

Staff may become a HUD-Certified Visual Assessor by successfully completing a 20-minute online training on HUD's website at:

<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>

- Depending on the results of the visual assessment, additional steps may be required before assistance can be provided for that unit, as the unit needs to be brought into compliance. There are certain exceptions to the rule.

Visual assessments are not triggered under the following circumstances:

- It is a zero-bedroom or single room occupancy (SRO-sized) unit;
- X-ray or laboratory testing of all painted surfaces by certified personnel has been conducted in accordance with HUD regulations and the unit is officially certified to not contain lead-based paint;
- The property has had all lead-based paint identified and removed in accordance with HUD regulations;
- The participant is receiving Federal assistance from another program, where the unit has already undergone a visual assessment within the past 12 months – e.g., if the participant has a Section 8 voucher and is receiving ESG assistance for a security deposit or arrears (note, in such cases, ESG staff are required to obtain documentation that a visual assessment has been conducted from the ESG programs administering the other form of assistance for the ESG case file); or
- It meets any of the other exemptions described in 24 CFR Part 35.115(a).

If any of the conditions outlined above are met, staff simply needs to document the condition and place a copy in the case file.

## SECTION 8: RENTAL ASSISTANCE

### Fair Market Rent and Rent Reasonableness

~~To provide rental assistance with ESG funds, the rental rate plus utilities cannot exceed both HUD's published FMR and/or the rent reasonableness standards, i.e. three (3) comparable rent. Otherwise stated, Contract Rent + Utilities = Gross Rent. The Gross Rent cannot exceed the FMR or the three (3) rent comparables provided in the file. Grantees must:~~

~~Calculate the utility allowance for tenants paying their own rent using the attached Utility Allowance Schedule. Add the rental rate and utilities together to determine the gross rent. The rent + utilities cannot exceed FMR. Again, contract rent + utilities = gross rent, which cannot exceed the FMR.~~

**The requirement for FMR is waived so long as the rent complies with HUD standards of Rent reasonableness to assist program participants to obtain or maintain housing to prevent the spread of coronavirus. Program staff wishing to waive FMR for specific units must contact the AHFC Program Manager for prior approval.**

Complete the revised Rent Reasonableness Checklist and Certification. The rents shown as comparable must be equal to or less than the gross rent of the proposed rental.

### Calculating Gross Rent

If tenants are responsible for paying their own utilities, the monthly utility allowance must be added to the contract rent amount to calculate gross rent, to determine whether the unit meets the FMR and rent reasonableness standards. Utility costs may include gas, electric, water, sewer, and trash. Telephone, cable or satellite television service and internet service are not included in FMRs and are not allowable costs under ESG.

To determine whether rent is acceptable for ESG rental assistance, the gross rent (rent + utilities) for the current or new unit must first be compared with FMR limits. If the unit's gross rent is at or below FMR limits, then the gross rent must be used to determine rent reasonableness.

- If the gross rent for the unit is below both the FMR and the rent reasonableness standard, then ESG funds may be used to pay rent for the unit.
- If the gross rent for the unit exceeds either FMR or rent reasonableness standard, ESG funds cannot be used to pay any portion of the rent.
- If the reasonable rent for a specific unit in a community is lower than the FMR, then the rent for the unit assisted with ESG funds must not exceed the lesser of the FMR or the rent reasonableness standard.
- If the gross rent for the unit exceeds either the rent reasonableness standard or FMR, ESG recipients are prohibited from using ESG funds for any portion of the rent, even if the household is willing and/or able to pay the difference.

### Deposits and Non-Refundable Fees

The security deposit cannot exceed one (1) month's rent (limited to one per household per grant term) and utility deposits are an eligible activity if needed. Deposits will remain with the household. Nonrefundable fees such as cleaning fees and late fees cannot be paid from ESG funds. Security Deposits are not included on the IRS 1099 form (include only rent amounts paid to the Landlord).

### Rent Reasonableness

Rent for units assisted under the ESG Program (with rental assistance) must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units. Documentation shall include market surveys, classified ads, or information from real estate agents, along with a signed lease. When comparing rent reasonableness, the proposed unit must be compared to three (3) other units.

### Rental Assistance Agreements

When rental assistance is supported with ESG funds, a program participant and the landlord must have a written lease. In addition, a rental assistance agreement is required between the

ESG program and the landlord. The ESG programs must make timely payments to each owner in accordance with the rental assistance agreement. The ESG Program is solely responsible for paying late payment penalties that it incurs with non-ESG funds.

The ESG programs may make rental assistance payments only to an owner with whom the ESG programs 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 landlord must give the ESG programs 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.

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 rental assistance agreement with the landlord must terminate and no further rental assistance payments under that agreement may be made if:

- The program participant moves out of the housing unit for which the program participant has a lease;
- The lease terminates and is not renewed; or
- The program participant becomes ineligible to receive ESG rental assistance.

### Lease Requirements

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.

## SECTION 9: OCCUPANCY STANDARDS

AHFC occupancy standards comply with HQS requirements and outline how the number of bedrooms required by the household will be determined. The following basic standards can be modified to take into consideration specific household composition and circumstances (i.e., pending child custody cases, chronic illnesses, family member who is absent most of the time).

- No more than two persons are required to occupy a bedroom;
- Persons of different generations (i.e., grandparents, parents, children), persons of the opposite sex (other than spouses/couples) and unrelated adults are not required to
- share a bedroom;
- Children of the same sex (regardless of age) and couples co-habiting (whether legally married) must share the same bedroom for purpose of assigning the number of bedrooms;
- A live-in care attendant who is not a member of the family is not required to share a bedroom with another household member;
- Individual medical problems (i.e., chronic illness) sometimes require either separate bedrooms for household members who would otherwise be required to share a bedroom or an extra bedroom to store medical equipment;
- In most instances, a bedroom is not provided for a family member who will be absent most of the time, such as a member who is away in the military.

Occupancy standards are used to provide consistent criteria for determining the unit size for which the household is eligible and thus, the amount of assistance to be provided. Fair housing rules permit a household to select smaller units that do not create seriously overcrowded conditions. A tenant may select a larger unit if it meets the FMR for the actual number of bedrooms for which they are eligible according to the eligibility guidelines. Tenants are not allowed to give the landlord additional funds for larger units.

Undersized Units: If a family elects to occupy a unit with fewer bedrooms than specified in the Occupancy Guidelines, the FMR is based on the actual number of bedrooms;

Oversized Units: If a family elects to occupy a unit with more bedrooms than specified in the Occupancy Guidelines, the FMR is based on the number of bedrooms specified in the Occupancy Guidelines.

If an additional bedroom is required for an individual who would normally be required to share a room, the reason must be documented in the file. For example: If an additional room is needed because of a medical condition, documentation may be a note from their doctor; otherwise, if the case manager determines an additional room is needed (medical condition, care-giver, medical equipment etc.) the case manager must document the reason in the case management notes.

In cases where college students and children staying only for weekends etc., the amount of time spent in the unit should be taken into consideration before assigning additional bedroom(s). ESG assistance is short-term and a smaller unit is acceptable if it does not create serious overcrowding; a living room can be counted as a sleeping room. If student/children will be in the unit most of the time and future rent will not be a burden, then an additional bedroom can be assigned.

A separate bedroom cannot be issued for an unborn child. Once the baby is born a second bedroom can be issued unless the baby has an older, same sex sibling who has already been issued a bedroom.

### Single Room Occupancy

Single room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation facilities with others. No more than one person may occupy an SRO unit.

ESG assistance may be provided using SRO Fair Market Rent + utilities.

Agencies can provide ESG assistance provided the rent is not already based upon income

(subsidized).

When providing ESG assistance in an SRO unit, there must be a lease in place.

Because no children live in SRO housing, the Housing Quality Standards applicable to lead based paint do not apply.

### Habitability Standards

**Access:** Access doors to the SRO unit must have working locks for privacy. The occupant must be able to access the unit without going through any other unit. Each unit must have immediate access to two or more approved means of exit from the building, appropriately marked and leading to safe and open space at ground level. The SRO unit must also have other means of exit required by State or local law.

**Fire Safety:** All SRO facilities must have a sprinkler system that protects major spaces. Major spaces are defined as hallways, common areas, and any other areas specified in local fire, building or safety codes. SROs must also have hard-wired smoke detectors, and any other fire and safety requirement required by state or local law.

Sanitary facilities and space and security standards must meet local code requirements for SRO housing. In the absence of local code standards, the requirements discussed below apply [24 CFR §982.605]:

**Sanitary Facilities:** At least one flush toilet that can be used in privacy, a lavatory basin and a bathtub or shower in proper operating condition must be provided for each six persons (or fewer) residing in the SRO facility. If the SRO units are leased only to men, flush urinals may be substituted for up to one half of the required number of toilets. Sanitary facilities must be reasonably accessible from a common hall or passageway and may not be located more than one floor above or below the SRO unit. They may not be located below grade unless the SRO units are located on that level.

**Space and Security:** An SRO unit must contain at least 110 square feet of floor space, and at least 4 square feet of closet space with an unobstructed height of at least five feet for use by



the occupant. If the closet space is less than four square feet, the habitable floor space in the SRO unit must be increased by the amount of the deficiency. Exterior doors and windows accessible from outside the SRO must be lockable.

All other ESG eligibility requirements apply.

### Efficiency or Studio Units

Definition: A small apartment unit which combines living room, bedroom, and kitchenette into a single room. Efficiency apartments are sometimes smaller than studio apartments.

ESG assistance may be provided based on 0-bedroom size at Fair Market Rent + utilities.

All other ESG eligibility requirements apply.

### Mobile Home or Trailers

A structure that is transportable in one piece and can be moved from one place to another. The term 'mobile home' or 'trailer' is often used interchangeably.

ESG funds may assist with these recognized housing units if they are securely attached to a stationary pad, i.e. tied down. The pad may be either a poured basement, concrete slab on grade or, must be securely anchored to the site; the unit may or may not have a 'tongue' removed; the unit may or may not be 'skirted'. Many of these conditions are dependent upon local code requirements.

- ESG will not pay for any unit that can be attached to a vehicle and readily moved from location-to- location.
- ESG will not pay for units that are intended for recreational purposes such as campers or tents.
- Housing Case Managers shall use discretion when committing ESG funds for the use of these units and documentation must be in the file.
- To provide ESG assistance, a lease must be in place.
- ESG assistance may be made for the unit size FMR amount and may include the lot

rent if it is written in the lease as such

- FMR amount + lot rent amount should NOT be added together to obtain FMR. It is one or the other, not both. (Utilities would also need to be considered as part of the FMR).
- Persons receiving ESG assistance may not pay the 'difference' to 'qualify' under FMR amounts.
- ESG may assist those who own units but cannot afford to pay lot rent.
- All other ESG eligibility requirements apply.
- Rent Reasonableness is based on comparable units taking into consideration location and size of unit.
- Units may be in a community setting or on private property.
- Additional Habitability Standards do apply:

Security - A mobile home or trailer must be placed on the site in a stable manner and must be free from hazards such as sliding or wind damage. The home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist overturning and sliding.

Manufactured Housing - A manufactured home is a manufactured structure transportable in one or more parts that is built on a permanent chassis and designed for use as a principal place of residence.

### Minimum Standards for Permanent Housing (Prevention and Rapid Rehousing) 24 CFR §576.404(c)

The recipient of ESG programs cannot use ESG funds to help a program participant remain or move into housing that does not meet the minimum habitability standards provided in this paragraph (c). The recipient may also establish standards that exceed or add to these minimum standards.

1. Structure and materials. The structures must be structurally sound to protect residents

from the elements and not pose any threat to the health and safety of the residents.

2. Space and security. Each resident must be provided adequate space and security for themselves and their belongings. Each resident must be provided an acceptable place to sleep.
3. Interior air quality. Each room or space must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.
4. Water supply. The water supply must be free from contamination.
5. Sanitary facilities. Residents must have access to sufficient sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.
6. Thermal environment. The housing must have any necessary heating/cooling facilities in proper operating condition.
7. Illumination and electricity. The structure must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the structure.
8. Food preparation. All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
9. Sanitary conditions. The housing must be maintained in a sanitary condition.
10. Fire safety.
  - There must be a second means of exiting the building in the event of fire or other emergency.
  - Each unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors must be located, to the extent practicable, in a hallway adjacent to a bedroom. If the unit is occupied by hearing impaired persons, smoke detectors must have an alarm system designed for hearing-impaired persons in each bedroom occupied by a hearing-impaired person.

- The public areas of all housing must be equipped with a sufficient number, but not less than one for each area, of battery-operated or hard-wired smoke detectors. Public areas include, but are not limited to, laundry rooms, community rooms, day care centers, hallways, stairwells, and other common areas.
- The unit must be in compliance with any local codes and regulations. When the regulations are in conflict, the higher safety standard must be met.

## Section 10: SERVICE DELIVERY REQUIREMENTS

### Equal Access to Housing Regardless of Sexual Orientation or Gender Identity

On February 3, 2012, HUD published a final rule in the Federal Register entitled, “Equal Access to Housing in HUD Programs regardless of Sexual Orientation or Gender Identity”. This rule became effective March 5, 2012 and was amended in September 2016 with 24 CFR §5.106. The rule provides a regulatory provision that prohibits considering a person’s marital status, sexual orientation, or gender identity in making homeless housing assistance available. Refer to: <https://files.hudexchange.info/resources/documents/Equal-Access-Final-Rule-2016.pdf> for more information.

Gender identity is defined as the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents.

ESG programs are required to establish equal access on gender identity policies (in line with federal rules and the requirements in this document) for:

- Program admissions
- Occupancy

- Operating policies and procedures (including privacy and security policies)

ESG funded activities are required to:

- a. Make housing available without regard to actual or perceived sexual orientation, gender identity, or marital status.
- b. Equal access to facilities, buildings, benefits, accommodations, and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.
- c. Prohibit any requirements for individuals to prove gender identity (including documentation, identification, intrusive questioning on person's anatomy or medical history, etc.)
- d. Prohibit consideration of a participant or potential participant's entry into a program because his or her appearance or behavior does not conform to gender stereotypes.
- e. Prohibit any segregation of transgender participants (e.g. transgender- only shelter or space), unless the transgender participant requests an accommodation (like a more private space) and the facility can accommodate the request.
- f. Base discharges, service restrictions, and warnings following any incidents involving transgender participants ONLY on the individual's behavior, not gender identity.
- g. Have a zero tolerance for harassment of transgender residents:
- h. Staff shall recognize that harassment based on gender identity is discriminatory behavior and will be treated as such.
- i. All unacceptable behavior including, but not limited to harassment, abuse, assault, discrimination, intimidation, threats, violence and many other forms against transgender residents will be dealt with based on the program's behavior policies.
- j. Due to the high incidence of harassment of transgender people, concerns about the safety of a transgender resident will be taken with utmost seriousness.
- k. Permit any participants expressing concern to use bathrooms and dressing areas at a separate time from others in the facility.
- l. Work (to the extent feasible) with the layout of any shelter facilities to provide for

privacy in bathrooms and dressing areas.

- m. Ensure that policies do not isolate or segregate participants based upon gender identity.
- n. Take reasonable steps to address any safety or privacy concerns expressed by participants. This may include:
  - o. Responding to the requests of the participant expressing concern through the addition or a privacy partition or curtain
  - p. Provision to use a nearby private restroom or office, or
  - q. Separate changing schedule.

Provide staff (including full-time, part-time and volunteer) and contractors with ongoing training on the rules in this document and the needs, concerns, and realities of transgender people seeking services.

Best practices suggest that when the ESG program is uncertain of the participant's sex or gender identity, the ESG program simply informs the participant or potential participant that the ESG program provides shelter based on the gender with which the individual identifies.

Note: ESG funds may be used to renovate an emergency shelter to maximize privacy and safety; prior authorization required from DHS.

### Involuntary Family Separation

If a HUD-assisted shelter serves any families with children, it must serve all types of families with children. The definition of family under the Equal Access Rule at 24 §CFR 5.403 applies to ESG, which does not limit a "family" to women with children. Additional guidance on the definition of 'family' and how it applies to ESG programs of ESG and CoC Program funds may be reviewed in the CoC FAQ 1529: <https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>.

In addition, the "involuntary family separation" requirement found in §576.102(b) of the ESG Program interim rule applies to all shelters that receive ESG Program funding. This section of the interim rule requires that "the age of a child under 18 must not be used as a basis for

denying any family's admission to an emergency shelter that uses ESG funding or services and provides shelter to families with children under the age of 18." The intent of the involuntary family separation provision in the ESG interim rule is to allow families with children to remain in shelter together if they choose.

Together, these policies prohibit HUD-assisted emergency shelters that serve any children from denying assistance to or separating members of a family with children, based on gender or age. Just as a shelter cannot separate teenage boys from their families, it cannot separate out or deny assistance to adult men that present as a part of the family (e.g. fathers, uncles, the mother's boyfriend, etc.) since that has the end result of separating children from members of the family. Although we recognize that this may bring challenges, this is the law.

**Accommodating Families:** If a HUD-assisted shelter has private rooms in which a family can stay together, then the family must be able to stay in a room together if they choose. In all cases (whether or not it's a congregate-style shelter), all families must be treated the same. For example:

- If the standard practice is to put down mats in a conference room for everyone who is considered "overflow" (beyond the capacity of the shelter beds), then it can shelter a family together in that space.
- If the standard practice is to place a family in its own room, it would be acceptable to leave a bed empty to accommodate the family, (e.g. a family of four could stay in a unit with 5 beds, and the fifth bed could be open). In this example, HUD would not expect an ESG programs to fill the 5th bed with an individual that is not a member of the family, so long as the ESG programs documented the reasons for having open beds.

## Single Sex Shelters

HUD-assisted single-sex shelter is acceptable only under limited conditions in which the facilities meet both of the following requirements:

- The shelter must be for individuals only. A shelter that accepts families with children cannot be single sex. An example of this might be a shelter that serves single women

only (women not in families, without children under 18), and

- The shelter must not be considered a "dwelling unit" and it must consist of a single structure with shared bedrooms or bathing facilities. This policy, which applies to ESG, is stated most clearly in the CoC interim rule, at section 578.93: "The housing may be limited to one sex where such housing consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex."

If the facility is not permitted under the HUD standards to operate as single-sex, then the project must serve people of any gender who are eligible. That means that a facility serving any families with children must serve all families with children and may not discriminate against specific families because of the gender of the head of household or child(ren).

### Shelter Habitability and Lead Requirements

Whenever ESG funds (or matching funds for ESG) are used under the Emergency Shelter component for shelter operations or shelter renovations, the building must meet the minimum standards for safety, sanitation, and privacy provided in 576.403(a) (b). If cash or non-cash contributions (e.g. funds or staff time) used for renovation or shelter operations are to be contributed to the ESG program as match, the emergency shelter must meet the minimum standards, because all matching contributions must meet all requirements that apply to the ESG funds provided by HUD. Documentation of compliance with the minimum standards for emergency shelter activities must be maintained. Note: The same standards apply regardless of the amount of ESG funds involved.

### Shelter Operation Inspection Requirements

Any emergency shelter that receives ESG funds for shelter operations (including minor repairs) must meet the minimum safety, sanitation, and privacy standards as indicated in 24 CFR §576.403(b). In addition:

- The ESG program must ensure that the shelter meets any Alaska state or local codes



that add to or exceed HUD's minimum standards.

- The shelter must be inspected on-site to ensure that it meets the minimum standards before ESG funds are provided for shelter operations.
- The shelter must meet all standards for the entire period during which ESG funds are provided for operating the emergency shelter.
- If the shelter fails to meet the minimum standards, ESG funds may be used to bring it up to the minimum standards, if available.
- If the shelter continues to receive ESG shelter operating funds over a period of time, then onsite inspections must be conducted each time the shelter receives an award (annually).
- If the shelter is moved to a new site or structure, that new site or structure must meet all emergency shelter standards for the remaining period that ESG funds are used for operating expenses.

### Lead-based paint remediation and disclosure for Shelters and Rapid Rehousing

The Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1995, and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M and R apply to all shelters assisted under the ESG program and to all housing occupied by program participants. Program Participants must be provided a copy of the Lead-Based paint notification pamphlet if the household has a child under the age of 6, or a pregnant woman is/will be residing in the unit; and it was construction prior to 1978. Following are the regulations in 24 CFR part 35:

- Subpart A - Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property (§§ 35.80 - 35.98)
- Subpart B - General Lead-Based Paint Requirements and Definitions for All Programs. (§§ 35.100 - 35.175)
- Subpart H - Project-Based Assistance (§§ 35.700 - 35.730) Subpart J - Rehabilitation (§§ 35.900 - 35.940)

- Subpart K - Acquisition, Leasing, Support Services, or Operation (§§ 35.1000 - 35.1020)
- Subpart M - Tenant-Based Rental Assistance (§§ 35.1200 - 35.1225)
- Subpart R - Methods and Standards for Lead-Paint Hazard Evaluation and Hazard Reduction Activities (§§ 35.1300 - 35.1355)

### Termination of Assistance

The ESG program is required to establish a formal process for the termination of assistance to a participant. This process must recognize the individual's right to a hearing. ESG programs are required to submit their termination policies in their annual funding application. As a reminder, records must be kept in accordance with the policies set forth in Section 8 for all participants, including those have been denied assistance or whose assistance has been terminated.

### Participant Confidentiality and Privacy Policies

Each ESG program must incorporate into their policies and procedures a process that will ensure the confidentiality of program participant's identifying information; records pertaining to any individual or family provided family violence prevention; and treatment services offered under any project assisted with ESG funds. Furthermore, the address or location of any shelter for victims of domestic violence assisted under ESG will be anonymous except upon written authorization from the person or persons responsible for the operation of the shelter for this information to be made public.

### Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The core statutory protections of the Violence Against Women ACT (VAWA) that prohibit denial or termination of assistance or eviction solely because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking applied upon enactment of VAWA 2013 on March 7, 2013. The VAWA regulatory requirements under 24 CFR part 5,

subpart L, as supplemented by this section, apply to all eligibility and termination decisions that are made with respect to ESG rental assistance on or after December 16, 2016. The recipient must ensure that the requirements under 24 CFR part 5, subpart L, are included or incorporated into rental assistance agreements and leases as provided in § 576.106(e) and (g).

The ESG program must comply with 24 CFR §576.409 regarding determining program participant eligibility for protection under VAWA, notification of landlords, emergency transfer plans and other requirements contained in the statute.

### Homeless Management Information System Requirements

AHFC must ensure that the information on all persons served and all activities assisted under the ESG program is entered into the local Continuum of Care's community-wide HMIS or comparable database if a domestic violence ESG program is available in the area in which those persons and activities are located. Participation will be in accordance with HUD's standards on participation, data collection, and reporting. Additional information on the specific data to be collected can be found in Section 6.4c.

If the ESG program is a victim services ESG program, it is required to use a comparable database to ensure participant level data is collected over time and generates unduplicated aggregate reports based on the data.

### Faith-Based Activities

Minimum standards for faith-based activities (24 CFR 576.406) Religious/faith-based organizations

- Are eligible on same basis as other organizations
- Retain their independence
- Must not engage in inherently religious activities as part of ESG-funded activities
- Must not discriminate based on religion or religious belief
- Must not use ESG funds to rehabilitate structures used for inherently religious

activities (e.g., chapels or sanctuaries)

If local government contributes its own funds to a faith-based organization to supplement federal funds:

- Funds may be segregated or commingled
- If commingled, restrictions apply

## Section 11: GRANT ADMINISTRATION

ESG programs must comply with all parts of 24 CFR Subpart F referring to grant administration. In general, the recipient must have policies and procedures to ensure the requirements of this part are met, including those required by 24 CFR part 200. The policies and procedures must be established in writing and implemented to ensure that ESG funds are used in accordance with the requirements. In addition, sufficient records must be established and maintained to enable the recipient and HUD to determine whether ESG requirements are being met.

### Client Confidentiality 24 CFR §576.500(x)

Confidentiality of all records is required. All records containing personally identifying information of any applicant for and/or recipient of ESG assistance will be kept secure and confidential.

Each ESG program must have written procedures to ensure:

- 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;
- 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

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written authorization of the person responsible for the operation of the shelter; and

- 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 ESG program and consistent with state and local laws regarding privacy and obligations of confidentiality.
- Information regarding participants will be released only after appropriate authorization to release and/or obtain information is completed.
- Access to client records should always be restricted to the employee or agent that must have access to the client's information in order to properly perform their normal job functions.

Written policies should inform clients about their rights to confidentiality and disclose that all information contained in their file is confidential. Employees or program funders with access to information about the client are bound by confidentiality guidelines and will not disclose this information without prior written consent.

Upon written request, ESG clients should have access to review their records and case file content. A private location should be provided to the client for this purpose within the ESG program. Clients should not be allowed to remove their case file from the ESG program; however, they may be granted copies of file contents upon request. Sponsors may charge a reasonable fee for copies.

Client files will be retained according to the length of time specified in 24 CFR §576.500(y).

### CFDA Number

The Catalog of Federal Domestic Assistance (CFDA) number for ESG is 14.231.

### Insurance Coverage

All recipients of ESG funds (Fiduciary, HARA, and sub-grantees) must carry General Liability Insurance and Crime and Dishonesty Insurance. The Fiduciary must maintain documentation of insurance coverage, including sub-grantees, with their Agency records.

## Grant Management

All Grant funds must be kept in a non-interest-bearing account.

File Retention: ESG client files, financial records to support billings, and Housing Choice Voucher homeless preference documentation must be retained for five (5) years after the grant has been closed.

## Matching Funds

The recipient must keep records of the source and use of contributions made to satisfy the matching requirement in § 576.201. The records must indicate the particular fiscal year grant for which each matching contribution is counted. The records must show how the value placed on third-party, noncash contributions was derived. To the extent feasible, volunteer services must be supported by the same methods that the organization uses to support the allocation of regular personnel costs.

## Conflicts of Interest

The recipient and its ESG programs must keep records to show compliance with the organizational conflicts-of-interest requirements in § 576.404(a), a copy of the personal conflicts of interest policy or codes of conduct developed and implemented to comply with the requirements in § 576.404(b), and records supporting exceptions to the personal conflicts of interest prohibitions.

## Homeless Participation

- The recipient must document its compliance with the homeless participation requirements under § 576.405.

## Faith-based Activities

The recipient and its ESG programs must document their compliance with the faith-based activities requirements under § 576.406.

## Other Federal Requirements

The recipient and its ESG programs must document their compliance with the Federal requirements in § 576.407 and § 576.409, as applicable, including:

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Records demonstrating compliance with the nondiscrimination and equal opportunity requirements under § 576.407(a) and the affirmative outreach requirements in § 576.407(b), including:

- Data concerning race, ethnicity, disability status, sex, and family characteristics of persons and households who are applicants for, or program participants in, any program or activity funded in whole or in part with ESG funds; and
- Documentation required under 24 CFR 5.168 in regard to the recipient's Assessment of Fair Housing and the certification that the recipient will affirmatively further fair housing.
- Records demonstrating compliance with the uniform administrative requirements in 24 CFR part 200.
- Records demonstrating compliance with the environmental review requirements, including flood insurance requirements.
- Certifications and disclosure forms required under the lobbying and disclosure requirements in 24 CFR part 87.
- Data on emergency transfers requested under § 576.409, pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests.
- Relocation. The records must include documentation of compliance with the displacement, relocation, and acquisition requirements in § 576.408.

### Financial Records

The recipient must retain supporting documentation for all costs charged to the ESG grant.

ESG programs must keep documentation showing that ESG grant funds were spent on allowable costs in accordance with the requirements for eligible activities under “§ 576.101 through 576.109, financial management in 24 CFR 200.302, and the cost principles in 24 CFR part 200, subpart E.

ESG programs must retain records of the receipt and use of program income.

### ESG Programs and Contractors

The recipient must retain copies of all solicitations of and agreements with ESG programs, records of all payment requests by and dates of payments made to ESG programs, and documentation of all monitoring and sanctions of ESG programs, as applicable. If the recipient is a State, the recipient must keep records of each recapture and distribution of recaptured funds under §576.501.

The recipient and ESG programs must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 2 CFR § 200 (D).

**As provided by the CARES Act, the recipient may deviate from the applicable procurement standards (e.g., 24 CFR 576.407(c) and (f) and 2 CFR 200.317-200.326) when procuring goods and services to prevent, prepare for, and respond to coronavirus. If the recipient deviates from its procurement standards then the recipient must establish alternative written procurement standards, and maintain documentation on the alternative procurement standards used to safeguard against fraud, waste, and abuse in the procurement of goods and services to prevent, prepare for, and respond to coronavirus. This alternative requirement is necessary to ensure the funds are used efficiently and effectively to prevent, prepare for, and respond to coronavirus. Notwithstanding this flexibility, the debarment and suspension regulations at 2 CFR part 180 and 2 CFR part 2424 apply as written.**

The recipient must ensure that its ESG programs comply with the recordkeeping requirements specified by the recipient and HUD notice or regulations.

### Period of Record Retention

All records pertaining to each fiscal year of ESG funds must be retained for the greater of 5 years or the period specified below. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

Documentation of each program participant's qualification as a family or individual at risk of homelessness or as a homeless family or individual and other program participant records must be retained for 5 years after the expenditure of all funds from the grant under which the program participant was served;



Where ESG funds are used for the renovation of an emergency shelter involves costs charged to the ESG grant that exceed 75 percent of the value of the building before renovation, records must be retained until 10 years after the date that ESG funds are first obligated for the renovation; and

Where ESG funds are used to convert a building into an emergency shelter and the costs charged to the ESG grant for the conversion exceed 75 percent of the value of the building after conversion, records must be retained until 10 years after the date that ESG funds are first obligated for the conversion.