



KANSAS HOUSING



EMERGENCY SOLUTIONS GRANT

2022 HANDBOOK

Emergency Solutions Grant (ESG) Program

The Emergency Solutions Grants (ESG) program is authorized by subtitle B of title IV of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11371-11378](#)). The program authorizes the Department of Housing and Urban Development (HUD) to make grants to States, units of general purpose local government, and territories for the rehabilitation or conversion of buildings for use as emergency shelter for the homeless, for the payment of certain expenses related to operating emergency shelters, for essential services related to emergency shelters and street outreach for the homeless, and for homelessness prevention and rapid re-housing assistance

The Emergency Solutions Grant provides funding to

1. Engage homeless individuals and families living on the street.
2. Improve the number and quality of emergency shelters for homeless individuals and families.
3. Help operate these shelters.
4. Provide essential services to shelter residents.
5. Rapidly re-house homeless individuals and families.
6. Prevent families and individuals from becoming homeless.

Definitions: (24 CFR 576.2)

- A. Recipient** means any State, territory, metropolitan city, or urban county, or in the case of reallocation, any unit of general purpose local government that is approved by HUD to assume financial responsibility and enters into a grant agreement with HUD to administer assistance under this part. Kansas Housing Resources Corporation is the recipient of the Kansas non-entitlement ESG funds.
- B. Subrecipient** means a unit of general purpose local government or private nonprofit organization to which a recipient makes available ESG funds. Kansas Housing Resources Corporation (KHRC) as a State Recipient subgrants ESG funds (except for funds for administrative costs and HMIS costs) to subrecipient organizations.
- C. Private nonprofit organization** means a private nonprofit organization that is a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1986 and which is exempt from taxation under subtitle A of the Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance. A private nonprofit organization does not include a governmental organization, such as a public housing agency or housing finance agency.

Obligation of Funds:

Kansas Housing Resources Corporation (KHRC) as a State Recipient must obligate the entire grant, with the exception of administrative costs. KHRC meets this requirement by awarding the ESG funds to subrecipient organizations through an annual competitive grant process. The subrecipient either subawards the funds to a private nonprofit organization or uses the funds to directly carry out an eligible ESG activity.

The annual awards to the subrecipient agencies are for twelve months, July 1 – June 30.

Extensions to the 12-month program year are granted upon request. Subrecipients can submit their request for an extension to the ESG@kshousingcorp.org email.

The extension request must include the following

1. The length of the requested extension
2. An assurance the ESG funded agencies will fully expend their ESG funds at the end of the extension
3. The reason for the extension.

Reimbursement of ESG funds:

A. Financial Status Report – Request for reimbursement

All requests for reimbursement must be made using the ESG RECIPIENT REQUEST FOR REIMBURSEMENT AND FINANCIAL STATUS REPORT commonly referred to as the FSR.

All requests for reimbursement must be accompanied with a cover letter from the requesting subrecipient and must contain the following information:

1. The grant number of the funds being requested
2. The date of the request
3. The amount being requested
4. Name of the person who is making the request.
5. The signature of the person making the request. (The person making the request must be allowed to provide authorizing signatures on key documents such as payment requests, budget revisions, etc.)
6. On the subrecipient agency letterhead.

All requests for reimbursement received by the 20th of the month will be processed in the receiving month. Payments will generally be remitted by the end of the month. Requests for reimbursement received after the 20th may be processed the next month.

All requests for reimbursement must be submitted electronically either by email or fax.

Requests for reimbursement must be emailed to ESG@kshousingcorp.org or faxed to 785-256-9483.

B. Emergency Solutions Grant Advance Payment:

After all required signatures are obtained on grant documents, and upon receipt of a request from the authorized staff of the subrecipient, advance payments may be remitted to the subrecipient.

The cash advance is predicated by the subrecipients' monthly expenditures alongside the ability to demonstrate need for advance payment due to program obligations. A maximum advance of ten percent (10%) of the grant award may be made to a subrecipient. Once determined advance payment funds are eligible, the subrecipient will receive the monies via standard payment process. Once the funds have been remitted, the monies will have to be fully expended (including the 10% advance) prior to any additional request for funds will be allowed.

A larger advance may be approved with adequate justification regarding program operations and/or obligations as determined by the ESG Program Manager.

C. Budget Revisions

Approved budget revisions are allowed at any point during the program year. All budget revision requests and/or requests for additional ESG funds must be submitted on Budget Revision form. All budget revision requests or requests for additional ESG funds received by the 15th of the month will be reviewed during the receiving month. Requests received after the 15th will be reviewed the following month.

The budget revision requests and/or requests for additional ESG funds must be requested by subrecipient agency.

All budget revision requests and/or requests for additional funds must be emailed to ESG@kshousingcorp.org

All requests must contain the following information:

- Grant number or grant year
- Explanation for need for budget revision or request for additional funds
- Current budget amounts
- Requested change in budget
- New budget amounts

GRANT ADMINISTRATION REQUIREMENTS

The subrecipient must ensure the requirements 24 CFR 576 and applicable policies listed in 2 CFR part 200 are met. If the subrecipient subawards the funds to a community agency, the subrecipient must either develop policies that align with the required ESG regulations or require their ESG funded agencies develop their own policies. If the ESG funded agencies are required to develop their own policies, then it is the responsibility of the subrecipient to provide a framework of what is required to ensure the ESG funded agencies are following the Kansas ESG Manual and the applicable ESG regulations. The subrecipient will be required to submit their ESG policies and procedures, including the required policies listed below, when applying for ESG funds.

In addition, sufficient records must be established and maintained to enable the recipient and HUD to determine whether ESG requirements are being met. As the recipient agency, Kansas Housing Resources Corporation will review the subrecipient records during monitoring visits to determine whether the subrecipient or the subrecipient's ESG funded agencies have followed their policies and procedures and have adhered to the requirements listed in 24 CFR 576.

Keep in mind: in general, if it is not listed in the regulation, it's not eligible!

2CFR 200 Subpart D – Post Federal Award Requirements Financial Management

The financial management system of each subrecipient must provide for the following (see also §§200.333 Retention requirements for records, 200.334 Requests for transfer of records, 200.335 Methods for collection, transmission and storage of information, 200.336 Access to records, and 200.337 Restrictions on public access to records):

Internal Controls

Subrecipients must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of sponsoring Organizations of the Treadway Commission (COSO).

Subrecipients are required to comply with all ESG requirements as required in – 24 CFR 576, including; the provision of case management, helping program participants increase income, either via employment assistance or through the acquisition of mainstream benefits, and helping program participants move into and stay in permanent housing.

The ESG subrecipients and/or ESG funded agencies must develop policies and procedures that include the following ESG required policies:

Conflict of Interest (24 CFR 576.404)

Organizational conflicts of interest. The provision of any type or amount of ESG assistance may not be conditioned on an individual's or family's acceptance or occupancy of emergency shelter or housing owned by the recipient, the subrecipient, or a parent or subsidiary of the subrecipient. No subrecipient may, with respect to individuals or families occupying housing owned by the subrecipient, or any parent or subsidiary of the subrecipient, carry out the initial evaluation required under §576.401 or administer homelessness prevention assistance under §576.103. Recipients and subrecipients must also maintain written standards of conduct covering organizational conflicts of interest required under 2 CFR 200.318.

Individual conflicts of interest. For the procurement of goods and services, the recipient and its subrecipients must comply with 2 CFR 200.317 and 200.318. For all other transactions and activities, the following restrictions apply:

Conflicts prohibited. No person described in paragraph (b)(2) of this section who exercises or has exercised any functions or responsibilities with respect to activities assisted under the ESG program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties,

during his or her tenure or during the one-year period following his or her tenure.

Persons covered. The conflict-of-interest provisions of paragraph (b)(1) of this section apply to any person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its subrecipients.

Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of this subsection on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph (b)(3)(ii) of this section, provided that the recipient has satisfactorily met the threshold requirements of paragraph (b)(3)(i) of this section.

Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:

If the recipient or subrecipient is a government, disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

An opinion of the recipient's attorney that the interest for which the exception is sought would not violate state or local law.

Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements under paragraph (b)(3)(i) of this section, HUD must conclude that the exception will serve to further the purposes of the ESG program and the effective and efficient administration of the recipient's or subrecipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

Whether an opportunity was provided for open competitive bidding or negotiation;

Whether the affected person has withdrawn from his or her functions, responsibilities or the decision-making process with respect to the specific activity in question;

Whether the interest or benefit was present before the affected person was in the position described in paragraph (b)(1) of this section;

Whether undue hardship results to the recipient, the subrecipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict; and

Any other relevant considerations.

Contractors. All contractors of the recipient or subrecipient must comply with the same requirements that apply to subrecipients under this section.

Homeless participation (24 CFR 576.405)

To the maximum extent practicable, the subrecipient 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.

Confidentiality (24 CFR 576.500(x))

(1) subrecipients must develop and implement written procedures to ensure:

- (i) 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;
- (ii) The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter; and
- (iii) 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 subrecipient and consistent with state and local laws regarding privacy and obligations of confidentiality.

(2) The confidentiality procedures of the recipient and its subrecipients must be in writing and must be maintained in accordance with this section.

Record Retention (24 CFR 576.500 (y))

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.

- (1) 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;
- (2) 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
- (3) 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

Duplication of benefits (CPD-21-08 Section III, F.10)

Prohibition Against Duplication of Benefits. Section 312 (42 U.S.C. 5155) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.) prohibits duplication of benefits for programs that provide financial assistance to people or entities suffering losses because of a major disaster or emergency. "Duplication of benefits" occurs when Federal financial assistance is provided to a person or entity through a program to address losses resulting from a Federally-declared emergency or disaster, and the person or entity has received (or would receive, by acting reasonably to obtain available assistance) financial assistance for the same costs from any other source (including insurance), and the total amount received exceeds the total need for

those costs. Recipients must establish and maintain adequate procedures to prevent any duplication of benefits with ESG-CV funds

Equal Access (24 CFR 5.106)

Equal access in accordance with the individual's gender identity in community planning and development programs.

(a) Applicability. This section applies to assistance provided under Community Planning and Development (CPD) programs, including assistance under the following CPD programs: HOME Investment Partnerships program (24 CFR part 92), Housing Trust Fund program (24 CFR part 93), Community Development Block Grant program (24 CFR part 570), Housing Opportunities for Persons With AIDS program (24 CFR part 574), Emergency Solutions Grants program (24 CFR part 576), Continuum of Care program (24 CFR part 578), or Rural Housing Stability Assistance Program (24 CFR part 579). The requirements of this section apply to recipients and subrecipients, as well as to owners, operators, and managers of shelters and other buildings and facilities and providers of services funded in whole or in part by any CPD program.

(b) Equal access in accordance with gender identity. The admissions, occupancy, and operating policies and procedures of recipients, subrecipients, owners, operators, managers, and providers identified in paragraph (a) of this section, including policies and procedures to protect privacy, health, safety, and security, shall be established or amended, as necessary, and administered in a nondiscriminatory manner to ensure that:

- (1) Equal access to CPD programs, shelters, other buildings and facilities, benefits, services, and accommodations is provided to an individual in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family;
- (2) An individual is placed, served, and accommodated in accordance with the gender identity of the individual;
- (3) An individual is not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of the individual's gender identity; and
- (4) Eligibility determinations are made and assisted housing is made available in CPD programs as required by § 5.105(a)(2).

(c) Placement and accommodation in temporary, emergency shelters and other buildings and facilities with shared sleeping quarters or shared bathing facilities -

- (1) Placement and accommodation. Placement and accommodation of an individual in temporary, emergency shelters and other buildings and facilities with physical limitations or configurations that require and are permitted to have shared sleeping quarters or shared bathing facilities shall be made in accordance with the individual's gender identity.
- (2) Post-admission accommodations. A recipient, subrecipient, owner, operator, manager, or provider must take nondiscriminatory steps that may be necessary and appropriate to address privacy concerns raised by residents or occupants and, as needed, update its admissions, occupancy, and operating policies and procedures in accordance with paragraph (b) of this section.
- (d) Documentation and record retention. Providers shall document and maintain records of compliance with the requirements in paragraph (b) of this section for a period of 5 years.

VAWA Emergency Transfer Plan (24 CFR 576.409 (d))

All agencies providing ESG rent assistance must develop an Emergency Transfer Plan as described in 24 CFR 576.409 (d).

Agencies who provide ESG rent assistance must establish an emergency transfer plan in accordance with 24 CFR 5.2005€

The Emergency Transfer Plan must include the following program requirements:

1. For families living in units receiving project-based rental assistance (assisted units), the required policies must provide that if a program participant qualifies for an emergency transfer, but a safe unit is not immediately available for an internal emergency transfer, that program
2. For families receiving tenant-based rental assistance, the required policies must specify what will happen with respect to the non- transferring family member(s), if the family separates in order to effect an emergency transfer.

Affirmative outreach (24 CFR 576.407(b)).

The recipient or subrecipient must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. If it is unlikely that the procedures that the recipient or subrecipient intends to use to make known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, the recipient or subrecipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The recipient and its subrecipients must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, recipients and subrecipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.

Equal participation of faith-based organizations (24 CFR 576.406)

Equal participation of faith-based organizations in HUD programs and activities. Faith-based organizations are eligible, on the same basis as any other organization, to participate in HUD programs and activities. Neither the Federal Government, nor a State, tribal or local government, nor any other entity that administers any HUD program or activity, shall discriminate against an organization on the basis of the organization's religious character or affiliation, or lack thereof. In addition, decisions

about awards of Federal financial assistance must be free from political interference or even the appearance of such interference and must be made on the basis of merit, not based on the religious character or affiliation, or lack thereof, of an organization.

Separation of explicitly religious activities from direct Federal financial assistance.

A faith-based organization that applies for, or participates in, a HUD program or activity supported with Federal financial assistance retains its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use direct Federal financial assistance that it receives (*e.g.*, via contract, grant, sub-grant, sub-award or cooperative agreement) to support or engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), or in any other manner prohibited by law. A faith-based organization that receives direct Federal financial assistance may use space (including a sanctuary, chapel, prayer hall, or other space) in its facilities (including a temple, synagogue, church, mosque, or other place of worship) to carry out activities under a HUD program without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization participating in a HUD program or activity retains its authority over its internal governance, and may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

Explicitly religious activities. If an organization engages in explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), the explicitly religious activities must be offered separately, in time or location, from the programs or activities supported by direct Federal financial assistance and participation must be voluntary for the beneficiaries of the programs or activities that receive direct Federal financial assistance.

Intermediary responsibilities to ensure equal participation of faith-based organizations in HUD programs. If an intermediary—acting under a contract, grant, or other agreement with the Federal Government or with a State, tribal or local government that is administering a program supported by Federal financial assistance—is given the authority to select a nongovernmental organization to receive Federal financial assistance under a contract, grant, sub-grant, sub-award, or cooperative agreement, the intermediary must ensure that such organization complies with the requirements of this section. If the intermediary is a nongovernmental organization, it retains all other rights of a nongovernmental organization under the program's statutory and regulatory provisions.

Beneficiary protections. Faith-based organizations that carry out programs or activities with direct Federal financial assistance from HUD must give written notice to beneficiaries and prospective beneficiaries of the programs or activities describing certain protections available to them, as provided in this subsection. In addition, if a beneficiary or prospective beneficiary object to the religious character of the organization carrying out the programs or activities, that organization must promptly

undertake reasonable efforts to identify and refer the beneficiary or prospective beneficiary to an alternative provider to which the beneficiary or prospective beneficiary has no such objection.

ESG Program Components

Emergency Shelter (ES): Increase the quantity and quality of temporary shelter provided to homeless individuals and families by paying for operating and essential services.

Essential Services

Operations

Street Outreach (SO): Meet the immediate needs of unsheltered homeless individuals and families by connecting them with emergency shelter, housing, and critical health services.

Homelessness Prevention (HP): Prevent households from becoming homeless through rental assistance and housing relocation and stabilization services.

Housing Relocation and Stabilization Services

- Financial Assistance
- Services Costs

Rental Assistance

- Short term rent assistance – up to 3 months
- Medium term rent assistance – 4-24 months

Rapid Re-housing (RRH): Quickly move homeless individuals and families into permanent housing through rental assistance and housing relocation and stabilization services.

Housing Relocation and Stabilization Services

- Financial Assistance
- Services Costs

Rental Assistance

- Short term rent assistance – up to 3 months
- Medium term rent assistance – 4-24 months

Homeless Management Information System (HMIS): Support ESG subrecipient's participation in the HMIS collection and data analysis of households that are homeless or at risk of homelessness.

Administration (AD): Support for the activities and supplies necessary to successfully administer the ESG program.

Component: Emergency Shelter. These activities are designed to increase the quantity and quality of temporary shelters provided to homeless people, through the renovation of existing shelters or conversion of buildings to shelters, paying for the operating costs of shelters, and providing essential services. § 576.102			
Activity types:			
Essential Services	Renovation (also includes Major Rehab and Conversion)	Shelter Operations	Assistance Required Under the Uniform Relocation and Real Property Acquisition Act of 1970 (URA)
<u>Eligible costs:</u> <ul style="list-style-type: none"> • Case management • Child Care • Education Services • Employment Assistance and Job Training • Outpatient Health Services • Legal Services • Life Skills Training • Mental Health Services • Substance Abuse Treatment Services • Transportation • Services for Special Populations 	<u>Eligible costs:</u> <ul style="list-style-type: none"> • Labor • Materials • Tools • Other costs for renovation (including rehab or conversion) 	<u>Eligible costs:</u> <ul style="list-style-type: none"> • Maintenance • Rent • Security • Fuel • Equipment • Insurance • Utilities • Food • Furnishings • Supplies necessary for shelter operation • Hotel/Motel Vouchers 	<u>Eligible costs:</u> <ul style="list-style-type: none"> • Relocation payments • Other assistance to displaced persons

From the HUD ESG regulations, “emergency shelter means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.” Shelter stays should be avoided, if possible, and when not possible, limited to the shortest time necessary to help participants regain permanent housing.

Emergency shelter programs should be closely linked to an array of programs in order to accomplish this goal of stable permanent housing including, but not limited to, rapid re-housing, transitional housing, affordable housing placement, and employment.

Linkages should also be made to applicable mainstream programs such as SOAR, food stamps, TANF, etc.

ESG funds may be used for costs of providing essential services to homeless families and individuals in emergency shelters and operating emergency shelters.

- a. Case management. (A) Using the centralized or coordinated assessment (B) Conducting the initial evaluation (a), including verifying and documenting eligibility; (C) Counseling; (D) Developing, securing, and coordinating services and obtaining Federal, State, and local benefits; (E) Monitoring and evaluating program participant progress; (F) Providing information and referrals to other providers; (G) Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking; and (H) Developing an individualized housing and service plan, including planning a path to permanent housing stability.

- b. Childcare. The costs of childcare for program participants, including providing meals and snacks, and comprehensive and coordinated sets of appropriate developmental activities, are eligible. The children must be under the age of 13, unless they are disabled. Disabled children must be under the age of 18. The child-care center must be licensed by the jurisdiction in which it operates in order for its costs to be eligible.
- c. Education services: When necessary for the program participant to obtain and maintain housing, the cost of improving knowledge and basic educational skills are eligible. Services include instruction or training in consumer education, health education, substance abuse prevention, literacy, English as a Second Language, and General Educational Development (GED). Component services or activities are screening, assessment and testing; individual or group instruction; tutoring; provision of books, supplies and instructional material; counseling; and referral to community resources.
- d. Employment assistance and job training. The costs of employment assistance and job training programs are eligible, including classroom, online, and/or computer instruction; on-the-job instruction; and services that assist individuals in securing employment, acquiring learning skills, and/or increasing earning potential. Learning skills include those skills that can be used to secure and retain a job. Services that assist individuals in securing employment consist of employment screening, assessment, or testing; structured job skills and job-seeking skills; special training and tutoring, including literacy training and prevocational training; books and instructional material; counseling or job coaching; and referral to community resources.
- e. Outpatient health services. Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals. Emergency Solutions Grant (ESG) funds may be used only for these services to the extent that other appropriate health services are unavailable within the community. Eligible treatment consists of assessing a program participant's health problems and developing a treatment plan; assisting program participants to understand their health needs; providing directly or assisting program participants to obtain appropriate medical treatment, preventive medical care, and health maintenance services, including emergency medical services; providing medication and follow-up services; and providing preventive and non-cosmetic dental care.
- f. Legal services. (A) Eligible costs are the hourly fees for legal advice and representation by attorneys licensed and in good standing with the bar association of the State in which the services are provided, and by person(s) under the supervision of the licensed attorney, regarding matters that interfere with the program participant's ability to obtain and retain housing. (B) Emergency Solutions Grant (ESG) funds may be used only for these services to the extent that other appropriate legal services are unavailable or inaccessible within the community. (C) Eligible subject matters are child support, guardianship, paternity, emancipation, and legal separation, orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking, and appeal of veterans and public benefit claim denials. (D) Component services or activities may include client intake, preparation of cases for trial, provision of

legal advice, representation at hearings, and counseling. (E) Fees based on the actual service performed (i.e., fee for service) are also eligible, but only if the cost would be less than the cost of hourly fees. Filing fees and other necessary court costs are also eligible. If the Subrecipients is a legal services provider and performs the services itself, the eligible costs are the Subrecipients' employees' salaries and other costs necessary to perform the services. (F) Legal services for immigration and citizenship matters and issues relating to mortgages are ineligible costs. Retainer fee arrangements and contingency fee arrangements are ineligible costs.

- g. Life skills training. The costs of teaching critical life management skills that may never have been learned or have been lost during the course of physical or mental illness, domestic violence, substance use, and homelessness are eligible costs. These services must be necessary to assist the program participant to function independently in the community. Component life skills training are budgeting resources, managing money, managing a household, resolving conflict, shopping for food and needed items, improving nutrition, using public transportation, and parenting.
- h. Mental health services. (A) Eligible costs are the direct outpatient treatment by licensed Professionals of mental health conditions. (B) ESG funds may only be used for these services to the extent that other appropriate mental health services are unavailable or inaccessible within the community. (C) Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances. Problem areas may include family and marital relationships, parent-child problems, or symptom management. (D) Eligible treatment consists of crisis interventions; individual, family, or group therapy sessions; the prescription of psychotropic medications or explanations about the use and management of medications; and combinations of therapeutic approaches to address multiple problems.
- i. Substance abuse treatment services. (A) Eligible substance abuse treatment services are designed to prevent, reduce, eliminate, or deter relapse of substance abuse or addictive behaviors and are provided by licensed or certified professionals. (B) ESG funds may only be used for these services to the extent that other appropriate substance abuse treatment services are unavailable or inaccessible within the community. (C) Eligible treatment consists of client intake and assessment, and outpatient treatment for up to 30 days. Group and individual counseling and drug testing are eligible costs. Inpatient detoxification and other inpatient drug or alcohol treatment are not eligible costs.
- j. Transportation. Eligible costs consist of the transportation costs of a program participant's travel to and from medical care, employment, childcare, or other eligible essential services facilities. These costs include the following: (A) The cost of a program participant's travel on public transportation; (B) If service workers use their own vehicles, mileage allowance for service workers to visit program participants; (C) The cost of purchasing or leasing a vehicle for the recipient or Subrecipients in which staff transports program participants and/or staff serving program participants, and the cost of gas, insurance, taxes, and maintenance for the vehicle; and (D) The travel costs of recipient or Subrecipients staff to accompany or assist program participants to use public transportation.
- k. Shelter operations. Eligible costs are the costs of maintenance (including minor or routine repairs), rent, security, fuel, equipment, insurance, utilities, food, furnishings, and supplies necessary for the operation of the emergency shelter. Where no appropriate emergency shelter is available for a homeless family or individual, eligible costs may also include a hotel or motel voucher for that

family or individual.

Shelter Operations: Maintenance

In general, maintenance activities include: cleaning; minor or routine repairs of furnishings, equipment, and fixtures; and protective or preventative measures to keep a building, its systems, and its grounds in working order. Maintenance activities:

- Do not materially add to the value of the building/property;
- Do not appreciably prolong the useful life of the building/property; and
- Do not adapt the building/property to new uses.

Examples of maintenance activities could include activities such as: replacing a few shingles on a leaky roof; patching leaking pipes or plumbing; replacing a broken window; fixing a crack in a sidewalk; filling potholes in a parking lot; and repairing portions of a fence.

Minimum period of use: The minimum period of use for maintenance activities is the same as for other shelter operations and essential services activities—that is, the recipient/subrecipient must provide services or shelter to homeless individuals and families at least for the period during which the ESG funds are provided (for example, the contract period specified in a subrecipient agreement) (see § 576.102(c)(2)).

Level of environmental review required: Maintenance activities are Categorically Excluded, Not Subject to §58.5 (CENST), meaning that maintenance is categorically excluded from National Environmental Policy Act (NEPA), and not subject to § 58.5, but still subject to § 58.6 (see § 58.35(b)(3)).

Habitability Standards

The ESG Program requires subrecipients to follow habitability standards for **emergency shelter operations programs** and for **homelessness prevention and rapid re-housing** programs assisting participants to obtain or remain in permanent housing.

The Emergency Solutions Grants (ESG) Program Interim Rule establishes different habitability standards for emergency shelters and for permanent housing (the Rapid Re-housing and Homelessness Prevention components).

- **Emergency Shelter Standards.**
 - Emergency shelters that receive ESG funds for renovation or shelter operations must meet the minimum standards for safety, sanitation, and privacy provided in §576.403(b).
 - In addition, emergency shelters that receive ESG funds for renovation (conversion, major rehabilitation, or other renovation) also must meet state or local government safety and sanitation standards, as applicable.
- **Permanent Housing Standards.** The recipient or subrecipient 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 Homelessness Prevention and Rapid Re-housing components.

Recipients and subrecipients must document compliance with the applicable standards. Note that these checklists do not cover the requirements to comply with the Lead-Based Paint requirements at §576.403(a). For more discussion about how and when the standards apply, see **ESG Minimum Standards for Emergency Shelters and Permanent Housing**, located at <http://OneCPD.info/esg>.

Any Emergency Shelter that receives ESG assistance for shelter operations must meet the following minimum safety, sanitation, and privacy standards.

Minimum Standards Do Not Apply to Essential Services and HMIS Activities

- The minimum standards for emergency shelters apply only when ESG funds are used for **shelter operations and conversion, major rehabilitation, or other renovation**.
- **Essential services** provided under the Street Outreach and Emergency Shelter components do not trigger either the minimum standards for emergency shelter or the minimum standards for permanent housing. This is because there is no unit to inspect; these services are provided for persons who are sleeping in emergency shelters or with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.
- Likewise, the minimum standards do not apply to an emergency shelter (or other organization) receiving ESG funds only for **HMIS** costs.

- a. Structure and materials
The shelter building must be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents.
- b. Access
The shelter must be accessible in accordance with Section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; the Fair Housing Act (42 U.S.C. 3601 *et seq.*) and implementing regulations at 24 CFR part 100; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 *et seq.*) and 28 CFR part 35; where applicable.
- c. Space and security
Except where the shelter is intended for day use only, the shelter must provide each program participant in the shelter with an acceptable place to sleep and adequate space and security for themselves and their belongings.
- d. Interior air quality
Each room or space within the shelter must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.
- e. Water supply
The shelter's water supply must be free of contamination.
- f. Sanitary facilities
Each program participant in the shelter must have access to sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.
- g. Thermal environment
The shelter must have any necessary heating/ cooling facilities in proper operating condition.
- h. Illumination and electricity
The shelter must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the shelter.
- i. Food preparation
Food preparation areas, if any, must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
- j. Sanitary conditions
The shelter must be maintained in a sanitary condition.
- k. Fire safety
There must be at least one working smoke detector in each occupied unit of the shelter. Where possible, smoke detectors must be located near sleeping areas. The fire alarm system must be designed for hearing- impaired residents. All public areas of the shelter must have at least one working smoke detector. There must also be a second means of exiting the building in the event of fire or another emergency.

Rapid Re-Housing: (RRH)

Component: Rapid Re-Housing. These activities are designed to move homeless people quickly to permanent housing through housing relocation and stabilization services and short- and/or medium-term rental assistance. § 576.104		
Activity types:		
Rental Assistance**	Housing Relocation and Stabilization Services	
	Financial Assistance	Services Costs
<u>Eligible costs:</u> <ul style="list-style-type: none"> • Short-term rental assistance • Medium-term rental assistance • Rental arrears <p>**Rental assistance can be project-based or tenant-based.</p>	<u>Eligible costs:</u> <ul style="list-style-type: none"> • Rental Application Fees • Security Deposits • Last Month's Rent • Utility Deposits • Utility Payments • Moving Costs 	<u>Eligible costs:</u> <ul style="list-style-type: none"> • Housing Search and Placement • Housing Stability Case Management • Mediation • Legal Services • Credit Repair

Households receiving Rapid Re-housing assistance do not have to income qualify at program entrance but must have an income below 30% Area Median Income (AMI) for the geographic area after twelve months of assistance at annual certification. Rapid Re-housing programs are designed to help homeless individuals and families rapidly transition into permanent housing. Linkages should also be made to applicable mainstream programs such as SOAR, TANF, etc. Rapid Re-housing funds may be used to provide housing relocation and stabilization services and short to medium term rental assistance. Assistance must be necessary to help the program participant obtain and remain in permanent housing.

A. Housing Relocation and Stabilization Services

- Financial Assistance: rental application fees, security deposits, last month's rent, utility deposits, utility payments and moving costs.
- Services Costs: housing search and placement, housing stability case management, mediation, legal services, and credit repair.

B. Rent Assistance:

- Short Term (0-3 months)
- Medium Term (4-24 months)

C. Rental Arrears

Homelessness Prevention: (HP)

Component: Homelessness Prevention. These activities are designed to prevent an individual or family from moving into an emergency shelter or living in a public or private place not meant for human through housing relocation and stabilization services and short- and/or medium-term rental assistance. § 576.103		
Activity types:		
Rental Assistance**	Housing Relocation and Stabilization Services	
	Financial Assistance	Services Costs
Eligible costs: <ul style="list-style-type: none">• Short-term rental assistance• Medium-term rental assistance• Rental arrears <p>**Rental assistance can be project-based or tenant-based.</p>	Eligible costs: <ul style="list-style-type: none">• Rental Application Fees• Security Deposits• Last Month's Rent• Utility Deposits• Utility Payments• Moving Costs	Eligible costs: <ul style="list-style-type: none">• Housing Search and Placement• Housing Stability Case Management• Mediation• Legal Services• Credit Repair

Households receiving Homelessness Prevention assistance must have an income level below 30% Area Median Income (AMI) for the geographic area at entry and must meet the definition of "at risk of homelessness". The household must demonstrate that they do not have sufficient resources or support networks to prevent them from losing their housing and moving to an emergency shelter or other place not meant for human habitation. Participants must be re-certified every 90 days. Linkages should also be made to applicable mainstream programs such as SOAR, TANF, etc. Homelessness Prevention funds may be used to provide housing relocation and stabilization services and short to medium term rental assistance. Assistance must be necessary to help the program participant regain stability in their current permanent housing or obtain other permanent housing.

A. Housing Relocation and Stabilization Services

- Financial Assistance: rental application fees, security deposits, last month's rent, utility deposits, utility payments and moving costs.
- Services Costs: housing search and placement, housing stability case management, mediation, legal services, and credit repair.




D. Rent Assistance:

- Short Term (0-3 months)
- Medium Term (4-24 months)

E. Rental Arrears

Homeless Prevention or Rapid Re-Housing?

Remember: The main difference between Homelessness Prevention and Rapid Re-housing is the homelessness status of the participant at the time they enter the program.

ELIGIBLE ACTIVITIES: RAPID RE-HOUSING AND HOMELESSNESS PREVENTION COMPONENTS		
Housing Relocation and Stabilization Services	Rental Assistance° 24 CFR §576.106 	<ul style="list-style-type: none"> • Short-term rental assistance (0-3 months) • Medium-term rental assistance (4-24 months) • Rental arrears (One-time payment for up to 6 months of rent in arrears) <p><i>Any combination of the above types, so long as the total amount of assistance does not exceed 24 months</i></p> <p>°Rental assistance can be project-based or tenant-based.</p>
	Financial Assistance 24 CFR §576.105 	<ul style="list-style-type: none"> • Rental Application Fees (when charged by owner to all applicants) • Security Deposits (no more than 2 month's rent) • Last Month's Rent (applies to 24-month cap) • Utility Deposits (when required by utility company for all customers) • Utility Payments (up to 24 months of payments per service, including up to 6 months of arrears per service) • Moving Costs (e.g., truck rental, moving company, up to 3 months of storage)
	Services 24 CFR §576.105 	<ul style="list-style-type: none"> • Housing Search and Placement • Housing Stability Case Management • Mediation • Legal Services • Credit Repair (e.g., budgeting/ money management)

Street Outreach: (SO)

Component: Street Outreach. These activities are designed to meet the immediate needs of unsheltered homeless people by connecting them with emergency shelter, housing, and/or critical health services. § 576.101

Activity type: Essential Services

Eligible costs:

- Engagement
- Case Management
- Emergency Health Services
- Emergency Mental Health Services
- Transportation
- Services for Special Populations

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. The term “unsheltered homeless people” is defined as –

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; ...

There are 6 eligible activities for Street Outreach, as follows:

- Engagement** – the location, identification and relationship building with unsheltered homeless people and the engagement of them for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs. Eligible activities include assessment of needs and eligibility; providing crisis counseling; addressing urgent physical needs, and actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs. Eligible costs include the cell phone costs of outreach workers during the performance of these activities.
- Case management** – the assessment of housing and service needs and implementing individualized services to meet the needs of the program participant. Eligible services and activities are as follows: using the centralized or coordinated assessment system as required under § 576.400(d); conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility; counseling; developing, securing and coordinating services; obtaining Federal, State, and local benefits; monitoring and evaluating program participant progress; providing information and referrals to other providers; and developing an individualized housing and service plan, including planning a path to permanent housing stability.
- Emergency health services.** Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living. Eligible treatment consists of developing a treatment plan;

assisting program participants to understand their health needs; providing directly or obtaining emergency medical treatment; and providing medication and follow-up services.

- d. Emergency mental health services. Eligible costs are the direct outpatient treatment by licensed professionals of mental health conditions operating in community-based settings, including streets, parks, and other places where unsheltered people are living. of the problem or improved individual or family functioning or circumstances. (iv) Eligible treatment consists of crisis interventions, and the prescription and management of psychotropic medications.
- e. Transportation. The transportation costs of travel by outreach workers, social workers, medical professionals, or other service providers are eligible, provided that this travel takes place during the provision of services eligible under this section. The costs of transporting unsheltered people to emergency shelters or other service facilities are also eligible.
- f. Services for special populations. ESG funds may be used to provide services for homeless youth, victim services, and services for people living with HIV/AIDS, so long as the costs of providing these services are eligible under paragraphs (a)(1) through (a)(5) of this section.
- g. Implementation of Street Outreach
Street Outreach should be principally focused to one goal: that of supporting homeless households in achieving some form of permanent, sustainable housing. While Street Outreach teams may use incentives to encourage trust and build relationships, or to ensure that homeless households' emergency needs are met, the awards made should not be used to support other programs that seek to alleviate the burden of living on the streets. Outreach teams will have the most comprehensive knowledge of street-based individuals/ households within the locality. Outreach teams will be responsible for ensuring that a case plan is established for each household that is client centered, realistic and focused towards a goal of permanent housing. Outreach teams will be expected to establish close working relationships with other service providers, not only Emergency Shelters, but other mainstream and housing focused services, such as Rapid Re- Housing. Not every homeless household is expected to need admittance to an emergency shelter and Street Outreach teams should be prepared to implement a variety of interventions in securing permanent housing. Linkages should also be made to applicable mainstream programs such as SOAR, food stamps, TANF, etc.

Assigning Essential Services to the Appropriate Program Component

Did You Know?

In the ESG Program, recipients/subrecipients may provide essential services under both the Street Outreach and Emergency Shelter components. However, the specific allowable costs under each component depend on **the population being served** and **where the services are provided**.

- **Unsheltered homeless persons** staying on the streets or in other places not meant for human habitation can receive:
 1. Non-facility based essential services on the street, parks, or other locations where unsheltered persons may be staying, under the Street Outreach component, and
 2. Essential services in an emergency shelter, under the Emergency Shelter component.
- **Persons staying in an emergency shelter** can receive essential services, under the Emergency Shelter component:
 1. In an emergency shelter, and
 2. At another site, such as a child care center for children under 13 who are staying in a shelter.

Note: See [FAQ 2238](#) for requirements for a day shelter to qualify as an emergency shelter.

What Services Can Be Provided?

The following table summarizes and compares the essential services allowable under each component:

Street Outreach	Emergency Shelter
Engagement	--Not eligible--
Case Management	Case Management
--Not eligible--	Child Care
--Not eligible--	Education Services
--Not eligible--	Employment Assistance/Job Training
Emergency Health Services	Outpatient Health Services
--Not eligible--	Legal Services
--Not eligible--	Life Skills Training
Emergency Mental Health Services	Mental Health Services
--Not eligible--	Substance Abuse Treatment Services
Transportation	Transportation
Services for Special Populations	Services for Special Populations

Administration: (Ad)

*Administrative Activities. § 576.108

Eligible costs are broadly categorized as follows:

- General management, oversight, and coordination
- Training on ESG requirements
- Consolidated Plan
- Environmental review

Up to 7.5% of a recipient's allocation of ESG funding can be used for administrative activities. KHRC provides 2.5% administrative funding to subrecipients. Subrecipients should review their grant contract for Administration costs allowed, if any. Administration includes general management, oversight, and coordination; reporting on the program; costs of providing training on ESG requirements and attending HUD approved ESG trainings (which are rare).

DEFINITION OF HOMELESSNESS, AT RISK OF HOMELESSNESS

HUD defines homelessness into four categories. Category 3 (Homeless under Other Federal Statutes) is only allowable after a request from the local CoC to use it AND approval by HUD, therefore is not listed below.

1. **Category 1:** Literally Homeless or Core Definition (1) individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning (i) has a primary nighttime residence that is a public or private place not meant for human habitation (ii) is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs) OR (iii) is exiting an institution where they resided for 90 days or less AND who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Qualifies for: Emergency Shelter, Rapid Re-Housing, Transitional Housing, Outreach, Supportive Services programs

2. **Category 2** Imminent Risk of Homelessness (2) Individual or family who will imminently lose their primary nighttime residence, provided that (i) residence will be lost within 14 days of the date of application for homeless assistance (ii) no subsequent residence has been identified AND the individual or family lacks the resources or support networks needed to obtain other permanent housing.

Must also exhibit one or more of the following risk factors:

- (a) Has moved frequently because of economic reasons “two or more times during the 60 days immediately preceding the application for assistance”.
- (b) Is living in the home of another because of economic hardship.
- (c) 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.
- (d) Lives in a hotel or motel paid for by charitable organizations or the federal, state, or local government
- (e) Lives in severely overcrowded housing (in a single-room occupancy or efficiency apartment unit in which more than two persons, on average, reside or another type of housing in which there reside more than 1.5 persons per room, as defined by the U.S. Census Bureau).
- (f) Is exiting a publicly funded institution or system of care (health-care, mental health, foster care, correction program).
- (g) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness (characteristics described in the funded jurisdictions Consolidated Plan).

Qualifies for: Emergency Shelter, Rapid Re-Housing, Transitional Housing, Homeless Prevention

3. **Category 4:** Fleeing/Attempting to Flee Domestic Violence (4) any individual or family who (i) is fleeing, or is attempting to flee, domestic violence (ii) has no other residence AND (iii) lacks the resources or support networks to obtain other permanent housing.

Eligible Participants by Component

ELIGIBILITY BY COMPONENT (Emergency Solutions Grants Program)	Street Outreach	<p>Individuals defined as Homeless under the following categories are eligible for assistance in SO:</p> <ul style="list-style-type: none"> Category 1 – Literally Homeless Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1) <p>SO projects have the following additional limitations on eligibility within Category 1:</p> <ul style="list-style-type: none"> Individuals and families must be living on the streets (or other places not meant for human habitation) and be unwilling or unable to access services in emergency shelter
	Emergency Shelter	<p>Individuals and Families defined as Homeless under the following categories are eligible for assistance in ES projects:</p> <ul style="list-style-type: none"> Category 1 – Literally Homeless Category 2 – Imminent Risk of Homeless Category 4 – Fleeing/Attempting to Flee DV
	Rapid Re-housing	<p>Individuals defined as Homeless under the following categories are eligible for assistance in RRH projects:</p> <ul style="list-style-type: none"> Category 1 – Literally Homeless Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1)
	Homelessness Prevention	<p>Individuals and Families defined as Homeless under the following categories are eligible for assistance in HP projects:</p> <ul style="list-style-type: none"> Category 2 –Imminent Risk of Homeless Category 4 – Fleeing/Attempting to Flee DV <p>Individuals and Families who are defined as At Risk of Homelessness are eligible for assistance in HP projects.</p> <p>HP projects have the following additional limitations on eligibility with homeless and at risk of homeless:</p> <ul style="list-style-type: none"> Must only serve individuals and families that have an annual income <u>below</u> 30% of AMI

DOCUMENTATION AND RECORD KEEPING REQUIREMENTS

Subrecipients must document homeless status for every program participant. Subrecipients must keep ESG records for 5 years after the expenditure of all funds from the grant. ESG subrecipients must establish and follow Written Standards to ensure program compliance. Written Standards must describe procedures for verifying homelessness status. Lack of third-party documentation cannot prevent a household from receiving emergency assistance including shelter and victim services.

Evidence for establishing and verifying homeless status in preferred order of documentation is:

- a. Third-party documentation – source documents provided by an outside source
- b. Staff/Intake worker observation – documented by ESG staff
- c. Certification from the person seeking assistance – ESG staff must certify efforts made to obtain third party documentation before allowing applicant to self-certify

Homeless Status Documentation and Record Keeping Requirements:

- A. **Homeless CATEGORY 1** acceptable evidence includes:
 - i. ESG Homeless Certification and ESG Self Certification Forms
 - ii. HMIS Verification of Homelessness
 - iii. A written observation by an outreach worker of the conditions where the individual or family was living, a written referral by another housing or service provider
- B. **Homeless CATEGORY 1** and is exiting an institution where he or she resided for 90 days or less, acceptable evidence includes evidence listed above for CATEGORY 1 AND ONE of the following:
 - i. Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; OR
 - ii. Where the evidence listed above in (A) is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in (A) and a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less. A written observation by an outreach worker of the conditions where the individual or family was living, a written referral by another housing or service provider
- C. **Homeless CATEGORY 2** evidence includes at least one of the following stating that the household must leave within 21 days:
 - i. A court order resulting from an eviction notice or equivalent notice, or a formal eviction notice;
 - ii. For applicants whose primary nighttime residence is a hotel or motel room not paid for by charitable organizations or federal, state, or local government programs, Evidence that the individual or family lacks the

resources necessary to reside there for more than 21 days after the date of application for homeless assistance OR

- iii. An oral or written statement by the individual or head of household that the owner or renter of the housing in which they currently reside will not allow them to stay for more than 21 days after the date of application for homeless assistance. The intake worker must record the statement and certify that it was found credible.

To be found credible, the oral statement must either:

- a. Be verified by the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance **AND**
- b. Be documented by a written certification by the owner or renter or by the intake worker's recording of the owner or renter's oral statement.

If the intake worker is unable to contact the owner or renter:

- a. The intake worker must provide written documentation certifying that he/she performed due diligence in attempting to obtain verification and written certification that the applicant's statement was true and complete.
- b. Certification by the individual or head of household that no subsequent residence has been identified; AND
- c. Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.

D. Homeless CATEGORY 4: Acceptable evidence includes:

If the individual or family is receiving shelter or services provided by a victim service provider:

- i. ESG Self Certification Form AND
- ii. A certification by the intake worker.

If the individual is seeking services from non- victim service provider:

- i. The ESG Self Certification Form documenting that applicant is fleeing a domestic violence situation, has not identified a subsequent residence, and lacks the resources or support networks, e.g., family, friends, faith-based, or other social networks, needed to obtain housing where his/her safety would not be jeopardized AND
- ii. Written observation by the intake worker, a written referral by a housing or service provider, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence

AT RISK OF HOMELESSNESS: Acceptable evidence includes:

- A. Annual Income: When determining the **annual income** of an individual or family, the recipient or Subrecipients must use the standard for calculating annual income under 24 CFR 5.609. Check guidance for further evidence requirements.

B. Lacks Evidence of the second eligibility criterion (“lacks sufficient resources...”):

- i. Source documents - notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears.
- ii. To the extent that source documents are unobtainable, a written statement by the relevant third party - (e.g., former employer, public administrator, relative) or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of “at risk of homelessness” OR
- iii. If source documents and third-party verification are unobtainable, a written statement by intake staff describing the efforts taken to obtain the required evidence.

Evidence for documenting at least one of the 7 risk factors:

- a. Source documents – (notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears).
- b. To the extent that source documents are unobtainable, a written statement by the relevant third party - (e.g., former employer, public administrator, relative) or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of “at risk of homelessness” or
- c. If source documents and third-party verification are unobtainable, a written statement by intake staff describing the efforts taken to obtain the required evidence. (can include staff visit to applicant home to verify eligibility)

INTAKE, INCOME ELIGIBILITY AND RE-CERTIFICATION

Intake

All ESG applicants must participate in and subrecipients should document an initial consultation to assess needs and to determine program eligibility. The consultation should include, verification of homeless status, Coordinated Entry System assessment, barriers to housing stability, data entry of required HMIS or comparable database universal data elements and any other program specific information such as income and documentation of insufficient support networks. Participants may not receive assistance for the same eligible activity from multiple federal sources. If the participant is not eligible for ESG assistance, subrecipients are required to provide documentation regarding non-eligibility and to identify other appropriate service referrals within the CoC that can meet the applicant’s needs. No household can receive more than 24 months of ESG assistance in 3 years.

Eligibility Assessment for Emergency Shelter, Street Outreach

Eligibility for these programs requires a verification of homelessness. See previous section on documenting housing status. There are no income eligibility requirements for emergency shelter, or street outreach.

Income Eligibility

When determining the annual income of an individual or family, the subrecipient must use the standard for calculating annual income under 24 CFR 5.609. As a reminder, there are no income eligibility requirements for emergency shelter and street outreach. To qualify for rapid re-housing a household's income must be below 30 percent Area Median Income (AMI) at annual recertification and to qualify for homelessness prevention a household's income must be below 30 percent AMI for the geographic area at the time of entering the program and at each 90-day recertification.

(a) Annual income means all amounts, monetary or not, which go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member OR are anticipated to be received from a source outside the family during the 12-month period following admission or annual recertification date. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to, the full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services. Income includes the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

(c) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

(d) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount.

(e) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay.

(f) Welfare assistance payments. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments, (i) qualify as assistance under the TANF program definition at 45 CFR 260.31 AND (ii) are not otherwise excluded.

Income Exclusions

When determining income, the following income is excluded. Annual income does not include the following.

(a) Income from employment of children (including foster children) under the age of 18.

- (b) Payments received for the care of foster children or foster adults.
- (c) Lump-sum additions to family assets, such as inheritances and insurance payments.
- (d) Amounts received by the family that are specifically for, or in reimbursement of, the costs of medical expenses for any family member.
- (e) Income of a live-in aide.
- (f) The full amount of student financial assistance paid directly to the student or to the educational institution.
- (g) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- (h) Amounts received under training programs funded by HUD.
- (i) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
- (j) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.
- (k) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. No resident may receive more than one such stipend during the same period of time.
- (l) Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program.
- (m) Temporary, nonrecurring or sporadic income (including gifts).
- (n) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
- (o) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse).
- (p) Adoption assistance payments in excess of \$480 per adopted child.
- (q) [Reserved]
- (r) Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.
- (s) Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
- (t) Amounts paid by a state agency to a family member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
- (u) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR

5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

Re-Certification

Re-certification determines whether an individual or family is still eligible for a program and is required for homelessness prevention and rapid re-housing programs. Those served with homelessness prevention require the household to be under 30% AMI at intake and they must be recertified for program eligibility, homeless status and lack of resources every 90 days. Those served with rapid re-housing do not require an initial income certification but do require proof of homeless status and lack of resources. For rapid re-housing a client's income must be below 30% AMI at their annual recertification.

Re-Evaluations of Eligibility		
Component	Frequency	Requirements
Rapid Re-Housing	Eligibility and types/amounts of assistance must be re-evaluated not less than once annually .	At a minimum, each re-evaluation must establish and document: <ul style="list-style-type: none"> • The program participant does not have an annual income that exceeds 30% of median family income for the area. • The program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance.
Homelessness Prevention	Eligibility and types/amounts of assistance must be re-evaluated not less than once every 3 months .	

Case Management

Mainstream Benefits

All ESG subrecipient agencies are expected to provide case management to all ESG program participants, including connecting program participants to mainstream and other resources. Subrecipients must assist each program participant, as needed, to obtain:

- a. Appropriate supportive services, including assistance in obtaining permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living; **and**
- b. Other Federal, State, local, and private assistance available to assist the program participant in obtaining housing stability, including:
 - i. Medicaid (42 CFR chapter IV, subchapter C);
 - ii. Supplemental Nutrition Assistance Program (7 CFR parts 271– 283);
 - iii. Women, Infants and Children (WIC) (7 CFR part 246);
 - iv. Federal-State Unemployment Insurance Program (20 CFR parts 601– 603, 606, 609, 614– 617, 625, 640, 650);
 - v. Social Security Disability Insurance (SSDI) (20 CFR part 404);
 - vi. Supplemental Security Income (SSI) (20 CFR part 416);
 - vii. Child and Adult Care Food Program (42 U.S.C. 1766(t) (7 CFR part 226));
 - viii. Other assistance available under the programs listed in § 576.400(c).

Prevention and Rapid Re-Housing Case Management

Housing stability case management is required of Subrecipients providing homelessness prevention or rapid re-housing assistance.

Subrecipients must:

- a. Require the program participant to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability; **AND**
- b. Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations, such as the program

participant's current or expected income and expenses; other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area.

RENTAL ASSISTANCE REQUIREMENTS

KHRC has not established a mandatory share of rent and utility costs that program participants must contribute while in rapid re-housing and prevention programs. Subrecipients must develop and utilize agency policies and procedures for providing rental assistance that meet the standards of 576.400:

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

Rental Assistance Agreements

Short- and medium-term rental assistance programs require that a program participant and a landlord have a written lease for the provision of rental assistance. In addition, the interim rule also requires a rental assistance agreement between the subrecipient agency and the landlord. The subrecipient agency may make rental assistance payments only to a landlord with whom the Subrecipients has entered into a rental assistance agreement. The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements that apply under this section. The rental assistance agreement must provide that, during the term of the agreement, the owner must give the Subrecipients 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 owner must terminate and no further rental assistance payments under that agreement may be made if:

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

Late Payments

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

Leases

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.

Rent Reasonableness and Fair Market Rent (FMR)

Rental assistance cannot be provided for a housing unit unless the unit complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507. The rent restrictions are intended to make sure that program participants can remain in their housing after ESG assistance ends. Rent reasonableness requirements DO NOT APPLY when a program participant receives only financial assistance or services under Housing Relocation and Stabilization Services. This includes rental application fees, security deposits, last month's rent, utility payments/deposits, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

The rent charged for a unit 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.

- i. Rent reasonableness can be determined by accessing <http://kshousingsearch.org/>
- ii. Other local resources may be used to obtain information, e.g.: Landlord associations, Apartment guides, Craig's list, apartments.com, classified ads
- iii. Supporting documentation includes a copy of the signed and dated Rent Reasonableness chart.
- iv. The proposed unit must be compared to three (3) other units.

What HUD says:

Determining and Documenting Rent Reasonableness

Recipients are responsible for determining what documentation is required in order to ensure the rent reasonableness standard is met. Recipients and subrecipients should determine rent reasonableness by considering the location, quality, size, type, and age of the unit, and any amenities, maintenance, and utilities to be provided by the owner. Comparable rents can be checked by using a market study of rents charged for units of different sizes in different locations or by reviewing advertisements for comparable rental units. For example, a participant's case file might include the unit's rent and description, a printout of three comparable units' rents, and evidence that these comparison units shared the same features (location, size, amenities, quality, etc.). Another acceptable method of documentation is written verification signed by the property owner or management company, on letterhead, affirming that the rent for a unit assisted with ESG funds is comparable to current rents charged for similar unassisted units managed by the same owner.

Caution

Comparable rents vary over time with market changes, so it is important to ensure that the comparison you are using is up-to-date and appropriate for each prospective unit.

Recipients must establish their own written policies and procedures for documenting comparable rents and ensure that they are followed when documenting rent reasonableness in the case file. A recipient may require all subrecipients to use a specific form or a particular data source. Use of a single form to collect data on rents for units of different sizes and locations will make the data collection process uniform. A sample "Rent Reasonableness Checklist and Certification" form is available at:

www.hud.gov/offices/cpd/affordablehousing/library/forms/rentreasonablechecklist.doc

Note: This sample form is used across different housing programs.

Fair Market Rent (FMR)

Rental assistance cannot be provided for a housing unit unless the total rent for the unit does not exceed Fair Market Rent (FMR) established by HUD, as provided under 24 CFR

982.503. The rent restrictions are intended to make sure that program participants can remain in their housing after ESG assistance ends. FMR requirements DO NOT APPLY when a program participant receives only financial assistance or services under Housing Relocation and Stabilization Services. This includes rental application fees, security deposits, last month's rent, utility payments/deposits, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

FMRs are gross rent estimates. The U.S. Department of Housing and Urban Development (HUD) annually estimates FMRs. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. By law, HUD is required to publish new FMRs at the start of the federal fiscal year, on October 1 and can be found online at: <http://www.huduser.org/portal/datasets/fmr.html>.

When calculating whether or not the "contract rent" (amount payable to the landlord) is at or below the FMR, be sure to add the contract rent to the utility allowance provided by the appropriate local housing authority. The monthly utility allowance is calculated only for those utilities that the tenant pays for separately from the rent. The utility allowance does not include telephone, cable or satellite television service, and internet service. If all utilities are included in the rent, there is no utility allowance.

FMR – Utility costs included in rent per PHA schedule = Maximum contract allowed rent Lead Based Paint Disclosure

Childhood lead poisoning is a major environmental health problem in the United States, especially for low-income families in poor living conditions. If not detected early, children with high levels of lead in their bodies can suffer from damage to the brain and nervous system, behavioral and learning problems, slowed growth, hearing problems, and headaches.

Subrecipients that receive funds for emergency shelter, homeless prevention and rapid re-housing MUST comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M and R. Most emergency shelters are exempt, because they fall under the definition of zero-bedroom dwellings, which are exempt under the Title X statute. If the shelter does not qualify for the zero-bedroom exemption, it is covered by the regulation.

A zero-bedroom dwelling is defined in section 35.110 as "any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rental of individual rooms in residential dwellings." The term "single room occupancy housing" is defined as "housing consisting of zero-bedroom dwelling units that may contain food preparation or sanitary facilities or both." Group homes are exempt if they consist of "rental of individual rooms in residential dwellings."

For homeless prevention and rapid re-housing, a lead-based paint visual assessment must be completed for all units that meet the three following conditions:

- a. The household living in the unit is being assisted with ESG financial assistance (rent assistance, utility assistance, utility/security deposits, or arrears).
- b. The unit was constructed prior to 1978.
- c. A child under the age of six, or a woman who could become pregnant is or may be living in the unit.

Use with Other Subsidies

ESG financial assistance for rents and utilities cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the URA, during the period of time covered by Uniform Relocation Act (URA) payments.

Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources. Rental assistance may not be provided to a program participant who has been provided with replacement housing payments under the URA during the period of time covered by the URA payments.

HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)

Homeless Management Information System (HMIS) means the information system designated by the Continuum of Care to comply with the HUD's data collection, management, and reporting standards and used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at-risk of homelessness. HMIS participation is a statutory requirement for ESG recipients and subrecipients. Victim service providers cannot, and Legal Services Organizations may choose to not, participate in HMIS. Providers that do not participate in HMIS must use a comparable database that produces unduplicated, aggregate reports instead.

The subrecipient may use ESG funds to pay the costs of contributing data to the HMIS designated by the Continuum of Care for the area, including the costs of:

- a. Purchasing or leasing computer hardware;
- b. Purchasing software or software licenses;
- c. Purchasing or leasing equipment, including telephones, fax machines, and furniture;
- d. Obtaining technical support;
- e. Leasing office space;
- f. Paying charges for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS;
- g. Paying salaries for operating HMIS, including:
- h. Completing data entry;
- i. Monitoring and reviewing data quality;
- j. Completing data analysis;
- k. Reporting to the HMIS Lead;
- l. Training staff on using the HMIS or comparable database; and
- m. Implementing and complying with HMIS requirements;

Data Quality and Reporting

Data Quality

The KS BoS Data Quality Assurance Plan and Agreement (DQAP) provides a list of policies and procedures to ensure the data integrity of the Kansas Balance of State Homeless Management Information System. This is how the BoS CoC ensures that the HMIS is administered in compliance with the CoC Program Interim Rule and in conformance with HMIS Data Standards and related HUD notices.

Agencies provide the following levels of data accuracy and timeliness to ensure data integrity in HMIS:

- a. All household names are accurate,
- b. Blanks, 'Don't Know' or 'Refused' entries in required data fields do not exceed 5% per month,
- c. All services entered are consistent with the corresponding program,
- d. In all reports of shelter or housing provided for a client, the client is eligible to receive such services from the listed provider per program specific eligibility criteria, and data for intakes and exits by an agency are entered as soon as possible, but no later than 72 hours after the service date.

Reporting

Each ESG agency will run and submit monthly APR's which shall be submitted to KHRC by the fourth working business day of the month following the end of the designated monthly reporting period.

Data Quality Compliance for Domestic Violence (DV) Service Providers

ESG subrecipients who are domestic violence service providers and are providing ESG assistance to victims of domestic violence should not use HMIS but should use a comparable data base to record client data. DV providers are expected to comply with the same Data Quality standards as agencies who are not serving victims of domestic violence.

Coordinated Entry

HUD require all CoC's to develop and implement a centralize or coordinated assessment process. A centralized or coordinated entry process covers the geographic area (CoC), is easily accessed by individuals and families seeking housing or services, is well advertised, and includes a comprehensive and standardized assessment tool. The assessment system may vary from community to community based on individual communities' needs. HUD requires all ESG funded Subrecipients to participate in the coordinated entry process designated by the CoC it provides services in.

The KS BoS CoC includes 101 counties organized into 8 Regions. These regions have - Regional Coordinated Entry Teams (RCET) that administer the Coordinated Entry process. The assessment tool to be used across the BoS CoC 101 counties is the Vulnerability Index Services Prioritization Decision Assistance Tool (VI- SPADT). The VI-SPADT is available in HMIS and is part of the ESG eligibility process.

REQUIRED WRITTEN STANDARDS-POLICIES AND PROCEDURES

ESG requires that each subrecipient establish and consistently apply policies and procedures for each ESG program administered by the subrecipient. The subrecipient will be required to submit the written standards and other program policies to KHRC when submitting an application for ESG funds. During monitoring visits, KHRC will review the subrecipient's policies, including the written standards, and look for evidence the ESG agencies are adhering to the ESG policies and procedures.

At a minimum these written standards must include:

Required for ALL PROGRAMS:

- a. Standard policies and procedures for evaluating eligibility.
- b. 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);
- c. Participation in HMIS or comparable database. The Subrecipients must ensure that data on all persons served and all activities assisted under ESG are entered into the HMIS. If the subrecipient is a victim service provider, a comparable database, must be used to collect client- level data over time (i.e., longitudinal data) and generates unduplicated aggregate reports based on the data.

Standards for STREET OUTREACH - at a minimum these written standards must include:

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

Standards for EMERGENCY SHELTER - at a minimum these written standards must include:

- a. Policies and procedures for admission, diversion, referral, and discharge by emergency shelters, 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].
- b. Policies and procedures for assessing, prioritizing, and reassessing needs for essential services related to emergency shelter.

Standards for PREVENTION and RAPID RE-HOUSING at a minimum these written standards must include:

- a. Policies and procedures for determining and prioritizing homelessness prevention and rapid re-housing assistance (these policies must include the emergency transfer plan priority required under 24 CFR 576.409.
- b. Standards for determining what percentage or amount of rent and utilities costs, if any, each program participant must pay while receiving homelessness prevention or rapid re-housing assistance;

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

PERFORMANCE STANDARDS AND MEASURES

Objectives for the ESG program

- a. Engage homeless individuals and families living on the street;
- b. Improve the number and quality of emergency shelters for homeless individuals and families;
- c. Help operate these shelters;
- d. Provide essential services to shelter residents,
- e. Rapidly re-house homeless individuals and families, and
- f. Prevent families and individuals from becoming homeless.

Overall Goals

- a. Reduce the number of unsheltered individuals and families
- b. Reduce length of stay for clients in emergency shelters. Length of stay should generally be no longer than 90 days for shelters.
- c. Increase placements into permanent housing for homeless individuals and families from Emergency Shelter.
- d. Prevent individuals and families from becoming homeless – either unsheltered or sheltered
- e. Increase the percentage of individuals and families remaining in permanent housing. Increase income or access to mainstream benefits for program participants while in the ESG program.

Performance Measurements

A. Emergency Shelter

- i. 75% of clients with more than 90 days in shelter exit to permanent destinations
- ii. 75 % of clients with less than 90 days in shelter exit to destinations other than homelessness

B. Street Outreach

- i. 50% of clients will access housing (ES, TH, SH, PH or PSH)
- ii. 75% of clients will access Essential Services

C. Homeless Prevention

- i. 75% of clients will maintain Permanent Housing for six (6) months.
- ii. 75% of clients will access permanent housing

D. Rapid Re Housing

- i. 75% of clients will maintain Permanent Housing for six (6) months.
- ii. 75% of clients will access permanent housing

TERMINATION AND APPEALS

As part of each program's policies and procedures, Subrecipients must develop policies

regarding termination of assistance to participants, appeals, and confidentiality procedures.

Terminating Assistance

As part of each program's policies and procedures, subrecipients must develop policies regarding termination of assistance to participants, complaints, appeals, and confidentiality procedures.

If a program participant violates program requirements, the subrecipient may terminate the assistance in accordance with a formal process established by the subrecipient that recognizes the rights of the individuals affected. The subrecipient must exercise judgement and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases. To terminate rental assistance or housing relocation and stabilization services to a program participant, the required formal process, at a minimum, must consist of:

- (a) Written notices to the program participant containing a clear statement of the reasons for termination;
- (b) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; **AND**
- (c) Prompt written notice of the final decision to the program participant. Termination does not bar the subrecipient from providing further assistance at a later date to the same family or individual.

If a program participant violates program requirements, the Subrecipient may terminate the assistance in accordance with a formal process established by the Subrecipient, and approved by the Recipient, that recognizes the rights of individuals affected. The Subrecipient must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases.

Homeless Prevention and Rapid Re-Housing Terminations

To terminate rental assistance or housing relocation and stabilization services to a program participant, the required formal process, at a minimum, must consist of:

- a. Written notice to the program participant containing a clear statement of the reasons for termination;
- b. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; **AND**
- c. Prompt written notice of the final decision to the program participant.
 - Termination does not bar the Subrecipient from providing further assistance at a later date to the same family or individual.

KHRC ESG Appeal Process

ESG agencies have the responsibility to resolve all client complaints. ESG agencies shall establish in writing a clear, objective, and prompt appeal policy.

ESG agencies must assure each client or applicant is aware of their right to file an appeal and the associated time restrictions. To certify that a client or applicant understands his/her rights, this information will be provided on the application and on program rules and requirements. ESG

agencies will also be responsive to requests for information regarding their appeals process. The client or applicant may withdraw a request for appeal if the agency review results in a negotiated settlement.

An appeal or grievance must be filed in writing for a subrecipient to take action, except when a client complaint can be resolved quickly. Prompt action and negotiations by the agency does not preclude the right to appeal. ESG agencies must document each step of the appeals process including all communication with the client. The subrecipient is encouraged to include a review of the decision by the ESG agency.

If the appellant is dissatisfied with the decision of the subrecipient a request for appeal to KHRC must be submitted in writing to the ESG program manager within ten days of notice of action. Upon receipt of the request for appeal, the ESG program manager will copy the request for the agency whose decision has been appealed. The subrecipient will be requested to supply any documents relevant to the decision within seven days of receipt of the appeal by KHRC. The ESG program manager will review the request for appeal and any supporting documents and will respond in writing to the applicant or client within thirty days of receipt of the appeal. If the appellant is dissatisfied with the decision of the ESG program manager, he/she may appeal to the Director of the Community Solutions Division of KHRC within ten days and may include additional documentation appropriate for review. The Director will respond in writing to the appellant within thirty days of receipt of the appeal. If the appellant is dissatisfied with the decision of the Director, he/she may appeal to the Executive Director of the Kansas Housing Resources Corporation, within ten days of receipt of the decision of the Executive Director and may include additional documentation appropriate for review. The Executive Director of the Kansas Housing Resources Corporation will respond in writing to the appellant within thirty days of receipt of the appeal.

The decision of the Executive Director of the Kansas Housing Resources Corporation is the final administrative remedy in the appeal process. If the appellant is dissatisfied with the final decision, he/she may seek remedy through the court system.

EMERGENCY SOLUTIONS GRANT

STAFF AFFIDAVIT OF ELIGIBILITY FOR ESG

Purpose: This form serves as documentation that:

1. The program participant(s) named below meets all eligibility criteria for ESG assistance;
2. This eligibility determination is based on true and complete information;
3. Neither the staff member making this determination nor his or her supervisor are related to the program participant through family, business or other personal ties; and
4. This eligibility has not resulted from, nor will result in, any financial benefit to the staff member making this determination, his or her supervisor, or anyone related to them.

Instruction: This form must be completed for each program participant upon the determination of his or eligibility for ESG assistance. This form must be signed and dated by the ESG staff person who makes this determination and that person's supervisor and kept in the program participant's case file. *This form will remain valid, unless a different staff person re-determines the program participant's eligibility, at which time a new affidavit is required.*

Head of Household Name:
**Names of Other Household Members:

*****All members in the household that will benefit from ESG assistance should be listed.***

Required Certifications: Each person signing below certifies to the following:

1. To the best of my knowledge, the program participant named above meets all requirements to receive assistance under the ESG program;
2. To the best of my knowledge and ability, all of the information used in making this eligibility determination is true and complete;
3. I am not related to the program participant through family, business or other personal ties;
4. To the best of my knowledge, neither I nor anyone related to me has received or will receive any financial benefit for this eligibility determination;
5. I understand that fraud is investigated by the Department of Housing and Urban Development, Office of Inspector General, and may be punished under Federal laws to include, but not limited to 18 U.S.C. 1001 and 18 U.S.C. 641;
6. I understand that if any of these certifications is found to be false, I will be subject to criminal, civil and administrative penalties and sanctions.

ESG Staff Signature: _____ **Date:** _____

ESG Supervisor Signature: _____ **Date:** _____

EMERGENCY SOLUTIONS GRANT HOMELESS CERTIFICATION

ESG Applicant Name: _____

- ☐ Individual without dependent children (complete one form for each household)
☐ Household with dependent children (complete one form for each adult household member) Number of persons in the household: _____

This is to certify that the above-named individual or household is currently homeless based on the check mark, other indicated information, and signature indicating their current living situation. Check only ONE BOX and ONLY complete that section.

***IMPORTANT: THIRD PARTY EVIDENCE MUST BE ATTACHED TO THIS FORM TO CERTIFY HOMELESSNESS.**

Living Situation: place not meant for human habitation (e.g., cars, parks, abandoned buildings, streets/sidewalks)

☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus station, airport, or camp ground.

Description of current living situation: _____

Homeless Street Outreach Program Name: _____

This certifying agency must be recognized by the local Continuum of Care (CoC) as an agency that has a program designed to serve persons living on the street or other places not meant for human habitation. (Examples may be street outreach workers, day shelters, soup kitchens, Health Care for the Homeless sites, etc.)

Authorized Referral Agency Representative Signature: _____ Date: _____

Living Situation: Emergency Shelter

☐ DV Shelter? (check if "yes")

☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a supervised publicly or privately-operated shelter as follows:

Emergency Shelter Program Name: _____

This emergency shelter must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory (e.g. newly established Emergency Shelter).

Authorized Shelter Agency Representative Signature: _____ Date: _____

EMERGENCY SOLUTIONS GRANT SELF CERTIFICATION

Instructions: This form is to be completed by applicants or program participants when they are unable to provide required verifications or other documents and self-certification is the only way the agency is able to verify information related to the ESG program eligibility.

ESG Applicant Name: _____

- ☐ Household without dependent children (complete one form for each adult in household)
☐ Household with dependent children (complete one form for each adult in household)
Number of persons in the household: _____

This is to certify that the above-named individual or household is currently homeless based on the check mark, other indicated information, and signature indicating their current living situation.

Check only one:

- ☐ I [and my children] am/are currently homeless and living on the street (i.e. a car, park, abandoned building, bus station, airport, or camp ground).
☐ I [and my children] am/are the victim(s) of domestic violence and am/are fleeing from abuse, have not identified a subsequent residence, and lack the resources or support networks, e.g., family, friends, faith-based, or other social networks, needed to obtain housing where my/our safety would not be jeopardized.
☐ I [and my children] am/are being evicted from the housing we are presently staying in and must leave this housing within the next _____ days.

I certify that I have insufficient financial resources and support networks; e.g., family, friends, faith-based or other social networks, immediately available to obtain housing or to attain housing stability without ESG assistance. I certify that the information above and any other information I have provided in applying for ESG assistance is true, accurate and complete.

ESG Applicant Signature: _____ Date: _____

ESG Staff Certification

I understand that third-party verification is the preferred method of certifying homelessness or risk for homelessness for an individual who is applying for ESG assistance. I understand self-declaration is only permitted when I have attempted to but cannot obtain third party verification.

Documentation of attempts made for third-party verification:

ESG Staff Signature: _____ Date: _____

EMERGENCY SOLUTIONS GRANT HOMELESS PREVENTION CERTIFICATION

ESG Applicant Name: _____

Address from which Applicant is being evicted: _____

☐ Individual without dependent children (complete one form for each adult in the household)

☐ Household with dependent children (complete one form for each adult in the household)

Number of persons in the household: _____

This is to certify that the above-named individual or household is currently at risk for homeless based on the information indicated below and signature indicating their current housing status.

***IMPORTANT: THIRD PARTY EVIDENCE, INCLUDING WRITTEN STATEMENTS, [(B) and (C) below], MUST BE ATTACHED TO THIS FORM IN ORDER TO CERTIFY AT-RISK STATUS.**

Living Situation: Facing Eviction

☐ The person/household named above is currently living in rental housing from which he/she/they is/are being evicted. ESG assistance provided will not overlap with other federal funding sources.

The individual or family:

1. Has income below 30 percent of median income for the geographic area (see income documentation form); **AND**
2. Lacks sufficient resources to attain housing stability. *[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 category 1 of the homeless definition.

Evidence of the second eligibility criterion (#2 above) for this Applicant is:

☐ (A) Source documents (e.g., notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears).

☐ (B) To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., former employer, public administrator, relative) or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of "at risk of homelessness" or

☐ (C) If source documents and third-party verification are unobtainable, a written statement by intake staff describing the efforts taken to obtain the required evidence.

The person(s) listed above meet one or more of the following risk factors:

- ☐ (1) Has moved frequently because of economic reasons
- ☐ (2) Is living in the home of another because of economic hardship
- ☐ (3) 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
- ☐ (4) Lives in a hotel or motel; "and the cost of the hotel or motel is not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations"
- ☐ (5) Lives in severely overcrowded housing; (in a single-room occupancy or efficiency apartment unit in which more than two persons, on average, reside or another type of housing in which there reside more than 1.5 persons per room, as defined by the U.S. Census Bureau.)
- ☐ (6) Is exiting a publicly funded institution; or system of care, (such as a health-care facility, mental health facility, foster care or other youth facility, or correction program or institution)
- ☐ (7) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness

EMERGENCY SOLUTIONS GRANT HOMELESS PREVENTION CERTIFICATION

Evidence of risk factors for this Applicant is:

- ☐ A. Source documents, must be attached w/ form (e.g., *notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears*).
- ☐ B. To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., *former employer, public administrator, relative*) or written certification by the intake staff of the oral verification by the relevant third party **or**
- ☐ C. If source documents and third-party verification are unobtainable, a written statement by intake staff describing the efforts taken to obtain the required evidence.

Third Party Certification

I certify that I have provided verification as indicated above that the ESG Applicant meets eligibility criteria and/or risk factors for being "at-risk" of homelessness.

Relevant Third-Party Representative Signature: _____ Date: _____

ESG Staff Certification [Oral third-party verification (B)]

I understand that securing source documents is the preferred method of certifying homelessness or risk for homelessness for an individual who is applying for ESG assistance but cannot obtain source documents. Below I am providing details of oral third-party verification of eligibility or risk factors.

Oral verification by the relevant third party was made on _____ (date) with _____ Relevant Third-Party Representative

ESG Staff Signature: _____ Date: _____

ESG Staff Certification [Intake worker written verification (C)]

I understand that obtaining third party verification of eligibility or risk factors is the preferred method of certifying homelessness or risk for homelessness for an individual who is applying for ESG assistance but cannot meet this standard. I made the following efforts to obtain third party verification:

ESG Staff Signature: _____ Date: _____

EMERGENCY SOLUTIONS GRANT INCOME CALCULATION WORKSHEET

***Must be completed for all household members age 18 or older with income.**

Head of Household Name		<input type="checkbox"/> Intake/Screening		<input type="checkbox"/> 3 Month Recertification	
Annual Income (listed on ESG Screening Intake) *					
Family Member	Wages/ Salaries	Benefits/Pensions	Public Assistance	Other Income	Total
Total Anticipated Income					
TOTAL Gross Annual Income					
% AMI					
Gross Income Must be Below 30% AMI to be Eligible for Prevention:				YES	NO
Contract Rent					
	Gas	Electric	Propane	Fuel Oil	Other
Heating					
Cooking					
Hot Water					
Water					
Electricity					
Sewer					
Trash					
Air Conditioning					
Total Utility Allowance					
Gross Rent (Contract Rent + Total Utility Allowance = Gross Rent)					

****Eligibility**

Prevention: Gross Annual Household Income at admission and recertification must be below 30% of the AMI. Yes ☐ No ☐

Household income must be verified and documented every 3 months.

Verified By: _____

Date: _____

EMERGENCY SOLUTIONS GRANT

VERIFICATION OF INCOME

ESG Applicant Name: _____

Instructions for Employer/Payment Source Representative: This is to certify the income received by the above named individual for purposes of participating in the ESG program. This information will be used only to determine the eligibility status and level of benefit of the household. **Complete only the selected section below that includes an authorization to release information.**

Please return this form to:

Name & Title: _____

Phone: _____

Address: _____

Fax: _____

Email: _____

☐ Employment Income

ESG Applicant Release: I hereby authorize the release of the following employment information.

ESG Applicant Signature: _____ Date: _____

Employer representative to complete this section:

The person named above is employed by _____ since _____.
He/she is paid \$ _____ on a _____ basis and is currently working an average of _____ hours per _____.

Additional compensation please specify (if any): _____

Probability of continued employment: _____

Authorized Employer Representative

Signature: _____ Date: _____

Name, Title: _____

Address and Phone: _____

☐ Payments and/or Benefit Income (complete one form for each distinct source of income for person named above)

CIRCLE ONE: Social Security/SSI Pension /Retirement TANF
Public Assistance Unemployment Compensation Workers Compensation
Alimony Payments Foster Care Payments Child Support Payments
Armed Forces Income
Other (pls. specify): _____

ESG Applicant Release: I hereby authorize the release of the following payment and/or benefit information.

ESG Applicant Signature: _____ Date: _____

Payment source representative to complete this section:

Payments or benefits in the amount of \$ _____ are paid on a _____ basis.

The expected duration of the payments or benefits is _____.

Authorized Payment Source Representative

Signature: _____ Date: _____

Name, Title: _____

Address and Phone: _____

EMERGENCY SOLUTIONS GRANT

VERIFICATION TRACKING OF INCOME

****Household members 18 or older with zero income must complete Step 5.**

Each Household member 18 or older: _____ Date _____

☐ Intake/Screening

☐ 3-month Certification

Agencies must record all attempts to obtain required verifications in the order specified:

Step 1. Third Party Source: Were verification documents provided by the client?

☐ Yes – Complete calculation worksheet.

☐ No – Proceed to Third Party Written. (Provide explanation). **Go to Step 2 if income could not be verified in Step 1.** _____

Step 2. Third Party Written: Send ESG Verification of Income, to Income Source(s).

Date Form(s) sent/faxed: _____ (Retain copy of form(s) in client file)

☐ Documents received within 10 business days – Complete calculation worksheet.

☐ Documents not received within 10 business days – Proceed to Third Party Oral. **Go to Step 3 if income could not be verified in Step 2.**

Step 3. Third Party Oral: Intake staff contacts third-party sources identified by the household.

Record date, source(s) contacted and income information or reason(s) for not obtaining information:

If sufficient income information is provided, complete Calculation Worksheet to determine eligibility; otherwise, **proceed to Step 4, Self-Certification.**

☐ I certify, under penalty of perjury, this information is true and correct to the best of my knowledge.

Intake Staff Signature: _____ **Date:** _____

Step 4. Self-Certification: **ONLY use Step 4 to verify income after attempting and documenting Steps 1, 2 & 3.**

☐ I certify, under penalty of perjury, that the information I have provided on this form is true and correct, to the best of my knowledge.

Source: _____ Amt. _____ Frequency: _____

Source: _____ Amt. _____ Frequency: _____

Source: _____ Amt. _____ Frequency: _____

Step 5, Zero Income: (Each household member 18 or older with zero income must sign)

☐ I certify, under penalty of perjury, that I do not have income from any source at this time. This is true and correct to the best of my knowledge.

Client Signature: _____ **Date:** _____

EMERGENCY SOLUTIONS GRANT HOUSING STABILITY PLAN

A stability plan MUST be developed with clients after ESG eligibility is determined and before ESG funds are used to assist the client towards the goal of independent living. This stability plan should address any specific issues that have been identified during the intake process and the discussion about available mainstream resources. The plan should include goals, strategies, and steps for achieving each goal, target completion dates, and dates goals are achieved.

Client Name: _____

Date: ____ / ____ / ____)

Case Manager: _____

Frequency of Contact: _____

Domain 1: HOUSING

Goal	Strategies/Steps	Target Date	Dated Achieved	Notes
1.	1.			
	2.			
	3.			
2.	1.			
	2.			
	3.			

Domain 2: _____

Goal	Strategies/Steps	Target Date	Date Achieved	Notes
1.	1.			
	2.			
	3.			
2.	1.			
	2.			
	3.			

Domain 3: _____

Goal	Strategies/Steps	Target Date	Date Achieved	Notes
1.	1.			
	2.			
	3.			
2.	1.			
	2.			
	3.			

Domain 4:

Goal	Strategies/Steps	Target Date	Date Achieved	Notes
1.	1.			
	2.			
	3.			
2.	1.			
	2.			
	3.			

Progress Summary: _____

Client Name: _____

Case Manager: _____

EMERGENCY SOLUTIONS GRANT

RENT REASONABLENESS CHECKLIST AND CERTIFICATION

To verify that the rent for the unit you have selected is reasonable, find the address of another unit in the neighborhood that is similar to the unit you have chosen. It must be the same type of unit and have the same number of bedrooms. The rent must be the same or more than the rent for the unit you have selected. Some ideas for places to look for comparable units include the local paper, the owner, your friends, local real estate agents,

Completed form must be in the client file to document rent reasonableness.

	Proposed Unit	Unit #1	Unit #2	Unit #3
Address				
Number of Bedrooms				
Square Feet				
Type of Unit/Construction				
Housing Condition				
Location/Accessibility				
Amenities Unit: Site: Neighborhood:				
Age in Years				
Utilities (type)				
Unit Rent Utility Allowance Gross Rent				
Handicap Accessible?				

CERTIFICATION:

A. Compliance with Payment Standard

Proposed Contract Rent _____ + Utility Allowance _____ = Proposed Gross Rent _____

Approved rent does not exceed applicable Payment Standard of \$ _____. (Area FMR rate)

B. Rent Reasonableness

Based upon a comparison with rents for comparable units and FMR standards, I have determined that the proposed rent for the unit ☐ is ☐ is not reasonable.

Name:	Signature:	Date:
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EMERGENCY SOLUTIONS GRANT

LEAD SCREENING WORKSHEET

About this Tool

The *ESG Lead Screening Worksheet* is intended to guide subrecipients providing HP and RR activities financial assistance through the lead-based paint inspection process to ensure compliance with the rule. ESG staff can use this worksheet to document any exemptions that may apply, whether any potential hazards have been identified, and if safe work practices and clearance are required and used. A copy of the completed worksheet along with any additional documentation should be kept in each program participant's case file.

INSTRUCTIONS

To prevent lead-poisoning in young children, ESG grantees must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Parts A, B, M, and R. Under certain circumstances, a visual assessment of the unit is not required. This screening worksheet will help program staff determine whether a unit is subject to a visual assessment, and if so, how to proceed. A copy of the completed worksheet along with any related documentation should be kept in each program participant's file.

Note: ALL pre-1978 properties are subject to the disclosure requirements outlined in 24 CFR 35, Part A, regardless of whether they are exempt from the visual assessment requirements.

BASIC INFORMATION

Name of Participant _____
Address _____ Unit Number _____
City _____ State _____ Zip _____
ESG Program Staff _____ Title _____

PART 1: DETERMINE WHETHER THE UNIT IS SUBJECT TO A VISUAL ASSESSMENT

If the answer to one or both of the following questions is 'no,' a visual assessment is not triggered for this unit and no further action is required at this time. Place this screening worksheet and related documentation in the program participant's file.

If the answer to both of these questions is 'yes,' then a visual assessment is triggered for this unit and program staff should continue to Part 2.

1. Was the leased property constructed before 1978?
☐ Yes
☐ No
2. Will a child under the age of six be living in the unit occupied by the household receiving ESG assistance?
☐ Yes
☐ No

PART 2: DOCUMENT ADDITIONAL EXEMPTIONS

If the answer to any of the following questions is 'yes,' the property is exempt from the visual assessment requirement and no further action is needed at this point. Place this screening sheet and supporting documentation for each exemption in the program participant's file. If the answer to all of these questions is 'no,' then continue to Part 3 to determine whether deteriorated paint is present.

1. Is it a zero-bedroom or SRO-sized unit?
☐ Yes
☐ No
2. Has X-ray or laboratory testing of all painted surfaces by certified personnel been conducted in accordance with HUD regulations and the unit is officially certified to not contain lead-based paint?
☐ Yes
☐ No
3. Has this property had all lead-based paint identified and removed in accordance with HUD regulations?
☐ Yes
☐ No
4. Is the client receiving Federal assistance from another program, where the unit has already undergone (and passed) a visual assessment within the past 12 months (e.g., if the client has a Section 8 voucher and is receiving ESG assistance for a security deposit or arrears)?
☐ Yes (Obtain documentation for the case file.)
☐ No
5. Does the property meet any of the other exemptions described in 24 CFR Part 35.115(a)?
☐ Yes
☐ No

Please describe the exemption and provide appropriate documentation of the exemption.

PART 3: DETERMINE THE PRESENCE OF DETERIORATED PAINT

To determine whether there are any identified problems with paint surfaces, program staff should conduct a visual assessment prior to providing ESG financial assistance to the unit as outlined in the following training on HUD's website at: <http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

If no problems with paint surfaces are identified during the visual assessment, then no further action is required at this time. Place this screening sheet and certification form (Attachment A) in the program participant's file.

If any problems with paint surfaces are identified during the visual assessment, then continue to Part 4 to determine whether safe work practices and clearance are required.

1. Has a visual assessment of the unit been conducted?

☐ Yes

☐ No

2. Were any problems with paint surfaces identified in the unit during the visual assessment?

☐ Yes

☐ No (Complete Attachment A – Lead-Based Paint Visual Assessment Certification Form)

PART 4: DOCUMENT THE LEVEL OF IDENTIFIED PROBLEMS

All deteriorated paint identified during the visual assessment must be repaired prior to clearing the unit for assistance. However, if the area of paint to be stabilized exceeds the de minimus levels (defined below), the use of lead safe work practices and clearance is required.

If deteriorating paint exists but the area of paint to be stabilized does not exceed these levels, then the paint must be repaired prior to clearing the unit for assistance, but safe work practices and clearance are not required.

1. Does the area of paint to be stabilized exceed any of the de minimus levels below?

• 20 square feet on exterior surfaces ☐ Yes ☐ No

• 2 square feet in any one interior room or space ☐ Yes ☐ No

• 10 percent of the total surface area on an interior or exterior component with a small surface area, like window sills, baseboards, and trim ☐ Yes ☐ No

If *any* of the above are 'yes,' then safe work practices and clearance are required prior to clearing the unit for assistance.

PART 5: CONFIRM ALL IDENTIFIED DETERIORATED PAINT HAS BEEN STABILIZED

Program staff should work with property owners/managers to ensure that all deteriorated paint identified during the visual assessment has been stabilized. If the area of paint to be stabilized does not exceed the de minimus level, safe work practices and a clearance exam are not required (though safe work practices are always recommended). In these cases, the ESG program staff should confirm that the identified deteriorated paint has been repaired by conducting a follow-up assessment.

If the area of paint to be stabilized exceeds the de minimus level, program staff should ensure that the clearance inspection is conducted by an independent certified lead professional. A certified lead professional may go by various titles, including a certified paint inspector, risk assessor, or sampling/clearance technician. Note, the clearance inspection cannot be conducted by the same firm that is repairing the deteriorated paint.

1. Has a follow-up visual assessment of the unit been conducted?

☐ Yes

☐ No

2. Have all identified problems with the paint surfaces been repaired?

☐ Yes

☐ No

3. Were all identified problems with paint surfaces repaired using safe work practices?

☐ Yes

☐ No

☐ Not Applicable – The area of paint to be stabilized did not exceed the de minimus levels.

4. Was a clearance exam conducted by an independent, certified lead professional?
- ☐ Yes
- ☐ No
- ☐ Not Applicable – The area of paint to be stabilized did not exceed the de minimus levels.
5. Did the unit pass the clearance exam?
- ☐ Yes
- ☐ No
- ☐ Not Applicable – The area of paint to be stabilized did not exceed the de minimus levels.

Note: A copy of the clearance report should be placed in the program participant's file.

ATTACHMENT: LEAD-BASED PAINT VISUAL ASSESSMENT CERTIFICATION TEMPLATE

I, _____, certify the following:

- I have completed HUD's online visual assessment training and am a HUD-certified visual assessor.
- I conducted a visual assessment at (address)_____ on
(Date)_____.
- No problems with paint surfaces were identified in the unit or in the building's common areas.

(Signature)

(Date)

Client Name: _____

Case Number: _____

EMERGENCY SOLUTIONS GRANT

Housing Habitability Standards Inspection Checklist

Instructions: Agency conducting inspection-Place a check mark in the correct column to indicate whether the property is approved or deficient with respect to each standard. The property must meet all standards in order to be approved. A copy of this checklist should be placed in the client file.

Approved	Deficient	Standard (24 CFR part 576.403(c))
		1. <i>Structure and materials:</i> The structure is structurally sound to protect the residents from the elements and not pose any threat to the health and safety of the residents.
		2. <i>Space and security:</i> Each resident is provided adequate space and security for themselves and their belongings. Each resident is provided an acceptable place to sleep.
		3. <i>Interior air quality:</i> Each room or space has a natural or mechanical means of ventilation. The interior air is free of pollutants at a level that might threaten or harm the health of residents.
		4. <i>Water Supply:</i> The water supply is free from contamination.
		5. <i>Sanitary Facilities:</i> Residents 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. <i>Thermal environment:</i> The housing has any necessary heating/cooling facilities in proper operating condition.
		7. <i>Illumination and electricity:</i> The structure has adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There are sufficient electrical sources to permit the safe use of electrical appliances in the structure.
		8. <i>Food preparation:</i> All food preparation areas contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
		9. <i>Sanitary condition:</i> The housing is maintained in sanitary condition.
		10. <i>Fire safety:</i> <ol style="list-style-type: none"> There is a second means of exiting the building in the event of fire or other emergency. The unit includes at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors are located, to the extent practicable, in a hallway adjacent to a bedroom. If the unit is occupied by hearing-impaired persons, smoke detectors have an alarm system designed for hearing-impaired persons in each bedroom occupied by a hearing-impaired person. The public areas are 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, day care centers, hallways, stairwells, and other common areas.
		11. Meets additional recipient/subrecipient standards (if any).
		12. <i>Lead-based paint:</i> If the structure was built prior to 1978, and a child under the age of six or a pregnant woman will reside in the property, and the property has a defective paint surface inside or outside the structure, the property cannot be approved until the defective surface is repaired by at least scraping and painting the surface with two coats of non-lead based paint. Defective paint surface means: applicable surface on which paint is cracking, scaling, chipping, peeling or loose. If a child under age six residing in the property has an Elevated Blood Level, paint surfaces must be tested for lead-based paint.

CERTIFICATION STATEMENT

I certify that I have evaluated the property located at the address below to the best of my ability and find the following:

- ☐ Property meets all of the above standards.
- ☐ Property does not meet all of the above standards.

COMMENTS:

ESG Recipient Name: _____

ESG Subrecipient Name: _____

Program Participant Name: _____

Street Address: _____

Apartment: _____

City: _____ State: _____ Zip: _____

Evaluator Signature: _____ Date of review: _____

Evaluator Name: _____

Approving Official Signature (if applicable): _____ Date: _____

Approving Official Name (if applicable): _____

EMERGENCY SOLUTIONS GRANT

RENTAL ASSISTANCE AGREEMENT

Instructions: This Agreement covers ESG “Tenant-Based” Rental Assistance and must be completed by the Agency and Landlord when providing rental assistance under both the homelessness prevention and rapid re-housing components of the ESG Program. **When paying rental arrears only a Rental Assistance Agreement is required as arrears are considered rental assistance.** The Rental Assistance Agreement does not take the place of the lease between the program participant and landlord.

Agency: _____

Program Participant: _____

Address of Unit being rented: _____

Name of Apartment Complex if applicable: _____

Landlord Name: _____

Landlord Address: _____ Phone: _____

When providing tenant-based rental assistance, the Rental Assistance Agreement with the Landlord must terminate and no further rental assistance payments be made if:

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

During the term of the Rental Assistance Agreement, the Landlord must provide the Agency a copy of any notice to the program participant to vacate the housing unit, or any complaint used under state or local law to commence an eviction action against the program participant.

Terms of Agreement: (term of the rental assistance agreement should be for the length of time the Agency anticipates providing assistance). All payments must be made directly to the Landlord.

- The term of this Rental Assistance Agreement begins on _____
- The term of this Rental Assistance Agreement ends on _____

Security Deposit:

- Agency will pay a Security Deposit to Landlord in the amount of \$_____

Rental Arrears:

- Agency will pay Rental Arrears to Landlord in the amount of \$_____
- Number of months of arrears paid: _____

Monthly Rent:

- The monthly rent payable to the Landlord is: \$_____
- Of the monthly rent amount, the Agency portion is: \$_____
- **Of the monthly rent amount, the program participant portion is
\$_____

** (If the program participant is required to pay a portion of the monthly rental amount, the Agency must have written policies and procedures for determining the program participant's portion).

Payment Due Date: (payment due date, grace period, and late payment penalty requirements must be the same as indicated in program participant's lease).

- The payment due date is: _____
- The grace period for payment is: _____
- Late penalty requirements are: _____

(Agency cannot use ESG Program funds to pay late payment penalty costs).

Signature of Landlord

Date: _____

Signature of Agency Authorized Representative

Date: _____

Emergency Solutions Grant (ESG) Program Participant Client File Checklist

		ESG Activity			
		Street Outreach	Shelter	Homeless Prevention	Rapid Re Housing
Eligibility Certification					
	Staff Affidavit				
Homeless Status (File must have one of these with the appropriate supporting documentation)					
	Homeless Certification				
	Homeless Self-Certification				
	At Risk Certification				
Income					
	Income Calculation Worksheet	N/A	N/A		
	Verification of Income	N/A	N/A		
	Verification Tracking of Income	N/A	N/A		
Intake Assessment					
	Self Sufficiency Matrix				
	Housing Stability Plan				
	Case Notes				
	Coordinated Entry				
Housing Assistance					
	Rent Reasonableness & FMR	N/A	N/A		
	Lead Screening	N/A	N/A		
	Habitability Inspection	N/A	N/A		
	Rental Assistance Agreement	N/A	N/A		
	Lease Agreement	N/A	N/A		