RESOLUTION TO GRANT CLARK COUNTY EMERGENCY SOLUTIONS GRANT FUNDS TO HELP OF SOUTHERN NEVADA FOR SHANNON WEST YOUTH CENTER

WHEREAS, Clark County, Nevada, (the "County") receives funds under the Emergency Solutions Grant ("ESG") Program of the United States Department of Housing and Urban Development ("HUD"), as authorized by the Stewart B. McKinney Homeless Assistance Act of 1987 (Pub.L. 100-77), the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub.L. 100-628), the Cranston-Gonzalez National Affordable Housing Act of 1990 (Pub.L. 101-625), the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) (S. 896), HUD's ESG regulations in 24 CFR Part 576, as Interim Rule (Appendix 1); and

WHEREAS, the purpose of the ESG program is designed to identify sheltered and unsheltered homeless persons, as well as those at risk of homelessness, and provide services necessary to help those persons quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness; and

WHEREAS, the County, as an Entitlement Grantee for the ESG Program, is responsible for the administration, implementation, planning, and evaluation within its respective jurisdiction of the ESG Program and for the HUD Consolidated Plan (the "Plan"); and

WHEREAS, the services which are funded by the ESG program must benefit homeless individuals and families or individuals and families at imminent risk of homelessness within the respective jurisdiction of the County, and in accordance with the income eligibility criteria found in the HUD Section 8 Guidelines, as referenced in Exhibit "A", "Direct Service Program Income Eligibility Criteria", attached hereto and incorporated herein as if fully set forth; and

WHEREAS, HELP of Southern Nevada ("Subrecipient"), a Nevada non-profit corporation created for religious, charitable, or educational purposes as defined by NRS 244.1505 and NRS 372.3261 and located at 1640 East Flamingo Road, Suite 100, Las Vegas, Nevada, 89119, proposes to provide emergency shelter and case management services for runaway and homeless youth through its Shannon West Youth Center (the "Program"), administered primarily at 1417 Las Vegas, Boulevard, North, Las Vegas, Nevada, 89101; and

WHEREAS, Subrecipient has applied to the County for grant assistance to fund the Program; and

WHEREAS, pursuant to NRS 244.1505 the Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of
the County or grant money to a private organization, not for profit, to be expended for the selected purpose; and

WHEREAS, the Board of County Commissioners hereby determines that the purpose for which the Funds (as hereinafter defined) will be used by Subrecipient, as identified at Exhibit “C”, “Scope of Services”, attached hereto and incorporated herein as if fully set forth, will provide a substantial benefit to the inhabitants of the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clark County, Nevada, that ESG funds be granted to Subrecipient for the Program, subject to the following conditions and limitations:

I. Scope of Services

A. The County will provide a total of FORTY-EIGHT THOUSAND EIGHT HUNDRED FORTY-TWO AND NO/100 TH DOLLARS ($48,842) in Federal Fiscal Year 2012/2013 ESG funds (the “Funds”) to assist Subrecipient with the costs of providing services to youth who are homeless through the Program, during the period from July 1, 2012 through June 30, 2013, as outlined in Exhibit “B”, “Expenditures Eligible for Reimbursement”, attached hereto and incorporated herein as if fully set forth, and for the uses described in the “Scope of Work” set forth in Exhibit “C”, which meet the ESG Program’s objectives. As a condition of receiving funds the Subrecipient agrees to meet the objectives of the Program set forth in Exhibit “C”.

B. Subrecipient agrees that any costs of the Program exceeding the Funds provided by the County pursuant to this Resolution, as set forth in Exhibit “B”, “Expenses Eligible for Reimbursement”, will be the responsibility of the Subrecipient.

C. Subrecipient will review its activities in advance with the County Community Resources Management Division (“CRMD”), and will conform its activities to any practices necessary to assure continuing eligibility for ESG funding. Changes in the “Scope of Services”, as described in Exhibit “C”, must receive prior written approval of the County.

D. If the Project or Program is for the purchase of real estate or construction thereon, unless otherwise provided herein, or by law, the County may elect to either grant the Funds to Subrecipient, through reimbursement, or expend the Funds on its behalf. If the County elects to expend the funds on behalf of Subrecipient, it shall bid or negotiate as required by law to ensure the purchase, providing for such expenses as are necessary for the purchase and shall enter into contracts with a seller of property or a general contractor and an architect when necessary in order to cause work in accordance with plans and specifications that have been approved by the County and Subrecipient. The Manager of the Community Resources Management Division, with assistance of such other County agencies as are appropriate, is hereby delegated the discretion to expend the Funds, or reimburse Subrecipient, subject to the limitation that such exercise of discretion shall: be directed at maximizing the substantial benefit to the inhabitants of the County; be consistent with the law and regulations addressed herein; and not jeopardize any activity, project or funding source of the County.
E. If all or a portion of these ESG funds are used for construction by a contractor, and the labor is not donated by a contractor, the County must review Subrecipient’s Scope of Work and planned activities, and Subrecipient must obtain prior written approval from the County.

F. If all or a portion of these ESG funds are used for major rehabilitation, conversion, renovation thereon, Subrecipient must operate and maintain the Program for the period during which such assistance is provided, as established by 24 CFR 576.102, which provides for a continued use as an emergency shelter for the same general population for a 3- or 10-year period. Specifically, if ESG funds are used for the rehabilitation cost of an emergency shelter exceeding 75 percent of the value of the building before rehabilitation, the minimum period of use as an emergency shelter is 10 years. If all or a portion of ESG funds are used to convert a building into an emergency shelter exceeding 75 percent of the value of the building after conversion, the minimum period of use as an emergency shelter is 10 years. In all other cases where ESG funds are used for renovation, the minimum period of use as an emergency shelter is 3 years.

G. In the event that the County desires to increase the amounts set forth in Section I. A. and Exhibit “B”, then the County, at its discretion alone, shall have the right to increase the aforesaid amounts of funding, and Subrecipient agrees that if such augmentation of the budgeted amount occurs, such new amounts shall be governed by all terms and conditions of this Resolution as if fully set forth and in Exhibit “B”.

H. Subrecipient will provide, in accordance with 24 CFR 576.400, Subpart E, Program Requirements, assistance to homeless individuals and households as well as low-income individuals and households who are at risk of homelessness in obtaining:

1. Appropriate supportive services, including permanent housing, medical health treatment, mental health treatment, counseling, supervision, employment, education, youth programs and other services essential for achieving independent living; and

2. Other federal, state, local and private assistance available for such individuals.

I. If grant funds are to be used to assist with street outreach or emergency shelter services, Subrecipient agrees to meet the conditions set forth by 24 CFR 576.101, the Street Outreach Component, and 24 CFR 576.102, the Emergency Shelter Component, including the following:

1. Program participants receiving street outreach assistance must be unsheltered homeless people who are individuals and families who qualify as homeless under paragraph (1)(i) of the “homeless” definition under 24 CFR 576.2 (Appendix 1) and;

2. Eligible activities under the Street Outreach Component, 24 CFR 576.101, are as follows: homeless engagement, case management, emergency health services (only to the extent that emergency health services are
inaccessible or unavailable to the community), transportation, and services for special populations; and

3. Program participants receiving emergency shelter assistance must meet the definition of “homeless” as defined under 24 CFR 576.2, under paragraphs (1), (2), (3), and (4); and

4. Eligible activities under the Emergency Shelter Component, 24 CFR 576.102, are as follows: essential services, 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, shelter renovation, shelter operations, and assistance required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

5. If all or a portion of ESG funding is used by Subrecipient for an emergency shelter or services for families with children under 18, the age of a child under 18 must not be used as a basis of denying any family’s admission to the Subrecipient’s emergency shelter.

J. If grant funds are to be used to assist with homeless prevention (housing relocation and assistance and short and medium-term rental assistance) for low-income households at risk of homelessness (below 30% of AMI), the Subrecipient agrees to meet the following conditions in accordance with 24 CFR 576.103:

1. Program participants receiving homeless prevention assistance must meet the definition of “at risk of homelessness” under the definition provided at 24 CFR 576.2, or meet the criteria in paragraph (2), (3), and (4) of the homeless definition in 24 CFR 576.2, and have an annual income below 30% of median family income for the area as determined by HUD (refer to Exhibit "A"); and

2. Homelessness prevention must be provided in accordance with the housing relocation and stabilization services requirements in CFR 576.105, the short-term and medium-term rental assistance requirements in CFR 576.106, and the Emergency Solutions Grant written standards (Appendix 2) established under CFR 576.400; and

3. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant’s current permanent housing or move into other permanent housing and achieve stability in that housing; and

4. To be eligible, Program participant must have insufficient financial and support networks immediately available to attain housing stability; and
5. To be eligible, Program participant must have an eviction notice and/or utility shut off notice, or other evidence specified by HUD under CFR 576.500, Recordkeeping and Reporting Requirements.

K. If grant funds are to be used to assist with rapid re-housing assistance (in housing relocation and stabilization services and short and medium term rental assistance) for homeless individuals or families, the Subrecipient agrees to meet the conditions in accordance with 24 CFR 576.104, 24 CFR 576.105, and 24 CFR 576.106. Furthermore, rapid re-housing assistance may only be provided to individuals or households who meet the criteria under paragraph (1) of the “homeless” definition in 24 CFR 576.2 (Appendix 1) or who meet the criteria under paragraph (4) of the homeless definition and live in an emergency shelter or other place described in paragraph (1) of the “homeless” definition.

L. Subrecipient will provide monthly HMIS reports to CRMD on a monthly basis.

M. Subrecipient will provide program progress reports (a sample of which is attached as Exhibit "D") to CRMD on a monthly basis, and a cumulative report of the data to be submitted by July 25, 2013. These reports will contain, but are not limited to, the following data regarding Program participants and target population:

1. Maximum number of shelter spaces available during the month (if applicable);
2. Total unduplicated clients served during the month;
3. Number of senior citizens served;
4. Number of handicapped clients served; and
5. Subrecipient’s or Program’s progress toward achieving the objectives outlined in Exhibit “C”, “Scope of Services”.

N. Subrecipient will also provide to CRMD Exhibit “E”, “ESG Annual Beneficiaries Report”, by July 25, 2013, reflecting services for the previous fiscal year (July 1, 2012 through June 30, 2013), reporting on information required by the U.S. Department of Housing and Urban Development, as indicated on each form, as well as any Program Accomplishments or significant changes, and the percent of the Program’s budget that was paid for with ESG funds.

The submittal dates cited for these HUD reports, as well as the type of reports required, are subject to change in accordance with updated guidelines and regulations relative to the receipt of this information that may be received prior to the stated due date.

O. Subrecipient will provide documentation to CRMD to substantiate and identify the source of matching funds in an amount equal to the amount of the Funds, within fifteen (15) days after Subrecipient has received the grant award (date of approval of this Resolution
by the governing board of the County), as required under the provisions of 24 CFR Part 576.201. Such matching funds shall not be used as a match to any other Federal grant, and shall not be used as a match to a previous ESG grant received by Subrecipient.

P. Subrecipient will provide a listing of all addresses used by the Subrecipient as shelter units for the homeless participants in the Program, within fifteen (15) days after Subrecipient has received the grant award or after Subrecipient has added a new shelter unit to the Program.

Q. Subrecipient shall establish procedures to ensure the confidentiality of victims of family violence, in accordance with Section 832(e)(2)(c) of the Cranston-Gonzalez National Affordable Housing Act (Pub.L. 101-625), and Section 605 of the Violence Against Women Act prohibiting the disclosure of personally identifying information about any client of a Victim Service Provider. A Victim Service Provider is a nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking.

R. Subrecipient shall involve homeless individuals and families or formerly homeless individuals and families in constructing, renovating, maintaining, and operating the facilities used by the Program, in providing services for occupants of these facilities, and if possible in the policy and decision making process of providing these services in accordance with Section 1402(b) of the Housing and Community Development Act of 1992 (Pub.L. 102-550) and 24 CFR 576.405. If homeless or formerly homeless individuals or families are not able to participate, Subrecipient shall develop and implement a plan to involve a homeless or formerly homeless person.

S. Subrecipient shall establish a formal process to terminate assistance to any individual or family participant who violates Program requirements; such formal process shall recognize the rights of individuals affected, and may include a hearing.

T. Subrecipient shall comply with non-discrimination and equal opportunity practices as delineated in 24 CFR 576.407, including the provision of interpretive services for persons who are limited in their English proficiency. The requirements in 24 CFR part 5, subpart A including the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a), Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and implementing regulations at 24 CFR part 135 apply, except that homeless individuals have priority over other Section 3 residents in accordance with 24 CFR 576.405(c).

U. The County will monitor the performance of the Subrecipient against goals and performance standards as stated above. Substandard performance as determined by the County will constitute noncompliance with this Resolution. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by the County, Resolution suspension or termination procedures will be initiated and any ESG funds received are subject to recapture.
II. **County General Conditions**

A. Subrecipient will collect information on the head of each assisted household and input the data at least monthly into the community’s Homeless Management Information System (HMIS). If an assisted household refuses to consent to the inputting of client-level data into the community’s HMIS, Subrecipient shall supply a list of the client-level data for each refusing household member with the Monthly Program Progress Reports, using the individual’s first initial, month and year of birth, and first two letters of the last name to identify the refusing persons.

B. Victim Service Providers providing services to victims of domestic violence shall not disclose personally identifying information, including: (i) a first or last name; (ii) a home or other physical address; (iii) contact information, including a P.O. Box, e-mail or internet protocol address; (iv) a social security number; or (v) any other information, including date of birth, racial or ethnic background, or religious affiliation that, in any combination with other non-personally identifying information, may serve to identify any individual.

C. Subrecipient shall ensure that data inputted into the community HMIS system is complete and accurate, and shall maintain a Data Quality Standard of 90% or better. Subrecipient understands and agrees that requests for reimbursement of expenses related to the funded project will be held until the project’s data input into the HMIS system scores 90% or better in Data Quality, as reported in the monthly Agency Utilization and Participation report produced by the HMIS Coordinator.

D. Subrecipient shall ensure that the HMIS system has current information concerning Subrecipient’s funded services, including housing inventory, and the eligibility criteria for client participation, such that other HMIS users can use the Eligibility Screen filters to make informed and accurate referrals.

E. Subrecipient will evaluate program effectiveness and outcomes by requiring Program Management level staff to review and audit each month HMIS program reports to ensure proper and complete data entry into the HMIS.

F. Subrecipient will obtain any and all federal, state and local permits and licenses required to operate the Program, as described in this Resolution’s Exhibit “C”, “Scope of Services” and will keep and maintain in effect at all times any and all licenses, permits, notices and certifications which may be required by any City or County ordinance or state or federal statute or regulation.

G. Subrecipient has requested the financial support of the County that is provided for in this Resolution to enable the Subrecipient to provide services to the homeless. The County shall have no relationship whatsoever with the homeless services except the provision of financial support and the receipt of such reports as are provided for in this Resolution. In any and all events, the services contemplated herein shall be rendered at the time, in the manner, and under the circumstances determined solely and exclusively by Subrecipient, subject only to review by CRMD to assure continuing eligibility for ESG funding. To the extent, if at all, that any relationship to such services on the part of the County may be
claimed or found to exist, Subrecipient shall be an independent contractor only.

Nothing in this Resolution is intended to appoint Subrecipient an agent of the County. The Board of County Commissioners has not delegated to any County officer or employee the authority to appoint, and no review or approval of services, invoices or records may be construed as appointing, Subrecipient an agent of the County.

H. Subrecipient may not assign or delegate any of its rights, interests or duties under this Resolution without the written consent of the County. Any assignee must meet ESG program requirements and serve eligible homeless clients or low-income households at-risk of homelessness. Any such assignment or delegation made without the required consent shall be void, and may, at the option of the County, result in the forfeiture of all financial support provided herein.

I. Subrecipient will protect, defend, indemnify, and save harmless the County from and against any and all liability, damages, demands, claims, suits, liens and judgments of whatever nature including but not limited to claims for contribution or indemnification for injuries to or death of any person or persons, caused by, in connection with, or arising out of any activities undertaken pursuant to this Resolution. Subrecipient’s obligation to protect, defend, indemnify, and save harmless as set forth in this paragraph shall include any and all reasonable attorneys’ fees incurred by the County in the defense of handling of said suits, demands, judgments, liens, and claims and all reasonable attorneys’ fees and investigation expenses incurred by the County in enforcing or obtaining compliance with the provisions of this Resolution. In the event that the County incurs any expenses in this regard, it shall have the right to charge said expenses made in good faith to Subrecipient. An itemized statement of expenses shall be prima facie evidence of the fact and extent of the liability of Subrecipient.

J. Subrecipient shall obtain and maintain the insurance coverages listed below:

1. If Subrecipient uses a vehicle in providing its services, Subrecipient shall carry or provide Comprehensive Automobile Liability Insurance covering bodily injury and property damage, with minimum coverages as follows:

   Bodily Injuries: $1,000,000 each person; $1,000,000 each occurrence;

   Property Damage: $1,000,000 each person; $1,000,000 each occurrence; and

2. Subrecipient shall carry or provide Comprehensive Fire and Hazard Insurance covering the full replacement costs of the Program.

3. Subrecipient shall comply with the bonding and insurance requirements of 24 CFR 84.48 and 84.31, Bonding and Insurance.

4. Subrecipient shall furnish to the County a copy of each policy for the aforementioned insurance coverages within ten days after adoption of this Resolution and
shall notify the County at least ten days prior to the date on which any cancellation or material change of any such coverage is to become effective. The County shall be named as an additional insured party in all policies of insurance obtained pursuant to this Resolution. The County shall be furnished a copy of each policy within thirty days of its implementation, renewal, or change thereto.

K. Subrecipient will not use any funds or resources which are supplied by the County in litigation against any persons, natural or otherwise, or in its own defense in any such litigation and will notify the County of any legal action which is filed by or against it.

L. To the extent permitted by law, Subrecipient shall not institute any action or suit at law or in equity against the County, nor institute, prosecute or in any way aid in the institution or prosecution of any claim, demand, action, or cause of action for equitable relief, damages, costs, loss of services, expenses, or compensation for or on account of any damage, loss or injury either to person or property, or both, whether developed or undeveloped, resulting or to result, known or unknown, past, present, or future, arising out of, in any way, the terms of this Resolution.

M. Subrecipient shall allow duly authorized representatives from the County, independent auditors contracted by the County, HUD, the Comptroller General of the United States, or any combination thereof, to conduct such reviews, audits, and on-site monitoring of the Program as the reviewing entity deems appropriate in order to determine:

1. Whether the Program is being operated in a manner consistent with the Plan and the national and primary objectives of the ESG Program;

2. Whether the objectives of the Program are being achieved;

3. Whether the Program is being operated in an efficient and effective manner;

4. Whether management control systems and internal procedures have been established to meet the objectives of the Program;

5. Whether the financial operations of the Program are being conducted properly;

6. Whether the periodic reports to the County contain accurate and reliable information; and

7. Whether all of the activities of the Program are conducted in compliance with the provisions of applicable Federal laws and regulations and this Resolution.

Visits by the County, independent auditors contracted by the County, representatives of HUD, or the Comptroller General of the United States, shall be announced to Subrecipient in advance of those visits, and shall occur during normal operating hours. Such persons may request, and if such request is made, shall be granted access to all of the books, documents,
papers, and records of Subrecipient which relate to the Program. Such persons may interview recipients of the services of the Program.

N. No officer, agent, consultant, or employee of Subrecipient may seek or accept any gifts, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in that position to depart from the faithful and impartial discharge of the duties of that position.

O. No officer, agent, consultant, or employee of Subrecipient may use his or her position to secure or grant any unwarranted privilege, preference, exemption or advantage for himself or herself, any member of his or her household, any business entity in which he or she has a financial interest, or any other person, as delineated in 24 CFR 85.36 or 24 CFR 84.40-48.

P. No officer, agent, consultant, or employee of Subrecipient may participate as an agent of the Subrecipient in the negotiation or execution of any contract between Subrecipient and any private business in which he or she has a financial interest, as delineated in 24 CFR 576.57(d).

Q. No officer, agent, consultant, or employee of Subrecipient may suppress any report or other document because it might tend to affect unfavorably his or her private financial interests.

R. No person who is an employee, agent, consultant, officer, or elected official or appointed official of the County as Recipient, or of any designated public agencies, or of Subrecipient who exercises or have exercised any functions or responsibilities with respect to the activities assisted with these County funds, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a County-assisted activity, or have a financial interest in any contract, subcontract, or Agreement with respect to a County-assisted activity, or with respect to the proceeds of the County-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

III. Federal General Conditions

A. Subrecipient shall comply with the following laws and directives:

1. The Hatch Act as set forth in Title 5, Chapter 15, of the United States Code.

2. The National Environmental Policy Act of 1969 (NEPA), and the related authorities listed in HUD's implementing regulations issued at 24 CFR, Parts 50 and 58.


9. Executive Order 13166 concerning improving the accessibility of services to eligible Limited English-Proficient persons, and any amendments thereto.


11. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and implementing regulations issued at 24 CFR, Part 8. For purposes of the ESG program, the term "dwelling units" in 24 CFR, Part 8, shall include sleeping accommodations.

12. Executive Order 11246, and the regulations issued under the Order at 41 CFR, Chapter 60.


15. National Flood Insurance Program and the regulations thereunder (44 CFR, Parts 59 through 79), and Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001).

16. Sections 302 and 401(b) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), and implementing regulations issued at 24 CFR, Part 35, and, in addition, appropriate action must be taken to protect shelter occupants from the hazards associated with lead-based paint abatement procedures.

17. The Davis-Bacon Act, as amended, does not apply to the Emergency Solutions Grant program.


22. 24 CFR Parts 84 and 85, outlining the procurement requirements for nonprofit organizations. Should a contractor be hired to carry out any of the project activities, the contractor must be selected through a competitive procurement process, in accordance with 24 CFR 84.40-48. In cases not covered by 24 CFR 85.36 and 24 CFR 84.42, the regulations at 24 CFR 576.57(d) governing conflict-of-interest apply.

23. Section 319 of Pub. L. 101-121, of the Department of the Interior Appropriations Act, which prohibits the use of appropriated Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan, and requires that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

24. To the extent that they are otherwise applicable, Subrecipient shall comply with:

   a. Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR 1964-1965 Comp. P. 339; 3 CFR, 1966-1970 Comp., p. 264 (Equal Employment Opportunity), and Executive Order 13279 (Equal Protection of the Laws for Faith-Based and Community Organizations), 67 FR 77141; and the implementing regulations at 41 CFR Chapter 60; and


25. Faith-based Activities: Organizations that are religious or faith-based are eligible to participate in the ESG program, within the following guidelines:

   a. Subrecipients may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as defined in 24 CFR 570.200(j), as part of the programs or services funded under this part;
b. If a Subrecipient conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded in this Resolution, and participation must be voluntary for the beneficiaries of the ESG-funded programs or services; and

c. Subrecipient shall not, in providing program assistance, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.


B. No officer, agent, consultant, employee, or elected or appointed official of the County, or Subrecipient, shall have any interest, direct or indirect, financial or otherwise, in any activity, contract, subcontract, or agreement with respect thereto, or the proceeds thereof, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure, or for one year thereafter, for any of the work to be performed pursuant to the Program.

C. None of the personnel employed by Subrecipient in the administration of the Program shall be in any way or to any extent engaged in the conduct of political activities prohibited by Chapter 15 Title 5, U.S. Code, as applicable.

D. None of the Funds to be paid under this Resolution shall be used for any partisan political activity, or to support or defeat legislation pending before Congress.

E. Program income shall be returned to the County unless the County authorizes in writing that all or a specific portion thereof of such program income will be retained by Subrecipient.

F. Subrecipient shall comply with applicable uniform administrative requirements, as described in 2 CFR 215, including, but not limited to:

1. Books, documents, papers and records which show the name, address, if any, and telephone number, if any, of all clients of the Program;

2. Books, documents, papers and records sufficient to produce the reports required in paragraph I.M and I.N.;

3. Books, documents, papers and records required by paragraphs IV.C and IV.D; and

4. Such other books, documents, papers and records as the County may require to comply with 24 CFR 576.500 Recordkeeping and Reporting Requirements.

Subrecipient shall maintain the books, documents, papers and records in the manner and for the time periods specified in 2 CFR 230 and 2 CFR 215 as they relate to the acceptance and use of ESG amounts by private non-profit organizations. Such records shall be retained at a minimum of 5-year period, and up to a period of 10 years, depending on
ESG funding component which ESG funds were used to document compliance with the provisions of 24 CFR 576.500(y).

G. Should Subrecipient acquire equipment or real property using the Funds, Subrecipient shall comply with property and asset management and recordkeeping requirements as outlined in 24 CFR 85.32 and 24 CFR 84.34, and the following conditions:

1. Equipment or real property shall be used by Subrecipient in the provision of services for the Program as long as needed, whether or not the Program continues to be supported by County funds.

2. When equipment or real property acquired with the Funds is no longer needed for the Program, disposition of the equipment may be as follows:
   a. If acquiring replacement equipment, Subrecipient may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the written approval of the County;
   b. Items of equipment or real property with a current per-unit fair market value of less than $5,000 may be retained, sold or otherwise disposed of by Subrecipient with no further obligation;
   c. Items of equipment or real property with a current per unit fair market value in excess of $5,000 must be returned to the County, or may be retained or sold by Subrecipient, and the Subrecipient shall return to the County a proportionate amount of the Funds, calculated by multiplying the current market value or proceeds from sale by the Funds share of the equipment or property.

3. Subrecipient shall maintain property records that include a description of all property acquired with the Funds, a serial number or other identification number, the source of property, acquisition date, cost of the property, location, use and condition of the property, and what percentage of price was paid for by the Funds. Property records shall also include details concerning ultimate disposition data, including date of disposal and sale price of the property. Subrecipient shall forward copies of property records as they are updated.

H. Any material breach of the terms of this section shall result in forfeiture of all ESG funds received by Subrecipient pursuant to this Resolution, or any part thereof as determined by the County.

IV. Financial Management

A. This Resolution is subject to other requirements of 2 CFR 215 entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations" and 2 CFR 230 entitled "Cost Principles for Non-Profit Organizations", as they relate to the use of the ESG Funds by Subrecipient.
B. Subrecipient shall comply with OMB Circular No. A-133 entitled "Audits of States, Local Governments, and Non-Profit Organizations" to meet the audit requirements of this Circular, as applicable, and shall forward a copy of the most recent audit within 30 days of completion.

C. All Subrecipient’s costs of the Program shall be recorded by budget line items and be supported by checks, payrolls, time records, invoices, contracts, vouchers, orders and other accounting documents evidencing in proper detail the nature and propriety of all costs. At any time during normal business hours, Subrecipient’s financial transactions with respect to the Program may be audited by the County, independent auditors contracted by the County, HUD, the Comptroller General of the United States, the General Accounting Office, or any combination thereof. The representatives of the auditing agency or agencies shall have access to all books, documents, accounts, records, reports, files, papers, things, property, recipients of Program services, and other persons pertaining to such financial transactions and necessary to facilitate the audit.

D. Copies, excerpts, or transcripts of all the books, documents, papers, and records, including checks, payrolls, time records, invoices, contracts, vouchers, orders and other accounting documents concerning matters that are reasonably related to the Program will be provided upon request to the County.

E. Expenditures submitted for reimbursement by Subrecipient to the County from the Funds will be accounted for by Subrecipient in a ledger separate from all other revenue sources.

F. Expenditures eligible for reimbursement by the County from the Funds are delineated in Exhibit “B”, “Expenditures Eligible for Reimbursement”. Subrecipient shall not make any changes in the line item expenditures in Exhibit “B” without prior written approval of the County.

G. The County will reimburse Subrecipient for all eligible costs of the Program up to the total amount of the Funds. Invoices containing receipts and cancelled checks will be submitted by Subrecipient on a monthly basis. Expenditures for “Essential Services” shall include documentation concerning the eligibility of the participant for whom the essential service was provided. Expenditures for "Homeless Prevention" assistance shall include documentation concerning the eligibility of the participant for whom the prevention assistance was provided and documentation as required in I.J. Expenditures for "Rapid Re-housing" shall include documentation concerning the eligibility of the participant for whom the rapid re-housing service was provided as required in I.K.

Expenditures will be reviewed for consistency with the approved budget and scope of services as well as 2 CFR 230 – Cost Principles for Nonprofit Organizations. Approved invoices will be paid in a timely manner.

Reimbursements may be contingent upon certification of the Subrecipient’s financial management system, in accordance with the standards specified in 24 CFR 84.21. Reimbursement shall be contingent upon verification that the Subrecipient has entered client
data required by the community HMIS system into said data management system, and that the data entered meets or exceeds a 90% Data Quality Standard, as reported by the monthly HMIS Validator program published by the HMIS Coordinator.

H. Reimbursement to Subrecipient is contingent upon receipt by the County of its Fiscal Year 2012/2013 Emergency Solutions Grant. The County shall bear no liability to fund or provide payment to Subrecipient in the event ESG funds are not received during Federal Fiscal Year 2012/2013 in the amounts shown at Exhibit “B”.

I. In the event that the total of the County Fiscal Year 2012/2013 ESG funds that are allocated for the Program are not expended in the time and manner prescribed in this Resolution, in accordance with 24 CFR Part 576, Subpart C, 576.203, the County reserves the right to extract the unexpended portion for other projects or programs.

J. The County shall not be obligated to pay any monies for the Program in the event that any of the ESG funds are terminated or withheld from the County or otherwise not forthcoming and in such event the County may modify or revoke this Resolution. Nothing in this Resolution shall prohibit the County, at its discretion, from providing a portion of the Funds to Subrecipient in the event that the County receives only a portion of the Funds expected to be received by them from HUD.

K. Upon the expiration or revocation of this Resolution, Subrecipient shall transfer to County any Funds on hand at the time of expiration or revocation, and any accounts receivable attributable to the use of the Funds.

V. Expiration, Modification, or Revocation of Resolution

A. This Resolution will commence upon its approval and signature by all parties and shall be completed by June 30, 2013. A six month extension of the June 30, 2013, expiration date may be authorized by the Manager of CRMD, or his designated representative, if additional time is necessary to complete the Program and the extension of time will not jeopardize any other activity, project or funding source of the County.

B. The parties hereto are required to amend or otherwise revise this Resolution should such modification be required by HUD or any applicable federal statutes or regulations.

C. If Subrecipient fails to fulfill in a timely and proper manner its obligations under this Resolution, or if Subrecipient violates any of the conditions or limitations of this Resolution, the County may suspend or revoke this Resolution, and the provision of the Funds, in accordance with 24 CFR 85.43.
D. The County may revoke this Resolution at any time for its convenience, in accordance with 24 CFR 85.44.

PASSED, ADOPTED and APPROVED this ____ day of ________________, 2012.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: __________________________
SUSAN BRAGER, CHAIR

ATTEST:

DIANA ALBA, COUNTY CLERK

APPROVED AS TO FORM:

STEVEN B. WOLFSON
DISTRICT ATTORNEY

By: [Signature]
Deputy District Attorney
Exhibit “A”
DIRECT SERVICE INCOME ELIGIBILITY CRITERIA
HUD SECTION 8 GUIDELINES

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Extremely Low Income (30%)</th>
<th>Low Income (50%)</th>
<th>Moderate Income (80%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$13,900</td>
<td>$23,100</td>
<td>$37,000</td>
</tr>
<tr>
<td>2</td>
<td>$15,850</td>
<td>$26,400</td>
<td>$42,250</td>
</tr>
<tr>
<td>3</td>
<td>$17,850</td>
<td>$29,700</td>
<td>$47,550</td>
</tr>
<tr>
<td>4</td>
<td>$19,800</td>
<td>$33,000</td>
<td>$52,800</td>
</tr>
<tr>
<td>5</td>
<td>$21,400</td>
<td>$35,650</td>
<td>$57,050</td>
</tr>
<tr>
<td>6</td>
<td>$23,000</td>
<td>$38,300</td>
<td>$61,250</td>
</tr>
<tr>
<td>7</td>
<td>$24,600</td>
<td>$40,950</td>
<td>$65,500</td>
</tr>
<tr>
<td>8</td>
<td>$26,150</td>
<td>$43,600</td>
<td>$69,700</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Extremely Low Income (30%)</th>
<th>Low Income (50%)</th>
<th>Moderate Income (80%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,158</td>
<td>$1,925</td>
<td>$3,083</td>
</tr>
<tr>
<td>2</td>
<td>$1,320</td>
<td>$2,200</td>
<td>$3,520</td>
</tr>
<tr>
<td>3</td>
<td>$1,487</td>
<td>$2,475</td>
<td>$3,962</td>
</tr>
<tr>
<td>4</td>
<td>$1,650</td>
<td>$2,750</td>
<td>$4,400</td>
</tr>
<tr>
<td>5</td>
<td>$1,783</td>
<td>$2,970</td>
<td>$4,754</td>
</tr>
<tr>
<td>6</td>
<td>$1,916</td>
<td>$3,191</td>
<td>$5,104</td>
</tr>
<tr>
<td>7</td>
<td>$2,050</td>
<td>$3,412</td>
<td>$5,458</td>
</tr>
<tr>
<td>8</td>
<td>$2,179</td>
<td>$3,633</td>
<td>$5,808</td>
</tr>
</tbody>
</table>


Direct link to income limits: [http://www.huduser.org/portal/datasets/il/12/index.html](http://www.huduser.org/portal/datasets/il/12/index.html)
EXHIBIT "B"
EXPENDITURES ELIGIBLE FOR REIMBURSEMENT
HELP OF SOUTHERN NEVADA
SHANNON WEST YOUTH CENTER

Fiscal Year 2012/2013 Emergency Solutions Grant Program Funds (cfda 14.231)

The following items may be reimbursed with Clark County Emergency Solutions Grant (ESG) federal funds for fiscal year 2012/2013, in a combined total not to exceed $48,842:

SHELTER OPERATIONS
Salaries & Fringe related to “Operations” ................................................................. $
Shelter/ Administrative Rent ($400 per month) and utilities ........................................ $ 11,287
Office Supplies / Postage .............................................................................................$
Maintenance .................................................................................................................$
Meals/Food .....................................................................................................................$
Other: ..........................................................................................................................$

SUPPORTIVE (ESSENTIAL) SERVICES
Salaries & Fringe related to “Essential Services”
  Approx. % of Case Manager ......................................................................................... $ 37,555

TOTAL  $48,842
EXHIBIT “C”
HELP OF SOUTHERN NEVADA
SHANNON WEST YOUTH CENTER
SCOPE OF SERVICES
ESG Program Year 2012/2013

1. Clark County will provide FORTY EIGHT THOUSAND EIGHT HUNDRED FORTY TWO AND NO/100TH DOLLARS ($48,842) in Fiscal Year 2012/2013 ESG funds (the “Funds”) to HELP OF SOUTHERN NEVADA (“Subrecipient”) to assist with the cost of shelter operations and supportive services provided through the SHANNON WEST YOUTH CENTER (the “Program”).

2. During the fiscal year ending June 30, 2013, Subrecipient will provide emergency shelter and case management for homeless youth.

3. Specifically, the Subrecipient agrees to use the funds to meet the objectives of the Program in this fiscal year to:

   - Screen homeless youth for basic eligibility and assess their needs to match 90 of these youth (clients) with the appropriate Homeless Services Program offered by HELP of Southern Nevada, and if necessary stabilize and treat clients for mental health and/or substance abuse issues;

   - Provide emergency shelter / lodging to these 90 homeless youth;

   - Provide case management, life-skills training, educational development, and job-readiness training to 100% of these clients;

   - Transition assisted homeless youth into long-term housing at the Shannon West Youth Center or refer youth out to other appropriate long term housing programs;

   - Input on a monthly basis, or more frequently, into the Miner HMIS system the minimum required data on clients served by the Program, and obtain a Data Quality standard of 90% or better;

   - Update the Subrecipient’s service description and eligibility criteria in the HMIS System at least quarterly; and

   - Conduct monthly program evaluation of outcomes and outputs via monthly review and audit of HMIS reports concerning clients served, service units, and housing inventory by program management level staff.
4. Subrecipient shall maintain client data demonstrating client eligibility for services provided and retain such client data as well as all financial records, supporting documents, statistical records, and all other records pertinent to this Resolution for a minimum period of five (5) years and up to a period of 10 years, depending on ESG funding component which ESG funds were used to document compliance with the provisions of 24 CFR 576.500(y).

5. Subrecipient will provide to Clark County written notice of any program changes during the fiscal year for which County funds are allocated under the provisions of this Resolution.

6. No construction work may be performed using the Funds without the County’s permission, to ascertain compliance with all federal regulations governing the CDBG/ESG Programs.
EXHIBIT “D”
ESG MONTHLY PROGRESS REPORT
Month: __________ Year: ______

Agency: HELP OF SOUTHERN NEVADA
Program: SHANNON WEST YOUTH CENTER

Purpose of ESG Support: Operations of Emergency Shelter
SNRPC Strategic Goal supported by County ESG Grant: Facilitate the transition from homelessness through intensive case management:

Progress Towards Achieving Objectives:

<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>THIS MONTH</th>
<th>YEAR TO DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assess client needs, screen for basic eligibility, match to the appropriate Homeless Services Program offered by HELP of Southern Nevada for an estimated 90 youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide emergency shelter / lodging for 90 unduplicated homeless youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide intensive case management and access to supportive services which includes educational and life skills education offered &quot;in-house&quot; by HELP of Southern Nevada to 100% of assisted youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transition assisted homeless youth into long-term housing at the Shannon West Youth Center or refer youth out to other appropriate long term housing programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Update the agency's service description and eligibility criteria at least quarterly</td>
<td>Last Updated:</td>
<td></td>
</tr>
<tr>
<td>Estimated percent of HMIS client records that had all required data fields completed</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Program management-level staff is reviewing HMIS reports each month to evaluate program services, HMIS data quality, and effective use of HMIS as a client and inventory management tool</td>
<td>Last reviewed/evaluated</td>
<td></td>
</tr>
</tbody>
</table>

NARRATIVE REPORT: (please use additional pages as necessary)

Describe any problems and/or changes implemented during the operating year:

List client-level data on all clients assisted this month, yet refused to have their data inputted into the Miner-HMIS system, and provide reason for refusal:

Describe any progress made to build collaborations or facilitate cooperation among and between agencies and persons serving the homeless:

Please list any Technical Assistance subject matters that would improve your agency's or the community's ability to better serve the homeless:
EXHIBIT “E”

Emergency Solutions Grant – ANNUAL BENEFICIARIES REPORT

July 1, 2012 through June 30, 2013
Agency: __________________________
Project: __________________________

Persons Served Complete for funded ESG Activity - Emergency Shelter

<table>
<thead>
<tr>
<th>Number of Unduplicated Persons in Households</th>
<th>Sheltered Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adults</td>
<td></td>
</tr>
<tr>
<td>Children</td>
<td></td>
</tr>
<tr>
<td>Don't Know/Refused</td>
<td></td>
</tr>
<tr>
<td>Missing Information</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Unduplicated Persons Served by Gender</th>
<th>Sheltered Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td></td>
</tr>
<tr>
<td>Transgendered</td>
<td></td>
</tr>
<tr>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Unduplicated Persons in Households (by Age)</th>
<th>Sheltered Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 18</td>
<td></td>
</tr>
<tr>
<td>18-24</td>
<td></td>
</tr>
<tr>
<td>Over 24</td>
<td></td>
</tr>
<tr>
<td>Don't Know/Refused</td>
<td></td>
</tr>
<tr>
<td>Missing Information</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
<tr>
<td>Special Populations Served by Subpopulation (unduplicated count)</td>
<td>Total Persons Served in Emergency Shelters</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterans</td>
<td></td>
</tr>
<tr>
<td>Victims of Domestic Violence</td>
<td></td>
</tr>
<tr>
<td>Elderly</td>
<td></td>
</tr>
<tr>
<td>HIV/ AIDS</td>
<td></td>
</tr>
<tr>
<td>Chronically Homeless</td>
<td></td>
</tr>
<tr>
<td><strong>Persons with Disabilities:</strong></td>
<td></td>
</tr>
<tr>
<td>Severly Mentally Ill</td>
<td></td>
</tr>
<tr>
<td>Chronic Substance Abuse</td>
<td></td>
</tr>
<tr>
<td>Other Disability</td>
<td></td>
</tr>
<tr>
<td><strong>Total (Unduplicated if possible)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Shelter Utilization</strong></td>
<td>Totals</td>
</tr>
<tr>
<td>Total Number of Bed nights available</td>
<td></td>
</tr>
<tr>
<td>Total Number of Bed- nights provided</td>
<td></td>
</tr>
<tr>
<td>Capacity utilization</td>
<td></td>
</tr>
</tbody>
</table>
### Housing Outcomes

Upon exit or termination of services, how many clients were living in the following housing situations?

<table>
<thead>
<tr>
<th>To PERMANENT HOUSING</th>
<th>Total Client Hhlds Exiting:</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Rental house or apartment (no subsidy)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Public Housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Section 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Shelter Plus Care</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. HOME subsidized house or apartment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Other subsidized house or apartment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Homeownership</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Moved in with family or friends</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To TRANSITIONAL HOUSING</th>
<th>Total Client Hhlds Exiting:</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Transitional housing for homeless persons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>j. Moved in with family or friends temporarily</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To an INSTITUTION</th>
<th>Total Client Hhlds Exiting:</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>k. Psychiatric Hospital</td>
<td></td>
<td></td>
</tr>
<tr>
<td>l. Inpatient alcohol or other drug treatment facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>m. Jail/prison</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To EMERGENCY SHELTER</th>
<th>Total Client Hhlds Exiting:</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>n. Emergency Shelter</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To OTHER Situations</th>
<th>Total Client Hhlds Exiting:</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>o. Other supportive housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>p. Places not meant for human habitation (e.g. street)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>q. Other (please specify)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UNKNOWN</th>
<th>Total Client Hhlds Exiting:</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>r. Unknown</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Project Accomplishments:

Please briefly describe any special accomplishments or significant changes your agency/program has experienced this year (e.g. new or improved collaborations with other programs; community awareness activities; significant milestones; etc.)

Date and Title of Training on Program Evaluation and Measuring Client Outcomes: __________________________
**FUNDING SOURCES**

Please list the funds used to support this program/project; this information will be used to determine how CDBG / ESG funds are leveraged with other funding sources to provide services to homeless and at-risk individuals in Southern Nevada.

1. Clark County ESG Funds ........................................ $__________
2. Clark County HOME Funds ...................................... $__________
3. Other Clark County Funds ....................................... $_________
4. Other CDBG Funds (City: __________) .......................... $________
5. City of Las Vegas ESG Funds .................................... $________
6. City of Las Vegas HOME Funds .................................. $________
7. Other Federal Funds
   Source: ____________________________________ $________
   Source: ____________________________________ $________
8. State Funds
   Source: ____________________________________ $________
   Source: ____________________________________ $________
9. Private Funds (foundation grants, etc.)
   Source: United Way .............................................. $________
   Source: ........................................................... $________
10. Other Funding
    Source: Program Income ....................................... $________
    Source: Client Fees ............................................ $________
    Source: Fundraising / Appeals ................................. $________
11. Non-cash contributions which are allowable, reasonable and calculated (according to CFR 576.21):
    Source: Value of donated real property ...................... $________
    Source: Value of donated equipment ......................... $________
    Source: Value of donated goods/ services .................. $________

**TOTAL PROJECT BUDGET (Actual):** ................................ $________
ACCEPTANCE OF GRANT AND AGREEMENT TO
COMPLY WITH GRANT CONDITIONS - ESG

I, __________________, as President/CEO of HELP of Southern Nevada, a Nevada non-profit
corporation, on behalf of that corporation do hereby accept the grant made and the conditions imposed upon that
grant contained in the Resolution to Grant Emergency Solutions Grant Funds to HELP of Southern Nevada, for
the Shannon West Youth Center project, adopted by the Board of County Commissioners of Clark County,
Nevada, on the _______ day of __________________, 2012 a copy of which is attached hereto
and incorporated herein.

EXECUTED this _____ day of __________________, 2012.
HELP OF SOUTHERN NEVADA

By ________________________________
PRESIDENT/CEO

STATE OF NEVADA
COUNTY OF CLARK

This instrument was acknowledged before me on __________________________ by

(Date)

______________________________ as ________________________________ of

(Name of Person) (Title)

HELP of Southern Nevada.

______________________________

(SEAL) NOTARY PUBLIC

My Commission expires: __________________
APPENDIX 1:

Emergency Solutions Grant (Interim Rule) 24 CFR 576
standards developed in consultation with the Continuum(s) of Care.

21. Part 576 is revised to read as follows:

PART 576—EMERGENCY SOLUTIONS
GRANTS PROGRAM

Subpart A—General Provisions

Sec.

576.1 Applicability and purpose.
576.2 Definitions.
576.3 Allocation of funding.

Subpart B—Program Components and
Eligible Activities

576.100 General provisions and expenditure limits.
576.101 Street outreach component.
576.102 Emergency shelter component.
576.103 Homelessness prevention component.
576.104 Rapid re-housing assistance component.
576.105 Housing relocation and stabilization services.
576.106 Short-term and medium-term rental assistance.
576.107 HMIS component.
576.108 Administrative activities.
576.109 Indirect costs.

Subpart C—Award and Use of Funds

576.200 Submission requirements and grant approval.
576.201 Matching requirement.
576.202 Means of carrying out grant activities.
576.203 Obligation, expenditure, and payment requirements.

Subpart D—Reallocations

576.300 In general.
576.301 Metropolitan cities and urban counties.
576.302 States.
576.303 Territories.
576.304 Alternative method.

Subpart E—Program Requirements

576.400 Area-wide systems coordination requirements.
576.401 Evaluation of program participant eligibility and needs.
576.402 Terminating assistance.
576.403 Shelter and housing standards.
576.404 Conflicts of interest.
576.405 Homeless participation.
576.406 Faith-based activities.
576.407 Other Federal requirements.
576.408 Displacement, relocation, and acquisition.

Subpart F—Grant Administration

576.500 Recordkeeping and reporting requirements.
576.501 Enforcement.


Subpart A—General Provisions

§ 576.1 Applicability and purpose.

This part implements the Emergency Solutions Grants (ESG) program authorized by subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371–11376). 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.

§ 576.2 Definitions.

At risk of homelessness means: (1) An individual or family who:
   (i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;
   (ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “homeless” definition in this section; and
   (iii) Meets one of the following conditions:
      (A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention 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 for assistance;
      (D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
      (E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
      (F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
   (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved consolidated plan;
   (2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 2540(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or
   (3) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 7252(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

Consolidated plan means a plan prepared in accordance with 24 CFR part 91. An approved consolidated plan means a consolidated plan that has been approved by HUD in accordance with 24 CFR part 91.

Continuum of Care means the group composed of representatives of relevant organizations, which generally includes nonprofit homeless providers; victim service providers; faith-based organizations; governments; businesses; advocates; public housing agencies; school districts; social service providers; mental health agencies; hospitals; universities; affordable housing developers; law enforcement; organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons that are organized to plan for and provide, as necessary, a system of outreach, engagement, and assessment; emergency shelter; rapid re-housing; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless persons and persons at risk of homelessness for a specific geographic area.

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. Any project funded as an emergency shelter
under a Fiscal Year 2010 Emergency Solutions grant may continue to be funded under ESG.

Homeless means:
(i) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
(ii) 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;
(iii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
(iv) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
(2) An individual or family who will immediately lose their primary nighttime residence, provided that:
(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
(ii) No subsequent residence has been identified; and
(iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;
(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
(iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or
(4) Any individual or family who:
(i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual’s or family’s primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
(ii) Has no other residence; and
(iii) Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

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.

Metropolitan city means a city that was classified as a metropolitan city under 42 U.S.C. 5302(a) for the fiscal year immediately preceding the fiscal year for which ESG funds are made available. This term includes the District of Columbia.

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.

Program income shall have the meaning provided in 24 CFR 85.25. Program income includes any amount of a security or utility deposit returned to the recipient or subrecipient.

Program participant means an individual or family who is assisted under ESG program.

Program year means the consolidated program year established by the recipient under 24 CFR part 91.

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.

State means each of the several States and the Commonwealth of Puerto Rico.

Subrecipient means a unit of general purpose local government or private nonprofit organization to which a recipient makes available ESG funds.

Territory means each of the following: the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

Unit of general purpose local government means any city, county, town, township, parish, village, or other general purpose political subdivision of a State.

Urban county means a county that was classified as an urban county under 42 U.S.C. 5302(a) for the fiscal year immediately preceding the fiscal year for which ESG funds are made available.

Victim service provider means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. This term includes rape crisis centers, battered women’s shelters, domestic violence transitional housing programs, and other programs.

§ 576.3 Allocation of funding.
(a) Territories. HUD will set aside for allocation to the territories up to 0.2 percent, but not less than 0.1 percent, of the total amount of each appropriation under this part in any fiscal year. HUD will allocate this set-aside amount to each territory based on its proportionate share of the total population of all territories and its rate of compliance with the most recent expenditure deadline under § 576.203.
(b) States, metropolitan cities, and urban counties. HUD will allocate the amounts that remain after the set-aside to territories under paragraph (a) of this section to States, metropolitan cities, and urban counties, as follows:

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(1) HUD will provide that the percentage of the total amount available for allocation to each State, metropolitan city, or urban county is equal to the percentage of the total amount available under section 106 of the Housing and Community Development Act of 1974 for the prior fiscal year that was allocated to that State, metropolitan city, or urban county.

(2) Except as otherwise provided by law, if the amount a metropolitan city or urban county would be allocated under paragraph (b)(1) is less than 0.05 percent of the total fiscal year appropriation for ESG, that amount will be added to the allocation for the State in which the city or county is located.

(c) Notification of allocation amount. HUD will notify each State, metropolitan city, urban county, and territory that is eligible to receive an allocation under this section of the amount of its allocation.

Section B—Program Components and Eligible Activities

§ 576.100 General provisions and expenditure limits.

(a) ESG funds may be used for five program components: street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and HMIS; as well as administrative activities. The five program components and the eligible activities that may be funded under each are set forth in § 576.101 through § 576.107. Eligible administrative activities are set forth in § 576.108.

(b) The total amount of the recipient’s fiscal year grant that may be used for street outreach and emergency shelter activities cannot exceed the greater of:

(1) 60 percent of the recipient’s fiscal year grant; or

(2) The amount of Fiscal Year 2010 grant funds committed for homeless assistance activities.

(c) The total amount of ESG funds that may be used for administrative activities cannot exceed 5 percent of the recipient’s fiscal year grant.

(d) Subject to the cost principles in OMB Circulars A-87 (2 CFR 225) and A-122 (2 CFR 230) and other requirements in this part, employee compensation and other overhead costs directly related to carrying out street outreach, emergency shelter, homelessness prevention, rapid re-housing, and HMIS are eligible costs of those program components. These costs are not subject to the expenditure limit in paragraph (c) of this section.

§ 576.101 Street outreach component.

(a) Eligible costs. Subject to the expenditure limit in § 576.100(b), ESG funds may be used for costs of providing essential services to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, nonfacility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. For the purposes of this section, the term “unsheltered homeless people” means individuals and families who qualify as homeless under paragraph (1)(i) of the “homeless” definition under § 576.2. The eligible costs and requirements for essential services consist of:

(1) Engagement. The costs of activities to locate, identify, and build relationships with unsheltered homeless people and engage them for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs. These activities consist of making an initial assessment of needs and eligibility; providing crisis counseling; addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries; and actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs, including emergency shelter, transitional housing, community-based services, permanent housing, and rapid re-housing programs. Eligible costs include the cell phone costs of outreach workers during the performance of these activities.

(2) Case management. The cost of assessing housing and service needs, arranging, coordinating, and monitoring the delivery of 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.

(b) Emergency health services. (i) 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. (ii) ESG funds may be used only for these services to the extent that other appropriate health services are inaccessible or unavailable within the community.

(iii) 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 emergency medical treatment; and providing medication and follow-up services.

(iv) Emergency mental health services. (i) Eligible costs are for 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. (ii) ESG funds may be used only for these services to the extent that other appropriate mental health services are inaccessible or unavailable within the community.

(iii) 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.

(iv) Eligible treatment consists of crisis interventions, the administration of psychotropic medications, explanation about the use and management of medications, and combinations of therapeutic approaches to address multiple problems.

(5) 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. These costs include the following:

(i) The cost of a program participant’s travel on public transportation; (ii) If service workers use their own vehicles, mileage allowance for service workers to visit program participants; (iii) The cost of purchasing or leasing a vehicle for the recipient or subrecipient 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
(iv) The travel costs of recipient or subrecipient staff to accompany or assist program participants to use public transportation.

(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. The term victim services means services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

(b) Minimum period of use. The recipient or subrecipient must provide services to homeless individuals and families for at least the period during which ESG funds are provided.

(c) Maintenance of effort. (1) If the recipient or subrecipient is a unit of general purpose local government, its ESG funds cannot be used to replace funds the local government provided for street outreach and emergency shelter services during the immediately preceding 12-month period, unless HUD determines that the unit of general purpose local government is in a severe financial deficit.

(2) Upon the recipient's request, HUD will determine whether the unit of general purpose local government is in a severe financial deficit, based on the recipient's demonstration of each of the following:

(i) The average poverty rate in the unit of general purpose local government's jurisdiction was equal to or greater than 125 percent of the average national poverty rate, during the calendar year for which the most recent data are available, as determined according to information from the U.S. Census Bureau.

(ii) The average per-capita income in the unit of general purpose local government's jurisdiction was less than 75 percent of the average national per-capita income, during the calendar year for which the most recent data are available, as determined according to information from the Census Bureau.

(iii) The unit of general purpose local government has a current annual budget deficit that requires a reduction in funding for services for homeless people.

(iv) The unit of general purpose local government has taken all reasonable steps to prevent a reduction in funding of services for homeless people. Reasonable steps may include steps to increase revenue generation, steps to maximize cost savings, or steps to reduce expenditures in areas other than services for homeless people.

§ 576.102 Emergency shelter component.

(a) General. Subject to the expenditure limit in § 576.100(b), ESG funds may be used for the costs of providing essential services to homeless families and individuals in emergency shelters, renovating buildings to be used as emergency shelter for homeless families and individuals, and operating emergency shelters.

(b) Essential services. ESG funds may be used to provide essential services to individuals and families who are in an emergency shelter, as follows:

(i) Case management. The cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant is eligible. Component services and activities consist of:

(A) Using the centralized or coordinated assessment system as required under § 576.400(d);

(B) Conducting the initial evaluation required under § 576.401(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;

(ii) Child care. The costs of child care 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.

(iii) Education services. When necessary for the program participant to obtain and maintain housing, the costs 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 and activities are screening, assessment and testing; individual or group instruction; tutoring; provision of books, supplies and instructional material; counseling; and referral to community resources.

(iv) 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. The cost of providing reasonable stipends to program participants in employment assistance and job training programs is an eligible cost. Learning skills include those skills that can be used to secure and retain a job, including the acquisition of vocational licenses and/or certificates. 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.

(v) 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 noncosmetic dental care.

(vi) 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, appeal of veterans benefits and other public benefit claim denials, and the resolution of outstanding criminal warrants.

(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 subrecipient is a legal services provider and performs the services itself, the eligible costs are the subrecipient’s 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.

(vii) 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.

(viii) 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.

(ix) 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.

(x) Transportation. Eligible costs consist of the transportation costs of a program participant’s travel to and from medical care, employment, child care, 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 subrecipient 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 subrecipient staff to accompany or assist program participants to use public transportation.

(xi) 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)(i) through (a)(1)(x) of this section. The term victim services means services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

(2) Renovation. Eligible costs include labor, materials, tools, and other costs for renovation (including major rehabilitation of an emergency shelter or conversion of a building into an emergency shelter). The emergency shelter must be owned by a government entity or private nonprofit organization.

(3) 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.

(4) Assistance required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). Eligible costs are the costs of providing URA assistance under § 576.408, including relocation payments and other assistance to persons displaced by a project assisted with ESG funds. Persons that receive URA assistance are not considered “program participants” for the purposes of this part, and relocation payments and other URA assistance are not considered “rental assistance” or “housing relocation and stabilization services” for the purposes of this part.

(b) Prohibition against involuntary family separation. The age, of a child under age 18 must not be used as a basis for denying any family’s admission to an emergency shelter that uses Emergency Solutions Grant (ESG) funding or services and provides shelter to families with children under age 18.

(c) Minimum period of use. (1) Renovated buildings. Each building renovated with ESG funds must be maintained as a shelter for homeless individuals and families for not less than a period of 3 or 10 years, depending on the type of renovation and the value of the building. The “value of the building” is the reasonable monetary value assigned to the building, such as the value assigned by an independent real estate appraiser. The minimum use period must begin on the date the building is first occupied by a homeless individual or family after the completed renovation. A minimum period of use of 10 years, required for major rehabilitation and conversion, must be enforced by a recorded deed or use restriction.

(i) Major rehabilitation. If the rehabilitation cost of an emergency
shelter exceeds 75 percent of the value of the building before rehabilitation, the minimum period of use is 10 years.

(2) Essential services and shelter operations. Where the recipient or subrecipient uses ESG funds solely for essential services or shelter operations, the recipient or subrecipient must provide services or shelter to homeless individuals and families at least for the period during which the ESG funds are provided. The recipient or subrecipient does not need to limit these services or shelter to a particular site or structure, so long as the site or structure serves the same type of persons originally served with the assistance (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or serves homeless persons in the same area where the recipient or subrecipient originally provided the services or shelter.

(d) Maintenance of effort. The maintenance of effort requirements under § 576.101(c), which apply to the use of ESG funds for essential services related to street outreach, also apply for the use of such funds for essential services related to emergency shelter.

§ 576.103 Homelessness prevention component.

ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the “homeless” definition in § 576.2. This assistance, referred to as homelessness prevention, may be provided to individuals and families who meet the criteria under the “at risk of homelessness” definition, or who meet the criteria in paragraph (2), (3), or (4) of the “homeless” definition in § 576.2 and have an annual income below 80 percent of median family income for the area, as determined by HUD. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant’s current permanent housing or move into other permanent housing and achieve stability in that housing. Homelessness prevention must be provided in accordance with the housing relocation and stabilization services requirements in § 576.105, the short-term and medium-term rental assistance requirements in § 576.106, and the written standards and procedures established under § 576.400.

§ 576.104 Rapid re-housing assistance component.

ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing. This assistance, referred to as rapid re-housing assistance, may be provided to program participants who meet the criteria under paragraph (1) of the “homeless” definition in § 576.2 or who meet the criteria under paragraph (4) of the “homeless” definition and live in an emergency shelter or other place described in paragraph (1) of the “homeless” definition. The rapid re-housing assistance must be provided in accordance with the housing relocation and stabilization services requirements in § 576.105, the short- and medium-term rental assistance requirements in § 576.106, and the written standards and procedures established under § 576.400.

§ 576.105 Housing relocation and stabilization services.

(a) Financial assistance costs. Subject to the general conditions under § 576.102 and § 576.104, ESG funds may be used to pay housing owners, utility companies, and other third parties for the following costs:

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

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

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

(4) Utility deposits. ESG funds may pay for a standard utility deposit required by the utility company for all customers for the utilities listed in paragraph (6) of this section.

(b) Utility payments. ESG funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears per service. A partial payment of a utility bill counts as one month. This assistance may only be provided if the program participant or a member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water, and sewer. No program participant shall receive more than 24 months of utility assistance within any 3-year period.

(c) Moving costs. ESG funds may pay for moving costs, such as truck rental or hiring a moving company. This assistance may include payment of temporary storage fees for up to 3 months, provided that the fees are accrued after the date the program participant begins receiving assistance under paragraph (b) of this section and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.

(d) Services costs. Subject to the general restrictions under § 576.103 and § 576.104, ESG funds may be used to pay the costs of providing the following services:

(1) Housing search and placement. Services or activities necessary to assist program participants in locating, obtaining, and retaining suitable permanent housing, include the following:

(i) Assessment of housing barriers, needs, and preferences;

(ii) Development of an action plan for locating housing;

(iii) Housing search;

(iv) Outreach to and negotiation with owners;

(v) Assistance with submitting rental applications and understanding leases;

(vi) Assessment of housing for compliance with Emergency Solutions Grant (ESG) requirements for habitability, lead-based paint, and rent reasonableness;

(vii) Assistance with obtaining utilities and making moving arrangements; and

(viii) Tenant counseling.

(2) Housing stability case management. ESG funds may be used to pay cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing. This
assistance cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing. Component services and activities consist of:
(A) Using the centralized or coordinated assessment system as required under § 576.400(d), to evaluate individuals and families applying for or receiving homelessness prevention or rapid re-housing assistance;
(B) Conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility, for individuals and families applying for homelessness prevention or rapid re-housing assistance;
(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) Developing an individualized housing and service plan, including planning a path to permanent housing stability; and
(H) Conducting re-evaluations required under § 576.401(b).
(3) Mediation. ESG funds may pay for mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.
(4) Legal services. ESG funds may pay for legal services, as set forth in § 576.102(a)(4), except that the eligible subject matters also include landlord/tenant matters, and the services must be necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides.
(5) Credit repair. ESG funds may pay for credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems. This assistance does not include the payment or modification of a debt.
(c) Maximum amounts and periods of assistance. The recipient may set a maximum dollar amount that a program participant may receive for each type of financial assistance under paragraph (a) of this section. The recipient may also set a maximum period for which a program participant may receive any of the types of assistance or services under this section. However, except for housing stability case management, the total period for which any program participant may receive the services under paragraph (b) of this section must not exceed 24 months during any 3-year period. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family.
(d) Use with other subsidies. Financial assistance under paragraph (a) of this section cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments.
§ 576.106 Short-term and medium-term rental assistance.
(a) General provisions. Subject to the general conditions under § 576.103 and § 576.104, the recipient or subrecipient may provide a program participant with up to 24 months of rental assistance during any 3-year period. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance.
(1) Short-term rental assistance is assistance for up to 3 months of rent.
(2) Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.
(3) Payment of rental arrears consists of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.
(b) Discretion to set caps and conditions. Subject to the requirements of this section, the recipient may set a maximum amount or percentage of rental assistance that a program participant may receive, a maximum number of months that a program participant may receive rental assistance, or a maximum number of times that a program participant may receive rental assistance. The recipient may also require program participants to share in the costs of rent.
(c) Use with other subsidies. Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance, or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources. Rental assistance may not be provided to a program participant who has been provided with replacement housing payments under the URA during the period of time covered by the URA payments.
(d) Rent restrictions. (1) Rental assistance cannot be provided unless the rent does not exceed the Fair Market Rent established by HUD, as provided under 24 CFR part 888, and complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507.
(2) For purposes of calculating rent under this section, the rent shall equal the sum of the total monthly rent for the unit, any fees required for occupancy under the lease (other than late fees and pet fees) and, if the tenant pays separately for utilities, the monthly allowance for utilities (excluding telephone) established by the public housing authority for the area in which the housing is located.
(e) Rental assistance agreement. The recipient or subrecipient may make rental assistance payments only to an owner with whom the recipient or subrecipient 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 recipient or subrecipient 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.
(f) Late payments. The recipient or subrecipient must make timely payments to each owner in accordance with the rental assistance agreement. The rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The recipient or subrecipient is solely responsible for paying late payment penalties that it incurs with non-ESG funds.
(g) Lease. Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. Where the assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and
the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks. For program participants living in housing with project-based rental assistance under paragraph (i) of this section, the lease must have an initial term of one year.

(h) Tenant-based rental assistance.

(1) A program participant who receives tenant-based rental assistance may select a housing unit in which to live and may move to another unit or building and continue to receive rental assistance, as long as the program participant continues to meet the program requirements.

(2) The recipient may require that all program participants live within a particular area for the period in which the rental assistance is provided.

(3) The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:

(i) The program participant moves out of the housing unit for which the program participant has a lease;

(ii) The lease terminates and is not renewed; or

(iii) The program participant becomes ineligible to receive ESG rental assistance.

(i) Project-based rental assistance. If the recipient or subrecipient identifies a permanent housing unit that meets ESG requirements and becomes available before a program participant is identified to lease the unit, the recipient or subrecipient may enter into a rental assistance agreement with the owner to reserve the unit and subsidize its rent in accordance with the following requirements:

(1) The rental assistance agreement may cover one or more permanent housing units in the same building. Each unit covered by the rental assistance agreement ("assisted unit") may only be occupied by program participants, except as provided under paragraph (ii)(4) of this section.

(2) The recipient or subrecipient may pay up to 100 percent of the first month's rent, provided that a program participant signs a lease and moves into the unit before the end of the month for which the first month's rent is paid. The rent paid before a program participant moves into the unit must not exceed the rent to be charged under the program participant's lease and must be included when determining that program participant's total rental assistance.

(3) The recipient or subrecipient may make monthly rental assistance payments only for each whole or partial month an assisted unit is leased to a program participant. When a program participant moves out of an assisted unit, the recipient or subrecipient may pay the next month's rent, i.e., the first month's rent for a new program participant, as provided in paragraph (ii)(2) of this section.

(4) The program participant's lease must not condition the term of occupancy to the provision of rental assistance payments. If the program participant is determined ineligible or reaches the maximum number of months over which rental assistance can be provided, the recipient or subrecipient must suspend or terminate the rental assistance payments for the unit. If the payments are suspended, the individual or family may remain in the assisted unit as permitted under the lease, and the recipient or subrecipient may resume payments if the individual or family again becomes eligible and needs further rental assistance. If the payments are terminated, the rental assistance may be transferred to another available unit in the same building, provided that the other unit meets all ESG requirements.

(5) The rental assistance agreement must have an initial term of one year. When a new program participant moves into an assisted unit, the term of the rental assistance agreement may be extended to cover the initial term of the program participant's lease. If the program participant's lease is renewed, the rental assistance agreement may be renewed or extended, as needed, up to the maximum number of months for which the program participant remains eligible. However, under no circumstances may the recipient or subrecipient commit ESG funds to be expended beyond the expenditure deadline in §576.203 or commit funds for a future ESG grant before the grant is awarded.

(j) Changes in household composition. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family.

§576.107 HMIS component.

(a) Eligible costs.

(1) The recipient or 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:

(i) Purchasing or leasing computer hardware;

(ii) Purchasing software or software licenses;

(iii) Purchasing or leasing equipment, including telephones, fax machines, and furniture;

(iv) Obtaining technical support;

(v) Leasing office space;

(vi) Paying charges for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS;

(vii) Paying salaries for operating HMIS, including:

(A) Completing data entry;

(B) Monitoring and reviewing data quality;

(C) Completing data analysis;

(D) Reporting to the HMIS Lead;

(F) Training staff on using the HMIS or comparable database; and

(G) Implementing and complying with HMIS requirements;

(viii) Paying costs of staff to travel to and attend HUD-sponsored and HUD-approved training on HMIS and programs authorized by Title IV of the McKinney-Vento Homeless Assistance Act;

(ix) Paying staff travel costs to conduct intake; and

(x) Paying participation fees charged by the HMIS Lead, if the recipient or subrecipient is not the HMIS Lead. The HMIS Lead is the entity designated by the Continuum of Care to operate the area's HMIS.

(2) If the recipient is the HMIS lead agency, as designated by the Continuum of Care in the most recent fiscal year Continuum of Care Homeless Assistance Grants Competition, it may also use ESG funds to pay the costs of:

(i) Hosting and maintaining HMIS software or data;

(ii) Backing up, recovering, or repairing HMIS software or data;

(iii) Upgrading, customizing, and enhancing the HMIS;

(iv) Integrating and warehousing data, including development of a data warehouse for use in aggregating data from subrecipients using multiple software systems;

(v) Administering the system;

(vi) Reporting to providers, the Continuum of Care, and HUD; and

(vii) Conducting training on using the system or a comparable database, including traveling to the training.

(3) If the subrecipient is a victim services provider or a legal services provider, it may use ESG funds to establish and operate a comparable database that collects client-level data over time (i.e., longitudinal data) and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into or provided to an HMIS.

(b) General restrictions. Activities funded under this section must comply with HUD's standards on participation, data collection, and reporting under a local HMIS.
§ 576.108 Administrative activities.

(a) Eligible costs. The recipient may use up to 7.5 percent of its ESG grant for the payment of administrative costs related to the planning and execution of ESG activities. This does not include staff and overhead costs directly related to carrying out activities eligible under § 576.101 through § 576.107, because those costs are eligible as part of those activities. Eligible administrative costs include:

1. General management, oversight and coordination. Costs of overall program management, coordination, monitoring, and evaluation. These costs include, but are not limited to, necessary expenditures for the following:
   
1. Salaries, wages, and related costs of the recipient’s staff, the staff of subrecipients, or other staff engaged in program administration. In charging costs to this category, the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose primary responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any program administration assignments. The recipient may use only one of these methods for each fiscal year grant. Program administration assignments include the following:

   (A) Preparing program budgets and schedules, and amendments to those budgets and schedules;
   
   (B) Developing systems for assuring compliance with program requirements;
   
   (C) Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities;
   
   (D) Monitoring program activities for progress and compliance with program requirements;
   
   (E) Preparing reports and other documents directly related to the program for submission to HUD;
   
   (F) Coordinating the resolution of audit and monitoring findings;
   
   (G) Evaluating program results against stated objectives; and
   
   (H) Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraph (a)(1)(i)(A) through (G) of this section.

2. Travel costs incurred for monitoring of subrecipients;

3. Administrative services performed under third-party contracts or agreements, including general legal services, accounting services, and audit services; and

4. Other costs for goods and services required for administration of the program, including rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space.

(2) Training on ESG requirements. Costs of providing training on ESG requirements and attending HUD-sponsored ESG trainings.

(3) Consolidated plan. Costs of preparing and amending the ESG and homelessness-related sections of the consolidated plan in accordance with ESG requirements and 24 CFR part 91.

(4) Environmental review. Costs of carrying out the environmental review responsibilities under § 576.407.

(b) Sharing requirement. (1) States. If the recipient is a State, the recipient must share its funds for administrative costs with its subrecipients that are units of general purpose local government. The amount shared must be reasonable under the circumstances. The recipient may share its funds for administrative costs with its subrecipients that are private nonprofit organizations.

(2) Territories, metropolitan cities, and urban counties. If the recipient is a territory, metropolitan city, or urban county, the recipient may share its funds for administrative costs with its subrecipients.

§ 576.109 Indirect costs.

(a) In general. ESG grant funds may be used to pay indirect costs in accordance with OMB Circular A-87 (2 CFR part 225), or A-122 (2 CFR part 230), as applicable.

(b) Allocation. Indirect costs may be allocated to each eligible activity under § 576.101 through § 576.108, so long as that allocation is consistent with an indirect cost rate proposal developed in accordance with OMB Circular A-87 (2 CFR part 225), or A-122 (2 CFR part 230), as applicable.

(c) Expenditure limits. The indirect costs charged to an activity subject to an expenditure limit under § 576.100 must be added to the direct costs charged for that activity when determining the total costs subject to the expenditure limit.

Subpart C—Award and Use of Funds

§ 576.200 Submission requirements and grant approval.

(a) Application submission and approval. In addition to meeting the application submission requirements in 24 CFR part 5, subpart K, each State, urban county, or metropolitan city must submit and obtain HUD approval of a consolidated plan in accordance with the requirements in 24 CFR part 91, and each territory must submit and obtain HUD approval of a consolidated plan in accordance with the requirements that apply to local governments under 24 CFR part 91. As provided under 24 CFR 85.12, HUD may impose special conditions or restrictions on a grant, if the recipient is determined to be high risk.

(b) Amendments. The recipient must amend its approved consolidated plan in order to make a change in its allocation priorities; make a change in its method of distributing funds; carry out an activity not previously described in the plan; or change the purpose, scope, location, or beneficiaries of an activity. The amendment must be completed and submitted to HUD in accordance with the requirements under 24 CFR 91.505.
(c) Recognition of matching contributions. (1) In order to meet the matching requirement, the matching contributions must meet all requirements that apply to the ESG funds provided by HUD, except for the expenditure limits in §576.100.

(2) The matching contributions must be provided after the date that HUD signs the grant agreement.

(3) To count toward the required match for the recipient’s fiscal year grant, cash contributions must be expended within the expenditure deadline in §576.203, and noncash contributions must be made within the expenditure deadline in §576.203.

(4) Contributions used to match a previous ESG grant may not be used to match a subsequent ESG grant.

(5) Contributions that have been or will be counted as satisfying a matching requirement of another Federal grant or award may not count as satisfying the matching requirement of this section.

(d) Eligible types of matching contributions. The matching requirement may be met by one or both of the following:

(1) Cash contributions. Cash expended for allowable costs, as defined in OMB Circulars A—87 (2 CFR part 225) and A—122 (2 CFR part 230), of the recipient or subrecipient.

(2) Noncash contributions. The value of any real property, equipment, goods, or services contributed to the recipient’s or subrecipient’s ESG program, provided that if the recipient or subrecipient had to pay for them with grant funds, the costs would have been allowable. Noncash contributions may also include the purchase value of any donated building.

(e) Calculating the amount of noncash contributions. (1) To determine the value of any donated material or building, or of any lease, the recipient must use a method reasonably calculated to establish the fair market value.

(2) Services provided by individuals must be valued at rates consistent with those ordinarily paid for similar work in the recipient’s or subrecipient’s organization. If the recipient or subrecipient does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in the same labor market.

(3) Some noncash contributions are real property, equipment, goods, or services that, if the recipient or subrecipient had to pay for them with grant funds, the payments would have been indirect costs. Matching credit for these contributions must be given only if the recipient or subrecipient has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of those contributions.

(f) Costs paid by program income. Costs paid by program income shall count toward meeting the recipient’s matching requirements, provided the costs are eligible ESG costs that supplement the recipient’s ESG program.

§576.202 Means of carrying out grant activities.

(a) States. If the recipient is a State, the recipient may use an amount consistent with the restrictions in §576.100 and §576.108 to carry out administrative activities through its employees or procurement contracts. If the recipient is a State, and has been identified as the HMIS lead by the Continuum of Care, the State may use funds to carry out HMIS activities set forth in §576.107(a)(2). The recipient must subgrant the remaining funds in its fiscal year grant to:

(1) Units of general purpose local government in the State, which may include metropolitan cities and urban counties that receive ESG funds directly from HUD; or

(2) Private nonprofit organizations, provided that for emergency shelter activities the recipient obtains a certification of approval from the unit of general purpose local government for the geographic area in which those activities are to be carried out.

(b) Recipients other than States; subrecipients. The recipient, if it is not a State, and all subrecipients may carry out all eligible activities through their employees, procurement contracts, or subgrants to private nonprofit organizations. If the recipient is an urban county, it may carry out activities through any of its member governments, so long as the county applies to its members the same requirements that are applicable to local government subrecipients under this part.

§576.203 Obligation, expenditure, and payment requirements.

(a) Obligation of funds. (1) Funds allocated to States. If within 80 days of the date that HUD signs the grant agreement with the State (or grant amendment for reallocated funds), the recipient must obligate the entire grant, except the amount for its administrative costs. This requirement is met by a subgrant agreement with, or a letter of award requiring payment from the grant to, a subrecipient.

(ii) Within 120 days after the date that the State obligates its funds to a unit of general purpose local government, the subrecipient must obligate all of those funds by a subgrant agreement with, or a letter of award requiring payment to, a private nonprofit organization; a procurement contract; or the written designation of a department within the government of the subrecipient to directly carry out an eligible activity.

(2) Funds allocated to metropolitan cities, urban counties, and territories. Within 180 days after the date that HUD signs the grant agreement (or a grant amendment for reallocation of funds) with the metropolitan city, urban county, or territory, the recipient must obligate all the grant amount, except the amount for its administrative costs. This requirement is met by an agreement with, or a letter of award requiring payment to, a subrecipient; a procurement contract; or a written designation of a department within the government of the recipient to directly carry out an eligible activity. If the recipient is an urban county, this requirement may also be met with an agreement with, or letter of award requiring payment to, a member government, which has designated a department to directly carry out an eligible activity.

(b) Expenditures. The recipient must draw down and expend funds from each year’s grant not less than once during each quarter of the recipient’s program year. All of the recipient’s grant must be expended for eligible activity costs within 24 months after the date that HUD signs the grant agreement with the recipient. For the purposes of this paragraph, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost or the accrual of a direct charge for a good or service.

(c) Payments to subrecipients. The recipient must pay each subrecipient for allowable costs within 30 days after receiving the subrecipient’s complete payment request. This requirement also applies to each subrecipient that is a unit of general purpose local government.

Subpart D—Reallocations

§576.300 In general.

(1) Funds not awarded by HUD due to failure by the recipient to submit and obtain HUD approval of a consolidated plan will be reallocated in accordance with §§576.301 through 576.303.

(2) Recaptured funds will be awarded by formula. In October and April each year, HUD will determine if the amount of recaptured funds is at least 30 percent of the most recent fiscal year.
appropriation. If so, HUD will amend all existing grants and reallocate the funds. If the amount is less than 30 percent of the most recent fiscal year appropriation, the funds will be reallocated in conjunction with the next fiscal year’s allocation of funding.

§ 576.301 Metropolitan cities and urban counties.

Grant funds returned by a metropolitan city or urban county will be reallocated as follows:

(a) Eligible recipient. HUD will make the funds available to the State in which the city or county is located.

(b) Notification of availability. HUD will promptly notify the State of the availability of the amounts to be reallocated.

(c) Application requirement. Within 45 days after the date of notification, the State must submit to HUD a substantial amendment to its consolidated plan in accordance with 24 CFR part 91.

(d) Restrictions that apply to reallocated amounts. The same requirements that apply to grant funds allocated under § 576.3 apply to grant funds reallocated under this section.

§ 576.303 Territories.

(a) General. Grant funds returned by a territory will be reallocated to other territories, if funds remain, to States.

(b) Allocation method. The funds will be allocated as follows:

(1) For territories, the funds will be allocated among the territories in direct proportion with each territory’s share of the total population of all of the eligible territories. If HUD determines that a territory failed to spend its funds in accordance with ESG requirements, then HUD may exclude the territory from the allocation of reallocation amounts under this section.

(2) For States, the funds will be allocated to each State in direct proportion with each State’s share of the total amount of funds allocated to States under § 576.3.

(c) Notification of availability. HUD will notify eligible recipients of the availability of the funds by a letter or Federal Register notice, which will specify how the awards of funds will be made.

(d) Application requirements. Within 45 days after the date of notification, the eligible recipient must submit to HUD a substantial amendment to its consolidated plan in accordance with 24 CFR part 91.

(e) Restrictions that apply to reallocated amounts. The same requirements that apply to grant funds allocated under § 576.3 apply to grant funds reallocated under this section.

Subpart E—Program Requirements

§ 576.400 Area-wide systems coordination requirements.

(a) Consultation with Continuums of Care. The recipient must consult with each Continuum of Care that serves the recipient’s jurisdiction in determining how to allocate ESG funds each program year; developing the performance standards for, and evaluating the outcomes of, projects and activities assisted by ESG funds; and developing funding, policies, and procedures for the administration and operation of the HMIS.

(b) Coordination with other targeted homeless services. The recipient and its subrecipients must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to homeless people in the area covered by the Continuum of Care or area over which the services are coordinated to provide a strategic, community-wide system to prevent and end homelessness for that area. These programs include:

(1) Shelter Plus Care Program (24 CFR part 582);

(2) Supportive Housing Program (24 CFR part 583);

(3) Section 8 Moderate Rehabilitation Program for Single Room Occupancy Program for Homeless Individuals (24 CFR part 882);


(5) Education for Homeless Children and Youth Grants for State and Local Activities (title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.));

(6) Grants for the Benefit of Homeless Individuals (section 506 of the Public Health Services Act (42 U.S.C. 290aa–5));

(7) Healthcare for the Homeless (42 CFR part 51C);

(8) Programs for Runaway and Homeless Youth (Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.));

(9) Projects for Assistance in Transition from Homelessness (part C of title V of the Public Health Service Act (42 U.S.C. 290cc–21 et seq.));

(10) Services in Supportive Housing Grants (section 520A of the Public Health Service Act.

(11) Emergency Food and Shelter Program (title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.));

(12) Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (section 40239 of the Violent Crime Control and Law Enforcement Act (42 U.S.C. 13975));

(13) Homeless Veterans Reintegration Program (section 5(a)(11) of the Homeless Veterans Comprehensive Assistance Act (38 U.S.C. 2021));

(14) Domiciliary Care for Homeless Veterans Program (38 U.S.C. 2043);

(15) VA Homeless Providers Grant and Per Diem Program (38 CFR part 61);

(16) Health Care for Homeless Veterans Program (38 U.S.C. 2031);
(17) Homeless Veterans Dental Program (38 U.S.C. 2062);
(18) Supportive Services for Veteran Families Program (38 CFR part 62); and

(c) System and program coordination with mainstream resources. The recipient and its subrecipients must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with mainstream housing, health, social services, employment, education, and youth programs for which families and individuals at risk of homelessness and homeless individuals and families may be eligible. Examples of these programs include:

(1) Public housing programs assisted under section 9 of the U.S. Housing Act of 1937 (42 U.S.C. 1437g) (24 CFR parts 905, 906, and 960);
(2) Housing programs receiving tenant-based or project-based assistance under section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f) (respectively 24 CFR parts 982 and 983);
(3) Supportive Housing for Persons with Disabilities (Section 811) (24 CFR part 891);
(4) HOME Investment Partnerships Program (24 CFR part 92);
(5) Temporary Assistance for Needy Families (TANF) (45 CFR parts 260–265);
(6) Health Center Program (42 CFR part 51c);
(7) State Children’s Health Insurance Program (42 CFR part 447);
(8) Head Start (45 CFR chapter XIII, subchapter B);
(9) Mental Health and Substance Abuse Block Grants (45 CFR part 96); and
(10) Services funded under the Workforce Investment Act (29 U.S.C. 2801 et seq.).

(d) Centralized or coordinated assessment. Once the Continuum of Care has developed a centralized assessment system or a coordinated assessment system in accordance with requirements to be established by HUD, each ESG-funded program or project within the Continuum of Care’s area must use that assessment system. The recipient and subrecipient must work with the Continuum of Care to ensure the screening, assessment and referral of program participants are consistent with the written standards required by paragraph (e) of this section. A victim service provider may choose not to use the Continuum of Care’s centralized or coordinated assessment system.

(e) Written standards for providing ESG assistance. (1) If the recipient is a metropolitan city, urban county, or territory, the recipient must have written standards for providing Emergency Solutions Grant (ESG) assistance and must consistently apply those standards for all program participants. The recipient must describe these standards in its consolidated plan.

(2) If the recipient is a state:

(i) The recipient must establish and consistently apply, or require that its subrecipients establish and consistently apply, written standards for providing ESG assistance. If the written standards are established by the subrecipients, the recipient may require these written standards to be:

(A) Established for each area covered by a Continuum of Care or area over which the services are coordinated and followed by each subrecipient providing assistance in that area; or

(B) Established by each subrecipient and applied consistently within the subrecipient’s program.

(ii) Written standards developed by the state must be included in the state’s Consolidated Plan. If the written standards are developed by its subrecipients, the recipient must describe its requirements for the establishment and implementation of these standards in the state’s Consolidated Plan.

(3) At a minimum these written standards must include:

(i) Standard policies and procedures for evaluating individuals’ and families’ eligibility for assistance under Emergency Solutions Grant (ESG);

(ii) Standards for targeting and providing essential services related to street outreach;

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

(iv) Policies and procedures for assessing, prioritizing, and reassessing individuals’ and families’ needs for essential services related to emergency shelter;

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

(vi) Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and which eligible families and individuals will receive rapid re-housing assistance;

(vii) 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;

(viii) 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

(ix) 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 receives assistance; or the maximum number of times the program participant may receive assistance.

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

§576.401 Evaluation of program participant eligibility and needs.

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

(b) Reevaluation for homelessness prevention and rapid re-housing assistance. (1) The recipient or subrecipient must re-evaluate the program participant’s eligibility and the types and amounts of assistance the program participant needs no less than once every 3 months for program participants receiving homelessness prevention assistance, and not less than once annually for program participants receiving rapid re-housing assistance. At a minimum, each re-evaluation of eligibility must establish that:

(i) The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and

(ii) The program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance.

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

(c) Annual income. When determining the annual income of an individual or family, the recipient or subrecipient must use the standard for calculating annual income under 24 CFR 5.609.

(d) Connecting program participants to mainstream and other resources. The recipient and its subrecipients must assist each program participant, as needed, to obtain:

(1) 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

(2) 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(l) (7 CFR part 226));

(viii) Other assistance available under the programs listed in § 576.400(c).

(e) Housing stability case management. (1) While providing homelessness prevention or rapid re-housing assistance to a program participant, the recipient or subrecipient must:

(i) 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

(ii) Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations, such as the program participant’s current or expected income and expenses; other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area.

(2) The recipient or subrecipient is exempt from the requirement under paragraph (e)(1)(i) of this section if the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits that recipient or subrecipient from making its shelter or housing conditional on the participant’s acceptance of services.

§ 576.402 Terminating assistance.

(a) In general. If a program participant violates program requirements, the recipient or subrecipient may terminate the assistance in accordance with a formal process established by the recipient or subrecipient that recognizes the rights of individuals affected. The recipient or subrecipient must exercise due process and due consideration in determining when violations warrant termination so that a program participant’s assistance is terminated only in the most severe cases.

(b) Program participants receiving rental assistance or housing relocation and stabilization services. To terminate rental assistance or housing relocation and stabilization services to a program participant, the required formal process, at a minimum, must consist of:

(1) Written notice to the program participant containing a clear statement of the reasons for termination;

(2) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and

(3) Prompt written notice of the final decision to the program participant.

(c) Ability to provide further assistance. Termination under this section does not bar the recipient or subrecipient from providing further assistance at a later date to the same family or individual.

§ 576.403 Shelter and housing standards.

(a) Lead-based paint remediation and disclosure. The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851–4856), and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M, and R apply to all shelters assisted under ESG program and all housing occupied by program participants.

(b) Minimum standards for emergency shelters. Any building for which Emergency Solutions Grant (ESG) funds are used for conversion, major rehabilitation, or other renovation, must meet state or local government safety and sanitation standards, as applicable, and the following minimum safety, sanitation, and privacy standards. Any emergency shelter that receives assistance for shelter operations must also meet the following minimum safety, sanitation, and privacy standards. The recipient may also establish standards that exceed or add to these minimum standards.

(1) Structure and materials. The shelter building must be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents. Any renovation (including major rehabilitation and conversion) carried out with ESG assistance must use Energy Star and WaterSense products and appliances.

(2) 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.

(3) 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. Each resident must be provided an acceptable place to sleep.

(3) Interior air quality. Each room or space must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.

(4) Water supply. The water supply must be free of contamination.

(5) 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.

(7) Thermal environment. The shelter must have any necessary heating/cooling facilities in proper operating condition.

(8) 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.

(9) 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.

(10) Sanitary conditions. The shelter must be maintained in a sanitary condition.

(11) Fire safety. There must be at least one working smoke detector in each occupied unit of the shelter. Where possible, smoke detectors must be located near sleeping areas. The fire alarm system must be designed for hearing-impaired residents. All public areas of the shelter must have at least one working smoke detector. There must also be a second means of exiting the building in the event of fire or other emergency.

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

(1) Structure and materials. The structures must be structurally sound to protect residents from the elements and not pose any threat to the health and safety of the residents.

(2) Space and security. Each resident must be provided adequate space and security for themselves and their belongings. Each resident must be provided an acceptable place to sleep.

(3) Interior air quality. Each room or space must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.

(4) Water supply. The water supply must be free from contamination.

(5) Sanitary facilities. Residents must have access to sufficient sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.

(6) Thermal environment. The housing must have any necessary heating/cooling facilities in proper operating condition.

(7) Illumination and electricity. The structure must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the structure.

(8) Food preparation. All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.

(9) Sanitary conditions. The housing must be maintained in a sanitary condition.

(10) Fire safety. (i) There must be a second means of exiting the building in the event of fire or other emergency.

(ii) Each unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors must be located, to the extent practicable, in a hallway adjacent to a bedroom. If the unit is occupied by hearing impaired persons, smoke detectors must have an alarm system designed for hearing impaired persons in each bedroom occupied by a hearing impaired person.

(iii) The public areas of all housing must be equipped with a sufficient number, but not less than one for each area, of battery-operated or hard-wired smoke detectors. Public areas include, but are not limited to, laundry rooms, community rooms, day care centers, hallways, stairwells, and other common areas.

§576.404 Conflicts of interest.

(a) 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, any parent or subsidiary of the subrecipient, carry out the initial evaluation required under §576.401 or administer homelessness prevention assistance under §576.103.

(b) Individual conflicts of interest. For the procurement of goods and services, the recipient and its subrecipients must comply with the codes of conduct and conflict of interest requirements under 24 CFR 85.36 (for governments) and 24 CFR 85.37 (for private nonprofit organizations). For all other transactions and activities, the following restrictions apply:

(1) 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 get 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.

(2) 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.

(3) 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.

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

(A) 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

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

(u) 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:

(A) 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;

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

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

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

(E) 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

(F) Any other relevant considerations.

(c) To the maximum extent practicable, the recipient or 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.

§ 576.406 Faith-based activities.

(a) Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to receive ESG funds. Neither the Federal Government nor a State or local government receiving funds under ESG shall discriminate against an organization on the basis of the organization’s religious character or affiliation.

(b) Organizations that are directly funded under the ESG program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under ESG, if an organization conducts these activities, the activities must be offered separately, in time or location, from the programs or services funded under ESG, and participation must be voluntary for program participants.

(c) Any religious organization that receives ESG funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that the religious organization does not use direct ESG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide ESG-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, an ESG-funded religious organization retains its authority over its internal governance, and the organization 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.

(d) An organization that receives ESG funds shall not, in providing ESG assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief.

(e) ESG funds may not be used for the rehabilitation of structures to the extent that those structures are used for inherently religious activities. Solutions ESG funds may be used for the rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under the ESG program. Where a structure is used for both eligible and inherently religious activities, ESG funds may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds. Sanctuaries, chapels, or other rooms that an ESG-funded religious congregation uses as its principal place of worship, however, are ineligible for funded improvements under the program. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (see 24 CFR parts 84 and 85).

(f) If the recipient or a subrecipient that is a local government voluntarily contributes its own funds to supplement federally funded activities, the recipient or subrecipient has the option to segregate the Federal funds from the commingled funds. However, if the funds are commingled, this section applies to all of the commingled funds.

§ 576.407 Other Federal requirements.

(a) General. The requirements in 24 CFR part 5, subpart A are applicable, including the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a). Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and implementing regulations at 24 CFR part 135 apply, except that homeless individuals have priority over other Section 3 residents in accordance with § 576.405(c).

(b) Affirmative outreach. 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.

(c) Uniform Administrative Requirements. The requirements of 24 CFR part 85 apply to the recipient and subrecipients that are units of general purpose local government, except that 24 CFR 85.24 and 85.42 do not apply, and program income is to be used as match under 24 CFR 85.25(g). The requirements of 24 CFR part 84 apply to subrecipients that are private nonprofit organizations, except that 24 CFR 84.23 and 84.53 do not apply, and program income is to be used as the nonfederal share under 24 CFR 84.24(b). These regulations include allowable costs and non-Federal audit requirements.

(d) Environmental review responsibilities. (1) Activities under this part are subject to environmental review by HUD under 24 CFR part 50. The recipient shall supply all available, relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR part 50. The recipient also shall carry out mitigating measures required by HUD or select alternate eligible property. HUD may eliminate from consideration any application that would require an Environmental Impact Statement (EIS).

(2) The recipient or subrecipient, or any contractor of the recipient or subrecipient, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under this part, or commit or expend HUD or local funds for eligible activities under this part, until HUD has performed an environmental review under 24 CFR part 50 and the recipient has received HUD approval of the property.

(e) Davis-Bacon Act. The provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a–5) do not apply to the ESG program.

(f) Procurement of Recovered Materials. The recipient and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired by the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

§576.408 Displacement, relocation, and acquisition.

(a) Minimizing displacement. Consistent with the other goals and objectives of Emergency Solutions Grant (ESG), the recipient and its subrecipients must assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted under Emergency Solutions Grant (ESG).

(b) Temporary relocation not permitted. No tenant-occupant of housing (a dwelling unit) that is converted into an emergency shelter may be required to relocate temporarily for a project assisted with ESG funds, or be required to move to another unit in the same building/complex. When a tenant moves for a project assisted with ESG funds under conditions that trigger the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), 42 U.S.C. 4601–4655, as described in paragraph (c) of this section, the tenant should be treated as permanently displaced and offered relocation assistance and payments consistent with that paragraph.

(c) Relocation assistance for displaced persons. (i) In general. A displaced person (defined in paragraph (c)(2) of this section) must be provided relocation assistance at the levels described in, and in accordance with, the URA and 49 CFR part 24. A displaced person must be advised of his or her rights under the Fair Housing Act (42 U.S.C. 3601 et seq.). Whenever possible, minority persons shall be given reasonable opportunities to relocate to comparable and suitable decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require providing a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling. (See 49 CFR 24.205(c)(2)(ii)(D). As required by Section 504 of the Rehabilitation Act (49 U.S.C. 794) and 49 CFR part 24, replacement dwellings must also contain the accessibility features needed by displaced persons with disabilities.

(2) Displaced Person. (i) For purposes of paragraph (c) of this section, the term "displaced person" means any person (family, individual, business, nonprofit organization, or farm, including any corporation, partnership, or association) that moves from real property, or moves personal property from real property, permanently, as a direct result of acquisition, rehabilitation, or demolition for a project assisted under the ESG program. This includes any permanent, involuntary move for an assisted project, including any permanent move from the real property that is made:

(A) After the owner (or person in control of the site) issues a notice to move permanently from the property or refuses to renew an expiring lease, if the move occurs on or after:

(I) The date of the submission by the recipient (or subrecipient, as applicable) of an application for assistance to HUD (or the recipient, as applicable) that is later approved and funded if the recipient (or subrecipient, as applicable) has site control as evidenced by a deed, sales contract, or option contract to acquire the property;

(ii) The date on which the recipient (or subrecipient, as applicable) selects the applicable site, if the recipient (or subrecipient, as applicable) does not have site control at the time of the application, provided that the recipient (or subrecipient, as applicable) eventually obtains control over the site; or

(B) Before the date described in paragraph (c)(2)(i)(A) of this section, if the recipient or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the project; or

(C) By a tenant-occupant of a dwelling unit and the tenant moves after execution of the agreement covering the acquisition, rehabilitation, or demolition of the property for the project.

(ii) Notwithstanding paragraph (c)(2)(i) of this section, a person does not qualify as a displaced person if:

(A) The person has been evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement; violation of applicable Federal, State or local law, or other good cause; and the recipient determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance.

(B) The person moved into the property after the submission of the
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§ 576.500 Recordkeeping and reporting requirements.

(a) In general. The recipient must have policies and procedures to ensure the requirements of this part are met. The policies and procedures must be established in writing and implemented by the recipient and its subrecipients to ensure that ESG funds are used in accordance with the requirements. In addition, sufficient records must be established and maintained to enable the recipient and HUD to determine whether ESG requirements are being met.

(b) Homeless status. The recipient must maintain and follow written intake procedures to ensure compliance with the homeless definition in § 576.2. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status. The procedures must establish the order of priority for obtaining evidence as third-party documentation first, intake worker observations second, and certification from the person seeking assistance third. However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, rapid rehousing services, or being immediately admitted to shelter or receiving services provided by a victim service provider. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides or changes of the dates on which entries are made.

(1) If the individual or family qualifies as homeless under paragraph (1)(i) or (ii) of the homeless definition in § 576.2, acceptable evidence includes 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, or a certification by the individual or head of household seeking assistance.

(2) If the individual qualifies as homeless under paragraph (1)(iii) of the homeless definition in § 576.2, because he or she resided in an emergency shelter or place not meant for human habitation and is exiting an institution where he or she resided for 90 days or less, acceptable evidence includes the evidence described in paragraph (b)(1) of this section 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 in paragraph (b)(2)(i) of this section is not obtainable, a written record of the intake worker’s due diligence in attempting to obtain the evidence described in paragraph (b)(2)(i) 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.

(3) If the individual or family qualifies as homeless under paragraph (2) of the homeless definition in § 576.2, because the individual or family will imminently lose their housing, the evidence must include:

(A) A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law;

(B) For individuals and families whose present or future residence is a hotel or motel room not paid for by charitable organizations or federal, state, or local government programs for low-income individuals, evidence that the individual or family lacks the resources necessary to reside there for more than 14 days after the date of application for homeless assistance; or

(C) An oral 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 14 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: (i) 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 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; or (ii) if the intake worker is unable to contact the owner or renter, be documented by a written certification by the intake worker of his or her due diligence in attempting to obtain the owner or renter’s verification and the written certification by the individual or head of
household seeking assistance that his or her statement was true and complete; (ii) Certification by the individual or head of household that no subsequent residence has been identified; and (iii) Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.

(5) If the individual or family qualifies as homeless under paragraph (3) of the homeless definition in § 576.2, because the individual or family does not otherwise qualify as homeless under the homeless definition but is an unaccompanied youth under 25 years of age, or homeless family with one or more children or youth, and is defined as homeless under another Federal statute or section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), the evidence must include:


(ii) For paragraph (3)(ii) of the homeless definition in § 576.2, referral by a housing or service provider, written observation by an outreach worker, or certification by the homeless individual or head of household seeking assistance;

(iii) For paragraph (3)(iii) of the homeless definition in § 576.2, certification by the individual or head of household and any available supporting documentation that the individual or family moved two or more times during the 60-day period immediately preceding the date of application for homeless assistance, including: recorded statements or records obtained from each owner or reenter of housing, provider of shelter or housing, social worker, case worker, or other appropriate official of a hospital or institution in which the individual or family resided; or, where these statements or records are unobtainable, a written record of the intake worker’s due diligence in attempting to obtain these statements or records. Where a
the criteria under paragraph (1)(iii) of the definition of “at risk of homelessness” in §576.2; or
(c) To the extent that source documents and third-party verification are unobtainable, a written statement by the recipient’s or subrecipient’s intake staff describing the efforts taken to obtain the required evidence; and
(iv) The most reliable evidence available to show that the program participant meets one or more of the conditions under paragraph (1)(iii) of the definition of “at risk of homelessness” in §576.2. Acceptable evidence includes:

(A) Source documents that evidence one or more of the conditions under paragraph (1)(iii) of the definition (e.g., eviction notice, notice of termination from employment, bank statement);

(B) To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., former employer, owner, primary leaseholder, public administrator, hotel or motel manager) or the written certification by the recipient’s or subrecipient’s intake staff of the oral verification by the relevant third party that the applicant meets one or more of the criteria under paragraph (1)(iii) of the definition of “at risk of homelessness”; or

(C) To the extent that source documents and third-party verification are unobtainable, a written statement by the recipient’s or subrecipient’s intake staff that the staff person has visited the applicant’s residence and determined that the applicant meets one or more of the criteria under paragraph (1)(iii) of the definition or, if a visit is not practicable or relevant to the determination, a written statement by the recipient’s or subrecipient’s intake staff describing the efforts taken to obtain the required evidence; or

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

(d) Determinations of ineligibility. For each individual and family determined ineligible to receive Emergency Solutions Grant (ESG) assistance, the record must include documentation of the reason for that determination.

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

(1) Income evaluation form containing the minimum requirements specified by HUD and completed by the recipient or subrecipient; and

(2) Source documents for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation (e.g., wage statement, unemployment compensation statement, public benefits statement, bank statement);

(3) To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., employer, government benefits administrator) or the written certification by the recipient’s or subrecipient’s intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period for which representative data is available; or

(4) To the extent that source documents and third-party verification are unobtainable, the written certification by the program participant of the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.

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

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

(2) Compliance with the applicable requirements for providing services and assistance to that program participant under the program components and eligible activities provisions at §576.101 through §576.106, the provision on determining eligibility and amount and type of assistance at §576.401(a) and (b), and the provision on using appropriate assistance and services at §576.401(d) and (e); and

(g) Where applicable, compliance with the termination of assistance requirement in §576.402.

(h) Centralized or coordinated assessment systems and procedures. The recipient and its subrecipients must keep documentation evidencing the use of, and written intake procedures for, the centralized or coordinated assessment system(s) approved by the Continuum of Care(s) in accordance with the requirements established by HUD.

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

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

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

(l) Emergency shelter facilities. The recipient must keep records of the emergency shelters assisted under the ESG program, including the amount and type of assistance provided to each emergency shelter. As applicable, the recipient’s records must also include documentation of the value of the building before the rehabilitation of an existing emergency shelter or after the conversion of a building into an emergency shelter and copies of the recorded deed or use restrictions.

(m) Services and assistance provided. The recipient must keep records of the types of essential services, rental assistance, and housing stabilization and relocation services provided under the recipient’s program and the amounts spent on these services and assistance. The recipient and its subrecipients that are units of general purpose local government must keep records to demonstrate compliance with the maintenance of effort requirement, including records of the unit of the general purpose local government’s annual budgets and sources of funding for street outreach and emergency shelter services.

(n) Coordination with Continuum(s) of Care and other programs. The recipient and its subrecipients must document their compliance with the
requirements of § 576.400 for consulting
with the Continuum(s) of Care and
coordinating and integrating ESG
assistance with programs targeted
toward homeless people and
mainstream service and assistance
programs.

(n) HMIS. The recipient must keep
records of the participation in HMIS or
a comparable database by all projects of
the recipient and its subrecipients.

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

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

(q) Homeless participation. The
recipient must document its compliance
with the homeless participation
requirements under § 576.405.

(r) Faith-based activities. The
recipient and its subrecipients must
document their compliance with the
faith-based activities requirements
under § 576.406.

(s) Other Federal requirements. The
recipient and its subrecipients must
document their compliance with the
Federal requirements in § 576.407, as
applicable, including:

(1) Records demonstrating compliance
with the nondiscrimination and equal
opportunity requirements under
§ 576.407(a), including data concerning
race, ethnicity, disability status, sex,
and family characteristics of persons
and households who are applicants for,
or program participants in, any program
or activity funded in whole or in part
with ESG funds and the affirmative
outreach requirements in § 576.407(b).

(2) Records demonstrating compliance
with the uniform administrative
requirements in 24 CFR part 85 (for
governments) and 24 CFR part 84 (for
nonprofit organizations).

(3) Records demonstrating compliance
with the environmental review
requirements, including flood insurance
requirements.

(4) Certifications and disclosure forms
required under the lobbying and
disclosure requirements in 24 CFR part
87.

(o) Relocation. The records must
include documentation of compliance
with the displacement, relocation, and
acquisition requirements in § 576.408.

(u) Financial records. (1) The
recipient must retain supporting
documentation for all costs charged to
the ESG grant.

(2) The recipient and its subrecipients
must keep documentation showing that
ESG grant funds were spent on
allowable costs in accordance with the
requirements for eligible activities
under § 576.101-§ 576.109 and the
cost principles in OMB Circulars A-18 (2
CFR part 225) and A-122 (2 CFR part
230).

(3) The recipient and its subrecipients
must retain records of the receipt and
use of program income.

(4) The recipient must keep
documentation of compliance with
the expenditure limits in § 576.100 and
the expenditure deadline in § 576.203.

(o) Subrecipients and contractors. (1)
The recipient must retain copies of all
solicitations of and agreements with
subrecipients, records of all payment
requests by and dates of payments made
to subrecipients, and documentation of
all monitoring and sanctions of
subrecipients, as applicable. If the
recipient is a State, the recipient must
keep records of each recapture and
distribution of recaptured funds under
§ 576.501.

(2) The recipient and its subrecipients
must retain copies of all procurement
contracts and documentation of
compliance with the procurement
requirements in 24 CFR 85.36 and 24
CFR 84.40-84.48.

(3) The recipient must ensure that its
subrecipients comply with the recordkeeping requirements specified by
the recipient and HUD notice or
regulations.

(w) Other records specified by HUD.
The recipient must keep other records
specified by HUD.

(x) Confidentiality. (1) The recipient
and its 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
assistance under the ESG grant 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.

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

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

(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.

(2) Access to records. (1) Federal
government rights. Notwithstanding the
confidentiality procedures established
under paragraph (w) of this section,
HUD, the HUD Office of the Inspector
General, and the Comptroller General of
the United States, or any of their
authorized representatives, must have
the right of access to all books,
documents, papers, or other records of
the recipient and its subrecipients that
are pertinent to the ESG grant, in order
to make audits, examinations, excerpts,
and transcripts. These rights of access
are not limited to the required retention
period but last as long as the records are
retained.
(2) Public rights. The recipient must provide citizens, public agencies, and other interested parties with reasonable access (consistent with state and local laws regarding privacy and obligations of confidentiality and the confidentiality requirements in this part) to records regarding any uses of ESG funds the recipient received during the preceding 5 years.

(a) Reports. The recipient must collect and report data on its use of ESG funds in the Integrated Disbursement and Information System (IDIS) and other reporting systems, as specified by HUD. The recipient must also comply with the reporting requirements in 24 CFR parts 85 and 91 and the reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note), which are set forth in Appendix A to 2 CFR part 170.

§ 576.501 Enforcement.

(a) Performance reviews.

(1) HUD will review the performance of each recipient in carrying out its responsibilities under this part whenever determined necessary by HUD, but at least annually. In conducting performance reviews, HUD will rely primarily on information obtained from the records and reports from the recipient and, when appropriate, its subrecipients, as well as information from onsite monitoring, audit reports, and information from IDIS and HMIS. Where applicable, HUD may also consider relevant information pertaining to the recipient’s performance gained from other sources, including citizen comments, complaint determinations, and litigation. Reviews to determine compliance with specific requirements of this part will be conducted as necessary, with or without prior notice to the recipient.

(2) If HUD determines preliminarily that the recipient or one of its subrecipients has not complied with an ESG program requirement, HUD will give the recipient notice of this determination and an opportunity to demonstrate, within the time prescribed by HUD and on the basis of substantial facts and data, that the recipient has complied with Emergency Solutions Grant (ESG) requirements. HUD may change the method of payment to require the recipient to obtain HUD’s prior approval each time the recipient draws down Emergency Solutions Grant (ESG) funds. To obtain prior approval, the recipient may be required to manually submit its payment requests and supporting documentation to HUD in order to show that the funds to be drawn down will be expended on eligible activities in accordance with all ESG program requirements.

(3) If the recipient fails to demonstrate to HUD’s satisfaction that the activities were carried out in compliance with ESG program requirements, HUD will take one or more of the remedial actions or sanctions specified in paragraph (b) of this section.

(b) Remedial actions and sanctions.

Remedial actions and sanctions for a failure to meet an ESG program requirement will be designed to prevent a continuation of the deficiency; mitigate, to the extent possible, its adverse effects or consequences; and prevent its recurrence.

(1) HUD may instruct the recipient to submit and comply with proposals for action to correct, mitigate, and prevent noncompliance with ESG requirements, including:

(i) Preparing and following a schedule of actions for carrying out activities affected by the noncompliance, including schedules, timetables, and milestones necessary to implement the affected activities;

(ii) Establishing and following a management plan that assigns responsibilities for carrying out the remedial actions;

(iii) Canceling or revising activities likely to be affected by the noncompliance, before expending ESG funds for the activities;

(iv) Reprogramming ESG funds that have not yet been expended from affected activities to other eligible activities;

(v) Suspending disbursement of ESG funds for some or all activities;

(vi) Reducing or terminating the remaining grant of a subrecipient and reallocating those funds to other subrecipients; and

(vii) Making matching contributions before or as draws are made from the recipient’s ESG grant.

(2) HUD may change the method of payment to a reimbursement basis.

(3) HUD may suspend payments to the extent HUD deems it necessary to preclude the further expenditure of funds for affected activities.

(4) HUD may remove the recipient from participation in reallocations of funds under subpart D of this part.

(5) HUD may deny matching credit for all or part of the cost of the affected activities and require the recipient to make further matching contributions to make up for the contribution determined to be ineligible.

(6) HUD may require the recipient to reimburse its line of credit in an amount equal to the funds used for the affected activities.

(7) HUD may reduce or terminate the remaining grant of a recipient and reallocate those funds to other recipients in accordance with subpart D of this part.

(8) HUD may condition a future grant.

(9) HUD may take other remedies that are legally available.

(c) Recipient sanctions. If the recipient determines that a subrecipient is not complying with an ESG program requirement or its subgrant agreement, the recipient must take appropriate actions, as prescribed for HUD in paragraphs (a) and (b) of this section. If the recipient is a State and funds become available as a result of an action under this section, the recipient must reallocate those funds to other subrecipients as soon as practicable. If the recipient is a unit of general purpose local government of territory, it must either reallocate those funds to other subrecipients or reimburse the funds for other activities to be carried out by the recipient as soon as practicable. The recipient must amend its Consolidated Plan in accordance with its citizenship participation plan if funds become available and are reallocated or reprogrammed under this section. The reallocated or reprogrammed funds must be used by the expenditure deadline in §576.203.

Dated: November 8, 2011.

Mercedes Márquez,
Assistant Secretary for Community Planning and Development

[FR Doc. 2011–80036 Filed 12–2–11; 8:45 am]
BILLING CODE 4210–47–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 91, 582, and 583
[Docket No. FR–5333–F–02]
RIN 2506–AC26

Homeless Emergency Assistance and Rapid Transition to Housing: Defining “Homeless”

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, consolidates three of the separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program, revises the Emergency Shelter Grants program and renames the program the Emergency Solutions Grants program,
APPENDIX 2:

Written Standards
CLARK COUNTY EMERGENCY SOLUTIONS GRANT PROGRAM
WRITTEN STANDARDS

i. Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under Emergency Solutions Grant (ESG)

Individuals and families eligible for emergency shelter housing funded by ESG funds must be homeless as defined by the General Definition of Homeless Individual, found in the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH Act) Section 103. [42 USC 11302]

Clients assisted with ESG funds need to be entered into HMIS during client intake, agency must maintain a minimum HMIS data quality of 90%. An exception to this is any agency specifically providing emergency shelter to victims of domestic violence, stalking, sexual abuse and trafficking. In this case, a comparable database should be used that protects the identity and safety of clients.

In addition to use of HMIS during client intake, case managers/ intake workers must also complete the Homeless Prevention Assistance Consortium Housing Needs Assessment matrix when conducting client intake. Intake matrix should be printed on the non-profit agency’s letterhead/ or include agency’s name and be kept in client file unless uploaded into HMIS and identified as agency’s document.

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

Clark County is not using this funding for Street Outreach activities.

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

All homeless individuals/families seeking shelter must be provided shelter. If there are no appropriate or available beds for the client at the location he/she is seeking assistance, then the agency must place client into another appropriate shelter. There is no county imposed limit on the length of stay. It is the discretion of the agency and program providing shelter services to set limits, if any, on the length of stay depending on the target population, client’s barriers to obtain permanent housing, and other circumstances the client is facing.

Per HUD, sheltered families with children cannot be broken apart. If no shelter is available on-site, an alternative living arrangement must place the family together which may include placement at another shelter that houses families, or hotel-motel rooms (in areas where no other appropriate shelter is available).

Providers should aim to have clients leave the program into a permanent and stable housing situation. This can be placement into supportive housing, or client may become self-sufficient and able to maintain his/her own housing with a stable source in income.

If client leaves the program and is not stably housed, all efforts should be made to place client into another more appropriate shelter/ housing situation.
Vulnerable populations seeking shelter need access to appropriate shelter that is safe, sanitary, and habitable. This population includes victims of domestic violence, youth, people with special needs, the elderly, medically frail, mentally ill, and victims of human trafficking. Upon intake and if necessary, client may be referred and sheltered in a more appropriate location elsewhere. Currently there are a few providers that offer emergency shelter beds and supportive services to these vulnerable populations. There is no time limit on their length of stay. Clients are not discharged back out to the street or into unsafe living conditions, but if necessary are referred to another appropriate housing program.

In addition to homeless clients seeking shelter, street outreach is conducted by local homeless providers including the Las Vegas Metropolitan Police Department to get homeless people located in places not meant for human habitation into emergency shelter or transitional/permanent housing.

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

Clients assisted with ESG funds are to be entered into HMIS during client intake and agency must maintain a minimum HMIS data quality of 90%. An exception to this is any agency specifically providing emergency shelter to DV, victims of stalking, sexual abuse and trafficking. In this case a comparable database should be used that protects the identity and safety of clients.

In addition to use of HMIS during client intake, case managers/intake workers must also complete the (Homeless Prevention Assistance Consortium) Housing Needs Assessment matrix when conducting client intake. Intake matrix should be printed on the non-profit agency’s letterhead or include agency’s name and be kept in client file unless uploaded into HMIS and identified as agency's document.

Intake staff will conduct a housing needs assessment interview for each individual/family seeking emergency shelter. The housing needs assessment matrix is included in that interview. Clients are assigned between 10 and 50 points. Ten points is the most stable and in need of the least amount of assistance. Fifty points is the least stable, where the client faces significant barriers to obtain stable housing and which would determine that the client needs a high level of supportive services and connections to other programs in order to regain stability. During intake, shelter staff also looks at other factors and barriers to permanent housing to determine the appropriate services, program, etc. for clients.

Per the ESG Interim rule, program participants must meet at least monthly with a case manager who must develop an individualized permanent housing plan for each participant/household.

In addition to shelter, clients must be assisted to the maximum extent possible with connections to other programs targeted to homeless people in the local Continuum of Care area, as well as mainstream housing, health, social services, employment, education and youth programs for which they may be eligible. (See 576.4 Area-wide systems coordination, sections b and c for a full list). This includes CoC, HUD-VASH, Education for homeless Children and Youth, Health Care for Homeless, Runaway and Homeless Youth, Homeless Veterans Reintegration, Section 8, Public Housing, HOME Investment Partnership, Workforce Investment Act, and TANF programs. When assisting vulnerable populations, services need to be tailored to address their special needs.

To improve awareness of services, ESG funded agencies are required to attend training and meeting sessions on homeless services in the community. This includes the Mainstream Programs Basic Training, the SNRPC Committee on Homelessness meetings, and SOAR training.

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

To improve collaboration and awareness of services, ESG funded agencies are required to attend training and meeting sessions on homeless services in the community.

Case management and intake staff are required to attend **Mainstream Programs Basic Training classes** which provide information on the local and federal resources and programs covering the following core topics include: Income Supports, Employment Services, Health Care, Legal Services, and Housing Resources. Topics in FY11 included: Veterans, Housing Resources, Employment Services/Income Supports, Addictions & Mental Health, Homeless Youth/Young Adults and Families w/ Children, Human Trafficking, Senior Services/ HealthCare Services, Legal Services/ Financial Literacy, Domestic Violence, HIV/AIDS, and Services for Persons with Disabilities.

ESG subrecipients on the director or management level must attend a minimum of 5 Southern Nevada Regional Planning Commission- **Committee on Homelessness** (SNRPC CoH) meetings per year.

One staff member from each ESG funded program providing direct supportive services to is highly encouraged to complete SSI/SSDI, Outreach, Access, and Recovery (SOAR) training within 18 months of the date their assistance agreement for ESG funds is fully executed. Outcomes need to be reported to the Office of the Regional Homeless Coordinator at least once per year. (SOAR) training is available for direct service workers who once trained, understand Disability Determination Services and Social Security Administration’s requirements and need for appropriate documentation, which decreases the time to issue determinations and reduce the need for appeals. It is a national project funded by Substance Abuse and Mental Health Services Administration (SAMHSA). SOAR training helps case managers speed up the time between application of benefits and receipt of benefits for clients eligible for assistance. This would highly benefit eligible adults who are homeless or at risk of homelessness and have a mental illness and/or co-occurring substance abuse disorder. This is a population that faces high barriers to seeking stable affordable permanent housing.

vi. **Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and which eligible families and individuals will receive rapid re-housing assistance;**

**Intake and HMIS:** Subrecipients will be required to use HMIS during client intake and also complete the Housing Needs Assessment matrix when conducting client intake for homeless prevention or rapid re-housing assistance. Clients seeking homeless prevention or rapid re-housing assistance will also need to complete the Homeless Prevention Consortium Supplemental Application for Rent and/or Utility Assistance. Criteria must be supported by documentation that has been copied and uploaded into the electronic file in HMIS and stored in the client’s paper file.

**Homeless Prevention:** Eligible participants are individuals/families with incomes below 30% Area Median Income, at risk of becoming homeless and moving into an emergency shelter or a place not meant for human habitation. All assisted individuals/families must meet eligibility criteria as outlined at 576.103 Homeless Prevention Component in Interim Rule. Participants are eligible if they meet the HUD definition of “at risk of homelessness”, or who meet the criteria in paragraph 2, 3, or 4 of the homeless definition AND have an annual income below 30% of area median family income. Those who meet the HUD criteria of eligibility and who score over 30 points on the Housing Needs Assessment matrix will receive priority for assistance over other eligible persons.
**Rapid Re-housing:** Eligible participants need to be literally homeless. To be eligible beneficiaries must meet the definition of homelessness under paragraph 1 of the “homeless definition” defined by the ESG interim rule, or meet criteria under paragraph 4 of homeless definition AND live in an emergency shelter or other place described in paragraph 1 of homeless definition. Clients eligible under the HUD definition of literally homeless and who score over 40 points on the Housing Needs Assessment matrix will receive priority over other eligible persons.

**vii. 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;

**viii. 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;

**ix. 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 to Prevent Eviction:** All clients will complete the Homeless Prevention Consortium Housing Needs Assessment Matrix and the Supplemental Application for Rent and/or Utility Assistance. Clients eligible under the HUD definition of at risk of homelessness and who score over 30 points on the matrix will receive priority over other eligible persons who are at risk of homelessness. HUD requires clients receiving assistance for homeless prevention to be re-evaluated at least once every three months.

Furthermore, the following local conditions apply:

**Homeless Prevention:**

**For Short-term rent (1-3 months of assistance allowed at 100% rate of rent)**

1. The household will actively engage in a Housing Stabilization Plan, the goal of which will be to either increase income and/or reduce expenses such that the rental cost is no more than 80% of the household’s net income;
2. The client household will enter into a Client Contract, agreeing to participate in case management and other activities designed to improve their ability to remain stably housed.
3. The initial assistance must have been necessary to avoid eviction (eviction notice required), or to avoid or reduce an unnecessary episode of homelessness of the household;
4. Rental assistance may not be provided to a program participant receiving rental assistance from other public sources (except for 6 months arrears);
5. Rental rates must not exceed the Fair Market Rent specified for household size and rental rates must comply with HUD’s rent reasonableness.
6. Any housing units constructed before January 1, 1978 will be assessed for lead based paint hazards;
7. Each household receiving rental assistance must have a legally binding, written lease (between the owner and participant household) for the rental unit in their name, unless the assistance is solely for rental arrears.
8. Arrears (no more than 6 months) must be paid off first to bring the balance to zero if possible. Payment of rental arrears can only be a one-time payment up to 6 months including any late fees on those arrears.
9. Unit owners must be paid on a timely basis in accordance with the rental assistance agreement. Any late payment penalties that are incurred must be paid by subrecipient or household (with non-ESG funds).
10. The household will be "recertified" for eligibility no later than the 20th day at the end of the 3rd month.
11. A second and third issuance of rental assistance can be considered when the household demonstrates compliance with and progress on the Housing Stability Plan.
12. If the third month recertification and assessment finds that the client needs additional assistance, and if the household demonstrates compliance with and progress on the Housing Stability Plan, client may proceed to receive medium term rent assistance (4-13 months of assistance) and must continue to be re-assessed every month.

For medium term rent (4-13 months of assistance) Up to 100% of the fourth month of rent may be paid. Months 5-13 may be paid at a rate of 75% of rent.

1. Priority will be given to households who score 30 points or more on the Housing Needs Assessment Matrix and who may need more than 3 months to stabilize;
2. The household will continue to actively engage in a Housing Stabilization Plan, the goal of which will be to either increase income and/or reduce expenses such that the rental cost is no more than 80% of the household’s net income;
3. The household will be “recertified” for eligibility monthly, not later than the 20th day of each month (late fees for subsequent months will not be paid with ESG funds);
4. Each additional 4th-12th month of rental assistance can be considered when the household demonstrates compliance with and progress on the Housing Stability Plan.

For short term & medium term rent and housing relocation & stabilization services:

1. If necessary to relocate to another affordable housing unit, security deposits may be paid but must equal no more than 2 months rent.
2. If necessary to obtain housing for household, last month’s rent (of prior housing unit) may be paid. Assistance must not exceed one month’s rent.
3. Arrears up to 6 months allowed by HUD including any late fees, must be one-time payment

Any combination of rental assistance including short term and medium term rental assistance, and payment of rental arrears, security deposits, last month’s rent, may not exceed 13 months during any 3-year period. However, arrears, last month’s rent, and security deposits are limited to onetime assistance per year.

The maximum times a participant can receive non-consecutive rental assistance is 3 times per 13 month period.

Assistance with Essential Utilities (eligible under housing relocation & stabilization services)

All clients will complete the Homeless Prevention Consortium Housing Needs Assessment Matrix and the Supplemental Application for Rent and/or Utility Assistance (1-13 months of assistance allowed)

The maximum times a participant can receive non-consecutive utility assistance is 3 times per 13 month period. However, utility arrear payments are limited to 1 time assistance per year.

Eligible utility services are gas, electric, water, and sewage.
4. Priority will be given to households that score over 30 points on the Housing Needs Assessment Matrix;
5. The utility is for a service at a housing unit leased or otherwise contracted to the assisted household.
6. Household is also to receive assistance with rent to avoid homelessness.
7. Utility service must be in client’s name and at the address they are living at and obtaining rental assistance.
8. Up to 13 months of utility payments per participant, per service, including up to 6 months of arrearages, per service is allowed (must pay arrear as onetime payment).
9. The utilities are in arrears (there is a past due amount). This is limited to one time per year.
10. Households with a shut off notice of utilities shall be assisted to bring the past due amount to a zero balance, provided utilities are no more than six (6) months in arrears and shall be considered for rental assistance in that or the following month. If the household has an Eviction Notice, they can be assisted with rent arrears and utilities arrears.
11. The client file must contain evidence that the household has applied for assistance from one or more of the Energy Assistance Programs administered through the Division of Welfare and Supportive Services of the State of Nevada or through the United Way of Southern Nevada;

**Rapid Re-housing**

All clients will complete the Housing Needs Assessment Matrix and the Supplemental Application for Rent and/or Utility Assistance. Clients eligible under the HUD definition of literally homeless and who score over 40 points on the matrix will receive priority over other eligible persons. HUD requires clients receiving assistance for rapid re-housing to be re-evaluated at least once per year, however, on a local basis, additional assessments are required (see below).

**Rental Assistance**

Generally, restrictions are similar to the rent and utility restrictions under Homeless Prevention, except that the maximum number of months client can be assisted is 15 months with rapid re-housing.

**For Short-term rent (1-3 months of assistance allowed at 100% rate of rent)**

1. The household should score over 30 points on the Housing Needs Assessment Matrix. Highest priority will be given to clients scoring over 40 points;
2. The household will actively engage in an intensive case management plan, the goal of which will be to either increase income and/or reduce expenses such that the rental cost is no more than 80% of the household’s net income;
3. The household will be “recertified” for eligibility at the end of the third month, not later than the 20th day of each month, and then after the 3rd month, on a monthly basis.
4. Rental assistance may not be provide to a program participant receiving rental assistance from other public sources
5. Rental application fees are eligible for ESG reimbursement (under housing relocation & stabilization services).
6. Security deposits may be paid but must equal no more than 2 months rent (eligible under housing relocation & stabilization services).
7. If necessary to obtain housing for household, last month’s rent (of prior housing unit) may be paid. Assistance must not exceed one month’s rent (eligible under housing relocation & stabilization services).
8. Each household receiving rental assistance must have a legally binding, written lease (between the owner and participant household) for the rental unit in their name.
9. The housing unit where the household will reside must be affordable to the household. Rental rates must not exceed the Fair Market Rent specified for household size and rental rates must comply with HUD's rent reasonableness.

10. Any housing units constructed before January 1, 1978 will be assessed for lead-based paint hazards;

11. The first issuance of assistance can be up to 100% of the upcoming month rent.

12. A second and third issuance of rental assistance can be considered when the household demonstrates compliance with and progress on intensive case management plan.

13. If necessary, client receiving short term assistance, and who receive 30 points or more on the Housing Needs Assessment Matrix upon reassessment may proceed to receive medium-term rent assistance (4-24 months of assistance) and continue to be reassessed every month.

For medium term rent (4-15 months of assistance): Month 4 can be paid at up to 100%, thereafter months 5-15 can be paid at 75%.

1. Priority will be given to households who score a minimum of 25 points on the Housing Needs Assessment Matrix and who need more than 3 months to acquire long term housing;

2. The household will actively engage in an intensive case management plan, the goal of which will be to either increase income and/or reduce expenses such that the rental cost is no more than 80% of the household's net income;

3. The household will be "recertified" for eligibility monthly, not later than the 20th day of each month (late fees for subsequent months will not be paid with ESG funds);

For short term & medium term rent and housing relocation & stabilization services:

1. If necessary to obtain an affordable housing unit, security deposits may be paid but must equal no more than 2 months rent.

2. If necessary to obtain housing for household, last month's rent (of prior housing unit) may be paid. Assistance must not exceed one month's rent.

3. Arrears up to 6 months allowed by HUD including any late fees, must be one-time payment.

Any combination of rental assistance including short term and medium term rental assistance, the payment of rental arrears, security deposits, last month's rent, may not exceed 15 months during any 3-year period.

The maximum amount of times a participant may receive non-consecutive rental assistance is 3 times per 15 month period. However arrearages, last month's rent, and security deposits are limited to a onetime assistance per year.

Assistance with Essential Utilities (eligible under housing relocation and stabilization services)

All clients will complete the Housing Needs Assessment Matrix and the Supplemental Application for Rent and/or Utility Assistance. Clients eligible the HUD definition of literally homeless and who score over 40 points on the matrix will receive priority over other eligible persons.

Generally, restrictions are similar to the rent and utility restrictions under Homeless Prevention except that the maximum number of months client can be assisted is 15 months with rapid re-housing.

1. Priority to households who score over 40 points on the Housing Needs Assessment Matrix;

2. Up to 15 months of utility payments per participant, per service, including up to 6 months of arrearages, per service is allowed (must pay arrear as a onetime payment). Eligible utility
services are gas, electric, water, and sewage. Household is also to receive assistance with rent in order to stabilize.

3. The assisted households 'existing arrears (of only up to 6 months) will need to paid off first to bring their past due balance to zero. After the payment of any arrearages, client may receive utility assistance for new utility charges.

4. Utility deposits to pay a standard utility deposit required by utility company are an eligible ESG expense (under housing relocation & stabilization services).

4. The utility is for a service must be at a housing unit leased or otherwise contracted to the assisted household.

5. The client file must contain evidence that the household has applied for assistance from one or more of the Energy Assistance Programs administered through the Division of Welfare and Supportive Services of the State of Nevada or through the United Way of Southern Nevada;

The maximum times a participant can receive non-consecutive utility assistance is 3 times per 15 month period.

Other Financial Assistance Standards

Moving Costs (for homeless prevention/rapid re-housing): Eligible costs are for moving costs, such as truck rental or hiring a moving company. ESG assistance may include payment of temporary storage fees for up to 3 months as long as fees are accrued after the program participant begins receiving ESG assistance.

1. 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

All clients will complete the Housing Needs Assessment Matrix. Clients eligible the HUD definition of at risk of homelessness and who score over 30 points on the matrix will receive priority for homeless prevention assistance over other eligible persons who are at risk of homelessness. Clients eligible under the HUD definition of literally homeless and who score over 40 points on the matrix will receive priority for rapid re-housing assistance over other eligible persons.

Those scoring higher points are in a higher need of the most extensive type of assistance. The type of housing relocation/ stabilization services provided to program participant will depend on his/her need as assessed by case manager.

Limits on housing stabilization and relocation services:
Financial assistance policies and procedures addressed above in detail.
There will be no maximum amount of assistance established per client.
The maximum amount of time a client may be assisted within a 3 year period:
13 months for Homeless Prevention assistance
15 months for Rapid-Rehousing assistance
The maximum times a participant may receive utility payment assistance is 3 times per 13 or 15 month period (depending on if assistance is for homeless prevention or rapid re-housing).
Utility arrear payments are limited to 1 time per year.
**Service costs include:** housing search and placement, housing stability case management, mediation, legal services, and credit repair. Except for housing stability case management there will be a limit of 13 months per 3 year period on service costs assistance for program participants receiving homeless prevention assistance, and 15 months per 3 year period months for program participants receiving rapid re-housing assistance.