FEDERAL FUNDS ADMINISTERED BY
CLARK COUNTY
FOR HOMELESS PROGRAMS

EMERGENCY SOLUTIONS GRANT PROGRAM

FISCAL YEAR 2014/2015

July 1, 2014 through June 30, 2015

PROGRAM MANUAL
and
APPLICANT PACKET

CONTAINING GUIDELINES, POLICY and PROCEDURES

BOARD OF COUNTY COMMISSIONERS

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CLARK COUNTY EMERGENCY SOLUTIONS GRANT FUNDS
FOR HOMELESS SHELTER/ HOUSING STABILIZATION
FISCAL YEAR 2014

TABLE OF CONTENTS

FEDERAL AND COUNTY RULES, REGULATIONS, POLICIES AND GUIDELINES

Introduction and Purpose 1

Funds Available, Eligibility, Match Requirements and Funding Priorities 2

How the Funding Decision is Made 7

Federal, Regional, and Local Regulations and Performance Standards 8

Fiscal Management Rules 8

Federal Program Requirements 9

Performance Standards 10

ELIGIBILITY CRITERIA

Eligible Applicant Agencies and Clients 13

DATA COLLECTION AND HMIS PARTICIPATION REQUIREMENTS

Data Collection and Reporting 14

Special Conditions Applicable to County Funding 15

TECHNICAL ASSISTANCE 17

Tentative Application Schedule 18

EXHIBIT 1: Application Instructions

EXHIBIT 2: Glossary

EXHIBIT 3: Income Limits Chart & Required Annual Reports

ATTACHMENTS

A. Urban County Consortium's HUD Consolidated Plan, Homeless Strategic Plan
B. Emergency Solutions Grant Program Regulations
C. Written Standards
D. HUD Outcome Performance Measurement
E. Helpful HUD documents: Homeless Definition, Eligibility and Recordkeeping
F. List of Helpful Websites and links

INTRODUCTION, PURPOSE AND OVERVIEW
OF THE EMERGENCY SOLUTIONS GRANT PROGRAM

Please read the following information before proceeding with grant application and instructions.

INTRODUCTION AND PURPOSE

The information outlined in this program manual will aid in understanding what the Emergency Solutions Grant (ESG) funds can support, how to complete the application, and how to participate in Clark County's ESG project selection process.

The ESG Program provides grants to states, metropolitan cities, urban counties, and the territories according to a formula set by the Department of Housing and Urban Development (HUD). The ESG program was formerly named the Emergency Solutions Grant program. It was recently renamed and replaced with the Emergency Solutions Grant Program by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act). The interim rule, published on December 5, 2011, revised the regulations of the old ESG program and established new regulations for the Emergency Solutions Grant program.

The newly amended 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. The program's focus changed from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

The purpose of the ESG Program is to provide funding to:

•Engage homeless individuals and families living on the street

•Improve the number and quality of emergency shelters for homeless individuals and families

•Help operate shelters

•Rapidly re-house homeless individuals and families

•Prevent families and individuals from becoming homeless.

ESG funds administered by Clark County are being made available to eligible nonprofit organizations that provide critical services to homeless individuals and families in and individuals and famiilies at risk of homelessness in Southern Nevada. There will be an emphasis on funding programs that rapid re-housing homeless people and projects that assist with homeless prevention to low income households/individuals.

The Emergency Solutions Grant funds are being made available to meet the needs of the homeless community in Southern Nevada and to further the Implementation Schedule of the Southern Nevada Regional Planning Coalition's Committee on Homelessness' HelpHopeHome plan to end homelessness. The ESG funds are authorized under HUD and as such, the ultimate goal of any program supported with ESG funds is to help homeless and low income people at risk of homelessness to: (1) achieve residential stability-ideally permanent housing (2) increase their skill levels and/or income, and (3) obtain greater self-determination.

Eligible activities include street outreach to provide essential services for unsheltered persons, emergency shelter operations and services for homeless clients at the shelters, homeless prevention and rapid re-housing assistance for housing relocation and stabilization services and short or medium term rental assistance, data collection through the Homeless Management information System (HMIS), and administrative costs. Please refer to the Glossary for the updated definition of a *homeless* person and a person at *risk of homelessness*.

Note that due to HUD restrictions on allocation of funds (60% maximum allocation allowed on the overall ESG grant for the homeless assistance categories) funds are limited for the homeless assistance related categories which include street outreach, emergency shelter/transitional housing operations and supportive services for those in emergency/transitional housing.

Street Outreach funds are eligible for UNSHELTERED HOMELESS PEOPLE (Category 1 of Homeless Definition and PEOPLE FLEEING DOMESTIC VIOLENCE (Category 4 of Homeless Definition). Note, that beneficiaries must be documented into HMIS. Please refer to the Interim Rule, § 576.101 Street Outreach Component for more details on eligible activities. Generally, eligible costs include funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. "Unsheltered homeless people" means individuals and families who qualify as homeless under paragraph (1)(i) of the "homeless" definition under § 576.2. These include engagement, case management, emergency health services, transportation, and services for special populations.

Emergency Shelter funds may be used for 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. Please refer to the Interim Rule, § 576.102 Emergency Shelter Component for more details on eligible activities. Individuals and families who are eligible are those defined as homeless under the homeless definition in categories 1, 2,3, and 4.

Major Rehabilitation, Conversion, or Renovation of a building to serve as a homeless shelter: Site must serve homeless persons for at least 3 or 10 years, depending on the cost. Note: Property acquisition and new construction are ineligible ESG activities. These activities will NOT be funded program year 2014/2015.

Operation of Emergency Shelters funds may be used for renovation of emergency shelter facilities and the operation of those facilities, as well as services for the residents (including case management, child care, education, employment assistance and job training, legal, mental health, substance abuse treatment, transportation, and services for special populations). HelpHopeHome's Strategy 8.3 seeks to maintain shelter programs throughout the region; ESG funds can provide annual operating support to programs that provide for

the basic needs of homeless persons with the goal of preventing further deterioration of their quality of life. The purpose is to assure that homeless persons have access to food, safe shelter, shower and restroom facilities and other services to maintain health and hygiene. Furthermore, ESG regulations require that shelters receiving ESG funds must assist homeless individuals in accessing mainstream programs and permanent housing.

Providing Essential Supportive Services for Emergency Shelter clients: A portion of the ESG allocation can be used to provide essential supportive services that homeless people need in order to regain stability and housing. Essential supportive services include financial assistance on behalf of a client to remove obstacles to self-sufficiency. Such financial assistance may include bus passes, gas vouchers, or child care while a parent searches for or engages in employment; help getting the work cards necessary to accept employment. Essential supportive services also includes assistance in obtaining permanent housing, and in obtaining other Federal, State, or local assistance such as TANF, SNAPS (formerly Food Stamps), child support enforcement, etc. and the staff salaries necessary to provide such service coordination efforts (case management).

Homelessness Prevention funds may be used for housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to prevent the individual or family from becoming homeless if:

- Annual income of the individual or family is below 30 percent of median family income
- Assistance is necessary to help program participants regain stability in their current permanent housing or move into other permanent housing and achieve stability in that housing.

Eligible costs include utilities, rental application fees, security deposits, last month's rent, utility deposits and payments, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, tenant legal services, and credit repair. Please refer to the Interim Rule, 576.103 for more details.

Homeless 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 30 percent of median family income for the area, as determined by HUD. *The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing*. 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. The written standards are attached to this program manual.

Rapid Re-Housing funds are available for housing relocation and stabilization services and short-and/or medium-term rental assistance as necessary to help individuals or families living in shelters or in places not

meant for human habitation move as quickly as possible into permanent housing and achieve stability in that housing. Eligible costs also include utilities, rental application fees, security deposits, last month's rent, utility deposits and payments, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, tenant legal services, and credit repair. Refer to Interim Rule 576.104 Rapid Re-Housing Component and the Glossary for more details.

If you are seeking funds for rapid re-housing you need to explain whether it will be tenant based of project based. Tenant based rental assistance is when the program participant selects their own place to live. Project based rental assistance is when the ESG subrecipient (agency receiving ESG funds) identifies a permanent housing unit where the program participant will live. Due to conflicts of interest prohibitions, most if not all agencies will need to resort to tenant- based rental assistance.

Please refer to the Interim Rule, 576.106, (h) and (i) for more details on these types of housing. Note that in the case of project based assistance, conflicts of interest must be avoided. Interim Rule 576.404 (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, or any parent or subsidiary of the subrecipient, carry out the initial evaluation required under § 576.401 or administer homelessness prevention assistance under § 576.103."

Homeless Prevention and Rapid Re-Housing sub-activities

Generally there are two activities within homeless prevention/ rapid re-housing which are housing relocation and stabilization and short-term and medium term rental assistance. For more details on these activies, refer to the Interim Rule, Sections, 576.103 (Homeless Prevention Component), 576.104 (Rapid Re-Housing assistance component), 576.105 (Housing re-location and stabilization services), 576.106 (Short-term and medium-term rental assistance), and the Written Standards.

- Housing Relocation and Stabilization services include: financial assistance costs in the form of rental application fees, security deposits, last month's rent, utility deposits, utility payments, moving costs. Services costs in the form of housing search and placement, housing stability case management, mediation, legal services and credit repair counseling. Note that all of these forms of financial assistance cannot be provided to a client who is also receiving the same type of assistance from other public sources.
- Short-term and Medium-Term Rental Assistance includes: short term rental assistance for up to 3 months of rent, and medium term rental assistance HUD allows up to 24 months but the total duration is locally capped to 13 months of rent per the Written standards. Rental assistance also includes payment of rental arrears, or any combination of that assistance.

Under no circumstances may the short-term subsidies of rent or utilities be used to support units or structures owned by the project sponsor, the grantee, their parent organization, a partnership of which the sponsor or grantee is a member, or any other related organization.

INELIGIBLE ACTIVITIES

These federal funds cannot be used for the following activities:

1. Purchase of construction equipment; however, compensation for the use of such equipment through leasing, depreciation, or use allowances are eligible.
2. Operations and maintenance expenses of facilities or other buildings not used as shelter for homeless persons.
3. Receipts or activities that occurred prior to the beginning of the applicable fiscal year.
4. Any travel (local or out-of-state) not associated with direct client services under homeless assistance, any staff development costs, or costs related to fundraising.
5. Any other ineligible activity as defined in the federal regulations governing ESG funds.

ELIGIBLE CLIENTS:

The ESG funds are intended to assist homeless individuals who meet the definition of homelessness or those at risk of homelessness with an Area Median Income below 30%. See Interim Rule and Glossary, definition of "homeless" and "at risk of homeless."

FUNDS AVAILABLE

As in previous years, the amount of the ESG funds that Clark County will receive under the entitlement process is still uncertain. For purposes of making applications available in a timely manner, an estimated amount based on last year's allocation will be used as a guideline for the amount of the grant competition. For the County's ESG allocation, this amount is estimated to be $500,000.

Approximately up to $300,000 (60% of the total ESG allocation) may be allocated to support homeless assistance activities which include: street outreach and shelter operations & supportive services. There is no percentage limit to the amount available for homeless prevention and rapid re-housing.

MATCHING FUNDS REQUIREMENT

Each grantee must match the ESG funding provided by Clark County with an equal amount of funds from other appropriate sources. These funds must be used by the agency to support the ESG-supported project after the date of the grant award notice by the County. Funds used to match a previous ESG grant may not be used to match a subsequent grant award. A grantee may comply with this requirement by providing the supplemental funds itself, or through supplemental funds or voluntary efforts, including volunteer staff. In calculating the time contributed by volunteers as match, the value shall be determined at the rate of $5 per hour. In calculating the value of any other donated material or building, or of any lease, the agency shall determine its value using a method reasonably calculated to establish a fair market value. Should an application receive a funding allocation, the agency will be required to submit an Affidavit of Matching Funds, declaring the source and amounts of funds to be used as match. Refer to Interim Rule, 576.201, Matching Requirement for more details.

FUNDING PRIORITIES

On a Federal level, funding is prioritized to assist people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. On a local level, needs have also been recognized through the Southern Nevada Regional Homeless and Housing Plan adopted by the Southern Nevada Regional Planning Coalition on July 28, 2005, and detailed in the HelpHopeHome: Southern Nevada's Plan to

End Homelessness Implementation Schedule. The latest version, "Southern Nevada's Regional Plan to End Homelessness 2010 Update," (an implementation schedule) is also available on the HelpHopeHome webpage at helphopehome.org. To this end, agencies and service providers should take note that the regional effort places great emphasis on providing intensive case management to all clients served in Southern Nevada.

The local CoC has identified the following as a priority need (for ESG funding) in the community, emergency shelters that help victims of domestic violence, shelters that keep families intact, youth, medically fragile homeless people inappropriate for mass shelter (preferably have licensed medical staff at the shelter), shelter for male household with children, intact families with 2 adults and a minor child, with connections to rapid re-housing.

HMIS

All projects funded through this competition must participate in the community's Homeless Management Information System (HMIS) by inputting client-level data into the Miner HMIS System, as administered by the Office of the Regional Homeless Coordinator. *Participation in the HMIS system is mandatory for all projects funded with ESG funds*. New and renewing projects funded with these ESG funds not only must be actively inputting client-level data for one month prior to any reimbursement of Fiscal Year 2013 ESG funds being approved but also– *the project's data input must also have achieved a Data Quality Rate of 90% or better to qualify for reimbursement to be released*. Once the project's data quality rate meets or exceeds the minimum requirements, any held reimbursements will be released and automatically paid within one month of achieving the goal data quality rate. The most effective method agencies can immediately implement to improve their data input quality rate is to input data directly into the HMIS during the client interview, and refrain from collecting the information on a paper intake sheet and inputting the data at a later time. If an agency believes that participation in the HMIS system is too burdensome for its project, it should not apply for these federal Emergency Solutions Grant funds.

All agencies receiving these federal funds and participating in the Miner-HMIS system must obtain the client's written, informed consent to have their personal information entered into the Miner-HMIS system, and shared with other homeless providers. Agencies qualifying as a victim service provider will not be required to participate in the Miner-HMIS system and therefore are not subject to the above-stated requirement of achieving a minimum of 90% data quality rate before reimbursements are approved. However a victim service provider 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.

An agency qualifies as a victim service provider if it is a non-profit, non-governmental organization and other agencies or programs whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking (programs such as rape crisis centers, battered women's shelters, domestic violence transitional housing programs qualify as victim service providers). Projects and agencies serving victims of violence as well as the general homeless or low-income population are not exempt from the requirement to participate in the Miner-HMIS system, even if a majority of clients served are victims of violence. These agencies must advise each client served of the purpose and uses of Miner-HMIS system, obtain the client's written consent or refusal, and must report on the clients served, yet not entered into the HMIS, in the Monthly Program Report, identifying the reasons client refused participation in the HMIS.

Please be aware that there are other federal and private funding resources for homeless services available from other sources. Namely, other local governments and the State of Nevada also receive Emergency Solutions Grant and Community Development Block Grant program funds, and the federal government has

several million dollars available for discretionary grants each year. For instance, HUD's primary source of funding for homeless services is made available in a national competition each year known as the Continuum of Care competition. For more information on this national competition, you may check the HUD website at www.hud.gov or contact the Regional Homeless Coordinator at 455-5832. The state and other departments of the federal government also have funding opportunities for services to low-income, disadvantaged households – typically through the Nevada Department of Health and Human Services.

All agencies and persons interested in participating in setting the priorities for homeless services in Southern Nevada are encouraged to participate in the community planning for these services. The SNRPC's Committee on Homelessness meets on the 3rd Thursday of each month at 2:00 p.m. in the Clark County Commission Chambers, 500 South Grand Central Parkway, Las Vegas, NV 89106. These meetings are also aired on Cable Channel 4.

HOW AND WHEN WILL THE PROJECTS BE SELECTED FOR FUNDING?

Clark County uses a citizen's advisory committee to review applications, query applicants, and make recommendations for funding based upon the community's needs. As in past years, the Clark County Community Development Advisory Committee (CDAC) will make these recommendations for the County Emergency Solutions Grant applicant projects. All applications will be reviewed by staff for eligibility and completeness prior to review by this Committee.

The CDAC will make recommendations to the Board of County Commissioners who will make final project selections for submittal to HUD. HUD must approve the selected projects before an award notification is made to the County and funds are released. The date for final selections will be determined by HUD by the application deadline date published in the Final Rule in the Federal Register. This date is unknown at the time these applications are made available.

Agencies awarded Fiscal Year 2014/2015 Emergency Solutions Grant program funds must register with the federal Central Contractor Registration (CCR) before funds can be committed. Registering in the CCR will require a DUNS number, which refers to the Data Universal Numbering System, which is a 9-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone or Internet (currently at http://www.dunandbradstreet.com).

Registration with the CCR must be maintained and kept current at all times when the agency has an active federal award – including federal funds passed through local entitlement agencies such as these Emergency Solutions Grant funds. The purpose of the CCR registration requirement is to fully implement the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282, hereafter referred to as "the Transparency Act"). That Act requires that a Web site be maintained where the public may access and search data on federal financial assistance awards. More information about this requirement is available in the June 6, 2008 Federal Register, pages 32417 – 32421 (guidance can be downloaded from http://edocket.access.gpo.gov/2008/pdf/E8-12558.pdf).

FEDERAL, REGIONAL, AND LOCAL REGULATIONS AND PERFORMANCE STANDARDS APPLICABLE TO PROJECTS SUPPORTED WITH THESE FEDERAL FUNDS FOR HOMELESS SERVICES

Please note that by submitting an application for funding, you are requesting financial support from federal funds administered by the U.S. Department of Housing and Urban Development and provided to Clark County as an Urban County entitlement area. The County is making these funds available to eligible nonprofit organizations that provide critical services to homeless individuals and families in Southern Nevada. These federal funds are subject to various federal regulations and requirements as well as County program and administrative requirements. This Program Manual will highlight several – but not all – of the federal regulations applicable to these federal funds; agencies are responsible for following all applicable federal regulations, whether they are listed in this Program Manual or not.

Fiscal Management and Accountability

The financial management requirements pertain to management of accounting systems, allowability of costs, audits, tracking and use of program income and pre-award cost limitations.

1. The ESG regulations require that non-profit subrecipients adhere to the following uniform administrative requirements:
    a. 2 CFR 230 (formerly OMB Circular A-122 "Cost Principles for Non-Profit Organizations") – this circular establishes principles for determining allowable costs under grants, contracts and other agreements with nonprofit organizations;
    b. Specific provisions of 24 CFR Part 84 (see 570.502(b)) – these regulations set forth uniform requirements for nonprofit organizations, including financial management systems, property standards, procurement standards, reporting and record keeping. Note: 24 CFR Part 84 implements OMB Circular A-110.
2. County grants are disbursed as reimbursement only; grant funds are paid to grant recipients based on actual expenditures. The agency must first expend its own funds on the "activities" approved in the Resolution to Grant Funds, and then submit appropriate documentation as a Request for Reimbursement.
    a. Appropriate documentation includes a copy of the *canceled* check, a copy of the receipt or invoice detailing what was purchased or paid for, and limited information on client beneficiary, if expenditure was on behalf of a client. If reimbursement is requested for staff salaries, appropriate documentation includes copies of pay stub, canceled check (or, in the case of EFTs, a copy of payment), time and activity sheets signed by supervisor, and proof of payment for payroll taxes and any fringe benefits.
    b. Full reimbursement will occur only WHEN
        i. the project is consistently inputting client-level data into the community's HMIS system for at least one month prior to reimbursement occurring, AND
        ii. the data input meets minimally acceptable quality standards, defined as an error rate of 10% or lower (data quality is 90% or better), and reported to program management staff

by the Miner-HMIS Program Coordinator monthly as a Data Quality Rate, determined as the percent of client records which are complete and accurate.

c. For projects experiencing a data quality rate of less than 90% accuracy, reimbursement of eligible expenses will be held until such time that the project's Data Quality meets or exceeds 90% accuracy for one month. Upon achieving the 90% standard, any eligible expenditures that were held until compliance was achieved will be released.

   i. The 90% data quality standard is to be maintained each month to receive full reimbursement of expenses; should the project again fall below the 90% data quality standard, the reimbursement will be withheld until the standard is again met.

   ii. Under no circumstances will withheld funds be made available after February 11, 2016.

3. Subrecipient agencies must have:

   a. Adequate accounting records that provide reliable, complete and up-to-date information about sources and uses of funds, including retention of "source documentation" (receipts, invoices, canceled checks, vouchers, etc.) for all financial transactions;

   b. Adequate internal controls that warrant against mis-use of funds or unallowable expenditures (at least two persons review each financial transaction – one requesting/justifying the expenditure, the other approving for payment) ;

   c. Bank account in the name of the agency; and

   d. All checks made payable to any Board Member or the Executive Director (reimbursements, mileage, payroll, etc.) MUST be signed by a Board Member authorized as a check signer by the Board of Directors, and the payee and payor must be different individuals.

4. Clark County will conduct on-site monitoring of County grants, for the following purposes:

   a. To ensure that County funds are used effectively to assist homeless individuals and families, and that program and County goals are met;

   b. To ensure compliance with grant regulations and program requirements in the usage of funds and in carrying out program activities;

   c. To ensure that Financial Systems are in place to track the use of awarded funds; and

   d. To enhance and develop the management capacity of recipients.

Other Federal Regulations

With federal funding come certain administrative and financial management requirements. Accepting federal funding also obligates the organization to observe an extra measure of due diligence with regard to federal laws that may require changes in practice. While most organizations' policies affirm a provision of service without regard to race, religion, ethnic origin, sex, etc., the current written procedures and practices may not be adequate for compliance with receiving federal funds. For instance, the Fair Housing Act requires non-discrimination in the provision of housing and services, and in practice, one must make reasonable accommodations for persons with Limited English Proficiency (LEP). Should your project receive funding, you will be required to submit your written plan of accommodation to this and other federal laws.

Furthermore, conflicts of interest – including the appearance of any conflict – is strictly prohibited.

1. The general rule is that no person who is an employee, agent, consultant, member of the Board of Directors or Advisory Board, or officer who exercises any functions or responsibilities with respect to expending grant funds or who are in a position to participate in a decision making process with regard to such activities, may obtain a financial interest or benefit from a County-funded activity or have a financial interest in any contract, subcontract, or agreement with respect to this County-funded project.
2. To avoid the appearance of any conflict of interest, this prohibition extends to immediate family (by blood or marriage) members of any of the aforementioned persons.
3. A period of 12 months must elapse from the time a former Board member, officer, agent, employee, etc. can resign from her/his position which causes a conflict before that person can begin to benefit or have a financial interest in any contract, subcontract, or agreement with respect to an activity supported with these federal funds.

Other requirements of projects assisted with these federal funds include:

- Full participation in the community homeless management information system, entitled Miner-HMIS, occurs by entering information concerning clients served and the services provided into the Miner-HMIS on at least a monthly basis. Requests for reimbursement of expenses related to the project will be held until the project has inputted data on all clients served in the prior month, as reflected in the Monthly Program Progress Reports and the monthly Miner Agency Client Count received from the Miner-HMIS Program Coordinator. Under no circumstances will funds be made available or reimbursed beyond February 11, 2016. Any FY 2014 funds held while awaiting compliance with this rule will be reprogrammed if compliance has not occurred by February, 11 2016.
    - Exception: "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.
- Clients are to be advised that their personal information will be entered into the Miner-HMIS, and must sign the written consent form available on the Miner HMIS website (www.miner-hmis.com). Should a client refuse her/his consent to input the information, the agency shall report the unduplicated number of clients refusing to participate in the HMIS in their Monthly Program Reports, identifying the reasons provided for refusal (i.e., victim of domestic violence, victim of other violence, victim of identity theft, etc.). The agency is responsible for tracking services provided and all characteristics required in the Annual Report so that the final, year-end Annual Report reflects the UNDUPLICATED number of individuals benefiting from services supported with these federal funds.
- Accurate and complete entry of client data into the Miner-HMIS system, resulting in a Data Quality rating of 90% or better from the Miner-HMIS system, as reflected in the monthly Miner Agency Client Count received from the Miner-HMIS Program Coordinator. Reimbursement of expenses will be withheld until a 90% data quality/accuracy is achieved. Again, Victim service providers will be exempted from this requirement, per the provisions of the Violence Against Women Act, Section 605.
- Front-line staff of the supported project must attend at least five (5) Mainstream Programs Basic Training workshops per year. Contact the Office of the Regional Homeless Coordinator at 455-5832 or request a schedule via e-mail to mhf@co.clark.nv.us.

- Annual Report at year-end detailing certain characteristics of the UNDUPLICATED number of individuals served over the year (unduplicated in the 12 months).
- ALL supported projects are expected to assist homeless individuals to access mainstream programs and services and to secure Permanent Housing. This may be achieved in a variety of ways, including by providing space in your shelter program for mainstream programs (generally, these are services or income supports offered by governmental entities through tax-based funding) to accept applications, assisting homeless individuals to complete the application process and attend required appointments, etc.
- If your organization intends to request ESG funding for staff time spent on this project, each supported-employee's time sheets must reflect the actual time spent on the grant-related project or activities (referred to as Time and Activity Sheets in federal regulations). Agencies cannot simply apportion a percentage of the staff salaries based on estimations. For positions working solely on an ESG-grant supported activity, the agency can certify that 100% of the employee(s) time is spent performing the eligible activity, and said certification must be periodically re-assessed.
    - Time and activity records must be maintained so that salary charges to the grant can be adequately supported. An adequate time and effort record contains the following information: (1) the name and signature of the employee; (2) the hours, or percentage of effort, an employee worked on the funded activity each day during a given pay period; (3) the activities of the employee during the pay period (i.e., project A, project B, general and administrative, vacation, sick, leave without pay, etc.); and, (4) the name and signature of the employee's supervisor.

The guidelines and explanations given above merely highlight the most frequently-encountered of federal regulations and County requirements. Agencies should review the following federal requirements and consider the agency's and project's ability to comply before submitting an application:

1. 2 CFR 215 – Uniform Administrative Requirements for Grants and Agreements with … Non-Profit Organizations (formerly OMB Circular A-110)
2. 2 CFR 230 – Cost Principles for Non-Profit Organizations (supplement to OMB Circular A-122)
3. 24 CFR Part 85 – Uniform Administrative Requirements for Grants and Agreements with …. Non-Profit Organizations
4. 24 CFR 570.502 – Applicability of Uniform Administrative Requirements for HUD Community Planning and Development programs
5. Four Catalog of Federal Regulations chapters that govern Record Contents and Record Maintenance: 24 CFR 570.506, 24 CFR 576.65, 2 CFR 230, and 2 CFR 215
6. 24 CFR 570.508 – Access to Records
7. 24 CFR 570.509 – Grant closeout procedures
8. OMB Circular A-133 – Audits of … Non-Profit Organizations
9. OMB circular A-87
10. Catalog of Federal Domestic Assistance, which outlines the statutory authority and requirements for the ESG program at 14.231
11. U.S. Department of Housing and Urban Development Handbook 6509.2, Revision 5 concerning Monitoring
12. U.S. Department of Housing and Urban Development Notice to Community Planning and Development 96-05 concerning procurement of consulting services
13. The Hatch Act as set forth in Title 5, Chapter 15, of the United States Code
14. The National Environmental Policy act of 1969 (NEPA)

15. Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284
16. Section 109 of the Housing and Community Development Act of 1974, Pub. L. 93-383, and implementing regulations issued at 24 CFR, Part 1
17. The Fair Housing Act (42 U.S.C. 3601-20), and any amendments thereto, and implementing regulations issued at 24 CFR, Part 100
18. Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and any amendments thereto and the regulations of HUD with respect thereto, including 24 CFR, Part 135
19. Executive Order 11063, any amendments thereto, and implementing regulations issued at 24 CFR, Part 107
20. Executive Order 13166 concerning improving the accessibility of services to eligible Limited English-Proficient persons, and any amendments thereto
21. The Age Discrimination Act of 1975 (42 U.S.C. 6101-07), and implementing regulations issued at 24 CFR 146
22. 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 any sleeping accommodations
23. Executive Order 11246, and the regulations issued under the Order at 41 CFR, Chapter 60
24. The Federal Labor Standards Act
25. The Fair Labor Standards Act
26. National Flood Insurance Program (44 CFR, Parts 59 - 70) and Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001)
27. 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
28. 24 CFR Part 576, of the Stewart B. McKinney Homeless Assistance Act of 1987, recently amended through the Homeless Emergency Assistance and Rapid Transition to Housing Act and replaced with Emergency Solutions Grant [Interim Rule] 24 CFR 576.
29. Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) and several amendments
30. 24 CFR, Part 92 of the Cranston-Gonzalez National Affordable Housing Act of 1990
31. 24 CFR, Part 24 , Subpart F of the Drug-Free Workplace Act of 1988
32. Section 319 of Pub. L. 101-121, of the Department of the Interior Appropriations Act
33. Executive Order 11246 and 6 or 7 amendments
34. Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135
35. Faith-based organizations must follow several guidelines if federal funds are to support a project. For a synopsis see *Frequently Asked Questions on Equal Treatment and the Faith-Based and Community Initiative* on HUD website, at*:*
    http://portal.hud.gov/hudportal/HUD?src=/program_offices/faith_based/faq
36. The Americans with Disabilities Act, as amended
37. Various Conflict of Interest restrictions, as well as restrictions on lobbying or partisan political activities

If your agency and project cannot meet any of these federal or local funding requirements, you should not submit an application requesting funds.

ELIGIBILITY CRITERIA APPLICABLE TO APPLICANTS, CLIENTS SERVED, AND FUNDED ACTIVITIES SUPPORTED WITH CLARK COUNTY FEDERAL FUNDS FOR HOMELESS SERVICES

(Do not submit an application if you cannot meet all of the eligibility criteria)

ELIGIBLE APPLICANTS:

- Units of local government that target services to benefit the homeless of Clark County
- Other governmental entities, e.g. public housing authorities or public health districts, that target their services to benefit the homeless of Clark County
- Private nonprofit organizations with 501(c)(3) tax exempt status under the IRS Code that target their project or services to benefit the homeless in Clark County, Nevada. IRS Pending Status will not be accepted. Furthermore, nonprofit organizations:
    a. Must have had the nonprofit 501(c)3 status for at least one (1) full year, or have one (1) full year of operating experience under another eligible nonprofit;
    b. Must be certified to do business in the State of Nevada;
    c. Must have a current Business License from the unit of local government in which the service(s) is provided;
    d. Must have a volunteer Board of Directors of not less than five (5) unrelated persons which meets at least quarterly; AND
    e. Must have an adequate financial management system, including appropriate internal controls, budget controls, accounting controls, property controls, and procurement standards which avoid conflicts of interest.

  Limitations – Primarily Religious Organizations: Assistance may be provided under this part to a grantee or subrecipient that is a primarily religious organization **if** the primarily religious organization agrees to provide all eligible activities funded under this program in accordance with the following principles:
    - It will not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded with County Emergency Solutions Grant funds;
    - If a primarily religious organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded, and participation must be voluntary for the beneficiaries of the funded programs;
    - It will not, in providing program assistance, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief; and
    - It will display in a prominent location accessible to clients, a flyer or poster explaining that services are provided without regard to religious participation. Such flyer or poster may invite clients to participate in religious services and denote the time and location of said religious services.
- Consideration may be given to agencies proposing projects of unique significance, such as those that address a unique need or population, including newly-formed organizations.

DATA COLLECTION AND REPORTING

Once funded, agencies must be prepared to submit monthly reports describing activities undertaken, progress made toward achieving the program's objectives, and certain details about the persons assisted. In addition, agencies must participate in the community Homeless Management Information System (HMIS) by inputting client-level data into the Miner HMIS system in a timely and accurate manner. Timely will be defined as within two (2) weeks of enrolling a client into the project's services. Accurate will be defined as having all data fields completed for each client and that the data is accurate when tested. The Miner-HMIS Program Coordinator will issue monthly Agency Client Count reports which reflect the percent of client files that are complete and accurate; a Data Quality Rate of less than 90% will result in the agency's reimbursement to be withheld until the Data Quality Rate improves to 90% or better. Agencies must also be prepared to provide program management-level staff with training on measuring program outcomes and evaluating programs at least once annually.

At year's end, agencies will be required to submit an Annual Report on beneficiaries, as required by HUD. The report must reflect the *unduplicated* number of individuals served throughout the year – **unduplicated in the 12-month service period, not month-to-month**. In other words, if a client is served once in July, three times in October, four times in February and 17 times in June – the annual report will reflect just one person served, and certain demographic and financial information about that one person. The Annual Report emphasizes the number of individuals served, not units of service. Please see Exhibit "3" for copy of Annual Report forms due. Report requirements are subject to change, based on the report requirements from HUD.

All projects receiving County federal ESG funds must be able to collect and input into the HMIS the following universal data elements on each client assisted:

- Name (last, first, middle, and alias)
- Social Security Number
- Birthdate
- City or County of Birth
- Gender
- Eye Color
- Hispanic Ethnicity, or Not
- Race(s)
- US Citizen status
- Veteran Status
- Marital Status
- Parental Status
- Residence Prior to Program Entry (Where slept last night) and length of time spent in that living arrangement
- Zip Code of Last Permanent Address
- Date of Program Entry
- Date of Program Exit
- Reason for Program Exit
- Destination at Program Exit
- Similar information on children in household

It is highly suggested that your shelter, supportive service or prevention project interview clients and immediately input their answers into the HMIS system, therefore never failing to gather required information. However, if your project would still like to collect information on paper first, it is highly recommended that you utilize the HMIS Intake Form available on the HMIS website.

If a client refuses permission to input her/his personal information into the community HMIS, the agency must include the number of "refusers" and their reasons in the Monthly Program Report, and may be subject to being required to participate in additional training on the Miner-HMIS system in order to improve participation rate.

SPECIAL CONDITIONS

Applicants should be aware of the following special conditions and requirements of this grant application process:

- The award of any funding approved and allocated by the Board of County Commissioners is contingent upon the County's receipt of ESG funding from HUD.
- Agencies awarded from these Fiscal Year 2014/2015 Emergency Solutions Grant program funds must register with the federal Central Contractor Registration (CCR) before funds can be committed in a Resolution to Grant ESG Funds to each agency. Registering in the CCR will require a DUNS number, which refers to the Data Universal Numbering System, which is a 9-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone or Internet (currently at http://www.dunandbradstreet.com).
- Registration with the CCR must be maintained and kept current at all times during which the agency has an active federal award – including federal funds passed through local entitlement agencies such as these Emergency Solutions Grant funds. The purpose of the CCR registration requirement is to fully implement the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282, hereafter referred to as "the Transparency Act"). That Act requires that a Web site be maintained where the public may access and search data on federal financial assistance awards. More information about this requirement is available in the June 6, 2008 Federal Register, pages 32417 – 32421 (the proposed guidance can be downloaded from http://edocket.access.gpo.gov/2008/pdf/E8-12558.pdf).
- Any costs incurred by the Applicant prior to the commencement date of an agreement to provide the funds (e.g., a resolution to grant funds) and the completion of an Environmental Review will not be paid from County funds.
- The County specifically reserves the right to vary the provisions set forth herein any time prior to the execution of an agreement where such variance is deemed to be in the best interest of the County and the population to be served.
- The County reserves the right to contact any individual, agency or grantee listed in the application or others who may have experience or knowledge of the Applicant's performance relevant to the proposed activities.
- Applicants shall not, under penalty of law, offer or provide any gratuities, favors, or anything of monetary value to any employee of the County, any member of the Board of County Commissioners or the Community Development Advisory Committee (CDAC), for the purpose of influencing application selection and funding.
- The County reserves the right to conduct a review of records, systems, and procedures of any entity selected for funding. Misrepresentation of the Applicant's ability to perform as stated in the application may result in cancellation of any contract or agreement awarded. An agreement may be withheld if issues of contract or questions of non-compliance, or questioned or disallowed costs exist, until such issues are satisfactorily resolved.
- If selected for funding, the Applicant may be required to prepare and submit additional information upon which further grant negotiations will be based.

- The County reserves the right to modify or terminate grants awarded under this solicitation process based on availability of funds and based on acceptable performance as established by the County.
- All individuals benefiting from a program assisted with these County federal ESG funds shall have personal information inputted into the Miner Homeless Management Information System (HMIS). Prior to any reimbursement of expenses, County staff will verify that the agency has been inputting client data into the Miner HMIS system for the previous month, and that the data input quality meets or exceeds minimal criteria. Projects supported with these federal funds for homeless services must achieve a Data Quality rate of at least 90%.
- Applicants must have a recordkeeping system appropriate to produce an unduplicated count of individuals served over a one-year period (July 1 through June 30), with demographic and other pertinent information for each client. *If used properly, the Miner-HMIS system will accomplish this for your agency.*
- All funds allocated pursuant to this process must be fully expended and reimbursed to agency in a timely manner. Generally, the grant resolution period is from July 1 through June 30. A six-month extension is possible, upon submission of justification. Under no circumstances will Fiscal Year 2013 Clark County Federal Funds for Homeless Services be available for reimbursement after February 11, 2015. Any un-reimbursed grant balances will be re-programmed to another ESG-eligible project.

TECHNICAL ASSISTANCE

Staff from Clark County's Community Resources Management Division will offer ONE MANDATORY Application Technical Assistance meeting to community-based organizations. The purpose of this Technical Assistance meeting will be to review the purpose of the Emergency Solutions Grant program and application process, its eligible activities, review HMIS participation requirements, and to address any other questions put forth by potential applicants. County staff will also be available for telephone consultation during the period of application recruitment, but cannot comment on applications between the application deadline and the allocations by the Board of County Commissioners.

For Technical Assistance with the Miner-HMIS system, agencies and projects should contact Robert Herdzik, the HMIS Project Coordinator at 702.614.6690.

The following documents which contain pertinent data for planning for the care of the homeless will be available for review in the Community Resources Management Division offices (5th floor, County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada) during normal working hours:

1. Clark County's HUD Consolidated Plan for FY 2010-2014.
2. Substantial Amendment to the HUD Consolidated Plan, to include the Homelessness Prevention and Rapid Re-Housing Program funds authorized by the American Recovery and Reinvestment Act of 2009.
3. Consolidated Annual Performance and Evaluation Reports (CAPER) for prior years CDBG and ESG uses.
4. Annual Continuum of Care Application for federal Homeless Assistance Program funds, including the updated narrative description of Southern Nevada's Continuum of Care.
5. Inventories of Emergency and Transitional Shelters and Permanent, Supported Housing for the formerly homeless, as detailed in the most recent Continuum of Care Application.
6. Opening Doors: Federal Strategic Plan to Prevent and End Homelessness; and

The Office of the Regional Homeless Coordinator also has many resources available concerning programs, services, and data on local homelessness in the Las Vegas Valley. This office is located in the Clark County Department of Social Service at 1600 Pinto Lane, Las Vegas, NV 89106 and the contact number is 455-5832. Applicants should also consult the HelpHopeHome.org website, as well as the www.hudhre.info website, as they both have valuable information and resources.

TENTATIVE COUNTY FEDERAL FUNDS FOR HOMELESS PROGRAMS APPLICATION SCHEDULE:

November 12, 2013	A Mandatory Technical Assistance in completing the Clark County Emergency Solutions Grant application will be provided on Tuesday, November 12th from 1:30 p.m. until approximately 3:30 p.m. at the Clark County Government Center, 1st Floor, ODC Room 3, 500 So. Grand Central Parkway, Las Vegas. Call 455-5025 for to R.S.V.P.
November 19, 2013	The citizen's advisory committee will receive an orientation to the Emergency Solutions Grant program and the regional planning efforts concerning homelessness and affordable housing on November 19th, 2013.
November 26, 2013	Deadline date for submittal of CC-ESG applications is 4:00 p.m., TUESDAY, NOVEMBER 26th, 2013. Complete applications must be submitted electronically on zoomgrants.com by 4:00 p.m. on that day. They will then be available to the citizen's advisory committee for consideration. The Clark County Community Resources Management Division is located on the 5th floor of the Clark County Government Center, 500 So. Grand Central Parkway, Las Vegas. Call 455-5025 for directions.
December 3, 2013	The citizen's advisory committee will review ESG grant applications and interview applicant representatives on December 3, 2013.
December 17, 2013	The citizen's advisory committee is expected to develop funding allocation recommendations on or before December 17, 2013.
January 2014	The citizen's advisory committee is expected to present funding allocation recommendations to the Board of County Commissioners during a Public Hearing in January.
May 2014	Funding allocations for the ESG Program, as approved by the Board of County Commissioners, will be submitted to HUD.
July 2014	HUD announces funding availability and after grant agreement are executed funding activities may begin.

Only completed applications completed online with all required attachments uploaded will be accepted. No faxed or e-mailed copies will be accepted.

A FINAL NOTE

Applicants should be aware that, if funded, they will be expected to comply with the following:

- Full participation in the Miner HMIS system (exception: Victim service providers). This now includes full program-level entry.
- A Data Quality Rating of 90% or better for data entered into the Miner HMIS system.
- All projects must have their front-line staff attend at least three (5) Mainstream Programs Basic Training workshops each year.
- Must register with the Central Contractor Registry and maintain information accurately on the CCR for the duration of the federal award.
- All projects must assist homeless individuals to access mainstream programs, services and permanent housing.
- Submit Program Progress Reports at least monthly, noting progress towards goals and objectives, as outlined in the Resolution to commit the funds, and also to report on the number of clients served.
- Submit an Annual Year-End Beneficiaries Report no later than July 16, 2013 noting demographic and other data of the *unduplicated* number of persons served through the year.
- Must have adequate processes to accommodate persons with Limited English Proficiency, in (i) Outreach and Marketing of project's services (if done), (ii) in applications / requests for services, and (iii) in provision of services.
- Obtain and maintain any and all federal, state, and local licenses (including business licenses), and permits (including professional certifications, as necessary) to operate the Project.
- Must have a volunteer Board of Directors (or Board of Trustees, or other nomenclature) of not less than five (5) unrelated persons, and that Board must meet at least quarterly.
- If recipient uses a vehicle in providing the services, the Recipient 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.
- Carry or provide Comprehensive Fire and Hazard Insurance covering the full replacement costs of the Program.
- Carry Fidelity Bond insurance, also termed Dishonest Employee Insurance, for an amount determined by the Board of Directors.
- Avoid all activities or appearances of conflict of interest, namely: no officer, agent, consultant, or employee of Recipient may use her/his position to secure or grant any unwarranted privilege, preference, exemption, or advantage for her/himself, any member of her/his household, and/or any business in which s/he has a financial interest. This prohibition particularly applies to the awarding or

execution of any contract, subcontract, or agreement with respect thereto, or the proceeds thereof, either for her/himself or for those whom s/he has family or business ties, during her/his tenure or for one year thereafter, for any work to be performed pursuant to this Project.

- Any checks made payable to a Board member or Executive-level staff must have two signatures, at least one of which is a Board Member. Under no circumstances should a payee be one of the signatures.
- Any financial assistance provided on behalf of a client is to be made payable by check, to a third-party vendor; if said third-party vendor is an individual (not a business, Property Management Company or other entity registered to do business in the State of Nevada), data necessary to issue IRS Form 1099s at year-end must be obtained from payee before issuing check.
- Recipient shall record all costs of the Program by budget line items, supported by adequate source documentation (including checks, payrolls, time records, invoices, contracts, vouchers, orders, and other accounting documents evidencing the propriety of all costs) in a ledger separate from all other revenue sources.
- Recipient shall make these financial records available to County staff for audit whenever requested.

If your agency and project cannot meet any of these federal or local funding requirements, you should not submit an application.

ACCEPTANCE OF TERMS

By submitting an application, the applicant accepts all terms, conditions and requirements outlined in this Program and Application Manual. The Applicant understands and accepts that the most restrictive condition of the funding sources may apply. The Applicant's proposal will become part of the grant agreement in the event the Applicant is awarded funds. The Applicant will be bound by what is in the proposal, unless otherwise approved in writing by the Community Resources Management Division of Clark County's Administrative Services Department.

The Applicant's proposal and other materials submitted in response to the application process becomes the property of Clark County and may be returned only at the County's discretion. Applications are public documents and may be inspected or copied by anyone after they have been reviewed and rated and approved for funding by the County Commissioners. Financial statements included in the application may be considered public information.

APPLICATION INSTRUCTIONS

EMERGENCY SOLUTIONS GRANT FISCAL YEAR 2014/2015
APPLICATION INSTRUCTIONS

These instructions incorporate many of the HUD regulations governing the ESG grant program. Please also review the federal regulations incorporated in the Program Manual or available at www.hud.gov.

By submitting an application, the applicant accepts all terms, conditions and requirements contained in the Program Manual. The guidelines, definitions and limitations detailed in these instructions shall be considered binding on all activities once funded, although they may not be explicitly added to the resolution to grant funds.

The application consists of four major sections that need to be completed. The first section is the contact information section, the second is the question section, the third is the budget section, and the fourth is the documents section.

Application/ Proposal Questions:

#1 DUNS NUMBER
Registering in the CCR will require a DUNS number, which refers to the Data Universal Numbering System, which is a 9-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone or Internet (currently at http://www.dunandbradstreet.com). Registration with the CCR must be maintained and kept current at all times when the agency has an active federal award – including federal funds passed through local entitlement agencies such as these Emergency Solutions Grant funds. The purpose of the CCR registration requirement is to fully implement the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282, hereafter referred to as "the Transparency Act"). That Act requires that a Web site be maintained where the public may access and search data on federal financial assistance awards. More information about this requirement is available in the June 6, 2008 Federal Register, pages 32417 – 32421 (guidance can be downloaded from http://edocket.access.gpo.gov/2008/pdf/E8-12558.pdf).

#2: ORGANIZATION MISSION AND SERVICES PROVIDED *Provide an overview of your agency which includes its mission, purpose, and the general types of services provided.*

#3 PROJECT ACTIVITY Select the activity that best fits the project for which you are requesting funds.
Eligible activities include:

- Street Outreach: funds may cover costs related to essential services for unsheltered persons including emergency health or mental health care, engagement, case management, and services for special populations.

- Emergency Shelter: funds may be used for renovation of emergency shelter facilities and the operation of those facilities, as well as services for the residents (including case management, child care, education, employment assistance and job training, legal, mental health, substance abuse treatment, transportation, and services for special populations).

- Homelessness Prevention: fund housing relocation and stabilization services (including rental application fees, security deposits, utility deposits or payments, last month's rent and housing search and placement activities). Funds may also be used for short- or medium-term rental assistance for those who are at-risk of becoming homeless AND who are BELOW 30% of Area Median Income.

- Rapid Re-Housing: components fund housing relocation and stabilization services (including rental application fees, security deposits, utility deposits or payments, last month's rent and housing search and placement activities) for people who are homeless. Funds may also be used for short- or medium-term rental assistance for those to stabilize into housing.

- HMIS: funds may be used to pay the costs for contributing data to the HMIS designated by the Continuum of Care for the area. Eligible activities include (computer hardware, software, or equipment, technical support, office space, salaries of operators, staff training costs, and participation fees).

#4 PROJECT BENEFICIARY CATEGORY *Identify the eligible population expected to be served by the project for which you are requesting funds*. To be eligible for funding, a project must provide services and assistance to homeless persons or low-income households at imminent risk of homelessness. It should be noted that projects receiving these federal ESG funds will be required to report certain demographic and personal information on all persons utilizing the service and the agency must be able to report on the unduplicated number of persons assisted at year's end.

#5 PROJECT BENEFICIARY *SUB*CATEGORY *Select all sub-populations you expect to serve for the fiscal year for which you are requesting funds.* All funded agencies are required to provide data on the populations that they serve. At the end of the fiscal year subrecipients submit an annual beneficiary report.

#6 PROJECT DESCRIPTION
Provide a general overview of the project/ program for which you are applying for funds. Include population of emphasis, service activity plan, intake and referral procedures, program procedures and evaluation plan, intended accomplishments (intended accomplishments are also in #12).
You can elaborate further in question #9 on gaps in services that this project addresses and the target population. This may be used as a summary statement for applicant reviewers. The rest of your application should support claims made in this question.

#7 HUD/ CoC PRIORITY. HUD funding priorities are for Rapid Re-Housing and also Homeless Prevention but more emphasis is being put on Rapid Re-Housing. There is a funding cap on shelter and street outreach. **The local CoC has identified the following as a priority need (for ESG funding) in the community,** emergency shelters that help victims of domestic violence, shelters that keep families intact, youth, medically fragile homeless people inappropriate for mass shelter (preferably have licensed medical staff at the shelter), shelter for male household with children, intact families with 2 adults and a minor child, with connections to rapid re-housing.

#8 MATCHING PROJECT GOALS AND OBJECTIVES TO HCP CONSORTIUM HOMELESS STRATEGIC PLAN. *Please indicate which objectives and goals are being addressed by project for which you are requesting funds.* Listed are goals applicable to ESG projects that have been identified by the HCP Consortium Homeless Strategic Plan. See HUD Consolidated Plan 2010-2014 for more details.

#9 PROJECT NEED, SITUATION, CONDITIONS Briefly describe the need, local situation, or conditions that your project will address. Describe how you meet the priority needs of the local CoC. Indicate how long has your agency operated this program. This question is very important. Please take your time to address the local conditions and substantiate this question data.

#10 PROJECT ACCOMPLISHMENTS (last three years) *Provide a description of project accomplishments over the past three years.* If project is new indicate this in your answer. HUD requires information relative to the number and characteristics of participants who will benefit from this funding allocation. Data based on your estimates will be provided in the application submitted to HUD. Describe the accomplishments this project (or, if project is new, your agency) has achieved for the past three years. Include the degree to which objectives were met. Include the number of clients with "successful outcomes" served by the project in the past three years and a description of your program's definition of "successful outcome." Then, please note total number expected to be served this fiscal year and percent attributable to these funds, if distinguishable. Distinguish unduplicated count from duplicated and families from individuals served.

#11 ONE YEAR HISTORY OF SERVICES PROVIDED. *Provide more detail and quantitative information on project accomplishments for the past fiscal year. If project is new indicate this in your answer.* These questions are separated by category type (homeless prevention, case management, shelter, essential services). If possible, use HMIS data. State the sources of your information if this is the agency's tracking system and/or data pulled from HMIS. During the application process this information may be cross checked/ supplemented through the use of HMIS data.

#12 EXPECTED OUTCOMES *Provide the number of unduplicated individuals/ households expected to be assisted by your program in the next fiscal year (July 1, 2014- June 30, 2015).* This question is similar to the last question, #10, but is an estimate for the next fiscal year.

#13 HMIS DATA QUALITY AND UTILIZATION RATE
Provide an average of your HMIS data quality rate and also an average of your bed utilization rate for the program for which you are requesting funds for, over the last year (July 2011- June 30, 2012). If your agency is a domestic violence provider type in DV provider and N/A or provide a utilization rate based off of your numbers from a comparable database.

If the project is new and there is no HMIS history indicate that this is a new project and if possible give the HMIS data quality rate and utilization rate for the closest related project within your agency.

#14 CASE MANAGEMENT Describe how your agency will carry out case management. Describe the frequency of case management, if it will be provided by your agency, or if it will be provided by partnering with another agency/service provider. Case management is required for clients receiving assistance through the homeless prevention and rapid-rehousing projects

#15 DISCUSS HOW YOUR AGENCY WILL CONNECT CLIENTS TO MAINSTREAMS PROGRAMS AND SUPPORTIVE SERVICES.

Also describe the **service needs** of this population, and how these needs will be met. Describe how your project's staff systematically identifies persons eligible for mainstream programs, and **helps to enroll them in the mainstream programs for which they are eligible** (mainstream programs include, but are not limited to, Medicaid, State Children's Health Insurance Program, TANF, Food Stamps (SNAPS), SSI, Workforce Investment Act programs, Veterans Health Care, Employment Training or Rehabilitation through the Nevada Department of Employment, Training and Rehabilitation, etc.). The Interim Rule requires coordination of services to the maximum extent possible. The complete list is cited below.

576.4 Area-wide systems coordination requirements

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);
(4) HUD—Veterans Affairs Supportive Housing (HUD–VASH) (division K, title II, Consolidated Appropriations Act, 2008, Pub. L. 110–161 (2007), 73 FR 25026 (May 6, 2008));
(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 40299 of the Violent Crime Control and Law Enforcement Act (42 U.S.C. 13975));
13) Homeless Veterans Reintegration Program (section 5(a)(1)) 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
(19) Veteran Justice Outreach
Initiative (38 U.S.C. 2031).

(c) System and program coordination with mainstream resources*. The recipient and its subrecipients must coordinate and integrate, to the maximum 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, 968, and 990);
(2) Housing programs receiving tenant-based or project-based assistance under section 8 of the U.S. Housing Act
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 457):
(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.).

-Source, Emergency Solutions Interim Rule, CFR 576.4, Area-wide System Coordination Requirements

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#16 CLIENT PARTICIPATION *Explain how your agency complies with the following requirement*: homeless individuals and families must be involved in the construction, renovation, maintenance or operation of facilities assisted with these federal program funds, and in providing services for occupants of these facilities. *Also explain any opportunities clients have to provide input or any planning/ evaluation of services or programs. Otherwise type N/A. Client Participation is also required per the Interim Rule.*

#17 TERMINATION OF ASSISTANCE *Explain how your agency complies with the following requirement:* Termination of assistance to any individual or family must be in accordance with a formal process established by the agency or organization, and must include a clearly-described appeals process.

#18 FEES OR PAYMENTS REQUIRED OF CLIENTS. *For all programs, please explain what kind of financial obligations participants or beneficiaries of your project have towards receipt of services. If there are no financial obligations, please explain why.* It is acceptable to charge a reasonable fee for services. Paying rent, program fees, mandatory savings plans, reimbursing the agency for expenses paid on the client's behalf, or other mechanisms of **financial obligation by participants** serves multiple functions, including providing a revenue source for the agency to become less dependent on grant funds and providing the participant with budgeting and financial management experience.

#19 SHELTER TYPE. Indicate shelter type. *To be completed by applicants PROJECTS involved in PROVIDING SHELTER (emergency and transitional), otherwise type N/A.*

#20 SHELTER INFORMATION Provide information on target population and how shelter type and environment best fits/ helps serve this population. *To be completed by applicants requesting funds for PROJECTS involved in PROVIDING SHELTER (emergency and transitional), otherwise type N/A.*

#21 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 ESG funding or services and provides shelter to families with children under age 18.

 # 22 HOMELESS PREVENTION REQUIREMENTS, ELIGIBILITY, DOCUMENTATION to be completed by *applicants requesting funds for PROJECTS PROVIDING HOMELESS PREVENTION SERVICES, otherwise type N/A.* For projects providing homeless prevention services, please also describe the client eligibility criteria and your documentation requirements, length of assistance, and method for determining whether the assistance prevented homelessness. Homeless Prevention assistance can only be provided to persons or households below 30% of Area Median Income (as determined by HUD), and the housing units the household is assisted to stay in should be at or below Fair Market Rents (as determined by HUD). Please describe your procedures for determining that assisted client's household income does not exceed the HUD standard. See The Glossary, for clarification of Prevention activities. In your description, describe how the proposed project will assess the eligibility conditions and **only if** the following conditions are met and documented:

- Annual income of the individual or family is below 30 percent of median family income

- Assistance is necessary to help program participants regain stability in their current permanent housing or move into other permanent housing and achieve stability in that housing.

Also note if you are awarded ESG funds you abide by the ESG Interim Rule regulations and the Written Standards when providing homeless prevention services.

#23 RAPID RE-HOUSING CLIENT RE-EVALUATION. Explain how initial evaluation and revaluation will be conducted. Note, if you are awarded ESG funds you must at least conduct the minimum established by ESG Interim Rule regulations and the Written Standards.

#24 HOMELESS PREVENTION AND RAPID RE-HOUSING SERVICES DURATION AND FOLLOW UP *To be completed by applicants requesting funds for PROJECTS PROVIDING HOMELESS PREVENTION SERVICES* Describe the duration of homeless prevention assistance and any follow-up "after-care" after assistance has ended. Describe efforts to ensure that the client/household remains stably housed after assistance. This can include stabilization of income.

25- 29: COLLABORATION AND REGIONAL EFFORTS.

#25 ***Engagement with regional efforts on homelessness:*** *Indicate approximately how many times in the last year your agency has attended the following meetings in the last 12 months.*
If your agency has not attended any of the SNRPC Committee on Homelessness meetings that meet at the Board of County Commissioners at the Clark County Government Center or the Project Homeless Connect event, type in N/A. There are other regional/community efforts that may not have not been listed in this question. If your agency is involved in any other regional/ community efforts explain this in #26.

Note on: MAINSTREAMS BASIC TRAINING. *For agencies providing supportive services, type in how many times in the past year staff directly involved with your project has attended the listed workshops.*

Clark County Social Services coordinates free monthly workshops entitled Mainstream Programs Basic Training, designed to train front-line staff (i.e., case workers, information and referral staff, other staff who have contact with clients) on the existing system of services and programs available to help all low-income and disadvantaged Southern Nevadans. Each Mainstream Program Basic Training (MPBT) session brings together representatives from all mainstream services related to a particular topic. There are five "core" topics (Income Supports, Employment Services, Health Care, Legal Services, and Housing Resources) and five "subpopulation" topics (Addictions & Mental Health, Families with children, Chronically homeless, Youth, and Seniors). Training staff from each of the mainstream programs such as Welfare, Department of Employment, Training and Rehabilitation, Medicaid, Public Housing Authorities, and more discuss the client benefits and eligibility criteria. **Having front-line staff attend the MPBT Trainings is a requirement for programs receiving federal Continuum of Care funds, and is strongly encouraged for all programs serving the homeless and low-income**. Investing the four hours per month of free training in your front-line staff is a good way of demonstrating that your agency ensures that clients will be assisted to obtain the benefits they may be eligible for.

- The MPBT workshops are regularly scheduled for the 4th Wednesday of the month, from 1:00 – 5:00, most often in the Pueblo Room of the Clark County Government Center (500 Grand Central Pkwy, Las Vegas, NV 89106).

- Contact the Office of Regional Homeless Coordinator to obtain a copy of the schedule of workshops and their locations: 455-5832 or mhf@co.clark.nv.us.

#26 ROLE IN REGIONAL EFFORTS. *Explain your agencies role in PHC, Homeless Census (Point In Time count), Family Connect, 100 homes and any other regional collaborative efforts.* You can use this question to elaborate your response in the previous question.

#27 COLLABORATION OF SERVICES AND DUPLICATION OF SERVICES Are there other services/activities similar to your program provided in the community? If so, how is your project avoiding the duplication of services provided by other agencies?

#28 MOU's and COLLORATIVE AGREEMENTS *List agencies with whom you have Memorandums of Understanding/ written collaborative agreements/ or other service contracts, specific to this program- if applicable.* MOU's/ agreements/ letters will be required as an attachment in the documents section.

#29 PROJECT SUSTAINABILITY. Please explain how you plan to keep your project sustainable on a financial basis. How will you make efforts and ensure that you meet the match. Note that a dollar for dollar match in funds are required for each ESG award. If your project is recommended for funding a match will be required. See instructions below under match for more information on the match. Your agency should also have at least 3 months of cash reserves.

 # 30 DESCRIBE YOUR AGENCIES FISCAL PROCEDURES
This includes an overview of financial reporting, record keeping, accounting systems, payment procedures and requirements. Identify and describe any audit findings, investigations, or probation of agency within the past 5 years.

#31 CHECK LIST for APPLICANTS
Please carefully review this section and check that all required documents have been uploaded. (See required documents section of application).

List of Required Documents:

FOR ALL APPLICANTS (Submit Documents 1-10):

1. Disclosure of Ownership form (fill out downloadable attachment) and include and upload a list of the voting Board of Directors & Advisory Board (include addresses)

2. Non-Profit Determination Letter from IRS, listing Tax Identification Number.

3. Proof of current good standing with the Secretary of State's Office, this may be a receipt from the Secretary of State's Office or a print-out of the agency's standing from the Secretary of State's website.

4. Latest IRS form 990- Return of Organization Exempt from Income tax.

5. Financial Accountability documents must be submitted by agencies in accordance with federal and County policies. Submit your most recent audit. Applicants must submit one of the following with their application:
   a. The most current single audit in compliance with OMB Circular A-133 (applicable to agencies expending $500,000 or more in Federal funds for that reporting period); OR
   b. A copy of your organization's most recent audited financial statements for expenses of $100,000 up to $499,999; OR
   c. Provide a letter stating that your agency expended less than $100,000 of Federal funds during that reporting period AND a copy of your unaudited financial statements and/or Profit & Loss statement sheet.

6. Project Performance Outcomes Chart (fill out downloadable attachment)

7. Budget & Proposed Revenue and Leveraging document (fill out downloadable MSExcel attachment)

8. Program Organizational Chart. If you do not have on the program level, agency level is okay. Chose the most appropriate for your agency application.

9. Program Manager/ Staff qualifications.

10. Copy of MOUs or letters verifying collaborations. If you do not attach any it will be assumed you have no MOUs in place.

11. CERTIFICATION OF APPLICATION

For SOME applicants, IF APPLICABLE, complete and upload:

Non-Profit (Charitable) Registration Certificate for new applicants or if expired. This must be obtained through the Business License Department at Clark County contact either Allison Gigante at 455-3584 or Karyn Keehr at 455-3924.

Copy of the By-Laws ONLY if they have been amended in the past year

Copy of Fee Schedule, (include if any fees are charged to clients/beneficiaries). If you answered yes to #18.

FOR NEW APPLICANTS If your organization has not received funds from Clark County in the past two years, you MUST also submit:

A. Copy of the Articles of Incorporation

B. Copy of the organization's By-Laws

C. A spreadsheet reflecting a three-year funding history (Profit and Loss statements, Revenues table) This can be found at the end of attachment #7

Additional Instructions for required (downloadable) attachments on ZoomGrants (6 & 7)- Performance Outcomes & Budget Table:

The ZoomGrants application documents section also include instructions.

Document 6: PROJECT'S OUTCOME PERFORMANCE MEASURES CHART

The Government Performance and Results Act (GPRA) of 1993 requires that all Federal agencies establish goals and objectives and measure the achievements of the funding programs they administer. GPRA directly links Congressional decision-making on program spending to the effectiveness and efficiency of Federal programs. To meet its obligation to assess its program performance, HUD requires grantees (and their subrecipients) to provide information on their achievements and investments using a unified set of Objectives and Outcomes, as delineated in its Outcomes Performance Measurement System, as detailed in Attachment C. The County is responsible for monitoring the subrecipient's progress towards achieving these Outcomes, and therefore wants applicants to establish measurable objectives and submit monthly progress reports.

Attach to application OUTCOME PERFORMANCE MEASURES document found in documents requested section at the end of this application. Describe the specific benefits or improvements experienced by the homeless individuals participating in your program. Complete the chart to describe the most significant outcome(s) the project is expected to accomplish in Fiscal Year 2013/2014.

#Outcomes: Outcomes are not the products for the agency, but the benefits for the participants. What will be the benefits for the client? How will this client's life or situation change, as a result of this project? Why is this project being done? Examples of outcomes include children receiving quality care in a safe environment, # of households prevented from unnecessary homelessness; achieving a higher grade or reading level due to a tutorial program, etc.

Major Tasks: Outline the major tasks/activities to be conducted by this project to ensure this outcome (e.g. client outreach; needs assessments; job training; vouchers issued for licensed child care; case management; life skills classes; etc.)

Outputs: Quantifiable products of the tasks, e.g. # of clients recruited, # of clients enrolled in mainstream services in the community, # of clients trained, # of children enrolled in program, etc.

Outcome Measurement: How will you measure the outcome? Will you perform pre and post tests? Will there be some observable difference? What follow-up/tracking will be provided to ensure outcomes are met? How will the project's impact on participants be evaluated?

Outcome Example	Describe how participants will benefit and how many are expected to realize this outcome.
Return 60 homeless families to self-sufficiency within eight months	
Major Tasks Necessary to Realize Outcomes	**Outputs Resulting from Tasks**
Place 85 homeless families in T.H. units	*Ends homelessness temporarily; stabilization*
Case Management	*Obtain employment & benefits*
Provide financial assistance w/ work cards, transportation, child care, etc.	*Remove obstacles to self-sufficiency*
Outcome Measurements: Describe evaluation tools, methods, and benchmarks to measure achievements of this outcome. *Upon exiting program, 70% of participant families will have stable income (employment,*	

benefits, child support, etc.) and move into housing that costs less than 48% of income. Client Exit Interview will reflect income amount and sources, as well as housing destination.

Outcome Example	Describe how participants will benefit and how many are expected to realize this outcome.
Provide rental assistance and other support services to prevent the unnecessary homelessness of 110 households.	
Major Tasks Necessary to Realize Outcomes	**Outputs Resulting from Tasks**
Conduct Needs Assessment and Create Plan of Action with households applying for assistance	*Households will be informed of, and signed up for, benefits they were previously unaware of.*
Provide financial assistance and other services to ensure household retains housing	*Immediate prevention/delay of homelessness*
Follow-up with household in three months to ensure continued stability and to re-examine the Family Care Plan of Action	*Ensure that homelessness has been prevented and not just postponed*
Outcome Measurements: Describe evaluation tools, methods, and benchmarks to measure achievements of this outcome. *Intake application will note other benefits the household is currently receiving before assistance, family budget worksheet will reflect minimum payments due to continue vital household functions such as housing, utilities, child care, transportation to/from work, etc. and how agency assistance will meet gap between current income, expenses and next cycle of income and expenses of the household. A Client Evaluation letter issued to the assisted household in three months will determine continued stability; if no reply, a follow-up telephone survey of landlord will determine outcome of residential stability.*	

Please note, to facilitate the proper designing and measuring of objectives and outcomes, all project-management staff of all funded programs must attend at least 6 hours of training on Project Evaluation and/or Measuring Program Outcomes each year. You may want to consider the costs of this training in your funding request.

Document 7: DETAILED BUDGET, REVENUE, AND LEVERAGED RESOURCES (all sections are in one downloadable attachment)

The budget attachment in REQUIRED DOCUMENTS is in supplement to the budget found in the ZoomGrants interface. The budget attachment should be completed first and can be used to fill in the budget in ZoomGrants which serves as a snapshot for reviewers.

BUDGET ATTACHMENT
Excel file (BudgetTablesESG2014.xls)
Each Zoomgrants proposal/ ESG application should address one of the 5 major ESG funding categories. Make sure you state agency name and project name.

The required budget attachments are all in one excel workbook, labeled **Budget and Resources** separated by tabs.

That excel file attachment includes the following:

REQUIRED sections I, II, III from excel file
I. Summary of budget (Tab 1)
II. Project Budget (Tabs 2-6).
The Project Budget tabs includes the following required sections- Project Budget, Priorities, and Budget Justification. Make sure you scroll down to include all of the required information. There are 5 tabs (worksheets) in the excel workbook beginning the label II., one worksheet/tab for each funding component- a) Street Outreach, b) Shelter, c) Homeless Prevention, d) Rapid Re-Housing, and e) HMIS. **Please fill out only ONE of these for each application**.
III. Funding Sources (Tab 7)

NEW AGENCIES:
Three Year funding history (tab 8) *New applicants*
Reference- (tab 9) Budget Justification This does not need to be filled out, but is for reference only

In summary, every applicant needs to complete
Section I. Summary of Budget,
Section II. (one of the 5 worksheets only)Project Budget, and
Section III., and Funding Sources.
New applicants must also complete IV. three year funding history.

The ZoomGrants budget section is only snap shot of this information. Details need not be provided in that section.

Details on the expenses are below, the ESG interim rule, and the webinar found on the HUD website: www.onecpd.info/resources/documents/ESG_EligibleCosts_three_12.15.11.pdf

ADDITIONAL INSTRUCTIONS FOR PROPOSED PROJECT BUDGET (Document 7):

Section I. PROJECT BUDGET SUMMARY, (Worksheet/Tab 1) fill out this table. It is a summary snapshot that should be used for the ZoomGrants budget. You should first fill out the detailed project budgets in Section II, and from there input the information this table and into ZoomGrants.

Section II. PROJECT BUDGET, **(Tab 2-6)** Fill out only one of these per application (street outreach, shelter, homeless prevention, rapid re-housing, HMIS).
Please indicate the entire cost of the project as well as those portions where these funds will be used to pay specific costs. Failure to provide both the full cost of the project and the requested funds amount may result in your application being pulled from consideration.

LINE ITEM PRIORITY (Tab 2-6, continued)- Indicate the top four line item from the project budget that you would chose to be funded first.
BUDGET JUSTIFICATION (Tab 2-6, continued) (also in Project Budget Section II, Tabs 2-6)
For each item where a portion of the cost will be paid for with these funds, indicate the method used to determine the funding request, identifying budget line item, what unit of measurement is used, cost per unit, number of units and total costs to be charged to this budget.

BUDGET LIMITATIONS: all amounts should be rounded up to the nearest dollar. Fundraising activities may not be charged against these federal funds, nor shall any member of the Board of Directors be paid as staff. Staff Salaries and Fringe can only be charged against this grant in relation to the time spent on direct program activities, such as supervision, security or maintenance for facilities used by this program, case management of covered clients, etc. Time Sheets denoting amount of time spent on a project's activities and indicating to which grant source(s) these costs are to be charged are required before reimbursement of staff salaries will be approved. Please Note: No Executive Director may charge 100% of her/his time to any Federal Funds, per HUD regulations and OMB Circulars. Executive Directors may only charge time spent on direct program benefits, such as Case Management, Class Instruction, Supervision of Case Managers, etc. Program administration and fundraising activities may not be charged against Federal Grants. Per IRS rules and regulations, staff must have all proper taxes and deductions subtracted from their checks; agency staff are not to be considered as consultants or independent contractors. Office supplies may not exceed $250 per staff member. Per OMB Regulations, costs of amusement, diversion, social activities, ceremonials and costs related thereto are not allowed.

Section III. PROPOSED REVENUE SOURCES (Tab 7)

Indicate the proposed revenue sources for this project. Private contributions and in-kind services dedicated to the project should be reflected in the "Private Contributions" line. Please note, the "Total Project Revenues" should equal or exceed the "Total Project Cost."

LEVERAGED RESOURCES (Tab 7 continued):

Since government grant sources rarely fully fund any project, leveraging is very important in the application process. Leveraged Resources consist of firm commitments of funds from another source that will be expended ***if*** the project takes place because it receives gap funding from this local government process. Leveraged Resources also include other resources – financial and in-kind – that will be available to support the project's goals once implemented. This may include client fees, donations of goods and services for clients that your agency or the client would otherwise have to pay, or volunteer hours dedicated.

ADDITIONAL INFORMATION ON ELIGIBLE ACTIVITIES AND LINE ITEMS

Under the new Emergency Solutions Grant, there are five general eligible components. There are additional details in the webinar Emergency Solutions Grant Program Components and Activities, that can be found on the following website-
https://www.onecpd.info/resources/documents/ESG_EligibleCosts_three_12.15.11.pdf

Street Outreach- essential services related to reaching out to *unsheltered homeless* individuals and families, connecting them with emergency shelter, housing, or critical services,

and providing them with urgent, non-facility-based care. These services are to be provided on the street or in parks, abandoned buildings, bus stations, campgrounds, and in other settings where unsheltered homeless are staying.
Eligible costs include:

- Engagement- with the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstreams social services and housing programs.
- Case Management - to asses housing and service needs, arranging and monitoring the delivery of individualized services
- Emergency health Services- outpatient treatment of urgent medical conditions by licensed medical professionals in community based settings to those unwilling or unable to accept access to emergency shelter/ an appropriate healthcare facility
- Emergency mental health services- treatment of urgent mental health conditions by licensed professionals in community based settings to those unwilling or unable to accept access to emergency shelter/ an appropriate healthcare facility
- Transportation- travel by outreach workers, social workers, medical professionals or other service providers during the provision of eligible street outreach services.

Emergency Shelter- including shelter operations and supportive services.
Transitional Housing projects funded Fiscal Year 2010 may be grandfathered in and eligible under this component. Otherwise no new Transitional Housing projects are eligible.

- Essential Services are eligible for individuals and families who are in an emergency shelter-case management, child care (licensed for children under 13 or disabled children under 18 years old), education services, employment assistance and job training, outpatient health services (provided by licensed medical professional), legal services (necessary for matters interfering with the program participants ability to obtain/retain housing) life skills, mental health (by licensed professional) & substance abuse treatment (by licensed/ certified professional) services, transportation (to and from medical care, employment, child care, or other facilities that provide essential services to client or staff travel to provide those essential services,and services for special populations (tailored needs for people living in emergency shelters who are youth, victims of domestic violence, or people living with HIV/AIDS)
- Shelter Operations- costs necessary to operate/ maintain emergency shelters and also provide emergency lodging when appropriate. Eligible costs include: maintenance (salaries, and minor/ routine repair), rent, security, fuel, insurance, utilities, food, furnishing, equipment, supplies necessary for the operation of a shelter, hotel/motel voucher for individual/ family –(only when no appropriate emergency shelter is available).

Homeless Prevention:
This includes assistance as necessary to prevent the individual or family from becoming homeless and from living in a shelter or unsheltered situation, if:

- Annual income of the individual or family is below 30 percent of median family income
- Assistance is necessary to help program participants regain stability in their current permanent housing or move into other permanent housing and achieve stability in that housing.

(Refer to program manual attachment Homeless Definition Eligibility and Recordkeeping Requirements for more details on client eligibility).

Eligible expenses include:

- Housing relocation and stabilization services- financial assistance (rent application fees, security deposits, last month's rent, utility deposits, utility payments, moving costs)
- Housing relocation and stabilization services-services (housing stability case management, landlord-tenant mediation, tenant legal services, and credit repair

- Short and medium-term rental assistance (monthly rent and must comply with local FMR, rent reasonableness, and include a written lease)

Refer to program manual attachment Homeless Definition Eligibility and Recordkeeping Requirements for more details on client eligibility.

Rapid Re-housing:

Similar categories as Homeless Prevention but client eligibility differs in that assistance must be necessary to help individuals or families *living in shelters or in places not meant for human habitation* move as quickly as possible into permanent housing and achieve stability in that housing.

- Housing relocation and stabilization services- financial assistance (rent application fees, security deposits, last month's rent, utility deposits, utility payments, moving costs)
- Housing relocation and stabilization services-services (housing stability case management, landlord-tenant mediation, tenant legal services, and credit repair
- Short and medium-term rental assistance (monthly rent)

Refer to program manual attachment Homeless Definition Eligibility and Recordkeeping Requirements for more details on client eligibility.

Rapid Re-Housing and Homeless Prevention- Due to conflicts of interest prohibitions, most if not all agencies will need to resort to tenant- based rental assistance. It is likely that any project based rental assistance will not be eligible until a centralized intake process is in effect for Southern Nevada.

Tenant based rental assistance is when the program participant selects their own place to live. Project based rental assistance is when the ESG subrecipient (agency receiving ESG funds) identifies a permanent housing unit where the program participant will live.

In the case of project based assistance, conflicts of interest must be avoided. Interim Rule 576.404 (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, or any parent or subsidiary of the subrecipient, carry out the initial evaluation required under § 576.401 or administer homelessness prevention assistance under § 576.103."

Homeless Management Information System expenses are eligible only if it has been designated by the Continuum of Care.

***Staff and Overhead Costs** directly related to carrying out one of the aforementioned categories are eligible as part of those activities.

Additional Notes on Overhead Costs, per Interim Rule.
§ 576.100

(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.

Notes on the Matching Requirement

The ESG Interim Rule states the following:

§ 576.201 Matching requirement.

(a) Required amount of matching contributions.

(1) Except as provided under paragraphs (a)(2) and (a)(3) of this section, the recipient must make matching contributions to supplement the recipient's ESG program in an amount that equals the amount of ESG funds provided by HUD. (2) If the recipient is a State, the first $100,000 of the fiscal year grant is not required to be matched. However, the recipient must transfer the benefit of this exception to its subrecipients that are least capable of providing the recipient with matching contributions. (3) This matching requirement does not apply if the recipient is a territory.

(b) Eligible sources of matching contributions.

(1) Subject to the requirement for States under paragraph (a)(2) of this section, the recipient may require its subrecipients to make matching contributions consistent with this section to help meet the recipient's matching requirement.

(2) Matching contributions may be obtained from any source, including any Federal source other than the ESG program, as well as state, local, and private sources. However, the following requirements apply to matching contributions from a Federal source of funds:

(i) The recipient must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match Emergency Solutions Grant (ESG) funds.

(ii) If ESG funds are used to satisfy the matching requirements of another Federal program, then funding from that program may not be used to satisfy the matching requirements under this

section.

(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.

APPLICATION COMPLETION

Please have the authorized representative of your Board of Directors review the application.

By submitting the application, you are certifying that the governing body of your organization has duly authorized the application for these federal funds. In addition, you are certifying that your organization:

a) Has the institutional, managerial, and financial capacity (including cash reserves to cover up to three (3) months of program operations) to plan, manage and complete the program as described in this application, and
b) Will administer the grant in compliance with ESG Regulations, 2 CFR 215 – Uniform Administrative Requirements for Grants …with Nonprofit Organizations (formerly OMB Circular A-110), and 2 CFR 230 – Cost Principles for Nonprofit Organizations (formerly OMB Circular A-122).

Once all proposal/application questions have been answered and all required and applicable documents have also been uploaded, your application should be ready for on-line submittal.

A technical assistance workshop is scheduled for November 12, 2013 starting at 1:30pm. Please R.S.V.P. to attend.
If you have any questions regarding the application or if you would like to R.S.V.P. for the technical assistance workshop please contact Sandra Villatoro at 455-5025 or sandrav@clarkcountynv.gov

APPLICATION DEADLINE: Wednesday November 27th 2013 due by 4 PM

EXHIBIT 2:
GLOSSARY

DEFINITIONS APPLICABLE TO
FEDERAL FUNDS FOR HOMELESS PROGRAMS

The guidelines and definitions detailed below will govern the activities funded with Clark County's Federal Funds for Homeless Services. Projects approved for funding are expected to perform each activity as it is defined in this Definitions Applicable to Federal Funds for Homeless Programs, although they may not be explicitly added to the resolution to the grant funds.

Access or any of its derivatives typically refers to the ability of the client population to make use of services. It refers to time (after-hours or weekends), place (conveniently located, or field-based), and language of workers.

Actively Link to Community Services describes projects or case workers who go beyond Information & Referral (I&R) services by assisting clients to make application for services, and insuring that once deemed eligible, the client is assisted to remain eligible (e.g., provide monitoring of job searches, assist client to attend required appointments, advocate for client, etc.)

Administrative Costs include the costs associated with accounting for the use of grant funds, preparing reports for submission to the County or to HUD, obtaining program audits, and similar costs related to administering the grant after the award.

Affordability is one of three Outcome measurements used in the HUD CPD Performance Measurement System. Affordability applies to activities that provide affordability in a variety of ways to low- and moderate-income people. It can include the creation or maintenance of affordable housing, basic infrastructure, or services such as transportation or day care. Affordability is an appropriate outcome whenever an activity is lowering the cost, improving the quality, or increasing the affordability of a produce or service to benefit a low-income household. For instance, a subsidized day care program that provides services to low- and moderate-income families at lower cost than unsubsidized day care. Homeless prevention activities should be captured under the affordability outcome, since they typically help persons pay for or better afford their current housing while they experience a temporary crisis.

Assessment refers to a process of determining a client's specific strengths and challenges. It is a necessary step in designing an individualized client service plan.

At-Risk of Homelessness as defined in the Interim Rule § 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. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

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

Availability / Accessibility is one of three Outcome measurements used in the HUD CPD Performance Measurement System. Availability/Accessibility applies to activities that make services, infrastructure, public services, public facilities, housing, or shelter available or accessible to low- and moderate-income people, including persons with disabilities. In this category, accessibility does not refer only to physical barriers, but also to making the basics of daily living available and accessible to homeless, low- and moderate-income people where they live. Emergency and transitional shelters are bested reflected by the availability/accessibility outcome, since the goal of such activities is to make shelter available to low-income persons who otherwise would not have it. Likewise, homeless individuals and families face multiple barriers when trying to access mainstream supportive services. As a result, supportive services funded through CDBG or ESG typically reflect an access or availability issue.

Basic Needs means those physiological needs such as hunger, thirst, bodily comforts, etc. associated with the lowest level of human need on Maslow's Hierarchy of Needs.

Case Management remains a loosely defined service, but generally includes a majority of the following functions:

- Outreach and client identification: to attempt to enroll clients not using normal, or regular mainstream services
- Assessment: to determine a person's current and potential strengths, weaknesses and needs
- Planning: to develop a specific, comprehensive, individualized treatment and service plan
- Linkage: to transfer clients to necessary services and treatments provided in the community
- Monitoring: to conduct ongoing evaluation of client progress and needs
- Client Advocacy: to intercede on behalf of a specific client or a class of clients to ensure equity and appropriate services
- Direct Service: provision of clinical services or financial assistance to overcome barriers
- Crisis Intervention: assisting clients in crisis to stabilize through direct interventions and mobilizing needed supports and services
- System Advocacy: intervening with organizations or larger systems of care in order to promote more effective, equitable, and accountable services to a target client or group

- Resource Development: attempting to create additional services or resources to address the needs of clients
- Discharge Planning: implementing many of the above functions again to help client plan to transition from one type of setting or service program to another.

Per HUD, under, § 576.100, Case management, costs include the costs of assessing housing and service needs, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant.

Child Care Subsidy can be in the form of financial assistance with all or a portion of the costs of the care of dependent children in a safe environment by a provider of the parent's choice.

Chronically Homeless Person

As defined by HUD, Chronically homeless is:
(1) An individual who:
(i) Is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
(ii) Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last 3 years, where each homeless occasion was at least 15 days;and
(iii) Can be diagnosed with one or more of the following conditions:
substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability;

(2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or

(3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

Committee on Homelessness (CoH) is the Committee which oversees regional homeless activities, under the auspices of the Southern Nevada Regional Planning Coalition (SNRPC). The Committee coordinates housing and service programs, assesses current needs and gaps in services to the homeless, works with the United Way to fund projects and services, coordinates case management services with Southern Nevada Adult Mental Health, Clark County and non-profit groups, and, identifies and applies for competitive homeless-related federal, state and local grants.

Consolidated Plan (a.k.a. ConPlan) is the long-term housing and community development plan developed by state and local governments and approved by HUD. The Consolidated Plan contains information on homeless populations and should coordinate with the CoC Plan. The ConPlan must be prepared in accordance with the requirements set forth in 24 CFR Part 91 which describes community needs, resources, priorities and proposed activities to be undertaken under certain HUD programs, including CDBG and ESG.

According to the Interim Rule, § 576.2 Definitions, a Consolidated Plan is 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 (per Interim Rule, **§ 576.2 Definitions.**) means the group composed of representatives of relevant organizations, which generally includes nonprofit homeless providers; victim service providers; faith-basedorganizations; 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.

Continuum of Care (CoC) Funding is a collaborative funding approach that helps communities plan for and provide a full-range of emergency, transitional, and permanent housing and service resources to address the various needs of homeless persons. On the local level, the SNRPC Committee on Homelessness designs and implements the continuum of care for Southern Nevada.

Continuum of Care Plan refers to the regional plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and self-sufficiency. The plan includes components to prevent homelessness, end homelessness, and prevent the return to homelessness. This CoC Plan is endorsed by the SNRPC Committee on Homelessness, and implemented by the Office of the Regional Homeless Coordinator.

Decent Housing is one of three Objectives of HUD CPD funding (CDBG, ESG, HOME, and HOPWA) and refers to a wide range of housing activities that are generally undertaken with HOME, CDBG or HOPWA funds. This objective focuses on housing activities whose purpose is to meet individual family or community housing needs. It does not include programs where housing is an element of a larger effort to make community-wide improvements, since such programs would be more appropriately reported under Suitable Living Environment. Homeless prevention activities should be reported under the decent housing objective, since the goal of most prevention activities is to help individuals or families preserve their housing and/or make it more affordable while the individual or family is experiencing a temporary crisis. Permanent supportive housing programs that target assistance to homeless persons will generally be reported under decent housing, regardless of activity type (tenant-based rental assistance, acquisition, rehabilitation, or new construction of rental housing, etc.). Note that shelter or transitional housing is not considered housing, and therefore should not be reported under decent housing.

Disability is either of the four definitions:

1. defined in section 223 of the Social Security Act (42 U.S.C. 423); or
2. having a physical, mental, or emotional impairment that (a) is expected to be of long-continued and indefinite duration; (b) substantially impedes an individual's ability to live independently; and (c) is of such a nature that such a disability could be improved by more suitable housing conditions;
3. A developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 15002);
4. The disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiological agent for AIDS.

Direct Financial Assistance is the provision of financial assistance, in the form of voucher promise-to-pay or issuing cash or check, on behalf of a client. Paying a debt owed or fee for services for a client with the goal of removing a barrier to the client's stability and self-sufficiency. All such financial assistance shall be

paid to a third party; under no circumstances can County funds be used to provide cash up-front or to reimburse the client household directly.

Discharge Planning includes implementing many of the case management functions specifically to help a client plan to transition from one type of setting or service program to another and connecting the client to appropriate community resources to ensure stability once discharged or placed.

Domestic Violence (DV) is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Economic Opportunity is one of three Objectives of HUD CPD funding (CDBG, ESG, HOME, and HOPWA) and applies to activities related to economic development, commercial revitalization, or job creation. The objective of "Creating Economic Opportunity" is unlikely to be used for housing or homeless services supported with CDBG, ESG or HOPWA funds.

Emergency Shelter programs are defined as those that have minimal entry criteria, include time limits (varies by agency – but duration is typically less than 90-120 days), are located in a structure offering protection from the elements, provide restroom facilities and drinking water, are supervised and offer appropriate lighting/cooling and proper ventilation. Generally, one hot meal is served, and no fee is required. Emergency Shelter can include beds, units, temporary spaces, or vouchers to motels that are available to meet the emergency housing needs of persons and families who would otherwise be living on the streets. Emergency Shelter does not include the programs and services that meet the definition of prevention, transitional housing or permanent housing. Emergency shelter can be further defined in the following manners:

- Overflow: number of mats, beds or spaces that are temporarily made available in an existing program;
- Off-Site Lodging: hotel or motel arrangements (apartments, if used in place of a motel or hotel);
- Shelter: structure that contains units or beds to meet the needs of emergency housing;
- Seasonal: emergency shelter that is available during high-demand periods and closes during low-demand periods;
- Low-Demand: shelters (usually short-term Emergency Shelters) that have few, if any, behavior or conduct requirements. These shelters focus on providing a safe, secure, violence-free place for homeless individuals to escape the outdoor elements and the uncertainties of life on the streets or in the desert encampments.

An emergency shelter is not the same as transitional housing.

Employment Services include education related to job skill development, on the job training, referral, job placement, sheltered workshop, job coaching/shadowing, employment testing, employment evaluation, as well as direct financial assistance in obtaining employment-related documentation, licenses, certifications, or other items necessary for a person to accept employment. Corrective dental and eye care that is needed to improve a person's employability may also be considered an eligible expense.

Former Foster Care Youth refers to youth and young adults who exited the foster care system. Some of these young adults are unprepared to live independently and to retain housing stability. These former foster care youth are eligible for expanded financial assistance and case management funded by the 2003 Nevada State Legislature (AB94) as administered by the Child Focus, 1771 E. Flamingo Rd, Suite D-241; 893-1627.

Services offered to former foster care youth with Clark County Federal Funds for Homeless Programs must be complementary to – and not replace – any service available through the AB94 funding.

Gateway Transitional Housing refers to transitional housing for persons who need short-term (2 to 6 months) of supportive housing in preparation for living in permanent housing.

Grassroots Organization is an organization that is headquartered within Clark County and (1) has a social service budget of $300,000 or less which does not include salaries and expenses not directly expended in the provision of social services, or (2) has six or fewer full-time equivalent employees. Local affiliates of national organizations are not considered "grassroots".

Greater self-determination refers to increases in the influence that participants have on decisions that affect their lives. Those increases may result from such actions as involvement in the development of his or her individual housing and supportive services plan (including developing personal goals), participating in resident advisory council meetings or other involvement in the development of program rules and procedures, involvement in program implementation through such activities as employment and volunteer services, and choice in selecting service providers.

HEARTH Act- Homeless Emergency Assistance and Rapid Transition to Housing Act. On May 20, 2009, President Obama signed the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009. The HEARTH Act amends and reauthorizes the McKinney-Vento Homeless Assistance Act with substantial changes, including:

- A consolidation of HUD's competitive grant programs;
- The creation of a Rural Housing Stability Assistance Program;
- A change in HUD's definition of homelessness and chronic homelessness;
- A simplified match requirement;
- An increase in prevention resources; and,
- An increase in emphasis on performance.

To read the amended and reauthorized McKinney-Vento Act, see The McKinney-Vento Homeless Assistance Act as amended by S.896, The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009.

HOUSING STABILITY CASE MANGEMENT

Under the Interim Rule, 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.

HMIS Data Quality Standard refers to the number (or percent) of client records created in the HMIS that are complete and accurate. The Data Quality Standard for Fiscal Year 2013/2014 is set at 90% accuracy or better. This means that no more than 10% of the client files created by your agency in the HMIS system can have inadequate, inaccurate, or incomplete data entered for the client. To achieve a higher data quality rating, agencies must complete all data fields on all clients entered into the HMIS system. The data entered into the data fields must be accurate and complete, which is tested each month by the HMIS Coordinator and reported to the Community Resources Management Division staff, the Regional Homeless Coordinator and participating agencies.

Homeless Management Information System (HMIS) defined by HUD in § 576.2 Definitions.: 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.

Generally, it s a computerized data collection tool specifically designed to capture client-level system-wide information over time on the characteristics and service needs of men, women, and children experiencing homelessness, while also protecting client confidentiality. It is designed to aggregate client-level data to generate an unduplicated count of clients served within a community's system of homeless services. An HMIS is not a stand-alone, program-specific database. All projects funded with Clark County Federal Funds for the Homeless must participate in Southern Nevada's HMIS system by inputting data on all clients served by CCFFH-funded projects. Agencies may apply to be a user on the Miner-HMIS system by contacting Robert Herdzik, HMIS Program Coordinator at 614-6690. For more information on the Miner-HMIS system or the participation requirements, contact the Regional Homeless Coordinator at 455-5832.

Homeless definition: Consisting of four general categories with specific criteria defined by HUD. The general categories are as follows:

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence
(2) An individual or family who will imminently lose their primary nighttime residence
(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 would qualify under other federal acts.
(4) Any individual or family who: Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions.

Homeless definition as defined by HUD in § 576.2 Definitions:

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

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
(iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

(2) An individual or family who will imminently 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:
(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)),

section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
(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 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 30 percent of median family income for the area, as determined by HUD. *The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing*. 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. The written standards are attached to this program manual.

Housing First is a Best Practice model and the approach adopted by the SNRPC Committee on Homelessness for Southern Nevada's continuum of care plan. This approach rests on two premises: 1) the central goal is direct placement into permanent housing for those who are currently homeless, and 2) the provision of appropriate individualized services (may include mental health and/or substance abuse treatment) are offered via follow-along services after housing placement to ensure long-term housing stability.

Housing Search / Placement Services includes recruitment of housing units for homeless clients, site monitoring, mediation between landlord and tenant, tenant rights and responsibilities education, intake and evaluation of clients to determine eligibility for specific housing programs and providing the means to access housing (such as financial or other resources), assist in completing housing applications, and advocacy or intervention with landlords or public agencies to facilitate a client's application and placement. This may include positions such as: Housing Recruiter, Housing Harvester, Housing Specialist, etc.… where individual persons are responsible for part or all of the functions mentioned above.

HUD (U.S. Department of Housing and Urban Development is the federal agency tasked by Congress to oversee these Emergency Shelter Grant funds, among others. HUD's mission is to increase homeownership, support community development and increase access to affordable housing free from discrimination. To fulfill this mission, HUD will embrace high standards of ethics, management and accountability and forge new partnerships – particularly with faith-based and community organizations – that leverage resources and improves HUD's ability to be effective on the community level.

In-Kind Contributions generally are defined as the fair-market value of non-cash contributions provided by non-federal third parties. This can include the value of personnel, space, travel or other operating expenses provided by outside parties at no cash cost to the grant recipient.

Increased Skill Level and/or Income refers to the resources needed to enable persons to live as self-sufficiently as possible. For many homeless persons, this involves actions to bridge the gap between current income and the cost of living. The gap could be closed through employment, a higher-paying job, or access to entitlement benefits. The likelihood of obtaining a job, or a higher-paying job, could be enhanced through job or skills training, or enrolling in GED or higher education courses. For homeless persons with mental or physical disabilities that are so severe as to rule out outside employment, the goal of increased skill level and/or income may involve actions to increase self-sufficiency in other ways (e.g., life skills training, increased income through employment within a project, or increased income through access to entitlement benefits). For others, it may just consist of ensuring the household enrolls for all public, income-support programs it is eligible for, such as food stamps, child support enforcement, child care subsidies, Medicaid, Medical Card or Nevada Check-Up, or Social Security Survivor's Benefits.

Indicators are the measurable elements of the service that tell whether an outcome is occurring. An indicator can be a direct or indirect measure (proxy) and often a set of indicators is used to measure an outcome. A key characteristic of an Indicator is that it is measurable, or count-able, and can be compared to indicators measured or counted earlier or later in a process. Please see HUD CPD Outcomes System Tab for further details.

Indirect Costs

The interim rule provides that Emergency Solutions Grant (ESG) funds may be used to pay indirect costs in accordance with OMB Circulars A–87 (2 CFR part 225) and A–122 (2 CFR part 230), as applicable. Indirect costs may be allocated to each eligible activity, so long as the allocation is consistent with an indirect cost rate proposal developed in accordance with OMB Circulars A–87 (2 CFR part 225) and A–122 (2 CFR part 230), as applicable. The indirect costs charged to an activity subject to an expenditure limit must be added to the direct costs charged for that activity when determining the total costs subject to the expenditure limit.

Information & Referral (I&R) Services is typically provided by all agencies and programs serving the homeless. I&R is providing individuals or families with lists of agencies and contact information for various services or needs. Programs receiving CCFFH funds are expected to distinguish in their monthly reports between clients receiving case management services and those receiving only I&R services.

Intensive Case Management describes a more intensive and comprehensive level of case management as defined above. Intensive case management requires a higher level of commitment of an agency's and case worker's resources and time, and the majority of activities typically occur with the client in the field.

Interim Rule is the loose term given to identify the newly amended 24 CFR Part 576, the Emergency Solutions Grant Program- Interim Rules and Regulations published in the Federal Register on December 5, 2011.

Leveraging is a written commitment documented on letterhead stationary, signed and dated by an authorized representative of the partner agency, and must contain the following elements: (a) the type of contribution (e.g., cash, child care, substance abuse treatment, etc.); (b) the value of the contribution; (c) the

name of the project and its sponsor organization to which the contribution will be given; AND (d) the date the contribution will be available.

Life Skills are usually taught through education and training on: hygiene, time management, parenting, financial literacy, health and wellness, job readiness, job retention, transportation, communication, cooking and nutrition.

Low-Demand Shelter is a term used to describe shelters (usually short-term Emergency Shelter) that have few, if any, behavior or conduct requirements. These shelters focus on providing a safe, secure, violence-free place for homeless individuals to escape the outdoor elements and the uncertainties of life on the streets or in the desert encampments. Low-demand shelters address the first two levels on Maslow's Hierarchy of Needs as a first step to encouraging homeless individuals to aspire to achieve the other levels.

Maslow's Hierarchy of Needs lists human needs in this order: Physiological needs (food, water, air); Safety needs (shelter from cold, rain, snow); belongingness needs (friends, family, community); Esteem needs (a job, appreciation, a title); Self Actualization needs (reaching one's creative potential, philosophy).

Maintenance of Effort (MOE)
Per interim Rule, 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.

Mainstream Services are primarily government-funded programs that provide services, housing and/or income supports to poor persons, whether homeless or not. They include programs providing welfare, health care, mental health care, substance abuse treatment, veterans assistance, housing subsidies, and employment services.

Match (Cost Sharing) is required for the Emergency Shelter Grant at a ratio of 1:1. Matching funds are required from local, state, private or, in some cases, federal resources. Documentation of the match requirement must be maintained in the grantee's financial records on a grant-specific basis. See Interim Rule, § 576.201 Matching requirement for detailed information.

Medical Care includes an assessment, diagnosis, and treatment focused on the health of an individual and may involve referral, medication, and assistance in obtaining said services. Medical Care requires licensed personnel (such as APN, MD, or RN).

Mental Health Care includes a crisis intervention, assessment, therapy, and diagnosis focused on the mental and emotional health of an individual and may involve referral, medication and assistance in obtaining said services. Mental Health Care requires licensed personnel (such as LCSW, Psychiatrist, MFT or MD)

McKinney-Vento Act is the federal authority for billions of dollars supporting hundreds of programs targeting the special needs of homeless individuals in all the federal Departments. First authorized in 1987, the Act (PL 100-77) has been re-authorized and amended to include a greater emphasis in the development of permanent housing for homeless persons.

Mobile Crisis Intervention is intervention work performed in the field, providing needed intervention, assessment, treatment referrals, transportation, and other related services to address the immediate crisis facing t hose in need. Mobile outreach teams will respond quickly to emergency actions by local municipalities and provide coordinated outreach efforts to homeless individuals in response to interventions and clean up efforts. These teams may also respond to requests for assessment and make recommendations regarding interventions at homeless encampments.

Non-Profit Organization means an organization described in 26 U.S.C. 501(c) that is exempt from taxation under subtitle A of the Internal Revenue Code. A non-profit organization is eligible to apply for funds from

Clark County if it has an adequate accounting system, a voluntary board, and practices nondiscrimination in the provision of assistance.

Objective means different things in different contexts, and has meant something different in past County applications. For the purpose of all HUD funding, "objective" will now refer to one of three overall Objectives of HUD CPD funding, to provide or foster: (1) Suitable Living Environment; (2) Decent Housing; and (3) Economic Opportunity. These objectives were designed by HUD to reflect the common ways that local governments work to achieve our local goals with these federal funds. Please see HUD CPD Outcomes System Tab for further details.

Older Homeless Youth refers to young adults aged 18 – 21 years who are unable to return to their homes. Oftentimes, Older Homeless Youth include Former Foster Care youth as well as other young adults for whom traditional emergency shelters are not appropriate due to maturity, physical limitations or developmental delays. This definition is consistent with the U.S. Department of Health and Human Services program guidelines for serving homeless and runaway youth.

Operating Costs means the costs associated with the day-to-day operation of the shelter or supportive housing facility and includes payment for shelter management (including salaries), maintenance, operation, supplies, rent, repairs, security, fuel, equipment, insurance, utilities, food, and furnishings.

Outcomes show how a project benefits the community or people it serves; or, stated another way, *how is the person or community changed as a result of the activity of the project*? One chooses an outcome based on the purpose for the activity; it may help to answer the question *"Why would the County fund this activity?"* The Outcome is designed to capture the nature of the change or expected result of the objective that the project seeks to achieve. It is possible that a particular project activity could be categorized in different ways, depending upon the intent. Please see HUD CPD Outcomes System Tab for further details. For the purpose of all HUD funding, "outcomes" will now refer to one of three overall Outcomes of HUD CPD funding: (1) to Improve or Increase Availability or Accessibility; (2) to Improve Affordability; or (3) to Improve Sustainability. To elaborate,

Availability/Accessibility: makes basic needs available to homeless or low-income persons;

Affordability: makes an activity more affordable for homeless or low-income persons;

Sustainability: using resources in a targeted manner or area to help make that area more viable.

Outcome Performance Measurement System is a new initiative by the U.S. Department of Housing and Urban Development, implemented in Fiscal Year 2007. The goal of the Outcome Measurement System is to help explain how CDBG or ESG funds make a difference in people's lives, and to comply with several Congressional or Presidential initiatives attempting to link budget decision-making with performance results. HUD has designed a system that all HUD-funded projects are to utilize, in an effort to gather common outcomes that can be nationally aggregated. Please see HUD CPD Outcomes System Tab for further details.

Outreach Services are offered outside the office environment, typically in the streets, deserts, parks, or other areas where the homeless congregate. Services include information about and transportation to services available in the community that can meet the needs of the individual. Common examples include Street Outreach, Mobile Units or Law Enforcement responses.

O.U.T.R.E.A.C.H. Project is a unique multi-agency initiative providing comprehensive, coordinated services for individuals and families who experience chronic homelessness. Participating agencies include HELP of Southern Nevada; Straight from the Streets; Mojave Adult, Child and Family Services; US Vets-Las Vegas; the Center for Independent Living; and The Salvation Army. Other agencies collaborating with the effort include Jewish Family Services, providing food baskets and other basic needs; Nevada Health Care, Inc.

using federal Health Care for the Homeless funds. Services provided include intensive street-based outreach, housing for eligible individuals and families who have co-occurring disorders, substance abuse counseling, mental health treatment, primary care and/or medical care, dental and vision services, food baskets, child care assistance, and other services needed to remove the chronically homeless individual or family off the streets and into an increased level of stability and safety.

Performance Assessment Rating Tool (PART) is a review of federal funding programs conducted by the Office of Management and Budget (OMB). The PART assesses each Congressionally-allocated funding program for Program Purpose and Design, Strategic Planning, Program Management, and Program Results, with the latter accounting for 50% of the PART Score.

Private nonprofit organizations eligible to apply for CCFFH funds are those that ensure:

1. no part of the net earnings of which may inure to the benefit of any member, founder, contributor, or individual;
2. that has a voluntary board of not less than five (5) unrelated persons;
3. that has a functioning accounting system that is operated in accordance with generally accepted accounting principles, or has designated an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles;
4. that practices nondiscrimination in the provision of assistance; AND
5. has all required licenses and certifications to do business in the State of Nevada.

Private nonprofit organization as defined in the Interim Rule 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. Costs paid by program income. Costs paid by program income can be used to count toward meeting the recipient's matching requirements, provided the costs are eligible ESG costs that supplement the recipient's ESG program.

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.

Quality means the degree to which services and supports for individuals and populations increase the likelihood for desired housing and quality of life outcomes and are consistent with current professional knowledge.

Rapid Re-Housing funds are available for housing relocation and stabilization services and short-and/or medium-term rental assistance as necessary to help individuals or families living in shelters or in places not meant for human habitation move as quickly as possible into permanent housing and achieve stability in that

housing. Eligible costs also include utilities, rental application fees, security deposits, last month's rent, utility deposits and payments, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, tenant legal services, and credit repair. Refer to Interim Rule 576.104 Rapid Re-Housing Component for more details.

Regional Homeless Coordinator is responsible for implementing the policies and decisions of the Southern Nevada Regional Planning Coalition's Committee on Homelessness. Shannon West, the Regional Homeless Coordinator, is housed at the Pinto Lane office of the Clark County Social Services and can be reached at 455-5832.

Resident Services Coordination refers to apartment complexes or property owners who arrange for provision of basic services to help connect residents to needed assistance, to support stable tenancy. Staff can be an employee of the landlord/owner or the employee of a non-profit agency through a partnership agreement.

Residential Stability refers to access to, and length of stay in, stable affordable housing. Achieving residential stability involves not only the availability of affordable, permanent housing, but also the success of the program in addressing the problems that led to the person or household becoming homeless. Those problems may involve mental illness, substance abuse, physical disabilities, unemployment, or other factors.

SNRPC, or Southern Nevada Regional Planning Coalition was created by Interlocal Agreement in 1998 and is charged with undertaking regional collaboration efforts in Southern Nevada. The SNRPC's Committee on Homelessness (CoH) is tasked with identifying service gaps and priorities for local homeless services.

Screening usually refers to a process of determining eligibility and priority for services.

Self-Sufficiency means many things to many people. Healthy families are interdependent with extended family members, friends, fellow members of spiritual organizations and cultural and social groups, neighbors, co-workers, businesses, social and civic organizations, schools, day care programs, health care providers, and others. There is no universally agreed upon standard of self-sufficiency, nor what elements need to be accounted for in such a standard. For the purposes of this grant application process, a self-sufficient individual or family ultimately lives with minimal, if any, public or private assistance.

Shelter refers to any type of agency-sponsored housing activity whereby the agency provides temporary housing accommodations for clients. Shelter activities may include Emergency Shelter where placement is based on the client's emergent need and duration is typically less than 90-120 days, or Program Shelter where placement is based on a client's emergent need and duration is contingent upon participation in a program (sobriety, work, or other), or Transitional Shelter where placement is based on a client's eligibility and appropriateness for the program and duration does not exceed 24 months. The term shelter encompasses buildings, facilities and accommodations paid for by the agency, thus including any apartment living arrangements provided by agency during participation in agency's program.

Subrecipients are non-Federal entity that expends Federal awards received from another entity to carryout a Federal program but does not include an individual who is a beneficiary of such a program. Subrecipients are governmental or private, non-profit organizations chosen by the grantee (the County) to undertake certain eligible CDBG. HOME, HPRP or ESG activities. Institutions of higher learning can be subrecipients. Subrecipients are also referred to as subgrantees.

Substance Abuse Care includes assessment, evaluation, diagnosis, treatment, aftercare, and may include medications. Requires licensed personnel (such as CADAC, LADC, LCSW, Psychologist, MFT or MD).

Supplant – HUD funds cannot be used to supplant (or, voluntarily substituted for or replacing) mainstream or other funding.

Supportive Services (also known as essential services) address the service needs of homeless persons, such as employment, health, drug abuse, or education, to help homeless persons meet three overall goals: (1) Achieve residential stability; (2) Increase their skill levels and/or incomes; and (3) Obtain greater self-determination. Staff costs associated with case management or provision of supportive services is considered a supportive service. Supportive Services may include, but are not limited to:

- Assistance in obtaining permanent housing
- Assistance in obtaining other Federal, State or local assistance, including but not limited to
    - Public assistance such as food stamps, TANF, medical cards, child support enforcement, child care subsidies, home energy assistance, etc.
    - Employment training and placement programs provided through the Nevada Department of Employment, Training and Rehabilitation or the Workforce Investment Act.
- Medical and psychological counseling and supervision
- Employment counseling
- Substance abuse treatment and counseling
- Other services such as child care payments, transportation assistance, job placement or job training

Limitations on using these HUD funds to provide supportive services: Grants may be used to provide a supportive/essential service, *only* if the service is a new service, or is a quantifiable increase in the level of a service. With rare exception, HUD funds cannot be used to supplant mainstream or other funding for these essential services.

Suitable Living Environments is one of three Objectives of HUD CPD funding (CDBG, ESG, HOME, and HOPWA) and refers to activities that are designed to benefit communities, families, or individuals by addressing issues in their living environment. This objective relates to activities that are intended to address a wide range of issues faced by low- and moderate-income persons, from physical problems with their environment, such as poor quality infrastructure, to social issues such as crime prevention, literacy, or health services. Emergency Shelter or Transitional Housing is generally provided for the purpose of improving the living environment of the beneficiaries (who would otherwise be living on the street). Therefore, shelter rehabilitation and operations should be reported under the suitable living environment objective. Essential, supportive services such as case management, mental health or substance abuse treatment, child care, are best captured under the suitable living environment objective, since services are designed to address and improve the quality of life for the individuals needing the services as well as the communities around them.

Sustainability is one of three Outcome measurements used in the HUD CPD Performance Measurement System. Sustainability applies to activities that are aimed at improving communities or neighborhoods, helping to make them more livable or viable by providing benefit to persons of lo- and moderate-income or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain communities or neighborhoods. It is important to note that "sustainability" is specifically tied to activities that are designed for the purpose of ensuring that a particular geographic area as a whole (such as a neighborhood) becomes or remains viable. It is targeted at supporting a specific physical location. Hence, while Homeless Prevention often results in a household sustaining their affordable housing and self-sufficiency, it would not be counted towards the CDBG/ESG/HOME efforts of sustainability.

Technical Assistance means the facilitating of skills and knowledge in planning, developing, and administering activities under the Clark County Federal Funds for Homeless Programs for entities that may need, but do not possess, such skills and knowledge.

Transitional Housing / Shelter means any program, the primary purpose of which is to provide temporary housing (lasting at least three months, but not to exceed 24 months) with supportive services used to facilitate the movement of homeless individuals and/or families to permanent housing. The supportive services may be provided by the organization managing the housing, or coordinated by them and provided by other public or private agencies. The admission process and criteria for transitional housing programs differ from emergency shelter programs in that transitional housing programs generally assess the prospective resident's appropriateness for the program and her/his willingness and capacity to adhere to program rules. The program rules, in turn, are designed to enhance the resident's self-sufficiency. Case management services are provided, as are other direct services designed to remove the obstacles individuals or families face when attempting to return to self-sufficiency.

Note, per Interim Rule, The definition of"emergency shelter" has been revised to distinguish this type of shelter from transitional housing. This distinction is necessitated by the McKinney-Vento Act's explicit distinction between what activities can or cannot be funded under the Continuum of Care program and the Rural Housing Stability program (see section 423(a)(2) and section 491(b)(1)(E) of the McKinney-Vento Act). However, under the definition, any project that received funding in FY 2010 as an emergency shelter may continue to be funded under the ESG program, regardless of whether the project meets the revised definition.

Transportation is the method of arriving at a desired destination. For the most part, homeless individuals and families rely on the Citizens Area Transit public transportation system, but many still own cars. Homeless clients need a variety of assistance with transportation, including financial assistance (with bus passes or gas vouchers), repairs, or sometimes accompaniment. HUD is now asking HUD-funded projects to specifically address the mode of transportation clients will be assisted with while working to regain their self-sufficiency (bus passes, vanpool rides, or financial assistance for client-owned vehicles).

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.

Weekends typically refers to Saturdays and Sundays – the days most mainstream program services are not available. There exists a dire need for programs to offer supportive services on weekend days.

Young Adult is synonymous with Older Homeless Youth detailed above, and at times may be used interchangeably. It refers to a person between the ages of 18 and 24 years.

Youth means an unaccompanied minor – either a runaway or abandoned ("throwaway") minor under the age of 18 years who is unable to consent for services her/himself. Services for a homeless Youth may continue for eighteen months after her/his 18th birthday, to ensure continuity of care. See "Older Homeless Youth" definition for young adults through age 21. Please see the latest Homeless Definition published by HUD for more definitions on for homeless youth.

EXHIBIT 3:
MONTHLY AND ANNUAL INCOME LIMITS
& REQUIRED ANNUAL REPORTS

DIRECT SERVICE INCOME ELIGIBILITY CRITERIA
HUD SECTION 8 GUIDELINES

ANNUAL Income Not to Exceed			
Family Size	**Extremely Low Income (30%)**	**Low Income (50%)**	**Moderate Income (80%)**
1	$ 13,600	$ 22,650	$ 36,250
2	$ 15,550	$ 25,900	$ 41,400
3	$ 17,500	$ 29,150	$ 46,600
4	$ 19,400	$ 32,350	$ 51,750
5	$ 21,000	$ 34,950	$ 55,900
6	$ 22,550	$ 37,550	$ 60,050
7	$ 24,100	$ 40,150	$ 64,200
8	$ 25,650	$ 42,750	$ 68,350

MONTHLY Income Not to Exceed			
Family Size	**Extremely Low Income (30%)**	**Low Income (50%)**	**Moderate Income (80%)**
1	$ 1,133	$ 1,887	$ 3,020
2	$ 1,295	$ 2,158	$ 3,450
3	$ 1,458	$ 2,429	$ 3,883
4	$ 1,616	$ 2,695	$ 4,312
5	$ 1,750	$ 2,912	$ 4,658
6	$ 1,879	$ 3,129	$ 5,004
7	$ 2,008	$ 3,345	$ 5,350
8	$ 2,137	$ 3,562	$ 5,695

Information provided by the U.S. Department of Housing and Urban Development, at http://www.huduser.org/

effective December 11, 2012

Direct link to income limits: http://www.huduser.org/portal/datasets/il/il13/index.html

Emergency Solutions Grant – ANNUAL BENEFICIARIES REPORT

July 1, 2013 through June 30, 2014

Agency:_____

Project: _____

Persons Served Complete for funded ESG Activity- Emergency Shelter

Number of Unduplicated Persons in Households	Total
Adults	
Children	
Don't Know/ Refused	
Missing Information	
TOTAL	

Number of Unduplicated Persons Served by Gender	Total
Male	
Female	
Transgendered	
Unknown	
TOTAL	

Number of Unduplicated Persons in Households (by Age)	Total
Under 18	
18-24	
Over 24	
Don't Know/ Refused	
Missing Information	
TOTAL	

Persons Served by Race & Ethnicity

Race	Total # of Persons*	Hispanic**
White		
Black/African American		
Asian		
American Indian/ Alaskan Native		
Native Hawaiian/ Other Pacific Islander		
American Indian/ Alaskan Nat. & White		
Asian & White		
Black/ African American & White		
American Indian/ Alaskan Nat. & Black/African American		
Other Multi-Racial		
TOTAL:		

*Total number served should equal the sum of the total number of persons assisted. **Provide the number of Hispanic clients served by each race as determined by client. Total number should be in addition to the race categories and not a substitute for race. The Hispanic ethnic total need not balance with any race category.

Special Populations Served by Subpopulation (Unduplicated count)	Total Persons Served with Rapid re-housing
Veterans	
Victims of Domestic Violence	
Elderly	
HIV/ AIDS	
Chronically Homeless	
Persons with Disabilities:	
Severly Mentally Ill	
Chronic Substance Abuse	
Other Disability	
Total (Unduplicated if possible)	

Shelter Utilization	Totals
Total Number of Bed nights available	
Total Number of Bed- nights provided	
Capacity utilization	

Housing Outcomes

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

		Total Client Hhlds Exiting:		%
To PERMANENT HOUSING	a.	Rental house or apartment (no subsidy)		
	b.	Public Housing		
	c.	Section 8		
	d.	Shelter Plus Care		
	e.	HOME subsidized house or apartment		
	f.	Other subsidized house or apartment		
	g.	Homeownership		
	h.	Moved in with family or friends		
To TRANSITIONAL HOUSING	i.	Transitional housing for homeless persons		
	j.	Moved in with family or friends temporarily		
To an INSTITUTION	k.	Psychiatric Hospital		
	l.	Inpatient alcohol or other drug treatment facility		
	m.	Jail/prison		
To EMERGENCY SHELTER	n.	Emergency Shelter		
To OTHER Situations	o.	Other supportive housing		
	p.	Places not meant for human habitation (e.g. street)		
	q.	Other (please specify)		
UNKNOWN	r.	Unknown		

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 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.....$_____

3. Other CDBG Funds (City: _____) .....$_____

4. City of Las Vegas ESG Funds .....$_____

5. Other HOME Funds (City: _____).....$_____

6. City of Las Vegas HOPWA 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): .....$_____

ATTACHMENT A

HUD CONSOLIDATED PLAN 2010-2014

HOMELESS STRATETIC PLAN

Homeless Needs (91.205 (b) and 91.215 (c))

Definition of Homeless

The Stewart B. McKinney Homelessness Act defines a person experiencing homelessness as "one who lacks a fixed permanent nighttime residence or whose nighttime residence is a temporary shelter, welfare hotel or any public or private place not designated as sleeping accommodations for human beings."

HUD's definition of homelessness is slightly more comprehensive. In addition to defining individual and families sleeping in areas "not meant for human habitation," the definition includes persons who:

- "Are living in transitional or supportive housing for homeless persons but originally came from streets or emergency shelters;
- Ordinarily sleep in transitional or supportive housing for homeless persons but are spending a short time (30 consecutive days or less) in a hospital or other institution;
- Are being evicted within a week from private dwelling units and no subsequent residences have been identified and they lack resources and supportive networks needed to obtain access to housing; or
- Are being discharged within a week from institutions in which they have been residents for more than 30 consecutive days and no subsequent residences have been identified and they lack the resources and support networks needed to obtain access to housing."

This definition demonstrates the diversity of people experiencing homelessness. The numerous locations in which people experiencing homelessness can be found complicate efforts to accurately calculate their total population.

The HUD definition does not include persons who are staying in a hotel/motel, with relatives or friends, in a Board and Care facility, Adult Congregate Living Facility, or who are in jail.

On May 20, 2009, President Obama signed into law a bill to reauthorize HUD's McKinney-Vento Homeless Assistance programs. The McKinney-Vento reauthorization provisions are identical to those included in two bills introduced earlier in 2009, both known as the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act. This will go into effect at the latest October 2010, or the sooner of 18 months after enactment or 3 months after HUD publishes final regulations.

The HEARTH Act changes HUD's definition of homelessness to include people at imminent risk of losing their housing and families or youth who live in precarious situations and are unlikely to become stable. Communities will be able to use up to 10 percent of their resources to serve people who meet the definitions of homelessness used by other federal agencies.

Costs of Homelessness

For many who are interested in solving the problem of homelessness, it may seem that providing persons with shelter is cheaper than providing funds to get them into permanent housing. This view is deceptive. The cost of homelessness is staggering, not only to the affected individuals and families in terms of decreased health and wellness and the ability to meet the most basic needs, but also to the community in terms of real dollars.

The impact of homelessness on hospitals, prisons, and social services is high. Because homeless persons do not have a stable place to live, they are at risk for a variety of poor outcomes such as health and mental health difficulties, emotional and developmental delays in children, or incarceration. Preventing someone from becoming homeless, or providing a quick and efficient transition into stable permanent housing from homelessness can result in a significant cost savings, both financially and socially.

The following are some of the ways in which homelessness can be costly to the health delivery system alone:

- $3,722= average cost of an emergency room visit
- $7,444= average costs for emergency room visits by a homeless individual at two visits per year
- $214=average cost for transport by ambulance
- $4,440=average cost of a three day hospital stay

Those who only access healthcare through the emergency room do not receive follow-up care or services beyond immediate intervention, making them more likely to return to the hospital in the future.

Homeless Needs Assessment

Homeless Census

During the period of January 28-29, 2009, the Southern Nevada Regional Planning Coalition (SNRPC) Committee on Homelessness and the Office of the Regional Homeless Coordinator, in conjunction with Applied Survey Research (ASR), conducted the *2009 Southern Nevada Homeless Census and Survey*. Due to the large size of Clark County, it was necessary to conduct the enumeration over two days. On January 28th the towns and rural areas outlying the 215 Beltway were enumerated, and the following morning the cities of Las Vegas, North Las Vegas, and Henderson and other areas within the 215 Beltway were enumerated.

The results of the Homeless Census provide invaluable data regarding the number and characteristics of homeless persons in Southern Nevada and begin the compilation of multi-year data, building upon the baseline of information established by the 2007 census and survey, to support regional and statewide efforts to mitigate and end homelessness.

The 2009 Southern Nevada Homeless Census was performed using HUD-recommended practices for counting homeless persons. This comprehensive study included a field enumeration and field surveys.

- The overall homeless population of Clark County enumerated in the point-in-time count was 13,338 persons.
- Of those persons, 3,027 unsheltered homeless persons were enumerated on streets within the 345 tracts.

- An additional 7,004 sheltered homeless persons were counted in emergency shelters and transitional housing programs.
- A telephone survey of the general population of Clark County revealed an estimated 3,307 unsheltered "hidden" homeless persons.
- An additional 307 homeless persons were housed in jails, hospitals, and rehabilitation facilities on the night of the shelter and institution count, but did not meet HUD's homeless definition for the point-in-time count.

Figure 38. Homeless Population, 2007-2009 Comparison

	2007	2009	07-09 Net Change	07-08 Percent Change
Total Sheltered People	3,844	7,004	3,160	82.2
Total Unsheltered People	3,747	3,027	-720	-19.2
Total Hidden Homeless	3,826	3,307	-519	-13.6
TOTAL HOMELESS PERSONS	11,417	13,338	1,921	16.8

Source: Applied Survey Research, *2007 Southern Nevada Homeless Census*. Applied Survey Research, *2009 Southern Nevada Homeless Census*.

Homeless Survey

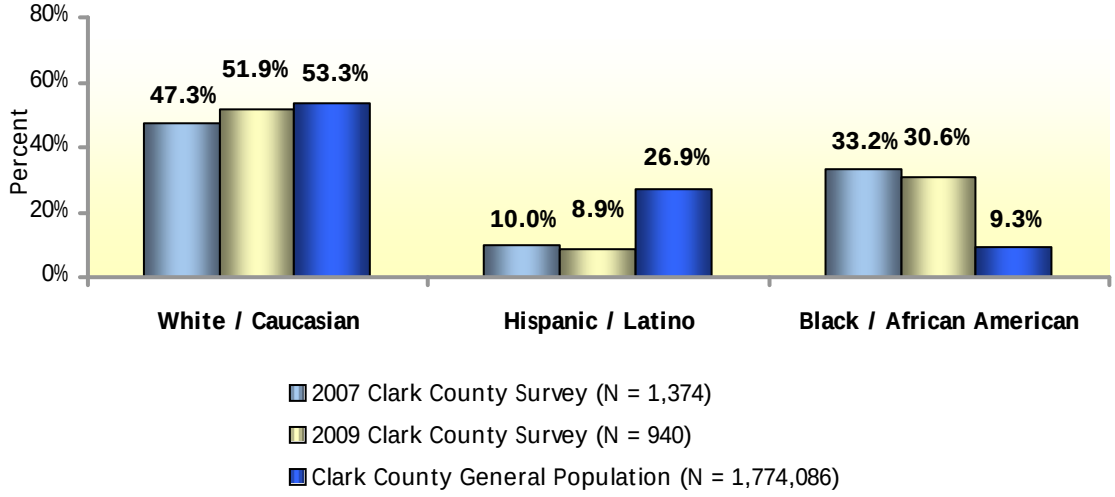
The following section provides an overview of the findings generated from the Southern Nevada Homeless Survey conducted by Applied Survey Research. Altogether, 940 valid surveys were administered between February 9 and March 19, 2009. Approximately 1 percent of these surveys were conducted in Spanish or other languages. These survey findings provide important demographic information on homeless households. In order to measure the diversity of homeless residents in Clark County, respondents were asked to answer several demographic questions pertaining to their age, gender, ethnicity, and military service.

Homeless Needs by Race/Ethnicity

Whites comprised 53 percent of the total population of Clark County, Hispanics comprised 27 percent, and African Americans comprised 9 percent. Therefore, the survey suggests that Hispanics were under-represented in the homeless population as compared to the general population of Clark County. African Americans were over-represented in the homeless population in comparison to the general population.

- 52 percent of homeless survey respondents identified their racial / ethnic group as White.
- 31 percent of homeless survey respondents identified as African American.
- 9 percent of survey respondents said they were Hispanic.
- In the overall County population, 53 percent of residents were White, 9 percent were African American, and 27 percent were Hispanic, indicating an over-representation of African Americans in the homeless population and an under-representation of Hispanics.
- Between 2007 and 2009, the percentage of White homeless survey respondents increased from 47 percent to 52 percent.

Figure 39: Respondents by Race / Ethnicity (Top 3 Race / Ethnicities) and Comparison to General Population



Source: Applied Survey Research, *2007 Southern Nevada Homeless Survey,* 2007; Applied Survey Research, *2009 Southern Nevada Homeless Survey,* 2009; Clark County General Population data source: U.S. Census Bureau, 2005 - 2007 American Community Survey 3-Year Estimates, 2009.

Homeless Subpopulations

The qualitative data about homelessness from the *Southern Nevada 2009 Homeless Census and Survey* were derived from direct surveys of a sample of homeless persons. Figure 40 presents 2009 subpopulation data and provides a comparison to 2007 subpopulation data. There has been a significant increase in the number of sheltered severally mentally ill homeless, those with chronic substance abuse, persons with HIV/AIDS and Victims of Domestic Violence. The number of unsheltered Chronically Homeless has increased 60 percent since 2007 as have the Severely Mentally Ill by 27.5 percent.

Figure 40: Homeless Subpopulations

Subpopulation	Sheltered				Unsheltered				Total			
	2007	2009	Net Change	Percent Change	2007	2009	Net Change	Percent Change	2007	2009	Net Change	Percent Change
Chronically Homeless[1]	174	117	-57	-32.8	1,309	2,094	785	60.0	1,483	2,211	728	49.1
Severely Mentally Ill	888	1,636	748	84.2	1,363	1,738	375	27.5	2,251	3,374	1,123	49.9
Chronic Substance Abuse	697	1,225	528	75.8	2,473	2,427	-46	-1.9	3,170	3,652	482	15.2
Veterans	835	986	151	18.1	1,486	1,276	-210	-14.1	2,321	2,262	-59	-2.5
Persons with HIV / AIDS	19	68	49	257.9	76	82	6	7.9	95	150	55	57.9
Victims of Domestic Violence	215	637	422	196.3	545	500	-45	-8.3	760	1,137	377	49.6
Unaccompanied Youth (Under 18 years of age)	128	55	-73	-57.0	152	154	2	1.3	280	209	-71	-25.4

Source: Applied Survey Research, 2007 Southern Nevada Homeless Survey, 2007; Applied Survey Research, 2009 Southern Nevada Homeless Survey, 2009.

The resources available to assist these households are limited, even with the addition of the Homeless Prevention and Rapid Re-Housing Program which is specifically designed to provide homeless prevention. The public housing authority has an extensive waiting list for all types of assisted housing, and emergency rental, mortgage and utility assistance for temporary crisis situations are in short supply. Agencies and non-profit organizations utilize other Federal, State and local funding sources in addition to private donations to assist households in crisis situations. The goal of providing rental, mortgage and utility assistance is to enable households to avoid losing their existing housing and the high security, cleaning and utility deposits which are required for new units in the current rental housing market

The most cost effective way to prevent households from losing their current housing is increased assistance through grants. In addition, creative options that offer lower cost rental units on a permanent basis are necessary, such as SRO housing for individuals, who represent a significant portion of extremely-low income households.

Priority Homeless Needs

The HCP Consortium has based its homeless strategic plan on the priorities identified in *Help Hope Home: Southern Nevada's Regional Plan to End Homelessness, the Southern Nevada 2009 Homeless Census and Survey* and the *Help Hope Home: Southern Nevada's Plan to End Homelessness Implementation Schedule.*

Help Hope Home is the roadmap Southern Nevada is using to implement its plan to end homelessness over the next ten years. Over a two year period, stakeholders were engaged and focus group meetings and input sessions were held to gain community perspective, direction, feedback and data to be used to develop the strategic action plan to end homelessness. The plan has been designed to produce results as well as to report those results back to the community.

The backbone of this plan is based on local data, obtained through the point in time homeless count, a Gaps Analysis, conversations with homeless persons, stakeholders, and local as well as national leaders in the fight to end homelessness. By focusing on managing for results, we can ensure Help Hope Home will be accountable for completing the action steps and meeting the benchmarks it has set.

Needs of Persons Threatened with Homelessness

Many low-income persons and families in Clark County are at risk of becoming homeless due to the lack of sufficient income, or in the event of a temporary crisis, including loss of employment, sickness or disability, loss of spouse or domestic violence. Extremely low- income households paying 50 percent or more of their household income for housing are at greatest risk. These households are often one paycheck away from becoming homeless.

Figure 41: HUD Table 1A - Continuum of Care Gaps Analysis Chart

Part 1: Homeless Population	Sheltered		Un-sheltered	Total	Clark County, NV
	Emergency	Transitional			Count Quality
1. Homeless Individuals	730	4887	6,307	11,924	N
2. Homeless Families with Children	31	307	8	346	N
2a. Persons in Homeless with Children Families	112	1275	27	1,414	N
Total (lines 1 + 2a)	842	6,162	6,334	13,338	

Part 2: Homeless Subpopulations	Sheltered	Un-sheltered	Total	
1. Chronically Homeless	117	2094	2,211	S
2. Severely Mentally Ill	1636	0		S
3. Chronic Substance Abuse	1225	0		S
4. Veterans	986	0		S
5. Persons with HIV/AIDS	68	0		S
6. Victims of Domestic Violence	637	0		S
7. Youth (Under 18 years of age)	55	0		S

Part 3: Homeless Needs Table: Individuals		Needs	Currently Available	Gap	5-Year Quantities										Total			Priority H, M, L	Plan to Fund? Y N	Fund Source: CDBG, HOME, HOPWA, ESG or Other
					Year 1		Year 2		Year 3		Year 4		Year 5							
					Goal	Complete	Goal	Complete	Goal	Complete	Goal	Complete	Goal	Complete	Goal	Actual	% of Goal			
Beds	Emergency Shelters	2066	915	1151	0	0	0	0	0	0	0	0	0	0	0	0	###	M	Y	CE
	Transitional Housing	5038	5038	0	0	0	0	0	0	0	0	0	0	0	0	0	###	H	Y	HE
	Permanent Supportive Housing	7014	1440	5574	0	0	0	0	0	0	0	0	0	0	0	0	###	H	Y	HE
	Total	14118	7393	6725	0	0	0	0	0	0	0	0	0	0	0	0	###			
Chronically Homeless		2211	117															H	Y	HEC

Part 4: Homeless Needs Table: Families		Needs	Currently Available	Gap	5-Year Quantities										Total			Priority H, M, L	Plan to Fund? Y N	Fund Source: CDBG, HOME, HOPWA, ESG or Other
					Year 1		Year 2		Year 3		Year 4		Year 5							
					Goal	Complete	Goal	Complete	Goal	Complete	Goal	Complete	Goal	Complete	Goal	Actual	% of Goal			
Beds	Emergency Shelters	305	305	0	0	0	0	0	0	0	0	0	0	0	0	0	###	M	Y	CE
	Transitional Housing	1506	1506	0	0	0	0	0	0	0	0	0	0	0	0	0	###	H	Y	CHE
	Permanent Supportive Housing	1297	542	755	0	0	0	0	0	0	0	0	0	0	0	0	###	H	Y	HEC
	Total	3108	2353	755	0	0	0	0	0	0	0	0	0	0	0	0	###			

Completing Part 1: Homeless Population. This must be completed using statistically reliable, unduplicated counts or estimates of homeless persons in sheltered and unsheltered locations at a one-day point in time. The counts must be from: (A) administrative records, (N) enumerations, (S) statistically reliable samples, or (E) estimates. The quality of the data presented in each box must be identified as: (A), (N), (S) or (E).

Completing Part 2: Homeless Subpopulations. This must be completed using statistically reliable, unduplicated counts or estimates of homeless persons in sheltered and unsheltered locations at a one-day point in time. The numbers must be from: (A) administrative records, (N) enumerations, (S) statistically reliable samples, or (E) estimates. The quality of the data presented in each box must be identified as: (A), (N), (S) or (E).

Sheltered Homeless. Count adults, children and youth residing in shelters for the homeless. “Shelters” include all emergency shelters and transitional shelters for the homeless, including domestic violence shelters, residential programs for runaway/homeless youth, and any hotel/motel/apartment voucher arrangements paid by a public/private agency because the person or family is homeless. Do not count: (1) persons who are living doubled up in conventional housing; (2) formerly homeless persons who are residing in Section 8 SRO, Shelter Plus Care, SHP permanent housing or other permanent housing units; (3) children or youth, who because of their own or a parent’s homelessness or abandonment, now reside temporarily and for a short anticipated duration in hospitals, residential treatment facilities, emergency foster care, detention facilities and the like; and (4) adults living in mental health facilities, chemical dependency facilities, or criminal justice facilities.

Unsheltered Homeless. Count adults, children and youth sleeping in places not meant for human habitation. Places not meant for human habitation include streets, parks, alleys, parking ramps, parts of the highway system, transportation depots and other parts of transportation systems (e.g. subway tunnels, railroad car), all-night commercial establishments (e.g. movie theaters, laundromats, restaurants), abandoned buildings, building roofs or stairwells, chicken coops and other farm outbuildings, caves, campgrounds, vehicles, and other similar places.

Gaps Analysis

The Gaps Analysis led to the development of a regional plan that illustrates the social impacts of homelessness in this community. Lack of affordable housing, limited homeless services, non-profit capacity and few prevention services redefined this community as a community "at risk".

Shelter and Housing Data

Shelter beds, transitional housing beds and the permanent supportive housing units information was provided through the Office of the Southern Nevada Regional Homeless Coordinator. The information on these types of housing is gathered annually as part of the Continuum of Care application for funding from HUD.

Housing Gaps Analysis Chart

In order to complete the Unmet Need/Gap of the Gaps Analysis Chart some assumptions were made. First, the current inventory was taken from the Housing Activity Charts. Next, the total number of homeless persons (members of families and unaccompanied individuals) is obtained from the 2009 Street and Shelter Count, and the Homeless Population and Subpopulation Chart was used to ascertain where the various household types (Families w/ children, unaccompanied minors, and unaccompanied individuals) were sleeping the night of the count. The homeless service providers reviewed the HUD recommended calculations for unmet need, and then considered the needs of the homeless clients in our community and the housing services they felt would best meet those needs. The calculations used were based on the outcomes of these considerations and recommendations from the provider community.

Of the 6,307 unsheltered homeless individuals, it is assumed that 50 percent of those who would most benefit from placement into permanent housing first, while 25 percent would benefit from placement directly into transitional housing. The remaining 25 percent can use the system as it has been developed over the years (e.g., enter the emergency shelters, moving from there to either permanent housing or transitional, if necessary). Of the 736 individuals in Emergency Shelter, it is calculated that 50 percent can further use the existing system and benefit by moving into transitional housing, with the remaining 50 percent benefiting from placement directly into permanent supportive housing. Finally, of the 4,722 currently in Transitional Housing 50 percent would benefit from moving through the system by graduating from Transitional Housing into Permanent Housing, with the remaining 50 percent being moved directly into Permanent Housing. This leads to a calculation of an unmet need of 1,151 individual shelter beds and 5,574 Permanent Supportive Housing beds.

The Gaps Analysis for Families contains different calculations. First, there is the assumption that families with minor children should never be "warehoused" in emergency shelter type facilities, however, there is occasion in about 5 percent of the time that those living on the streets and those in emergency shelter have such needs that it is appropriate for them to move through the system by graduating into Transitional Housing and then moving into Permanent Housing. Of the 145 families in transitional housing and the 27 unsheltered families about 35 percent of those can best be served by moving directly into transitional housing and about 25 percent of the 1,274 currently in transitional housing will continue to benefit from transitional housing prior to moving into permanent housing. The majority of our families would benefit from moving directly into permanent housing with support services. In other words, 60 percent of the 27 unsheltered families and 145 in emergency shelter and 75 percent of the families in transitional housing would be best served in permanent supportive housing. The result is a calculation of an unmet need of 755 beds or 124 family units for homeless families with children.

Homeless Inventory (91.210 (c))

Inventory of Homeless Facilities and Services

The Inventory of Facilities and Services for the Homeless details the facilities and social services currently available to the homeless and those threatened with homelessness in Clark County. Included in this section is a listing of the County's primary emergency shelters, transitional housing, permanent supportive housing, and permanent housing resources, as well as a description of programs designed to prevent homelessness.

The Las Vegas Valley Continuum currently provides 915 year-round shelter beds, 353 seasonal/voucher beds and 6,569 transitional housing spaces are available to a variety of homeless households. Only 1,982 permanent supportive housing spaces are available in the Las Vegas Valley. There are an extremely limited number of very low cost (under $400) rental units available.

Emergency Shelter

There are ten agencies in Southern Nevada providing 915 emergency overnight shelter spaces to the homeless. However, an additional 332 beds are available seasonally from November to April. In general, the emergency shelter programs have minimal entry criteria, include time limits (varies by agency), are located in a structure offering protection from the elements, provide restroom facilities and drinking water, are supervised and offers appropriate lighting, heating/cooling and proper ventilation. Most programs have specific target populations and cannot accept all homeless persons or families.

Figure 42: Emergency Shelter Beds Inventory, 2009

KEY: Target Population A	
CO: couples only, no children	SMF: single males and females
HC: households with children	SMF+HC: Single male and female plus households with children
SF: single females	YF: youth females (under 18 years old)
SFHC: single females and households with children	YM: youth males (under 18 years old)
SM: single males	YMF: youth males and females (under 18 years old)
SMHC: single males and households with children	

KEY: Target Population B
DV - Domestic Violence victims only
VET - Veterans only
HIV - HIV/AIDS populations only
DD – Dually Diagnosed

Program Information		Target Population		All Year-Round Beds				Seasonal/Overflow Beds	
Organization Name	Program Name	A (see Key)	B (see Key)	Beds for HH* with children	Units for HH with Children	Beds for HH w/o Children	Total Year-Round Beds	Total Seasonal Beds	Overflow / Voucher Beds
Catholic Charities	Night Shelter	SMF		0	0	200	200	200	0
HELP of Southern Nevada	Single Parent Housing Program	SMF+HC		11	4	0	11	0	0
HELP of Southern Nevada	Youth Center	YMF		0	0	16	16	0	0
HopeLink	Inclement Weather	SMF+HC		14	7	1	15	4	21
Las Vegas Rescue Mission	Emergency Shelter	SMF+HC		26	6	46	72	17	0
Safe House	Victims of Domestic Violence Shelter	SMF+HC	DV	48	16	6	54	0	0
Safe Nest	Emergency Shelter	SMF+HC	DV	103	28	103	206	0	0
Salvation Army	Emergency Shelter Services	SMF		0	0	142	142	106	0
Salvation Army	CBOC US Vets	SMF		0	0	6	6	0	0
The Shade Tree	Emergency Shelter	SFHC		103	36	75	178	0	0
WestCare	Youth Shelter-Crisis Stabilization	YMF		0	0	15	15	0	0
Emergency Aid of Boulder City	Emergency Shelter	SMF+HC		0	0	0	0	5	0
	TOTAL			**305**	**97**	**610**	**915**	**332**	**21**

*HH=Households
Source: Southern Nevada Continuum of Care Application, 2009

Transitional Housing

There are currently 17 organizations providing 6,569 transitional housing bed spaces to the homeless in Southern Nevada. There are far more transitional housing beds than emergency shelter beds, reflecting the change in focus away from warehousing homeless people in shelters to moving them in to transitional and permanent supportive housing situations more swiftly.

The admission process and criteria for transitional housing programs differ from emergency shelter programs in that transitional housing programs generally assess the prospective resident's appropriateness for the program and her/his willingness and capacity to adhere to program rules. The program rules, in turn, are designed to enhance the resident's self-sufficiency. Case management services are provided, as are other direct services designed to remove the obstacles individuals or families face when attempting to return to self-sufficiency. In addition, many of the programs listed target specific sub-populations, tailoring their services to meet that population's needs. The subpopulation served is sheltered in space that is appropriate to the individual's or family's needs, and the program provides for the residents' nutritional needs, either by providing access to a kitchen facility or by providing catered meals.

Most individuals or families accessing transitional housing programs are referred by emergency shelters and outreach programs, or by social service agencies. Some agencies have their own small continuum of programs, providing emergency, transitional and permanent housing, attracting persons in need. There are over 100 additional units which provide Tenant Based Rental Assistance vouchers through the Southern Nevada Regional Housing Authority to homeless households and severely mentally ill homeless referred through and provided supportive services by Southern Nevada Adult Mental Health Services, Lutheran Social Services and Help of Southern Nevada.

Figure 43: Transitional Housing Inventory, 2009

KEY: Target Population A	
CO: couples only, no children	SMF: single males and females
HC: households with children	SMF+HC: Single male and female plus households with children
SF: single females	YF: youth females (under 18 years old)
SFHC: single females and households with children	YM: youth males (under 18 years old)
SM: single males	YMF: youth males and females (under 18 years old)
SMHC: single males and households with children	

KEY: Target Population B
DV - Domestic Violence victims only
VET - Veterans only
HIV - HIV/AIDS populations only
DD – Dually Diagnosed

Program Information		Target Population		All Year-Round Beds/Units			
Organization Name	Program Name	A	B	Beds for HH with Children	Units for HH with Children	Beds for HH w/o Children	Total Year-Round Beds
Catholic Charities	Homeless to Homes	SMF+HC		146	73	24	170
Catholic Charities	Residential Work Program	SF		0	0	400	400
Clark County Social Service	Financial Assistance Service (FAS)	SMF+HC		979	214	3671	4650
Deer Valley Recovery	Transitional housing	SM		0	0	20	20
Family Promise	Sheltering	HC		14	4	0	14
HELP Las Vegas Corp.	HELP @ Bonanza	SMF	VET	0	0	75	75
HELP of Southern Nevada	Youth Center	YMF		0	0	46	46
HELP of Southern Nevada	TBRA-A New Path	SMF+HC		98	29	4	102
HopeLink/HACA	Subsidized Housing	HC		25	15	0	25
Lutheran Social Services	Supportive Housing	HC		25	9	0	25
Neighborhood Housing Services	Parsons Place	SMF		0	0	55	55
Nevada Partnership for Homeless Youth	Independent Living	YM		0	0	16	16
Salvation Army	Rental beds (triple rooms)	SMF		0	0	9	9
Salvation Army	D Dorm Family Units	HC		28	6	0	28
Salvation Army	Lied Transitional Apartments	SMF		0	0	70	70
Salvation Army	Lied Vocational Training Center-2nd fl	SMF		0	0	70	70

Program Information		Target Population		All Year-Round Beds/Units			
Salvation Army	Pathways Group Home	SM		0	0	42	42
Salvation Army	Mental Health Court beds	SMF		0	0	18	18
Salvation Army	Single room rental units	SMF		0	0	8	8
Salvation Army	Safe Haven	SMF	DD	0	0	25	25
St. Vincent	St Vincent HELP Apartments	SMF		0	0	120	120
The Key Foundation	The Key Foundation	SM	VET	0	0	17	17
The Shade Tree	3rd floor Transitional Housing	SFHC		88	32	90	178
US Vets	SHP-Chronically Disabled Vets	SMF	VET	0	0	10	10
US Vets	Veterans in Progress	SMF	VET	0	0	128	128
Westcare	Healthy Families	HC		34	8	0	34
Westcare	Voyages-adolescent	YF		0	0	16	16
Westcare	Voyages-adult women	SF		18	6	0	18
Westcare	Women's Residential	SF		0	0	34	34
Westcare	HSR youth	YM		0	0	16	16
Westcare	HSR adult	SM		0	0	40	40
Westcare	Young Faces	YF		0	0	16	16
Women's Development Center	Elderly Women	SF		0	0	4	4
Women's Development Center	Transitional Housing	HC		51	19	19	70
	TOTAL			**1506**	**415**	**5038**	**6569**

*HH=Households
Source: Southern Nevada Continuum of Care Application, 2009

Permanent Supportive Housing

Referrals to permanent supportive housing are made throughout the continuum of services: prevention, outreach, emergency and transitional shelters. Some transitional housing programs also offer permanent, affordable housing and streamline their transitional housing clients into any vacant units. The total units, 1,982 of permanent supportive housing, do not nearly meet the needs of the community.

In addition to the reported Permanent Supportive Housing, this community has been working to increase the supply of housing that is affordable to those households leaving homelessness and/or at-risk of homelessness (households at or below 50 percent of area median income). Local governments have partnered with non-profit housing developers to provide affordable housing to households at-risk of further homelessness due to income restraints.

Figure 44: Permanent Supportive Housing Inventory, 2009

Program Information		Target Population		All Year-Round Beds/Units				
Organization Name	Program Name	A	B	Beds for HH with Children	Units for HH with Children	Beds for HH w/o Children	CH* Beds	Total Year-Round Beds
Caminar	Acacia Gardens	SMF	HIV	0	0	8	8	8
Clark County Social Service	Permanent Housing Project	SMF		0	0	70	70	70
Golden Rainbow	Permanent Housing	SMF+HC	HIV	21	9	2	0	23
HELP Las Vegas Corp	HELP @ Owens II	SMF	VET	0	0	75	0	75
HELP Las Vegas Corp	HELP Genesis	HC		100	50	0	0	100
HELP of Southern Nevada	O.U.T.R.E.A.C.H.	SMF		61	15	152	152	213
HELP of Southern Nevada	HELP them HOME	SMF		0	0	25	25	25
Nevada HAND	Horizon Crest Apartments	SMF+HC		0	0	12	12	12
Nevada HAND	Skyview Apartments	SMF+HC		204	80	64	6	268
Southern Nevada Adult Mental Health Services	Supported Living Arrangements	SMF+HC		68	20	159	0	227
Southern Nevada Adult Mental Health Services	HUD I	SMF+HC		56	19	80	60	136
Southern Nevada Adult Mental Health Services	HUD II	SMF+HC		23	8	21	16	44
Southern Nevada Adult Mental Health Services	HUD III	SMF+HC		9	3	34	3	43
Southern Nevada Adult Mental Health Services	HUD IV	SMF		0	0	18	3	18
Southern Nevada Adult Mental Health Services	Group Homes	SMF		0	0	430	0	430
US Vets	SHP-Disabled Vets	SMF	VET	0	0	10	0	10
Veterans Administration	Housing Choice Vouchers	SMF	VET	0	0	105	0	105
Veterans Administration	Housing Choice Vouchers II	YMF	VET	0	0	175	25	175
	TOTAL			**542**	**204**	**1440**	**380**	**1982**

*HH=Households; *CH=Chronically Homeless
Source: Southern Nevada Continuum of Care Application, 2009

Supportive Services

Assessment of homeless individual's needs is conducted by a trained caseworker in all programs providing supportive services. Caseworker's knowledge of services and eligibility requirements is augmented through the Mainstream Programs Basic Training series and the community-wide, web-based Homeless Management Information System (HMIS) that includes an Eligibility Screening tool that facilitates more thorough and regular assessment of client's needs for services. The following provides a summary of the current supportive services available.

Supportive services provided by the community and available to all Southern Nevada households (homeless and housed) include: childcare assistance payments for working parents; public assistance such as food stamps, TANF, medical cards, etc.; employment training and placement programs, home energy assistance, substance abuse treatment, medical and dental care, parenting skills classes, child support enforcement through the County District Attorney's Office; and credit counseling services to assist in budgeting and deficit management.

Mainstream Programs Basic Training (MPBT Series): The Southern Nevada Continuum of Care instituted a series of in-service trainings for all caseworkers in the homeless service agencies. The Mainstream Programs Basic Training (MPBT) series brings together representatives from all mainstream services related to a particular topic. The MPBT forum will serve as distribution point for the FirstStep information and referral software prepared by HUD and HHS. Participation in the MPBT trainings is required of agencies making application through the CoC funding competition.

Case Management and Financial Assistance to Overcome Barriers: Transitional Housing programs engage clients in a case plan that identifies client's needs, assesses their eligibility and appropriateness for other community services, and monitors their progress. Many of them offer direct financial assistance to their program's clients to help overcome barriers to self-sufficiency. Other homeless and at-risk of homelessness households are served by five agencies spread out geographically across the valley providing this kind of financial assistance to individuals and families who are not yet homeless.

Life Skills Programs: Life skills are incorporated into all homeless providers' programs that require case management. Comprehensive life skills programs on particular topics are offered through the Family Resource Centers, Family-to-Family Connection, Nevada Partners, Nevada Association of Latin Americans, and HELP of Southern Nevada.

Substance Abuse Treatment & Counseling: Four non-profit organizations provide 267 in-patient beds for substance abuse treatment to the community's indigent. Outpatient treatment is available from these four as well as many other sources. Many shelters offer on-site 12-Step programs or other substance abuse counseling. Additionally, Veterans have access to Arville House inpatient treatment services provided through the VA, outpatient treatment provided by the VA Health Clinics, and a BADA-certified counselor from the US Vets program. Clark County instituted a Drug Court program in 1992, and has expanded the concept to include the nation's first Juvenile Drug Court, Prison Re-entry Drug Court, and Child Support Drug Court.

Mental Health Services: Southern Nevada Adult Mental Health Services is responsible for mental health care for the indigent, and provides a 24-hour Crisis Center and inpatient as well as outpatient services. The Salvation Army's PATH, PATHWAYS, and Safe Haven projects offer diagnosis, treatment, and ongoing care for homeless mentally ill who may or may not be enrolled in a shelter program. The District Court 16 includes a Mental Health Court, where non-violent mentally ill offenders are provided intensive case management and treatment.

HIV/AIDS: Aid for AIDS of Nevada (AFAN) provides comprehensive case management, including medical appointments and assistance, to persons infected by HIV/AIDS. Through a unique partnership with Clark County Social Service, HIV/AIDS clients receive case management from AFAN and financial assistance, medical assistance and other services – including rental assistance and/or a Shelter Plus Care voucher – from the County.

Education: The needs assessments caseworkers complete on clients as they enter the care system include an assessment of educational needs. The Nevada Department of Employment, Training and Rehabilitation (DETR) and its partnerships with Workforce Investment Act programs is the primary resource for adults needing remedial education, GED assistance, and/or vocational training. The Nevada Partnership for Homeless Youth has made funds available to help homeless youth study for and take the GED tests.

Employment Services: DETR has three JobConnect offices in the valley providing comprehensive employment services – including financial assistance with identification, work cards, work clothes, tools, basic education, etc. DETR also administers the unemployment compensation benefits and provides Vocational Rehabilitation to persons needing to enter a new vocation. Four private non-profit agencies, Salvation Army, Catholic Charities, Las Vegas Rescue Mission and Key Foundation, offer comprehensive employment training, placement and supportive services specifically for homeless individuals, primarily males. Nevada State Welfare administers the Temporary Assistance to Nevada Families, which includes a very strong job training and placement program titled NEON (New Employees of Nevada).

Childcare: The State of Nevada tripled its budget for childcare subsidies to low-income working families. Despite this increase in services, there still exists a waiting list for non-TANF families. There are six childcare agencies that offer childcare on a sliding-fee scale with three specifically assisting families in the homeless shelters with childcare while the families await subsidy from the State. The City of Las Vegas provides grants to childcare facilities located within City limits – including these three.

Medical Care: Clark County provides the majority of health care coverage for the homeless and indigent. The Clark County Social Service (CCSS) Medical Assistance Service provides medical care to indigent and medically needy individuals who are not served by other public or private resources. Services include: outpatient clinic care, inpatient hospital care through University Medical Center (UMC) and other area hospitals, emergency room services, medications, institutional care, adult day care, and medical transportation. The Southern Nevada Health District (SNHD) is the public health agency and provides Public Health Nursing, health clinics and services for indigent persons and children, and provides treatment for Tuberculosis patients.

Nevada Health Centers offers three health clinics (geographically dispersed throughout the valley – one in North Las Vegas, another in southeast Las Vegas and the third in southwest Las Vegas) as well as one Health Care for the Homeless clinic that specifically serves the homeless. In addition to conducting outreach, the HCHP program provides a full array of medical services, including prescriptions to homeless or indigent persons. Clark County, the City of Las Vegas and the City of North Las Vegas CDBG funds built the Enterprise Health Care and Dental Center providing health care to the indigent and medically uninsured.

WestCare operates the community triage center, which provides medical detox services to the homeless and low-income populations (depending upon the time of month, anywhere from 59 percent to 80 percent of the patients are homeless at the time of treatment).

SAFAH-Link Assistance to Move Out of Shelters and Reduce Return to Homelessness: With a Supportive Housing Program grant, the Women's Development Center offers housing counseling and financial assistance for households leaving emergency or transitional shelters. Financial assistance is provided for the first month's rent, rent and utility deposits, furniture and kitchen essentials, moving van rental, and other necessities that can be a burden for a family leaving homelessness. Families receive case management for six months after placement, and experience reduced recidivism.

Homeless Prevention

Rent/Mortgage Assistance to Prevent Evictions*:* Eight agencies (Catholic Charities of Southern Nevada, Clark County Social Service, Emergency Aid of Boulder City, Henderson Allied Community Advocates, HELP of Southern Nevada, Lutheran Social Services, the Nevada Association of Latin Americans, the Salvation Army located in Mesquite), distributed across the valley, offer Rental Assistance to prevent the unnecessary homelessness of households experiencing a temporary crisis, or New Move In Costs to households who are currently homeless and have income, but need assistance with move-in costs. Additionally, many local churches and synagogues assist their congregants and members of their faith community with rental assistance to prevent homelessness. Lutheran Social Services, Jewish Family Service Agency and the Church of Jesus Christ of Later-Day Saints (LDS) offer a variety of formal support services to their community members, including case management, and rental, utility or food assistance.

Using HOME Funds for Tenant-Based Rental Assistance: The City of Henderson has partnered with HACA to provide four "Section 8 look-alike" vouchers for two years for households at-risk of homelessness. The City of Las Vegas has a similar arrangement with HELP of Southern Nevada and Catholic Charities, providing enough HOME funding for 80 vouchers. Clark County has provided the Housing Authority of Clark County with several HOME TBRA grants to provide over 100 scattered-site Transitional Housing vouchers for homeless households. In all cases, households are assisted for up to two years with rental subsidies and intensive case management to ensure the household regains stability and self-sufficiency and has secured permanent housing that is affordable to them upon exit.

Unaccompanied Homeless Youth: Since the Nevada Partnership for Homeless Youth successfully advocated with the 2001 Nevada Legislature to make legislative changes allowing agencies to serve youth without the permission of parents, many services and programs have been opened to unaccompanied youth. In almost every instance, these services are provided with the determination to prevent these children from becoming future years' chronically homeless persons. There is a drop-in center near the University and one in downtown near the "homeless corridor" providing basic needs and adult guidance, there are four providers of shelter and services to the kids who are ready to leave the streets, and there are comprehensive supportive services – including financial assistance with work cards, GED tests, medical needs, etc. made available to this population.

Emergency Temporary Protective Orders*:* Emergency Temporary Protective Orders (ETPO) are available 24-hours per day, 7-days per week to Clark County residents. These ETPOs allow a judge to evict the violent perpetrator from the residence, and can even assign temporary child support or spousal support. Hence, survivors of domestic violence attempting to end a violent relationship need not become homeless to do so. Both Safe Nest/TADC and S.A.F.E. House have a Team that works directly with the Las Vegas Metropolitan Police Department and/or Henderson Police Department to ensure that the victims have the necessary resources and do not become homeless.

Utility Assistance: Seven agencies (Catholic Charities of Southern Nevada, Emergency Aid of Boulder City, HELP of Southern Nevada, the Nevada Association of Latin Americans, and the Salvation Army

locations in Henderson, Las Vegas and Mesquite), distributed across the valley, offer Utility Assistance to prevent the unnecessary termination of essential utilities while these households await approval for energy assistance or conservation modifications funded through a Universal Energy Charge enacted in the 2001 Nevada Legislature.

Information & Referral Services: For the past twenty years, HELP of Southern Nevada has provided comprehensive Information and Referral services to all programs offering social support services in Southern Nevada. The information has also recently been made available via the agency's website.

Referrals from the continuum of care service provider network: Most frequently, individuals or families contact an agency they have heard of or are reading about in the newspaper, and the intake worker of that agency conducts an abbreviated needs assessment and offers referrals to services that the client can pursue.

Outreach

Southern Nevada has witnessed a dramatic increase in the number of Outreach Teams that aggressively seek the homeless staying in the wash areas, vacant lots, and abandoned buildings to make contact with the un-sheltered, street homeless.

Organizations United to Reach, Educate and Assist Chronic Homeless (O.U.T.R.E.A.C.H.): The O.U.T.R.E.A.C.H. program has created a mobile crisis intervention team that provides intervention, assessment, treatment referrals and other related services to address the immediate crisis facing chronically homeless persons. The project has access to wrap-around funds to respond to the immediate needs of clients (i.e. identification, housing placement, childcare, transportation, initial medical, dental and mental health appointments) and prepares clients for transition to existing or newly developed case management teams. The case management teams assist clients in entering the social service system and provide on-going monitoring and follow-up to address medical, mental health and substance abuse issues.

Shine the Light: The O.U.T.R.E.A.C.H Team has developed a separate team called "Shine the Light" which goes into the tunnels beneath Las Vegas to actively engage those folks and encourage them to move into services and housing. Within the first 6 months of operation, this group engaged 58 encampments and moved 12 into permanent housing.

LVMPD / HELP Team: The Las Vegas Metropolitan Police Department (LVMPD) has instituted a HELP Team (Homeless Evaluation Liaison Program) in each Area Command (geographically dispersed). The HELP Team members are specially trained to work with the homeless population, service providers, and the community, and have special training to better serve the mentally ill. The police officers assigned to the HELP Team patrol their beat (the "homeless corridor" and camps along the railroad tracks) daily, making positive contact with the chronic homeless and providing crisis intervention and referrals (and oftentimes transportation) to homeless individuals and families. Some Area Commands have formed partnerships with nonprofit organizations that supply the HELP Teams with basic hygiene kits, food kits, blankets and trash bags. Overall, the HELP Teams goals are to direct homeless persons to services rather than jail.

Thursday HELP Team: The Downtown Area Command "escorts" or "sponsors" an Outreach Day each Thursday, providing escorts and introductions to community service providers who otherwise do not go into "the bush" and wash areas. Regular members of the Thursday HELP Team include: Southern Nevada Adult Mental Health Services, Veterans Administration's Community-Based Outreach Clinic, Health Care for the Homeless, and Clark County Social Service. Other programs that have joined on an irregular

basis include church groups, Social Work students, etc. Together, the Thursday HELP Team works to assess the homeless person's problems, and identify how to help them from a range of solutions (psychiatric, income, substance abuse, job training, etc.)

***Health Care for the Homeless Team**:* The Health Care for the Homeless program sponsored by the Nevada Health Centers has an Outreach Team that regularly visits the chronic homeless "in the bush", as well as making contact with homeless staying in the streets or public parks. Traveling in a well-stocked van, a Case Manager and a Licensed Practical Nurse provide unsheltered homeless with medical case management, transportation to appointments, medication monitoring – including dispensing and delivery of prescriptions. A second team is planned.

***Straight from the Streets**:* This grassroots organization was formed to specifically address the needs of the chronic homeless who resist services from the established care system. Straight from the Streets performs its street outreach on average five days per week, providing basic needs items such as water, blankets, food and other hand-outs to comprehensive case management and transportation to appointments so that these unsheltered homeless can apply for public benefits from mainstream programs that provide income supports, health care/medications, housing and employment supports. Straight from the Streets averages a case load of approximately 25 "active" cases and provides follow-up services to the nearly 100 chronically homeless placed into permanent housing through this program.

US Veterans Initiative Outreach Team: US Veterans Initiative has an Outreach Team consisting of four (4) full-time permanent staff members who make regular visits to agencies, community-based organizations and parks/public areas within Clark County to educate staff on veteran-specific services and to meet with homeless veterans individually and in groups. This team reaches the homeless veterans and helps to connect them with the services they need.

Teen Outreach: The Dusk to Dawn program of WestCare Nevada focuses on street outreach for youths, aged 10 – 17. They go out to different areas on different nights, but focus on downtown's Fremont Street and along Paradise Road and provide basic hygiene packs, food, blankets, food vouchers to area restaurants, and transportation to shelters when ready.

Faith-Based Food Distribution: There are many faith-based programs that bring sack lunches, hot meals, and/or hygiene kits to homeless individuals in downtown areas and area parks. Many have organized themselves so that they each take a different day of the week, so as to spread out the assistance and offer a consistent presence.

Projects for Assistance in Transitioning from Homelessness (PATH Outreach): The Salvation Army has five outreach workers based in the Safe Haven, but reach out to rural areas such as Mesquite and Pahrump. The PATH Outreach Team goes regularly to these rural areas and interacts with mainstream services located there as well as local providers and also do "desert outreach" in these rural areas.

Salvation Army Community Response Team: Four workers have a goal of getting the unsheltered homeless person enrolled in the appropriate Salvation Army program (drug/alcohol treatment, mental health supports, vocational training, etc.) and then case manage them to self-sufficiency. One staff member is assigned to respond to community-based calls for help for people in alleyways, emergency rooms of hospitals, other shelters, etc.

***Key Foundation, and Friends in the Desert**:* These programs sponsored by nonprofit homeless service providers go out into the parks, "the bush" and/or the areas outside of the "homeless corridor" weekly, bringing food, clothing or services to the chronic homeless, including homeless veterans.

Homeless PACT Team: The Southern Nevada Adult Mental Health Services has a 7-member PACT Team with an alcohol/drug abuse treatment counselor that is stationed in the "homeless corridor" and attends the LVMPD HELP Team's Thursday outreach trips. The PACT Team is essentially a "hospital without walls" and the chronically homeless individuals receive case management, medications, individual and group therapy, and housing.

PACT, Forensic Case Management, Continuity of Care: The Southern Nevada Adult Mental Health Services (SNAMHS) provides a variety of programs that respond to the special needs of mentally ill individuals within the community. In addition to the Homeless PACT Team discussed above, SNAMHS has other PACT Teams (Program for Assertive Community Treatment) that serve the at-risk of homelessness population (those leaving jails, hospitals or other structured environments). Clients receive the staffing of a psychiatric unit without admission to the psychiatric hospital. Forensic Case Management works in partnership with the legal system to provide emergency supportive services, including service coordination, for the mentally ill offender. The Continuity of Care (COC) program provides services to consumers who may not immediately meet the criteria for case management, intensive case management or PACT, but are in need of emergency case management services and stabilization.

Safe Haven and Salvation Army's Day Resource Center (DRC): The Salvation Army DRC and its Safe Haven complement outreach teams in that they have open doors so that homeless people enter and leave voluntarily. These Centers offer a place to be off the streets along with restroom facilities, food, a variety of activities, and connections to the larger continuum of care system. If desired, a homeless person can receive case management services and referrals to needed programs. They also will store mental health medications for any homeless individual.

Shade Tree's Day Shelter: The Shade Tree Emergency Shelter for Women and Children offers a Day Shelter that operates from 8 a.m. to 4 p.m., seven days a week. The Day Shelter provides "street" women and other homeless women and children a safe place to escape the urban environment with access to food, beverages, and all facilities. Supportive services such as a Public Health Nurse and counselors from Family and Child Treatment are offered on-site to a limited degree.

Clark County Social Service: An Outreach Team is assigned to the "homeless corridor" area and makes regular visits to the homeless shelters to assess individuals for financial assistance, medical assistance, job search and placement services, and other services offered by the County. CCSS also has three remote offices for better access to the homeless and those at-risk of homelessness in other areas of town (offices in North Las Vegas, Henderson, and southeast Las Vegas).

Clark County Outreach Team (CCOT): **CCOT** provides street outreach to HIV/IDU populations and is a partnership between AFAN, Caminar, the Southern Nevada Health District, Community Counseling Center and WestCare Nevada, Inc. This group targets alleyways, gay bars, the "Westside", anywhere they expect to find intravenous drug users, and often serve unsheltered homeless people.

Clark County School District: The Clark County School District's Compensatory Education Division administers the Homeless Education Program which contacts shelters, RV parks, motels/hotels, campgrounds and social service agencies to ensure homeless children are enrolled in school and their families have access to resources they need. As part of this function, they are often the first-referring agency for homeless families.

Safe Nest & LVMPD Partnership: Safe Nest/TADC, a battered women's shelter and resource center, and Metro have teamed up to provide the Crisis Response Team (CRT). This Team pairs a trained volunteer

with a police officer to provide on-site, emergency counseling and case management, including needs assessment and referrals, to women experiencing the aftermath of a domestic violence situation.

Homeless Youth Drop-In Center: The Sanctuary was opened in the southeast area of town in 2002 to offer clothing, blankets, food, coupons to fast-food restaurants and recreational activities on a "no questions asked" basis to build trust with the homeless (runaway and throwaway) population. The Center for Independent Living is located in the "homeless corridor" and offers drop-in services to youth in that area – including meals, education assistance, and on-site shelter for those desiring to leave the streets.

Homeless Connect: A comprehensive one-day event, Homeless Connect, provides access to over 40 public and private programs that can benefit the homeless. Held annually at Cashman Field Convention Center, located just 1.5 miles from the main homeless shelters, between 2,300 – 3,000 homeless persons access housing services, family support services, educational programs, drug or alcohol treatment programs, employment support programs, legal assistance (including the quashing of warrants and providing pro-bono attorneys), primary health care services, a Job Fair, food, blankets and clothing, and other supportive services such as state identification cards at no charge, vaccinations, HIV testing, etc. It is a collaborative effort by member agencies and local businesses, targets all homeless and at-risk individuals, and is the largest effort of its kind in the country.

Obstacles to Serving Homeless

There are three major obstacles to implementing the region-wide approach that is outlined in the 10 Point Plan - the Southern Nevada Regional Housing and Homeless Plan. The first challenge is identifying and securing adequate resources to implement the plan. Increased regional cooperation in joint funding of several projects in the past year indicates increased future support for the creation of a Regional Homelessness Trust Fund as recommended by the 2001 Homelessness Summit. Second, although the community has achieved the functional equivalent of a Regional Homelessness Trust Fund, additional steps and coordination must take place to continuously fund this important regional funding mechanism.

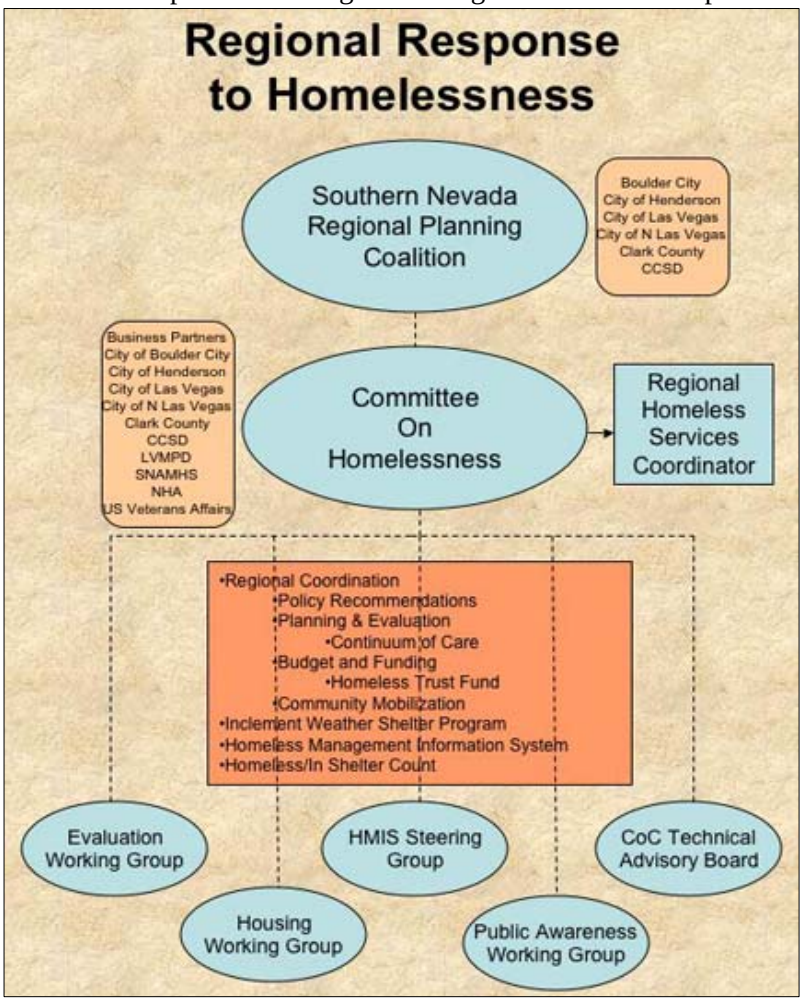
The community faces the inherent complexities in engaging chronically homeless individuals, many of whom suffer from severe mental illnesses. Services for the mentally ill have not kept pace with the rapid growth in Southern Nevada, causing a gap between need and services. The State of Nevada and local government entities have begun to focus attention to the need, resulting in increased mental health outreach. Additional funding commitments will be required by both the public and private sectors to provide sufficient funding to meet the 10 Point Plan's priorities for enhanced homeless services.

Homeless Strategic Plan (91.215 (c))

Background

On February 22, 2001, the Southern Nevada Regional Planning Coalition (SNRPC) Board established a Homeless Task Force charged with constructing a workable plan to reduce homelessness throughout the region. This task force became the SNRPC Committee on Homelessness (CoH) on September 25, 2003. The membership of the Committee is appointed by the SNRPC and includes designees from each jurisdiction, the Nevada Homeless Alliance, Las Vegas Metropolitan Police Department, Southern Nevada Adult Mental Health Services, United States Veterans Affairs and local business.

The CoH assumed responsibility for developing the proposed regional plan and adopted a planning process on September 16, 2004. The planning process eventually produced *Help Hope Home*, Southern Nevada's regional plan to end homelessness. The plan was designed through a collaborative process engaging local governments, community providers, faith based organizations, local businesses, and committed individuals who recognized a need to address the issues of homelessness. These planning sessions resulted in Southern Nevada developing a plan that focuses on ending the problem of homelessness, rather than managing it. A focus on housing is a top priority of this plan.



The Office of the Regional Homeless Services Coordinator was also created in 2004 to support the Committee on Homelessness by coordinating a regional response to homelessness through collaborative efforts among local government entities and nonprofit service providers. This response depends upon input from all, and a structure was established to demonstrate that commitment. See graphic *Regional Response to Homelessness* which outlines the structure through which the efforts to end homelessness are undertaken.

Plan Development

Over 150 diverse stakeholders participated in planning and focus groups over a ten month period to provide input on gaps in services to the homeless and those at-risk of homelessness. Stakeholders included the homeless, homeless service providers, representatives from the business community, and neighborhood organizations. The gaps analysis identified over 105 gaps in service that were grouped

under 10 priority areas. In June, 2005 the SNRPC and its CoH approved the following ten original points, which became the Southern Nevada Regional Homeless and Housing 10 Point Plan.

Enhance coordination between non-profit organizations and government
Prevent individuals and families from becoming homeless
Provide seamless client services through effective partnerships
Foster self-sufficiency through access to education, training and employment opportunities
Increase the availability of stable and affordable housing
Facilitate the transition from homelessness through intensive case management
Ensure the availability of basic needs services
Increase access to medical, dental and vision care services
Improve the availability of mental health services
Improve the availability of substance abuse treatment programs

HCP Consortium Homeless Strategic Plan

Building on the Ten Point Plan and after two years of initial planning and infrastructure building, Southern Nevada rolled out the first *Help Hope Home* Business Case in September 2007 for the region. This Implementation Schedule and a detailed Work Plan supports the business case and identifies the strategies, action steps and evaluation methodology to be used to ensure that progress is made toward the overarching goal of ending homelessness. The HCP Consortium, along with other Southern Nevada jurisdictions, will move forward using the information gained from the community planning sessions, local best practices in use and research data that aligns with the needs of the community. The three key strategies to change are:

1. **HELP- Planning for Outcomes -** Design a roadmap for change, including objectives, activities and evaluation plans for each of the key strategies that will drive community outcomes. Build the infrastructure that will deliver services, increase access to housing opportunities and support through increased collaboration and strategic alliances across the region.

2. **HOPE- Closing the Front Door to Homelessness-** Prevent homelessness whenever possible. Improve the availability of prevention programs, expand the types of prevention strategies, and evaluate their effectiveness in preventing homelessness. Provide people at risk for homelessness with wraparound services**.** Improve access to wraparound mainstream services that link clients to services and community support to keep the client in safe, affordable housing and address health and wellness issues.

3. **HOME- Opening the Back Door out of Homelessness -** Rapidly re-house people who become homeless. Expand the availability of affordable permanent housing and improve access to sustainable housing options. Implement the transition from the existing tiered shelter system to a system that focuses on providing housing.

The HCP Consortium has integrated the *Help Hope Home* plan into this Consolidated Plan, by reference.. The HCP Consortium Homeless Strategic Plan focuses on two parts of the *Help Hope Home* plan, **Closing the Front Door to Homelessness** through prevention and improved access to services, and **Opening the Back Door out of Homelessnes**s through expanding the availability of a variety of housing options. This focus is based on the eligible uses of the CDBG, ESG and HOME funds that are the major funding sources available through this Consolidated Plan. All *Help Hope Home* documents are available at www.helphopehome.org

Consolidated Plan Outcomes and Objectives

Objectives/Goals	Availability/Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	DH-3
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

HCP CONSORTIUM HOMELESS STRATEGIC PLAN

Availability, Accessibility and Affordability of Housing, Public Services and Facilities for Homeless

Availability/Accessibility of Decent Housing (DH-1) Opening the Back Door out of Homelessness					
Specific Objective		**Source of Funds**	**Year**	**Performance Indicators**	**Expected Number**
DH 1.3	Expand the availability of affordable permanent housing with supportive services for homeless and formerly homeless individuals and families	HOME, LIHTF, Bonds, LIHTC, NSP	2010 2011 2012 2013 2014	Completed units	16 20 20 40 40
			MULTI-YEAR GOAL		136
DH 1.4	Rapidly re-house people who become homeless by maintaining and expanding supply of emergency shelter and transitional housing	ESG, HPRP	2010 2011 2012 2013 2014	People Assisted	3,400 3,400 3,400 3,400 3,400
			MULTI-YEAR GOAL		17,000
Affordability of Decent Housing (DH-2) Closing the Front Door to Homelessness					
Specific Objective		**Source of Funds**	**Year**	**Performance Indicators**	**Expected Number**
DH 2.3	Prevent homelessness whenever possible. Improve the availability of prevention programs and expand the types of prevention strategies.	ESG, HPRP, County Funds	2010 2011 2012 2013 2014	People Assisted	500 400 100 100 100
			MULTI-YEAR GOAL		1,200
DH 2.4	Provide people at risk of homelessness with wraparound services to keep the client in safe, affordable housing and address health and wellness issues	ESG, HPRP, County Funds	2010 2011 2012 2013 2014	People Assisted	200 100 100 100 100
			MULTI-YEAR GOAL		600
Availability/Accessibility of Suitable Living Environment (SL-1)					
Specific Objective		**Source of Funds**	**Year**	**Performance Indicators**	**Expected Number**
SL 1.1	Provide homeless individuals and families with services that will help them regain self-sufficiency including job training, GED assistance, health care, child care assistance, transportation assistance, etc.	ESG, HPRP, County Funds	2010 2011 2012 2013 2014	People Assisted	400 400 400 400 400
			MULTI-YEAR GOAL		2,000

Chronic Homeless

HUD defines a chronically homeless person as:

> An unaccompanied individual with a disabling condition who has been:
> - Continually homeless for one year or more; or
> - Has experienced four or more episodes of homelessness within the past 3 years.

It should be noted that "a disabling condition" in this case is defined as a physical or developmental disability, mental illness, alcohol or drug abuse, depression, Post-Traumatic Stress Disorder (PTSD), HIV/AIDS, or a chronic health condition.

The following are the programs and projects that will be used to address chronic homelessness over the next five years.

- Help Hope Home has identified a number of new housing opportunities that must be created in order to meet current unmet needs, including creating 1084 permanent affordable housing units for first time homeless persons, and 1059 new permanent supportive housing opportunities for chronic homeless. In addition, the plan identifies the needs to create 40 "gateway" housing opportunities, which are part of the overall housing first system. Gateway units are designed to help individuals gain independent living skills before they move into permanent housing in order to increase their chances of being successful living on their own.
- Clark County will continue to provide Tenant-Based Rental Assistance (TBRA) funding to assist in the immediate housing of the chronically homeless mentally ill who are referred to the Southern Nevada Regional Housing Authority by Help of Southern Nevada, Lutheran Social Services, Mohave Mental Health, and Southern Nevada Adult Mental Health Services.
- The local government entities have jointly funded several basic-needs services in the regional planning effort of the CoH, including Winter Shelter beds, the Homeless Management Information System, Summer Shelter (due to extreme heat), and other regional coordination efforts.
- Poverello House, a day site of respite for chronically homeless men, opened a second house in the Henderson area. This house of hospitality offers two hot meals, showers, laundry facilities, games, and camaraderie to the unsheltered, building relationships with them and encouraging them to engage in services. The Henderson house is open to women on Wednesdays.
- Another approach the community has taken to serving the chronically homeless is to ensure a range of shelter options is available – including the free, no-strings shelters and meal programs that assist with meeting the most basic needs of individuals. The Salvation Army and The Shade Tree provided 287 "free, no-strings" emergency shelter beds, and an additional 200 beds are made available through Catholic Charities during the cold winter months. These beds provided basic life-sustaining services with extremely limited behavioral expectations for both the episodically homeless who have experienced a short-term crisis such as employment lay-off, unpaid medical crises, or the break-up of a family, as well as chronically homeless individuals who cannot comply with program rules.
- Catholic Charities at St. Vincent's Plaza has solidified its continuum of services for the chronically homeless. Participants in the free, no-strings winter shelter and summer day shelter are encouraged to participate in the "Phase One" program which provides low-demand shelter and three meals per day for $7 per night. "Phase Two" is a Residential Work Program which

assists homeless men to secure day labor, temporary jobs, and full-time permanent positions in the community while providing shelter (with increased privacy and access to other services), meals and transportation assistance. Phase Three includes transitional housing in the St. Vincent/HELP Apartments or placement in one of Catholic Charities affordable housing projects.

- A consortium of veterans groups will continue to host the valley's Stand Down for Homeless Veterans each spring on the US Vets campus. This veteran-specific Stand Down provides veterans with supportive services, a hot meal, camaraderie, and a welcoming introduction to the many services offered in the community for veterans.
- The CoH will continue to sponsor Project Homeless Connect, an annual one day event, which serves over 2,000 homeless individuals annually, including approximately 775 chronically homeless individuals. As a result of their attendance at Project Homeless Connect, clients access services ranging from eye exams to haircuts to clothing to information on various housing and service opportunities in Southern Nevada, including quashing of warrants and special adjudication in an on-site court.

- With property prices decreasing and the number of foreclosed properties, the CoC plans to encourage and assist housing providers in finding funds to purchase these properties to serve as permanent housing for our chronically homeless. The CoC continues to work with providers to develop permanent housing units for chronically homeless. The CoC will continue to work closely with the jurisdictions receiving NSP funds in order to provide opportunities for providers and clients to purchase properties in foreclosure, therefore providing more permanent housing opportunities.

Institutional Structure

Federal, State and Local Agencies

The Office of the Regional Homeless Services Coordinator was also created in 2004 to support the SNRPC Committee on Homelessness by coordinating a regional response to homelessness through collaborative efforts among local government entities and nonprofit service providers. This response depends upon input from all, and a structure was established to demonstrate that commitment. See graphic *Regional Response to Homelessness* which outlines the institutional structure through which the efforts to end homelessness are undertaken.

Non-Profit Organizations

The vast majority of agencies providing housing and services to homeless persons in the region are nonprofit organizations. They have participated in the planning and implementation process through the Regional Plan Focus Groups and the SNRPC Committee on Homelessness and through relationships with local government.

Private Industry Businesses and Civic Organizations

Having the support and involvement of the local business industry and of civic organizations has been an indispensable part of the success of the Continuum of Care system. Many businesses originally became involved in the Homeless Coalition and were aware of homeless issues through their participation in the annual Stand Down for the Homeless (now Project Homeless Connect. Many businesses continue to participate in the Project Homeless Connect on an annual basis and support the Office of the Regional Homeless Coordinator to maximize private support in the fight against homelessness.

Gaps in Institutional Structure

Over the past year several emergency shelter programs had to close due to loss of funding. One program in particular had beds that were being used as detox beds. Another program added emergency shelter beds for households with children. Clark County Social Service experienced an unprecedented increase in the number of people who accessed their services for financial assistance in transitional living situations. In addition, the only women and children emergency shelter in the community re-organized and dedicated additional beds and units to transitional housing. Overall there is still a need for additional emergency shelter.

The institutional response to youth exists through the foster care and juvenile justice system. However, neither is adequate to respond to the needs of homeless unaccompanied youth. There has been enormous progress made in addressing the needs of unaccompanied homeless youth in recent years including the change in state law that allows this homeless subpopulation to receive services from non-profit organizations. However, there are few shelter spaces available to these young people and limited services to assist them.

Nevada State Mental Health, while attempting to serve the mentally ill, has received reduced funding over the past decade. Unfortunately, the population of severely mentally ill continues to increase leaving many severely mentally ill persons homeless and without support or treatment. The non-profit providers of mental health services have not been able to fill the gap in services due to the extent of the problem.

Discharge Planning Policy

Foster Care

The Division of Child and Family Services is responsible for the oversight of all independent living programs in Nevada. The goal of Nevada's Independent Living Program is to provide children making the transition from placement to independence with the skills and resources necessary to make them independent and productive members of society. Nevada's Independent Living Program is a set of services available to all foster youth between the ages of 15.5 until the age of 21. Nevada's Independent Living Program does not refer foster youth to HUD McKinney-Vento funded programs.

The Division considers all eligible foster youth to include those youth who are in the care and custody of the Division, Washoe County Department of Social Services, or Clark County Department of Family Services. The Division considers foster care to be the legal status of the child. The physical placement of the child does not determine the eligibility for independent living services. Independent living services may continue with the child after permanency has been achieved, depending on the needs of the child. There are instances where the youth turns 18 and refuses further services from the Foster Care system or they may runaway and not able to be located. In these cases, the Wardship is terminated.

Health Care

A Health Care workgroup was formed and will continue to meet on a regular basis in order to develop formal discharge protocols for all hospitals throughout the state, with the focus being on safe, stable housing upon discharge into non-HUD McKinney-Vento funded programs. Those represented in the planning group are the Clark County Hospital and Medical Centers, Saint Marys Regional Medical Center/CHW in Reno, private for profit and non-profit hospitals throughout the state, various health

centers throughout the state, non-profit homeless providers throughout the state and CoC representatives from each continuum within the State of Nevada.

Mental Health

A Mental Health workgroup was formed from the Statewide Discharge Planning Summit held in 2007. This group has met on a regular basis and is developing formal discharge protocols for all mental health and substance abuse facilities throughout the state, with the focus being on safe, stable housing upon discharge into non-HUD McKinney-Vento funded programs. Clients admitted to the mental health in-patient system are assigned a Social Worker to facilitate discharge to a safe environment. The Social Worker begins their discharge process at the time of admission. The client is assisted in securing identification and any other documentation necessary upon discharge. The Social Worker assesses the clients discharge needs, refers the client to outpatient services, identifies and mobilized community resources and ensures client has the necessary appointments and aftercare needs met. Reconciliation with family members is encouraged whenever possible and transportation is provided to reunite clients with family and friends who may be in a different geographic area.

The Mental Health and Substance Abuse Discharge workgroup is meeting on a regular basis to develop formal protocols that will be consistent throughout the State of Nevada.

Corrections

A Corrections workgroup was formed from the Statewide Discharge Planning summit held in 2007. The CoC applied to HUD and was granted TA around corrections discharge. The Corrections workgroup has plans to aggressively address issues around discharge planning in order to develop formal discharge protocols for all correctional facilities throughout the state, with the focus being on safe, stable housing upon discharge into non-HUD McKinney-Vento funded programs. The CoC coordinator is a member of the newly formed Statewide Prisoner Re-entry Coalition that is the working group for the Governor appointed Statewide Re-entry Task Force.

Clark County and the City of Las Vegas Detention and Enforcement have been working jointly to implement a discharge plan for the homeless inmates. This plan and its implementation are in the "pilot phase" prior to formalization of the policy.

The Department of Corrections (DOC) for the State of Nevada has policies and procedures in place to ensure that persons leaving publicly funded institutions or systems of care do not end up homeless when discharged from the facility. Nevada Revised Statutes, states that the Director of the Department of Corrections (DOC) may enter into contracts with one or more public or private entities to provide services, as necessary and appropriate, to offenders or parolees participating in a program

ATTACHMENT B

EMERGENCY SOLUTIONGS GRANT REGULATIONS
INTERIM RULE

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 91 and 576

[Docket No. FR–5474–I–01]

RIN 2506–AC29

Homeless Emergency Assistance and Rapid Transition to Housing: Emergency Solutions Grants Program and Consolidated Plan Conforming Amendments

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

ACTION: Interim 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, and revises the Emergency Shelter Grants program and renames it as the Emergency Solutions Grants (ESG) program. The HEARTH Act also codifies into law the Continuum of Care planning process, a longstanding part of HUD's application process to assist homeless persons by providing greater coordination in responding to their needs.

This interim rule revises the regulations for the Emergency Shelter Grants program by establishing the regulations for the Emergency Solutions Grants program, which replaces the Emergency Shelter Grants program. The change in the program's name, from Emergency Shelter Grants to Emergency Solutions Grants, reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

DATES: *Effective date:* January 4, 2012.

Comment Due Date. February 3, 2012.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Regulations Division, Office of General Counsel, 451 7th Street SW., Room 10276, Department of Housing and Urban Development, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *http://www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the Federal Relay Service at (800) 877–8339. Copies of all comments submitted are available for inspection and downloading at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ann Marie Oliva, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410–7000; telephone number (202) 708–4300 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number through TTY by calling the Federal Relay Service at (800) 877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background—HEARTH Act

On May 20, 2009, the President signed into law ''An Act to Prevent Mortgage Foreclosures and Enhance Mortgage Credit Availability,'' which became Public Law 111–22. This law implements a variety of measures directed toward keeping individuals and families from losing their homes. Division B of this law is the HEARTH Act, which consolidates and amends three separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 *et seq.*) (McKinney-Vento Act) into a single grant program that is designed to improve administrative efficiency and enhance response coordination and effectiveness in addressing the needs of homeless persons. The HEARTH Act codifies into law and enhances the Continuum of Care planning process, the coordinated response for addressing the needs of homelessness established administratively by HUD in 1995. The single Continuum of Care program established by the HEARTH Act consolidates the following programs: the Supportive Housing program, the Shelter Plus Care program, and the Moderate Rehabilitation/Single Room Occupancy program. The Emergency Shelter Grants program is renamed the Emergency Solutions Grants program and revised to broaden existing emergency shelter and homelessness prevention activities and to add short- and medium-term rental assistance and services to rapidly re-house homeless people. In addition the new Rural Housing Stability program replaces the Rural Homelessness Grant program.

HUD commenced the process to implement the HEARTH Act with a proposed rule, which was published on April 20, 2010, (75 FR 20541) and titled ''Defining Homeless.'' That proposed rule sought to clarify and elaborate upon the new McKinney-Vento Act definitions for ''homeless'' and ''homeless individual with a disability.'' In addition, the proposed rule included recordkeeping requirements related to the revised definition of ''homeless.'' The final rule for the ''homeless'' definition and the related recordkeeping requirements appears elsewhere in today's **Federal Register**. Today's publication of the final rule for the homeless definition and this interim rule for the Emergency Solutions Grants program, which includes corresponding amendments to the Consolidated Plan, will be followed by separate proposed rules for the Continuum of Care program and the Rural Housing Stability program to implement other HEARTH Act

amendments to the McKinney-Vento Act. HUD will also soon publish a proposed rule establishing regulations for Homeless Management Information Systems (HMIS). The definition of ''homeless'' in this interim rule for the Emergency Solutions Grants program and the corresponding recordkeeping requirements are not the subject of further public comment. Public comment for this definition and the corresponding recordkeeping requirements were addressed in the Defining Homeless final rule published elsewhere in today's **Federal Register**.

II. This Interim Rule

This interim rule revises the regulations for the Emergency Shelter Grants program at 24 CFR part 576 by establishing the new requirements for the Emergency Solutions Grants program and making corresponding amendments to HUD's Consolidated Plan regulations found at 24 CFR part 91. The Emergency Solutions Grants (ESG) program builds upon the existing Emergency Shelter Grants program, but places greater emphasis on helping people quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. The key changes that reflect this new emphasis are the expansion of the homelessness prevention component of the program and the addition of a new rapid re-housing assistance component. The homelessness prevention component includes various housing relocation and stabilization services and short- and medium-term rental assistance to help people avoid becoming homeless. The rapid re-housing assistance component includes similar services and assistance to help people who are homeless move quickly into permanent housing and achieve stability in that housing.

In developing regulations for the ESG program, HUD is relying substantially on its experience with its administration, and that of HUD's grantees, of the Homelessness Prevention and Rapid Re-Housing Program (HPRP), authorized and funded by the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. 111–5, approved February 17, 2009). The Recovery Act language that created HPRP was directly drawn from the proposed HEARTH Act, which was under consideration by Congress at the time the Recovery Act was enacted. HPRP is the first HUD program to fund, on a large scale ($1.5 billion), homelessness prevention and rapid re-housing assistance. HUD is therefore drawing from its recent program experience with HPRP, a temporary program, to establish the regulations for the ESG program, a permanent program. Because HPRP activities will continue, the interim rule is also directed at ensuring continuity between HPRP and ESG. This interim rule provides HPRP program recipients with an opportunity to comment on the policies implemented under HPRP and continued under the ESG program.

This interim rule also implements HUD's longstanding interest in making its McKinney-Vento Act programs consistent, where appropriate, with other HUD programs such as the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships (HOME) program, and the Housing Choice Voucher (HCV) program. To the extent that similar requirements in these programs can be made consistent, communities may be better able to implement coordinated plans and projects to prevent and end homelessness, while decreasing the administrative burden for recipients and subrecipients.

This interim rule will become effective 30 days after today's date. Grantees are receiving two allocations of Fiscal Year (FY) 2011 funds. The first allocation was made and is subject to the Emergency Shelter Grants program regulations. The second allocation will be made after publication of this Emergency Solutions Grants program rule and must exclusively be used for homelessness prevention assistance, rapid re-housing assistance, Homeless Management Information Systems (HMIS), and administration, in accordance with this interim rule. Each recipient may use up to 7.5 percent of its total FY 2011 amount for administrative costs as provided under this interim rule. In addition, if a recipient wishes to reprogram some or all of its first allocation funds to carry out homelessness prevention assistance, rapid re-housing assistance, or HMIS, the recipient must amend its consolidated plan in accordance with the requirements of the consolidated plan regulations as amended by this interim rule.

The following sections of this overview highlight significant differences between the interim rule and the existing regulations for the Emergency Shelter Grants program. This overview does not address every regulatory provision of the interim rule. However, the reader is requested to review the entire interim rule, and HUD welcomes comment on all aspects of the rule. As previously mentioned, the definition of ''homeless'' and the recordkeeping requirements related to that definition are included in a final rule published elsewhere in today's **Federal Register**. Note that the new definition of ''homeless'' and the related recordkeeping requirements are not subject to further public comment. Therefore, the new definition and related reporting requirements are not included in this interim rule, so as to avoid any confusion that HUD is reopening these provisions for additional public comment through this rule.

A. Emergency Solutions Grants Program Regulations (24 CFR Part 576)

This interim rule amends the regulations at 24 CFR part 576, which have governed the Emergency Shelter Grants program and will govern, as revised, the Emergency Solutions Grant (ESG) program.

This interim rule reflects HUD's comprehensive review and revision of part 576. In addition to making changes to implement the HEARTH Act amendments to the McKinney-Vento Act, this interim rule includes changes to reorganize the regulations in part 576 to make the regulations more intuitive and user-friendly; removes the cross-references to the McKinney-Vento Act; provides greater elaboration of existing requirements where necessary or useful; updates requirements to reflect changes to the underlying law, such as the removal of Indian tribes as eligible grantees/recipients; builds from HUD's experience in developing and administering both the existing Emergency Shelter Grants program and HPRP; aligns the ESG program with the new Continuum of Care and Rural Housing Stability programs, to the extent feasible, in order to facilitate coordination and foster efficient use of resources; and align the requirements of the ESG program with HUD's other formula programs and rental assistance programs, to the extent feasible and beneficial, in order to increase efficiency and coordination among the different programs.

In developing the regulations for the ESG program and other programs authorized under title IV of the revised McKinney-Vento Act, HUD has sought to provide grantees with the programmatic framework to: maximize communitywide planning and strategic use of resources to prevent and end homelessness; improve coordination and integration with mainstream services to marshal all available resources, capitalize on existing strengths, and increase efficiency; improve coordination within each community's homeless services, including services funded by other programs targeted to homeless people;

build on lessons learned from years of practice and research, so that more resources are invested in demonstrated solutions to end homelessness, such as rapid re-housing; expand resources and services available to prevent homelessness; realign existing programs and systems to focus on shortening homelessness; direct funding to the most critical services to help people achieve long-term housing stability and avoid becoming homeless again; standardize eligibility determinations and improve the targeting of resources to help those most in need; improve data collection and performance measurement; and allow each community to tailor its program to the particular strengths and challenges within that community.

General Provisions (Subpart A)

The major changes to this subpart include new definitions required by the HEARTH Act amendments and revisions to existing definitions where needed to conform to the new program requirements or to improve administration of the program.

Definitions (Section 576.2)

At Risk of Homelessness. The interim rule clarifies the definition of ''at risk of homelessness'' under section 401(1) of the McKinney-Vento Act. The definition includes three categories under which an individual or family may qualify as ''at risk of homelessness.'' For an individual or family to qualify as ''at risk of homelessness'' under the first category of the definition, the individual or family must meet two threshold criteria and must exhibit one or more specified risk factors. The two threshold criteria, as provided in the statute, are: (1) The individual or family has income below 30 percent of median income for the geographic area; and (2) the individual or family has insufficient resources immediately available to attain housing stability. Under the interim rule, the first criterion refers specifically to annual income and to median family income for the area, as determined by HUD. The second criterion is interpreted as, ''the individual or family 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 § 576.2].'' These clarifications are consistent with HUD's practice in administering its homeless assistance programs and will help ensure consistent application of these criteria.

To further ensure consistency of interpretation, the interim rule also clarifies several of the risk factors that pertain to the first category of individuals and families who qualify as ''at risk of homelessness.'' As provided under the statute, the pertinent risk factors are as follows: (1) Has moved frequently because of economic reasons; (2) is living in the home of another because of economic hardship; (3) has been notified that their right to occupy their current housing or living situation will be terminated; (4) lives in a hotel or motel; (5) lives in severely overcrowded housing; (6) is exiting an institution; or (7) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Under the interim rule, the words ''has moved frequently'' in the first risk factor are interpreted as ''2 or more times during the 60 days immediately preceding the application for homelessness prevention assistance.'' This interpretation is consistent with HUD's interpretation of similar language in the ''homeless'' definition. However, HUD is still considering whether and how to clarify ''economic reasons'' in the first risk factor and ''economic hardship'' in the second risk factor. HUD believes at times, ''economic reasons'' and ''economic hardship'' can have the same meaning, HUD specifically requests comments regarding these terms.

The third risk factor, ''has been notified that their right to occupy their current housing or living situation will be terminated,'' is clarified by adding that the notice has to be in writing and that the termination has to be within 21 days after the date of application for assistance.

The fourth risk factor, ''lives in a hotel or motel,'' is clarified by adding ''and the cost of the hotel or motel is not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations.'' This change is being made to avoid overlap with the conditions under which an individual or family living in a hotel or motel qualifies as homeless under paragraph (1)(ii) of the ''homeless'' definition (section 103(a)(3) of the McKinney-Vento Act).

The fifth risk factor, ''lives in severely overcrowded housing,'' is interpreted as ''lives in a single-room occupancy or efficiency apartment unit in which more than two persons, on average, reside or another type of housing in which there reside more than 1.5 persons per room, as defined by the U.S. Census Bureau.''

The sixth risk factor, ''is exiting an institution,'' is interpreted as ''a publicly funded institution or system of care, such as a health-care facility, mental health facility, foster care or other youth facility, or correction program or institution.'' This language is derived from section 406 of the McKinney-Vento Act to include all public institutions and systems of care from which people may be discharged into homelessness.

The seventh risk factor, ''otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness,'' remains as is, but requires the particular housing characteristics to be identified in the recipient's HUD-approved consolidated plan. This requirement strives to balance the need for consistent application of this risk factor with sensitivity to the differences in the conditions of each community's housing stock.

The second and third categories under which individuals and families may qualify as ''at risk of homelessness'' are based on the last sentence of section 401(1) of the McKinney-Vento Act, which provides that the term ''at risk of homelessness'' includes all families with children and youth defined as homeless under other federal statutes. The term ''families with children and youth defined as homeless under other federal statutes'' is defined under section 401(7) of the McKinney-Vento Act. Section 401(7) provides that this term means ''any children or youth that are defined as 'homeless' under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 *et seq.*).''

For the sake of clarity, the definition of ''at risk of homelessness'' this interim rule uses separate categories to describe the children and youth defined as homeless under other federal statutes and to describe the children and youth defined as homeless under subtitle B of title VII of the McKinney-Vento Act and their parent(s) or guardian(s). In light of comments received in response to the proposed rule concerning the definition of ''homeless'' HUD has provided specific citations to the other federal statutes that are applicable to the first of these two categories. As for the last category, the interim rule clarifies that the parent(s) or guardian(s) of the children or youth defined as homeless under subtitle B of title VII of the McKinney-Vento Act must be living with those children or youth to qualify as ''at risk of homelessness'' under that category.

Emergency shelter. This interim rule revises certain definitions currently found in the existing part 576 regulations. The definition of ''emergency shelter'' has been revised to distinguish this type of shelter from transitional housing. This distinction is necessitated by the McKinney-Vento Act's explicit distinction between what activities can or cannot be funded under the Continuum of Care program and the Rural Housing Stability program (see section 423(a)(2) and section 491(b)(1)(E) of the McKinney-Vento Act). However, under the definition, any project that received funding in FY 2010 as an emergency shelter may continue to be funded under the ESG program, regardless of whether the project meets the revised definition.

Homeless. The interim rule includes the definition of ''homeless'' which is made final by the Defining Homeless rule, published elsewhere in today's **Federal Register.** No further public comment is being solicited or taken on this definition.

Metropolitan city. This interim rule revises the definition of ''metropolitan city'' to clarify that the definition includes the District of Columbia, since the McKinney-Vento Act includes the District of Columbia in both its definitions of ''state'' and ''metropolitan city''. HUD has decided to resolve this conflict in favor of treating the District of Columbia under the ESG program as a metropolitan city. This interpretation will provide the District of Columbia with the flexibility afforded to metropolitan cities and urban counties for carrying out activities directly, rather than being compelled to subgrant all ESG funds. In addition, the definition of ''territory'' in 24 CFR 576.3 has been updated to exclude the Trust Territory of the Pacific Islands, which is no longer a U.S. territory.

Private nonprofit organization; unit of general purpose local government. The changes to the definitions of ''private nonprofit organization'' and ''unit of general local government'' are intended to make clear that governmental organizations, such as public housing agencies or state or local housing finance agencies, are not eligible subrecipients under the ESG program. To recognize these entities under either definition would be inconsistent with section 411 of the McKinney-Vento Act, which refers specifically to ''*private* nonprofit organizations'' and ''unit of *general purpose* local government.''

Recipient and subrecipient. In the interim rule, the terms ''recipient'' and ''subrecipient'' replace the existing terminology for entities that received grants and subgrants under the ESG program. Under the McKinney-Vento Act, ''recipient'' means ''any governmental or private nonprofit entity approved by the Secretary [of HUD] as to financial responsibility'' (Sec. 42 U.S.C. 11371(6)). The interim rule clarifies that ''recipient'' means any state, territory, metropolitan city, or urban county, or in the case of reallocation, any unit of general purpose local government, approved by HUD to assume financial responsibility and which enters into a grant agreement with HUD to administer Emergency Solutions Grant (ESG). Private nonprofit organizations are excluded from the definition, because they are not direct recipients under the program. The interim rule defines ''subrecipient'' as any unit of general purpose local government or private nonprofit organization to which a recipient awards ESG grant funds.

Allocation of Funding (Section 576.3)

Under the interim rule, the existing set-aside of funding for the territories has been changed for the Emergency Solutions Grant program to ''up to 0.2 percent, but not less than 0.1 percent'' of the total fiscal year appropriation for Emergency Solutions Grant (ESG). This change provides HUD with greater administrative discretion if there are significant increases in the annual appropriations for ESG. In addition, the formula for distributing the set-aside among the territories has been modified for this program to incorporate the rate at which each territory has completed its expenditures by the previous expenditure deadline. In all other respects, the allocation of funding will remain the same as the current practice.

Eligible Activities (Subpart B)

The major changes to this subpart of part 576 include the addition of an annual funding cap on street outreach and emergency shelter activities; clarification of the eligible costs for street outreach and emergency shelter activities; the expansion of the homelessness prevention component of the program and addition of a new rapid re-housing assistance component, which both include rental assistance and housing relocation and stabilization services; expansion of the range of eligible administrative costs; and the addition of a new category of eligible activities for Homeless Management Information Systems (HMIS), to the extent that costs are necessary to meet the new HMIS participation requirement under the McKinney-Vento Act.

General Provisions. In general, the interim rule allows ESG funds to be used for five program components (street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and HMIS) and necessary administrative costs. However, in accordance with the McKinney-Vento Act, some restrictions apply to the amounts that can be spent on street outreach, emergency shelter, and administrative costs. Funds used for street outreach and emergency shelter activities will be limited to the greater of 60 percent of the recipient's total fiscal year grant for ESG or the hold-harmless amount established by the section 415(b) of the McKinney-Vento Act (''the amount expended by [the recipient] for such activities during fiscal year most recently completed before effective date under section 1503 of the [HEARTH Act]''). To reasonably and practicably implement the statute's hold-harmless language, the interim rule makes the hold-harmless amount the amount of FY 2010 grant funds committed for street outreach and emergency shelter activities in FY 2010.

In accordance with the amendments to the McKinney-Vento Act, the interim rule provides that the total funds that can be spent on administrative activities are 7.5 percent of the recipient's ESG grant. In addition, the interim rule clarifies that, subject to the cost principles in Office of Management and Budget (OMB) Circulars A–87 (2 CFR part 225) and A–122 (2 CFR part 230),[1] employee compensation and other overhead costs directly related to carrying out street outreach, emergency shelter, homelessness prevention, rapid re-housing, and HMIS activities are eligible costs of those activities and not subject to the spending limit for administrative costs. This clarification is in response to questions and concerns raised by HPRP grantees and subgrantees and the recent U.S. Government Accountability Office (GAO) study, *Homelessness: Information on Administrative Costs for HUD's Emergency Shelter Grants Program* (GAO–10–491).[2]

Street outreach and emergency shelter components. Consistent with section 415(a)(2) of the McKinney-Vento Act, the interim rule clarifies that the costs of essential services related to street outreach are eligible costs under the ESG program. The eligible costs for street outreach activities differ from the eligible costs for essential services

[1] OMB Circular A–87 and the regulations at 2 CFR part 225 pertain to ''Cost Principles for State, Local, and Indian Tribal Governments.'' OMB Circular A–122 and the regulations codified at 24 CFR part 230 pertain to ''Cost Principles for Non-Profit Organizations.''

[2] See *http://www.gao.gov/new.items/d10491.pdf.*

related to emergency shelter, as they are limited to those necessary to provide emergency care on the street. To the extent possible, essential services related to emergency shelter and street outreach are the same as the eligible costs for supportive services under the Continuum of Care program. This consistency across these three sets of services is intended to improve understanding of the programs' requirements, facilitate coordination, and maximize efficiency.

The interim rule revises the eligible costs for operating emergency shelters by removing the limit on staff costs, adding the cost of supplies, and allowing the cost of a hotel or motel stay under certain conditions.

The interim rule clarifies the ''maintenance of effort'' requirement in two respects. First, the references to new service and quantifiable increase in services are eliminated in favor of simply prohibiting a unit of general purpose local government from using ESG funds to replace funds the local government provided for street outreach or 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. Second, the interim rule specifies how this determination would be made.

Homelessness Prevention and Rapid Re-Housing Components. HUD has interpreted sections 415(a)(4) and (5) of the McKinney-Vento Act to authorize ESG funds to be used for short- and medium-term rental assistance and housing relocation and stabilization services for homelessness prevention and rapid re-housing of homeless individuals and families into permanent housing. Consistent with this interpretation and to serve HUD's programmatic goals, the interim rule categorizes the eligible activities under sections 415(a)(4) and (5) of the McKinney-Vento Act under two program components—one for homelessness prevention and one for rapid re-housing assistance. This organization is intended to be function/outcome-focused and helps emphasize the integral relationship between rental assistance and housing relocation and stabilization services in both homelessness prevention and rapid re-housing assistance. This organization also provides for differentiation between the conditions for providing homelessness prevention and the conditions for providing rapid re-housing assistance. These conditions are intended to facilitate the strategic and efficient targeting of resources.

Housing Relocation and Stabilization Services. The eligible costs and requirements for providing housing relocation and stabilization services are based on HUD's experience in developing and administering HPRP. For the purpose of determining compliance with the statutory limit on street outreach and emergency shelter activities, housing stability case management and legal services are distinguished from the case management and legal services in the essential services sections of street outreach and emergency shelter by when and for what purpose the case management and legal services are provided. Note that ''housing relocation and stabilization services,'' the name of which comes from section 415(a)(5) of the McKinney-Vento Act, are not to be confused with the relocation assistance and payments required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601–4655). Costs arising under the URA are eligible for federal financial assistance in the same manner and to the same extent as other program or project costs (see 42 U.S.C. 4631(a)), and are separately listed at § 576.102 of this interim rule.

Short-term and Medium-term Rental Assistance. Consistent with HPRP, HUD has interpreted short-term rental assistance to be up to 3 months of assistance. Unlike HPRP, HUD has interpreted medium-term rental assistance to be up to 24 months. This change is intended for consistency with the period for transitional housing in the Continuum of Care (CoC) program.

The requirements for short- and medium-term rental assistance require that a program participant and a housing owner have a written lease for the provision of rental assistance. In addition, the interim rule also requires a rental assistance agreement between the recipient or subrecipient and the housing owner. Similar to HPRP, the interim rule gives Emergency Solutions Grant (ESG) recipients broad discretion in determining the type, amount, and duration of rental assistance a program participant can receive for homelessness prevention or rapid re-housing assistance. But where HPRP allows only tenant-based rental assistance, the interim rule allows rental assistance to be tenant-based or project-based, as provided under section 415(a)(4) of the McKinney-Vento Act. However, the requirements for project-based rental assistance under this interim rule have been specially designed to accommodate both the impermanent nature of the rental assistance and the program goal of helping people quickly re-enter permanent housing and achieve long-term stability in that housing. For example, instead of requiring an individual or family to move from an assisted unit when the individual or family's assistance ends, the interim rule provides for the assistance to be suspended, terminated, or transferred to another unit.

HUD specifically requests comments on how short- to medium-term project-based rental assistance can best be fashioned to avoid forcing each program participant to move at the end of the program participant's term of assistance and to make project-based rental assistance a feasible and useful alternative to tenant-based rental assistance.

Similar to the rules of other HUD housing programs, the interim rule prohibits rental assistance from being provided for a housing unit, unless the total rent for the unit does not exceed the fair market rent established by HUD, as provided under 24 CFR 982.503, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507. These rent restrictions are intended to make sure that program participants can remain in their housing after their ESG assistance ends.

HMIS Component. Section 416(f) of the McKinney-Vento Act requires for the first time that projects receiving funding under Emergency Solutions Grant (ESG) program participate in an HMIS. The interim rule makes certain HMIS costs eligible to the extent necessary to enable this participation. HUD will soon be publishing a proposed rule on HMIS to establish in 24 CFR part 580, the regulations that will govern HMIS. In addition to establishing HMIS regulations in a new part 580 provisions, the HMIS rule will propose corresponding amendments to this interim rule regarding the use of Emergency Solutions Grant (ESG) funds for HMIS and the incorporation of the requirements under part 580 that will apply to ESG recipients.

Administrative Activities. Under this interim rule, the eligible costs for administrative activities have been expanded to reflect most of the eligible administrative costs under the CDBG program. The revisions to the sharing requirement also clarify that, although not required, funds for administrative costs may be shared with private nonprofit organizations, and a reasonable amount must be shared with units of general purpose local government. This clarification is made in response to grantee and subgrantee concerns and questions raised through the recent GAO report, *Homelessness: Information on Administrative Costs for*

HUD's Emergency Shelter Grants Program (GAO–10–491).

Indirect Costs. This interim rule reflects HUD's decision to adopt a consistent policy for indirect costs for the Emergency Solutions Grant (ESG), Continuum of Care and Rural Housing Stability Programs, in response to further grantee and subgrantee questions and concerns. The interim rule provides that Emergency Solutions Grant (ESG) funds may be used to pay indirect costs in accordance with OMB Circulars A–87 (2 CFR part 225) and A–122 (2 CFR part 230), as applicable. Indirect costs may be allocated to each eligible activity, so long as the allocation is consistent with an indirect cost rate proposal developed in accordance with OMB Circulars A–87 (2 CFR part 225) and A–122 (2 CFR part 230), as applicable. The indirect costs charged to an activity subject to an expenditure limit must be added to the direct costs charged for that activity when determining the total costs subject to the expenditure limit.

Award and Use of Grant Amounts (Subpart C)

The major changes to this subpart include clarification of the submission requirements for territories, elaboration of the matching requirements, clarification of the obligation requirements, and the addition of minimum requirements for making timely drawdowns and payments to subrecipients.

Submission Requirements. The application requirements generally remain the same as the current application requirements, except that territories will be required to submit a consolidated plan in accordance with the requirements that apply to local governments under HUD's Consolidated Plan regulations codified in 24 CFR part 91. The interim rule also clarifies that certain changes in the recipients' Emergency Solutions Grant (ESG) programs require an amendment to the consolidated plan in accordance with 24 CFR 91.505.

Matching Requirements. The revisions to the matching contribution requirements (and recordkeeping requirements related to the matching requirements) integrate the matching requirements in 24 CFR 85.24 [3] and provide further clarification on how matching contributions must be counted. The interim rule also specifies that program income is to be used as a match, rather than being treated as an addition to the (ESG) grant, because of the sizable matching requirement in Emergency Solutions Grant (ESG).

Obligation, expenditure, and payment requirements. The interim rule clarifies the obligation of funds requirements and imposes new expenditure-of-funds requirements. The interim rule requires the recipient to draw down its funds from each year's allocation not less than once during each quarter of the recipient's program year. This requirement is based on HUD's experience in administering homeless assistance grants, and is intended to ensure the timely reimbursements from HUD to recipients. In addition, the recipient (and its subrecipients that are units of general purpose local government) will be required to make timely payments to each of its subrecipients within 30 days after the date of receiving the subrecipient's complete payment request. This requirement is also based on HUD's experience in administering homeless assistance grants and is intended to ensure timely payment of private nonprofit organizations, which may not be able to cover their expenses for as long a period as state and local governments. As in the Emergency Shelter Grants program, all of the recipient's grant must be expended for eligible activity costs within 24 months after the date HUD signs the grant agreement with the recipient.

Reallocation (Subpart D)

The interim rule makes substantial changes to the Emergency Solutions Grant (ESG) reallocation provisions in order to improve administrative efficiency. For example, if the amount of unused or returned funds is not sufficient to justify the administrative burden of reallocating those funds, whether for HUD or ESG recipients, the interim rule provides for those funds to be added to the next fiscal year allocation.

Program Requirements (Subpart E)

The major changes to this subpart include the addition of new requirements that facilitate coordination at the state and local levels as a means to prevent and reduce homelessness; elaboration on the requirements concerning the integration and use of appropriate assistance and services, termination of assistance, habitability standards, and conflicts of interest; modification of the homeless participation requirement to reasonably and practicably implement the statutory requirement; and clarification of the applicable requirements under other federal laws and regulations.

Systems coordination. Consistent with sections 402(f) and 413(b) of the McKinney-Vento Act, the interim rule contains a new requirement for Emergency Solutions Grant (ESG) recipients to consult with Continuums of Care in allocating funds for eligible activities; developing performance standards, evaluating outcomes of (ESG)-assisted projects and developing funding, policies, and procedures for the administration and operation of the HMIS. This requirement will be discussed in further detail in regard to the revisions of the consolidated planning requirements at 24 CFR part 91 (section II.B of this preamble).

The interim rule requires ESG recipients and subrecipients to coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted toward homeless people, as well as 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. These requirements are consistent with recurring HUD appropriations language for the homeless assistance grants and with the *Federal Strategic Plan to Prevent and End Homelessness* (FSP).[4]

Centralized or coordinated assessment. This interim rule introduces a proposed requirement for ESG recipients and subrecipients to use a centralized or coordinated system to initially assess the eligibility and needs of each individual or family who seeks homeless assistance or homelessness prevention assistance. This centralized or coordinated assessment system would be developed and implemented by the Continuum of Care in accordance with minimum requirements to be established by HUD. HUD is currently developing its minimum requirements for these systems and will present these requirements for public review and comment in the upcoming proposed rule for the Continuum of Care program. Please note that this interim rule does not require any ESG recipient or subrecipient to use a centralized or coordinated assessment system until the Continuum of Care program final rule has been published and until the Continuum of Care for the area develops and implements a system that meets the minimum requirements in that final rule.

Through the administration of the Rapid Re-Housing for Families Demonstration program and the

[3] HUD's regulations in 24 CFR part 85 address administrative requirements for grants and cooperative agreements to state, local, and federally recognized Indian tribal governments.

[4] See *http://www.usich.gov/PDF/OpeningDoors_2010_FSPPreventEndHomeless.pdf.*

Homelessness Prevention and Rapid Re-Housing Program, as well as best practices identified in communities, HUD has learned that centralized or coordinated assessment systems are important in ensuring the success of homeless assistance and homeless prevention programs in communities. In particular, such assessment systems help communities systematically assess the needs of program participants and effectively match each individual or family with the most appropriate resources available to address that individual or family's particular needs.

Therefore, HUD intends to require each Continuum of Care to develop and implement a centralized or coordinated assessment system in its geographic area. Such a system must be designed locally in response to local needs and conditions. For example, rural areas will have significantly different systems than urban ones. While the common thread between typical models is the use of a common assessment tool (such as a vulnerability index), the form, detail, and use of that tool will vary from one community to the next. Some examples of centralized or coordinated assessment systems include: A central location or locations within a geographic area where individuals and families must present for homeless services; a 211 or other hotline system that screens and directly connects callers to appropriate homeless housing/service providers in the area; a ''no wrong door'' approach in which a homeless family or individual can present at any homeless service provider in the geographic area but is assessed using the same tool and methodology so that referrals are consistently completed across the Continuum of Care; a specialized team of case workers that provides assessment services to providers within the Continuum of Care; or in larger geographic areas, a regional approach in which ''hubs'' are created within smaller geographic areas.

HUD recognizes that imposing a requirement for a centralized or coordinated assessment system may have certain costs and risks. Among the risks that HUD wishes specifically to address are the risks facing individuals and families fleeing domestic violence, dating violence, sexual assault, and stalking. In developing the baseline requirements for a centralized or coordinated intake system, HUD is considering whether victim service providers should be exempt from participating in a local centralized or coordinated assessment process, or whether victim service providers should have the option to participate or not. HUD is seeking comment specifically from ESG-funded victim service providers on this question. HUD also plans to require each Continuum of Care to develop a specific policy on how its particular system will address the needs of individuals and families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking, but who are seeking shelter or services from non-victim service providers. These policies could include reserving private areas at an assessment location for evaluations of individuals or families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking; a separate ''track'' within the assessment framework that is specifically designed for domestic violence victims; or the co-location of victim service providers with centralized assessment teams.

HUD invites suggestions for ensuring that the requirements it imposes regarding centralized or coordinated assessment systems will best help communities use their resources effectively and best meet the needs of all families and individuals who need assistance. Some specific questions HUD asks commenters to address are: What barriers to accessing housing/services might a centralized or coordinated intake system pose to victims of domestic violence? How can those barriers be eliminated? What specific measures should be implemented to ensure safety and confidentiality for individuals and families who are fleeing or attempting to flee domestic violence situations? How should those additional standards be implemented to ensure that victims of domestic violence have immediate access to housing and services without increasing the burden on those victims? For communities that already have centralized or coordinated assessment systems in place, are victims of domestic violence and/or domestic violence service providers integrated into that system? In either scenario (they are integrated into an assessment process or they are not integrated into it), how does your community ensure the safety and confidentiality of this population, as well as access to homeless housing and services? What HUD-sponsored training would be helpful to assist communities in completing the initial assessment of victims of domestic violence in a safe and confidential manner?

In addition to comments addressing the needs of victims of domestic violence, dating violence, sexual assault, and stalking, HUD invites general comments on the use of a centralized or coordinated assessment system, particularly from those in communities that have already implemented one of these systems who can share both what has worked well and how these systems could be improved. HUD specifically seeks comment on any additional risks that a centralized or coordinated assessment system may create for victims of domestic violence, dating violence, sexual assault, or stalking who are seeking emergency shelter services due to immediate danger, regardless of whether they are seeking services through a victim service provider or non-victim service provider.

Standards for administering assistance and minimum assistance requirements. As discussed later in this preamble with respect to the revisions to HUD's Consolidated Plan regulations in 24 CFR part 91, this interim rule requires a number of written standards to be established by recipients and subrecipients for administering ESG assistance, in order to balance the broad discretion given to recipients in developing street outreach, emergency shelter, rapid re-housing, and homelessness prevention programs to accommodate the unique needs, strengths, and other characteristics of their communities.

The interim rule also specifies that all program participants must be assisted as needed in obtaining services and financial assistance through other homeless and public assistance programs. Furthermore, each program participant receiving homelessness prevention or rapid re-housing assistance must be required to meet regularly with a case manager (except where prohibited by Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA)), and the assistance provider must develop an individualized plan to help that program participant retain permanent housing after the ESG assistance ends. These requirements are intended to help ensure that the ESG-funded emergency, short-term or medium-term assistance will be effective in helping program participants regain long-term housing stability and avoid relapses into homelessness.

Terminating Assistance. If a program participant who receives ESG assistance violates program requirements, the recipient or subrecipient may terminate the assistance in accordance with a formal process established by the recipient or subrecipient that protects the rights of the individuals affected. This applies to all forms of ESG assistance. In this interim rule, HUD enhances the minimum process

requirements for the termination of homelessness prevention or rapid re-housing assistance, in order to reflect the process set forth in the Supportive Housing Program (SHP) regulations. These enhanced process requirements are prompted by the longer duration and higher expectations involved in homelessness prevention and rapid re-housing assistance, as compared to the duration and expectations involved in street outreach or emergency shelter activities.

To terminate rental assistance or housing relocation and stabilization services to a program participant, the minimum required formal process must consist of a written notice to the program participant containing a clear statement of the reasons for termination, a review of the decision, and a prompt written notice of the final decision to the program participant. The review of the decision must give the program participant 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. In addition, the interim rule provides that the recipient or subrecipient may resume assistance to a family or individual whose assistance has been terminated.

Shelter and Housing Standards. The revised habitability standards incorporate lead-based paint remediation and disclosure requirements. The revised standards for emergency shelters require all shelters to meet minimum habitability standards adopted from the SHP regulations and current Emergency Solutions Grant guidance. Shelters renovated with ESG funds are also required to meet state or local government safety and sanitation standards, as applicable, include energy-efficient appliances and materials. If ESG funds are used to help a program participant remain in or move into permanent housing, that housing must meet habitability standards.

Conflicts of Interest. This interim rule clarifies the existing personal conflicts-of-interest provision by incorporating language from the CDBG program regulation. In addition, the interim rule adds a new provision to reduce organizational conflicts of interest, based on HUD's experience in administering HPRP.

Homeless Participation. The interim rule revises the current homeless participation requirement so that if a recipient is unable to meet the participation of homeless individuals requirement in section 416(d) of the McKinney-Vento Act, the recipient need not submit and obtain HUD approval of a formal waiver request, so long as the recipient develops a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive ESG funding; includes the plan in its annual action plan to be submitted under 24 CFR part 91; and obtains HUD's approval of its annual action plan. This revision is intended to reduce administrative burden to both recipients and to HUD.

Other Federal Requirements. In general, the revisions to the section on ''other Federal requirements'' clarify the degree to which certain requirements are applicable, remove certain requirements that are redundant or moved elsewhere in the rule for improved organizational purposes, and change certain requirements to correspond with changes in the McKinney-Vento Act or other changes made by this interim rule. Chief among these changes is the change to the environmental review requirements in accordance with the HEARTH Act's repeal of section 443 of the McKinney-Vento Act. Under this interim rule, Emergency Solutions Grant (ESG) activities would be made subject to environmental review by HUD under HUD's environmental regulations in 24 CFR part 50, and HUD's environmental regulations in 24 CFR part 58 will no longer be applicable to such activities.

The interim rule does not retain the provision in the current Emergency Shelter Grants program regulation specifying that for purposes of this program, the term ''dwelling units'' under 24 CFR part 8 includes ''sleeping accommodations.'' The language is being removed because it did not provide grantees with direction on how to apply this provision. Nevertheless, Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8 apply to the Emergency Solutions Grants program, including accessibility requirements under Subpart C—Program Accessibility. A recipient shall operate each existing program or activity receiving federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. Grantees are also required to provide reasonable accommodations for persons with disabilities in order to enable program participants with a disability to have an equal opportunity to participate in the program or activity.

Grantees that undertake alterations to shelters may be subject to additional accessibility requirements in accordance with 24 CFR part 8. In certain instances, recipients undertaking alterations may be required to ensure that 5 percent of the total sleeping areas, such as 5 percent (or at least one) of the sleeping rooms where a number of sleeping rooms are provided, and 5 percent (or at least one) of the total number of sleeping areas, such as beds, where a number of beds are provided in a room, are accessible for persons with mobility impairments and that an additional 2 percent of the total individual sleeping areas are accessible for persons with visual impairments. The Americans with Disabilities Act may also apply and require a greater level of accessibility in certain shelters.

Relocation and Acquisition. The interim rule updates the relocation and acquisition requirements and makes them more consistent with the requirements in other HUD programs. Section 576.102 specifies that the cost of providing relocation assistance and payments arising out of the Uniform Act (URA) is an eligible activity, as per section 211 of the URA (42 U.S.C. 4631(a)). Temporary relocation and other alternatives to minimize displacement in other HUD programs that provide permanent housing are inapplicable due to the nature of the ESG program. Emergency shelters assisted under the ESG program provide temporary shelter for the homeless. Existing tenants would not fall within the program definition of ''homeless.'' Section 576.408(b) provides that temporary relocation is not an available alternative to permanently displacing a tenant who moves as a direct result of acquisition, demolition, or rehabilitation for a project assisted with ESG funds. Additionally, § 576.408(b) provides that an agency cannot avoid treating such tenant as a displaced person by offering the tenant a unit in the same building/complex upon project completion. Finally, § 576.408(d) of the interim rule clearly states that the URA applies to an acquisition undertaken in connection with an ESG-assisted project irrespective of the source of funding for the acquisition.

Grant Administration (Subpart F)

The changes to this subpart substantially revise the Emergency Solutions Grant (ESG) recordkeeping and reporting requirements and the enforcement provisions. The changes to the recordkeeping requirements include the addition of specific documentation requirements to demonstrate compliance with ESG regulations, as well as new requirements regarding record retention periods, confidentiality, and rights of access to

records. The reporting requirements and the enforcement provisions are each expanded and further clarified.

Recordkeeping and reporting requirements. Grant recipients under the ESG program have always been required to show compliance with the program's regulations through appropriate records. However, the existing regulations for the Emergency Shelter Grants program are not specific about the records to be maintained. The interim rule elaborates upon the recordkeeping requirements to provide sufficient notice and clarify the documentation that HUD requires for assessing compliance with the new requirements of the program. The recordkeeping requirements for documenting homeless status were published in the proposed rule for the homeless definition.[5] Recordkeeping requirements with similar levels of specificity will apply to documentation of ''at risk of homelessness'' and ''annual income.'' Further requirements are modeled after the recordkeeping requirements for the HOME Investment Partnerships program (24 CFR 92.508) and other HUD regulations.

Included along with these changes are new or expanded requirements regarding confidentiality, rights of access to records, record retention periods, and reporting requirements. Most significantly, to protect the safety and privacy of all program participants, the interim rule broadens program's confidentiality requirements. The McKinney-Vento Act only requires procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under the ESG program. The interim rule requires written procedures to ensure the security and confidentiality of all records containing personally identifying information of any individual or family who applies for and/or receives Emergency Solutions Grant (ESG) assistance.

Enforcement. The interim rule revises the sanctions section under the existing regulations for the Emergency Shelter Grants program, including the heading of the section on sanctions, to strengthen the enforcement procedures and the array of remedial actions and sanctions for recipients and subrecipients of Emergency Solutions Grant (ESG) funds. These revisions draw from the requirements at 24 CFR 85.43 and other HUD program regulations.

[5] See the April 20, 2010, edition of the **Federal Register** at 75 FR 20544.

B. Consolidated Submissions for Community Planning and Development Programs (24 CFR Part 91)

In addition to revising regulations for the Emergency Shelter Grants program at 24 CFR part 576 to establish the regulations for Emergency Solutions Grant (ESG), this interim rule revises selected sections of the consolidated planning regulations at 24 CFR part 91, in order to reflect both the HEARTH Act amendments to the McKinney-Vento Act and significant developments in HUD's homelessness policies and program administration over the last 15 years. In developing and implementing the Continuum of Care concept through the annual notices of funding availability (NOFAs) for its competitive programs, HUD sought to establish and standardize complementary planning requirements between the homeless components of the Consolidated Plan and the annual submission of the Continuum of Care Plan. The structure of the annual Continuum of Care Plan (CoC) plan and the plan's sections on community participation, needs assessment, inventory of housing and services, strategies, annual application, and performance were developed to harmonize with the Consolidated Plan's homelessness components. Many communities closely aligned the Consolidated Plan and the Continuum of Care Plan (CoC) Plan covering their jurisdiction.

The HEARTH Act amendments to the McKinney-Vento Act contain provisions requiring coordination, collaboration, and consultation between Continuums of Care and ESG state and local government recipients. The McKinney-Vento Act requires ''collaborative applicants'' under the Continuum of Care program to participate in the Consolidated Plan for the geographic areas they serve and analyze patterns of use and evaluate outcomes for ESG projects in those areas. ESG recipients in turn must consult with these collaborative applicants on the allocation of ESG funds and participate in HMIS, which the collaborative applicants are required to establish.

In describing these and related requirements for cross-program coordination, this interim rule uses the term ''Continuum of Care'' instead of ''collaborative applicant.'' The interim rule defines ''Continuum of Care'' as 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.

The use of ''Continuum of Care'' instead of ''collaborative applicant'' is intended to maintain consistency with the terminology HUD has established and grantees have become familiar with in the Continuum of Care planning process for the Supportive Housing program, the Shelter Plus Care program, and the Moderate Rehabilitation/Single Room Occupancy program. The term ''collaborative applicant,'' as used in the McKinney-Vento Act, covers two distinct entities under the existing Continuum of Care planning process: One entity whose function is planning and facilitating collaboration and another entity whose function is applying for and managing the homeless assistance grant. Because HUD has always called the planning entity the Continuum of Care, HUD is continuing that practice in this interim rule.

The interim rule strengthens and standardizes the homelessness elements affecting all jurisdictions required to submit a Consolidated Plan. The changes to the Consolidated Plan sections on homelessness have been guided by the larger purposes of the HEARTH Act and the principles and priorities put forth in the *Federal Strategic Plan to Prevent and End Homelessness (FSP).* The changes to the Consolidated Plan will foster closer coordination between not only Emergency Solutions Grant (ESG) and Continuum of Care (CoC) programs, but other mainstream housing and services programs that can provide greater resources to homeless persons and people at imminent risk of homelessness.

Definitions. The Consolidated Plan regulations are modified to add and revise this section to conform to definitions used in this interim rule for 24 CFR part 576 and the proposed rule that will soon be published for the Continuum of Care program. A definition of rapid re-housing assistance is added to bring coverage of general homeless assistance models in 24 CFR part 91 up-to-date. Other definitions are

eliminated because they will no longer be used in part 91 after the changes in the regulations to the McKinney-Vento Act programs.

HUD specifically invites comments regarding the definition of chronically homeless. The McKinney-Vento Act defines ''chronically homeless'' as an individual or family who: (i) Is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter; (ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and (iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions. Additionally, the statutory definition includes as chronically homeless a person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days if such person met the other criteria for homeless prior to entering that facility. (See 42 U.S.C. 11360(2))

The regulatory definition of ''chronically homeless'' does not elaborate significantly on the statutory definition. However, HUD has determined that when an individual or family has not been continuously homeless for at least one year but has been homeless on at least four separate occasions in the last 3 years, each separate occasion must be at least 15 days in duration to ensure consistency for counting and eligibility purposes. HUD has determined that the 15-day minimum is an appropriate measure to distinguish the chronically homeless from the homeless population in general, so as to recognize chronically homeless people who have spent a significant amount of time as homeless.

The regulatory definition also clarifies that a family will qualify as chronically homeless if the head of household has met all of the requirements in paragraphs (i) through (iii) of the statutory definition, given that a family's composition may fluctuate during the course of the head of household's homeless experience.

Consultation: Local Governments/States. The interim rule revises the consultation requirements in 24 CFR part 91 to implement the McKinney-Vento Act's new requirement that ESG recipients consult with Continuums of Care when allocating their ESG funds to carry out eligible activities. In response to the concerns of prospective grantees under the Continuum of Care program, the interim rule includes several requirements to make it easier for Continuums of Care to meet their requirements under the McKinney-Vento Act, including participating in the Consolidated Plan for their jurisdiction and designing a collaborative process for evaluating the outcomes of ESG projects. Similar changes to facilitate the participation of Continuums of Care (CoCs) in the Consolidated Planning process are also made to the sections on citizen participation at 24 CFR 91.105 and 91.115.

The consultation sections were also revised to conform to the FSP's emphasis not only on chronically homeless people, but on families with children, veterans and their families, and unaccompanied youth, and the FSP's emphasis on strengthening collaboration with programs and entities beyond the programs targeted to homeless people. The consultation sections refer specifically to ''publicly funded institutions and systems of care that may discharge people into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions).'' This is done to be consistent with the emphasis on discharge planning in section 406 of the McKinney-Vento Act. For this same reason, HUD also refers to these publicly funded institutions and systems of care in each section of the interim rule that specifically addresses the prevention of homelessness.

Housing Needs Assessment; Local Governments/States. The interim rule adds a new category of persons for whom states and local jurisdictions are required to assess housing assistance needs: Formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance. The addition of this category is intended to help focus communities on helping these families stay housed after their rapid re-housing assistance ends.

Homeless Needs Assessment; Local Government/States. The changes under the interim rule increase HUD's flexibility in establishing and modifying standards for collecting data on homeless populations and subpopulations and performance measures. The changes also provide additional definition to the description of the characteristics and needs of persons who are currently housed but threatened with homelessness. These changes permit HUD to more closely harmonize data included in each jurisdiction's Consolidated Plan with data that the Continuum(s) of Care for that jurisdiction will be required to collect and submit under the Continuum of Care program. The collection of consistent homeless needs data in these two planning processes will permit local and national assessment of progress in meeting the goals set forth in the FSP.

Housing Market Analysis; Facilities, Housing, and Services for Homeless Persons; Local Governments/States. The interim rule allows HUD to establish and modify descriptions of the facilities, housing, and services for homeless persons to increase consistency between the Consolidated Plan and the Continuum of Care Plan. The interim rule adds mainstream services to the inventory of services meeting the needs of homeless persons, consistent with the overall emphasis on using and collaborating with mainstream assistance programs to prevent and end homelessness. Similar to changes made to other sections, the special focus accorded to chronically homeless people is broadened to include families with children, veterans and their families, and unaccompanied youth, in order to reflect the priorities in the FSP.

Strategic Plan; Homelessness Strategies; Local Government/States. The interim rule refocuses the general homelessness-related strategies on the ultimate goals of reducing and ending homelessness and aligns them with Continuum of Care planning strategies and performance measures, such as shortening the period of time that persons experience homelessness and helping persons who were recently homeless avoid becoming homeless again. The changes under the interim rule also emphasize the priorities of the FSP. The strategic framework set out in this section is carried through in conforming changes to the Action Plan and performance reporting sections of the Consolidated Plan.

Action Plan; Local Government/States. The changes to the Action Plan sections for local governments and States require the ESG recipient to consult with applicable Continuums of Care when allocating funds in the area(s) served by the Continuum(s) of Care and the ESG recipient and when

developing the performance standards for the assisted activities. These changes reflect the McKinney-Vento Act requirements that ESG recipients consult with Continuums of Care on their allocation of ESG funds and that Continuums of Care in turn analyze patterns of use of ESG funds and help evaluate outcomes for ESG-funded projects. These changes are also consistent with the statutory scheme of the HEARTH Act, which generally requires increased collaboration between Continuums of Care and ESG recipients.

The changes under the interim rule for the ESG portion of the action plan require each local government seeking an ESG grant to specify the standards under which homelessness prevention and rapid re-housing assistance will be administered and describe the centralized or coordinated assessments system(s) that will be used. By helping to ensure that the program is administered fairly and methodically, these requirements provide balance to the broad discretion that ESG recipients are given in the design of their ESG programs. Including these standards in the action plan allows the program design to be strengthened as the plan is developed and refined through the consultation and citizen participation stages in the planning process. The requirements for states differ slightly from those that apply to local governments, in order to accommodate for the restrictions on states' use of ESG funds and the variety of areas and Continuums of Care their programs encompass. Under the state programs, the written standards for providing ESG assistance may vary by subrecipient, Continuum of Care, or the geographic area over which services are coordinated.

Certifications. The changes to the ESG certifications clarify the certifications and bring them into closer conformance with the corresponding requirements under part 576 and the McKinney-Vento Act.

III. Justification for Interim Rulemaking

In accordance with its regulations on rulemaking at 24 CFR part 10, HUD generally publishes its rules for advance public comment. Notice and public procedures may be omitted, however, if HUD determines that, in a particular case or class of cases, notice and public procedure are ''impracticable, unnecessary, or contrary to the public interest.'' (See 24 CFR 10.1.)

In this case, HUD has determined that it would be contrary to the public interest to delay promulgation of the regulations for the Emergency Solutions Grants program because Congress has provided funding for this new program in the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112–10, approved April 15, 2011) (FY 2011 Appropriations Act). The FY 2011 Appropriations Act appropriates, in section 2241 of the statute, $1,905,000,000 for homeless assistance grants, of which at least $225,000,000 shall be for the Emergency Solutions Grant program. While many federal programs, including HUD programs, received a reduction in funding in the FY 2011 Appropriations Act, Congress increased funding for HUD's homeless assistance grants, and for the first time, authorized funding for a program, (the Emergency Solutions Grants program). HUD interprets this increase in funding as recognition by Congress of the significant needs that remain to help America's homeless population and the expectation of Congress that HUD will move expediently to expend this funding to assist and serve the homeless through its programs. HUD interprets the substantial funding, a minimum of $225,000,000, for the Emergency Solutions Grant program, as recognition by Congress that this program, which is an expansion of the predecessor Emergency Shelter Grants program, and includes features that were part of the Recovery Act's HPRP, is one that can have an immediate impact in helping the homeless.

Given what HUD sees as a congressional charge to move expediently, HUD is issuing this rule providing for regulations for the Emergency Solutions Grants program as an interim rule. Interim regulations in place will allow HUD to move forward in making FY 2011 funds available to grantees. As has been discussed in this preamble, the foundation for the regulations for the Emergency Solutions Grants program are those of its predecessor program, the Emergency Shelters Grant program, regulations with which HUD grantees are well familiar. HUD grantees are also familiar with the requirements of the HPRP and, as the preamble has highlighted, this interim rule adopts many of the features and requirements of HPRP.

Although for the reasons stated above, HUD is issuing this rule to take immediate effect, HUD welcomes all comments on this interim rule and all comments will be taken into consideration in the development of the final rule.

IV. Findings and Certifications

Regulatory Planning and Review

OMB reviewed this rule under Executive Order 12866, *Regulatory Planning and Review.* This rule was determined to be a ''significant regulatory action,'' as defined in section 3(f) of the order (although not an economically significant regulatory action under the order). As discussed earlier in this preamble, this interim rule establishes the regulations for the Emergency Solutions Grants program, which is the successor program to the Emergency Shelter Grants program. In establishing the regulations for the Emergency Solutions Grants program, the interim rule uses as its base the regulations for the Emergency Shelter Grants program and makes such changes as necessary to reflect the changes and focus of the Emergency Solutions Grants program. While emergency shelter remains an important component of the Emergency Solutions Grants program, the new Emergency Solutions Grants program places a greater focus on homelessness prevention for persons at risk of homelessness and rapid re-housing assistance for homeless persons. Accordingly, the rule does not alter the fundamental goal of the program, which is to assist those who are homeless and in danger of becoming homeless. Therefore, the administrative changes made by this rule do not result in an economic effect equal to $100 million, which would be approximately half of the program's funding ($225 million). HUD believes that the administrative changes made by the interim rule would also have no discernible impact upon the economy.

The slight shift in emphasis from emergency shelter in the Emergency Shelter Grants program to homelessness prevention and rapid rehousing assistance in the Emergency Solutions Grants program does not represent a significant regulatory change. Rapid rehousing is already familiar to HUD's homeless grantee providers from funding received under the HPRP, a temporary program funded through the American Recovery and Reinvestment Act of 2009, and their experience with this program which continues to today. Because HPRP activities will continue through September 30, 2012, the interim rule is directed to ensuring continuity between HPRP and Emergency Solutions Grant (ESG) program.

The docket file is available for public inspection in the Regulations Division, Office of the General Counsel, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters

building, please schedule an appointment to review the docket file by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at (800) 877–8339.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding of No Significant Impact is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the FONSI by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and on the private sector. This interim rule does not impose a federal mandate on any state, local, or tribal government, or on the private sector, within the meaning of UMRA.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule solely addresses the allocation and use of grant funds under the new McKinney-Vento Act homeless assistance programs as consolidated and amended by the HEARTH Act. As discussed in the preamble, the majority of the regulatory provisions in this rule track the regulatory provisions of the existing Emergency Shelter Grants program, with which prospective recipients of Emergency Solutions Grant (ESG) are familiar. Accordingly, the transition from the Emergency Shelter Grants program to the Emergency Solutions Grant program, in regard to funding and program requirements, should raise minimal issues because applicants and grantees are well-familiar with these requirements and, through the years, in soliciting information on the burden of the Emergency Solutions Grant requirements, grantees have not advised that such requirements are burdensome. Therefore, HUD has determined that this rule would not have a significant economic impact on a substantial number of small entities.

Notwithstanding that determination, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either: (1) Imposes substantial direct compliance costs on state and local governments and is not required by statute, or (2) preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This final rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments nor preempt state law within the meaning of the executive order.

Paperwork Reduction Act

The information collection requirements contained in this interim rule have been submitted to OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

The burden of the information collections in this interim rule is estimated as follows:

REPORTING AND RECORDKEEPING BURDEN

Information collection	Number of respondents	Response frequency (average)	Total annual responses	Burden hours per response	Total annual hours
576.400(a) Consultation With Continuums of Care	360	1	360	6.00	2,160
576.400(b) Coordination With Other Targeted Homeless Services	2,360	1	2,360	8.00	18,880
576.400(c) System and Program Coordination With Mainstream Resources	2,360	1	2,360	16.00	37,760
576.400(d) Centralized or Coordinated Assessment	2,000	1	2,000	3.00	6,000
576.400(e) Written Standards for Determining the Amount of Assistance	808	1	808	5.00	4,040
576.400(f) Participation in HMIS	78,000	1	78,000	0.50	39,000
576.401(a) Initial Evaluation	50,000	1	30,000	1.00	30,000
576.401(b) Recertification	20,000	2	40,000	0.50	20,000
576.401(d) Connection to Mainstream Resources	78,000	3	234,000	0.25	58,500
576.401(e) Housing Retention Plan	50,000	1	50,000	0.75	37,500
576.402 Terminating Assistance	808	1	808	4.00	3,232
576.403 Habitability Review	52,000	1	52,000	0.6	31,200
576.405 Homeless Participation	2,360	12	28,320	1.00	28,320
576.500 Recordkeeping Requirements	2,360	1	2,360	12.75	30,009
576.501(b) Remedial Actions	20	1	20	8.00	160
576.501(c) Recipient Sanctions	360	1	360	12.00	4,320
576.501(c) Subrecipient Response	2,000	1	2,000	8.00	16,000

REPORTING AND RECORDKEEPING BURDEN—Continued

Information collection	Number of respondents	Response frequency (average)	Total annual responses	Burden hours per response	Total annual hours
Total					367,081

Total estimated burden hours: 367,081.

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning this collection of information to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the affected agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Interested persons are invited to submit comments regarding the information collection requirements in this rule. Comments must refer to the proposal by name and docket number (FR–5474–I–01) and be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Fax: (202) 395–6947, and Reports Liaison Officer, Office of the Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, Room 7233, 451 Seventh Street SW., Washington, DC 20410–7000.

Interested persons may submit comments regarding the information collection requirements electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *http://www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

List of Subjects

24 CFR Part 91

Aged, Grant programs—housing and community development, Homeless, Individuals with disabilities, Low- and moderate-income housing, Reporting and recordkeeping requirements.

24 CFR Part 576

Community facilities, Emergency solutions grants, Grant programs—housing and community development, Grant program—social programs, Homeless, Reporting and recordkeeping requirements.

Accordingly, for the reasons described in the preamble, parts 91 and 576 of title 24 of the Code of Federal Regulations are amended as follows:

PART 91—CONSOLIDATED SUBMISSIONS FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS

■ 1. The authority citation for 24 CFR part 91 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 3601–3619, 5301–5315, 11331–11388, 12701–12711, 12741–12756, and 12901–12912.

■ 2. In § 91.2, paragraph (a)(2) is revised to read as follows:

§ 91.2 Applicability.

(a) * * *

(2) The Emergency Solutions Grants (ESG) program (see 24 CFR part 576);

■ 3. In § 91.5, the definitions of ''Chronically homeless person,'' ''Disabling condition,'' ''Homeless family with children,'' and ''Homeless subpopulations'' are removed; the definition of ''Emergency shelter'' is revised; and the definitions of ''At risk of homelessness,'' ''Chronically homeless,'' ''Continuum of Care,'' ''Homeless Management Information System (HMIS),'' ''Rapid re-housing assistance,'' and ''Victim service provider'' are added to read as follows:

§ 91.5 Definitions.

* * * * *

At risk of homelessness. (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 people 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.

254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

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

* * * * *

Chronically homeless. (1) An individual who:

(i) Is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and

(ii) Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last 3 years, where each homeless occasion was at least 15 days; and

(iii) Can be diagnosed with one or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability;

(2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or

(3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

* * * * *

Continuum of Care. 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. 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.

* * * * *

Homeless Management Information System (HMIS). The information system designated by the Continuum of Care to comply with 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.

* * * * *

Rapid re-housing assistance. The provision of 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.

* * * * *

Victim service provider. 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.

* * * * *

■ 4. In § 91.100, paragraph (a)(2) is revised and a new paragraph (d) is added to read as follows:

§ 91.100 Consultation; local governments.

(a) * * *

(2) When preparing the portions of the consolidated plan describing the jurisdiction's homeless strategy and the resources available to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) and persons at risk of homelessness, the jurisdiction must consult with:

(i) The Continuum(s) of Care that serve(s) the jurisdiction's geographic area;

(ii) Public and private agencies that address housing, health, social service, victim services, employment, or education needs of low-income individuals and families; homeless individuals and families, including homeless veterans; youth; and/or other persons with special needs;

(iii) Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and

(iv) Business and civic leaders.

* * * * *

(d) Emergency Solutions Grants (ESG). A jurisdiction that receives an ESG grant must consult with the Continuum of Care in determining how to allocate its ESG grant for eligible activities; in developing the performance standards for, and evaluating the outcomes of, projects and activities assisted by ESG funds; and in developing funding, policies, and procedures for the operation and administration of the HMIS.

* * * * *

■ 5. In § 91.105, paragraph (a)(2) is revised to read as follows:

§ 91.105 Citizen participation plan; local governments.

(a) * * *

(2) *Encouragement of citizen participation.* (i) The citizen participation plan must provide for and encourage citizens to participate in the development of any consolidated plan, any substantial amendment to the consolidated plan, and the performance report. These requirements are designed especially to encourage participation by low- and moderate-income persons, particularly those living in slum and blighted areas and in areas where CDBG funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods, as defined by the jurisdiction. A jurisdiction is also expected to take whatever actions are appropriate to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities.

(ii) The jurisdiction shall encourage the participation of local and regional institutions, the Continuum of Care and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based

and faith-based organizations) in the process of developing and implementing the consolidated plan.

(iii) The jurisdiction shall encourage, in conjunction with consultation with public housing agencies, the participation of residents of public and assisted housing developments, in the process of developing and implementing the consolidated plan, along with other low-income residents of targeted revitalization areas in which the developments are located. The jurisdictions shall make an effort to provide information to the public housing agency (PHA) about consolidated plan activities related to its developments and surrounding communities so that the PHA can make this information available at the annual public hearing required for the PHA Plan.

(iv) The jurisdiction should explore alternative public involvement techniques and quantitative ways to measure efforts that encourage citizen participation in a shared vision for change in communities and neighborhoods, and the review of program performance; *e.g.,* use of focus groups and the Internet.

* * * * *

■ 6. Section 91.110 is revised to read as follows:

§ 91.110 Consultation; States.

(a) When preparing the consolidated plan, the State shall consult with other public and private agencies that provide assisted housing (including any state housing agency administering public housing), health services, and social and fair housing services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, and homeless persons) during preparation of the consolidated plan.

(b) When preparing the portions of the consolidated plan describing the State's homeless strategy and the resources available to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) and persons at risk of homelessness, the State must consult with:

(1) Each Continuum of Care within the state;

(2) Public and private agencies that address housing, health, social services, victim services, employment, or education needs of low-income individuals and families; of homeless individuals and families, including homeless veterans; youth; and/or of other persons with special needs;

(3) Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and

(4) Business and civic leaders.

(c) When preparing the portion of its consolidated plan concerning lead-based paint hazards, the State shall consult with state or local health and child welfare agencies and examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead-poisoned.

(d) When preparing its method of distribution of assistance under the CDBG program, a State must consult with local governments in nonentitlement areas of the state.

(e) The State must also consult with each Continuum of Care within the state in determining how to allocate its ESG grant for eligible activities; 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 operation and administration of the HMIS.

■ 7. In § 91.115, paragraph (a)(2) is revised to read as follows:

§ 91.115 Citizen participation plan; States.

(a) * * *

(2) *Encouragement of citizen participation.* (i) The citizen participation plan must provide for and encourage citizens to participate in the development of the consolidated plan, any substantial amendments to the consolidated plan, and the performance report. These requirements are designed especially to encourage participation by low- and moderate-income persons, particularly those living in slum and blighted areas and in areas where CDBG funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods. A State is also expected to take whatever actions are appropriate to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities.

(ii) The State shall encourage the participation of local, regional, and statewide institutions, Continuums of Care, and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) that are involved with or affected by the programs or activities covered by the consolidated plan in the process of developing and implementing the consolidated plan.

(iii) The state should explore alternative public involvement techniques that encourage a shared vision of change for the community and the review of program performance; *e.g.,* the use of focus groups and the Internet.

* * * * *

■ 8. In § 91.200, paragraph (b) is revised to read as follows:

§ 91.200 General.

* * * * *

(b) The jurisdiction shall describe:

(1) The lead agency or entity responsible for overseeing the development of the plan and the significant aspects of the process by which the consolidated plan was developed;

(2) The identity of the agencies, groups, organizations, and others who participated in the process; and

(3) A jurisdiction's consultations with:

(i) The Continuum of Care that serves the jurisdiction's geographic area;

(ii) Public and private agencies that address housing, health, social services, employment, or education needs of low-income individuals and families, of homeless individuals and families, of youth, and/or of other persons with special needs;

(iii) Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions);

(iv) Other entities.

* * * * *

■ 9. In § 91.205, paragraph (b)(1) and paragraph (c) are revised to read as follows:

§ 91.205 Housing and homeless needs assessment.

* * * * *

(b)(1)(i) The plan shall estimate the number and type of families in need of housing assistance for:

(A) Extremely low-income, low-income, moderate-income, and middle-income families;

(B) Renters and owners;

(C) Elderly persons;

(D) Single persons;

(E) Large families;

(F) Public housing residents;

(G) Families on the public housing and Section 8 tenant-based waiting list;

(H) Persons with HIV/AIDS and their families;

(I) Victims of domestic violence, dating violence, sexual assault, and stalking;

(J) Persons with disabilities; and

(K) Formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance.

(ii) The description of housing needs shall include a concise summary of the cost burden and severe cost burden, overcrowding (especially for large families), and substandard housing conditions being experienced by extremely low-income, low-income, moderate-income, and middle-income renters and owners compared to the jurisdiction as a whole. (The jurisdiction must define in its consolidated plan the terms ''standard condition'' and ''substandard condition but suitable for rehabilitation.'')

* * * * *

(c) *Persons who are homeless or at risk of homelessness.* (1) The plan must describe, in a form prescribed by HUD, the nature and extent of unsheltered and sheltered homelessness, including rural homelessness, within the jurisdiction. At a minimum, the recipient must use data from the Homeless Management Information System (HMIS) and data from the Point-In-Time (PIT) count conducted in accordance with HUD standards.

(i) The description must include, for each category of homeless persons specified by HUD (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth), the number of persons experiencing homelessness on a given night, the number of persons who experience homelessness each year, the number of persons who lose their housing and become homeless each year, the number of persons who exit homelessness each year, the number of days that persons experience homelessness, and other measures specified by HUD.

(ii) The plan also must contain a brief narrative description of the nature and extent of homelessness by racial and ethnic group, to the extent information is available.

(2) The plan must include a narrative description of the characteristics and needs of low-income individuals and families with children (especially extremely low-income) who are currently housed but threatened with homelessness. This information may be evidenced by the characteristics and needs of individuals and families with children who are currently entering the homeless assistance system or appearing for the first time on the streets. The description must also specify particular housing characteristics that have been linked with instability and an increased risk of homelessness.

* * * * *

10. In § 91.210, paragraph (c) is revised to read as follows:

§ 91.210 Housing market analysis.

* * * * *

(c) *Facilities, housing, and services for homeless persons.* The plan must include a brief inventory of facilities, housing, and services that meet the needs of homeless persons within the jurisdiction, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth.

(1) The inventory of facilities and housing (*e.g.,* emergency shelter, transitional housing, and permanent supportive housing) must be presented in a form specified by HUD.

(2) The inventory of services must include both services targeted to homeless persons and mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons.

* * * * *

■ 11. In § 91.215, paragraphs (b), (d), (k), and (l) are revised to read as follows:

§ 91.215 Strategic plan.

* * * * *

(b) *Affordable housing.* With respect to affordable housing, the consolidated plan must include the priority housing needs table prescribed by HUD and must do the following:

(1) The affordable housing section shall describe how the characteristics of the housing market and the severity of housing problems and needs of extremely low-income, low-income, and moderate-income renters and owners, persons at risk of homelessness, and homeless persons identified in accordance with § 91.205 provided the rationale for establishing allocation priorities and use of funds made available for rental assistance, production of new units, rehabilitation of existing units, or acquisition of existing units (including preserving affordable housing units that may be lost from the assisted housing inventory for any reason). Household and income types may be grouped together for discussion where the analysis would apply to more than one of them. If the jurisdiction intends to use HOME funds for tenant-based assistance, the jurisdiction must specify local market conditions that led to the choice of that option.

(2) The affordable housing section shall include specific objectives that describe proposed accomplishments, that the jurisdiction hopes to achieve and must specify the number of extremely low-income, low-income, and moderate-income families, and homeless persons to whom the jurisdiction will provide affordable housing as defined in 24 CFR 92.252 for rental housing and 24 CFR 92.254 for homeownership over a specific time period.

* * * * *

(d) *Homelessness.* The consolidated plan must include the priority homeless needs table prescribed by HUD and must describe the jurisdiction's strategy for reducing and ending homelessness through:

(1) Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs;

(2) Addressing the emergency shelter and transitional housing needs of homeless persons;

(3) Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again; and

(4) Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are:

(i) Likely to become homeless after being discharged from publicly funded institutions and systems of care into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions) or

(ii) Receiving assistance from public and private agencies that address housing, health, social services, employment, education, or youth needs.

* * * * *

(k) *Institutional structure.* The consolidated plan must provide a concise summary of the institutional structure, including private industry; nonprofit organizations; community and faith-based organizations; philanthropic organizations; the Continuum of Care; and public institutions, departments and agencies through which the jurisdiction will carry out its housing, homeless, and community development plan; a brief assessment of the strengths

and gaps in that delivery system; and a concise summary of what the jurisdiction will do to overcome gaps in the institutional structure for carrying out its strategy for addressing its priority needs.

(l) *Coordination.* The consolidated plan must provide a concise summary of the jurisdiction's activities to enhance coordination among the Continuum of Care, public and assisted housing providers, and private and governmental health, mental health, and service agencies. The summary must address the jurisdiction's efforts to coordinate housing assistance and services for homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) and persons who were recently homeless but now live in permanent housing. With respect to the public entities involved, the plan must describe the means of cooperation and coordination among the State and any units of general local government in the metropolitan area in the implementation of its consolidated plan. With respect to economic development, the jurisdiction should describe efforts to enhance coordination with private industry, businesses, developers, and social service agencies.

■ 12. In § 91.220, paragraph (i) is revised and a new paragraph (l)(4) is added to read as follows:

§ 91.220 Action plan.

* * * * *

(i) *Homeless and other special needs activities.* (1) The jurisdiction must describe its one-year goals and specific actions steps for reducing and ending homelessness through:

(i) Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs;

(ii) Addressing the emergency shelter and transitional housing needs of homeless persons; and

(iii) Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again; and

(iv) Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are:

(A) Being discharged from publicly funded institutions and systems of care, such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions; or

(B) Receiving assistance from public and private agencies that address housing, health, social services, employment, education, or youth needs.

(2) The jurisdiction must specify the activities that it plans to undertake during the next year to address the housing and supportive service needs identified in accordance with § 91.215(e) with respect to persons who are not homeless but have other special needs.

* * * * *

(l) * * *

(4) *ESG.* (i) The jurisdiction must include its written standards for providing ESG assistance. The minimum requirements regarding these standards are set forth in 24 CFR 576.400(e)(1) and (e)(3).

(ii) If the Continuum of Care for the jurisdiction's area has established a centralized or coordinated assessment system that meets HUD requirements, the jurisdiction must describe that centralized or coordinated assessment system. The requirements for using a centralized or coordinated assessment system, including the exception for victim service providers, are set forth under 24 CFR 576.400(d).

(iii) The jurisdiction must identify its process for making subawards and a description of how the jurisdiction intends to make its allocation available to private nonprofit organizations (including community and faith-based organizations), and in the case of urban counties, funding to participating units of local government.

(iv) If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities or services that receive funding under ESG.

(v) The jurisdiction must describe the performance standards for evaluating ESG activities.

(vi) The jurisdiction must describe its consultation with each Continuum of Care that serves the 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.

■ 13. In § 91.225, paragraph (c) is revised to read as follows:

§ 91.225 Certifications.

* * * * *

(c) *ESG.* For jurisdictions that seek ESG funding under 24 CFR part 576, the following certifications are required:

(1) If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation;

(2) If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion;

(3) In all other cases where ESG funds are used for renovation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation;

(4) In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the jurisdiction will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long as the jurisdiction serves the same type of persons (*e.g.,* families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area;

(5) Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary;

(6) The jurisdiction will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal, State, local, and private assistance available for these individuals;

(7) The jurisdiction will obtain matching amounts required under 24 CFR 576.201;

(8) The jurisdiction has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter;

(9) To the maximum extent practicable, the jurisdiction will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the program, and in providing services for occupants of facilities assisted under the program;

(10) All activities the jurisdiction undertakes with assistance under ESG are consistent with the jurisdiction's consolidated plan; and

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

* * * * *

■ 14. In § 91.300, paragraph (b) is revised to read as follows:

§ 91.300 General.

* * * * *

(b) The State shall describe:

(1) The lead agency or entity responsible for overseeing the development of the plan and the significant aspects of the process by which the consolidated plan was developed;

(2) The identity of the agencies, groups, organizations, and others who participated in the process;

(3) The State's consultations with:

(i) Continuums of Care;

(ii) Public and private agencies that address housing, health, social services, employment, or education needs of low-income individuals and families, homeless individuals and families, youth, and/or other persons with special needs;

(iii) Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and

(iv) Other entities.

* * * * *

■ 15. In § 91.305, paragraphs (b)(1) and (c) are revised to read as follows:

§ 91.305 Housing and homeless needs assessment.

* * * * *

(b)(1)(i) The plan shall estimate the number and type of families in need of housing assistance for:

(A) Extremely low-income, low-income, moderate-income, and middle-income families;

(B) Renters and owners;

(C) Elderly persons;

(D) Single persons;

(E) Large families;

(F) Public housing residents;

(G) Families on the public housing and Section 8 tenant-based waiting list;

(H) Persons with HIV/AIDS and their families;

(I) Victims of domestic violence, dating violence, sexual assault, and stalking;

(J) Persons with disabilities; and

(K) Formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance.

(ii) The description of housing needs shall include a concise summary of the cost burden and severe cost burden, overcrowding (especially for large families), and substandard housing conditions being experienced by extremely low-income, low-income, moderate-income, and middle-income renters and owners compared to the state as a whole. (The state must define in its consolidated plan the terms ''standard condition'' and ''substandard condition but suitable for rehabilitation.'')

* * * * *

(c) *Persons who are homeless or at risk of homelessness.* (1) The plan must describe, in a form prescribed by HUD, the nature and extent of homelessness, including rural homelessness, within the state.

(i) The description must include, for each category of homeless persons specified by HUD (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth), the number of persons experiencing homelessness on a given night, the number of persons who experience homelessness each year, the number of persons who lose their housing and become homeless each year, the number of persons who exit homelessness each year, and the number of days that persons experience homelessness, and any other measures specified by HUD.

(ii) The plan also must contain a brief narrative description of the nature and extent of homelessness by racial and ethnic group, to the extent that information is available.

(2) The plan must include a narrative description of the characteristics and needs of low-income individuals and families with children (especially extremely low-income) who are currently housed but threatened with homelessness. This information may be evidenced by the characteristics and needs of individuals and families with children who are currently entering the homeless assistance system or appearing for the first time on the streets. The description must also include specific housing characteristics linked to instability and an increased risk of homelessness.

* * * * *

■ 16. In § 91.310, paragraph (b) is revised to read as follows:

§ 91.310 Housing market analysis.

* * * * *

(b) *Facilities, housing, and services for homeless persons.* The plan must include a brief inventory of facilities and services that meet the needs of homeless persons within the state, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth.

(1) The inventory of facilities and housing (*e.g.,* emergency shelter, transitional housing, and permanent supportive housing) must be presented in a form specified by HUD.

(2) The inventory of services must include both services targeted to homeless persons and mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons.

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■ 17. In § 91.315, paragraphs (b), (d), (k), and (l) are revised to read as follows:

§ 91.315 Strategic plan.

* * * * *

(b) *Affordable housing.* With respect to affordable housing, the consolidated plan must include the priority housing needs table prescribed by HUD and the following:

(1) The affordable housing section shall describe how the characteristics of

the housing market and the severity of housing problems and needs of extremely low-income, low-income, and moderate-income renters and owners, persons at risk of homelessness, and homeless persons identified in accordance with § 91.305 provided the rationale for establishing allocation priorities and use of funds made available for rental assistance, production of new units, rehabilitation of existing units, or acquisition of existing units (including preserving affordable housing units that may be lost from the assisted housing inventory for any reason). Household and income types may be grouped together for discussion where the analysis would apply to more than one of them. If the State intends to use HOME funds for tenant-based rental assistance, the State must specify local market conditions that led to the choice of that option.

(2) The affordable housing section shall include specific objectives that describe proposed accomplishments that the jurisdiction hopes to achieve and must specify the number of extremely low-income, low-income, and moderate-income families, and homeless persons to whom the jurisdiction will provide affordable housing as defined in 24 CFR 92.252 for rental housing and 24 CFR 92.254 for homeownership over a specific time period.

* * * * *

(d) *Homelessness.* The consolidated plan must include the priority homeless needs table prescribed by HUD and must describe the State's strategy for reducing and ending homelessness through:

(1) Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs;

(2) Addressing the emergency shelter and transitional housing needs of homeless persons;

(3) Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again; and

(4) Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are:

(i) Likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or

(ii) Receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

* * * * *

(k) *Institutional structure.* The consolidated plan must provide a concise summary of the institutional structure, including businesses, developers, nonprofit organizations, philanthropic organizations, community-based and faith-based organizations, the Continuum of Care, and public institutions, departments, and agencies through which the State will carry out its housing, homeless, and community development plan; a brief assessment of the strengths and gaps in that delivery system; and a concise summary of what the State will do to overcome gaps in the institutional structure for carrying out its strategy for addressing its priority needs.

(l) *Coordination.* The consolidated plan must provide a concise summary of the jurisdiction's activities to enhance coordination among Continuums of Care, public and assisted housing providers, and private and governmental health, mental health, and service agencies. The summary must include the jurisdiction's efforts to coordinate housing assistance and services for homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) and persons who were recently homeless but now live in permanent housing. With respect to the public entities involved, the plan must describe the means of cooperation and coordination among the State and any units of general local government in the implementation of its consolidated plan. With respect to economic development, the State should describe efforts to enhance coordination with private industry, businesses, developers, and social service agencies.

* * * * *

■ 18. In § 91.320, paragraphs (h) and (k)(3) are revised to read as follows:

§ 91.320 Action plan.

* * * * *

(h) *Homeless and other special needs activities.* (1) The State must describe its one-year goals and specific actions steps for reducing and ending homelessness through:

(i) Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs;

(ii) Addressing the emergency shelter and transitional housing needs of homeless persons;

(iii) Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again; and

(iv) Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are:

(A) Being discharged from publicly funded institutions and systems of care (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or

(B) Receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

(2) The State must specify the activities that it plans to undertake during the next year to address the housing and supportive service needs identified in accordance with § 91.315(e) with respect to persons who are not homeless but have other special needs.

* * * * *

(k) * * *

(3) *ESG.* (i) The State must either include its written standards for providing Emergency Solutions Grant (ESG) assistance or describe its requirements for its subrecipients to establish and implement written standards for providing ESG assistance. The minimum requirements regarding these standards are set forth in 24 CFR 576.400(e)(2) and (e)(3).

(ii) For each area of the State in which a Continuum of Care has established a centralized or coordinated assessment system that meets HUD requirements, the State must describe that centralized or coordinated assessment system. The requirements for using a centralized or coordinated assessment system, including the exception for victim service providers, are set forth under 24 CFR 576.400(d).

(iii) The State must identify its process for making subawards and a

description of how the State intends to make its allocation available to units of general local government and private nonprofit organizations, including community and faith-based organizations.

(iv) The State must describe the performance standards for evaluating ESG activities.

(v) The State must describe its consultation with each Continuum of Care 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.

* * * * *

■ 19. In § 91.325, paragraph (c) is revised to read as follows:

§ 91.325 Certifications.

* * * * *

(c) *ESG.* Each State that seeks funding under ESG must provide the following certifications:

(1) The State will obtain any matching amounts required under 24 CFR 576.201 in a manner so that its subrecipients that are least capable of providing matching amounts receive the benefit of the exception under 24 CFR 576.201(a)(2);

(2) The State will establish and implement, to the maximum extent practicable and where appropriate, policies, and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health-care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons;

(3) The State will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter; and

(4) The State will ensure that its subrecipients comply with the following criteria:

(i) If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation;

(ii) If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion;

(iii) In all other cases where ESG funds are used for renovation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 3 years after the date the date the building is first occupied by a homeless individual or family after the completed renovation;

(iv) If ESG funds are used for shelter operations or essential services related to street outreach or emergency shelter, the subrecipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long as the applicant serves the same type of persons (*e.g.,* families with children, unaccompanied youth, veterans, disabled individuals, or victims of domestic violence) or persons in the same geographic area;

(v) Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary;

(vi) The subrecipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living), and other Federal, State, local, and private assistance available for such individuals;

(vii) To the maximum extent practicable, the subrecipient will involve, through employment, volunteer services, or otherwise, 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; and

(viii) All activities the subrecipient undertakes with assistance under ESG are consistent with the State's current HUD-approved consolidated plan.

* * * * *

■ 20. In § 91.520, paragraph (b) is revised, paragraphs (c), (d), (e), (f), and (g) are redesignated as paragraphs (d), (e), (f), (h), and (i), respectively, and new paragraphs (c) and (g) are added to read as follows:

§ 91.520 Performance reports.

* * * * *

(b) *Affordable housing.* The report shall include an evaluation of the jurisdiction's progress in meeting its specific objective of providing affordable housing, including the number and types of families served. This element of the report must include the number of extremely low-income, low-income, moderate-income, middle-income, and homeless persons served.

(c) *Homelessness.* The report must include, in a form prescribed by HUD, an evaluation of the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

(1) Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs;

(2) Addressing the emergency shelter and transitional housing needs of homeless persons;

(3) Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again; and

(4) Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are

(i) Likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions);

(ii) Receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

* * * * *

(g) *ESG.* For jurisdictions receiving funding under the ESG program provided in 24 CFR part 576, the report, in a form prescribed by HUD, must include the number of persons assisted, the types of assistance provided, and the project or program outcomes data measured under the performance

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.

Authority: 42 U.S.C. 11371 *et seq.,* 42 U.S.C. 3535(d).

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. 11371–11378). The program authorizes the Department of Housing and Urban Development (HUD) to make grants to States, units of general purpose local government, and territories for the rehabilitation or conversion of buildings for use as emergency shelter for the homeless, for the payment of certain expenses related to operating emergency shelters, for essential services related to emergency shelters and street outreach for the homeless, and for homelessness prevention and rapid re-housing assistance.

§ 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. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

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

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:

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

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

(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or

(iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

(2) An individual or family who will imminently 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:

(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(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:

(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.

Subpart 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 7.5 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 necessary 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 supportive 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.

(3) *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 area.

(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.

(4) *Emergency mental health services.* (i) Eligible costs are the direct outpatient treatment by licensed professionals of mental health conditions operating in community-based settings, including streets, parks, and other places where unsheltered people are living.

(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 prescription 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.

(6) *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 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.

(1) *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; and

(H) Developing an individualized housing and service plan, including planning a path to permanent housing stability.

(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 or activities are screening, assessment and testing; individual or group instruction; tutoring; provision of books, supplies and instructional material; counseling; and referral to community resources.

(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 and 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.

(ii) *Conversion.* If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the minimum period of use is 10 years.

(iii) *Renovation other than major rehabilitation or conversion.* In all other cases where ESG funds are used for renovation, the minimum period of use is 3 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 30 percent of median family income for the area, as determined by HUD. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing. 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 § 576.103 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 (5) of this section.

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

(6) *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.

(b) *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)(1)(vi), except that the eligible subject matters also include landlord/tenant matters, and the services must be necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides.

(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.

(4) Rental assistance may be tenant-based or project-based, as set forth in paragraphs (h) and (i) of this section.

(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 (i)(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 (i)(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:

(i) 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.

(ii) Travel costs incurred for monitoring of subrecipients;

(iii) Administrative services performed under third-party contracts or agreements, including general legal services, accounting services, and audit services; and

(iv) 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.

§ 576.201 Matching requirement.

(a) *Required amount of matching contributions.* (1) Except as provided under paragraphs (a)(2) and (a)(3) of this section, the recipient must make matching contributions to supplement the recipient's ESG program in an amount that equals the amount of ESG funds provided by HUD.

(2) If the recipient is a State, the first $100,000 of the fiscal year grant is not required to be matched. However, the recipient must transfer the benefit of this exception to its subrecipients that are least capable of providing the recipient with matching contributions.

(3) This matching requirement does not apply if the recipient is a territory.

(b) *Eligible sources of matching contributions.* (1) Subject to the requirement for States under paragraph (a)(2) of this section, the recipient may require its subrecipients to make matching contributions consistent with this section to help meet the recipient's matching requirement.

(2) Matching contributions may be obtained from any source, including any Federal source other than the ESG program, as well as state, local, and private sources. However, the following requirements apply to matching contributions from a Federal source of funds:

(i) The recipient must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match Emergency Solutions Grant (ESG) funds.

(ii) If ESG funds are used to satisfy the matching requirements of another Federal program, then funding from that program may not be used to satisfy the matching requirements under this section.

(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.* (i) Within 60 days from 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 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 or an indirect cost.

(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, except that the State must distribute the reallocated funds:

(1) To private nonprofit organizations and units of general purpose local government in the geographic area in which the metropolitan city or urban county is located;

(2) If funds remain, to private nonprofit organizations and units of general purpose local government located throughout the State.

§ 576.302 States.

Grant funds returned by a State will be reallocated as follows:

(a) *Eligible recipients.* HUD will make the funds available:

(1) To metropolitan cities and urban counties in the State that were not allocated funds under § 576.3 because the amount they would have been allocated did not meet the minimum requirement under § 576.3(b)(2);

(2) If funds remain, to county governments in the State other than urban counties;

(3) Then, if funds remain, to metropolitan cities and urban counties in the State that were allocated funds under § 576.3.

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

(c) *Application requirements.* Within 45 days after the date of notification, the eligible recipient must submit to HUD:

(1) A substantial amendment to its approved consolidated plan in accordance with 24 CFR part 91; or

(2) If the eligible recipient does not have an approved consolidated plan, an abbreviated consolidated plan that meets the requirements in the **Federal Register** notice or notification letter from HUD.

(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, then 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 fund 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);

(4) HUD—Veterans Affairs Supportive Housing (HUD–VASH) (division K, title II, Consolidated Appropriations Act, 2008, Pub. L. 110–161 (2007), 73 FR 25026 (May 6, 2008));

(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 40299 of the Violent Crime Control and Law Enforcement Act (42 U.S.C. 13975));

(13) Homeless Veterans Reintegration Program (section 5(a)(1)) 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

(19) Veteran Justice Outreach Initiative (38 U.S.C. 2031).

(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, 968, and 990);

(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 457):

(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 receive 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) *Re-evaluations 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 not less than once every 3 months for program participants receiving homelessness prevention assistance, and not less than once annually for program participants receiving rapid re-housing assistance. At a minimum, each re-evaluation of eligibility must establish that:

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

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

(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(t) (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 judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases.

(b) *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.

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

(5) *Water supply.* The shelter's water supply must be free of contamination.

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

(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 84.42 (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 gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.

(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.

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

§ 576.405 Homeless participation.

(a) Unless the recipient is a State, the recipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policy-making entity of the recipient, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG).

(b) If the recipient is unable to meet requirement under paragraph (a), it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG). The plan must be included in the annual action plan required under 24 CFR 91.220.

(c) To the maximum extent practicable, the 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 or commingle them. 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 to 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.* (1) *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 (29 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; or

(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;

(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

application but, before signing a lease and commencing occupancy, was provided written notice of the project, its possible impact on the person (*e.g.,* the person may be displaced), and the fact that the person would not qualify as a ''displaced person'' (or for any assistance under this section) as a result of the project;

(C) The person is ineligible under 49 CFR 24.2(a)(9)(ii); or

(D) HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

(iii) The recipient or subrecipient may, at any time, request that HUD to determine whether a displacement is or would be covered by this rule.

(3) *Initiation of negotiations.* For purposes of determining the type of replacement housing payment assistance to be provided to a displaced person pursuant to this section:

(i) If the displacement is the direct result of privately undertaken rehabilitation, demolition, or acquisition of the real property, ''initiation of negotiations'' means the execution of the agreement between the recipient and the subrecipient or the agreement between the recipient (or subrecipient, as applicable) and the person owning or controlling the property;

(ii) If site control is only evidenced by an option contract to acquire the property, the ''initiation of negotiations'' does not become effective until the execution of a written agreement that creates a legally enforceable commitment to proceed with the purchase, such as a sales contract.

(d) *Real property acquisition requirements.* The acquisition of real property, whether funded privately or publicly, for a project assisted with Emergency Solutions Grant (ESG) funds is subject to the URA and Federal governmentwide regulations at 49 CFR part 24, subpart B.

(e) *Appeals.* A person who disagrees with the recipient's (or subrecipient's, if applicable) determination concerning whether the person qualifies as a displaced person, or the amount of relocation assistance for which the person may be eligible, may file a written appeal of that determination with the recipient under 49 CFR 24.10. A low-income person who disagrees with the recipient's determination may submit a written request for review of that determination by the appropriate HUD field office.

Subpart F—Grant Administration

§ 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, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations 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:

(i)(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 primary nighttime 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.

(4) 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:

(i) For paragraph (3)(i) of the homeless definition in § 576.2, certification of homeless status by the local private nonprofit organization or state or local governmental entity responsible for administering assistance under the Runaway and Homeless Youth Act (42 U.S.C. 5701 *et seq.*), the Head Start Act (42 U.S.C. 9831 *et seq.*), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e *et seq.*), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 *et seq.*), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*), as applicable;

(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 renter of housing, provider of shelter or housing, or 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 move was due to the individual or family fleeing domestic violence, dating violence, sexual assault, or stalking, then the intake worker may alternatively obtain a written certification from the individual or head of household seeking assistance that they were fleeing that situation and that they resided at that address; and

(iv) For paragraph (3)(iv) of the homeless definition in § 576.2, written diagnosis from a professional who is licensed by the state to diagnose and treat that condition (or intake staff-recorded observation of disability that within 45 days of date of the application for assistance is confirmed by a professional who is licensed by the state to diagnose and treat that condition); employment records; department of corrections records; literacy, English proficiency tests; or other reasonable documentation of the conditions required under paragraph (3)(iv) of the homeless definition.

(5) If the individual or family qualifies under paragraph (4) of the homeless definition in § 576.2, because the individual or family is fleeing domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence, then acceptable evidence includes an oral statement by the individual or head of household seeking assistance that they are fleeing that situation, that no subsequent residence has been identified and that they lack the resources or support networks, *e.g.,* family, friends, faith-based or other social networks, needed to obtain other housing. If the individual or family is receiving shelter or services provided by a victim service provider, the oral statement must be documented by either a certification by the individual or head of household; or a certification by the intake worker. Otherwise, the oral statement that the individual or head of household seeking assistance has not identified a subsequent residence and lacks the resources or support networks, *e.g.,* family, friends, faith-based or other social networks, needed to obtain housing must be documented by a certification by the individual or head of household that the oral statement is true and complete, and, where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening condition must be verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking. The written referral or observation need only include the minimum amount of information necessary to document that the individual or family is fleeing, or attempting to flee domestic violence, dating violence, sexual assault, and stalking.

(c) *At risk of homelessness status.* For each individual or family who receives Emergency Solutions Grant (ESG) homelessness prevention assistance, the records must include the evidence relied upon to establish and verify the individual or family's ''at risk of homelessness'' status. This evidence must include an intake and certification form that meets HUD specifications and is completed by the recipient or subrecipient. The evidence must also include:

(1) If the program participant meets the criteria under paragraph (1) of the ''at risk of homelessness'' definition in § 576.2:

(i) The documentation specified under this section for determining annual income;

(ii) The program participant's certification on a form specified by HUD that the program participant has insufficient financial resources and support networks; *e.g.,* family, friends, faith-based or other social networks, immediately available to attain housing stability and meets one or more of the conditions under paragraph (1)(iii) of the definition of ''at risk of homelessness'' in § 576.2;

(iii) The most reliable evidence available to show that the program participant 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. Acceptable evidence includes:

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

(B) To the extent that source documents are unobtainable, a written statement by the relevant third party (*e.g.,* former employer, public administrator, relative) or 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 both of

the criteria under paragraph (1)(ii) 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. 14043e *et seq.*), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 *et seq.*), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*), as applicable.

(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

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

(g) *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) developed by the Continuum of Care(s) in accordance with the requirements established by HUD.

(h) *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.

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

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

(k) *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.

(l) *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.

(m) *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.

(o) *Matching.* 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.

(t) *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–87 (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.

(v) *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 assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter; and

(iii) The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or subrecipient and consistent with state and local laws regarding privacy and obligations of confidentiality.

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

(y) *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.

(z) *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.

(aa) *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 reprogram 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 9, 2011.

Mercedes Márquez,

Assistant Secretary for Community Planning and Development.

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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,

ATTACHMENT C

WRITTEN STANDARDS

ESG 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%. Agencies solely providing emergency shelter to victims of domestic violence, stalking, sexual abuse, and trafficking are exempt. In those cases, a comparable database should be used that protects the identity and safety of clients.

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

Clark County is not planning to allocate ESG13/14 funds 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;

Homeless individuals/families seeking shelter must be provided shelter. If there are no appropriate or available beds immediately available for the client at the location he/she is seeking assistance, then the agency must collaborate with another provider to place client into another appropriate shelter.

Shelters must meet or exceed minimum habitability standards specified in CFR 576.403 that cover building structure and materials, access, space and security, interior air quality, water supply, sanitary facilities, thermal environment, illumination and electricity, food preparation, sanitary conditions, and fire safety.

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 (only 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 meets or exceeds minimum habitability standards. 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 elsewhere in a more appropriate location. Emergency shelters that provide housing to victims of domestic violence must have an appropriate security system in place to protect housed victims of domestic violence from their perpetrators. 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%. Agencies solely providing emergency shelter to victims of domestic violence, stalking, sexual abuse, and trafficking are exempt. In those cases, a comparable database should be used that protects the identity and safety of clients.

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. Individualized case management is also highly encouraged.

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. Specialized topics typically include: 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 sub recipients on the director or management level are highly encouraged to 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 should be reported to the Office of the Regional Homeless Coordinator **at least** once per year. SOAR training, a national project funded by Substance Abuse and Mental Health Services Administration (SAMHSA) is available for direct service workers who once trained, understand Disability Determination Services and Social Security Administration's requirements and appropriate documentation needs. SOAR training helps to decrease the time to issue determinations and reduces the need for appeals. This is highly beneficial for eligible adults who are homeless or at risk of homelessness and have a mental illness and/or co-occurring substance abuse disorder which are also populations that face significant 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 are 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 20 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 30 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.

HOMELESS PREVENTION

RENTAL ASSISTANCE TO PREVENT EVICTION (under homeless prevention):

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 **20** 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:

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 agree 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/ notice to quit letter 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. Housing unit must meet minimum habitability standards specified in 576.403(c).

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. Agency must have a rental assistance agreement in place with the party to which payments are being made which must set forth the terms under which rental assistance will be provided.

10. Arrears (no more than 6 months) must be paid off first to bring the balance to zero.. Payment of rental arrears can only be a one-time payment up to 6 months including any late fees on those arrears. Late fees for subsequent months will not be paid with ESG funds.

11. 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).

12. The household will be "re-evaluated" for income eligibility no later than the 20th day at the end of the 3rd month. At re-evaluation, household income cannot exceed 30% of AMI, otherwise financial assistance will cease.

13. A second and third issuance of rental assistance can be considered when the household demonstrates compliance with and progress on the Housing Stability Plan.

14. If at the third month "re-evaluation" and assessment finds that the client needs additional assistance, and if the household demonstrates compliance with and progress on the Housing Stability Plan, and if client continues to meet income qualifications, client may proceed to receive medium term rent assistance (4-13 months of assistance). Client must continue to be "re-evaluated" every three months.

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 20 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 re-assessed monthly, no later than the 20th day of each month. Each additional 4-12th month of rental assistance can be considered when the household demonstrates compliance with and progress on the Housing Stability Plan.

HOUSING RELOCATION AND STABLIZATION SERVICES FINANCIAL ASSISTANCE:

Eligible expenses under this category include: rental application fees, last month's rent, security deposits, moving costs, utility deposits, and utility payments.

Housing relocation & stabilization services <u>relating to rent</u>

<u>Financial assistance</u>

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

2. If necessary as a component of relocation to affordable housing, moving costs may be allowed on a case by case basis as allowed by the ESG Interim Regulation: 24 CFR 576.105. Eligible costs are truck rentals, hiring a moving company, and temporary storage fees for up to 3 months. Fees must be reasonable and occur after client intake and before the new move into a more affordable home.

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

MAXIMIM PERIOD AND TIMES OF ASSISTANCE:

Any combination of *rental assistance* which includes short and medium term rental assistance (including arrears) AND security deposits and last month's rent (both eligible under housing relocation & stabilization services financial assistance) may not exceed *13 months* total during any 3-year period.

Rental assistance

- The maximum *times* a participant can receive non-consecutive short/ medium term *rental assistance* is 3 times per 13 month period. Rental arrears are the exception and are limited to 1 time assistance, per participant, within a 3 year period.

Housing relocation & stabilization services financial assistance costs (relating to rent)

- Rental application fees, security deposits, and last month's rent are limited to 1 time assistance, per participant, per service, within a 3 year period.
- Security deposits cannot exceed 2 months of rent.
- Last month's rent may not exceed 1 month of rent.

Assistance with Essential Utilities

Eligible under Housing Relocation & Stabilization Services- financial assistance

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).

Eligible utility services are gas, electric, water, and sewage.

1. Eligible households/ individuals must be 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 be evaluated and 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 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.

2. Priority will be given to households that score over 20 points on the Housing Needs Assessment Matrix;

3. The utility is for a service at a housing unit leased or otherwise contracted to the assisted household. Housing unit must also meet minimum habitability standards specified in 576.403(c).

4. Household must provide documentation that they will be losing their housing (eviction letter) and is also to receive rental assistance to avoid homelessness.

5. Utility service must be in client's name and at the address they are living at and obtaining rental assistance.

6. 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.

7. If the household has an Eviction Notice, they can be assisted with rent arrears and utilities arrears.

8. 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, or other public programs available for assistance with utility payments;

9. Up to 13 months of utility payments per household, per service, including up to 6 months of arrearages, per service is allowed. Arrears must be paid as a one- time payment.

Housing relocation and stabilization financial assistance costs (relating to utilities)-

Maximum period and times of assistance for utility related assistance:

- The maximum times a participant can receive non-consecutive utility assistance for monthly utility bill payments is 3 times per 13 month period, per service.
- The maximum period a participant can receive utility assistance is 13 months within a 3 year period. The exception is arrears. Utility arrear payments of up to 6 months are allowed per participant, per service, within a 3 year period.
- Deposits are limited to 1 time assistance per participant, per service, per 3 years.

RAPID RE-HOUSING

All clients will complete the Housing Needs Assessment Matrix and the Supplemental Application for Rent and/or Utility Assistance. Eligible participants need to be literally homeless. Participants 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 also score over **30** 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 FOR HOMELESS

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, per 3 year period, under rapid re-housing.

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

1. The household should score over 20 points on the Housing Needs Assessment Matrix. Highest priority will be given to clients scoring over 30 points;

2. The household will actively engage in a 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 "re-evaluated" for eligibility at the end of the third month, not later than the 20th day of each month. At re-evaluation, household income cannot exceed 30% of AMI, otherwise financial assistance will cease.

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 of rent (eligible under housing relocation & stabilization services).

7. If necessary to obtain housing for household, last month's rent (of new move housing unit) may be paid. Assistance must not exceed one month's rent (eligible under housing relocation & stabilization services).

8. Up to 6 months of arrears are allowed by HUD including any late fees, but must be one-time payment, per participant, per service.

9. 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.

10. Agency must have a rental assistance agreement in place with the party to which payments are being made which must set forth the terms under which rental assistance will be provided.

11. 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.

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

13. Housing unit must meet minimum habitability standards specified in 576.403(c).

14. The first issuance of rental assistance can be up to 100% of the upcoming month rent. Rent must be paid on a timely basis, in the case that any late fees are incurred in the new housing situation, those fees will not be paid with ESG funds;

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

16. If necessary, client receiving short term assistance, who receives 30 points or more on the Housing Needs Assessment Matrix upon the third month re-evaluation including income eligibility, may proceed to receive medium-term rent assistance (4-15 months of assistance). Client will continue to be re-assessed on a monthly basis.

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 "re-evaluated" for eligibility monthly, not later than the 20th day of each month.

HOUSING RELOCATION AND STABILIZATION SERVICES FINANCIAL ASSISTANCE

Eligible expenses under this category include: rental application fees, last month's rent, security deposits, moving costs, utility deposits, and utility payments.

Housing relocation & stabilization services <u>relating to rent</u>:

<u>Financial assistance</u>

- If necessary to move to an affordable housing unit, security deposits may be paid but must equal no more than 2 months of rent.
- If necessary to obtain housing for household, last month's rent (of new housing unit) may be paid. Assistance must not exceed one month's rent.

MAXIMIM PERIOD AND TIMES OF ASSISTANCE:

Any combination of *rental assistance* which includes short and medium term rental assistance (including rental arrears) AND security deposits and last month's rent (both eligible under housing relocation & stabilization services financial assistance costs) may not exceed *15 months* during any 3-year period.

Rental assistance

- The maximum *times* a participant can receive non-consecutive short/ medium term *rental assistance* is 3 times per 15 month period. Rental arrears are the exception and are limited to 1 time assistance, per participant, within a 3- year period.

Housing relocation & stabilization services financial assistance costs (relating to rent)

- Rental application fees, security deposits, and last month's rent are limited to 1 time assistance, per participant, per service within a 3-year period.
- Security deposits cannot exceed 2 months of rent.
- Last month's rent may not exceed 1 month of rent.

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 **30** 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 within a 3-year period.

1. Priority to households who score over 30 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 one-time 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).

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

6. 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, or another public programs available for assistance with utility payments;;

Maximum period and times of assistance: Housing relocation and stabilization *financial assistance* costs relating to utilities-

- The maximum times a participant can receive non-consecutive utility assistance with monthly utility bill payments is 3 times per 15 month period, per service.

- The maximum period a participant can receive utility assistance is 15 months within a 3-year period. The exception is arrears. Utility arrear payments (of up to 6 months) and deposits are limited to 1 time assistance, per service, per 3-year period.

- Deposits are limited to 1 time assistance, per participant, per service, per 3 years.

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:

All clients will complete the Housing Needs Assessment Matrix. Clients eligible under the HUD definition of at risk of homelessness and who score over 20 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 30 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:

Housing Stabilization & Relocation Services financial assistance policies and procedures addressed above in detail. This includes *rental application fees, security deposits, last month's rent, utility deposits, utility payments and moving costs.*

There will be **no maximum monetary amount** of assistance established per client as long as expenses are reasonable and comply with fair market costs.

Under Homeless Prevention: Any combination of *rental assistance* which includes short and medium term rental assistance and rental arrears, *housing relocation & stabilization services financial assistance costs* which includes security deposits, and last month's may not exceed **13 months during any 3-year period**.

- The maximum times a participant can receive non-consecutive **rental assistance** is 3 times per 13 month period. Arrears are the exception, which are limited to a one-time payment, per service.
- Rental application fees, security deposits, and last month's rent are limited to a one-time payment, per service, per 3 -years.
- Security deposits cannot exceed 2 months of rent.
- Last month's rent may not exceed 1 month of rent.
- The maximum times a participant can receive non-consecutive utility assistance for monthly utility bill payments is 3 times per 13 month period, per service.
- Utility arrear payments (of up to 6 months) per participant, per service, per 3 year period.
- Deposits are limited to 1 time assistance per participant, per service, per 3 year period.

Under Rapid Re-Housing Any combination of *rental assistance* which includes short and medium term rental assistance and rental arrears, *housing relocation & stabilization services financial assistance costs* which includes security deposits, and last month's **may not exceed 15 months during any 3-year period**.

- The maximum times a participant can receive non-consecutive rental assistance is 3 times per 15 month period.
- Arrears are the exception, (rental application fees, security deposits, and last month's rent) which are limited to a one-time payment, per service, per 3-year period.
- Security deposits cannot exceed 2 months of rent.
- Last month's rent may not exceed 1 month of rent.
- Utility arrear payments (of up to 6 months) and deposits are limited to 1 time assistance, per service, per 3-year period.

Note on *moving costs*: eligible costs are for moving expenses, such as truck rental or hiring a moving company. 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. Fees must be reasonable and occur after client intake and before the new move into a more affordable home. Moving and storage costs are limited to one time assistance per client household per 3 year period.

Housing stabilization and relocation service costs include: housing search and placement, housing stability case management, mediation, legal services, and credit repair.

1. Housing stability case management is limited to 24 months during the period the program participant is living in permanent housing.

2. All other service costs are limited to 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.

ATTACHMENT D

HUD OUTCOME PERFORMANCE MEASUREMENT

Outcome Performance Measurement System
for HUD's Community Planning and Development (CPD) Formula Grant Programs (CDBG, HOME, ESG, HOPWA)

The information and guidelines outlined in this appendix are from FFY2007; no additional information has been made available by HUD concerning changes to the Performance System.

The Government Performance Results Act (GPRA) and the President's Management Agenda require that all federally-funded programs demonstrate their effectiveness in addressing the stated goals and objectives of the funding program as well as any national or local goals and objectives for investment of public funds. While monitoring Program Outcomes can be very beneficial to making decisions about program design, personnel, and resource investment, and helps to build high-performing programs, it is important to note that measuring Program Outcomes is becoming a life-or-death matter for HUD's formula block grant programs. An OMB review of three of HUD CPD's programs found them to be moderately effective or ineffective. This "ineffective" rating played a part in the president's justification for a FY2006 budget proposal to end the CDBG program and transfer its funding to the Commerce Department as part of the Strengthening America's Communities Initiative.

To counter any future attempts to un-fund the CDBG program, or CPD's other formula grant programs, HUD has instituted an Outcomes Performance Measurement System. The System was devised by a working group of national housing advocacy agencies, key HUD and OMB staff, and grantees. The goal of the System is to explain how the CPD formula grant programs help families and communities, and to create a common system that can be used by all grantees across the nation to gather data in a consistent manner, so that HUD can aggregate the data on the national level, and OMB can understand the impact of CDBG, HOME, ESG and HOPWA funding on low-income households and local communities.

Formula grant programs such as CDBG with broad goals are particularly difficult to review due to the many types of eligible activities (new construction, renovation, acquisition/rehab, public services, case management of clients, infrastructure improvements such as sewer or water lines, community health and safety issues such as removing slum and blight or building fire stations, etc.). The challenge has been to create a way for HUD grantees and subgrantees to report on their individual program outcomes, while simultaneously participating in a nationwide reporting process. The resultant system attempts to maintain program flexibility and reflect a bottom-up approach to project development by grantees; to differentiate CPD programs from other federal programs that fund similar activities; to reflect true program(s) purpose; and most importantly, the system had to allow for "roll-up" of data to national level to show accomplishments and value.

The following pages have information provided by HUD specific to homeless-targeting services. Following that are copies of the technical assistance instructions for the Performance Measurement System.

Exhibit 6-1
Suggestions for Choosing an Objective and Outcome:
Homeless Housing and Support Activities

Outcome ► Objective ▼	**Availability / Accessibility**	**Affordability**	**Sustain-ability**
Suitable Living Environment	Activities that increase access or availability to shelter or a service that will improve the beneficiary's living environment *Examples:* ▪ *Emergency Shelter;* ▪ *Transitional housing program;* ▪ *Street outreach to chronically homeless persons;* ▪ *Basic Needs; or* ▪ *Essential services (mental health counseling, substance abuse treatment, case management, etc.)*		Sustainability refers to a geographical boundary/area or business development, and does not apply to homeless-targeting projects
Decent Housing	Housing activities focused primarily on improving the quality of, or access to, housing (rather than affordability). *Examples:* ▪ *Operating subsidies for rental units targeting homeless persons with mental illness* ▪ *TBRA subsidies for homeless persons with a disability who could not otherwise access housing in that neighborhood or of that quality*	Housing activities focused primarily on making the housing units affordable. *Examples:* ▪ *Homeless prevention assistance (not targeted for a subpopulation); or* ▪ *Deeply subsidized rehabilitation of rental units designed to lower rental payments for any extremely low-income persons*	
Creating Economic Opportunities	Not applicable to homeless-targeted projects, as this objective refers to community development activities that are aimed at sustaining or increasing the level of business activity in a community, with job and income growth being the priority goals of such activities.		

Key Issues in Data Collection

For **all funded activities**, Subrecipients must provide an ***unduplicated* count of the individuals served by the project *throughout the year***. Data collection can be challenging – particularly for emergency shelters, soup kitchens, and other basic-needs programs where clients are transient and the length of contact with clients is extremely short-term. As a result, it is particularly important for providers to incorporate data collection into their daily processes so that data collection does not become onerous to the provider or beneficiaries.

Emergency Shelter or Transitional Housing Projects

Projects providing emergency shelter or transitional shelter/housing are required to report the total number of adults and children served on an annual basis. Remember, this should be an actual unduplicated count, not an estimate or point-in-time count. This means that regardless of how many nights a person stays in a shelter, they are counted once. For example, if Mary Johnson stays in Jane's Shelter for 60 nights, she is counted as one person served – not 60.

When funds are to support the *Operations of the Shelter Facility*: the following data is also required on the number of individuals assisted, broken down by:

- Number of unduplicated persons who have (a) new access to the service, OR (b) improved access, OR (c) has access to a service that is no longer substandard
- The number of households served by household type

  ANNUAL NUMBER OF INDIVIDUAL HOUSEHOLDS (SINGLES):
  Unaccompanied 18 and over.... Male: _____ Female: _____ Totals: _____
  Unaccompanied under 18 (youths)... Male: ____ Female: ___ Totals:_____
  ANNUAL NUMBER OF FAMILY HOUSEHOLDS W/ CHILDREN, HEADED BY:
  Single 18 and over ..... Male _____ Female: _____ Total: _____
  Single under 18..... Male _____ Female: _____ Total: _____
  Two Parents 18 and over..... Total: _____
  Two Parents under 18.....Total: _____
  ANNUAL NUMBER OF FAMILY HOUSEHOLDS W/ NO CHILDREN.....Total:_____
- The number of persons served by special need category. *Persons that fit more than one category should be listed in all applicable categories.*

  Chronically Homeless (Emergency Shelter Only): _____
  Severely Mentally Ill: _____
  Chronic Substance Abuse: _____
  Other Disability: _____
  Veterans: _____
  Persons with HIV/AIDS: _____
  Victims of Domestic Violence: _____
  Elderly: _____
- The number of persons served by facility type (Barracks, Group/Large House; Scattered Site Apartments; Single Family Detached House; Single Room Occupancy; Mobile Home/Trailer; Hotel/Motel; Other)
- The number of persons served by race and ethnicity

Overnight emergency shelters (i.e. those that are open at night only and operate on a first-come, first-serve basis), soup kitchens, food or clothing distributors, and day programs will have to think more carefully about how to collect data. It may be necessary to develop a short intake form that staff and/or beneficiaries can complete upon entry into the shelter or upon receipt of service. This may then be analyzed on a regular basis to de-duplicate the numbers served, so that by year-end, an unduplicated count of persons assisted (whether it be a one-time assistance or multiple assistances) can be reported.

The report of number of individuals served in a year must be compiled at year's end, **and cannot be generated based on the aggregation of monthly or quarterly reports**. This is because of the need to get an unduplicated count of the persons served; only by compiling the report at year-end can the provider know that an individual consumer did not use services in more than one month or quarter. For example, John Smith may use shelter services in October and again in January. If quarterly reports are aggregated, the shelter will over-report the number of persons served for the year.

Homeless Prevention Projects

Projects providing homeless prevention services must report the total number of adults and children served on an annual basis, and also:

- Income levels of persons or households, broken down to 30%, 50% or 80% of Area Median Income (AMI)
- The number of persons served who came from shelters or the street (as opposed to those unstably housed and receiving eviction notices or moving from one rental into another, affordable rental) AND of those, how many were considered chronically homeless
- The number of persons served by race and ethnicity
- The number of persons served by Security Deposits
- The number of persons served by Rental or Utility Assistance

Essential, Supportive Services

Projects providing supportive services to homeless persons *not residing* in their emergency or transitional shelter are required to report the total number of adults and children served on an annual basis. (Note: it is a pre-requisite of funding for shelter operators that clients be assisted with basic case management and other assistance to move into permanent housing). In addition, these projects must report

- Number of unduplicated persons who have (a) new access to the service, OR (b) improved access, OR (c) has access to a service that is no longer substandard
- Income levels of persons or households, broken down to 30%, 50% or 80% of Area Median Income (AMI)
- The number of persons served by race and ethnicity
- Note that HUD and the County assume persons being served in emergency or transitional shelter are also receiving assistance in obtaining appropriate supportive services, including permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living, including accessing other federal, state, local or private assistance available for such individuals.

Chapter 2: Overview of the CPD Outcome Performance Measurement System

Chapter 2 provides an overview of the CPD Outcome Performance Measurement System. It describes what activities the system covers, how the system is organized, and what the grantee must do in order to use the system. The chapter further describes the key reporting classifications of the system—the activity objectives, outcomes, and indicators of activities. A glossary at the end of the chapter includes definitions of key terms used in the system.

Types of Activities

The CPD Outcome Performance Measurement System is organized around the major types of activities funded by CDBG, HOME, HOPWA, and ESG. The following activities are covered by the system. Each is discussed in further detail in subsequent chapters:

- Housing;
- Economic development;
- Homeless housing and support;
- Housing for persons with AIDS;
- Public services;
- Public facilities; and
- Geographic-based revitalization efforts.

Highlights of the System

The final framework adopted by the CPD Performance Measurement Working Group reflects intensive discussion, research, and analysis over an 18-month period to meet the goals and adhere to the guiding principles it established for the system. The key features of the system include:

- **Common performance measures that apply to all four programs:** The measures of program performance that are incorporated into the system are structured by type of activity, rather than by program. This feature means that for activities common across several programs (e.g., housing rehabilitation) the same performance data is collected regardless of the source of funds.

- **Outcome measures are driven by local intent:** The system recognizes that the same activity may be undertaken for different purposes and to achieve different types of results. With this system, grantees can specify their program intent and the type of outcomes that they anticipate for an activity.

- **Indicators that use data commonly collected by grantees:** The indicators used by the performance measurement system are based on data that are readily gathered by grantees, regardless of size or administrative capacity.

- **Data collected from all grantees will enable HUD to roll up results to a national level:** The system focuses on a limited set of performance indicators and data items that are required of all grantees. The use of a single standardized set of data, regardless of variation in local program design, means that HUD can readily "roll up" the results reported by grantees from across the country into a set of overall national results by program.

Key Components of the CPD Outcome Performance Measurement System

In varying degrees of specificity, most grantees have a stated purpose for program activities they choose to undertake. It is only logical that these activities be evaluated based on how well they meet the intended purposes. For this reason, the CPD Outcome Performance Measurement System is designed to capture the state and local program purposes, and then to generate certain performance indicators that measure the activity's success at achieving the intended purpose.

There are three main components to the CPD Outcome Performance Measurement System:

- Objectives;
- Outcomes; and
- Indicators.

A list of commonly asked questions on objectives, outcomes, and indicators is provided as Appendix 3 to this guidebook.

Using the System – A Brief Overview of Key Actions for Grantees

To understand the key components of the system, it is helpful to begin with a brief overview of how grantees will use the system. For each activity that a grantee plans and ultimately funds, the grantee will need to:

1. **Determine the goal of the activity.** This task is performed both when grantees prepare their Consolidated Plan submissions (i.e., Strategic Plan or Annual Action Plans) and make a decision to fund an activity.

2. **Select one objective and one outcome that best reflect the goal or purpose of the activity.** This task also is performed when grantees prepare their Consolidated Plan submissions and make a decision to fund an activity.

3. **Indicate the corresponding objective and outcome for an activity** when setting up the activity in IDIS; and

4. **Report on the applicable indicators** regularly in IDIS and when completing an activity in IDIS.

The CPD Outcome Performance Measurement System focuses on activity level data as that term is used in IDIS. The activity type (and national objective for CDBG-assisted activities) will generally dictate which outcome indicator fields will need to be completed.

When the grantee sets up an activity in IDIS, the CPD Outcome Performance Measurement System will require the grantee to select from a list of predetermined objectives and outcomes. Objectives and outcomes will help define the grantee's intended purpose for the activity it is funding. For each activity, grantees must choose one of the three objectives that best fits the purpose of the activity based on the type of activity, funding source, and local program intent. Once the grantee has chosen the appropriate objective for its activity, it must then choose the outcome that best reflects what it is seeking to achieve based on the purpose of the activity.

The objectives closely mirror the statutory objectives of each program and, therefore, grantees can only select the one objective that the activity is intended to meet. To avoid diluting data with too much information, grantees must choose one of three outcomes, depending on which outcome is most appropriate for their activity. While it may be the case that a grantee feels that two or even all three outcomes are equally important to its activity, it must select only one for the purpose of IDIS data entry. However, a grantee may indicate more than one proposed outcome for an activity in the narratives for its Consolidated Plan or Annual Action Plan and its reporting.

Objectives

The CPD Outcome Performance Measurement System offers three possible objectives for each activity. These objectives are based on the broad statutory purposes of the four CPD programs:

- ❑ **Creating Suitable Living Environments** relates to activities that are designed to benefit communities, families, or individuals by addressing issues in their living environment. This objective relates to activities that are intended to address a wide range of issues faced by low- and moderate-income persons, from physical problems with their environment, such as poor quality infrastructure, to social issues such as crime prevention, literacy, or elderly health services.

- ❑ **Providing Decent Housing** covers the wide range of housing activities that are generally undertaken with HOME, CDBG, or HOPWA funds. This objective focuses on housing activities whose purpose is to meet individual family or community housing needs. It does not include programs where housing is an element of a larger effort to make community-wide improvements, since such programs would be more appropriately reported under Suitable Living Environments.

- **Creating Economic Opportunities** applies to activities related to economic development, commercial revitalization, or job creation.[1]

The objectives are framed broadly to capture the range of community impacts that occur as a result of program activities. Grantees can use the framework of the CPD Outcome Performance Measurement System as a basis for developing their own local system and incorporate more specific objectives that reflect their local priorities. However, for HUD, it is important that grantee activities be mapped to one of these three objectives so that HUD can describe the results of the four programs at a national level.

TIP

*When selecting an **objective**, ask:*

What is the purpose of the activity?

What is the larger community need that I am seeking to address?

Outcomes

The second component of the system – outcomes - is closely related to the objectives. The program outcome helps further refine the grantee's objective and is designed to capture the nature of the change or the expected result of the objective that a grantee seeks to achieve. Outcomes correspond to the question "What is the **type** of change the grantee is seeking? Or what is the expected result of the activity?"

TIP

*When selecting an **outcome**, ask:*

What type of change or result am I seeking?

The Performance Measurement Working Group considered a wide range of reasons why a grantee might fund activities and narrowed the outcomes down to the following three:

- **Availability/Accessibility** applies to activities that make services, infrastructure, public services, public facilities, housing, or shelter available or accessible to low- and moderate-income people, including persons with disabilities. In this category, accessibility does not refer only to physical barriers, but also to making the basics of daily living available and accessible to low- and moderate-income people where they live.

- **Affordability** applies to activities that provide affordability in a variety of ways to low- and moderate-income people. It can include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or day care. Affordability is an appropriate objective whenever an activity is lowering the cost, improving the quality, or increasing the affordability of a product or service to benefit a low-income household. For instance, a low

[1] The objective "Creating Economic Opportunity" is unlikely to be used for housing activities supported with HOME, HOPWA, or ESG funds.

interest loan program might make loans available to low- and moderate-income microenterprise businesses at 1% interest, which is far below the market rate. This program lowers the cost of the loan, enabling entrepreneurs to start businesses. As a result, the program makes financing more affordable. Another example might be a subsidized day care program that provides services to low- and moderate-income persons/families at lower cost than unsubsidized day care.

- **Sustainability** applies to activities that are aimed at improving communities or neighborhoods, helping to make them livable or viable by providing benefit to persons of low- and moderate-income or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain communities or neighborhoods.

Remember, the same activity can be categorized in different ways, depending on the local intent. For example, a rental rehabilitation program may be offered to increase the supply of affordable housing units for large families. The outcome for the program would be "Availability/accessibility" since the nature of the change is to make additional larger units available in the housing market. In a different jurisdiction, a rental rehabilitation program might provide a development subsidy for the rehabilitation of large units for the purpose of lowering the cost of housing or to provide decent and safe housing in a particular neighborhood or community for larger families. There, the primary outcome would be "Affordability."

To avoid diluting data with too much information, grantees must choose one of three outcomes, depending on which outcome is most appropriate for their activity. While it may be the case that a grantee believes that two or even all three outcomes are equally important to its activity, it must select only one outcome.

It is important to note that 'sustainability' is specifically tied to activities that are designed for the purpose of ensuring that a particular geographic area as a whole (such as a neighborhood) becomes or remains viable. It is targeted at supporting a specific physical location. On the other hand, 'availability' is related to making services, infrastructure, housing, or shelter available or accessible to individual residents/beneficiaries. Also, although the term 'accessibility' also refers to access for persons with disabilities as an outcome, it is intended to mean increased access to various services, housing units, or facilities.

Using the framework shown below in Exhibit 2-1 and data reported by grantees, HUD will generate national outcome statements to describe the aggregate impact that local program activities are achieving. Exhibit 2-2 below provides examples of individual national outcome statements.

Exhibit 2-1: Link between Objectives, Outcomes, and Outcome Statements

	Outcome 1: Availability/Accessibility	Outcome 2: Affordability	Outcome 3: Sustainability
Objective #1 Suitable Living Environment	Accessibility for the purpose of creating Suitable Living Environments	Affordability for the purpose of creating Suitable Living Environments	Sustainability for the purpose of creating Suitable Living Environments
Objective #2 Decent Housing	Accessibility for the purpose of providing Decent Housing	Affordability for the purpose of providing Decent Housing	Sustainability for the purpose of providing Decent Housing
Objective #3 Economic Opportunity	Accessibility for the purpose of creating Economic Opportunities	Affordability for the purpose of creating Economic Opportunities	Sustainability for the purpose of creating Economic Opportunities

These outcome statements will help the grantee to demonstrate the results its program is making at the local level and help HUD to demonstrate how Federal funds are being used to make a difference at the national level.

Indicators

Once the grantee has established the program purpose (objective), and intended result (outcome), the next step is to identify how to measure progress toward achieving the intended results. The IDIS system simplifies this job by identifying the indicators the grantee must report on. Some are common indicators that will be reported for nearly all program activities. Others are activity-specific indicators that are relevant only for the specific activity the grantee is undertaking.

Grantees will be required to report on the indicators that are applicable to the individual activities that they fund. An activity does not have to report on all the indicators that could be achieved, but data on all of the indicators that describe the results of their activity must be reported.

Exhibit 2-2: CPD Outcome Performance Measurement System - Outcome Statements

The following outcome statements are examples of how HUD will be able to use the information reported in IDIS, using the outcomes and indicators In the Outcome Performance Measurement System, to generate reports that can produce outcome statements similar to those shown in the attachment.

Outcome Statement for Senior Public Services and Senior Public Facilities Activities
In FY 2004, the CDBG program provided access to affordable services and facilities for over 2.4 million of our nation's 36 million senior citizens, 4 million of whom lived at or below the poverty level. CDBG funding provided new access to services for 700,000 seniors, improved access to services for over 1.1 million seniors, and improved the quality of services for 600,000 senior citizens creating more suitable living environments and more viable communities for elderly individuals whose median annual income nationwide was $23,787. The CDBG program assisted 1.6 million of those senior citizens by supporting public services, such as meals on wheels and operating costs of senior transportation, senior health clinics, and other programs; the program assisted nearly 800,000 seniors through the construction and rehabilitation of senior centers and other facilities devoted to providing essential services to our elderly population.

Outcome Statement for Owner-Occupied Housing Rehabilitation
In FY 2004, the CDBG program rehabilitated 138,000 owner-occupied homes for the purpose of sustaining decent affordable housing. 32,000 housing units, previously considered substandard according to local codes, were brought up to local standards as a result of the CDBG-funded rehabilitation. Over 12,000 housing units were brought into compliance with lead safety rules: 5,000 units met International Building Code Energy Standards; and 1,000 units met Energy Star standards. Other Federal programs subsidized 200 of these units, while state or local programs subsidized 78.

Outcome Statement for Jobs
In FY 2006, grantees used $400 million in CDBG funds to create economic opportunity across America by assisting 7,000 businesses, of which 4,000 provide needed goods and services to low-and moderate-income communities. These 7,000 businesses created 75,000 new full-time employment opportunities and 12,000 of those positions went to unemployed persons. Of these newly created jobs, 33,000 of these positions provide employer-sponsored health care benefits thereby increasing access to quality health care for individuals obtaining those jobs. The creation of these 75,000 jobs represents a significant contribution toward the total of 3.3 million new jobs reported by the Bureau of Labor Statistics as having been created nationwide in FY 2006.

Outcome Statement for Public Facilities
In FY 2004, the CDBG program provided new (first-time) access to a potable public water supply system for 155,000 persons, providing accessibility to a suitable living environment for these citizens. 95,000 of these citizens were low-and moderate-income persons. 125,000 of these persons were assisted through a combination of CDBG and other Federal program resources.

The CDBG program also provided for the rehabilitation of existing public water supply systems that benefited 85,000 persons; 65,000 of these were of low-and moderate-income. 55,000 of these persons were assisted through a combination of CDBG and other Federal program resources. Having access to an improved public water supply provided citizens with a sustained suitable living environment.

Outcome Statement for Homeownership
In FY 2004, the CDBG program provided new (first-time) access to homeownership units through the construction, acquisition, or rehabilitation of homeownership units for 15,000 persons, providing accessibility to decent housing for these citizens.

The CDBG program also directs financial assistance to first-time homebuyers for 100,000 persons, which included 40,000 minority households.

* Please note that for the HOME Program, the default setting in IDIS for objectives will be "decent housing" and for outcomes "affordability."

Common Indicators

There are four common indicators that are relevant for most activities. The system requires the grantee to report on these data elements for nearly all program activities. Note, however, that depending on the source of funds for the activity (HOME, CDBG, HOPWA, or ESG), the grantee may be required to report on different levels of specificity, or in some cases, the grantee may not be required to report on every element listed below:

- ❑ Amount of money leveraged from other Federal, state, local, and private sources, per activity.
- ❑ Number of persons, households, businesses, units or beds assisted, as appropriate.
- ❑ Income levels of persons or households by: 30 percent, 50 percent, 60 percent or 80 percent of area median income.
  - ➢ Reported income targeting will vary, in accordance with the applicable program requirement. However, grantees will not be required to collect any income data that goes beyond what is currently required.
  - ➢ For CDBG activities that benefit an area, the data reported for that activity will need to show the total number of persons served and the percentage of low- and moderate-income individuals served.
  - ➢ Under the State CDBG Program, grantees currently need to report beneficiaries by the CDBG income levels for all activities other than administration and some planning. Note that these current requirements will change when the Phase I re-engineered IDIS is implemented.
- ❑ Race, ethnicity, and disability data for activities that currently report these data elements.
  - ➢ Under CDBG Entitlement Communities Program, race/ethnicity data is required only when the activity is specifically undertaken to directly benefit persons or households, such as job creation activities or housing rehabilitation. Race and ethnicity data is **not** required for activities under the CDBG low-and moderate-income area benefit, slum/blight, or urgent need national objectives.

- Under the State CDBG Program, grantees are currently required to report on race/ethnicity for all activities other than administration and some planning activities. Note that these current requirements will change when the Phase I re-engineered IDIS is implemented.

- Grantees will not be required to collect any race/ethnicity data beyond what is currently required.

Specific Indicators

In addition to the common indicators that are used for all program activities, there are 18 major activity-specific indicator categories as shown in Exhibit 2-3 below. These indicators cover most activities carried out under the four Con Plan programs including housing, services for homeless individuals and families, public facilities/infrastructure, public services, and economic development activities. The complete set of indicators is listed in the March 7, 2006 *Federal Register* Notice, provided as Appendix 2 of this guidebook.

For each indicator category, there are several required data items that measure key characteristics of activities performed. For example, the data items for housing indicators capture the income levels of the households served, physical condition of the housing, whether the housing serves people who were previously homeless, and key features of the housing such as energy efficiency and safety from lead-based paint hazards. These characteristics help capture the extent to which an outcome is achieved.

The grantee is required to enter data only on indicator items that are relevant to the type of activity it undertakes, the intent of the activity, and for CDBG activities, the national objective. Current data collection requirements for each program remain unchanged. The applicable indicators are automatically generated by IDIS when the indicator is a requirement of the program funding the activity.

Exhibit 2-3: CPD Performance Measurement Indicators

- **Public facility or infrastructure**: This indicator shows the number of persons that have been assisted by public facility or infrastructure activities that provide individuals with new or improved access to the facility or infrastructure. If the activity was used to meet a quality standard or to measurably improve quality, then this indicator will report the number of household units that no longer have access to a substandard service.

- **Public service**: This indicator shows the number of persons that have been assisted with new or improved access to a service. If the activity was used to meet a quality standard or to measurably improve quality, then this indicator will report the number of persons that no longer have access to a substandard service.

- **Targeted revitalization:** This indicator shows a range of outcomes such as jobs created and retained, businesses assisted, low- and moderate-income persons and households served, slum/blight demolition, number of acres of brownfields remediated, etc. in a targeted area.

- **Commercial façade treatments or business building rehabilitation**: This indicator shows the number of commercial façade treatments undertaken and the number of business buildings that were rehabilitated.

- **Brownfields remediated**: This indicator shows the number of acres of brownfields that were remediated.

- **Rental units constructed:** This indicator shows the number of affordable rental units created, as well as the number of years of affordability, number of units occupied by the elderly, and those units designated for chronically homeless persons and persons with HIV/AIDS.

- **Rental units rehabilitated:** This indicator shows the number of affordable rental units rehabilitated, as well as the number of years of affordability, units for chronically homeless persons, elderly persons, and persons with HIV/AIDS.

- **Homeownership units constructed or acquired with rehabilitation**: This indicator shows the total number of homeownership units constructed, acquired, and/or acquired with rehabilitation per activity. This includes total number of affordable units, number of years of affordability, Energy Star qualified units, section 504 accessible units, and number of households previously living in subsidized housing. In addition, data will be collected on the number of units occupied by the elderly, number of units designated for persons with HIV/AIDS, and number of units for the chronically homeless.

- **Owner occupied units rehabilitated**: This indicator shows the total number of owner occupied units rehabilitated, including the number of these units occupied by the elderly, number of units designated for persons with HIV/AIDS, and number of units for the chronically homeless.

Exhibit 2-3: CPD Performance Measurement Indicators

- **Direct financial assistance to homebuyers:** This indicator shows the number of homebuyers receiving direct financial assistance, housing counseling, and downpayment assistance/closing costs.

- **TBRA**: This indicator shows the total number of households receiving TBRA as well as the number with short-term rental assistance (less than 12 months) and the number of homeless and chronically homeless households assisted.

- **Homeless shelters:** This indicator shows the number of homeless persons given overnight shelter.

- **Emergency housing**: This indicator shows the number of beds created in an overnight shelter or other emergency housing.

- **Homeless prevention:** This indicator shows the number of households that received emergency financial assistance to prevent homelessness and emergency legal assistance to prevent homelessness.

- **Jobs created**: Of the total number of jobs created, this indicator shows the number of jobs that have employee-sponsored health care, the types of jobs created [using Economic Development Administration (EDA) classifications] and the number or persons unemployed before taking the job.

- **Jobs retained**: Of the total number of jobs retained, this indicator shows the number of jobs retained, the number of jobs with employer-sponsored health care benefits, and the types of jobs retained (using EDA classifications).

- **Business assistance**: This indicator shows the total number of businesses assisted. Specifically, it shows the number of new businesses, existing businesses, and the DUNS number of each business so that HUD can track the number of new businesses that remain operational for three years after assistance.

- **Businesses providing goods or services**: This indicator shows whether an assisted business provides goods or services to meet the needs of the service area, neighborhood, or community, as determined by the grantee.

Using the CPD Outcome Performance Measurement System – A Review of Key Actions for Grantees

As introduced above, there are four key types of actions that grantees and their partners need to take when using CPD Outcome Performance Measurement System:

- ❑ Determine the intent (or goals) of their program activities;
- ❑ Select objectives and outcomes;
- ❑ Record objectives and outcomes in IDIS; and
- ❑ Report on indicators in IDIS.

Determine Intent

Grantees design their programs to address priority local needs. To meaningfully capture the results of local activities funded by the four formula grant programs, the Working Group determined that the system had to allow grantees to specify their intent when choosing their activities.

Select Objectives and Outcomes

To provide a means to capture the intent of state and local grantees, the system asks grantees to identify a corresponding objective and outcome for each activity they fund using funds from one or more of the four programs.

The grantee will determine which of the objectives and outcomes are relevant based on locally determined needs and priorities. For states, grantees have the option of choosing the objectives and outcomes themselves, or allowing local recipients to choose. This option is discussed further in Chapter 11.

The grantee incorporates these objectives and outcomes into its Annual Action Plans, and ultimately into its five-year Consolidated Plan. This will allow the grantee to monitor its objectives and outcomes over time and ensure it is utilizing funding to achieve its objectives.

Record Objectives, Outcomes, and Indicators in IDIS

Grantees enter the same corresponding objectives and outcomes for each of their activities in IDIS at the time an activity is set up, and then report in IDIS on the indicators that are relevant to these individual activities.

Glossary of Common Terms

Activity: This term has the meaning discussed in Chapter 2 of the IDIS Reference Manual.

CPD Outcome Performance Measurement System: A system to track and report outcomes and program results in a standardized way, across the four programs covered by the Consolidated Plan (CDBG, HOME, ESG, and HOPWA).

Objective: Objectives reflect the purpose of a program or activity. Grantees design their programs based on the objectives they establish in response to their local needs and goals.

Outcomes: Outcomes refer to the benefits to the public/program participant that are *external* to the program. Measuring outcomes helps the grantee answer the question "What effect has the program had on its participants or the community?" Outcomes typically relate to a change in condition, status, attitudes, skills, knowledge, or behavior. Examples of outcomes include improved quality of life for program participants, increased housing stability, improved quality of the local housing stock, increased customer satisfaction, or revitalization of a neighborhood.

Indicator: Indicators are data elements that are measured in order to identify whether an outcome is occurring or not; i.e., whether a program is achieving its outcomes.

Outcome Statement: An outcome statement connects each outcome to an overarching objective to produce a statement that can be used to document results of program activities and develop narratives for HUD.

GPRA: The Government Performance and Results Act of 1993 directly links Congressional decision-making on program spending to the effectiveness and efficiency of programs in achieving statutory objectives.

PART: The Program Assessment Rating Tool is an OMB management tool used to assess and improve program performance so that the Federal government can achieve better results. The PART Review identifies a program's strengths and weaknesses to inform funding and management decisions to make the program more effective over time.

Project: This term has the meaning discussed in Chapter 2 of the IDIS Reference Manual.

ATTACHMENT E:
HELPFUL HUD DOCUMENTS- HOMELESS DEFINTION ELIGIBILITY AND RECORDKEEPING

Emergency Solutions Grants (ESG) Program

U.S. Department of Housing and Urban Development, Office of Community Planning and Development
Office of Special Needs Assistance Programs, 451 7th Street SW, Room 7262 Washington, DC 20410

OBJECTIVES

The ESG program provides funding to: (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents, (5) rapidly re-house homeless individuals and families, and (6) prevent families and individuals from becoming homeless.

GRANT AMOUNTS

- FY 2011 Allocation: $250 million
  - First Allocation: $160 million
  - Second Allocation: $90 million
- Minimum allocation for entitlements: $125,258
- Maximum allocation for entitlements: $12,357,063

Eligible Recipients (360)

- States: 51 (including Puerto Rico)
- Metropolitan Cities: 202
- Urban Counties: 103
- U.S. Territories: 4

RECIPIENTS

Metropolitan cities, urban counties and territories may provide ESG funds to projects operated by units of general purpose local government or private nonprofit organizations.

State recipients must provide all of their ESG funds (except for up to 7.5% for administrative costs) to units of general purpose local government or private nonprofit organization subrecipients. ESG funds are paid to recipients, who reimburse subrecipients for eligible project costs.

All recipients must consult with local Continuums of Care within the jurisdiction in determining how to allocate ESG funds.

CITATIONS

Statute: Stewart B. McKinney Homeless Assistance Act of 1987, Title IV, as amended (U.S. Code: 42 *USC* 11371 *et seq.*) **Regulations:** *Code of Federal Regulations* at 24 *CFR* Part 576.

ELIGIBLE PROGRAM COMPONENTS

1. Street Outreach

Essential Services related to reaching out to unsheltered homeless individuals and families, connecting them with emergency shelter, housing, or critical services, and providing them with urgent, non-facility-based care. Eligible costs include engagement, case management, emergency health and mental health services, and transportation.

2. Emergency Shelter

Major Rehabilitation, Conversion, or Renovation of a building to serve as a homeless shelter. Site must serve homeless persons for at least 3 or 10 years, depending on the cost. Note: Property acquisition and new construction are ineligible ESG activities.

Essential Services such as case management, childcare, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services, transportation, and services for special populations.

Shelter Operations, including maintenance, rent, repair, security, fuel, equipment, insurance, utilities, relocation, and furnishings.

3. Prevention

Housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to prevent the individual or family from becoming homeless if:

- Annual income of the individual or family is below 30 percent of median family income
- Assistance is necessary to help program participants regain stability in their current permanent housing or move into other permanent housing and achieve stability in that housing.

Eligible costs include utilities, rental application fees, security deposits, last month's rent, utility deposits and payments, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, tenant legal services, and credit repair.

Homeless Definition

ELIGIBILITY BY COMPONENT (Emergency Solutions Grants Program)	**Street Outreach**	Individuals defined as Homeless under the following categories are eligible for assistance in SO: • Category 1 – Literally Homeless • Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1) SO projects have the following additional limitations on eligibility within Category 1: • Individuals and families must be living on the streets (or other places not meant for human habitation) and be unwilling or unable to access services in emergency shelter
	Emergency Shelter	Individuals and Families defined as Homeless under the following categories are eligible for assistance in ES projects: • Category 1 – Literally Homeless • Category 2 – Imminent Risk of Homeless • Category 3 – Homeless Under Other Federal Statutes • Category 4 – Fleeing/Attempting to Flee DV
	Rapid Re-housing	Individuals defined as Homeless under the following categories are eligible for assistance in RRH projects: • Category 1 – Literally Homeless • Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1)
	Homelessness Prevention	Individuals and Families defined as Homeless under the following categories are eligible for assistance in HP projects: • Category 2 –Imminent Risk of Homeless • Category 3 – Homeless Under Other Federal Statutes • Category 4 – Fleeing/Attempting to Flee DV Individuals and Families who are defined as At Risk of Homelessness are eligible for assistance in HP projects. HP projects have the following additional limitations on eligibility with homeless and at risk of homeless: • Must only serve individuals and families that have an annual income <u>below</u> 30% of AMI

4. Rapid Re-Housing

Housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help individuals or families living in shelters or in places not meant for human habitation move as quickly as possible into permanent housing and achieve stability in that housing. Eligible costs also include utilities, rental application fees, security deposits, last month's rent, utility deposits and payments, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, tenant legal services, and credit repair.

5. Data Collection (HMIS)

Grant funds may be used for the costs of participating in an existing HMIS of the Continuum of Care where the project is located.

6. Administration

Up to 7.5 percent of a recipient's allocation can be used for general management, oversight, coordination, and reporting on the program. State recipients must share administrative funds with their subrecipients who are local governments and may share their subrecipients who are nonprofit organizations.

ALLOCATION FORMULA

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 in any fiscal year. The remainder will be allocated to States, metropolitan cities, and urban counties. The percentage allocated to States, metropolitan cities, and urban counties will be equal to the percentage of the total amount available under the Community Development Block Grant for the prior fiscal year. If an allocation to a metropolitan city or urban county would be less than 0.05 percent of the total fiscal year appropriation for ESG, the amount is added to the allocation of the State in which the city or county is located.

MATCH

Metropolitan city and urban county recipients must match grant funds with an equal amount of funds from cash or the following in-kind sources: new staff or volunteer time, the donation of materials and buildings, or the value of any lease on a building.

States are exempt from matching the first $100,000 of their awards, but must provide the benefits of that exemption to their recipient local governments and nonprofit organizations that are least capable of providing the State with matching amounts.

Territories are exempt from the match requirement.

OBLIGATION & EXPENDITURE DATES

Metropolitan cities, urban counties and territories must obligate all funds, except for the amount for administrative costs, within 180 days after HUD signs the grant agreement and spend the ESG grant funds within 24 months of grant agreement.

States must obligate all funds, except the amount for administrative costs, to subrecipients within 60 days of the date that HUD signs the grant agreement. Each subrecipient must obligate its grant funds within 120 days after the date the State obligates its funds, and spend the entire grant within 24 months of grant award.

CONSOLIDATED PLAN

Jurisdictions apply for ESG funds through the Consolidated Plan. This planning document contains and describes the community's homeless assistance needs, details available resources, and sets 3-5 year strategies and provides an annual plan identifying the ESG projects. Plan preparation must include citizen participation and consultation with organizations that serve the homeless or persons at risk of homelessness.

Each jurisdiction must submit its Consolidated Plan to the local HUD field office no later than 45 days before the start of its consolidated program year in accordance to the regulations at 24 *CFR* Part 91.

REPORTS

Annual performance reports are due 90 days after the close of the recipient's consolidated program year. Recipients request ESG payments using the Integrated Disbursement and Information System (IDIS).

CONTACT INFORMATION

For local information about the ESG program in your jurisdiction, contact the state or local government agency responsible for distributing ESG funds. You may also contact your local HUD Field Office, listed at http://www.hud.gov/offices/cpd/about/local.

For general information and resources about ESG (and HUD's other programs to prevent and end homelessness), go to HUD's Homelessness Resource Exchange at www.hudhre.info.

Homeless Definition

CRITERIA FOR DEFINING HOMELESS	**Category 1**	Literally Homeless	(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) Has a primary nighttime residence that is a public or private place not meant for human habitation; (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or (iii) Is exiting an institution where (s)he has 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
	Category 2	Imminent Risk of Homelessness	(2) Individual or family who will imminently lose their primary nighttime residence, provided that: (i) Residence will be lost within 14 days of the date of application for homeless assistance; (ii) No subsequent residence has been identified; and (iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing
	Category 3	Homeless under other Federal statutes	(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: (i) Are defined as homeless under the other listed federal statutes; (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application; (iii) Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and (iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers
	Category 4	Fleeing/ Attempting to Flee DV	(4) Any individual or family who: (i) Is fleeing, or is attempting to flee, domestic violence; (ii) Has no other residence; and (iii) Lacks the resources or support networks to obtain other permanent housing

Homeless Definition

RECORDKEEPING REQUIREMENTS	**Category 1**	Literally Homeless	• Written observation by the outreach worker; or • Written referral by another housing or service provider; or • Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter; • For individuals exiting an institution—one of the forms of evidence above and: o discharge paperwork or written/oral referral, or o written record of intake worker's due diligence to obtain above evidence and certification by individual that they exited institution
	Category 2	Imminent Risk of Homelessness	• A court order resulting from an eviction action notifying the individual or family that they must leave; or • For individual and families leaving a hotel or motel—evidence that they lack the financial resources to stay; or • A documented and verified oral statement; and • Certification that no subsequent residence has been identified; and • Self-certification or other written documentation that the individual lack the financial resources and support necessary to obtain permanent housing
	Category 3	Homeless under other Federal statutes	• Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; and • Certification of no PH in last 60 days; and • Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; and • Documentation of special needs or 2 or more barriers
	Category 4	Fleeing/ Attempting to Flee DV	• *For victim service providers*: o An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification or a certification by the intake worker. • *For non-victim service providers:* o Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and o Certification by the individual or head of household that no subsequent residence has been identified; and o Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

ATTACHMENT F:
HELPFUL WEBSITES AND LINKS

HELPFUL WEBSITE LINKS

ESG Program Guides, Tools, and Webinars

www.onecpd.info/esg