



DAUPHIN COUNTY

P E N N S Y L V A N I A

Mental Health - Intellectual Disabilities Program

## **Emergency Solutions Grant (ESG)**

### **Standards & Guidelines**

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## **Overview**

### **Introduction**

The Emergency Solutions Grant (ESG) program exists to help people quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. The program authorizes the U.S. Department of Housing and Urban Development (HUD) to make grants to states, units of general purpose local government, and territories for rapid rehousing and homeless prevention assistance, street outreach, the rehabilitation or conversion of buildings for use as emergency shelters for the homeless, and for the payment of certain expenses related to operating emergency shelters.

The Emergency Solutions Grants (ESG) Program is authorized by subtitle B of Title IV – Housing Assistance Act as amended by S.896 The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH Act of 2009). The ESG interim rule 24 CFR Part 576, published in the Federal Register on December 5, 2011, establishes the regulations for the Emergency Solutions Grant Program.

### **ESG Goals**

The intent of ESG assistance is to rapidly transition homeless individuals and families to permanent stability through their own means or through public assistance, as appropriate. Funding provided under ESG is not intended to provide long-term support, nor will it be able to address all of the financial and supportive service needs of each individual and/or family. Applicants are required to design or adopt a service delivery system to achieve ESG goals and objectives but using approaches that are responsive to local issues and local Continuum of Care (CoC) requirements.

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 rehouse homeless individuals and families, and (6) prevent families/individuals from becoming homeless.

The ESG program will offer a proactive approach with respect to its goals, which aim to offer resources in addressing the needs of homeless people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

The priority for the use of ESG funding will continue to include rapidly rehousing homeless individuals and families in accordance with the funding priority established by HUD. HUD's core mission is to ensure the most vulnerable populations receive the best outcomes and highest standards of service. ESG funding will be used to support applicants who will work to end homelessness quickly and as efficiently as possible for all vulnerable populations. All funded applicants will use the coordinated entry process established by the Capital Area Coalition on

Homelessness (CACH), the local CoC, to ensure the homeless crisis response system is easy to access, the needs of the homeless population are quickly identified and assessed, and priority decisions are based on those known needs. Funded applicants will be expected to use a Housing First approach by ensuring people experiencing a housing crisis are quickly connected to permanent housing.

## **Application Criteria**

### **Eligible Applicants**

The County of Dauphin will apply for ESG funds “on behalf of” nonprofit organizations which will perform services as a subrecipient or subgrantee. Nonprofits are eligible subrecipients to the extent the project will address a demonstrated regional need.

An applicant must be deemed to be in good standing by the Secretary of State of the Commonwealth of Pennsylvania and in compliance with all OMB requirements of 2 CFR 200.

In addition to meeting basic eligibility criteria, additional minimum thresholds may be set by the County of Dauphin during the ESG application process. Such thresholds will be outlined in specific ESG application guidelines.

The County of Dauphin reserves the right to use any information reported to the County for the purpose of determining eligibility and/or for scoring.

All agencies will be reviewed on an individual basis and will receive an overall final score.

Each applicant must match the ESG funding request amount with at least an equal amount of match eligible resources.

### **Allocation of Funds**

The allocation of funds will be dependent upon funding from Pennsylvania’s Department of Community and Economic Development (DCED). Previous awards do not guarantee funds or serve as an indication of the level of funding for any subsequent years.

## **Program Requirements and Administration**

### **Eligible Uses**

ESG Funds may be used for individuals and families who are experiencing homelessness or at risk of homeless as defined in 24 CFR 576. The six eligible components for ESG funding are:

1. Rapid Rehousing,
2. Street Outreach,

3. Homelessness Prevention,
4. Emergency Shelter,
5. HMIS, and
6. Administrative costs.

<b>Street Outreach Component (24CFR §576.101)</b> Services delivered on the street to persons living unsheltered	
<b>Engagement</b>	Activities to locate, identify, and build relationships with <b>unsheltered homeless people</b> for the purpose of providing immediate support, intervention and connections with homeless assistance programs and/or mainstream social services and housing programs.
<b>Case Management</b>	Assessing housing and service needs and arranging/coordinating/monitoring the delivery of individualized services.
<b>Emergency Health Services</b>	Direct outpatient treatment of medical conditions by licensed medical professionals in community-based settings (e.g. streets, parks, and campgrounds) to those eligible participants for whom other appropriate health services are inaccessible or unavailable within the area.
<b>Emergency Mental Health Services</b>	Direct outpatient treatment of mental health conditions by licensed professionals in community-based settings (e.g. streets, parks, and campgrounds) to those eligible participants for whom other appropriate health services are inaccessible or unavailable within the area.
<b>Transportation</b>	Travel by outreach workers, social workers, medical professionals or other service providers during the provision of eligible street outreach services.
<b>Services to Special Populations</b>	Otherwise eligible Essential Services, as listed above, that have been tailored to address the special needs of homeless youth, victims of domestic violence and related crimes/threats, and/or people living with HIV/AIDS who are literally homeless.

<b>Emergency Shelter Component (24CFR §576.102)</b> Services delivered to homeless persons in temporary shelter, rehabilitation of that shelter, and operation of shelters	
<b>Essential Services</b>	<ul style="list-style-type: none"> <li>• Case Management</li> <li>• Child Care</li> <li>• Education Services</li> <li>• Employment Assistance and Job Training</li> <li>• Legal Services</li> <li>• Life Skills Training</li> <li>• Mental Health Services</li> </ul>

	<ul style="list-style-type: none"> <li>• Substance Abuse Treatment Services</li> <li>• Transportation</li> <li>• Services for Special Populations</li> <li>• Outpatient health services</li> </ul>
<b>Renovation</b>	<ul style="list-style-type: none"> <li>• Major Renovation – costs exceed 75% of the value of the building before renovation must commit to 10 year use.</li> <li>• Conversion – costs to convert a building into a shelter exceeds 75% of the building after rehabilitation must commit to 10 year use.</li> <li>• Renovation other than major renovation or conversion – all other types of renovation must commit to 3 year use.</li> <li>• Signed contracts with firms doing the renovations/conversions or material purchase must be submitted to DCED within the first 6 months of the contract. Work should be completed within the first 9 months of the contract.</li> <li>• All additional funding necessary for the project must be in place</li> <li>• Priority will be given to the following documented needs: Code Deficiencies; ADA Compliance; Increase in Bed Capacity; Energy Conservation; Health and Safety Issues</li> </ul>
<b>Shelter Operations</b>	<ul style="list-style-type: none"> <li>• Maintenance &amp; repairs</li> <li>• Utilities</li> <li>• Rent</li> <li>• Food</li> <li>• Security</li> <li>• Furnishings</li> <li>• Fuel</li> <li>• Insurance</li> <li>• Equipment</li> <li>• Supplies necessary for the operation of the shelter</li> <li>• Hotel/Motel –when no appropriate shelter is available</li> </ul> <p>Funding request should not exceed 18 months and no greater than 25% of the total shelter operating budget for the same period of time.</p>

<b>For both Rapid Re-housing and Homelessness Prevention Components</b>	
<b>Housing Relocation and Stabilization Services (24CFR §576.105)</b>	
<b>(a) Financial Assistance</b>	
<b>Rental Application Fees</b>	<ul style="list-style-type: none"> <li>• Application fees that are charged by the owner to all applicants</li> </ul>
<b>Security Deposits</b>	<ul style="list-style-type: none"> <li>• Equal to no more than 2 months' rent.</li> </ul>
<b>Last Month's Rent</b>	<ul style="list-style-type: none"> <li>• Paid to the owner of housing at the time security deposit and first month's rent are paid if necessary to obtain housing. (Is counted toward the 24 months of assistance in 3 years).</li> </ul>



<b>Moving Costs</b>	<ul style="list-style-type: none"> <li>• Funds may be used for reasonable moving costs, such as truck rental, hiring a moving company, or temporary storage fees for a maximum of 3 months after the participant begins to receive services but before they move into permanent housing. Arrearages are not eligible.</li> </ul>
<b>Utility Deposits</b>	<ul style="list-style-type: none"> <li>• Standard utility deposit required by the utility company for all customers (i.e. gas, electric, water/sewage).</li> </ul>
<b>Utility Payments</b>	<ul style="list-style-type: none"> <li>• Up to 24 months of utility payments per participant, per service (i.e. gas, electric, water/sewage), including up to 6 months of arrearages, per service.</li> </ul>
<b>(b) Services Costs</b>	
<b>Housing Search and Placement</b>	<ul style="list-style-type: none"> <li>• Assessment of housing barriers, needs and preferences</li> <li>• Development of an action plan for locating housing</li> <li>• Housing search and outreach to, and negotiation with owner</li> <li>• Assistance with submitting rental applications and understanding leases</li> <li>• Assessment of housing for compliance with ESG requirements for habitability, lead based paint, and rent reasonableness</li> <li>• Assistance with obtaining utilities and making moving arrangements</li> <li>• Tenant counseling</li> </ul>
<b>Housing Stability Case Management</b>	<p>Assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability.</p> <ul style="list-style-type: none"> <li>• Using the centralized or coordinated assessment system to conduct the initial evaluation and re-evaluation.</li> <li>• Counseling</li> <li>• Developing, securing and coordinating services including Federal, state, and local benefits</li> <li>• Monitoring and evaluating program participant progress</li> <li>• Providing information and referrals to other providers</li> <li>• Developing an individualized housing and service plan</li> <li>• 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</li> </ul>
<b>Mediation</b>	<p>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 they currently reside.</p> <ul style="list-style-type: none"> <li>• Time and/or services associated with mediation activities</li> </ul>
<b>Legal Services</b>	<p>Legal services that are necessary to resolve a legal problem that prohibits the program participant from obtaining or maintaining permanent housing.</p> <ul style="list-style-type: none"> <li>• Hourly fees for legal advice and representation</li> <li>• Fees based on the actual service performed (i.e. fee for service), but only if the cost would be less than the cost of hourly fees.</li> <li>• Client intake, preparation of cases for trial, provision of legal advice, representation at hearings and counseling</li> <li>• Filing fees and other necessary court costs</li> </ul>

	<ul style="list-style-type: none"> <li>• Subrecipient’s employees’ salaries and other costs necessary to perform the services if the subrecipient is a legal services provider and performs the services itself. Note: Legal services related to mortgages are not eligible</li> <li>Legal representation and advice may be provided for: <ul style="list-style-type: none"> <li>• Landlord/tenant matters</li> <li>• Child support</li> <li>• Guardianship</li> <li>• Paternity</li> <li>• Emancipation</li> <li>• Legal separation</li> <li>• Resolution of outstanding criminal warrants</li> <li>• Orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking.</li> <li>• Appeal of veterans and public benefit claim denials</li> </ul> </li> </ul>
<b>Credit Repair</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Assistance cannot include the payment or modification of a debt.</li> </ul>
<b>Requirements and Restrictions for Services</b>	<ul style="list-style-type: none"> <li>• Participants must meet with a case manager at least once a month for the duration of assistance, except where funding under the Violence Against Women Act (VAWA) or Family Violence Prevention and Services Act (FVSP) prohibits the recipient or subrecipient from making shelter or housing conditional upon receipt of services.</li> <li>• Participants must be assisted as needed, in obtaining: -Appropriate supportive services like medical or mental health treatment or services essential for independent living. -Mainstream benefits like Medicaid, SSI, or TANF</li> </ul>

<b>Short- and Medium Term Rental Assistance (24CFR § 576.106)</b>	
<b>Types of Rental Assistance</b>	<b>Length of Assistance</b>
<b>Short Term Rental Assistance</b>	Up to 3 Months
<b>Medium Term Rental Assistance</b>	4 to 24 Months
<b>Payment of Rental Arrears</b>	One time payment up to 6 months, including any late fees on those arrears

<b>Any Combination of the Three Types of Rental Assistance</b>	Total not to exceed 24 months during any 3 year period, including any payment for last month's rent.
<b>Requirements and Restrictions</b>	<ul style="list-style-type: none"> <li>• Compliance with Fair Market Rents (FMR) limits and Rent Reasonableness</li> <li>• Compliance with Minimum Habitability Standards</li> <li>• Rental Assistance Agreement and Lease Standards: -The rental assistance agreement must set forth the terms under which rental assistance will be provided. Each participant receiving rental assistance must have a legally binding, written lease (between the owner and participant) for the rental unit, unless the assistance is solely for rental arrears. Project-based rental assistance leases must have an initial term of one year.</li> <li>• Cannot use with Other Subsidies -No rental assistance can be provided to a household receiving rental assistance from another public source for the same time period (except 6 months of arrears) Rental assistance may not be provided to a participant who is currently receiving replacement housing payments under the Uniform Relocation Assistance (URA).</li> <li>• Late Payments -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 must make timely payments to owners in accordance with the rental assistance agreement. The recipient or subrecipient is solely responsible for paying (with non-ESG funds) late payment penalties that it incurs.</li> </ul>
<b>HMIS (24CFR § 576.107)</b>	
<b>HMIS</b>	<ul style="list-style-type: none"> <li>• <b>The HEARTH Act makes HMIS participation a statutory requirement for ESG recipients and third party contractors.</b> -Third party contractors serving victims of domestic violence cannot, and legal services organizations may choose to not, participate in HMIS. Providers that do not participate in HMIS must use a comparable database that produces unduplicated, aggregate reports instead. -All recipients and third party contractors may pay the costs of contributing data to the CoC's HMIS. - Recipients and third party contractors that use comparable databases: Victim third party contractors and legal third party contractors may use ESG funds to pay the costs of establishing and operating a comparable database. -Recipients that have been designated HMIS Lead agencies by the CoC may pay the costs of establishing, hosting, customizing, and upgrading the HMIS.</li> </ul>
<b>Eligible Costs</b>	<ul style="list-style-type: none"> <li>• Hardware, Equipment and Software Costs</li> <li>• Staffing: Paying salaries for operating HMIS</li> <li>• Training and Overhead</li> </ul>

<b>Administrative Costs (24CFR §576.108)</b>	
<b>Administrative Costs</b>	Applicants may request up to 3.75% of its ESG grant for the payment of administrative costs related to the planning and execution of ESG activities. Eligible Costs Include: General Management/Oversight/Coordination; Training on ESG Requirements; Environmental Review

**Homeless Participation 24 CFR §576.405**

Subrecipients 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 subrecipient, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under ESG. To the maximum extent practicable, the subrecipient must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG; in providing services assisted under ESG; and in providing services for occupants of facilities assisted under ESG. This involvement may include employment or volunteer services.

**Program Requirements Subpart E 24 CFR §576.400**

In order to comply with this section of the ESG guidelines, entities must comply with the following:

Coordination with Other Targeted Homeless Services:

Subrecipients must coordinate and integrate, to the maximum extent practicable, ESG- funded activities with other programs targeted to homeless people in PA 501 CoC to provide a strategic, community-wide system to prevent and end homelessness in our community. Rapid Rehousing coordination with the homeless system continuum wide occurs through Coordinated Entry, which prioritizes the target populations of unsheltered, chronically homeless, and category 1 transitional age youth.

System and Program Coordination with Mainstream Resources:

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.

Centralized or Coordinated Assessment:

The County of Dauphin adopts the CACH, PA 501 Continuum of Care requirements for participation in Coordinated Entry, and requires sub recipients to participate in coordinated entry and assessment tools and protocols developed by CACH. The coordinated entry process is to be used by all agencies that receive ESG, CoC and other homeless program funding within the Continuum. The tools and protocols create consistency in client entry and assessment and provides the basis for agency referral and prioritization protocols for a singular waitlist of CoC housing programs.

Written Standards for Providing ESG Assistance:

Subrecipients must have written standards for providing ESG assistance and must consistently apply those standards for all program participants.

Participation in HMIS 24 CFR §91, 576, 580, and 583:

Subrecipients must ensure that data on all persons served and all activities assisted under ESG are entered into the CACH HMIS System, Service Point. *Victim Service Providers (VSP) or legal services providers may use a comparable database that meets the requirements as outlined in 24 CFR.*

**System Performance Measurements and Outcomes as required by HUD**

Subrecipients will be required to address U.S. Department of Housing and Urban Development (HUD) and Dauphin County performance measures as they relate to outcomes to be achieved.

**Reallocation of Funds**

The County of Dauphin may deem it appropriate to recapture ESG funds. In the event the Commonwealth of Pennsylvania, after an audit or otherwise, should disallow any amount of Commonwealth funding used by the County to compensate the provider for the provider's services, then the provider shall reimburse to the County the amount of any such disallowance. Provider shall have the right to defend and participate in any Commonwealth audit or other action that could result in disallowance finding.

If the County determines that the provider has spent funds in contradiction with the provider agreement, or any state law or regulation, the County shall notify the provider of the disallowed expenditure and may offset it against any other monies payable to the provider under any contract between the County and the provider.

**Evaluation of Program Participant Eligibility and Needs**

**Eligible Participants 24 CFR §576.2**

In order for individuals and families to be eligible to receive ESG assistance, they must first meet the definition of Homelessness as defined by HUD at 24 CFR §91, 582, and 583. In addition, to be eligible to receive ESG Homelessness Prevention assistance, the At Risk of Homelessness definition at 24 CFR Part §576.2 may apply.

Subrecipients must utilize funds for individuals or families who fall into one of the following categories.

**Category 1:** Literally Homeless: 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.

**Category 2:** Imminent Risk of Homelessness: 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.

**Note: Do not confuse the Imminent Risk of Homelessness definition with the At Risk of Homelessness definition. While both are very similar, there are distinct variations. See below for the At Risk of Homelessness definition.**

**Category 3:** Homeless under other Federal Statutes: 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. 2013), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b) or section 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.

**Category 4:** Fleeing/Attempting to Flee DV: 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 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.

**Note: Only subrecipients providing Homelessness Prevention assistance may elect to use the At Risk of Homelessness definition.**

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

- (i) has an annual income below 30 percent of median family income for the area, as defined 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 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 resides more than two persons or lives in a larger housing unit in which resides more than 1.5 persons per room, as defined by the U.S. Census Bureau.
  - (F) Is exiting a publicly-funded institution or system of care (such as a health-care facility, a mental health facility, foster care of other youth facility, or correction program or institution).
  - (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the sub-recipient's approved consolidated plan.

### **Standards for Targeting**

The County of Dauphin standards for targeting are consistent with the local CoC. The target populations for ESG are unsheltered homeless individuals unwilling to use traditional emergency shelters, including chronically homeless individuals, as well as families with children.

### **Evaluating Eligibility (Per 24 CFR 576.401)**

ESG subrecipients must conduct an initial evaluation to determine 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. All ESG subrecipients will follow federal documentation guidelines to establish the client's status as homeless or at-risk of homeless and their income eligibility. These evaluations must be conducted in accordance with the centralized or coordinated assessment requirements set forth under §576.400(d).

- i. The County of Dauphin adopts the CACH, PA 501 Continuum of Care requirements for participation in Coordinated Entry, and requires subrecipients to participate in coordinated entry and assessment tools and protocols developed by CACH. The coordinated entry process is to be used by all agencies that receive ESG. The tools and protocols create consistency in client entry and assessment and provides the basis for agency referral and prioritization protocols for a singular waitlist of CoC housing programs.
- ii. ESG subrecipients must re-evaluate program participant's eligibility and the types and amounts of assistance the participant needs;
  1. Not less than once every 3 months for participants who are receiving homelessness prevention assistance, and
  2. Not less than once annually for participants who are receiving rapid rehousing assistance.
- iii. Re-evaluation of Rapid Rehousing program participants eligibility and types/amounts of assistance must be re-evaluated not less than once annually and, each re-evaluation must establish and document: that the program participant does not have an annual income that exceeds 30% of median family income for the area and that the program participant lacks sufficient resources and support networks necessary to retain housing. To determine if an individual or family is income eligible, the subrecipient must examine an individual or family's annual income to ensure that it does not exceed the most current HUD income limits applicable to the County of Dauphin.

### **Connecting program participants to mainstream and other resources**

Subrecipients must assist each program participant to obtain appropriate supportive services and other federal, state, local, and private assistance available.

### **Housing Stability Case Management**

When providing homelessness prevention or rapid rehousing assistance to program participants, the subrecipient must require program participants to meet with a case manager **not less than once per month** to ensure long-term housing stability and to develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations. Refer to 24 CFR §576.401(e) (i) (ii) for requirements.

**Note: Utilization of a low-barrier, Housing First model is not incongruent with the above stated requirements. When using Housing First, subrecipients must make services available to**



participants, but cannot require participation or progress towards achieving goals established in a service plan. Subrecipients are permitted to require participants to meet with case managers. In the event participants fail to meet with a case manager, numerous attempts to engage the participant must be documented and non-compliance should be cause for termination only in the most extreme circumstances, as keeping the participant housed is of utmost importance.

### **Terminating Assistance 24 CFR §576.402**

Dauphin County requires ESG sub recipients to notify individuals and families entering the ESG Homeless Prevention (HP) or Rapid Rehousing (RR) or emergency Shelter (ES) program of its termination policy.

**Homeless Prevention (HP) or Rapid Rehousing (RR) sub recipients** are required to have written agreements with individuals and families that state their commitment to participation in meetings with their case manager and to making progress on their stabilization goals, which may include paying a portion of their rent as they re-gain stability. Based on this commitment, ESG clients may be terminated in the following circumstances:

- A. The individual or family misses two consecutive case management meetings and fails to remain in active communication with the case manager about a client's situation.
- B. The individual or family is not following through with goals and actions on his/her goal plan within agreed upon time frames.
- C. The individual or family is not paying his/her portion of rent by the due date.
- D. Upon re-evaluation, if the individual or family has an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and/or has sufficient resources and support networks necessary to retain housing without ESG assistance.

Except for criteria D above, if any of the above situations occur, the subrecipient shall notify the individual or family in writing that they are in violation of their agreement and failure to respond to the area of deficiency could result in termination from the program.

If a decision is made to terminate a client from the HP or RR program, the individual or family will be sent a letter of notice indicating the reason for termination. Any individual or family wishing to appeal a decision of termination from the RR or HP program may send a written request for an appeal within FIVE (5) days of receipt of notice of termination to the sub recipient's Program Director.

**Emergency Shelter (ES) sub recipients** are required to have written agreements with individuals and families that state their commitment to participation in meetings with their case manager and to making progress on their stabilization goals. Based on this

commitment, ESG clients may be terminated in the following circumstances:

- A. The individual or family misses two consecutive case management meetings and fails to remain in active communication with the case manager about a client's situation.
- B. The individual or family is not following through with goals and actions on his/her goal plan within agreed upon time frames.

If any of the above situations occur, the sub recipient shall notify the individual or family in writing that they are in violation of their agreement and failure to respond to the area of deficiency could result in termination from the program.

If a decision is made to terminate a client from the ES program, the individual or family will be sent a letter of notice indicating the reason for termination. Any individual or family wishing to appeal a decision of termination from the program may send a written request for an appeal within FIVE (5) days of receipt of notice of termination to the subrecipient's Program Director.

The subrecipient must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a **program participant's assistance is terminated only in the most severe cases.**

#### **Shelter and Housing Standards 24 CFR §576.403**

Any building for which 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 minimum safety, sanitation, and privacy standards. Any emergency shelter that receives assistance for shelter operations must also meet the minimum safety, sanitation, and privacy standards. Refer to 24 CFR §576.403 (1) thru (11) for requirements.

A subrecipient cannot use ESG funds to help a program participant remain or move into housing that does not meet the minimum habitability standards. Refer to 24 CFR §576.403 (c)(1) through (10) for requirements.

#### **Policy for Shelter Admission:**

Subrecipients should follow the written standards adopted by the CoC.

- a. Emergency Shelter Definition

The term Emergency Shelter was revised by 24 CFR Part 576.2 to mean "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." This definition excludes transitional housing. However, projects that were funded as an emergency shelter (shelter operations) under the FY 2010 Emergency Shelter Grants program may continue to be funded under the emergency shelter component under the Emergency Solutions Grants program, regardless of whether the project meets the revised

definition.

- b. Admission, Diversion, Referral and Discharge  
Shelter stays should be avoided, if possible, and when not possible, limited to the shortest time necessary to help participants regain permanent housing. ESG subrecipients must conduct an initial evaluation of all individuals or families to determine if they should be admitted to an emergency shelter, diverted to a provider of other ESG-funded components, such as rapid rehousing or homeless prevention assistance, or referred for other mainstream resources.
- c. ESG subrecipients must determine that individuals and families meet category (1), (2), (3), or (4) of the Homeless Definitions listed above and rate the individual's or family's vulnerability to ensure that only those individuals or families that have the greatest need for emergency shelter assistance receive ESG funded assistance.
- d. ESG subrecipients must also reassess emergency shelter participants, on an ongoing basis, to determine the earliest possible time that they can be discharged to permanent housing. All persons discharged from emergency shelters will have their exit status entered into HMIS and will be provided discharge paperwork as applicable or upon request.
- e. Safety and Shelter Needs of Special Populations
  - i. ESG funding 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 the regulations for the emergency shelter component found at 24 CFR Part 576.102.
  - ii. Consistent with ESG recordkeeping and reporting requirements found at 24 CFR Part 576.500, ESG subrecipients must develop and apply written policies to ensure the safety of program participants through the following actions:
    - 1. All grantees and subrecipients will take appropriate measures to provide for client confidentiality. Grantees and subrecipients will develop and implement procedures to guarantee the confidentiality of records concerning program participants. 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 receives ESG assistance will be kept secure and confidential.
    - 2. The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter, and
    - 3. The address or location of any housing of a program participant, including youth, individuals living with HIV/AIDS, victims of domestic violence, dating violence, sexual assault, and stalking; and individuals and families who have the highest barriers to housing will not be made public, except as provided under a preexisting privacy policy of the subrecipient and consistent with state and local laws regarding privacy and obligations of confidentiality
  - iii. In addition, ESG subrecipients must adhere to the following ESG shelter and

housing standards found at 24 CFR Part 576.403 to ensure that shelter and housing facilities are safe, sanitary, and adequately maintained:

1. Lead-Based Paint Requirements. The Lead-Based Paint Poisoning Prevention Act applies to all shelters assisted under ESG program and all housing occupied by program participants. All ESG sub-recipients are required to conduct a Lead-Based Paint inspection on all units receiving assistance under the rapid re-housing and homelessness prevention components if the unit was built before 1978 and a child under age of six or a pregnant woman resides in the unit.
2. Structure and Materials. The shelter building should be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents.
3. Access. The shelter must be accessible, and there should be a second means of exiting the facility in the case of emergency or fire.
4. Space and Security. Each resident should have adequate space and security for themselves and their belongings. Each resident must have an acceptable place to sleep.
5. Interior Air Quality. Each room or space within the shelter/facility must have a natural or mechanical means of ventilation. The interior air should be free of pollutants at a level that might threaten or harm the health of residents.
6. Water Supply. The shelter's water supply should be free of contamination.
7. Sanitary Facilities. Each resident should have access to sanitary facilities that are in proper operating condition. These facilities should be able to be used in privacy, and be adequate for personal cleanliness and the disposal of human waste.
8. Thermal Environment. The shelter/facility must have any necessary heating/cooling facilities in proper operating condition.
9. Illumination and Electricity. The shelter/facility should have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There should be sufficient electrical sources to permit the safe use of electrical appliances in the shelter.
10. Food Preparation. Food preparation areas, if any, should contain suitable space and equipment to store, prepare and serve food in a safe and sanitary manner.
11. Sanitary Conditions. The shelter should be maintained in a sanitary condition.
12. Fire Safety-Sleeping Areas. There should be at least one working smoke detector in each occupied unit of the shelter facility. In addition, smoke detectors should be located near sleeping areas where possible. The fire alarm system should be designed for a hearing-impaired resident.
13. Fire Safety-Common Areas. All public areas of the shelter must have at least one working smoke detector.

**Emergency Shelter Essential Services Prioritization Policy:**

Subrecipients are expected to follow the standards adopted by the CoC:

- a. Utilize common intake and assessment tools and protocols developed by the CoC. The tools and protocols create consistency in client intake and assessment and provide basis for appropriate agency referral and to develop targeting and prioritization protocols.
- b. The intake and assessment tools and protocols will be used by subrecipients to help determine the individual or family need for emergency shelter or other ESG-funded assistance.
- c. ESG funding may be used to provide essential services to individuals and families who are in an emergency shelter. Essential services for participants of emergency shelter assistance can include case management, child care, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services, transportation, and services for special populations.
- d. ESG subrecipients are responsible to assess an individual or family's initial need for emergency shelter and must re-assess their need on an ongoing basis to ensure that only those individuals or families with the greatest need receive ESG-funded emergency shelter assistance. Shelters that serve families must serve all eligible families and may not refuse services based on the age of children or the size of the family.
- e. Client re-assessment will take place at the participant level and at the service provider level. Clients meet with case managers throughout their participation in the program, and have regular progress evaluations. Clients have opportunity to provide feedback and assessment about programs and services as well.

**Rapid Rehousing Standards for Participant Rent Responsibility:**

Standards for rapid re-housing for determining the share of rent and utilities costs that each program participant must pay, if any, are based on the following:

- i. Clients receiving rental assistance are expected to contribute 30% of their income toward the unit's rent. The County of Dauphin ESG Program does not require a minimum client contribution.
- ii. Rental assistance cannot be provided for a unit unless the rent for that unit is at or below the current Fair Market Rent limit, established by HUD.
- iii. The rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units. See 24 CFR 574.320.
- iv. The rental unit must meet minimum habitability standards found at 24 CFR 576.403.
- v. There must be a rental assistance agreement and lease between the property manager and tenant as well as the owner of property and ESG subrecipient.
- vi. No rental assistance may be made to an individual or family that is receiving

rental assistance from another public source for the same time period.

- vii. Rental assistance may not be provided to a participant who is currently receiving replacement housing payments under Uniform Relocation Assistance

Per 24 CFR 576.106 (e), ESG subrecipients may make rental assistance payments only to an owner with whom the 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 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.

**Standards for length of time for Rental Assistance:**

Per DCED requirements, Dauphin County will stipulate that rental assistance shall be limited to eighteen months. The goal is to provide the appropriate length assistance for each household's need to achieve long term stability. Upon a participant's obtaining income, they are expected to contribute 30% of their income either towards their rent payment or towards a personal savings/rainy day fund to help maintain long-term stability depending on their financial situation. Once a participant is discharged from the program, they are not eligible for program re-entry and additional assistance until 24 months from their first entry into the program.

**Standards for housing stabilization and/or relocation:**

Subject to the requirements at 24 CFR 576.103 and 24 CFR Part 576.104, subrecipients may use ESG funding to pay housing owners, utility companies, and other third parties for some or all of the following costs, as allowed under 24 CFR 576.105:

Rental application fees

Security deposits

Last month's rent

Utility deposits

Utility payments

Moving costs, and

Some limited services costs

Consistent with 24 CFR 576.105 (c), ESG subrecipients determine the type, maximum amount and duration of housing stabilization and relocation services for individuals and families who are in need of homeless prevention or rapid re-housing assistance through the initial evaluation, re-evaluation and ongoing case management processes.

While providing homelessness prevention or rapid re-housing assistance to a program participant, sub recipient 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.

Subrecipients must assist each program participant, as needed, to obtain 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; housing stability case management; and other Federal, State, local, or private assistance available to assist the program participant in obtaining housing stability including:

Medicaid

Supplemental Nutrition Assistance Program

Women, Infants and Children (WIC)

Federal-State Unemployment Insurance Program

Social Security Disability Insurance (SSDI)

Supplemental Security Income (SSI)

Child and Adult Care Food Program,

General Assistance Program (GA), and

Consistent with 24 CFR 576.105(d), financial assistance for housing stabilization and relocation services 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 Uniform Relocation Act (URA) during the period of time covered by the URA payments.

Consistent with 24 CFR part 578.51 (c) ESG Rapid Rehousing rental assistance may be either tenant-based or project-based and ESG recipients and subrecipients may require program participants to live within a particular geographic area or in a specific structure for the first year and in a specific area for the remainder of their period of participation

#### **Utilization of Limited English Proficiency**

Dauphin County recognizes the importance of ensuring that persons with limited English proficiency (LEP) have meaningful access and an equal opportunity to participate in ESG services. In accordance with federal guidelines, subrecipients will provide language assistance through the use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretations services.

Dauphin County and its subrecipients will translate ESG documents for LEP when the identified population group constitutes 5 percent of an eligible client group (for example, 5 percent of ESG Applicants) or 1,000 persons, whichever is less.

### **Fair Housing**

Subrecipients must comply with all Fair Housing requirements. In order to be eligible, agencies must be able to satisfactorily address the impediments to fair housing.

### **Conflicts of Interest 24 CFR §576.404**

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 subrecipient. No subrecipient may, with respect to individuals or families occupying housing owned by the sub recipient, or any parent or subsidiary of the subrecipient, carry out the initial evaluation required under 24 CFR §576.103. For the procurement of goods and services, the subrecipients must comply with the codes of conduct and conflict of interest requirements under 2 CFR Part 200. Subrecipients must disclose all real, potential, or perceived conflicts of interest to Dauphin County as outlined in 2 CFR Part 200, as applicable, regarding the receipt of, assistance provided with, or expenditure of Dauphin County funds. All conflicts of interest must be disclosed and resolved prior to providing ESG assistance to the household.

### **Violence Against Women Act (VAWA) Requirements**

Subrecipients are responsible for adhering to the Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs. Additional information can be found at 24 CFR §5.2001- thru §5.2011.

### **Other Federal Requirements**

Subrecipients must document their compliance with the Federal Requirements in §576.407 as applicable. These include:

- Records demonstrating compliance with nondiscrimination and equal opportunity requirements
- Records demonstrating compliance with the uniform administrative requirements in 24 CFR part 84
- Records demonstrating compliance with environmental review requirements including flood insurance requirements
- Certifications and disclosure forms required under the lobbying and disclosure requirements in §576.408



For additional information on these other federal requirements related to the ESG Program, please refer to 24 CFR §576.407.

## **Recordkeeping and Reporting Requirements 24 CFR §576.500**

### **General**

Subrecipients 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 subrecipient to ensure that ESG funds are used in accordance with the requirements. In addition, sufficient records must be established and maintained to enable the subrecipient and HUD to determine whether ESG requirements are being met.

### **Homeless Status**

Subrecipients must maintain and follow written intake procedures to ensure compliance with the homeless definition in 24 CFR §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 VSP.

Records contained in an HMIS or comparable database used by VSP 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;

The HMIS prevents overrides or changes of the dates on which entries are made. Refer to §576.500 for additional requirements.

Other examples of documentation include:

- If the program participant qualifies as homeless under paragraph (1) (i) or (ii) of the homeless definition in 24 CFR §576.2, acceptable evidence includes a written observation by an outreach worker of the conditions where the program participant was living, a written referral by another housing or service provider, or a certification by the individual or head of household seeking assistance.
- If the program participant qualifies as homeless under paragraph (1) (iii) of the homeless definition in 24 CFR §576.2, because he or she resided in an emergency shelter or place not meant for human habitation immediately prior to entering an institution, and is now exiting

that 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: 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 where the evidence is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence 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 90 days or less.

- If the program participant qualifies as homeless because the individual or family will imminently lose their housing; a court order resulting from an eviction action that requires the program participant 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.
- For program participants whose 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 program participant lacks the resources necessary to reside there for more than **14** days after the date of application for homeless assistance.
- 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.
- If the program participant qualifies as homeless under paragraph (3) of the homeless definition in 24 CFR §576.2, because they do 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 735(2) of the McKinney-Vento Homeless Assistance Act, 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. 14043*et seq.*), section 330 of the Public Health Service Act ( 42 U.S.C. 254b), the Food and Nutrition Act of 2008 ( 7 U.S.C. 2011*et seq.*), section 17 of the Child Nutrition Act of 1966 ( 42 U.S.C. 1786), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act ( 42 U.S.C. 11431*et seq.*), as applicable;
  - (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.

- If the program participant qualifies under paragraph (4) of the homeless definition in 24 CFR §576.2, because they are fleeing domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence: acceptable evidence includes an oral statement by the individual or head of household seeking that they are fleeing that situation, that no subsequent residence has been identified, and that they lack the resources or support networks to obtain other housing.

- If the program participant is receiving shelter or services provided by a VSP: 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 of support networks needed to obtain housing must be documented by 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 of 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.

### **At Risk of Homelessness Status**

The definition of “at risk of homelessness” only applies to the ESG homelessness prevention component.

For each individual or family who receives **ESG homelessness prevention** assistance, the records must include the evidence relied upon to establish and verify the individual’s 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 subrecipient. This evidence must also include: If the program participant meets the criteria under paragraph (1) of the “at risk of homelessness” definition in 24 CFR §576.2.

- The documentation specified under this section for determining annual income.
- The program participant’s certification on a form specified in the ESG Toolkit that the program participant has insufficient financial resources and support 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 24 CFR §576.2.
- The most reliable evidence available to show that the program participant does not have sufficient resources or support networks, immediately available to prevent them from moving to an emergency shelter or another place described in 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 24 CFR §576. 2.
- To the extent that source documents and third-party verification are unobtainable, a written statement by the subrecipient’s intake staff describing the efforts taken to obtain the required evidence.
- 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 24 CFR §576.2.
- Source documents that evidence one or more of the conditions under paragraph (1) (iii) the definition (e.g. eviction notice, notice of termination from employment, bank statement).
- 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 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.”

- To the extent that source documents and third-party verification are unobtainable, a written statement by the subrecipient’s intake staff that the 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 subrecipient’s intake staff describing the efforts taken to obtain the required evidence.
- If the program participant meets the criteria under paragraph (2) or (3) of the “at risk of homelessness” definition in 24 CFR §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.

### **Determinations of Ineligibility**

For each individual and family determined ineligible to receive ESG assistance, the record must include documentation of the reason for the determination.

### **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;

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

### **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:

- The services and assistance provided to that program participant, including, as applicable, the security deposit, rental assistance, and utility payments made on behalf of the program participant;
- Compliance with the applicable requirements for providing services and assistance to that program participant under the program components and eligible activities provisions at 24 CFR §576.101 through 24 CFR §576.106, the provision on determining eligibility and amount and type of assistance at 24 CFR §576.401 (a) and (b), and the provision on using appropriate assistance and services at 24 CFR §576.401 (d) and (e); and
- Where applicable, compliance with the termination of assistance requirement in 24 CFR §576.402.

### **Coordinated Assessment Systems and Procedures**

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

### **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.

### **Utility Allowance**

The records must document the monthly allowance for utilities (excluding telephone), using the most current PHA Utility Allowance Chart to ensure units do not exceed HUD's Fair Market Rent (FMR) restriction.

### **Shelter and Housing Standards**

The records must include documentation of compliance with the shelter and housing standards in 24 CFR §576.403, including inspection reports. (Please refer to page 18)

### **Emergency Shelter Facilities**

The subrecipient 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 subrecipient'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.

### **Services and Assistance Provided**

The subrecipient must keep records of the types of essential services, rental assistance, and housing stabilization and relocation services provided under the subrecipient's program and the amount spent on these services and assistance. 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. (See 24 CFR §576.101 and §576.102 for more details).

### **Coordination with Continuum of Care and Other Programs**

The subrecipient must document their compliance with the requirements of §576.400 for consulting with the CoC and coordinating the integrating ESG assistance with programs targeted toward homeless people and mainstream service and assistance programs.

### **HMIS**

The subrecipient must keep records of the participation in HMIS by all projects.

### **Matching**

Subrecipients must keep records of the source and use of contributions made to satisfy the matching requirements in CFR 24 §576.201. The records must indicate the particular fiscal year grant for which each matching contribution is counted. The records must show how the value placed on third-party, noncash contributions was derived. To the extent feasible, volunteer services must be supported by the same methods that the organization uses to support the allocation of regular personnel costs.

### **Conflicts of Interest**

Subrecipients must keep records to show compliance with the organization's conflicts-of-interest requirements in 24 CFR §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.

Organizational conflicts of interest state that 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 or administer homelessness prevention assistance.

Individual conflicts of interest. For the procurement of goods and services, the subrecipient must comply with 2 CFR 200.317 and 200.318. 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.

### **Homeless Participation**

Subrecipients must document its compliance with the homeless participation requirement under §576.405. (Please refer to page 12)

### **Faith-Based Activities**

The subrecipients must document their compliance with the faith-based activities requirements under §576.406. Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to receive ESG funds. 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. 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. 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

### **Other Federal Requirements**

Subrecipients must document their compliance with the Federal requirements in §576.407. This includes documentation on the following:

- Compliance with nondiscrimination and equal opportunity requirements
- Compliance with the uniform administrative requirements in 24 CFR Part 84
- Compliance with environmental review requirements including flood insurance requirements
- Certifications and disclosure forms required under the lobbying and disclosure requirements in 24 CFR part 87

### **Relocation**



The records must include documentation of compliance with the displacement, relocation, and acquisition requirements in §576.408. Subrecipients must assure that they have taken all reasonable steps to minimize the displacement of persons as a result of a project assisted under ESG. 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.

### **Financial Records**

The subrecipient must retain supporting documentation for all costs charged to the ESG grant. 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 through 576.109, financial management in 2 CFR 200.302, and the cost principles in 2 CFR part 200, subpart E. The subrecipient must retain records of the receipt and use of program income.

### **Subrecipients and Contractors**

Subrecipients must retain copies of all procurement contracts and documentation of compliance with the procurement requirements at 2 CFR Part 200.

### **Confidentiality**

Subrecipients must develop and implement written procedures to ensure:

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

### **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.

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

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

### **Access to Records**

*Federal government rights.* Notwithstanding the confidentiality procedures, 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 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.

## **Public Information and Open Records Act Requests**

All materials contained in applications for Emergency Solutions Grant are subject to the requirements of the Pennsylvania Right-to-Know law (65 P. S. § 67.504) and the application materials may be viewed and copied by any member of the public. Applicants seeking to claim a statutory exemption to disclosure from open records requests, which may be made, must place all documents viewed as confidential in a sealed envelope marked “Confidential.” Applicants must be aware that if an open records request is made for any of the application materials, Dauphin County will make an independent determination of confidentiality and may or may not agree with the applicant’s determination regarding the confidentiality of the materials.