



# EMERGENCY SOLUTIONS GRANTS GUIDE





**Guidance for the Emergency Solutions Grants Program  
As Administered by Tennessee Housing Development Agency**

**Table of Contents**

Table of Contents.....	2
INTRODUCTION.....	1
FAIR HOUSING AND EQUAL OPPORTUNITY .....	1
LANGUAGE ACCESS PLAN.....	1
EQUAL ACCESS .....	2
Equal Access to Housing Final Rule.....	2
Equal Access in Accordance with Gender Identity Final Rule.....	3
VAWA COMPLIANCE .....	3
Emergency Transfer Plan .....	4
Notice and Certification to Tenants.....	4
Other Requirements .....	4
FAITH-BASED ACTIVITIES.....	4
COORDINATED ENTRY .....	5
HOUSING FIRST APPROACH .....	5
ESG WRITTEN STANDARDS .....	5
ELIGIBLE ACTIVITIES (PROJECT TYPES).....	6
Emergency Shelter.....	6
Family Separation and Emergency Shelter .....	9
Rapid Re-Housing .....	9
Homelessness Prevention.....	9
Street Outreach .....	10
Implementation of Street Outreach .....	11
Data Collection .....	12
DEFINITION OF HOMELESS, AT RISK OF HOMELESSNESS, AND CHRONIC HOMELESSNESS.....	12
Homeless Definition .....	12
At Risk of Homelessness Definition .....	13
Chronic Homelessness Definition .....	14
Individuals Exiting an Institutional Setting.....	14
DOCUMENTATION AND RECORDKEEPING REQUIREMENTS .....	14



Housing Status Documentation .....	14
DOCUMENTING PERSONS WITH DISABILITIES .....	18
INTAKE, ELIGIBILITY ASSESSMENT, AND RE-CERTIFICATION .....	19
Eligibility Assessment for Emergency Shelter and Street Outreach .....	19
Eligibility Assessment for Rapid Re-Housing and Prevention.....	20
Re-Certification Requirements .....	20
RENTAL ASSISTANCE REQUIREMENTS.....	21
Rental Arrears.....	21
Leases .....	21
Rent Reasonableness and Fair Market Rent (FMR) .....	21
Rental Assistance Use with Other Subsidies .....	22
FINANCIAL ASSISTANCE REQUIREMENTS.....	22
Rental Application Fees .....	22
Security Deposits .....	22
Last Month's Rent.....	22
Utility Deposits .....	23
Utility Payments.....	23
Moving Costs .....	23
Financial Assistance Use with Other Subsidies .....	23
LEAD-BASED PAINT DISCLOSURE AND REMEDIATION.....	23
ENVIRONMENTAL REVIEW .....	24
SHELTER AND HOUSING STANDARDS .....	24
Minimum Habitability Standards for Emergency Shelter .....	24
Minimum Habitability Standards for Rapid Re-Housing and Prevention .....	26
CASE MANAGEMENT .....	27
POLICIES AND PROCEDURES REQUIREMENTS.....	27
Confidentiality .....	27
Complaints and Appeals .....	27
Terminating Assistance.....	27
HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) .....	28
Grantee HMIS Requirements .....	28
Reporting Requirements.....	28
GRANTEE TRAINING .....	29
FINANCIAL MANAGEMENT .....	29
Grant Start-Up .....	29
Reimbursement .....	29



Budget Modification ..... 29

Match ..... 30

MONITORING..... 30

APPENDIX A: UNIT INSPECTION REQUIREMENTS..... 31



## **INTRODUCTION**

The Tennessee Housing Development Agency (THDA) Emergency Solutions Grants (ESG) Program provides services to persons experiencing homelessness and to persons in danger of becoming homeless. To deliver these services, grants are provided to local government entities and non-profit organizations serving non-ESG entitlement communities using United States Department of Housing and Urban Development (HUD) ESG funds. This program is principally designed to be the first step in a continuum of assistance to enable homeless individuals and families to move toward independent living and to prevent homelessness.

This THDA ESG guide is intended to provide critical information and resources associated with program implementation for THDA ESG grantees. The manual is largely a consolidation of ESG standards set by HUD and THDA. While the manual is designed to be a convenient reference document for THDA ESG grantees, it is not an exhaustive review of all ESG program regulations and guidance. In addition to this manual, grantees must also familiarize themselves with federal regulations, state requirements, and any other applicable guidance associated with ESG, as cited in this manual and as otherwise applicable. Grantees of THDA receiving ESG funds are responsible for understanding ESG program requirements, as administered by THDA, and to be fully aware of all contents of the executed ESG agreement between THDA and the grantee.

## **FAIR HOUSING AND EQUAL OPPORTUNITY**

Title VI of the Civil Rights Act of 1964 (42 U.S. Code § 2000d) prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal financial assistance. Title VIII of the Civil Rights Act of 1968, “The Fair Housing Act”, (42 U.S. Code §§ 3601-19) as amended in 1988, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, on the basis of race, color, national origin, religion, sex, familial status or disability. Enabling regulations 24 CFR part 5, subpart A are applicable, including the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a). The Tennessee Human Rights & Disability Act (§ Tennessee Code Annotated, Title 4, Chapter 21) prohibits discrimination related to employment, housing, and public accommodations on the basis of race, creed, color, religion, national origin, sex, age or disability. The THRA applies to all housing activities and dwellings, except as exempted (TCA-4-21-602).

All ESG grantees must comply with all state and federal non-discrimination laws and regulations. All ESG grantees must perform and document action in the area of enforcement and/or promotion to affirmatively further fair housing. During the grant year the grantee must carry out a minimum of one activity to promote fair housing. All ESG grantees must complete and submit a Non-Discrimination in Services Self Survey and submit to THDA annually on or before June 30. The self-survey tracks and self-reports non-discrimination activities.

The grantee 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 the grantee intends to use for making known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, creed, or disability who may qualify for those facilities and services, the grantee must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The grantee 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.

## **LANGUAGE ACCESS PLAN**

Consistent with Title VI and Executive Order 13166, grantees are also required to take reasonable steps to ensure meaningful access to programs and activities for Limited English Proficiency (LEP) persons. An individual’s ability



to speak, read, write, or understand English cannot impede his or her access to programs or activities. The grantee must assess the need for language assistance within its service area by conducting a Four Factor Analysis to understand the languages spoken by LEP persons and how to provide needed language assistance. The Four Factor Analysis must consider:

1. The number or proportion of LEP persons served or encountered in the eligible service population
2. The frequency with which LEP persons come into contact with the program
3. The nature and importance of the program, activity, or service
4. The resources available to execute the program and costs of providing LEP services

Based on the Four Factor Analysis, the grantee must prepare a Language Access Plan (LAP) to include:

- a. The name of the individual responsible for coordination of LEP compliance;
- b. A training plan on LEP requirements for all staff involved in programs and activities funded by the federal government and awarded by THDA;
- c. The languages identified from the Four Factor Analysis;
- d. A plan for language services based on language assistance needs identified in the Four Factor Analysis;
- e. A schedule for translating and disseminating vital documents; and
- f. A policy for updating the Four Factor Analysis and LAP.

Further, the grantee must maintain documents regarding its efforts to comply with LEP requirements, including tracking LEP services provided to eligible persons, providing evidence of compliance with its locally adopted LAP to THDA upon request, reviewing and updating its Four Factor Analysis at least every five years, and resolving any findings related to its LEP obligations by taking corrective action. Repeated violations may require other appropriate enforcement mechanisms up to and including referral to HUD or repayment of awarded funds.

## **EQUAL ACCESS**

### **Equal Access to Housing Final Rule**

On February 3, 2012, HUD published a final rule titled “Equal Access to Housing and HUD Programs Regardless of Sexual Orientation or Gender Identity.” This rule, known as the “Equal Access Rule,” became effective on March 5, 2012. The Equal Access Rule applies to all McKinney-Vento funded housing programs, including ESG. It creates a new regulatory provision that generally prohibits considering a person’s marital status, sexual orientation, or gender identity in making eligibility determinations for housing.

In July 2014, HUD published FAQ ID 1529, which addresses the applicability of the term *family* in the Equal Access Rule. The FAQ defines *family*, as applicable to the ESG program, as follows:

*Family* includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability. A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

What this means is that any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Further, a recipient or sub-recipient receiving funds under the ESG or CoC Programs cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any member’s family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity.





The FAQ further clarifies that while it is acceptable for a shelter or housing program to limit assistance to households with children, it may not limit assistance to only women with children. Such a shelter or program must also serve the following family types, should they present, in order to be in compliance with the Equal Access Rule:

- Single male head of household with minor child(ren); and
- Any household made up of two or more adults, regardless of sexual orientation, marital status, or gender identity, presenting with minor child(ren).

The emergency shelter or housing program would not be required to serve families composed of only adult members and could deny access to these types of families provided that all adult-only families are treated equally, regardless of sexual orientation, marital status, or gender identity.

### **Equal Access in Accordance with Gender Identity Final Rule**

On September 21, 2016, HUD published a final rule in the Federal Register entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs." Through this final rule, HUD ensures equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD). This rule builds upon HUD's February 2012 final rule entitled "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity" (2012 Equal Access Rule), which aimed to ensure that HUD's housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. The final rule requires that recipients and sub-recipients of CPD funding, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any CPD program grant equal access to such facilities, and other buildings and facilities, benefits, accommodations, and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.

All THDA ESG grantees must comply with requirements of the Equal Access to Housing Final Rule, the Equal Access in Accordance with Gender Identity Final Rule, and any applicable guidance, regardless of whether or not the ESG grantee is a victim service or faith-based provider. Non-compliance may result in termination of ESG funding. The regulation and guidance cited above, as well as further guidance from HUD, may be accessed at the following websites. All THDA ESG recipients are expected to review this material in its entirety and implement their ESG funded activities in accordance with these final rules.

Equal Access to Housing and Equal Access in Accordance with Gender Identity Final Rules

<https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>

FAQ ID: 1529

<https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>

## **VAWA COMPLIANCE**

The grantee is required to comply with the Violence Against Women Act (VAWA) Reauthorization of 2013 to include the prohibition against denial or termination of assistance based on the fact the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, per 24 CFR part 5, subpart L and 576.409. If the grantee determines eligibility for or administers rental assistance, the grantee is also expected to satisfy additional VAWA regulatory requirements to include, but not limited to, providing a notification and certification to recipients of rental assistance at specified times, adopting an emergency transfer plan applicable to its program, and protecting confidentiality of victims pursuant to the requirements in 24 CFR part 5, subpart L and 576.409.



## **Emergency Transfer Plan**

All ESG Grantees providing rental assistance are required to develop and implement an emergency transfer plan. As all ESG Grantees are considered “covered housing providers” according to 24 CFR 576.409(b) and VAWA requirements under 25 CFR part 5, subpart L, and where each ESG grantee exists within the covered area of a Tennessee Continuum of Care, the ESG Grantee must at least adopt the emergency transfer plan of the applicable Continuum of Care in accordance with 24 CFR Section 576.409(d) (e).

## **Notice and Certification to Tenants**

VAWA compliance also requires agencies to provide two HUD forms entitled “Notice of Occupancy Rights under the Violence Against Women Act” and “Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking” (both attached) to applicants and tenants at each of the following times:

- (i) At the time the applicant is denied assistance or admission under a covered housing program;
- (ii) At the time the individual is provided assistance or admission under the covered housing program;
- (iii) With any notification of eviction or notification of termination of assistance; and
- (iv) During the annual recertification or lease renewal process, whichever is applicable.

## **Other Requirements**

VAWA includes requirements in addition to those listed above with which grantees must familiarize themselves and comply. Further information can be found at the following website:

<https://www.hudexchange.info/resource/4718/federal-register-notice-proposed-rule-violence-against-women-act-2013-vawa-2013/>

## **Updates and Changes**

Any and all legal requirements and changes to VAWA should be followed. VAWA 2022 Notice can be found

<https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO-2023-01-%20FHEO%20VAWA%20Notice.pdf>

Guidance letter to CoC program recipients summarizing changes can be found

[https://www.hud.gov/sites/dfiles/Main/documents/VAWA\\_Letter\\_CoC\\_ESG\\_Grantees.pdf](https://www.hud.gov/sites/dfiles/Main/documents/VAWA_Letter_CoC_ESG_Grantees.pdf)

## **FAITH-BASED ACTIVITIES**

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.

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. 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.

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.

If the recipient or a grantee that is a local government voluntarily contributes its own funds to supplement federally-funded activities, the recipient or grantee 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.

## **COORDINATED ENTRY**

All ESG grantees must participate in the coordinated assessment system developed by the Continuum of Care ("CoC") in which services are delivered. This system should include all homeless subpopulations and involve the use of a standardized assessment tool that will result in referrals to those seeking assistance based upon a uniform decision making process. The system should ensure that those with the greatest needs receive priority for housing and service provision and that no unnecessary barriers exist for individuals to receive assistance.

## **HOUSING FIRST APPROACH**

THDA encourages projects with a low-barriers approach to homeless services and a focus on permanent housing placement as quickly as possible. This philosophy of care is also known as the Housing First approach. Projects committed to the Housing First approach must ensure that they do not screen out any individuals or families for assistance based upon perceived barriers to housing or services. Examples of perceived barriers include, but are not limited to, the following:

- Having too little or no income;
- Current or past substance abuse;
- Having a criminal record (with the exception of state-mandated restrictions);
- Having a history of domestic violence.

In addition, assistance may not be terminated to any recipients based upon these barriers. Examples of this include:

- Failure to participate in supportive services and case management activities;
- Failure to make progress on a services plan;
- Loss of income or failure to improve income;
- Being a victim of domestic violence.

## **ESG WRITTEN STANDARDS**

Pursuant to the HEARTH ESG Interim Rule, all ESG recipients are required to develop certain policies and procedures for grantees to use when providing ESG assistance. Sub-recipients must establish and consistently apply written standards for providing ESG assistance. Standards must be established for each area covered by the sub-recipient, including the area over which the services are coordinated and provided to program participants. The Written Standards must be consistent with the Written Standards established by the appropriate Continuum of Care. Written Standards developed must be submitted to THDA and the CoC Lead Agency for approval. At a minimum, Written Standards developed by sub-recipients must include:

- (1) Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under the ESG program;
- (2) Standards for targeting and providing essential services related to street outreach;
- (3) Policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under the ESG program including standards regarding length of stay and client participation.



- (4) Policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter;
- (5) 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;
- (6) Standards for determining what (if any) percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention or rapid re-housing assistance;
- (7) 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;
- (8) Standards for determining the type, limit, 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 participant receives assistance, or the maximum number of times the participant may receive assistance; and
- (9) Formal termination and grievance policies and procedures that reflect HUD's requirement that only the most severe cases be terminated, and allow clients to return to the program once issues that caused the termination are resolved.

## **ELIGIBLE ACTIVITIES (PROJECT TYPES)**

All grantees of THDA ESG funds are required to comply with all ESG requirements, including the provision of case management, helping program participants increase income, either via employment assistance or through the acquisition of mainstream benefits, and helping program participants move into and remain in permanent housing. THDA reserves the right to update requirements for all projects at its discretion.

### **Emergency Shelter**

Based on the HEARTH ESG Interim Rule located at 24 CFR § 576, "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." THDA-funded emergency shelter projects should have low barriers to entry and participation. Shelter stays should be avoided if possible, and when not possible, limited to the shortest time necessary to help participants regain permanent housing. Emergency shelter projects should be closely linked to an array of services in order to accomplish the goal of stable, permanent housing. Linked services may include, but are not limited to, rapid re-housing, affordable housing placement, and employment. Linkages should also be made to applicable mainstream programs such as SOAR, Supplemental Nutrition Assistance Program (SNAP), Families First, etc.

ESG funds may be used for costs of providing essential services to homeless families and individuals in emergency shelters, and costs of operating emergency shelters. Eligible cost items, based on 24 CFR § 576, are described as follows:

#### **1) 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.



2) 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.

3) 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.

4) Employment assistance and job training

The costs of employment assistance and job training programs are eligible, including classroom, online, and/or computer instruction; on-the-job instruction; and services that assist individuals in securing employment, acquiring learning skills, and/or increasing earning potential. Learning skills include those skills that can be used to secure and retain a job. Services that assist individuals in securing employment consist of employment screening, assessment, or testing; structured job skills and job-seeking skills; special training and tutoring, including literacy training and pre-vocational training; books and instructional material; counseling or job coaching; and referral to community resources.

5) Outpatient health services

Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals. ESG funds may be used only for these services to the extent that other appropriate health services are unavailable within the community. Eligible treatment consists of assessing a program participant's health problems and developing a treatment plan; assisting program participants to understand their health needs; providing directly or assisting program participants to obtain appropriate medical treatment, preventive medical care, and health maintenance services, including emergency medical services; providing medication and follow-up services; and providing preventive and non-cosmetic dental care.

6) 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) ESG funds may be used only for these services to the extent that other appropriate legal services are unavailable or inaccessible within the community. (C) Eligible subject matters are child support, guardianship, paternity, emancipation, and legal separation, orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking, and appeal of veterans and public benefit claim denials. (D) Component services or activities may include client intake, preparation of cases for trial, provision of legal advice, representation at hearings, and counseling. (E) Fees based on the actual service performed (i.e., fee for service) are also eligible, but only if the cost would be less than the cost of hourly fees. Filing fees and other necessary court costs are also eligible. If the grantee is a legal services provider and performs the services itself, the eligible costs are the grantee'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.



7) 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.

8) 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.

9) 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.

10) Transportation

Eligible costs consist of the transportation costs of a program participant's travel to and from medical care, employment, childcare, or other eligible essential services facilities. These costs include the following: (A) The cost of a program participant's travel on public transportation; (B) If service workers use their own vehicles, mileage allowance for service workers to visit program participants; (C) The cost of purchasing or leasing a vehicle for the recipient or grantee 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 grantee staff to accompany or assist program participants to use public transportation.

11) 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.

12) 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.



### **Family Separation and Emergency Shelter**

HUD regulations state that all shelters serving families with children under 18 are prohibited from denying access to families based on the age of a child under 18. This requirement has been issued through the HEARTH Act and the ESG Interim Rule. All THDA-funded emergency shelters will comply with this requirement. Non-compliance may result in removal of ESG funds. Please see the following for specific HEARTH Act language on family separation:

- **SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.**  
“(a) IN GENERAL. —... any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.  
(b) EXCEPTION. —Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—  
(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and  
(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.”
- **ESG Interim Rule language on family separation, located at 24 CFR 576(4)(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.”

### **Rapid Re-Housing**

Rapid Re-Housing programs are designed to help those who are homeless transition into permanent housing. The primary goal is to stabilize a program participant in permanent housing as quickly as possible and to provide wrap-around services after the family or individual obtains housing. Enrollment in a rapid re-housing project must rely heavily on a case management plan to ensure long-term stability for program participants. Providers are expected to implement a case management plan that will increase household incomes and/or increase access to mainstream benefits for program participants. Linkages should also be made to applicable mainstream programs such as SOAR, SNAP, Families First, etc.

Subject to ESG regulations at 24 CFR § 576, 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. 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.

### **Homelessness Prevention**

Prevention is most efficiently implemented when targeted to those at greatest risk of losing housing. Households receiving this funding must have an income level below 30% AMI and must demonstrate that they do not have sufficient resources or support networks to prevent them from moving to an emergency shelter or other place defined under Category 1 of the homeless definition.

Enrollment in a prevention program should typically last around 2-6 months, although enrollments may be longer based on circumstances. Enrollment must rely heavily on a case management plan to ensure long-term stability for program participants. Grantees should negotiate with the program participant’s landlord as the first step in resolving eviction crises. Prevention implementations should effectively target households at greatest risk of



homelessness and assist participants in increasing household incomes during enrollment. Linkages should also be made to applicable mainstream programs such as SOAR, SNAP, Families First, etc.

Subject to ESG regulations, 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. The costs of homelessness prevention are eligible only 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. Prevention 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.

### **Street Outreach**

ESG funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. The term “unsheltered homeless people” is defined as follows by 24 CFR § 576.2(1)(i)

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

There are 6 eligible activities for street outreach, defined by 24 CFR § 576.101 as follows:

1) **Engagement**

The location, identification, and relationship-building with unsheltered homeless people and the engagement of them for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs. Eligible activities include assessment of needs and eligibility; providing crisis counseling; addressing urgent physical needs, and actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs. Eligible costs include the cell phone costs of outreach workers during the performance of these activities.

2) **Case management**

The assessment of housing and service needs, and implementing individualized services to meet the needs of the program participant. Eligible services and activities are as follows: using the centralized or coordinated assessment system as required under § 576.400(d); conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility; counseling; developing, securing and coordinating services; obtaining federal, state, and local benefits; monitoring and evaluating program participant progress; providing information and referrals to other providers; and developing an individualized housing and service plan, including planning a path to permanent housing stability.

3) **Emergency health services**

Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living. Eligible treatment consists of developing a treatment plan; assisting program participants to understand their health needs; providing directly or obtaining emergency medical treatment; and providing medication and follow-up services.





4) Emergency mental health services

Eligible costs are the direct outpatient treatment by licensed professionals of mental health conditions operating in community-based settings, including streets, parks, and other places where unsheltered people are living.

Eligible treatment consists of crisis interventions, the prescription of psychotropic medications, explanation of 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.

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.

### **Implementation of Street Outreach**

THDA anticipates and expects the bulk of all Street Outreach awards to be spent on street-based engagement and case management. Grantees should note that activities 3 and 4 refer to *emergency* health and *emergency* mental health services delivered in a non-facility setting, rather than services that may be delivered on a routine basis.

Outreach programs should consider the use of an assessment form that is suited to a street assessment. This should include the options of diversion and placements directly into permanent housing. Street outreach projects must comply with any assessment requirements detailed in the applicable written standards adopted by the CoC in which the project operates.

Street outreach should be principally focused on one goal: supporting homeless households in achieving some form of permanent, sustainable housing. While street outreach teams may use incentives to encourage trust and build relationships, or to ensure that homeless households' emergency needs are met, the awards made should not be used to support other programs that seek to alleviate the burden of living on the streets.

Street outreach teams should concentrate their efforts in areas where the homeless are known to sleep at night. Outreach should be conducted at night and during the early morning in order to identify those living and sleeping in places not meant for human habitation, which is the target population for this program.

Outreach teams will have the most comprehensive knowledge of street based individuals/households within the locality. Outreach teams will be responsible for ensuring that a case plan is established for each household that is client-centered, realistic, and focused towards a goal of permanent housing. Walk-in clients or those with whom initial contact is made outside of street canvassing efforts should not be enrolled into outreach projects.

Where one or more outreach teams work in the same area, THDA expects that agencies collaborate to provide complimentary services by:

- 1) Establishing a lead person/agency that will promote an agreed upon intervention for the individual/family.
- 2) The agency will lead the case management of the homeless individual until either the individual has been re-housed, or a more appropriate case manager is ready to take over.



- 3) Other agencies will reinforce this intervention so that agencies are not working against one another.

Outreach teams will be expected to establish close working relationships with other service providers, including not only emergency shelters, but also other mainstream and housing-focused services, such as rapid re-housing. Not every homeless household is expected to need admittance to an emergency shelter and street outreach teams should be prepared to implement a variety of interventions to secure permanent housing. Data Collection In accordance with 24 CFR § 576.107, ESG funds may be used to supplement efforts made by ESG grantees to provide complete and accurate data in the Homeless Management Information System (HMIS) of the Continuum of Care, or comparable database for victim service providers. Eligible costs include hardware; software; equipment costs; staffing for operating HMIS data collection, monitoring and analysis; reporting to the HMIS Lead Agency; training on HMIS use; and obtaining technical support.

## **DEFINITION OF HOMELESS, AT RISK OF HOMELESSNESS, AND CHRONIC HOMELESSNESS**

### **Homeless Definition**

The HUD homeless definition contains FOUR categories.

#### **Category 1 – Literally Homeless**

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 publically 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 1 clients qualify for emergency shelter, transitional housing, rapid re-housing, and supportive services only projects.

Category 1 clients qualify for street outreach, provided that the individual or family must be living on the streets (or other places not meant for human habitation) and be unwilling or unable to access services in an emergency shelter.

#### **Category 2 – Imminent Risk of Homelessness**

- (i) Individual or family who will imminently lose their primary nighttime residence, provided that:
- (ii) Residence will be lost within 14 days of the date of application for homeless assistance;
- (iii) No subsequent residence has been identified; and
- (iv) The individual or family lacks the resources or support networks needed to obtain permanent housing

Category 2 clients qualify for emergency shelter and prevention.

#### **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 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 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

For the purposes of this definition, other federal statutes for defining homelessness include:

- 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);

Category 3 clients qualify for emergency shelter.

Category 3 clients qualify for prevention, provided that the individual or family has an annual income below 30% of AMI.

#### **Category 4 – Fleeing/Attempting to Flee Domestic Violence**

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

Category 4 clients qualify for emergency shelter and homelessness prevention.

Category 4 clients qualify for street outreach and rapid re-housing, provided that the individual or family also meets the criteria for Category 1 above.

#### **At Risk of Homelessness Definition**

To meet the definition for at risk of homelessness, the individual or family must meet two threshold criteria and must exhibit one or more specified risk factors. The two threshold criteria and risk factors are below.

The individual or family must:

- (i) Have income below 30 percent of median income for the geographic area; **AND**
- (ii) Have insufficient resources immediately available to attain housing stability. [*e.g., family, friends, faith-based or other social networks immediately available*] to prevent them from moving to an emergency shelter or another place described in category 1 of the homeless definition; **AND**
- (iii) Meet at least one of the following conditions:
  - (A) Has moved frequently because of economic reasons—“2 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.
  - (D) Lives in a hotel or motel; [“and the cost of the hotel or motel is not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations.”]
  - (E) Lives in severely overcrowded housing; [in a single-room occupancy or efficiency apartment unit in which more than two persons, on average, reside or another type of housing in which there reside more than 1.5 persons per room, as defined by the U.S. Census Bureau.]
  - (F) Is exiting a publicly funded institution; or system of care, [such as a health-care facility, mental



- health facility, foster care or 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. (Use the characteristics described in your jurisdiction's Consolidated Plan).

### **Chronic Homelessness Definition**

Chronically homeless means:

A "homeless individual with a disability," as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act, who ...

- Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; **AND**
- Has been homeless and living as described above continuously for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described above. Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness; but rather, such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility; or
- An individual who has been residing in an institutional care facility, including jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria above before entering that facility; or
- A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets either of the criteria set forth above, including a family whose composition has fluctuated while the head of household has been homeless.

### **Individuals Exiting an Institutional Setting**

If a client was not homeless prior to residing in an institution, the client's status would need to be determined after exiting the institution. This means that the individual would need to meet 24 CFR §576.2:

- Category 1 (i) or (ii) of the homeless definition to receive rapid re-housing or emergency shelter services, OR
- Category 1 (i), (ii), and (iii)(F) of the at risk of homelessness definition to receive homelessness prevention services. The Department has not received any additional clarification on this question.

## **DOCUMENTATION AND RECORDKEEPING REQUIREMENTS**

### **Housing Status Documentation**

ESG grantees must establish and follow written intake procedures to ensure program compliance. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless or at-risk of homelessness status. THIRD PARTY SOURCE DOCUMENTS ARE THE PREFERRED METHOD OF VERIFYING AND DOCUMENTING HOUSING STATUS.

### **Preferred Order of Documentation**

Pursuant to 24 CFR 576.500(b), the order of priority for evidence establishing and verifying homeless status is:

- 1) **Third-party documentation** – source documents or statement provided by an outside party
- 2) **Staff/Intake worker observation** – documented by ESG staff within the agency
- 3) **Certification from the person seeking assistance** – ESG staff must certify efforts made to obtain third party documentation before allowing applicant to self-certify



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.

### **Category 1 Documentation and Certification Requirements**

- 1) **Third party written:** A written referral or official communication from another housing or service provider
  - Third party written documentation must be on official agency stationery of the third party, and must be signed and dated by an appropriate agency representative.
- 2) **Staff observation:** Written observations by an intake or outreach worker of the conditions where the individual or family was living
  - Intake staff notes on observations must be recorded in writing, signed, and dated by the intake or outreach worker.
  - A description of efforts made by the staff member to obtain third party documentation must be included.
- 3) **HMIS Verification of Homelessness**
  - HMIS or the HMIS COMPARABLE DATABASE can be used to verify homelessness by accessing a client record, determining that the ESG applicant is (at the time of application for ESG funds) enrolled in a program for homeless individuals or families, and printing a screen shot of the HMIS or HMIS COMPARABLE DATABASE as evidence for the file. This method will primarily be used by rapid re-housing providers.
- 4) **Self-Certification:** Certification by the individual or head of household seeking assistance that (s)he was living on the streets or in emergency shelter
  - Self-certification of homelessness must be recorded in writing, signed, and dated by the individual/head of household seeking assistance.
  - A description of efforts made by the staff member to obtain third-party documentation and verify homelessness via staff observation must be included.

**Category 1 and exiting an institution** where (s)he resided for 90 days or less acceptable evidence:

- 1) Evidence listed above for Category 1, **and** one of the following:
  - (A) 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.
  - (B) Where the evidence listed above in (A) is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in (A) and a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less.
    - Intake worker due diligence and certification by the individual seeking assistance must be recorded in writing, signed, and dated by the individual exiting the institution.

### **Category 2 Documentation and Certification Requirements**

- 1) 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.

For Category 2 applicants whose primary nighttime residence is a hotel or motel room **not** paid for by charitable organizations or federal, state, or local government programs:



- (A) 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
- (B) 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:

- 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
- Be documented by a written certification by the owner or renter or by the intake worker's recording of the owner or renter's oral statement.

If the intake worker is unable to contact the owner or renter, documentation must include:

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

### **Category 3 Documentation and Certification Requirements**

*\* The Category 3 homeless population is expected to be rare as most individuals and families will qualify as homeless under one of the other categories.*

- 1) 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; AND
- 2) Referral by a housing or service provider (third party written), written observation by an outreach worker (staff observation), or certification by the homeless individual or head of household seeking assistance (self certification), showing that the individual or head of household has not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application; AND
- 3) 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.

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**

- 4) 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 special needs or two or more barriers that would cause reasonable expectation that the individual or family will remain homeless by this definition for an extended period of time.

#### **Category 4 Documentation and Certification Requirements**

- 1) If the individual or family is receiving shelter or services provided by a victim service provider:
  - (A) **Self-certification OR staff certification** of homelessness, documented stating that the individual or head of household seeking assistance is fleeing; has no subsequent residence; and lacks resources.
- 2) If the individual or family is receiving shelter or services from a non-victim service provider:
  - (A) **Self-certification OR staff certification** of homelessness, documented stating that the individual or head of household seeking assistance is fleeing; has no subsequent residence; and lacks the resources or support networks, *e.g.*, family, friends, faith-based or other social networks, needed to obtain housing.
    - The documentation must certify that the statement is true and complete;
    - 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.

#### **At Risk of Homelessness Documentation and Certification Requirements**

- 1) In determining the annual income of an individual or family, the recipient or grantee must use the standard for calculating annual income under 24 CFR 5.609. Check guidance for further evidence requirements.
- 2) Evidence of the second eligibility criterion (lacks sufficient resources to immediately attain housing stability) is:
  - (A) **Source documents** - notice of termination from employment, unemployment compensation statement, bank statement, health care bill showing arrears, utility bill showing arrears.
  - (B) To the extent that source documents are unobtainable, **a written statement by the relevant third party** - (*e.g.*, *former employer, public administrator, relative*) or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of “at risk of homelessness” **OR**;
  - (C) If source documents and third-party verification are unobtainable, **a written statement by intake staff** describing the efforts taken to obtain the required evidence.



- 3) Evidence for documenting at least one of the 7 risk factors is:
  - (A) **Source documents** - notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears.
  - (B) To the extent that source documents are unobtainable, **a written statement by the relevant third party** - (e.g., *former employer, public administrator, relative*) or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of “at risk of homelessness” **OR**;
  - (C) If source documents and third-party verification are unobtainable, **a written statement by intake staff** describing the efforts taken to obtain the required evidence.

### **DOCUMENTING PERSONS WITH DISABILITIES**

*A person with disabilities* means a household composed of one or more persons at least one of whom is an adult who has a disability.

- 1) A person shall be considered to have a disability if he or she has a disability that:
  - (i) Is expected to be long-continuing or of indefinite duration;
  - (ii) Substantially impedes the individual’s ability to live independently;
  - (iii) Could be improved by the provision of more suitable housing conditions; and
  - (iv) Is a physical, mental, or emotional impairment, including impairment caused by alcohol or drug abuse, posttraumatic stress disorder, or brain injury.
- 2) A person will also be considered to have a disability if he or she has a developmental disability, as defined in this section.
- 3) A person will also be considered to have a disability if he or she has acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).
- 4) Notwithstanding the preceding provisions of this definition, the term “person with disabilities” includes, except in the case of the SRO component, two or more persons with disabilities living together, one or more such persons living with another person who is determined to be important to their care or well-being, and the surviving member or members of any household described in the first sentence of this definition who were living, in a unit assisted under this part, with the deceased member of the household at the time of his or her death. (In any event, with respect to the surviving member or members of a household, the right to rental assistance under this part will terminate at the end of the grant period under which the deceased member was a participant.)

*Developmental disability* means, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002):

- 1) A severe, chronic disability of an individual that—
  - (i) Is attributable to a mental or physical impairment or combination of mental and physical impairments
  - (ii) Is manifested before the individual attains age 22
  - (iii) Is likely to continue indefinitely
  - (iv) Results in substantial functional limitations in three or more of the following areas of major life activity:
    - (A) Self-care
    - (B) Receptive and expressive language
    - (C) Learning
    - (D) Mobility
    - (E) Self-direction



- (F) Capacity for independent living
- (G) Economic self-sufficiency **AND**
- (v) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

- 2) An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the criteria described in paragraphs (1)(i) through (v) of the definition of "developmental disability" in this section if the individual, without services and supports, has a high probability of meeting those criteria later in life.

*Written documentation of disability status includes:*

- 1) Written verification from a professional who is licensed by the state to diagnose and treat that condition, that the disability is expected to be long-continuing or of indefinite duration and that the disability substantially impedes the individual's ability to live independently; **AND**
- 2) Written verification from the Social Security Administration, or the receipt of a disability check (e.g., Social Security Disability Insurance check or Veteran Disability Compensation).

Information on disability status should be obtained in the course of client assessment once the individual is admitted to a project, unless having a disability is an eligibility requirement for entry into the project. Where disability is an eligibility requirement, an intake staff-recorded observation of disability may be used to document disability status as long as the disability is confirmed by the aforementioned evidence within 45 days of the application for assistance.

## **INTAKE, ELIGIBILITY ASSESSMENT, AND RE-CERTIFICATION**

All ESG service applicants must participate in an initial consultation to assess needs and to determine program eligibility. The consultation will include verification of homelessness or at risk of homelessness status, assessment of barriers to housing stability, and collection of all relevant HMIS data elements. The Coordinated Intake/Assessment system selected within each Continuum of Care will determine more specific requirements for the intake process. For more information, see the sections of this manual on Coordinated Assessment.

Grantees will complete the following procedures:

- Check HMIS (or THE HMIS COMPARABLE DATABASE) to determine if the applicant is currently receiving assistance from any other federal funding sources. Clients cannot receive funding for duplicate services at the same time. A printed HMIS screen can be used as documentation in the applicant's file.
- Collect the required ESG documentation (evidence to establish and verify the client's housing status; copy of documentation to establish annual income; certification that client has insufficient support networks; etc.) as relevant.
- Case Manager will record the required HMIS data (or THE HMIS COMPARABLE DATABASE) for all program participants.
- If client is not eligible for ESG, ESG grantees are required to include documentation regarding reasons for non-eligibility and to identify other appropriate service providers within the Continuum that can more effectively meet the applicant's needs.

### **Eligibility Assessment for Emergency Shelter and Street Outreach**

Eligibility for these programs requires a verification of homelessness for the appropriate category of HUD's homeless definition. See previous sections on HUD's homeless definition and documenting housing status. There



are no income requirements for emergency shelter and street outreach grants.

### **Eligibility Assessment for Rapid Re-Housing and Prevention**

Eligibility for these programs requires a verification of homelessness for the appropriate category of HUD's homeless definition. Prevention participants may also qualify with verification of meeting HUD's at risk of homelessness definition. See previous sections on HUD's homeless and at risk of homelessness definition, and documenting housing status.

Note that while households exiting transitional housing technically do qualify for rapid re-housing assistance, HUD cautions against using ESG rapid re-housing as a way of regularly exiting households from transitional housing to permanent housing. This is because rapid re-housing is a model for helping people move from the streets or shelter to permanent housing, and is not intended for people exiting transitional housing. HUD recommends that this be done on a case-by-case basis, and only when necessary to prevent the program participant from going back to the streets or emergency shelter.

Area Median Income is defined by HUD and updated annually. The most recent guidelines should be used each year. The following site can be accessed to determine AMI:

[https://www.huduser.gov/portal/datasets/il.html#data\\_2023](https://www.huduser.gov/portal/datasets/il.html#data_2023)

Documentation that applicants meet income eligibility guidelines is required for rapid re-housing and prevention. Total household income should include allowable sources from all household members.

### **Income Calculations and Changes**

Income calculations are modeled after the requirements for the HOME Investment Partnership program (24 CFR 92.508) and other HUD regulations. Guidance is located at the following website:

<https://www.gpo.gov/fdsys/pkg/CFR-2011-title24-vol1/pdf/CFR-2011-title24-vol1-sec92-508.pdf>

For information on income inclusions and exclusions, see the following website for guidance:

<https://www.hudexchange.info/resource/5180/part-5-section-8-income-inclusions-and-exclusions/>

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

### **Re-Certification Requirements**

Re-Certification determines whether or not an individual or family is still eligible for a project and is required for **all rapid re-housing and prevention** projects. It occurs:

- Annually for those enrolled in the project one (1) year after the initial enrollment date.

**Annual re-certification for rapid re-housing** includes determination that the household:

- 1) Is at or below 30% AMI\*\*; **AND**
- 2) Is at risk of returning to homelessness; **AND**
- 3) Lacks the financial resources and support networks needed to obtain housing or remain in their current housing.

**90 day and annual re-certifications for prevention** includes determination that the household:

- 1) Is below 30% AMI; **AND**
- 2) Remains at-risk of homelessness; **AND**
- 3) Lacks the financial resources and support networks to remain in their housing.



## **RENTAL ASSISTANCE REQUIREMENTS**

Rental assistance may be provided by rapid re-housing and prevention projects pursuant to 24 CFR § 576.103, § 576.104, and § 576.106, with the following exception. ESG rapid re-housing and prevention projects may only provide tenant-based rental assistance, as defined in 24 CFR § 576.106(h).

### **Rental Arrears**

ESG funds may be used to make a one-time payment for up to six (6) months of rent in arrears, including any late fees on those arrears. Each month of rent paid in arrears counts as one month of rental assistance for purposes of calculating a participant's total rental assistance received. Note that assistance provided for rental arrears only is still subject to the requirements for rental assistance detailed herein.

### **Leases**

Each project 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.

### **Rent Reasonableness and Fair Market Rent (FMR)**

Rental assistance cannot be 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 part 888, **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.

Rent reasonableness and FMR requirements **do not apply** when a program participant receives only housing stabilization and relocation services, as defined in 24 CFR § 576.105. This includes rental application fees, security deposits, an initial payment of last month's rent, utility payments/deposits, and/or moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

### **Rent Reasonableness**

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.

- Rent reasonableness can be determined by accessing <https://thda.org/business-partners/esg>, or similar website designated by THDA. Other local resources may be used to obtain information, e.g.: market surveys, classified ads, information from real estate agents.
- Supporting documentation includes a copy of the signed and dated Rent Reasonableness chart.
- The proposed unit must be compared to three (3) other units.

### **Fair Market Rent (FMR)**

Assistance may only be provided if rent does not exceed the FMR established by HUD for the geographic area. FMRs are gross rent estimates. The U.S. Department of Housing and Urban Development (HUD) annually estimates FMRs for 530 metropolitan areas and 2,045 nonmetropolitan county FMR areas. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. By law HUD is required to publish new FMRs at the start of the federal fiscal year, on October 1. Fair Market Rents are updated by HUD every year and can be found online at: <https://www.huduser.gov/portal/datasets/fmr.html>

For comparison to the FMR, rent must be calculated pursuant to 24 CFR § 576.106(d)(2). When calculating whether or not the rent is at or below the FMR, sub-grantees must add the lease price (amount payable monthly



to the landlord) to the utility allowance provided by the appropriate local housing authority. The monthly utility allowance is added only for those utilities that the tenant pays for separately from the monthly lease price (i.e. if range and refrigerator are included in the monthly leasing price, the monthly allowance for those items would not be used in the calculation). The utility allowance does not include telephone, cable or satellite television service, or internet service. If all utilities are included in the monthly lease price, there is no utility allowance. To determine whether or not the proposed unit meets the FMR requirements use this formula:

$$\text{monthly lease price} + \text{utility costs included in rent per PHA schedule} = \text{total rent}$$

Example:

- FMR for 2 BR unit in Wilson County = \$1,103
- The proposed 2 bedroom apartment unit in Wilson County has a monthly leasing cost of \$800
- The THDA Utility Allowance for heating, cooking, hot water, electricity, air conditioning, microwave, and refrigerator totals = \$82
- It should be noted that this unit is in a larger apartment building with 5 or more units. It uses natural gas for heating, cooking, and hot water. The contract rent payable to the landlord includes water, sewer, and trash service. Otherwise, the Utility Allowance would be higher.
- To calculate total rent, the math works like this: \$800 (monthly leasing cost) + \$82 (utility allowance) = \$882 (total calculated rent). Since the total calculated rent for the proposed unit, \$883, is below the FMR, \$1,103, the proposed unit meets the FMR standard and can be reviewed for rent reasonableness.

### **Rental Assistance 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 Uniform Relocation Act (URA) during the period of time covered by the URA payments.

## **FINANCIAL ASSISTANCE REQUIREMENTS**

Financial assistance may be provided by rapid re-housing and prevention projects, pursuant to 24 CFR § 576.105(a). Financial assistance may include rental application fees, security deposits, last month's rent, utility deposits, utility payments, and moving costs. The type, amount, and duration of financial assistance for housing stabilization and/or relocation services will be determined based on the needs of the household. The need for this assistance must be evaluated and documented in the client file.

### **Rental Application Fees**

Rental application fees paid with ESG funds must be the same as the application fee charged by the owner to all applicants for housing.

### **Security Deposits**

ESG may pay for a security deposit that is no more than 2 months' rent.

### **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 three-year period.





### **Utility Deposits**

ESG funds may pay for a standard utility deposit required by the utility company for all customers. Eligible utility services are gas, electric, water, and sewage.

### **Utility Payments**

ESG funds may be used for utility payments, including up to 6 months of utility payments in arrears per service. A partial payment of a utility bill counts as one month. Each month or arrears paid, per service, 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. Under no circumstances may any participant receive more than 24 months of utility assistance, per service, during any 3-year period.

Households will receive a declining subsidy for utility payments based on their ability to contribute to utility payments. Utilities subsidy determinations will be evaluated no less than monthly in case management meetings. Case managers will review the household's budget and determine what, if any, amount of utilities the household is responsible for contributing based upon the household's needs and circumstances. The case manager will document the outcome of the subsidy determination in the client file. There are many ways to determine the percentage or amount of rent, utilities, and additional financial assistance a household can contribute. Individual projects have discretion in determining how the subsidy will be reduced based on income, the needs of the household, and what is in the best interest of the household's housing stability.

### **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 three (3) months, provided that the fees are accrued after the date the program participant begins receiving case management in the project and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.

### **Financial Assistance Use with Other Subsidies**

Financial assistance 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.

## **LEAD-BASED PAINT DISCLOSURE AND REMEDIATION**

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

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

A zero-bedroom dwelling is defined in section 35.110 as "any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single-room



occupancy housing, military barracks, and rentals of individual rooms in residential dwellings." The term "single room occupancy housing" is defined as "housing consisting of zero-bedroom dwelling units that may contain food preparation or sanitary facilities or both." Group homes are exempt if they consist of "rentals of individual rooms in residential dwellings."

If you provide funds for a shelter with units having one or more bedrooms, and that receive assistance for more than 100 days, it is required that you adopt and implement a policy that assures that the child-occupied spaces will be lead safe. If you provide funds for a shelter with zero-bedroom units, or a shelter receiving assistance for up to, but not more than, 100 days, the units are exempt from the regulation, but HUD recommends that you adopt and implement a policy that assures that the child-occupied spaces will be lead safe, when the units are occupied by children of less than 6 years of age.

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

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

In any property meeting all of the above three conditions, grantees must carry out appropriate measures per guidance from THDA and HUD. If the unit fails the lead-based paint visual assessment, and the landlord will not provide the appropriate step for remediation, then ESG financial assistance (rent, assistance, utilities assistance, utility/security deposits, or arrears) cannot be provided for the unit.

Emergency Shelter grantees refer to 24 CFR part 35, subpart K of the implementing regulations for guidance on appropriate steps for lead-based paint inspection and remediation. Emergency shelter grantees **MUST** contact THDA immediately if they suspect that they are out of compliance with these regulations.

## **ENVIRONMENTAL REVIEW**

All THDA ESG projects must receive an approved environmental review from THDA, pursuant to 24 CFR part 58, before any ESG funds may be committed. This review will be conducted as part of the contracting process when ESG awards are made.

Environmental reviews for emergency shelter activities are performed by THDA based on location information provided to THDA. Grantees must notify THDA immediately and request a new environmental review in the event that the location of emergency shelter activities changes from that identified in the executed ESG contract. No ESG funds may be committed to a new service location until an environmental review for that location is approved by THDA. Additionally, ESG funds may only be expended for activities on or after the date of THDA's Environmental Review Record clearance determination.

Environmental reviews may be requested by emailing [esg@thda.org](mailto:esg@thda.org). Requests must be made any time a physical location changes.

## **SHELTER AND HOUSING STANDARDS**

### **Minimum Habitability Standards for Emergency Shelter**

Any emergency shelter that receives ESG assistance for shelter operations must meet the following minimum safety,



sanitation, and privacy standards. Grantees may also establish standards that exceed or add to these minimum standards. Grantees are responsible for maintaining documentation of compliance with these standards.

1) Structure and materials

The shelter building must be structurally sound to protect residents from the elements and not pose any threat to the health and safety of the residents.

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.



### **Minimum Habitability Standards for Rapid Re-Housing and Prevention**

THDA ESG grantees may not use funds to help a project participant remain or move into housing that does not meet the following minimum habitability standards. Grantees may also establish standards that exceed or add to these minimum standards. ESG funds may not be committed for a unit until compliance with these standards for the unit has been documented. Grantees are responsible for maintaining documentation of compliance with these standards for each unit assisted with ESG funds. Additionally, compliance with these habitability standards must be made by the grantee or by a contracted third-party of the grantee. Program participants MAY NOT conduct an inspection of a unit that they will occupy.

1) **Structure and materials**

The shelter building 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 of 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 area 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.

## **CASE MANAGEMENT**

THDA grantees are expected to provide case management to all ESG program participants, including connecting program participants to mainstream and other resources. Grantees should 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:
  - (A) Medicaid (42 CFR chapter IV, subchapter C);
  - (B) Supplemental Nutrition Assistance Program (7 CFR parts 271– 283);
  - (C) Women, Infants and Children (WIC) (7 CFR part 246);
  - (D) Federal-State Unemployment Insurance Program (20 CFR parts 601– 603, 606, 609, 614–617, 625, 640, 650);
  - (E) Social Security Disability Insurance (SSDI) (20 CFR part 404);
  - (F) Supplemental Security Income (SSI) (20 CFR part 416);
  - (G) Child and Adult Care Food Program (42 U.S.C. 1766(t) (7 CFR part 226));
  - (H) Other assistance available under the programs listed in § 576.400(c).

## **POLICIES AND PROCEDURES REQUIREMENTS**

THDA requires that each grantee establish and consistently apply written policies and procedures for each ESG funded activity. These policies and procedures must incorporate ESG requirements set forth by HUD and THDA.

### **Confidentiality**

As part of its written policies and procedures, grantees must develop policies regarding confidentiality pursuant to 24 CFR 576.500(x).

### **Complaints and Appeals**

As part of its written policies and procedures, grantees must develop written policies allowing for submission and remediation of complaints. These policies must allow for an appeals process in which, if a participant disagrees with remediation measures, the 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 remediation measures in question.

### **Terminating Assistance**

As part of its written policies and procedures, grantees must develop policies regarding termination of assistance to participants.



If a program participant violates program requirements, the grantee may terminate the assistance in accordance with a formal process established by the grantee that recognizes the rights of individuals affected. The grantee 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. Termination does not bar the grantee from providing further assistance at a later date to the same family or individual.

For rapid re-housing and prevention sub-grantees to terminate rental assistance or housing relocation and stabilization services to a project 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.

## **HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)**

### **Grantee HMIS Requirements**

All grantees, except victim service providers, must use the designated HMIS for the CoC in which assistance is provided. Victim service providers are not required to enter client-level data into HMIS; however, they must utilize a comparable database, which collects client-level data over time. A comparable database must comply with HMIS Data and Technical Standards, adopt HMIS project naming conventions, and aggregate unduplicated client-level data for CSV-ESG CAPER reports. All grantees assume full responsibility for THDA reporting requirements detailed below.

### **Reporting Requirements**

Grantees are required to provide any and all data requested by THDA to complete the Consolidated Annual Performance and Evaluation Report (CAPER). Sage HMIS Reporting Repository (Sage) is the online portal where grantees can directly upload HMIS-generated project reports. Grantees are required to submit a separate Comma Separated Value (CSV) file for each ESG-funded HMIS project. <https://www.hudexchange.info/programs/sage/>

To facilitate this data collection process, all grantees must ensure that HMIS data is complete and free from errors by the date designated by THDA and HUD each year. In general, this date is expected to be on or around July 15. The time period covered by CAPER data collection is consistent with the state fiscal year, July 1 through June 30.

Victim service providers may provide data in a different format if a direct data pull from the HMIS-comparable database is not possible. However, THDA generally expects that all CAPER data for victim service providers will be pulled directly from the HMIS-comparable database. The data cleaning deadline and time period for data collection is the same for victim service providers as for other grantees unless otherwise specified by THDA. Further details will be communicated directly to grantees as necessary.

In addition to end-of-year data for CAPER reporting, THDA requires quarterly reporting. Reports are due on the 15<sup>th</sup> day of the month following the close of the quarter. Grantees are required to comply with all data requests from THDA. Data requests may cover any activities that are documented within an established record retention period that is compliant with THDA and HUD requirements. THDA will not process grant reimbursement requests of Grantees that fail to meet the quarterly reporting deadline until such time that the quarterly reporting requirement is satisfied.





## **GRANTEE TRAINING**

THDA will provide project implementation training for ESG grantees primarily at the start of the grant period. Implementation trainings are required for all awarded agencies. THDA may also periodically offer trainings on specific topics related to implementation of relevant ESG activities. THDA may also, at its discretion, choose to make any training mandatory for all funded agencies or for a specific subset of funded agencies. Agencies not mandated by THDA to attend a particular training may voluntarily participate if desired, provided that sufficient space and/or training slots are available. Some trainings will be conducted via webinar to help offset travel costs.

## **FINANCIAL MANAGEMENT**

### **Grant Start-Up**

Grantees that are awarded an ESG grant will need to participate in the grant set up process before being eligible for reimbursement. The following items are required for grant start up:

- Emergency Solutions Grants Contract. Please sign and date the contract and email it back to [esg@thda.org](mailto:esg@thda.org)
- Notice of Audit Report Form. If your agency meets the requirement to complete the audit report form. Please complete an email to [cpo.auditnotice@tn.gov](mailto:cpo.auditnotice@tn.gov). Do not submit this form to THDA.
- Supplier Direct Deposit Form. Complete and mail to the address indicated on the form. Please do not send this form to THDA as THDA cannot accept it and will return it.
- Authorized Signature Form (ESG-1). Complete each grant year and email to [esg@thda.org](mailto:esg@thda.org).
- Parent-Child Information Form. Please complete and email this form to [cpo.auditnotice@tn.gov](mailto:cpo.auditnotice@tn.gov). Do not submit this form to THDA.
- W-9 (October 2018 version). Please complete and mail to address as indicated on Supplier Direct Deposit Form.
- Grantee Remittance Advice. Complete and email to [esg@thda.org](mailto:esg@thda.org)

Failure to submit the required forms may hold up the reimbursement process until all documentation has been received.

### **Reimbursement**

THDA ESG grants operate on a reimbursement basis. Grantees must document funds expended on eligible items in accordance with HUD regulation, THDA requirements, and any other applicable guidance. Requests for reimbursement of funds expended may then be submitted to THDA. Upon execution of the THDA ESG contract, grantees will receive instructions and documents from THDA for completing the first reimbursement request. All reimbursements must be submitted in accordance with these instructions, on THDA approved forms, and signed by designated signatories identified in the executed contract.

THDA may, at its discretion, request supporting documentation for any expense submitted for reimbursement. If an expense is deemed ineligible for reimbursement, THDA may disqualify it and remove it from the associated reimbursement request. Furthermore, if any expense is deemed ineligible through the monitoring process after reimbursement has been made, THDA will request that the grantee repay those funds to THDA or will reduce future payment requests by the identified ineligible costs.

### **Budget Modification**

Subject to approval by THDA, grantees may transfer funds between approved budget activities during the grant year. A budget modification form is required when making a request. After completing the ESG Budget



Modification Form, it must be printed and the completed form must be emailed to: [esg@thda.org](mailto:esg@thda.org). All budget modifications are subject to written approval from THDA.

### **Match**

Unless explicitly specified by THDA, ESG grants must be matched by the grantee at the level of at least 100% of the grant amount. In general, federal (other than ESG), state, local, or private funds may be used to satisfy the requirement that the recipient provide matching contributions to ESG, so long as the following conditions are met:

1. The matching funds are contributed to the ESG Program and expended for the grantee's allowable ESG costs.\*
2. If the matching funds are from another federal program, there is no specific statutory prohibition on using those funds as match;
3. The matching funds are used in accordance with all requirements that apply to ESG grant funds, except for the expenditure limits in 24 CFR 576.100. This includes requirements such as documentation requirements, eligibility requirements, and eligible costs.
4. The matching funds are expended (that is, the allowable cost is incurred) during the eligible time period of the award, specified in the grantee contract with THDA.
5. The matching funds are expended by the expenditure deadline that applies to the ESG funds being matched;
6. The matching funds have not been and will not be used to match any other federal program's funds nor any other ESG grant;
7. The recipient does not use ESG funds to meet the other program's matching requirements; and
8. The recipient keeps records of the source and use of the matching funds, including the particular fiscal year ESG grant for which the matching contribution is counted.

**\*Note: Because the matching funds are contributed to the ESG Program and expended for the sub-recipient's allowable ESG costs, the following are not allowed to be used as match:**

- SNAP benefits (food stamps), because the funds are being used to cover the program participant's costs;
- Housing Choice Vouchers, because the funds are used to pay the PHA's obligations under its Housing Assistance Payment contract with the owner; and
- The tenant's portion of the rent, because this amount is the tenant's obligation.

### **MONITORING**

Monitoring will be conducted at least bi-annually. THDA staff may conduct monitoring activities off-site, on-site, or both. Based on risk analysis, THDA may schedule desk review and/or site visits at any time deemed necessary. Agencies will be contacted by THDA staff prior to an on-site review to establish a mutually convenient date and time. The purpose of monitoring is to review performance in comparison to stated project goals, review fiscal management and accounting practices, identify areas for improvement, forge a working relationship between THDA and the grantee, and provide technical assistance. Items that will be reviewed include, but are not limited to:

- Client data
- Client eligibility documentation
- Coordinated Entry Participation
- Implementation of organizational policies and procedures
- Reimbursements and financial documentation
- Fair Housing and Equal Opportunity (FHEO) compliance
- VAWA compliance
- Equal Access Rule compliance
- Habitability Standards compliance



- Environmental reviews
- Lead-Based Paint
- HMIS/Comparable System
- Match

## GRANT CLOSEOUT

ESG grantees must submit final reimbursements, as well as a grant disbursement reconciliation report within forty-five (45) days of the Grant Contract end date, in form and substance acceptable to THDA. THDA will not reimburse for the payment of any invoice submitted after the grant disbursement reconciliation report. ESG grantees failure to provide a final grant disbursement reconciliation report to THDA as required may result in the grantee being deemed ineligible for reimbursement pursuant to the ESG grantee contract. ESG reimbursable expenditures and revenue collections are NOT carried forward.

## **APPENDIX A: UNIT INSPECTION REQUIREMENTS**

### **ESG Unit Inspection Requirements**

#### **About this Tool**

The standards for housing unit inspections under the Homelessness Prevention and Rapid Re-Housing Program (ESG) are the housing habitability standards, as described in this manual. This resource is intended to provide grantees with a summary of HUD's policies related to habitability inspections.

#### **Which units need an inspection?**

An on-site inspection is required anytime a program participant is receiving ESG financial assistance and moving into a new unit. (Financial assistance includes rental assistance, security deposit assistance, utility assistance, etc.) A housing unit inspection is *required* for a program participant served with ESG prevention assistance in a unit in which the participant was already residing. Habitability inspections are also not required for persons receiving services only.

#### **Are habitability standards different from HUD's Housing Quality Standards?**

Yes. The Housing Quality Standards (HQS) used for other HUD programs are more stringent than the habitability standards outlined in the ESG Notice. Grantees are not required to use HQS, but may do so if they choose.

#### **Does a certified inspector need to conduct inspections?**

No. Unlike HQS inspections, which must be conducted by a certified inspector, habitability standards do *not* require a certified inspector to conduct on-site inspections. For example, units assisted by ESG may be inspected by:

- ESG program staff;
- Staff from or hired by an agency of the grantee's local government; or
- Staff from another subsidy program providing assistance to the unit and also requiring an inspection (e.g., Section 8, HOPWA TBRA), as long as they follow the minimum habitability standards required by ESG.



Under no circumstances may an inspection be conducted by a program participant.

**When do inspections need to be conducted?**

Inspections must be conducted upon initial occupancy and then on an annual basis for the term of ESG assistance.

**How do I conduct on-site inspections?**

Use the *ESG Habitability Standards Checklist* (available on HUD's Homelessness Resource Exchange at <http://hudexchange.info>) to guide you and/or other program staff conducting the on-site inspection. This checklist should be completed upon initial occupancy and on an annual basis for the term of ESG assistance. Copies of the completed checklists should be included in program participant files for documentation purposes.

**Can ESG funds be used to pay for habitability inspections?**

Yes, grantees may charge expenses associated with conducting habitability inspections under the Financial Assistance category.

**Are the habitability inspections the same as the Lead-Based Paint inspections?**

No. Under the Lead-Based Paint Poisoning Prevention Act of 1973, visual assessments for potential lead-based paint hazards must be conducted for all pre-1978 units in which a child under the age of six will be residing before financial assistance may be provided. Visual assessments must be conducted regardless of whether the program participant is receiving assistance to remain in an existing unit or moving to a new unit. Individuals can become a HUD-certified Visual Assessor by successfully completing the 20-minute online training course on conducting visual assessments on HUD's website (<http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>). Note that a HUD-certified Visual Assessor is not equivalent to a Certified Clearance Examiner, whose services may be needed if lead hazards are identified during the visual assessment. Under no circumstances may a program participant complete the Visual Assessment.