

City of Montgomery, Alabama PY 2021 Annual Action Plan

For the use of the following Funds:

**Community Development Block Grant (CDBG)
HOME Investment Partnership Act (HOME)**



**Prepared by
The Department of Economic & Community Development
Community Development Division**

Submission on June 4, 2021 to:

**U.S. Department of Housing and Urban Development
Birmingham Field Office
Medical Forum Building
950 22nd Street North,
Suite 900
Birmingham, AL 35203**

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The purpose of the City Montgomery's PY 2021 Action Plan is to develop a viable urban community by providing decent housing, and a suitable living environment, principally for low and moderate-income persons, and programs that will address the needs of homeless and near homeless persons. The plan sets forth how four (4) HUD grants, the Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME), and Emergency Solutions Grant (ESG) will be used as investment priorities to achieve specific HUD objectives, outcomes, and performance measures.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The City's goals for the 2020-2024 planning period focuses on continuing neighborhood revitalization efforts, providing affordable housing and assisting low-income, public service, homeless, and special needs residents with supportive services. Specifically, the City of Montgomery will provide for the following during PY 2021:

Affordable Housing:

Increase the availability of affordable housing by supporting the following -

- Rental units constructed - up to **112 Household Housing Units**
- Rental units rehabilitated – **3 Household Housing Units**
- Homeowner housing rehabilitated – at least **20 Household Units**

Suitable Living Environment:

Collaborate with local non-profit agencies/organizations as well as City of Montgomery departments to facilitate the following -

- Public facility or infrastructure activities other than Low/Moderate Income Housing Benefit – **8820 Persons Assisted**

- Public services activities other than Low/Moderate Income Housing Benefit – **3300 Persons Assisted**

Homelessness:

Support emergency shelters and/or homeless prevention agencies/organizations in their operation/maintenance of the following -

- The City of Montgomery did not receive funding for the ESG Program during PY 2021

Administration:

General administration of programs for Program Year (PY) 2021 as follows –

- Community Development Block Grant (CDBG) – **\$348,991**
- HOME – **\$90,739**
- Emergency Solutions Grant (ESG) – **\$0**

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City is in its second year of the Five-Year Consolidated Plan. Based on the activities proposed in the City's 2015-2019 Consolidated Plan, the majority of outcomes as it related to Homelessness, Affordable Housing, and Non-Housing Community Development were met or exceeded goal expectations. One (1) outcome/goal during the 2015-2019 Consolidated Plan was not met - providing for one (1) facade improvement project. The City had one prospect underway for facade improvements, but when the health pandemic (COVID-19) occurred during 2019, the organization was unable to be secure funding and the project was cancelled.

The City's PY 2020 CAPER is currently being prepared for submission to HUD and the following information is being provided for the aforementioned Five-Year Consolidated Plan.

Under Homelessness, the goal was to expand housing and services offered to homeless families and individuals in Montgomery. Under this goal, objectives set forth were to support substance abuse treatment programs, licensed mental health services, existing emergency shelter and homeless prevention services, and improve awareness and access to emergency shelter services. All outcomes under this goal were met except the support of substance abuse treatment programs. The City

continues to solicit non-profit organizations in receiving applications for and/or recruiting non-profit organizations to accomplish this task.

Under Affordable Housing, the overall goal under previous plans has been to improve the condition and availability of affordable housing in Montgomery, usually at least by 25 units. With regard to the number of households assisted, the 2015-2019 Strategic Plan objective for public facility or infrastructure in support of affordable housing was met, and was then exceeded by another 44%. Through the Montgomery Housing Rehab Program, Heritage Training and Career Center, Inc. provided emergency home repairs for low-to-moderate income homeowners: during PY 2016, nine (9) single-family homes were rehabilitated; during PY 2017, 11 single-family homes were rehabilitated; and during PY 2018, nine (9) single-family homes were rehabilitated using CDBG funds. All 29 rehabilitated homes are owner occupied. Through the first four years of the plan period, the homeowner housing rehabilitation objective was met, and then exceeded by another 480%.

During the 2015-2019 Plan period, no rental or owner-occupied units were rehabilitated with HOME funds. However, the jurisdiction exceeded HOME funded housing goals prior to the fourth year of the Plan. Through year 4, the period's new unit development objective was met, and then exceeded by over 94% of the goal amount.

The PJ sought but did not certify any new Community Housing Development Organizations (CHDOs) during the strategic period.

Under Non-Housing Community Development, the City met and exceeded its annual goals/outcomes through public service activities and public improvements (through infrastructure improvement projects). The City funded non-profit organizations to provide CDBG funds for activities such as free/reduced fee health services; provision of a Case Manager at a men's homeless shelter; academic enrichment and mentoring for youth; and, job readiness training, counseling, and medical attention for recently released inmates.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

During the development of the Action Plan, the City of Montgomery undertook the following regarding citizen participation and consultation:

- Advertisement in a local newspaper of general circulation (Montgomery Advertiser) was printed on April 29, 2021. Proposed PY 2021-Action Plan - submitted to City Council for review and approval by Resolution on June 1, 2021.

During a 30-day comment period, the City received no comments from the public. Please see referenced advertisement in Section AD-26.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

No comments were received during the public comment period for the City's PY 2021 Annual Action Plan.

6. Summary of comments or views not accepted and the reasons for not accepting them

No comments were received during the public comment period for the City's PY 2021 Annual Action Plan.

7. Summary

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	MONTGOMERY	Department of Community Development
HOME Administrator	MONTGOMERY	Department of Community Development
ESG Administrator	MONTGOMERY	Department of Community Development

Table 1 – Responsible Agencies

Narrative (optional)

The Department of Community Development, Community Development Division, serves as the lead agency for the CDBG, HOME and ESG Programs. During the preparation of the PY 2020-2024 Consolidated Plan, the City solicited input from governmental agencies as well as various public and private agencies providing health and social services. The City will continue to form new partnerships with non-profit organizations, the private sector and other local resources to advance the priorities outlined in this Consolidated Plan.

Funds are provided to non-profits through a competitive application process. The Community Development Division will take the lead to ensure appropriate coordination of the following:

- Providing technical assistance to potential Subrecipients;
- Carry out the statutory requirements of the CDBG and HOME Programs; and,
- Manage planning studies for neighborhoods

Consolidated Plan Public Contact Information

The Consolidated Plan Public Contact for the City of Montgomery, Alabama is as follows:

Desmond Wilson, Director

Department of Community Development - Community Development Division

Community Development Division

25 Washington Avenue, 4th Floor

Montgomery, AL 36104

Phone: (334) 625-2735

Fax: (334) 625-4432

Email: dwilson@montgomeryal.gov

Website: www.montgomeryal.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

The Consultation Process for the PY 2021 Action Plan consisted of conducting meeting and discussions with City government leaders, key stakeholders and social agencies to decide which agencies, projects and activities would be funded during Program Year (PY) 2021. The activities considered for funding were based on the results and priorities derived during the Consolidated Plan process. The consultation was similar to the Citizen Participation Process whereby separate meetings were held for agency and service providers. Once the projects were selected for the Action Plan, copies of the draft Action Plan were placed on the City's website for public review and comment. Due to COVID-19 restrictions, the City's Plans are not currently available for review at public locations such as the libraries as in previous years. The availability of the Plan and locations for review were indicated in the City's advertisement of Public Notice placed in the Montgomery Advertiser and attached at AD-25 in the Grantee's Appendices.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

In preparing the PY 2021 Action Plan, the City of Montgomery conducted consultations with key stakeholders in an effort to have an in-depth understanding of agencies and their missions, impediments, and funding needs. In addition to selecting projects for the Plan, discussions included how to best form partnerships and collaborations for leveraging other federal, state, and local funding in an effort to serve a greater population. Consultation for this Action Plan took place with the following: 1) City of Montgomery government to include the Mayor's office, City Council, Departments of Economic and Community Development/Community Development Division, Public Works, and Parks and Recreation; 2) State agencies include Alabama Department of Economic and Community Affairs (ADECA) and the Department of Public Health; 3) Affordable housing provider agencies and homeowner rehabilitation for low-income persons and families such as Aletheia House, Inc., and Community Action Agency of North Alabama (CAPNA) which serve as the City's Community Housing Development Organizations (CHDOs) and affordable housing partner, Montgomery Habitat for Humanity, Inc., Heritage Training and Career Center, Inc., and the Montgomery Housing Authority (MHA), which provides public housing to low-income persons and families; and 3) Public Service providers such as the Boys & Girls Clubs of the River Region, Montgomery Education Foundation, Montgomery STEP Foundation - all provide services to at-risk youth as well as the Montgomery Area Community Wellness Center - an agency providing healthcare programs to uninsured/underinsured residents in the City of Montgomery; and, 4) Homelessness and Domestic Violence providers such as Mid-Alabama Coalition for the Homeless (MACH) - responsible for the Continuum of Care with a membership of 50+ agencies; and, the Montgomery Area Violence Program d/b/a Family Sunshine Center - the City's domestic violence

and sexual assault agency provider and Friendship Mission (Men and Women's Shelter).

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Montgomery has a 20-year relationship with the Mid-Alabama Coalition for the Homeless (MACH). MACH serves as the Continuum of Care organization that is required by HUD for the City of Montgomery. MACH addresses the needs of the homeless in five Alabama counties: Montgomery, Autauga, Bullock, Elmore, and Lowndes. As the Continuum of Care for this area, MACH is responsible for examining homelessness issues, devising methods to alleviate homelessness, providing services to the homeless and to those at risk of becoming homeless and conducting a yearly survey of homeless individuals within its geographic boundaries.

Community Development Staff (usually the ESG Program Manager, Grants Administrator and Director of Community Development) plays an active role in MACH's organization. City attendance and participation in MACH meetings plays a crucial role in its ability to receive funding from HUD through the Continuum of Care (CoC) Competition. Community Development staff also plays a crucial role in the Peer Review Selection Process for the CoC Application process by serving on a committee for application presentation and review. In this Action Plan, the City will meet with all shelter providers and the COC to start the planning process of assessing past homelessness activities and lay groundwork for a new homeless plan for the City focusing on coordinated assessment.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The Mid-Alabama Coalition for the Homeless (MACH) serves in the capacity of partner and advisor to the City and Community Development Staff on ESG regulations and policy. MACH plays a major role in assisting City staff in developing its ESG application process, evaluating, scoring and selecting applicants for ESG funding. MACH can also apply for the City's ESG funds, but it is not allowed to evaluate and select its own application. MACH has also successfully managed the Homeless Prevention and Rapid-Rehousing portion the HESG Program for the City. MACH will also play a key role in assessing the City's current climate for homelessness and devising a new long-term plan for assisting the homeless.

The Homeless Management Information System (HMIS) is a computerized database that allows organizations that provide services to people experiencing homelessness to collect client information, track services and generate reports. HMIS is managed by a nonprofit organization called "HandsOn River Region (formerly Volunteer and Information Center)." HandsOn River Region services a five-county

River Region in Central Alabama to include Montgomery, Autauga, Elmore, Lowndes, and Macon Counties.

MACH partners with HandsOn River Region in HMIS as part of the Continuum of Care to provide standardized and timely information to improve access to housing and services, and strengthen the efforts to end homelessness. Together, MACH assists HandsOn with HMIS in collecting individual client information (gender, age, ethnicity, etc.), household information (housing status, services provided, income, etc.), allowing providers to selectively share client data with other service providers, and producing reports required by the U.S. Dept. of Housing & Urban Development, City of Montgomery Community Development Office and other local and state funding programs.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction’s consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Mid-Alabama Coalition for the Homeless
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City arranged group agency meetings with a broad community audience. These agencies completed surveys with the general public and discussed particular topics important within its own targeted population (domestic violence, homeless, healthcare for uninsured/underinsured, and housing for low-income). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
2	Agency/Group/Organization	Montgomery Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City arranged group agency meetings with a broad community audience. These agencies completed surveys with the general public and discussed particular topics important within its own targeted population (domestic violence, homeless, healthcare for uninsured/underinsured, and housing for low-income). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
3	Agency/Group/Organization	COMMUNITY ACTION PARTNERSHIP OF NORTH ALABAMA, INC.
	Agency/Group/Organization Type	Housing

	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City arranged group agency meetings with a broad community audience. These agencies completed surveys with the general public and discussed particular topics important within its own targeted population (domestic violence, homeless, healthcare for uninsured/underinsured, and housing for low-income). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
4	Agency/Group/Organization	MONTGOMERY AREA WELLNESS COALITION
	Agency/Group/Organization Type	Services-Children Services-Persons with HIV/AIDS Services-homeless Services-Health
	What section of the Plan was addressed by Consultation?	Non-Housing Community Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City arranged group agency meetings/public health with a broad community audience. These agencies completed surveys with the general public and discussed particular topics important within its own targeted population (domestic violence, homeless, healthcare for uninsured/underinsured, and housing for low-income). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
5	Agency/Group/Organization	Alabama Department of Public Health
	Agency/Group/Organization Type	Services-Children Services-Health Other government - State

	What section of the Plan was addressed by Consultation?	Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City does not have, nor anticipates having construction/home rehabilitation projects where lead-based paint hazards are present. The City will continue its communication with the ADPH and consult with them when presented with lead-based paint hazards in home rehabilitation projects where children under the age of six (6) reside. Additionally, the City arranged group agency meetings/public health with a broad community audience. These agencies completed surveys with the general public and discussed particular topics important within its own targeted population (domestic violence, homeless, healthcare for uninsured/underinsured, and housing for low-income). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
6	Agency/Group/Organization	FAMILY SUNSHINE CENTER
	Agency/Group/Organization Type	Services-Children Services-Victims of Domestic Violence Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City arranged group agency meetings/public health with a broad community audience. These agencies completed surveys with the general public and discussed particular topics important within its own targeted population (domestic violence, homeless, healthcare for uninsured/underinsured, and housing for low-income). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.

7	Agency/Group/Organization	CITY OF MONTGOMERY
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Non-housing Community Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Community Development consulted with the City's Mayor, City Council, Departments of Public Works, and Parks & Recreation as it relates to developing priorities and how these funds will best serve targeted LMI populations in the city through infrastructure improvements (LMA and LMH) as well as its community centers.
8	Agency/Group/Organization	Boys & Girls Clubs of the River Region
	Agency/Group/Organization Type	Services - At-risk Youth
	What section of the Plan was addressed by Consultation?	Non-housing Community Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City arranged group agency meetings/public health with a broad community audience. These agencies completed surveys with the general public and discussed particular topics important within its own targeted population (domestic violence, homeless, healthcare for uninsured/underinsured, and housing for low-income). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
9	Agency/Group/Organization	Friendship Mission Inc.
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Strategy

<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The City arranged group agency meetings/public health with a broad community audience. These agencies completed surveys with the general public and discussed particular topics important within its own targeted population (domestic violence, homeless, healthcare for uninsured/underinsured, and housing for low-income). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.</p>
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Identify any Agency Types not consulted and provide rationale for not consulting

The City made an effort to consult with a variety of agencies and organizations (homeless, public service, housing, etc.) via email, surveys, public hearings, and phone calls. No organizations or individuals were deliberately omitted from the process.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Montgomery Area Coalition for the Homeless	The City's five-year goals are a guide to the one-year goals and objectives as listed in the City's Action Plans.
Consolidated & Annual Action Plan	Alabama Department of Economic & Community Affairs (ADECA)	The City's five-year goals are a guide to the one-year goals and objectives as listed in the City's Action Plans.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The Action Plan process requires a regulatory 30-day public comment period. A public notice was placed in the Montgomery Advertiser newspaper informing citizens that a draft of the City's intent for HUD's CDBG, HOME, and ESG program funds during PY 2021 was available for review and comment for 30 days. A copy of the summary of the PY 2021 Action Plan was made available for public review at the Department of Economic & Community Development, Community Development Office, 25 Washington Avenue, 4th Floor, Montgomery, AL 36104 and on the City's webpage at the following link - <https://www.montgomeryal.gov/city-government/departments/economic-and-community-development/community-development>. The public comment period began on April 30, 2021 and ended May 30, 2021.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Newspaper Ad	Non-targeted/broad community	The draft Action Plan was advertised and made available for public comment at the Department of Economic & Community Development, Community Development Office, 25 Washington Avenue, 4th Floor, Montgomery, AL 36104 and on the City's webpage at the following link - https://www.montgomeryal.gov/city-government/departments/economic-and-community-development/community-development for a 30-day period.	No comments were received during the public comment period for the City's PY 2021 Annual Action Plan.	No comments were received during the public comment period for the City's PY 2021 Annual Action Plan.	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The CDBG Program will use its administration cap at 20% of its total allocation (\$1,719,618) - \$343,924 annually

The HOME Program will use its administration cap at 10% of its total allocation (\$907,387) - \$90,739 annually

The ESG Program did not receive funding during PY 2021.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	1,744,958	0	0	1,744,958	5,041,238	CDBG funds will be used for program administration, public service activities, housing rehab, and public facility improvements/rehab.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	907,387	0	0	907,387	2,740,949	HOME funds will be used for program administration, development/new construction and rental of affordable housing, CHDO Reserve, and CHDO Operating Costs.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	0	0	0	0	585,408	The City will not receive ESG funds during PY 2021.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

CDBG funds will leverage approximately \$159,875 in public service activities during PY 2021.

Going into PY 2021, the PJ has \$775,272 in uncommitted HOME Project and CHDO Project funds from its PY 2020 allocation. During PY 2021, the PJ plans to fund a prior-year project with an additional \$95,000 from PY 2020 HOME Project dollars, due to effects on construction caused by the COVID-19 pandemic. The PJ will make contingent commitment of approximately \$250,000 of the 2020 HOME Project funds to a non-profit entity, which will invest it alongside \$1,752,602 in State of Alabama HOME funds with approximately \$10,912,468 combined from low income housing tax credit equity and private investment, to develop Magnolia Trace Apartments, a proposed 56 unit affordable elderly

community. (The PJ's \$250,000 investment will leverage approximately \$12,665,070.) Additionally, the approximate remaining balance of \$430,272 in PY 2020 HOME dollars will be committed to develop affordable housing at sites yet to be determined, but generally within the Five Points and/or Peacock Tract areas near downtown Montgomery.

Additional to Prior-year Project - \$95,000; Magnolia Trace (Contingent) - \$250,000 (LIHTC/State/Private Funds: \$12,665,070); and, 5-Points/Peacock Tract (TBD) - \$430,272 for a GRAND TOTAL committed in 2021 of \$775,272.

During PY 2021, the PJ plans to commit approximately \$771,279 in PY 2021 HOME Project and CHDO Project funds, with up to \$136,812 in uncommitted 2020 CHDO Project dollars, to a non-profit CHDO, which will invest it alongside approximately \$10,263,150 combined from low income housing tax credit equity and private investment, to develop Phase IV of Lanier Place 2, a proposed 56 unit affordable rental community for seniors aged 55 and older. (The PJ's \$908,091 investment will leverage approximately \$10,263,150.)

PY 2021 HOME Project - \$635,171; PY 2021 CHDO Project - \$136,108; and, PY 2020 Uncommitted CR - \$136,812 for a GRAND TOTAL committed in 2021 of \$908,091.

ESG funds will leverage a minimum of \$0 due to the City not receiving HUD funding during PY 2021.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The Lanier Place 2-Phase IV Affordable Rental Project is planned for development during the 2020-2024 Plan period on surplus City property on E.D. Nixon Avenue in West Montgomery, which will be donated by the City of Montgomery. In addition, the PJ has a current inventory within its jurisdiction of aggregated vacant lots on scattered sites from years of demolition that are potentially subject to use in federal and other housing initiatives and/or programs.

Discussion

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2020	2024	Affordable Housing Public Housing	Citywide Westside of Montgomery	Housing	CDBG: \$571,447 HOME: \$771,279	Rental units constructed: 56 Household Housing Unit Homeowner Housing Rehabilitated: 4 Household Housing Unit
2	Non-Housing Community Development	2020	2024	Homeless Non-Homeless Special Needs Non-Housing Community Development	Citywide Westside of Montgomery	Public Facilities Public Services	CDBG: \$824,520	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 8820 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 1900 Persons Assisted
3	Homelessness	2020	2024	Homeless Non-Housing Community Development	Citywide	Homeless Services	ESG: \$0	Homeless Person Overnight Shelter: 0 Persons Assisted Other: 0 Other

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Program Administration	2020	2024	Administration	Citywide	Homeless Services Housing Public Facilities Public Services	CDBG: \$348,991 HOME: \$90,739 ESG: \$0	Other: 3 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Affordable Housing
	Goal Description	CDBG (\$551,174) - Rehabilitation of up to four (4) homeowner-occupied single family housing dwellings. HOME funds will be used as gap financing for the development and new construction of affordable rental housing at sites yet undetermined at the time of this writing. These funds include Entitlement (\$635,171) and CHDO Reserve (\$136,108). Approximately \$45,369 in CHDO Operating Cost assistance will be used to reimburse a portion of actual expenses for reasonable and necessary costs incurred by community housing development organizations to conduct operations for meeting City of Montgomery affordable housing objectives.

2	Goal Name	Non-Housing Community Development
	Goal Description	<p>CDBG funds will be used to fund the following public services projects (non-profit organizations) -</p> <ul style="list-style-type: none"> • Boys & Girls Clubs of the River Region - \$75,000 • Montgomery Education Foundation - \$75,000 • Montgomery STEP Foundation - \$74,520 <p>PY 2021 CDBG funds will be used for the following non-public service project (Public Facility Improvements/Rehab other than Low-Income Housing Benefit) -</p> <ul style="list-style-type: none"> • Fairview Avenue Farmer's Market - \$600,000
3	Goal Name	Homelessness
	Goal Description	The City will not receive PY 2021 ESG funding.
4	Goal Name	Program Administration
	Goal Description	<p>General administration of the CDBG and HOME programs. The City will not receive ESG funds (program administration) during PY 2021.</p> <p>**NOTE** ESG Administration is selected under "Other" giving this category a quantity of three (3) program administrations during PY 2021 so as to balance this field at the end of the City's PY 2020-2024 ConPlan.</p>

Projects

AP-35 Projects – 91.220(d)

Introduction

CDBG and HOME projects listed in this section are eligible according to HUD Rules and Regulations under 24 CFR Part 570 (CDBG), Part 92 (HOME), and Part 576 (ESG). The City will not receive ESG funding during PY 2021.

Projects

#	Project Name
1	Boys & Girls Clubs of the River Region
2	Montgomery Education Foundation
3	Montgomery STEP Foundation
4	Homeowner Emergency Rehab
5	Fairview Farmer's Market
6	CDBG Administration
7	CHDO Operating Costs
8	HOME Affordable Housing Development
9	HOME Administration

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

AP-38 Project Summary
Project Summary Information

1	Project Name	Boys & Girls Clubs of the River Region
	Target Area	Downtown Area & North Montgomery
	Goals Supported	Non-Housing Community Development
	Needs Addressed	Public Services
	Funding	CDBG: \$75,000
	Description	Implementation of Project Learn at West End and Chisholm Clubs – a mentoring and tutoring program for at-risk youth designed to enhance skills and knowledge after school (3p-9p) and during summer months (9a-5p). Project Learn will address and emphasize parental involvement and collaboration between Club and school professionals as critical factors for a successful learning environment.
	Target Date	4/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	1900 Youth
	Location Description	Westend Club - 220 Crenshaw Street Chisholm Club - 2812 Lower Wetumpka Road
Planned Activities	Implementation of Project Learn at West End and Chisholm Clubs – a mentoring and tutoring program for at-risk youth designed to enhance skills and knowledge after school (3p-9p) and during summer months (9a-5p). Project Learn will address and emphasize parental involvement and collaboration between Club and school professionals as critical factors for a successful learning environment.	
2	Project Name	Montgomery Education Foundation
	Target Area	Citywide
	Goals Supported	Non-Housing Community Development
	Needs Addressed	Public Services
	Funding	CDBG: \$75,000
	Description	Public services project for at-risk youth
	Target Date	4/30/2022

	Estimate the number and type of families that will benefit from the proposed activities	300 Youth
	Location Description	Organization address - 5950 Carmichael Place, Suite 101 Montgomery 36117
	Planned Activities	(MGM Reads) Expansion of literacy support and enrichment program for approximately 300 at-risk youth. The goal of this program is to provide six weeks of literacy and reading enrichment through the distribution of weekly packages that include 2 books for each child (a total of 12 books for the summer) along with student and family literacy supports and activities that are aligned with Alabama literacy standards. All participants will have access to the MGM Reads website which has additional resources as well as read aloud videos and activities for students and families. Packages will be delivered through school sites, parks and recreation sites and other community support sites/programs such as food distribution programs.
3	Project Name	Montgomery STEP Foundation
	Target Area	Citywide
	Goals Supported	Non-Housing Community Development
	Needs Addressed	Public Services
	Funding	CDBG: \$74,520
	Description	Public Service - Limited Clientele
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	100 at-risk youth
	Location Description	McIntyre Comprehensive Academy - 1220 Hugh St. - 36108 Carver High School - 2001 W. Fairview Ave - 36108 Chisholm Elementary School - 307 E. Vandiver Blvd - 36110 Seth Johnson Middle School - 4550 Narrow Lane Rd - 36116

	Planned Activities	Implementation of the <i>Positive Character and Social Skills Development Project</i> . S.T.E.P. will provide three (3) full-time Project Specialists to establish an effective character and social skills program at McIntyre Comprehensive Academy, Southlawn Middle School, and T S Morris Elementary Schools for 100 at-risk girls and boys between the ages of 9 and 16.
4	Project Name	Homeowner Emergency Rehab
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Housing
	Funding	CDBG: \$571,447
	Description	Housing Rehabilitation
	Target Date	4/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	Up to 20 low-moderate income homeowner-occupied single family dwellings
	Location Description	Project address: Locations will vary according to applicant property address (citywide) Organization address: 2249 Congressman W.L. Dickinson Drive 36109
	Planned Activities	Emergency home repairs for low-income homeowners
5	Project Name	Fairview Farmer's Market
	Target Area	Westside of Montgomery
	Goals Supported	Non-Housing Community Development
	Needs Addressed	Public Facilities
	Funding	CDBG: \$600,000
	Description	Rehab of public facility
	Target Date	4/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	Low-Moderate Income Area - 8820 households within boundary area
	Location Description	Project address: 60 Fairview Avenue 36105

	Planned Activities	Rehabilitation of farmer's market serving low-moderate income residential area
6	Project Name	CDBG Administration
	Target Area	Citywide
	Goals Supported	Program Administration
	Needs Addressed	Housing Public Facilities Public Services
	Funding	CDBG: \$348,991
	Description	General administration
	Target Date	4/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	25 Washington Avenue, 4th Floor 36104
	Planned Activities	General program administration
7	Project Name	CHDO Operating Costs
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Housing
	Funding	HOME: \$45,369
	Description	CHDO operating costs
	Target Date	4/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A CHDO's address - (CAPNA) 1909 Central Parkway SW, Decatur 35601

	Planned Activities	Certified CHDOs, in conducting operations for the purpose of meeting published affordable housing objectives of the PJ (not project-specific), will be assisted with HOME grants, subject to statutory limitations and limited to eligible costs of salaries, employee wages, & benefits; employee education, training and travel; rent; utilities; communication costs; taxes; insurance; equipment; and, materials and supplies (not related to direct costs of housing development).
8	Project Name	HOME Affordable Housing Development
	Target Area	Westside of Montgomery
	Goals Supported	Affordable Housing
	Needs Addressed	Housing
	Funding	HOME: \$771,279
	Description	HOME Entitlement & CHDRO Reserve
	Target Date	4/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	Up to 56 low-income households
	Location Description	Project location - E.D. Nixon Avenue 36104
	Planned Activities	These funds will be used in the form of loans for construction and/or permanent or gap financing to develop affordable rental housing units, as follows - development, new construction, and rental of affordable housing development(s) yet to be determined, which may or may not include the Lanier Place, Phase IV project, consisting of up to 56 multifamily units and may or may not be dedicated to special needs populations, i.e. senior citizens, others, etc. At least 15% (\$136,108) of the PY 2021 HOME allocation may or may not be used by certified Community Housing Development Organizations (CHDOs) and subject to HUD statutory requirements. The balance (\$635,171) will be made available to for-profit and/or non-profit owner/developer organizations.
9	Project Name	HOME Administration
	Target Area	Citywide
	Goals Supported	Program Administration
	Needs Addressed	Housing

Funding	HOME: \$90,739
Description	General administration
Target Date	4/30/2022
Estimate the number and type of families that will benefit from the proposed activities	N/A
Location Description	25 Washington Avenue, 4th Floor 36104
Planned Activities	General program administration

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

As previously mentioned in this Consolidated Plan the City will not target one specific area/community in its jurisdiction with HUD funds. Funds will be designated in areas as the needs are derived. CDBG funds will be used to address the needs on a city-wide basis with the beneficiary being an individual of low-to moderate income (limited-clientele benefit). However, activities that provide a benefit on an area basis do so in areas that are determined to be primarily residential and have a low-to moderate income population of at least 51%. HOME funds will be used to address the needs on a citywide basis with the beneficiaries being individuals/household units of low income status. The City will not receive PY 2021 ESG funds. Normally, ESG funds would be used to support agencies that serve the homeless (as defined by HUD) population on a citywide basis.

Geographic Distribution

Target Area	Percentage of Funds
Citywide	47
Downtown Area & North Montgomery	
Westside of Montgomery	53
Southside Montgomery	

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City of Montgomery does not allocate investments in target areas geographically as they are allocated to address needs throughout the jurisdiction.

Discussion

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City is pursuing plans to construct at least fifty-six (56) rental units at Lanier Place 2-Phase IV through PY 2021 HOME program funds. Through PY 2021 CDBG funds, the City will rehabilitate at least four (4) single-family dwellings (homeowner occupied) through a local non-profit organization.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	60
Special-Needs	0
Total	60

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	56
Rehab of Existing Units	4
Acquisition of Existing Units	0
Total	60

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City of Montgomery does not participate in Tenant Based Rental Assistance (TBRA) or other forms of direct rental assistance to families. As for supporting households through production of new units, the current goal is to produce at least 56 new affordable housing units. The City also has plans for a project to rehab up to four (4) existing single-family units during PY 2021. No households are expected to be supported through acquisition of existing units in any current City of Montgomery federal grant programs at the time of this writing.

AP-60 Public Housing – 91.220(h)

Introduction

The City will continue its efforts in partnership with its local Housing Authority to provide for safe, decent, affordable housing. CDBG funds were used in the previous Consolidated Plan for infrastructure needs at the newly redeveloped housing project - Tulane Court as well as Columbus Square (formerly Trenholm Court).

Actions planned during the next year to address the needs to public housing

During the PY 2020-2024 Consolidated Plan, the City of Montgomery will partner with the Montgomery Housing Authority (MHA) and provide CDBG funding for infrastructure development and/or improvements at Columbus Square. The City provided CDBG funding for this project during its previous Consolidated Plan and will continue to aid in expanding the current affordable housing stock available to low income households while providing an opportunity to reduce MHA's waiting list.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The City, in coordination with the Montgomery Housing Authority (MHA), shall make information concerning affordable homeowner opportunities through the City's other entitlement programs such as the HOME program available to residents of public housing as well as coordinate with public housing staff any efforts to qualify residents for homeownership. MHA also operates the Housing Choice Voucher Program (HCV). The goal of the HCV Homeownership Program is to expand homeownership opportunities for families who are current HCV program recipients. Families must meet HUD and MHA program requirements for program participation. The objective of the HCV Homeownership Program is to assist first-time homebuyer's with monthly mortgage subsidy. This program allows the family to become invested in a wealth building opportunity.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

This PHA is not designated as being a troubled entity.

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The Mid-Alabama Coalition for the Homeless (MACH) is the Continuum of Care (CoC) for the City of Montgomery as well as for Montgomery County. The City of Montgomery is the only entitlement community in Montgomery County. MACH and the City of Montgomery's Community Development Division have been working together since 2004 to combat homelessness in the City. The initial partnership started with a business plan, "The Montgomery Area's Blueprint Toward Ending Chronic Homelessness." This Plan is over 10 years old and has been successful in reducing the number of homeless in the City while bringing in new resources to assist with this crisis. However, because of the onset of the COVID-19 pandemic, there is a need to revise and update this Plan with emphasis being placed on testing and vaccination of the homeless population. Until this new plan is designed and implemented, the City along with MACH will continue to follow the four (4) recommendations: (1) Improve methods to prevent homelessness; (2) improve outreach services; (3) improve access to services; and (4) expand permanent housing options.

The City will continue to build and strengthen its relationship with the CoC and other shelter providers both local and statewide in an effort to learn strategies and techniques that will move homeless individuals and families from homelessness to permanent housing. The City will continue to embody the Hearth regulations and related activities to develop a coordinated homeless response system that effectively incorporate emergency shelter, homeless prevention, rapid rehousing, transitional housing, street outreach and data collection (HMIS). MACH is the governing and advisory board that will oversee the revised homeless plan in close coordination with the City.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

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

Although the City of Montgomery will not receive any Emergency Solutions Grants (ESG) program funding during PY 2021, the City, with sufficient ESG funding from the CARES Act will be able to support its homeless shelter providers. The City will begin laying the groundwork to prepare a new homelessness strategy plan that will be designed to unite local homeless shelter providers in the City; network with other homeless shelter providers throughout the state; and, seek other funding (federal and non-federal) to compliment HUD ESG funding. The one-year goals throughout this five-year Consolidated Plan will focus on providing better services and opportunities to move homeless individuals and families to stable and permanent housing.

The City of Montgomery is a supportive partner of the Mid-Alabama Coalition for the Homeless' Continuum of Care (CoC). The CoC coordinated with homeless shelter providers and has developed a

collaborative system to reach out to those experiencing homelessness. As the Continuum of Care, MACH is responsible for examining homelessness issues; devising methods to alleviate homelessness; providing services to the homeless and to those at risk of becoming homeless; and, conducting a yearly survey of homeless individuals within its geographic boundaries. MACH accomplishes the planning, coordination, proposed project prioritization, gaps analysis, and other HUD required tasks. As a result of MACH planning and coordination activities, agencies are eligible to receive HUD funding to serve homeless individuals from the geographical areas included in the MACH service area. Each year, approximately \$2 million in federal funding flows into the River Region through MACH's efforts.

MACH, along with HandsOn River Region, operates the 2-1-1 Connects System. The 2-1-1 Connect System which is operated by HandsOn River Region, is a statewide network of regional call centers whose mission is to provide easy access to health and human services available throughout Alabama. The first call center was established in Montgomery in 2002 and the network has grown to provide services to all Alabama residents. The 2-1-1 Connects System provides information to residents (including the homeless) on utility assistance, food pantries, tax preparation assistance, rent payment assistance, and homeless shelters. Information from 2-1-1 is coordinated and systematically integrated into the Homeless Management Information System (HMIS) tracking individuals and families seeking homelessness assistance to provide quality assistance to clients. The City consistently supports MACH and HandsOn River Region with funds from the CDBG and ESG programs (Entitlement and State funds).

Addressing the emergency shelter and transitional housing needs of homeless persons

Through 2-1-1 Connects, the HMIS systems and the CoC network in general with persons experiencing a housing crisis and will continue to be able to provide clients with a housing solution efficiently and effectively. These solutions will now take be able to provide stable housing in a pandemic environment that is affordable as well as healthy and safe. The transitional housing providers, emergency shelters, permanent supportive housing providers, and public housing providers have created a collaborative network system designed to meet the needs of their clients in the pandemic environment. The members of this organization coordinate their activities to ensure clients' needs are met when they are unable to provide certain other services to their clients.

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

The Continuum of Care (CoC) has developed and refined its discharge policy as it relates to helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are being discharged from publicly-funded institutions such as health care

facilities, mental health facilities correctional institutions, etc. The Continuum of Care Committee of the Mid-Alabama Coalition for the Homeless conducted a review of the appropriate discharge policies impacting the Montgomery area. The policy calls for a lead agency from the Coalition's membership to monitor and coordinate the discharge practices within the following institutional categories - Alabama Department of Corrections, Montgomery County Youth Facility, Alabama Department of Mental Health and Mental Retardation, Alabama Department of Human Resources, and a VA hospital. Because of the COVID-19 pandemic, special attention is given to ensure that transition from homelessness to permanent housing is conducted in a manner that is healthy and safe.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City's Montgomery Area Blue Print has served since 2004 as the guiding document and platform for addressing the issues of homelessness in Montgomery. As previously mentioned in this document, the Blue Print has been successful and under revision to include issues such as COVID-19. The City, in coordination with MACH, will develop a new homeless strategy plan that will encompass local homeless providers and previously engaged organization such as the Alabama Department of Corrections, the Montgomery County Youth Facility, Alabama Department of Mental Health and Mental Retardation, Alabama Department of Human Resources, VA hospital, etc. Each of these providers have their own method of discharge. The City's CoC has performed exceptionally well in monitoring the effectiveness of these agencies' discharge procedures in preventing homelessness by communicating and assessing persons who may become homeless prior to their release from institutional settings. One of the main objective of the City's new homeless strategy plan is to increase communication and coordination with all organizations and agencies providing or participating in homelessness activities in an effort to move homeless individuals to transitional and permanent housing in an expeditious manner.

Discussion

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The public sector affects the housing market through policies such as zoning, building codes, provision of infrastructure, development regulations, and development fees and exactions. Other issues that affect the affordability of housing include costs such as water and sewer service, road construction and maintenance, property taxes, insurance, the availability of transportation and a lack of knowledge of laws and contracts on the part of homeowners and renters.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City of Montgomery will continue its proactive position in regard to affordable housing by continuing to provide both financial and technical assistance to affordable housing activities and projects, as well as non-profit community housing development organizations and/or for-profit developers.

The City is committed to the principle that all individuals should have available to them an equal opportunity for housing choices regardless of their race, color, religion, familial status, sex, national origin or handicap. The City will also continue to maintain a current inventory of available vacant lots for the construction of affordable new infill housing.

The City also fosters and maintains its affordable housing stock through property maintenance codes enforcement, targeted towards maintaining safe and sanitary housing. The City's emergency housing rehabilitation grant program will continue to provide eligible low-to moderate income homeowners assistance with addressing the orders through the code enforcement program through the Community Development Block Grant Program. The City will also use the HOME Program to build new affordable housing to be made available to eligible persons and families. The City will also continue to monitor relevant public policies to ensure they do not change in such a manner as to constitute a barrier to affordable housing.

Discussion:

AP-85 Other Actions – 91.220(k)

Introduction:

The City of Montgomery, Alabama has identified a number of actions that will address obstacles to meeting underserved needs, foster and maintain affordable housing, reduce lead-based Paint hazards, reduce the number of poverty-level families, develop institutional structure, and enhance coordination between public and private housing and social service agencies.

Actions planned to address obstacles to meeting underserved needs

As a part of the consolidated planning cycle for PY 2020-2024, the City of Montgomery will continue to evaluate underserved populations identified in its Analysis of Impediments to Fair Housing. To reduce the number of obstacles keeping the City of Montgomery from meeting the needs of the underserved populations in the community and help improve service delivery, the City's Community Development Division will assist with facilitating more city-wide collaborations in coordinating the work of social service organizations, eliminating duplication of efforts, spearheading community-wide solutions to local needs and disseminating information, news, and data that will assist all participant organizations a part of this collaborative effort.

Actions planned to foster and maintain affordable housing

The City of Montgomery will continue to invest grant funds (HOME and CDBG) into programs that develop and promote affordable rental housing and function to preserve existing homeowner housing stock, for low- and moderate-income households. Home ownership will always be an important part of the City of Montgomery's mission to serve its low- to moderate-income residents. Although our affordable housing activities focus primarily on affordable rental housing, the City's goal is, wherever possible, to promote and support programs that include opportunities for successful renters to eventually become successful homeowners. During this Consolidated Plan period, the City of Montgomery will be increasing the affordability of properties currently occupied by low-income households by making funds available for repair work so low-income homeowners can afford to have rehabilitation done to their home, thus preserving their housing asset. The City of Montgomery will also continue to seek collaborative partnerships with developers, non-profit, for-profit, and private entities to construct new affordable housing units, and/or to acquire and rehabilitate existing properties to make them available as affordable housing.

Actions planned to reduce lead-based paint hazards

The reduction of Lead Based Paint (LBP) hazards in the City's housing stock is an important objective in the City of Montgomery, Alabama. As a part of its CDBG Homeowner Rehabilitation Program, City Staff will take every opportunity to offer assistance (where applicable) to homeowners to make repairs and address code violations and safety issues which may include certified Lead Based Paint (LBP) inspectors

and risk assessors for properties built prior to January 1st, 1978. Whenever non-exempt units that are to be assisted by the City with federal funds test positive for lead, certified contractors may be hired for remediation of lead hazards.

The City of Montgomery will also continue to educate all recipients of HOME and CDBG funds on the hazards and dangers of lead based paint. The Community Development Division requires its rehabilitation Subrecipients and/or contractors to provide HUD-approved documentation to program recipients, informing homeowners how to prevent lead from becoming a health concern in the home.

Actions planned to reduce the number of poverty-level families

In an effort to reduce the number of poverty-level families, the City of Montgomery plans to reduce the number of poverty-level residents by actively continuing to participate in a Continuum of Care, in which elected officials and City staff will ensure availability of services and programs offered, such as: transitional housing opportunities, homeless navigation services, and gender-oriented shelters. The City has consistently over the past years funded organizations with anti-poverty strategies in their programs to include crisis services, transitional services, and long-term support for homeless individuals.

Actions planned to develop institutional structure

The City of Montgomery will continue to be a strong partner with the Mid-Alabama Coalition for the Homeless (MACH) which serves as the Continuum of Care (CoC) for the City and the County. The City will continue to work with the CoC in a concerted effort to strengthen institutional structure established by the CoC.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Montgomery will continue to be a strong partner with the Mid-Alabama Coalition for the Homeless (MACH) which serves as the Continuum of Care (CoC) for the City and the County. The City will continue to work with the CoC in a concerted effort to strengthen institutional structure established by the CoC.

Discussion:

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

During PY 2021, the City of Montgomery will not have CDBG projects that include additional funding sources such as program income, Section 108 loan guarantees, etc. Although during the 2020-2024 Plan period the City does not have plans to use HOME funds for homeownership, refinancing existing properties, or owner-occupied rehab programs, this section will discuss the City's policies for such other forms of investments, including its adopted guidelines for resale and recapture; assurances of HOME program affordability; and refinance of existing debt secured by multifamily housing that is rehabilitated with HOME funds. For the ESG program, this section will discuss written standards for providing ESG assistance, coordinated assessment system with the local Continuum of Care, the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations, plan for reaching out to and consulting with homeless or formerly homeless individuals if the jurisdiction is unable to meet the homeless participation requirement, and performance standards for evaluating ESG. Information contained in this particular section is discussed further in their respective areas of the Action Plan.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
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2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. 70.00%

**HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(I)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:
 1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows: Beyond forms of investment identified in Section 92.205, the City of Montgomery may invest HOME funds as interest-bearing or non-interest-bearing loans, deferred payment loans, forgivable loans, grants, and any other form of assistance that would be consistent with the purposes and requirements of the HOME statute.
2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

The City of Montgomery has elected rather than to pursue the Resale Provisions approach to preserving affordability of housing, to recapture the HOME assistance investment provided to the original homebuyer(s). Although the PJ does not offer any form of homebuyer program in its PY 2020-2024 Consolidated Plan, adopted policies of the PJ under a program offering such assistance remains as follows:

All City HOME assisted homebuyer transactions must include a direct Buyer Subsidy of at least \$1,000. To ensure this, either the sales price for each unit will be at least \$1,000 below appraised fair market value after construction, or other forms of HOME assistance of at least \$1,000 to the buyer must be included, i.e., down payment assistance, etc. Upon close of sale, the City Grants Administrator will prepare and execute a separate written HOME Housing Assistance agreement with the homebuyer that will, at a minimum, comply with the requirements at §92.504(c)(5) of the HOME rule. Every City of Montgomery HOME Program homebuyer assistance agreement will state clearly that the unit being purchased is subject to affordability Recapture provisions, and will include a copy of the policies and procedures for implementing the provisions as published in the City's current Consolidated Plan.

The HOME assistance agreement will employ publicly recorded mechanisms for enforcing the affordability period and Recapture provisions through a Recapture Mortgage Lien and Promissory

Note; although, in some cases the City may use deed restrictions, covenants running with the land, or other similar mechanisms. If a homebuyer should cease to be in compliance with HOME requirements prior to expiration of the applicable Affordability Period, the City will recapture the entire direct HOME Subsidy invested in the property whenever possible, before the homebuyer receives a return. The amount recaptured by the City is limited to the amount of total net proceeds available from the sale of the property. In some cases, the net proceeds available at the time of sale may be insufficient to recapture the entire direct HOME subsidy provided to the homebuyer. In such case, since the HOME rule limits recapture to available net proceeds, the City will only recapture what is available from the net proceeds.

The form of the total amount of HOME direct Buyer Subsidy (i.e., the total of all Buyer Subsidy, Down Payment Assistance, and/or other funds subject to affordability restrictions) will be as a deferred forgivable loan secured by the Recapture Mortgage Lien and Note. The principal balance of the loan is reduced during the Affordability Period to a zero balance on a prorata basis per year over the length of the Affordability Period, as allowed at 24 CFR 92.254(a)(5)(ii)(A)(2).

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Guidelines for resale or recapture of HOME assistance for City of Montgomery acquisition of units for affordable housing are identical to those as stated above for HOME assistance to homebuyers. The buyer, whether homebuyer, developer, Subrecipient, CHDO, or other owner, as the case may be, receiving HOME funds for acquisition of units must sign a written HOME assistance agreement in which the above terms for Recapture provisions are clearly stated. Periods of affordability will be determined and incorporated into the agreement using a recorded Recapture Mortgage Lien and Promissory Note according to the amount of HOME funds provided per unit by the PJ as follows:

- Under \$15,000: 5 years
 - From \$15,000 to \$40,000: 10 years
 - Above \$40,000: 15 years
 - Any amount that assists new construction of rental units: 20 years
4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City of Montgomery currently has no history or future plans related to using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds. Therefore, this activity is not a part of the City's Standard Operating Procedures & Policies manual. Should the PJ consider participating in the activity during the PY 2020-2024 Consolidated

Plan period, it will create guidelines in accordance with the requirements of Section 92.206(b) and formally adopt them as part of the City's written policies and procedures.

Emergency Solutions Grant (ESG) Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

Although the City of Montgomery will not receive any Emergency Solutions Grants (ESG) program funding during PY 2021, the City, with sufficient ESG funding from the CARES Act will be able to support its homeless shelter providers. Under normal circumstances while receiving a HUD allocation for the ESG Program, the following standards would apply -

The City will distribute ESG funds to local private nonprofit organizations for the following eligible ESG Program activities: 1. Street Outreach, 2. Emergency Shelter, 3. Homelessness Prevention, 4. Rapid Re-Housing Assistance, 5. Homeless Management Information System (HMIS). The total amount that may be used for street outreach and emergency shelter will not exceed 60% of the City's fiscal year grant or the amount of FY20 grant funds committed for homeless assistance activities, whichever is greater.

Grant Requirements for the ESG Program

All ESG grants will be administered in compliance with the regulations at 24 CFR Part 576- and/or- HEARTH regulations. Any private nonprofit organization within the local area is eligible to apply for funding through the City's ESG program for eligible activities. Funds will be obligated to recipients in accordance with HEARTH program deadlines. Programs funded will operate in accordance with the HUD approved program year, beginning on May 1st. Any building for which emergency shelter grants are used must meet the following: **a.** Rehabilitation: (1). In cases other major rehabilitation or conversions, must be maintained as a shelter for the homeless for not less than a three year period; **b.** Major Rehabilitation or Conversion: (2). Must be maintained as a shelter for not less than a 10 year period if the rehabilitation costs exceeds 75 percent of the value of the building before rehabilitation; **c.** Any building which is used for housing or shelter must meet HEARTH standards for suitability and habitability and **d.** If funds are used for the provision of services, maintenance or operating costs, the building must continue to be used as shelter for the duration of the grant agreement.

Method of Distribution for the ESG Program

Funds made available to the City of Montgomery by the U.S. Department of Housing and Urban Development for the Emergency Shelter Grants Program will be administered by the **City of Montgomery, Department of Community Development, Community Development Division, 25**

Washington Avenue, 4th Floor, Montgomery, AL 36104. In accordance with 24 CFR Part 576.108, up to 7.5% of allocated funds may be set aside for program administration and eligible administrative costs. At the discretion of the Community Development Division, funds may, in whole or in part, be made available to fund emergency situations serving the homeless, including emergency winter shelter needs. Administration funds will be shared with local agencies to the extent that they participate in administering the program.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.
 1. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The City will consult with the Montgomery Area Coalition for the Homeless (MACH) in coordination with the COC to ensure integrating ESG assistance with programs targeted towards homeless through mainstream services and assistance programs. To ensure these activities are undertaken, the City with the MACH participation will (1) Determine how to allocate ESG funds; (2) Develop the performance standards for projects assisted by ESG funds; (3) Evaluate the outcomes of projects assisted by ESG funds; (4) Develop funding, policies, and procedures for the operation and administration of the Homeless Management Information System (HMIS); and (5) Provide at least one homeless or formerly homeless individual for participation on the board of directors, or other policy making entity.

In association with the Montgomery Area Coalition for the Homeless (MACH) through the Continuum of Care (COC) any private non-profit agency within the city limits of Montgomery is eligible to apply for funding. There is no restriction on the maximum amount an applicant may request. Funds will be granted to nonprofit organization only when the MACH certifies that it approves the proposed project, the applying agency is a member of the COC, and the applying agency participates in HMIS. To effectively ensure the ESG reaches out to the homeless population, the City in coordination with MACH and the COC will coordinate and integrate other targeted homeless services. This community-wide approach will include but not be limited to the following: (1) Shelter plus Care Programs; (2) Supportive Housing Programs; (3) Veterans Affairs Supportive Housing (HUD-VASH); (4) Transitional Housing Assistance for Victims of Domestic Violence, Dating Violence, and Stalking; and (5) Emergency Food and Shelter Program.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).
 1. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

Funds will be distributed utilizing a common application and cycle. A competitive application process

will be in place to allow each agency throughout the City to seek ESG funds to operate. This application will ensure all agencies provide the required documentation allowing the City to select the best applicant for funding. The Community Development Division in coordination with MACH will form an application review board to screen applicants. Additional review board members may include a current/formerly homeless person. All proposals will be evaluated by the review board. The City's Community Development Division will coordinate their selections with the Montgomery City Council, with final approval from the Mayor of Montgomery.

At the discretion of the City, funding may not be awarded to an ESG recipient who has a serious, outstanding audit or monitoring finding involving the potential for significant monetary restitution, non-responsiveness, or non-responsible performance on any previous funded ESG grant. Applications will be rated on the following criteria: (1) Number of clients served; (2) Population served; (3) Services provided; (4) Location of shelter; (5) Consideration will be given to program effectiveness in meeting adopted performance measures as outlined in the application packet; (6) Consideration will be given to those agencies which have been effective in their discharge of clients/consumers; (7) Capacity; (8) Other funding sources; (9) Past performance; (10) Most current certified independent audit; and (11) Assurances, certifications, current board roster, and support documentation. Following the rating and review process, the Community Development Office will provide recommended funding selections to the Mayor of Montgomery, who will then authorize funding awards.

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

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

The City of Montgomery meets the homeless participation requirement found in 24 CFR 576.405(a) through the Mid-Alabama Coalition for the Homeless (MACH)'s Continuum of Care. Several organizations representing the homeless were contacted for input during the planning process and the public meeting was advertised and homeless persons were informed of the meeting at the time of their housing and social services were provided. Homeless participation will continue to be secured through consultation with MACH.

5. Describe performance standards for evaluating ESG.

The City of Montgomery does not prioritize assistance through the ESG program. Clients are served as received. Per 24 CFR 576.401, ESG sub-recipients must conduct an initial evaluation to determine

each individual or family's eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing. All ESG sub-recipients will follow federal documentation guidelines to establish the client's status as homeless or at-risk of homeless and their income eligibility. These evaluations must be conducted in accordance with the centralized or coordinated assessment requirements set forth under §576.400(d).

The City of Montgomery is currently working with the Mid-Alabama Coalition for the Homeless (MACH)'s Continuum of Care (CoC) to develop common intake and assessment tools and protocols to be used by all agencies that receive ESG, CoC and other homeless program funding from the city and within the Continuum. The tools and protocols will create consistency in client intake and assessment and provide basis for appropriate agency referral and to develop targeting and prioritization protocols.

ESG sub-recipients must re-evaluate program participant's eligibility and the types and amounts of assistance the participant needs; 1. Not less than once every 3 months for participants who are receiving homelessness prevention assistance, and 2. Not less than once annually for participants who are receiving rapid re-housing assistance. Re-evaluation of program participants may be conducted more frequently than required by 24 CFR 576.401 and may be incorporated into the case management process which must occur not less than monthly for homeless prevention and rapid re-housing participants – See 24 CFR 576.401(e) (i). Regardless of which timeframe is used, re-evaluations, must at minimum, establish that:

1. The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and the program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance. To determine if an individual or family is income eligible, the sub-recipient must examine an individual or family's annual income to ensure that it does not exceed the most current HUD income limits applicable to the City of Montgomery. Note: Annual income must be below 30% at the time of the initial evaluation. When the program participant's income or other circumstances change, such as change in household composition, that affects the program participant's need for assistance under ESG, the sub-recipient must then re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs.

Attachments

Grantee Unique Appendices

RESOLUTION NO. 92-2021

WHEREAS, the City of Montgomery has the legal authority to apply for Federal Assistance from the U. S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City of Montgomery has the institutional, managerial and financial capability (including funds to pay the non-Federal share of program costs) to plan, manage and complete the Federal program;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Mayor Steven Reed is hereby authorized to act as the City of Montgomery's official representative in connection with the proposed (subject to HUD final approval) City of Montgomery's Program Year (PY) 2021 Action Plan and Federal application for \$1,744,958 in Community Development Block Grant funds and \$907,387 in HOME Investment Partnerships Act (HOME) funds as advertised and attached hereto as Exhibit A; to approve such application; and, to provide any additional information as may be required.

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)

I, Brenda Gale Blalock, City Clerk of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution which was duly adopted by the Council of the City of Montgomery at its regular meeting held on the 1st day of June, 2021.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this 3rd day of June, 2021.


BRENDA GALE BLALOCK, CITY CLERK

APPROVED: JUN 03 2021

STEVEN L. REED, MAYOR

92-2021

Public Notice PY 2021 Action Plan English & Spanish Versions

**CITY OF MONTGOMERY
U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD)
NOTICE OF PROGRAM YEAR (PY) 2021
ACTION PLAN**

The City of Montgomery has developed a summary of its proposed one-year Action Plan for PY 2021, which will be the second program year of the Consolidated Plan (PY 2020-2024). The Consolidated Plan consists of a detailed analysis of the City's homeless, community development needs, resources anticipated for housing, and a five-year strategy for targeting these resources. The PY 2021 Action Plan summary includes resources anticipated to be available by the U.S. Department of Housing and Urban Development (HUD), and describes proposed activities to address homeless, housing, and community development needs in the City of Montgomery using these resources.

A copy of the summary of the PY 2021 Action Plan is available for public review at the Department of Economic & Community Development, Community Development Office, 25 Washington Avenue, 4th Floor, Montgomery, AL 36104 or on the City's webpage at the following link - <https://www.montgomeryal.gov/city-government/departments/economic-and-community-development/community-development>. A thirty-day review period from date of publication of this Notice is provided so as to give the public adequate opportunity to review and comment on the proposed Plans. A summary of all written comments received during the thirty-day review period will be included when the Plans are submitted to HUD.

Comments concerning the City of Montgomery's PY 2021 Action Plan must be in writing and mailed to:

City of Montgomery
Department of Planning
Community Development Office
25 Washington Avenue, 4th Floor
Montgomery, AL 36104
or by email @ akramer@montgomeryal.gov

**CIUDAD DE MONTGOMERY
DEPARTAMENTO DE VIVIENDA Y DESARROLLO URBANO (HUD)
AVISO DE PROGRAMA AÑO (PY) 2021
PLAN DE ACCIÓN**

La ciudad de Montgomery ha desarrollado un resumen de su plan de acción de un año propuesto para el AP 2021, que será el segundo año del programa del Plan Consolidado (AP 2020-2024). El Plan Consolidado consiste en un análisis detallado de las personas sin hogar de la Ciudad, las necesidades de desarrollo de la comunidad, los recursos previstos para la vivienda y una estrategia de cinco años para focalizar estos recursos. El resumen del Plan de acción PY 2021 incluye recursos que se prevé estarán disponibles por el Departamento de Vivienda y Desarrollo Urbano (HUD) de los EE. UU. Y describe las actividades propuestas para abordar las necesidades de desarrollo comunitario, de vivienda y de personas sin hogar en la ciudad de Montgomery utilizando estos recursos.

Una copia del resumen del Plan de Acción PY 2021 está disponible para revisión pública en el Departamento de Desarrollo Económico y Comunitario, Oficina de Desarrollo Comunitario, 25 Washington Avenue, 4th Floor, Montgomery, AL 36104 o en la página web de la Ciudad en el siguiente enlace: <https://www.montgomeryal.gov/city-government/departments/economic-and-community-development/community-development>. Se proporciona un periodo de revisión de treinta días a partir de la fecha de publicación de este Aviso para brindar al público la oportunidad adecuada de revisar y comentar los Planes propuestos. Se incluirá un resumen de todos los comentarios escritos recibidos durante el periodo de revisión de treinta días cuando los planes se envíen al HUD.

Los comentarios sobre el Plan de Acción PY 2021 de la ciudad de Montgomery deben hacerse por escrito y enviarse por correo a:

Ciudad de Montgomery
Departamento de Planificación
Oficina de Desarrollo Comunitario
25 Washington Avenue, Cuarto piso
Montgomery, AL 36104
o por correo electrónico @ akramer@montgomeryal.gov
Mont. Adv. 4/29/2021
0004711055

City of Montgomery, Alabama

Department of Planning

Community Development Division



Emergency Solutions Grants (ESG) Program

Written Standards

5-1-16V

TABLE OF CONTENTS

Introduction	5
ESG Program Changes.....	6
ESG Program Components (§ 576.100)	6
Indirect Costs (§ 576.109).....	6
Restrictions on Street Outreach, Emergency Shelter, Administrative Costs (§ 576.100).....	6
HMIS Component.....	6
Required Amount of Matching Contributions to the ESG Program (§576.201)	7
Recognition of Matching Contributions (§576.201)	7
Eligible Types of Matching Contributions (§576.201).....	7
Calculating the Amount of Noncash Contributions (§576.201).....	7
Agency Compliance with Applicable Laws & Guidance.....	7
ESG Federal Regulations	8
ESG Eligible Activities.....	8
Street Outreach: Essential Services (§ 576.101)	9
Emergency Shelter- Emergency Assistance Program Descriptions (§ 576.102)	9
Emergency Shelter Requirements- Shelter and housing standards (§ 576.403)	9
Lead-based Paint Remediation and Disclosure	9
Minimum Standards for Emergency Shelters	9
Structure and Materials.....	10
Space and Security.....	10
Interior Air Quality	10
Water Supply	10
Sanitary Facilities	10
Thermal Environment	10
Illumination and Electricity.....	10
Food Preparation	10
Sanitary Conditions.....	10
Fire Safety	10
Minimum Standards for Permanent Housing	11
Structure and Materials.....	11
Space and Security.....	11
Interior Air Quality.....	11
Water Supply	11
Sanitary Facilities.....	11
Thermal Environment	11
Illumination and Electricity.....	11
Food Preparation	11
Sanitary Conditions.....	11
Fire Safety	11
Smoke Detectors.....	12
Emergency Shelter-Essential Services (§ 576.102)	12
HMIS for Emergency Shelter – Essential Services.....	12

Emergency Shelter- Essential Service Eligible Activities	12
Eligible Case Management Activities for Emergency Shelter Essential Services.....	12
Eligible Child Care Activities for Emergency Shelter Essential Services	13
Eligible Educational Services Activities for Emergency Shelter-Essential Services.....	13
Eligible Employment Assistance/Job Training Activities for Emergency Shelter Essential Services	13
Eligible Outpatient Health Services Activities for Emergency Shelter-Essential Services	14
Eligible Legal Services Activities for Emergency Shelter-Essential Services	14
Eligible Life Skills Training Activities for Emergency Shelter-Essential Services	15
Eligible Mental Health Services for Emergency Shelter-Essential Services	15
Eligible Substance Abuse Treatments for Emergency Shelter-Essential Services	15
Eligible Transportation Activities for Emergency Shelter-Essential Services.....	15
Eligible Services for Special Populations for Emergency Shelter-Essential Services	16
Emergency Shelter – Shelter Maintenance (Operations) (§ 576.102)	16
HMS for Shelter Maintenance (Operations).....	16
Special Considerations: Essential Services and Shelter Operation Funding Considerations.....	17
Emergency Shelter – Renovation (§ 576.102)	17
Special Considerations for Renovations: Renovated/Converted Buildings Minimum Period of Use.....	17
Emergency Shelter – Uniform Relocation Assistance (URA)/Real Property Acquisition Policies	17
Special Considerations for URA/Real Property Acquisition.....	17
Homeless Prevention (§ 576.103)	17
Eligibility Requirements-Homeless Prevention	18
Conditions for Providing Homeless Prevention Services to the "Homeless" (§ 576.2).....	19
Additional Requirements for Homeless Prevention.....	20
Rapid Rehousing Component (§ 576.104)	20
Homeless Definition (Rapid Rehousing)	20
Additional Requirements for Rapid Rehousing	21
Short and Medium Term Rental Assistance (Homeless Prevention & Rapid Rehousing)	21
Description of Short and Medium Term Rental Assistance & Rental Assistance Arrears	21
Additional Requirements for Short and Medium Term Rental Assistance.....	21
Special Considerations: Discretion to Set Caps and Conditions	22
Special Considerations: Use with Other Subsidies	22
Rent Restrictions.....	22
Rental Assistance Agreement	22
Lease	22
Late Payments.....	23
Tenant-Based Rental Assistance.....	23
Project-Based Rental Assistance.....	23
Changes in Household Composition or Participant's Income.....	24
Housing Relocation and Stabilization Services Component (§ 576.105)	24
Eligible Activities for Housing Relocation and Stabilization Services.....	24
Housing Relocation and Stabilization Services Component Services and Activities.....	25
Special Considerations for Maximum Amounts and Periods of Assistance	26
Special Considerations for Use with Other Subsidies.....	26
Changes in Household Composition or Participant's Income.....	26

Area-Wide Systems Coordination Requirements (§ 576.400)	27
Consultation with Continuum of Care	27
Coordination with Other Targeted Services	27
System and Program Coordination with Mainstream Resources	28
Centralized or Coordinated Assessment	28
Written Standards for Providing ESG Assistance	28
Participation in HMIS	29
Evaluation of Program Participant Eligibility and Needs (§ 576.401)	29
Evaluations	29
Re-Evaluations for Homelessness Prevention and Rapid Re-Housing Assistance	29
Annual Income	30
Connecting Program Participants to Mainstream and Other Resources	30
Housing Stability Case Management	30
Terminating Assistance (§ 576.402)	31
General	31
Program Participants Receiving Rental Assistance or Housing Relocation and Stabilization Services	31
Ability to Provide Further Assistance	31
Conflicts of Interest (§ 576.404)	31
Organizational Conflicts of Interest	31
Individual Conflicts of Interest	31
Conflicts Prohibited	31
Persons Covered	31
Exceptions	32
Threshold Requirements	32
Factors to Be Considered For Exceptions	32
Contractors	32
Homeless Participation (§ 576.405)	32
Faith-Based Activities (§ 576.406)	33
Other Federal Requirements (§ 576.407)	33
General	33
Affirmative Outreach	33
Uniform Administrative Requirements	34
Environmental Review Responsibilities	34
Davis-Bacon Act	34
Procurement of Recovered Materials	34
Displacement, Relocation, and Acquisition (§ 576.408)	34
Minimizing Displacement	34
Temporary Relocation Not Permitted	34
Relocation Assistance for Displaced Persons	35
Displaced Person	35
Initiation of Negotiations	36
Real Property Acquisition Requirements	36
Appeals	36

Recordkeeping and Reporting Requirements (§ 576.500)	36
General	36
Homeless Status	36
At Risk of Homelessness Status	39
Determinations of Ineligibility	40
Annual Income	40
Program Participant Records	40
Centralized or Coordinated Assessment Systems and Procedures	41
Rental Assistance Agreements and Payments.....	41
Utility Allowance	41
Shelter and Housing Standards	41
Emergency Shelter Facilities	41
Services and Assistance Provided	41
Coordination with Continuum(s) of Care and Other Programs	41
HMIS.....	41
Matching	41
Conflicts of Interest	41
Homeless Participation	41
Faith-Based Activities	42
Other Federal Requirements	42
Relocation	42
Financial Records	42
Subrecipients and Contractors	42
Other Records Specified by HUD	43
Confidentiality.....	43
Period of Record Retention	43
Access to Records	43
Federal Government Rights- Access to Records.....	43
Public Rights- Access to Records.....	44
Reports- Access to Records.....	44
Enforcement (§ 576.501)	44
Remedial Actions and Sanctions (b)	44
Recipient Sanctions (c).....	45
HESG Performance Standards	45
Performance Standards for Evaluating the Emergency Shelter Program	45
Performance Standards for Evaluating for Transitional Housing Program	46
Performance Standards for Evaluating for the Rapid-Rehousing Housing Program	46
Performance Standards for Evaluating for the Homeless Prevention Program.....	46
Performance Standards for Evaluating for the Street Outreach Program	46

Introduction

The **EMERGENCY SOLUTIONS GRANT (ESG)** renames the **Emergency Shelter Grant** and broadens existing emergency shelter and homelessness prevention activities and adds short- and medium-term rental assistance and services to rapidly re-house homeless people. This program places a greater focus on homelessness prevention for persons at risk of homelessness and rapid re-housing assistance for homeless persons.

The purpose of the **EMERGENCY SOLUTIONS GRANT** is continue the grant funding for the **Emergency Shelter Grant** and to implement the expanded program that was temporarily funded as the **Homeless Prevention Rapid Re-Housing** program whose mission was to provide homelessness prevention assistance to households who would otherwise become homeless—many due to the economic crisis—and to provide assistance to rapidly re-house persons who are homeless.

ESG Program Changes

Changes with ESG Program include the following:

- Part of a community's larger plan for ending homelessness (Consolidated Plan)
- Written standards required to codify policies and procedures including targeting
- Increased case management requirement
- Increased HMIS and documentation/recordkeeping requirements
- Eligible activities
- Eligible program participants and target populations (including reassessment requirements).

ESG Program Components (§ 576.100)

The Program components of ESG Program include the following:

- Street Outreach
- Emergency Shelter
- Homeless Prevention
- Rapid Re-Housing
- HMIS Component
- Administrative costs.

Indirect Costs (§ 576.109)

Indirect costs may be allocated to each eligible activity, so long as the allocation is consistent with an indirect cost rate proposal developed in accordance with OMB circulars.

Restrictions on Street Outreach, Emergency Shelter, Administrative Costs (§ 576.100)

Combined Street Outreach and Emergency Shelter expenditures are limited to 60 percent of the recipient's total 2010 ESG expenditures for Street Outreach and Emergency Shelter. This may be exceeded only with the combined approval of the City of Montgomery and HUD.

The total amount that the City of Montgomery can spend on administrative activities is 7.5% percent of the sub-recipient's ESG grant. Other ESG expenditure activities such as employee compensation and other overhead costs directly related to carrying out street outreach, emergency shelter, homelessness prevention, rapid re-housing and HMIS activities are eligible costs of those activities and not subject to the spending limit for administrative costs.

HMIS Component

Section 416 (F) of the McKinney-Vento Act requires that projects receiving funding under Emergency Solutions Grant program participate in HMIS. There is no longer an outcome reporting through the I.D.S system. No agency will be allowed to send hard copy reports detailing annual program performance as this information will be reported from data in the HMIS system unless the agency is a victim or legal services provider. If the subrecipient is a victim service provider or a legal services provider, it may use a comparable database that collects client-level data over

6

time and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into or provided to an HMIS.

Required Amount of Matching Contributions to the ESG Program (§576.201)

Per §576.201, the subrecipient must make matching contributions to supplement the subrecipient's ESG program in an amount that equals the amount of ESG funds (100%) provided by HUD. Matching contributions may be obtained from any source, including any Federal source other than the ESG program, as well as state, local, and private sources. However, the following requirements apply to matching contributions from a Federal source of funds:

1. The recipient must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match Emergency Solutions Grant (ESG) funds.
2. If ESG funds are used to satisfy the matching requirements of another Federal program, then funding from that program may not be used to satisfy the matching requirements under this section.

Recognition of Matching Contributions (§576.201)

In order to meet the matching requirement, the matching contributions must meet all requirements that apply to the ESG funds provided by HUD, except for the expenditure limits in § 576.100. The matching contributions must be provided after the date that HUD signs the grant agreement. To count toward the required match for the recipient's fiscal year grant, cash contributions must be expended within the expenditure deadline in § 576.203, and noncash contributions must be made within the expenditure deadline in § 576.203. Contributions used to match a previous ESG grant may not be used to match a subsequent ESG grant. Contributions that have been or will be counted as satisfying a matching requirement of another Federal grant or award may not count as satisfying the matching requirement of this section.

Eligible Types of Matching Contributions (§576.201)

The matching requirement may be met by one or both of the following:

1. **Cash Contributions:** Cash expended for allowable costs, as defined in OMB Circulars A-87 (2 CFR part 225) and A-122 (2 CFR part 230), of the recipient or subrecipient.
2. **Noncash contributions:** The value of any real property, equipment, goods, or services contributed to the recipient's or subrecipient's ESG program, provided that if the recipient or subrecipient had to pay for them with grant funds, the costs would have been allowable. Noncash contributions may also include the purchase value of any donated building.

Calculating the Amount of Noncash Contributions (§576.201)

To determine the value of any donated material or building, or of any lease, the recipient must use a method reasonably calculated to establish the fair market value. Services provided by individuals must be valued at rates consistent with those ordinarily paid for similar work in the recipient's or subrecipient's organization. If the recipient or subrecipient does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in the same labor market. Some noncash contributions are real property, equipment, goods, or services that, if the recipient or subrecipient had to pay for them with grant funds, the payments would have been indirect costs. Matching credit for these contributions must be given only if the recipient or subrecipient has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of those contributions.

Agency Compliance with Applicable Laws & Guidance

Agencies must comply with applicable laws and guidance including the requirements of:

- A. Housing and Urban Development (HUD) [Docket Number FR-5474-1-01]

- B. Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)
 - C. 24 CFR Part 91
 - D. PART 91 — Consolidated Submissions for Community Planning and Development Programs
 - E. The HEARTH Act
 - F. Circulars A-110 (2 CFR 215) and A-122 (2 CFR 230) or OMB Circulars A-87 (2 CFR 225) and A-102 (for units of local government)
 - G. Single Audit Act Amendments of 2000 (2 CFR Part 200)
 - H. HUD Eligibility Determination and Documentation Guidance
- Other resources are available at <http://www.hudhre.info/esg/>.

ESG Federal Regulations

The ESG federal regulations can be found at the following citations:

- 576.400 (a) Consultation with Continuum of Care
- 576.400 (b) Coordination with Other Targeted Homeless Services
- 576.400 (c) System and Program Coordination with Mainstream Resources
- 576.400 (e) Written Standards for Determining the Amount of Assistance
- 576.400 (f) Participation in HMIS
- 576.401(a) Initial Evaluation
- 576.401(b) Recertification
- 576.401(d) Connection to Mainstream Resources
- 576.401(e) Housing Retention Plan
- 576.402 Terminating Assistance
- 576.403 Habitability Review
- 576.405 Homeless Participation
- 576.500 Recordkeeping Requirements
- 576.501(b) Remedial Actions
- 576.501(c) Recipient Sanctions
- 576.501(d) Subrecipient Response.

ESG Eligible Activities

The purpose of the EMERGENCY SOLUTIONS GRANT is to continue the grant funding for the Emergency Shelter Grant and to implement the expanded program that was temporarily funded as the Homeless Prevention Rapid Re-Housing program whose mission was to provide homelessness prevention assistance to households who would otherwise become homeless—many due to the economic crisis—and to provide assistance to rapidly re-house persons who are homeless. Eligible activities of the ESG Program include the following:

1. **Street Outreach**
 - a. Essential Services
2. **Emergency Shelter**
 - a. Essential Services
 - b. Shelter Maintenance (Operation)
 - c. Renovation
 - d. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)
3. **Homeless Prevention**
 - a. Housing Relocation and Stabilization Service
 - b. Short-Medium Term Rental Assistance
 - i. Tenant-Based Rental Assistance
 - ii. Project-Based Rental Assistance

4. **Rapid Re-Housing**
 - a. Housing Relocation and Stabilization Services
 - b. Short- Medium Term Rental Assistance
 - i. Tenant-Based Rental Assistance
 - ii. Project-Based Rental Assistance
5. **HMIS Component**
6. **Administrative Activities (7.5% available to agencies)**

Street Outreach: Essential Services (§ 576.101)

Essential services are now directly related to the Street Outreach and Emergency Shelter components. Essential Services are used 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. Combined Street Outreach and Emergency Shelter expenditures are limited to 60 percent of the recipient's total 2010 ESG expenditures for Street Outreach and Emergency Shelter. This may be exceeded only with combined approval from the City of Montgomery and HUD.

Emergency Shelter- Emergency Assistance Program Descriptions (§ 576.102)

Essential Services was a separate activity under the Emergency Shelter Grant. It is now directly related to Street Outreach and Emergency Shelter components. Essential Services are used 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.

Eligible activities under this ESG component include the following:

- Essential Services,
- Shelter Maintenance,
- Renovation, and
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

Emergency Shelter Requirements- Shelter and Housing Standards (§ 576.403)

Lead-based Paint Remediation and Disclosure

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

Minimum Standards for Emergency Shelters

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

1. *Structure and Materials*

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

2. 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.

3. 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.

4. Water Supply

The shelter's water supply must be free of contamination.

5. Sanitary Facilities

Each program participant in the shelter must have access to sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.

6. Thermal Environment

The shelter must have any necessary heating/cooling facilities in proper operating condition.

7. 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.

8. 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.

9. Sanitary Conditions

The shelter must be maintained in a sanitary condition.

10. 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 Standards for Permanent Housing

10

The subrecipient cannot use ESG funds to help a program participant remain or move into housing that does not meet the minimum habitability standards provided in this section. The subrecipient may also establish standards that exceed or add to these minimum standards. The minimum standards for Permanent Housing are as follows:

1. **Structure and Materials**
The structures must be structurally sound to protect residents from the elements and not pose any threat to the health and safety of the residents.
2. **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 I of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and 28 CFR part 35; where applicable.
3. **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.
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.

11

Smoke Detectors

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

Emergency Shelter – Essential Services

Combined Street Outreach and Emergency Shelter expenditures are limited to 60 percent of the recipient's total 2010 ESG expenditures for Street Outreach and Emergency Shelter. This may be exceeded only with the combined approval of the City of Montgomery and HUD.

A transitional facility will only be eligible to receive ESG funds for these costs if:

1. it meets BOTH of the following criteria under the new emergency shelter definition:
 - a. its primary purpose is to provide a temporary shelter for the homeless in general or for specific populations of the homeless; and
 - b. It does not require occupants to sign leases or occupancy agreements;

OR

(2) It received funds under a FY 2010 Emergency Shelter Grants grant and met the criteria under the former emergency shelter definition ("any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless")

HMIS for Emergency Shelter-Essential Services (§ 576.102)

Subrecipients of ESG funding must enter client data into the HMIS system.

Emergency Shelter-Essential Service Eligible Activities

For Essential Service, ESG funds may be used to provide essential services to individuals and families who are in an emergency shelter, as follows:

1. Case Management,
2. Child Care,
3. Educational Services,
4. Employment Assistance and Job Training,
5. Outpatient Health Services,
6. Legal Services,
7. Life Skills Training,
8. Mental Health Services,
9. Substance Abuse Treatment,
10. Transportation, and
11. Services for Special Populations.

Eligible Case Management Activities for Emergency Shelter-Essential Services

Case Management activities for Emergency Shelter Essential Services consist of assessing, arranging, coordinating, and monitoring the delivery of individualized eligible services to include the following:

- Using a centralized or coordinated assessment system,
- Conducting the initial evaluation including verifying and documenting eligibility,
- Counseling,

12

- Developing, securing and coordinating services,
- Obtaining Federal, State and local benefits,
- Monitoring evaluating program participant progress,
- Providing information and referral to other providers,
- Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking, and
- Developing an individualized housing and service plan, including planning a path to permanent housing stability.

Eligible Child Care Activities for Emergency Shelter-Essential Services

Child Care is an allowable cost for children under the age of 13 unless the child is disabled. Disabled children must be under the age of 18. The child care must be licensed by the jurisdiction in which it operates to be eligible. Allowable costs include meals and snacks and comprehensive and coordinated sets of appropriate developmental activities.

Eligible Educational Services Activities for Emergency Shelter-Essential Services

Educational Services include for program participants to gain education for obtaining and maintaining housing. Allowable costs for this activity include the cost of improving knowledge and basic educational skills. Eligible Services include instruction or training in:

- Consumer education,
- Health education,
- Substance abuse prevention,
- Literacy,
- English as a second language, and
- General Educational Development.

Component Services or activities include the following:

- Screening, assessment, and testing;
- Individual or group instruction;
- Tutoring;
- Provision of books, supplies and instructional material;
- Counseling; and
- Referral to community resources.

Eligible Employment Assistance/Job Training Activities for Emergency Shelter-Essential Services

Employment assistance and job training for costs of employment assistance and job training programs activities include the following:

- 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.

Allowable costs include reasonable stipends to program participants in employment assistance and job training. Job training learning skills include skills that can be used to secure and retain a job, including the acquisition of vocational licenses and/or certificates.

Employment assistance is services that assist individuals in securing employment to include the following:

- Employment screening, assessment or testing,
- Structured job skills and job seeking skills,
- Special training and tutoring including literacy training and prevocational training,

- Books and instructional material,
- Counseling or job coaching, and
- Referral to community resources.

Eligible Outpatient Health Services Activities for Emergency Shelter-Essential Services

ESG may only be used for these services to the extent that other appropriate health services are unavailable in the community. Allowable costs for this activity include direct outpatient treatment of medical conditions provided by a licensed medical professional. Eligible Treatments for this activity includes the following:

- Assessing a program participant's health problems and developing a treatment plan;
- Assisting participants understand their health needs;
- Providing directly or assisting participants to obtain appropriate medical treatment; preventative medical care and health maintenance services, including emergency medical services;
- Providing medication and follow-up services and
- Providing preventive and non-cosmetic dental care.

Eligible Legal Services Activities for Emergency Shelter-Essential Services

ESG may only be used only for these services to the extent that other appropriate legal services are unavailable or inaccessible within the community. Allowable costs for this activity include hourly fees for legal advice and representation by attorneys licensed and in good standing with the bar association of MT and by persons(s) under the supervision of the licensed attorney, regarding matters that interfere with the program participant's ability to obtain and retain housing. Eligible subject matters for this activity include the following:

- Child support,
- Guardianship,
- Paternity,
- Emancipation,
- Legal separation,
- Orders of protection,
- Other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking,
- Appeal of veterans and public benefit claims denials, and
- Resolution of outstanding criminal warrants.

Component Services or activities for this activity include the following:

- Client intake,
- Preparation of cases for trial,
- Provision of legal advice,
- Representation at hearings, and
- Counseling.

Eligible fees for this activity include the following:

- Actual services performed, but only if the cost would be less than the cost of hourly fees and
- Filing fees and other necessary court costs.

Note: If the subrecipient is a legal services provider and performs the services itself, the eligible costs are the employee's salaries and other costs necessary to perform the service.

Ineligible costs for this activity include the following:

- Legal services for immigration and citizenship matters,
- Issues relating to mortgages, and
- Retainer fee arrangements and contingency arrangements.

Eligible Life Skills Training Activities for Emergency Shelter-Essential Services

Life Skills Training for services necessary to assist the program participant to function independently in the community.

Allowable costs for this activity include 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. Component Life Skills for this activity includes the following:

- Budgeting resources,
- Managing money,
- Managing a household,
- Resolving conflict,
- Shopping for food and needed items,
- Improving nutrition,
- Using public transportation, and
- Parenting.

Eligible Mental Health Services for Emergency Shelter-Essential Services

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. Allowable costs for this activity include direct outpatient treatment provided by a licensed professional of mental health conditions. Eligible Services consist of application of therapeutic processes to personal, family, situational, or occupational problems. Problem areas covered under this activity include family and marital relationships, parent-child problems, and symptom management.

Eligible treatment under this activity includes the following:

- Crisis intervention,
- Individual, family, or group therapy sessions,
- Prescription of psychotropic medications or explanations about the use and management of medications, and
- Combinations of therapeutic approaches to address multiple problems.

Eligible Substance Abuse Treatments for Emergency Shelter-Essential Services

ESG funds may only be used for services to the extent that other appropriate substance abuse treatment services are unavailable or inaccessible within the community. Eligible services under this activity include services designed to prevent, reduce, eliminate or deter relapse of substance abuse or addictive relapse of substance abuse or addictive behaviors and are provided by licensed or certified professionals. Eligible treatment under this activity includes client intake and assessment and outpatient treatment for up to 30 days. Allowable costs under this activity include group and individual counseling and drug testing. Ineligible Costs under this activity include inpatient detoxification and other inpatient drug or alcohol treatment.

Eligible Transportation Activities for Emergency Shelter-Essential Services

Transportation for this activity includes the costs of travel by program participants to and from medical care, employment, child care, or other eligible essential services facilities. Allowable costs include the following:

- Program participant travel on public transportation,
- If service workers use their own vehicles, mileage allowance for service workers to visit program participants,
- The cost of purchasing or leasing a vehicle for the recipient or sub recipient and/or staff serving program participants and the cost of gas, insurance, taxes and maintenance for the vehicle, and
- Travel cost to accompany or assist program participants to use public transportation,

15

Eligible Services for Special Populations for Emergency Shelter-Essential Services

Services for special populations for this activity includes providing services for homeless youth, victim services (assisting program participants who are victims of domestic violence, dating violence, sexual assault, or stalking) and for people living with HIV/AIDS, so long as the costs of providing these services are eligible. Victim Services include services offered by rape crisis centers and domestic violence shelters and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault or stalking.

Ineligible costs for this activity include the following:

- Legal services for immigration and citizenship matters,
- Issues relating to mortgages,
- Retainer fee arrangements and contingency arrangements, and
- Inpatient detoxification and other inpatient drug or alcohol treatment.

Emergency Shelter – Shelter Maintenance (Operations) (§ 576.102)

A unit of general purpose local government is prohibited from using ESG Funds to replace funds the local government provided for emergency shelter services during the immediately preceding 12-month period, unless HUD determines that the unit of general purpose local government is in a severe financial deficit.

A transitional facility will only be eligible to receive ESG funds for these costs if:

- 1) It meets BOTH of the following criteria under the new emergency shelter definition:
 - a) Its primary purpose is to provide a temporary shelter for the homeless in general or for specific populations of the homeless; and
 - b) It does not require occupants to sign leases or occupancy agreements;

OR

- 2) The sub-recipient received funds under a FY 2010 Emergency Shelter Grants grant and met the criteria under the former emergency shelter definition (“any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless”).

Allowable costs for this activity include the following:

- Maintenance (including minor or routine repairs),
- Rent,
- Security,
- Fuel,
- Equipment,
- Insurance,
- Utilities,
- Food,
- Furnishings and supplies, and
- Hotel/Motel Voucher (Where no appropriate emergency shelter is available for a homeless family or individual).

HMIS for Shelter Maintenance (Operations)

Recipients of ESG funding must enter client data into the HMIS system.

Special Considerations: Essential Services and Shelter Operation Funding Considerations

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

Emergency Shelter – Renovation (§ 576.102)

Under this ESG activity, renovation of a building requires that it must be owned by a government entity or a private nonprofit organization. Eligible Costs under this activity include the following:

- Labor
- Materials
- Tools
- Other costs for renovation (including major rehabilitation of an emergency shelter or conversion of a building into an emergency shelter).

Special Considerations for Renovations: Renovated/Converted Buildings Minimum Period of Use

Under the Emergency Shelter-Renovation component, each building renovated/converted with ESG funds must be maintained as a shelter for homeless individuals and families for not less than a period of 3 or 10 years, depending on the type of renovation/conversion and the value of the building. The value of the building is the reasonable monetary value assigned to the building, such as the value assigned by an independent real estate appraiser. The minimum use must begin on the date the building is first occupied by a homeless individual or family after the completed renovation. A minimum period of use of 10 years, required for major rehabilitation and conversion, must be enforced by a recorded deed or use restriction (See 576.102(c)(1)-(III)).

Emergency Shelter – Uniform Relocation Assistance (URA)/Real Property Acquisition Policies

Under any Emergency Shelter activity that involves URA and real property acquisition, the policies indicate the following:

- Must take reasonable steps to minimize displacement as a result of ESG-funded project and
- Uniform Relocation Act applies, but is extremely rare for ESG.

See § 576.408 for details which cover the following subject areas as it relates to URA and Real Property Acquisition:

- Types of relocation assistance,
- Definition of displaced person,
- Types of non-qualified displaced persons,
- Definition of initiation of negotiation, and
- Appeals of determinations of assistance.

URA allowable costs (assistance under subsection 576.408) include relocation payment and other assistance to persons displaced by a project assisted with ESG.

Special Considerations for URA/Real Property Acquisition

People assisted are not considered "program participants" and relocation payments and other URA assistance are not considered "rental assistance" or "housing relocation and stabilization services".

Homeless Prevention (§ 576.103)

Housing relocation and stabilization services §576.105 and short- and/or medium-term rental assistance §576.106 may be provided to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the "homeless" definition.

Homelessness prevention may be provided to individuals and families who meet the criteria under the "at risk of homelessness", or who meet the criteria in paragraph (2), (3), or (4) of the "homeless" definition in Subsection

17

576.2. The cost of homelessness prevention are only eligible 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 the housing.

ESG financial assistance cannot be provided to a program participant receiving the same type of assistance for the same period of time from another public program. Written standards for determining the accrual of assistance are required (§576.400).

Eligibility Requirements-Homeless Prevention

Homeless Prevention services may be provided to those "At Risk of Homelessness" meeting the following conditions:

- 1) An individual or family who:
 - i. Has an annual income below 30 percent of median family income for the area, as determined by HUD at initial eligibility determination or at or below 30 percent at reassessment;
 - ii. Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the "homeless" definition in this section; and
 - iii. Meets one of the following conditions:
 - A. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
 - B. Is living in the home of another because of economic hardship;
 - C. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 20 days after the date of application for assistance;
 - D. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
 - E. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
 - F. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
 - G. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;
- 2) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 337(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

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

Conditions for Providing Homeless Prevention Services to the "Homeless"

Homeless Prevention services may be provided to those "Homeless" meeting the following conditions Per 576.2:

- 2) An individual or family who will imminently lose their primary nighttime residence provided that:
 - (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
 - (ii) No subsequent residence has been identified; and
 - (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;

- 3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
 - (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 754b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) or section 725 of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11434a);
 - (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
 - (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
 - (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

- 4) Any individual or family who:
 - (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
 - (ii) Has no other residence; and
 - (iii) Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

Additional Requirements for Homeless Prevention

The following are additional requirements for this ESG activity:

- All persons assisted with homelessness prevention funds must have an income BELOW 30% AMI at initial eligibility determination.
- All persons must be reassessed every 3 months.
- Reassessed income must be AT or BELOW 30% AMI.
- All persons must meet at least monthly with a case manager.
- All persons must have a documented individualized plan to help retain permanent housing after the ESG assistance ends.
- All persons must have a written lease for the provision of rental assistance.
- Agency must have a rental assistance agreement with the home owner/landlord, and
- Must meet the requirements of recordkeeping in the "Recordkeeping" section in this plan.

Homelessness prevention must be provided in accordance with:

- Short-and/or medium-term rental assistance Subsection §576.106;
- Housing relocation and stabilization services Subsection §576.105; and
- Written standards and procedures under Subsection §576.100.

Rapid Rehousing Component (§ 576.104)

ESG funds may be used to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing. This assistance may be provided to program participants who meet the criteria under paragraph (1.) of the "homeless" definition in Subsection 576.2 or who meet the criteria under paragraph (4) of the "homeless" definition (where the individual or family also meets the criteria for paragraph 1).

Homeless Definition (Rapid Rehousing)

In determining eligibility for the Rapid Re-Housing program homeless means:

- 1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - (ii) An individual or family living in a supervised publicly or privately operated shelter designed to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
 - (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- 4) Any individual or family who:
 - (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; (where the individual or family also meets the criteria for paragraph 1).
 - (ii) Has no other residence; and

- (iii) Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

Additional Requirements for Rapid Rehousing

The following are additional requirements for this ESG activity:

- Initial assessment to document Rapid Re-Housing eligibility does not include an income requirement.
- Reassessment at one year requires:
 - Annualized Income AT OR BELOW 30% AMI
 - Documentation as to whether persons lack sufficient resources and support networks necessary to retain the housing without assistance.
- All persons must meet at least monthly with a case manager to assist the program participant in ensuring long-term housing stability.
- All persons must have a documented individualized plan to help retain permanent housing after the ESG assistance ends.
- All persons must have a written lease for the provision of rental assistance.
- Agency must have a rental assistance agreement with the home owner/landlord, and
- Must meet the requirements of recordkeeping in the "Recordkeeping" section in this plan.

Rapid-Rehousing must be provided in accordance with:

- Short-and/or medium-term rental assistance Subsection §576.106;
- Housing relocation and stabilizations services Subsection §576.105; and
- Written standards and procedures under Subsection §576.400.

Short and Medium Term Rental Assistance (Homeless Prevention & Rapid Rehousing)

Homeless Prevention and Rapid-Re-Housing (NI-W under ESG) includes rental assistance and housing relocation and stabilization services (Subject to the general conditions under Subsection §576.103 and §576.104). Program participants may be provided up to 24 months of rental assistance during any three-year period. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance.

Eligible Activities include the following:

- 1) Short Term Rental Assistance,
- 2) Medium-Term Rental Assistance, and
- 3) Rental Assistance Arrears.

Description of Short and Medium Term Rental Assistance & Rental Assistance Arrears

Short-Term Rental Assistance is assistance for up to (3) months of rent. Designation of Short Term Rental Assistance must take into consideration payment of Rental Assistance Arrears. **Medium-Term Rental Assistance** is assistance for more than 3 months but not more than 24 months of rent. Rental Assistance Arrears is a one-time payment for up to 6 months of arrears and may include any late fees on those arrears but counts toward 24-month service period. Months 1-3 are defined as Short-Term Arrears (or Short-Term Rental Assistance) and Months 4-6 are defined as Medium Term Arrears (or Medium-Term Rental Assistance).

Additional Requirements for Short and Medium Term Rental Assistance

Additional requirements for short and medium term rental assistance consist of the following:

- The total rent for a housing unit must not exceed BOTH:
 - Fair market rent established by HUD, as provided under 24 CFR 888; AND
 - Rental assistance must comply with HUD's "rent reasonableness" standard 24 CFR 982.507: www.hud.gov/offices/cpd/affordablehousing/library/forms/rentreasonablechecklist.doc;

- May be tenant-based or project-based rental assistance;
- Those receiving assistance must meet with a case manager at least once a month to assist the program participant in ensuring long-term housing stability;
- Reassessment required every 3 months for Homelessness Prevention Program:
 - The subrecipient may choose to reassess based on a change in household composition change or income change. If so, it must be documented in the agency's written policy and procedures manual; and
- Reassessment is required annually for the Rapid Re-Housing Program
 - The subrecipient may choose to reassess based on a change in household composition or income change. If so, it must be documented in the agency's written policy and procedures manual.

Special Considerations: Discretion to Set Caps and Conditions

The agency may set a maximum amount or percentage of rental assistance that a participant may receive rental assistance, a maximum number of months that a participant may receive rental assistance, or a maximum number of times that a participant may receive rental assistance. The agency may require program participants to share in the costs of rent. If so, it must be documented in the agency's written policy and procedures manual.

Special Considerations: 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 assistance or operating assistance, through other public sources. Rental assistance may not be provided to a participant who has been provided with replacement housing payments under URA during the period of time covered by the URA payments.

Rent Restrictions

Rents restrictions are as follows:

- 1) Rental assistance cannot be provided unless the rent does not exceed the Fair Market Rent established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.
- 2) For purposes of calculating rent under this section, the rent shall equal the sum of the total monthly rent for the unit, and fees required for occupancy under the lease (other than late fees and pet fees) and if the tenant pays separately for utilities, the monthly allowance for utilities (excluding telephone) established by the public housing authority for the area in which the housing is located.

Rental Assistance Agreement

The agency may make rental assistance payments only to an owner with whom the agency has entered into a rental assistance agreement. The agreement must set forth the terms under which rental assistance will be provided, including the requirements that apply. The rental assistance agreement must provide that, during the time of the agreement, the owner must give the agency a copy of any notice to the participant to vacate the housing unit, or any complaint used under state or local law to commence an eviction action against the participant.

Lease

Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. Where the assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the participant an enforceable leasehold interest under state law and the agreement and rent

owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks. For participants living in housing with project-based rental assistance, the lease must have an initial term of one year.

Late Payments

The agency must make timely payments to each owner in accordance with the rental assistance agreement. The rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The agency is solely responsible for paying late payment penalties that it incurs with non-ESG funds.

Tenant-Based Rental Assistance

Tenant-based rental assistance requirements are as follow:

- 1) A participant who receives tenant-based rental assistance may select a housing unit in which to live and may move to another unit or building and continue to receive rental assistance, as long as the participant continues to meet the program requirements.
- 2) The agency may require that all program participants live within a particular area for the period in which the rental assistance is provided.
- 3) The rental assistance agreement with the owner must terminate and no further rental assistance payments shall be made if:
 - a) The program participant move out of the housing unit for which the participant has a lease;
 - b) The lease terminates and is not renewed; or
 - c) The participant becomes ineligible to receive ESG rental assistance.

Project-Based Rental Assistance

If the agency identifies a permanent housing unit that meets ESG requirements and becomes available before a participant is identified to lease the unit, the agency may enter into a rental assistance agreement with the owner to reserve the unit and subsidize its rent in accordance with the following requirements:

- 1) The rental assistance agreement may cover one or more permanent housing units in the same building. Each unit covered by the rental assistance agreement ("assisted unit") may only be occupied by program participants, except as provided by Item 4.
- 2) The agency may pay up to 100 percent of the first month's rent, provided that a participant signs a lease and moves into the unit before the end of the month for which the first month's rent is paid. The rent paid before a program participant move into the unit must not exceed the rent to be charged under the program participant's lease and must be included when determining that program participant's rental assistance.
- 3) The agency may make monthly rental assistance payments only for each whole or partial month an assisted unit is leased to a program participant. When a participant moves out of an assisted unit, the agency may pay the next month's rent, i.e., the first month's rent for a new program participant as provided in 2).
- 4) The participant's lease must not condition the term of occupancy to the provision of rental assistance payments. If the program participant is determined ineligible or reaches the maximum number of months over which rental assistance can be provided, the agency must suspend or terminate the rental assistance payments for the unit. If the payments are suspended, the individual or family may remain in the assisted unit as permitted under the lease, and the agency may resume payments if the individual or family again becomes eligible and needs further assistance. If the payments are terminated, the rental assistance may be transferred to another available unit in the same building, provided that the other unit meets all ESG requirements.
- 5) The rental assistance agreement must have an initial term of one year. When a new program participant moves into an assisted unit, the term of the rental assistance agreement may be extended to cover the

23

Initial term of the program participant's lease. If the program participant's lease is renewed, the rental assistance agreement may be renewed or extended, as needed, up to the maximum number of months for which the program participant remains eligible. However, under no circumstances may the agency commit ESG fund to be expended beyond the expenditure deadline (§ 576.203) or commit funds for a future ESG grant before the grant is awarded.

Changes in Household Composition or Participant's Income

The limits on the assistance apply to the total assistance an individual receives, either as an individual or as part of a family. The subrecipient may require each program participant receiving homelessness prevention or rapid re-housing assistance to notify the subrecipient regarding changes in the program participant's income or other circumstances (e.g., changes in household composition) that affect the program participant's need for assistance under ESG. When notified of a relevant change, the subrecipient must re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs (§ 576.401). To preserve local discretion, it is subrecipient's choice whether to use household composition or income change other than the required re-evaluation periods of three months for homeless prevention and annually for rapid re-housing. If so, it must be documented in the written policy and procedures manual.

Housing Relocation and Stabilization Services Component (§ 576.105)

Homeless Prevention and Rapid Re-Housing includes rental assistance and housing relocation and stabilization services (Subject to the general conditions under Subsection §576.103 and §576.104).

Eligible Activities for Housing Relocation and Stabilization Services

Eligible Activities under this activity include the following:

- 1) Rental Application Fees,
- 2) Security Deposits,
- 3) Last month's rent,
- 4) Utility Deposits,
- 5) Utility Payments,
- 6) Moving Costs,
- 7) Services Costs,
- 8) Housing Search and Placement, and
- 9) Housing Stability Case Management.

ESG funds may be used to pay housing owners, utility companies and other third parties for the following costs:

- 1) **Rental Application Fees** for the rental housing application fee that is charged by the owner to all applicants.
- 2) **Security Deposit** for a security deposit that is equal to no more than 2 months' rent.
- 3) **Last Month's Rent** if necessary to obtain housing 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 rent assistance, which cannot exceed 24 months during any 3 year period.
- 4) **Utility Deposits** for a standard utility deposit required by the utility company for all customers for utilities listed in the utility payment section.
- 5) **Utility Payments** may pay for up to 24 months (during any 3 year period) of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. A partial payment of a utility bill counts as one month. This assistance may only be provided if the program

24

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:

- Gas,
- Electric,
- Water, and
- Sewage.

6) **Moving Costs** such as truck rental or hiring a moving company. This may include payment of temporary storage fees for up to 3 months, provided that the fees are accrued after the date the program participant begins receiving assistance and before the program participant move into permanent housing. Payment of temporary storage fees in arrears is not eligible.

7) **Services Costs.** ESG funds may be used to pay the costs of providing the following services:

- Assessment of housing barriers, needs and preferences,
- Development of an action plan for locating housing,
- Housing search,
- Outreach and negotiation with owners,
- Assistance with submitting rental applications and understanding leases,
- Assessment of housing for compliance with Emergency Solutions Grant (ESG) requirements for compliance with habitability, lead-based paint, and rent reasonableness,
- Assistance with obtaining utilities and making moving arrangement, and
- Tenant counseling.

8) **Housing Search and Placement** necessary to assist program participants in locating, obtaining, and retaining suitable permanent housing, include the following:

- Assessment of housing barriers, needs and preferences,
- Development of an action plan for locating housing,
- Housing search,
- Outreach and negotiation with owners,
- Assistance with submitting rental applications and understanding leases,
- Assessment of housing for compliance with Emergency Solutions Grant (ESG) requirements for compliance with habitability, lead-based paint, and rent reasonableness,
- Assistance with obtaining utilities and making moving arrangement, and
- Tenant counseling.

9) **Housing Stability Case Management** to pay cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing. This assistance cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing.

Housing Relocation and Stabilization Services Component Services and Activities

Component Services and activities for Housing Relocation and Stabilization are as follows:

- a) Conducting the initial evaluation (required under subsection 576.401(a), including verifying and documenting eligibility, for individuals and families applying for homeless prevention or rapid re-housing assistance;
- b) Counseling;

25

- c) Developing, securing and coordinating services and obtaining Federal, State, and local benefits;
- d) Monitoring and evaluating program participant progress;
- e) Providing information and referrals to other providers;
- f) Developing an individualized housing and service plan, including planning a path to permanent housing and stability;
- g) Conducting re-evaluations required under subsection 576.401(b);
- h) Mediation between the program participant and the owner or person(s) with whom the participant is living, providing that the mediation is necessary to prevent the participant from losing permanent housing in which they currently reside;
- i) Legal services as set forth in subsection 576.102 (a) (1) vi), except that the eligible subject matters also include landlord/tenant matters, and the services must be necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides;
- j) Credit repair for credit counseling and other services necessary to assist participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems. This does not include payment or modification of a debt; and
- k) May be required to use a centralized or coordinated assessment system as required under Subsection 576.400 (c), to evaluate individuals and families applying for or receiving homeless prevention or rapid re-housing assistance.

Special Considerations for Maximum Amounts and Periods of Assistance

The agency may set a maximum dollar amount that a program participant may receive for each type of financial assistance. The agency may also set a maximum period for which a program participant may receive any of the types of assistance or services. However, except for the housing stability case management, the total period for which any program participant may receive the services must not exceed 24 months during any 3 year period. The limits on the assistance apply to the total assistance an individual receives, either as an individual or as part of a family.

Special Considerations for Use with Other Subsidies

Financial assistance cannot be provided to a participant who is receiving the same type of assistance through other public sources or who has been provided with replacement housing payments under the URA during the period of time covered by the URA payments.

Changes in Household Composition or Participant's Income

The limits on the assistance apply to the total assistance an individual receives, either as an individual or as part of a family (§ 576.106). The subrecipient may require each program participant receiving homelessness prevention or rapid re-housing assistance to notify the subrecipient regarding changes in the program participant's income or other circumstances (e.g., changes in household composition) that affect the program participant's need for assistance under ESG. When notified of a relevant change, the subrecipient must re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs (§ 576.401). To preserve local discretion, it is the sub recipient's choice whether to use household composition or income change

26

other than the required re-evaluation periods of three months for homeless prevention and annually for rapid re-housing. If so, it must be documented in the written policy and procedures manual.

Area-Wide Systems Coordination Requirements

Consultation with Continuum of Care

The Subrecipient and Recipient must consult with the Continuum of Care (CoC) that serves its jurisdiction for the following activities:

- Determine how to allocate ESG funds each program year,
- Develop the performance standards and evaluate outcomes for projects and activities assisted by ESG funds, and
- Develop policies and procedures for HMIS.

Coordination with Other Targeted Services

The Subrecipient and Recipient must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other homeless programs covered by the CoC to prevent and end homelessness for the area. These other programs include the following:

- Shelter Plus Care Program (24CFR part 582);
- Supportive Housing Program (24CFR part 583);
- Section 8 Moderate Rehabilitation Program for Single Room Occupancy program for Homeless Individuals (24CFR part 882);
- HUD-Veterans Affairs Supportive Housing (HUD-VASH);
- Education for Homeless Children and Youth Grants for State and Local Activities (Title VII-B of the McKinney-Vento Homeless Assistance Act);
- Grants for the Benefit of Homeless Individuals (section 506 for the Public Health Service Act (42 USC 290aa-5));
- Health Care for the Homeless (42 CFR part 51c);
- Programs for Runaway and Homeless Youth (42 USC 5701 et seq.);
- Projects for Assistance in Transition from Homelessness (part C of title V of the Public Health Service Act (42 U.S.C. 290cc-21 et seq.));
- Services in Supportive Housing Grants (section 520A of the Public Health Service Act);
- Emergency Food and Shelter Program (title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.));
- Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (section 40299 of the Violent Crime Control and Law Enforcement Act (42 U.S.C. 13975));
- Homeless Veterans Reintegration Program (section 5(a)(1)) of the Homeless Veterans Comprehensive Assistance Act (38 U.S.C. 2021);
- Domiciliary Care for Homeless Veterans Program (38 U.S.C. 2043);
- VA Homeless Providers Grant and Per Diem Program (38 CFR part 61);
- Health Care for Homeless Veterans Program (38 U.S.C. 2031);
- Homeless Veterans Dental Program (38 U.S.C. 2062);
- Supportive Services for Veteran Families Program (38 CFR part 62); and
- Veteran Justice Outreach Initiative (38 U.S.C. 2031).

System and Program Coordination with Mainstream Resources

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

27

- Public housing programs assisted under section 9 of the U.S. Housing Act of 1937 (42 U.S.C. 1437g) (24 CFR parts 905, 968, and 990);
- Housing programs receiving tenant based or project-based assistance under section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f) (respectively 24 CFR parts 982 and 983);
- Supportive Housing for Persons with Disabilities (Section 811) (24 CFR part 891);
- HOME Investment Partnerships Program (24 CFR part 92);
- Temporary Assistance for Needy Families (TANF) (45 CFR parts 260–265);
- Health Center Program (42 CFR part 51c);
- State Children's Health Insurance Program (42 CFR part 457);
- Head Start (45 CFR chapter XIII, subchapter B);
- Mental Health and Substance Abuse Block Grants (45 CFR part 96); and
- Services funded under the Workforce Investment Act (29 U.S.C. 2801 et seq.).

Centralized or Coordinated Assessment

Once the Continuum of Care has developed a centralized assessment system or a coordinated assessment system in accordance with requirements to be established by HUD, each ESG-funded program or project within the Continuum of Care's area must:

- Use the CoC's assessment system, and
- Work with the Continuum of Care to ensure the screening, assessment and referrals of program participants are consistent with the Written Standards for Providing ESG assistance.

A victim service provider may choose not to use the Continuum of Care's centralized or coordinated assessment system.

Written Standards for Providing ESG Assistance

The City of Montgomery has provided this citywide policy and procedure manual. The subrecipients receiving ESG funds must consider how they will administer their program and develop appropriate guidelines specific to the activities that are being provided. Written standards should be established and applied consistently within the subrecipients program. At minimum written standards must include the following:

- Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under Emergency Solutions Grant (ESG);
- Standards for targeting and providing essential services related to street outreach;
- Policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG, including standards regarding length of stay, if any, and safeguards to meet the safety and shelter needs of special populations, e.g., victims of domestic violence, dating violence, sexual assault, and stalking; and individuals and families who have the highest barriers to housing and are likely to be homeless the longest;
- Policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter;
- Policies and procedures for coordination among emergency shelter providers, essential services providers, homelessness prevention, and rapid rehousing assistance providers; other homeless assistance providers; and mainstream service and housing providers (see § 576.400(b) and (c) for a list of programs with which ESG-funded activities must be coordinated and integrated to the maximum extent practicable);

- Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and which eligible families and individuals will receive rapid re-housing assistance;
- Standards for determining what percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention or rapid re-housing assistance;
- Standards for determining how long a particular program participant will be provided with rental assistance and whether and how the amount of that assistance will be adjusted over time; and
- Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a program participant, including the limits, if any, on the homelessness prevention or rapid re-housing assistance that each program participant may receive, such as the maximum amount of assistance, maximum number of months the program participant receive assistance; or the maximum number of times the program participant may receive assistance.

Participation in HMIS

Subrecipient of ESG funds must ensure that data on all persons served and all activities assisted under ESG are entered into the applicable community-wide HMIS in the area in which those persons and activities are located, or a comparable database, in accordance with HUD's standards on participation, data collection, and reporting under a local HMIS. If the subrecipient is a victim service provider or a legal services provider, it may use a comparable database that collects client-level data over time (i.e., longitudinal data) and generates unduplicated aggregate reports based on the data.

Evaluation of Program Participant Eligibility and Needs (§ 576.401)

Evaluations

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

Re-Evaluations for Homelessness Prevention and Rapid Re-Housing Assistance

1. The subrecipient must re-evaluate the program participant's eligibility and the types and amounts of assistance the program participant needs not less than once every 3 months for program participants receiving homelessness prevention assistance, and not less than once annually for program participants receiving rapid re-housing assistance. At a minimum, each re-evaluation of eligibility must establish that:
 - (i) The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and
 - (ii) The program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance.
2. The recipient or subrecipient may require each program participant receiving homelessness prevention or rapid re-housing assistance to notify the recipient or subrecipient regarding changes in the program participant's income or other circumstances (e.g., changes in household composition) that affect the program participant's need for assistance under ESG. When notified of a relevant change, the subrecipient must re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs.

Annual Income

When determining the annual income of an individual or family, the recipient or subrecipient must use the standard for calculating annual income under 24 CFR 5.509.

Connecting Program Participants to Mainstream and Other Resources

The recipient and its subrecipients must assist each program participant, as needed, to obtain:

- (1) Appropriate supportive services, including assistance in obtaining permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living; and
- (2) Other Federal, State, local, and private assistance available to assist the program participant in obtaining housing stability, including:
 - (i) Medicaid (42 CFR chapter IV, subchapter);
 - (ii) Supplemental Nutrition Assistance Program (7 CFR parts 771–283);
 - (iii) Women, Infants and Children (WIC) (7 CFR part 246);
 - (iv) Federal-State Unemployment Insurance Program (20 CFR parts 601–603, 606, 609, 614–617, 625, 640, 650);
 - (v) Social Security Disability Insurance (SSDI) (20 CFR part 404);
 - (vi) Supplemental Security Income (SSI) (20 CFR part 416);
 - (vii) Child and Adult Care Food Program (42 U.S.C. 1756(t) (7 CFR part 226));
 - (viii) Other assistance available under the programs listed in § 576.400(c).

Housing Stability Case Management

1. While providing homelessness prevention or rapid re-housing assistance to a program participant, the recipient or subrecipient must:
 - (i) Require the program participant to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability; and
 - (ii) Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses; other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area.
 - (iii) The recipient or subrecipient is exempt from the requirement under paragraph (e)(1)(i) of this section if the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits that recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.
2. The recipient or subrecipient is exempt from the requirement under paragraph (e)(1)(i) of this section if the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits that recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.

Terminating Assistance (§ 576.402)

General

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

30

Program Participants Receiving Rental Assistance or Housing Relocation and Stabilization Services

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

- (1) Written notice to the program participant containing a clear statement of the reasons for termination;
- (2) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
- (3) Prompt written notice of the final decision to the program participant.

Ability to Provide Further Assistance

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

Conflicts of interest (§ 576.404)

Organizational Conflicts of Interest

The provision of any type or amount of ESG assistance may not be conditioned on an individual's or family's acceptance or occupancy of emergency shelter or housing owned by the recipient, the subrecipient, or a parent or subsidiary of the subrecipient. No subrecipient may, with respect to individuals or families occupying housing owned by the subrecipient, or any parent or subsidiary of the subrecipient, carry out the initial evaluation required under § 576.401 or administer homelessness prevention assistance under § 576.103.

Individual Conflicts of Interest

For the procurement of goods and services, the recipient and its subrecipients must comply with the codes of conduct and conflict of interest requirements under 24 CFR 85.36 (for governments) and 24 CFR 84.42 (for private nonprofit organizations). For all other transactions and activities, the following restrictions apply:

- (1) **Conflicts Prohibited.** No person described in paragraph (b)(2) of this section who exercises or has exercised any functions or responsibilities with respect to activities assisted under the ESG program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.
- (2) **Persons Covered.** The conflict-of-interest provisions of paragraph (b)(1) of this section apply to any person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its subrecipients.
- (3) **Exceptions.** Upon the written request of the recipient, HUD may grant an exception to the provisions of this subsection on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph (b)(3)(ii) of this section, provided that the recipient has satisfactorily met the threshold requirements of paragraph (b)(3)(i) of this section.
 - (i) **Threshold Requirements.** HUD will consider an exception only after the recipient has provided the following documentation:

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

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

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

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

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

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

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

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

(F) Any other relevant considerations.

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

Homeless participation (§ 576.405)

(a) Unless the recipient is a State, the recipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policy-making entity of the recipient, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG).

(b) If the recipient is unable to meet requirement under paragraph (a), it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG). The plan must be included in the annual action plan required under 24 CFR 91.220.

(c) To the maximum extent practicable, the recipient or subrecipient must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG. This involvement may include employment or volunteer services.

Faith-Based Activities (§ 576.406)

37

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

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

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

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

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

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

Other Federal Requirements (§ 576.407)

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

(b) **Affirmative Outreach.** The recipient or subrecipient must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. If it is unlikely that the procedures that the recipient or subrecipient intends to use to make known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, the recipient or subrecipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The recipient and its subrecipients must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of

33

assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, recipients and subrecipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.

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

(d) Environmental Review Responsibilities.

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

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

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

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

Displacement, Relocation, and Acquisition (§ 576.408)

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

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

(c) Relocation Assistance for Displaced Persons.

(1) In general, A displaced person (defined in paragraph (c)(2) of this section) must be provided relocation assistance at the levels described in, and in accordance with, the URA and 49 CFR part 24. A displaced person must be advised of his or her rights under the Fair Housing Act (42 U.S.C. 3601 et seq.). Whenever possible, minority persons shall be given reasonable opportunities to relocate to comparable and suitable decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require providing a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling. (See 49 CFR 24.205(c)(2)(ii)(D).) As required by Section 504 of the Rehabilitation Act (29 U.S.C. 794) and 49 CFR part 24, replacement dwellings must also contain the accessibility features needed by displaced persons with disabilities.

(2) Displaced Person.

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

- A. After the owner (or person in control of the site) issues a notice to move permanently from the property or refuses to renew an expiring lease, if the move occurs on or after:
 - I. The date of the submission by the recipient (or subrecipient, as applicable) of an application for assistance to HUD (or the recipient, as applicable) that is later approved and funded if the recipient (or subrecipient, as applicable) has site control as evidenced by a deed, sales contract, or option contract to acquire the property; or
 - II. The date on which the recipient (or subrecipient, as applicable) selects the applicable site, if the recipient (or subrecipient, as applicable) does not have site control at the time of the application, provided that the recipient (or subrecipient, as applicable) eventually obtains control over the site;
- B. Before the date described in paragraph (c)(2)(i)(A) of this section, if the recipient or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the project; or
- C. By a tenant-occupant of a dwelling unit and the tenant moves after execution of the agreement covering the acquisition, rehabilitation, or demolition of the property for the project.

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

- A. The person has been evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement; violation of applicable Federal, State or local law, or other good cause; and the recipient determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance.
- B. The person moved into the property after the submission of the application but, before signing a lease and commencing occupancy, was provided written notice of the project, its possible impact on the person (e.g., the person may be displaced), and the fact that the person would not qualify as a "displaced person" (or for any assistance under this section) as a result of the project;
- C. The person is ineligible under 49 CFR 24.2(a)(9)(ii); or
- D. HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

35

- III. The recipient or subrecipient may, at any time, request that HUD to determine whether a displacement is or would be covered by this rule.

(3) Initiation of Negotiations. For purposes of determining the type of replacement housing payment assistance to be provided to a displaced person pursuant to this section:

- I. If the displacement is the direct result of privately undertaken rehabilitation, demolition, or acquisition of the real property, "initiation of negotiations" means the execution of the agreement between the recipient and the subrecipient or the agreement between the recipient (or subrecipient, as applicable) and the person owning or controlling the property;
- II. If site control is only evidenced by an option contract to acquire the property, the "initiation of negotiations" does not become effective until the execution of a written agreement that creates a legally enforceable commitment to proceed with the purchase, such as a sales contract

(d) Real Property Acquisition Requirements. The acquisition of real property, whether funded privately or publicly, for a project assisted with Emergency Solutions Grant (ESG) funds is subject to the URA and Federal government wide regulations at 49 CFR part 24, subpart B.

(e) Appeals. A person who disagrees with the recipient's (or subrecipient's, if applicable) determination concerning whether the person qualifies as a displaced person, or the amount of relocation assistance for which the person may be eligible, may file a written appeal of that determination with the recipient under 49 CFR 24.10. A low-income person who disagrees with the recipient's determination may submit a written request for review of that determination by the appropriate HUD field office.

Recordkeeping and Reporting Requirements (§ 576.500)

General

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

Homeless Status

The recipient must maintain and follow written intake procedures to ensure compliance with the homeless definition in § 576.2. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status. The procedures must:

- Establish the order of priority for obtaining evidence as third-party documentation first,
- Intake worker observations second, and
- Certification from the person seeking assistance third.

However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider.

Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides or changes of the dates on which entries are made.

36

- (1) If the individual or family qualifies as homeless under paragraph (1)(i) or (ii) of the homeless definition in § 576.2, acceptable evidence includes a written observation by an outreach worker of the conditions where the individual or family was living, a written referral by another housing or service provider, or a certification by the individual or head of household seeking assistance.
- (2) If the individual qualifies as homeless under paragraph (1)(iii) of the homeless definition in § 576.2, because he or she resided in an emergency shelter or place not meant for human habitation and is exiting an institution where he or she resided for 90 days or less, acceptable evidence includes the evidence described in paragraph (b)(1) of this section and one of the following:
- (i) Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; or
 - (ii) Where the evidence in paragraph (b)(2)(i) of this section is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in paragraph (b)(2)(i) and a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less.
- (3) If the individual or family qualifies as homeless under paragraph (2) of the homeless definition in § 576.2, because the individual or family will imminently lose their housing, the evidence must include:
- (i)(A) A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law;
 - (B) For individuals and families whose primary nighttime residence is a hotel or motel room not paid for by charitable organizations or federal, state, or local government programs for low-income individuals, evidence that the individual or family lacks the resources necessary to reside there for more than 14 days after the date of application for homeless assistance; or
 - (C) An oral statement by the individual or head of household that the owner or renter of the housing in which they currently reside will not allow them to stay for more than 14 days after the date of application for homeless assistance. The intake worker must record the statement and certify that it was found credible. To be found credible, the oral statement must either:
 - (i) be verified by the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance and documented by a written certification by the owner or renter or by the intake worker's recording of the owner or renter's oral statement; or
 - (ii) if the intake worker is unable to contact the owner or renter, be documented by a written certification by the intake worker of his or her due diligence in attempting to obtain the owner or renter's verification and the written certification by the individual or head of household seeking assistance that his or her statement was true and complete;
 - (ii) Certification by the individual or head of household that no subsequent residence has been identified; and
 - (iii) Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.

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

(i) For paragraph (3)(i) of the homeless definition in § 576.2, certification of homeless status by the local private nonprofit organization or state or local governmental entity responsible for administering assistance under the

- Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.),
- The Head Start Act (42 U.S.C. 9831 et seq.),
- Subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.),
- Section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
- Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), as applicable;

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

(iii) For paragraph (3)(iii) of the homeless definition in § 576.2, certification by the individual or head of household and any available supporting documentation that the individual or family moved two or more times during the 60-day period immediately preceding the date of application for homeless assistance, including:

- Recorded statements or records obtained from each owner or renter of housing, provider of shelter or housing, or social worker, case worker, or other appropriate official of a hospital or institution in which the individual or family resided; or, where these statements or records are unobtainable,
- A written record of the intake worker's due diligence in attempting to obtain these statements or records. Where a move was due to the individual or family fleeing domestic violence, dating violence, sexual assault, or stalking, then the intake worker may alternatively obtain a written certification from the individual or head of household seeking assistance that they were fleeing that situation and that they resided at that address; and

(iv) For paragraph (3)(iv) of the homeless definition in § 576.2, written diagnosis from a professional who is licensed by the state to diagnose and treat that condition (or intake staff-recorded observation of disability that within 45 days of date of the application for assistance is confirmed by a professional who is licensed by the state to diagnose and treat that condition); employment records; department of corrections records; literacy, English proficiency tests; or other reasonable documentation of the conditions required under paragraph (3)(iv) of the homeless definition.

(5) If the individual or family qualifies under paragraph (4) of the homeless definition in § 576.2, because the individual or family is fleeing domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence, then acceptable evidence includes an oral statement by the individual or head of household seeking assistance that they are fleeing that situation, that no subsequent residence has been identified and that they lack the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other housing. If the individual

OR

38

Family is receiving shelter or services provided by a victim service provider, the oral statement must be documented by either a certification by the individual or head of household; or a certification by the intake worker.

Otherwise, the oral statement that the individual or head of household seeking assistance has not identified a subsequent residence and lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain housing must be documented by a certification by the individual or head of household that the oral statement is true and complete, and, where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening condition must be verified by:

- A written observation by the intake worker or
- A written referral by a housing or service provider,
- Social worker,
- Legal assistance provider,
- Health-care provider,
- Law enforcement agency,
- Legal assistance provider,
- Pastoral counselor.

OR

Any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking. The written referral or observation need only include the minimum amount of information necessary to document that the individual or family is fleeing, or attempting to flee domestic violence, dating violence, sexual assault, and stalking.

At Risk of Homelessness Status

For each individual or family who receives Emergency Solutions Grant (ESG) homelessness prevention assistance, the records must include the evidence relied upon to establish and verify the individual or family's "at risk of homelessness" status. This evidence must include an intake and certification form that meets HUD specifications and is completed by the recipient or subrecipient. The evidence must also include:

(1) If the program participant meets the criteria under paragraph (1) of the "at risk of homelessness" definition in § 576.2:

- (i) The documentation specified under this section for determining annual income;
- (ii) The program participant's certification on a form specified by HUD that the program participant has insufficient financial resources and support networks;
- (iii) The most reliable evidence available to show that the program participant does not have sufficient resources or support networks;
- (iv) The most reliable evidence available to show that the program participant meets one or more of the conditions under paragraph (1)(ii) of the definition of "at risk of homelessness" in § 576.2.

(2) If the program participant meets the criteria under paragraph (2) or (3) of the "at risk of homelessness" definition in § 576.2, certification of the child or youth's homeless status by the agency or organization responsible for administering assistance under the

- Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.),
- The Head Start Act (42 U.S.C. 9831 et seq.), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.),
- Section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), and

39

- 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.

Determinations of Ineligibility

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

Annual Income

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

- (1) Income evaluation form containing the minimum requirements specified by HUD and completed by the recipient or subrecipient; and
- (2) Source documents for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation.
- (3) To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., employer, government benefits administrator) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period for which representative data is available;

OR

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

Program Participant Records

In addition to evidence of homeless status or "at risk of homelessness" status, as applicable, records must be kept for each program participant that document:

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

Centralized or Coordinated Assessment Systems and Procedures

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

Rental Assistance Agreements and Payments

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

40

Utility Allowance

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

Shelter and Housing Standards

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

Emergency Shelter Facilities

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

Services and Assistance Provided

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

Coordination with Continuum(s) of Care and Other Programs

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

HMIS

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

Matching

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

Conflicts of Interest

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

Homeless Participation

The recipient must document its compliance with the homeless participation requirements under § 576.405.

Faith-Based Activities

The recipient and its subrecipients must document their compliance with the faith-based activities requirements under § 576.40b.

Other Federal Requirements

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

- (1) Records demonstrating compliance with the nondiscrimination and equal opportunity requirements under § 576.407(a), including data concerning race, ethnicity, disability status, sex, and family characteristics of persons and households who are applicants for, or program participants in, any program or activity funded in whole or in part with ESG funds and the affirmative outreach requirements in § 576.407(b).
- (2) Records demonstrating compliance with the uniform administrative requirements in 24 CFR part 85 (for governments) and 24 CFR part 84 (for nonprofit organizations).
- (3) Records demonstrating compliance with the environmental review requirements, including flood insurance requirements.
- (4) Certifications and disclosure forms required under the lobbying and disclosure requirements in 24 CFR part 87.

Relocation

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

Financial Records

- (1) The recipient must retain supporting documentation for all costs charged to the ESG grant.
- (2) The recipient and its subrecipients must keep documentation showing that ESG grant funds were spent on allowable costs in accordance with the requirements for eligible activities under § 576.101-§ 576.109 and the cost principles in OMB Circulars A-87 (24 CFR part 225) and A-122 (24 CFR part 230) (And 2 CFR Part 200).
- (3) The recipient and its subrecipients must retain records of the receipt and use of program income.
- (4) The recipient must keep documentation of compliance with the expenditure limits in § 576.100 and the expenditure deadline in § 576.203.

Subrecipients and Contractors

- (1) The recipient must retain copies of all solicitations of and agreements with subrecipients, records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients, as applicable. If the recipient is a State, the recipient must keep records of each recapture and distribution of recaptured funds under § 576.501.
- (2) The recipient and its subrecipients must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 24 CFR 85.36 and 24 CFR 84.40-84.48.
- (3) The recipient must ensure that its subrecipients comply with the recordkeeping requirements specified by the recipient and HUD notice or regulations.

Other Records Specified by HUD

42

The recipient must keep other records specified by HUD.

Confidentiality

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

(i) All records containing personally identifying information (as defined in HUD's standards for participation, data collection, and reporting in a local HMIS) of any individual or family who applies for and/or receives ESG assistance will be kept secure and confidential;

(ii) The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter; and

(iii) The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or subrecipient and consistent with state and local laws regarding privacy and obligations of confidentiality.

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

Period of Record Retention

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

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

(2) Where ESG funds are used for the renovation of an emergency shelter involves costs charged to the ESG grant that exceed 75 percent of the value of the building before renovation, records must be retained until 10 years after the date that ESG funds are first obligated for the renovation; and

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

Access to Records

(1) Federal Government Rights

Notwithstanding the confidentiality procedures established under paragraph (w) of this section, HUD, the HUD Office of the Inspector General, and the Comptroller General of the United States, or any of their authorized representatives, must have the right of access to all books, documents, papers, or other records of the recipient and its subrecipients that are pertinent to the ESG grant, in order to make audits, examinations, excerpts, and transcripts. These rights of access are not limited to the required retention period but last as long as the records are retained.

(2) Public Rights

The recipient must provide citizens, public agencies, and other interested parties with reasonable access (consistent with state and local laws regarding privacy and obligations of confidentiality and the confidentiality requirements in this part) to records regarding any uses of ESG funds the recipient received during the preceding 5 years.

(aa) Reports

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

Enforcement (§ 576.501)

Remedial Actions and Sanctions (b)

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

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

- (i) Preparing and following a schedule of actions for carrying out activities affected by the noncompliance, including schedules, timetables, and milestones necessary to implement the affected activities;
- (ii) Establishing and following a management plan that assigns responsibilities for carrying out the remedial actions;
- (iii) Canceling or revising activities likely to be affected by the noncompliance, before expending ESG funds for activities;
- (iv) Reprogramming ESG funds that have not yet been expended from affected activities to other eligible activities;
- (v) Suspending disbursement of ESG funds for some or all activities;
- (vi) Reducing or terminating the remaining grant of a subrecipient and reallocating those funds to other subrecipients; and
- (vii) Making matching contributions before or as draws are made from the recipient's ESG grant.

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

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

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

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

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

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

(8) HUD may condition a future grant.

44

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

Recipient Sanctions (c)

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

HESG Performance Standards

The overall goals for performance standards for evaluating the City of Montgomery's HESG program are as follows:

1. Reduce the number of unsheltered individuals and families, as established in the Homeless Point in Time Count by **1% each year**. This goal will be achieved by placing emphasis on high utilization of emergency shelters and transitional housing beds. This will be measured using information obtained from the HMIS system to include:
 - a. Reduce length of stay for clients in emergency shelters and transitional housing programs in order to provide services to additional households. Length of stay should generally be no longer than **90 days for shelters and 1 year for Transitional Housing**. This information will be obtained from HMIS.
 - b. Increase placements into permanent housing for homeless individuals and families from Emergency Shelter and Transitional housing by **5% each year**. This information will be obtained from HMIS.
2. Prevent individuals and families from becoming homeless – either unsheltered or sheltered, by **2% each year**. Encourage follow-up contacts will be made at **3 months and 6 months** post discharge. This information will be obtained from HMIS.
3. Increase the percentage of individuals and families remaining in permanent housing for **3 months by 2% each year**. This goal will be achieved by increasing income or access to mainstream benefits for program participants while in the FSG program. This information will be obtained from HMIS.

Performance Standards for Evaluating the Emergency Shelter Program

*For each Emergency Shelter program, performance will be measured based on the following standards:

1. An overall bed utilization rate of **80%**.
2. The average length of stay of the households served should be no longer than **60 days** for those exiting to permanent destinations.
3. An increase in the percentage of discharged households that secure permanent housing at exit by **5% each year**.
4. An increase in the percentage of households that increase cash and non-cash income during program enrollment.

Performance Standards for Evaluating for Transitional Housing Program

45

For each Transitional Housing program, performance will be measured based on the following standards:

1. An overall bed utilization rate of 80%.
2. The average length of stay for households served should generally be no longer than nine months for those exiting to permanent housing.
3. An increase in the percentage of discharged households that secured permanent housing at exit by 5% each year.
4. An increase in the percentage of households that increase cash and non-cash income during program enrollment.

Performance Standards for Evaluating for the Rapid-Rehousing Housing Program

For the Rapid Re-Housing program, performance will be measured based on the following standards:

1. An increase in the percentage of discharged households that secured permanent housing at program exit by 2% each year.
2. An increase in the percentage of discharged households permanently housed three months after exit.
3. An increase in the percentage of households that increase cash and non-cash income during program enrollment.

Performance Standards for Evaluating for the Homeless Prevention Program

For each Homeless Prevention program, performance will be measured based on the following standards:

1. An increase in the percentage of discharged households that maintained permanent housing at program exit by 3% each year.
2. An increase in the percentage of discharged households permanently housed three months after exit.
3. An increase in the percentage of households that increase cash and non-cash income during program enrollment.

Performance Standards for Evaluating for the Street Outreach Program

For each Street Outreach program, performance will be measured based on the following standards:

1. An increase in the number of contacts with unduplicated individuals made during outreach.
2. An increase in the percentage of households that access emergency shelter or transitional housing.
3. An increase in the percentage of discharged households that access permanent housing.

Grantee SF-424's and Certification(s)

OMB Number: 4010-004
 Expiration Date: 12/31/2022

Application for Federal Assistance SF-424		
*1. Type of Submission: <input type="checkbox"/> Pre-application <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
*3. Date Received: <input type="text" value=""/>	4. Applicant Identifier: <input type="text" value="1-211-9010-1-0007"/>	
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>	
State Use Only: 6. Date Received by State: <input type="text"/> 7. State Application Identifier: <input type="text"/>		
8. APPLICANT INFORMATION:		
*a. Legal Name: <input type="text" value="City of Montgomery"/>		
*b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text" value="67-1538010-4"/>	*c. Organization DUNS: <input type="text" value="0000000000"/>	
d. Address:		
* Street1: <input type="text" value="201 West 11th"/>	<input type="text"/>	
Street2: <input type="text"/>	<input type="text"/>	
* City: <input type="text" value="Montgomery"/>	<input type="text"/>	
County/Parish: <input type="text" value="Montgomery"/>	<input type="text"/>	
* State: <input type="text" value="AL 36101"/>	<input type="text"/>	
Province: <input type="text"/>	<input type="text"/>	
* Country: <input type="text" value="USA: UNITED STATES"/>	<input type="text"/>	
* Zip/Postal Code: <input type="text" value="36101-1011"/>	<input type="text"/>	
e. Organizational Unit:		
Department Name: <input type="text" value="Community Development"/>	Division Name: <input type="text" value="Community Development"/>	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <input type="text" value="Mr."/>	* First Name: <input type="text" value="Deborah"/>	<input type="text"/>
Middle Name: <input type="text"/>	<input type="text"/>	
* Last Name: <input type="text" value="W. Taylor"/>	<input type="text"/>	
Suffix: <input type="text"/>	<input type="text"/>	
Title: <input type="text" value="Branch Administrator, Community Development"/>		
Organization Affiliation: <input type="text" value="City of Montgomery"/>		
* Telephone Number: <input type="text" value="334-625-1015"/>	Fax Number: <input type="text" value="334-625-4432"/>	
* Email: <input type="text" value="dwilcoz@montgomeryal.gov"/>		

Application for Federal Assistance SF-424	
<p>* 9. Type of Applicant 1: Select Applicant Type:</p> <input type="text" value="City or Township Government"/> <p>Type of Applicant 2: Select Applicant Type</p> <input type="text"/> <p>Type of Applicant 3: Select Applicant Type</p> <input type="text"/> <p>Other (specify):</p> <input type="text"/>	
<p>* 10. Name of Federal Agency:</p> <input type="text" value="U.S. Department of Housing and Urban Development (HUD)"/>	
<p>11. Catalog of Federal Domestic Assistance Number:</p> <input type="text" value="14.218"/> <p>CFDA Title:</p> <input type="text" value="Community Development Block Grant (CDBG)"/>	
<p>* 12. Funding Opportunity Number:</p> <input type="text" value="14.218"/> <p>Title:</p> <input type="text" value="Community Development Block Grant (CDBG)"/>	
<p>13. Competition Identification Number:</p> <input type="text"/> <p>Title:</p> <input type="text"/>	
<p>14. Areas Affected by Project (Cities, Counties, States, etc.):</p> <input type="text"/> <p style="text-align: right;"> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/> </p>	
<p>* 15. Descriptive Title of Applicant's Project:</p> <input type="text" value="Nonagency's CDBG entitlement funds are earmarked to continue to provide affordable housing, job training, and management of public facilities and local CDBG and social service."/>	
<p>Attach supporting documents as specified in agency instructions.</p> <p style="text-align: right;"> <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/> </p>	

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: * b. Program/Project:

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date: * b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="1,744,958.00"/>
* b. Applicant	<input type="text" value=""/>
* c. State	<input type="text" value=""/>
* d. Local	<input type="text" value=""/>
* e. Other	<input type="text" value=""/>
* f. Program Income	<input type="text" value=""/>
* g. TOTAL	<input type="text" value="1,744,958.00"/>

* 19. Is Application Subject to Review By State Under Executive Order 12972 Process?

a. This application was made available to the State under the Executive Order 12972 Process for review on

b. Program is subject to E.O. 12972 but has not been selected by the State for review.

c. Program is not covered by E.O. 12972.

* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

Yes No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 28, Section 1001)

** I AGREE

** The list of certifications and assurances or an internet site where you may obtain this list is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:


* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative:  * Date Signed:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0006
 Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (3345-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:


1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will return the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4725-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. ECG, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 98-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicap; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§8101-8107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1944 (42 U.S.C. §§290d-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other non-discrimination statute(s) which may apply to the application.

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Standard Form 424D (Rev. 7-97)
 Prescribed by OMB Circular A-102

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 501-1508 and 7324-7328) which prohibit certain activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 43 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction agreements.
14. Will comply with flood insurance purchase requirements of Section 132(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11890; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 175(c) of the Clean Air Act of 1955 as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974 as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. §§489a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(i) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from: (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE	
			
APPLICANT ORGANIZATION		DATE SUBMITTED	
CITY OF HOUSTON, TEXAS		06/22/2021	

SF-424D (Rev. 7-97) Back

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* f. Revision (select appropriate letter(s)) <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: <input type="text" value="09/21/2021"/>	4. Applicant Identifier: <input type="text" value="06-71-00-01-0201"/>	
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>	
State Use Only		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>	
B. APPLICANT INFORMATION:		
* a. Legal Name: <input type="text" value="City of Montgomery"/>		
* b. Employer/Employee Identification Number (EIN/TIN): <input type="text" value="62-5502123"/>	* c. Organizational DUNS: <input type="text" value="0788618880000"/>	
d. Address:		
* Street1:	<input type="text" value="P.O. Box 1011"/>	
* Street2:	<input type="text"/>	
* City:	<input type="text" value="Montgomery"/>	
* County/Parish:	<input type="text" value="Montgomery"/>	
* State:	<input type="text" value="AL: Alabama"/>	
* Province:	<input type="text"/>	
* Country:	<input type="text" value="USA: United States"/>	
* Zip/Postal Code:	<input type="text" value="36101-1011"/>	
e. Organizational Unit:		
Department Name: <input type="text" value="Community Development"/>	Division Name: <input type="text" value="Community Development"/>	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix:	<input type="text" value="Mr."/>	* First Name: <input type="text" value="Dorinda"/>
Middle Name:	<input type="text"/>	
* Last Name:	<input type="text" value="Wilson"/>	
Suffix:	<input type="text"/>	
Title: <input type="text" value="Grants Administrator, Community Development"/>		
Organizations Affiliation: <input type="text" value="City of Montgomery"/>		
* Telephone Number:	<input type="text" value="334-275-0775"/>	Fax Number: <input type="text" value="334-275-4410"/>
* Email:	<input type="text" value="dwilson@com.gov"/>	

Application for Federal Assistance 5F-424	
* 9. Type of Applicant 1: Select Applicant Type: <input type="text" value="City or Township Government"/>	
Type of Applicant 2: Select Applicant Type: <input type="text"/>	
Type of Applicant 3: Select Applicant Type: <input type="text"/>	
* Other specify: <input type="text"/>	
* 10. Name of Federal Agency: <input type="text" value="U.S. Department of Housing and Urban Development"/>	
11. Catalog of Federal Domestic Assistance Number: <input type="text" value="14.039"/>	
CFDA Title: <input type="text" value="HOME Investment Partnerships Program (HOME)"/>	
* 12. Funding Opportunity Number: <input type="text" value="14.039"/>	
Title: <input type="text" value="HOME Investment Partnerships Program (HOME)"/>	
13. Competition Identification Number: <input type="text"/>	
Title: <input type="text"/>	
14. Areas Affected by Project (Cities, Counties, States, etc.): <input type="text"/> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/> </div>	
* 15. Descriptive Title of Applicant's Project: <input type="text" value="Increase and improve the development of affordable housing"/>	
Attachments to the documents as specified in agency instructions. <div style="display: flex; justify-content: space-around;"> <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/> </div>	

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date: * b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="507,587.00"/>
* b. Applicant	<input type="text" value=""/>
* c. State	<input type="text" value=""/>
* d. Local	<input type="text" value=""/>
* e. Other	<input type="text" value=""/>
* f. Program Income	<input type="text" value=""/>
* g. TOTAL	<input type="text" value="507,587.00"/>

*** 19. Is Application Subject to Review by State Under Executive Order 12872 Process?**

a. This application was made available to the State under the Executive Order 12872 Process for review on

b. Program is subject to E.O. 12872 but has not been reviewed by the State for review.

c. Program is not covered by E.O. 12872.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes" provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 28, Section 1001)**

I AGREE

** The list of certifications and assurances, or an Internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:


* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative:  * Date Signed:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-2005
Expiration Date: 02/28/2022

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:


1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or persons' gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 18 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4501 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 (U-3 and 290 c 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

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Standard Form 424D (Rev. 7-97)
Prescribed by GSA Circular A-132

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 501-1508 and 7324-7328) which limit the political activities of employees whose principal or primary activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§275a to 275e-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-335) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11880; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1986, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties) and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from: (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
	NAME
APPLICANT ORGANIZATION	DATE SUBMITTED
CITY OF BIRMINGHAM	06/02/2021

SF-424D (Rev. 7-97) Back

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.


PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1633, and 1685-1636), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§5101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 ad-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §374) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11996; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4601 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from: (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect; (2) Procuring a commercial sex act during the period of time that the award is in effect; or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE <input type="text"/>
APPLICANT ORGANIZATION <input type="text" value="CITY OF MONROEBAY"/>	DATE SUBMITTED <input type="text" value="05/02/2021"/>

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

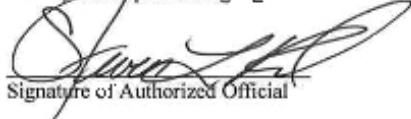
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 155.


Signature of Authorized Official

06/02/2021
Date

Mayor

Title

Specific Community Development Block Grant Certifications

The Fairflement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2019, 2020, 2021 [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.



Signature of Authorized Official

06/02/2021
Date

Mayor
Title

OPTIONAL Community Development Block Grant Certification

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having particular urgency as specified in 24 CFR 370.208(e):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.



Signature of Authorized Official

06/02/2021
Date

Mayor
Title

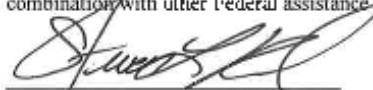
Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- It plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

Eligible Activities and Costs -- It is using and will use HOME funds for eligible activities and costs, as described in 24 C.F.R. §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

Subsidy layering -- Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing.



Signature of Authorized Official

06/02/2021
Date

Mayor _____
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.