



*City of* **Montgomery**

**CAPITAL OF DREAMS.**

## **PY 2024 Annual Action Plan**

**For use of the following HUD Programs:**

**Community Development Block Grant (CDBG) Program  
HOME Investment Partnership Act (HOME) Program  
Emergency Solutions Grant (ESG) Program**

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

**U.S. Department of Housing and Urban Development  
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Birmingham, Alabama 35203**

**Submitted: July 5, 2024**

# Executive Summary

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

### 1. Introduction

The purpose of the City Montgomery's PY 2024 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 three (3) HUD grants, the Community Development Block Grant (CDBG), HOME Investment Partnerships 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 2024:

#### Affordable Housing:

Increase the availability of affordable housing by supporting the following -

- Rental units rehabilitated – up to 60 Household Housing Units
- Homeowner units rehabilitated – up to 12 Household Housing 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 for Low/Moderate Income Housing Benefit – up to 60 Households Assisted
- Public services activities other than Low/Moderate Income Housing Benefit – 2,305 Persons Assisted

#### Homelessness:

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

- Homeless person overnight shelter – 260 Persons Assisted
- Other (HMIS) – 1 Other

**Administration:**

General administration of programs for Program Year (PY) 2024 as follows –

- Community Development Block Grant (CDBG) – **\$351,513**
- HOME – **\$85,271**
- Emergency Solutions Grant (ESG) – **\$11,002**

**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 the fifth year of its current Five-Year Consolidated Plan (PY 2020-2024). The City's PY 2023 CAPER is currently being prepared for submission to HUD and the following information on evaluation of past performance is being provided for the PY 2024 Action Plan.

Within the Five-Year Consolidated Plan, under Homelessness, the goal is to expand housing and services offered to homeless families and individuals in Montgomery. In line with this goal, the objectives set forth are to support tenant-based rental assistance/rapid rehousing programs. Two (2) organizations were provided ESG funds to meet this goal through existing emergency shelter and homeless prevention services. At the end of PY 2022, the City's percentage of completeness was at 126.7%. The City exceeded its goal by 26%. Another goal was the provision of homeless person overnight shelter. The objectives set forth were to improve awareness and provide access to emergency shelter services. After PY 2022, the percentage of completeness of this goal was 103.68%. However, as a result of the tremendous need for emergency shelter services, the City will continue to increase the accessibility of such assistance to members of the affected population.

The overall goal for affordable housing under previous plans has been to improve quality and availability of affordable housing by at least 25 units. With regard to public facility or infrastructure in support of affordable housing, the PJ's objective will be met or exceeded for the number of households assisted during the 2020-2024 Strategic Plan period. Through the first four years, which were addressed by the consolidated plan, one (1) CDBG Subrecipient has provided housing rehabilitation in the form of critical ("emergency") home repairs for at least twenty-seven (27) low-to-moderate income homeowners. All 27 rehabilitated homes are owner occupied. By the end of PY 2023, the PJ has used

HOME funds to place two (2) rehabilitated affordable units and sixty-two (62) new affordable units into service for tenant occupancy.

The PJ anticipates exceeding HOME funded housing goals within the fifth year of the Plan.

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 has designated four (4) goals – 1) Public Facility/Infrastructure Activities (other than low-moderate income housing benefit) - in the first four years of the Consolidated Plan this goal was met and exceeded at 1,095.75%; 2) Public Facility/Infrastructure Activities (low/moderate income housing benefit) - this goal was reported in the PY 2022 CAPER as being 60% complete and in the PY 2023 CAPER as being 560% complete; 3) Public Service Activities (other than housing benefit) – in PY 2023, this goal was met and exceeded at 226.73%; and, 4) Jobs created/retained – the City has not met this goal. During PY 2020 - 2024, the City funded non-profit organizations for public services activities in CDBG funding for activities such as free/reduced fee health services for those experiencing chronic medical conditions through primary care, medication, cardiac rehab services, dental clinic, diabetes self-management, and nutrition education; academic enrichment and mentoring for youth; implementation of positive character and social skills development program for at-risk youth; and, mentoring/tutoring program for at-risk youth during summer months and after school.

#### **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 reports the following regarding citizen participation and consultation:

- Advertisement in a local newspaper of general circulation (Montgomery Advertiser) was printed on May 28, 2024 for a 30-day comment period. The comment period was between May 28, 2024 and ended on June 27, 2024. The City's proposed PY 2024 Action Plan was submitted to City Council for review and approved by Resolution on **July 2, 2024**.

**During the 30-day comment period, the City received no comments from the public in its final version of the PY 2024 Action Plan.** Please see referenced advertisement in Section AD-26 of this Plan.

#### **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 2024 Annual Action Plan.

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

**7. Summary**

The City of Montgomery submits its fifth-year Action Plan (PY 2024) and will make great efforts to meet all goals and objectives listed within the five-year Consolidated Plan (PY 2020-2024).

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**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's 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-profit organizations (or for-profit housing developers) 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, HOME, and ESG 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:

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

### **1. Introduction**

The Consultation Process for Program Year (PY) 2024 Action Plan consisted of conducting meetings and discussions with City government leaders, key stakeholders and social agencies to decide which agencies, projects and activities that would be funded. 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 as well as made available in the Community Development Office for public review and comment. The availability of the Plan and locations for review are indicated in the City's advertisement of Public Notice placed in the Montgomery Advertiser and attached at AD-26 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 2024 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, Department of Community Development/Community Development Division, Public Works, Engineering, Information Technology, and Parks and Recreation; 2) State agencies - Alabama Department of Public Health, Alabama Department of Environmental Management (ADEM), and Alabama Department of Economic and Community Affairs (ADECA); 3) Affordable housing provider agencies, fair housing, and homeowner rehabilitation for low-income persons and families such as Aletheia House, Inc., Community Action Agency of North Alabama (CAPNA) which serve as the City's Community Housing Development Organizations (CHDOs), affordable housing partner, Heritage Training and Career Center, Inc., and the Montgomery Housing Authority (MHA), which provides public housing to low-income persons and families, Vantage Development - developer of affordable housing, and Central Alabama Fair Housing Center (CAFHC) - fair housing services; 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; Montgomery Area Community Wellness Center, Health Services, Inc., and Medical Outreach Ministries - agencies providing healthcare programs to uninsured/underinsured residents in the City of Montgomery; Carastar Health (formerly Montgomery Area Mental Health Authority, Inc.) - provider of behavioral and mental health services; 4) Homelessness and Domestic Violence providers such as Mid-Alabama Coalition for the Homeless (MACH) - responsible for the Continuum of Care; 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's Shelter and Women's Shelter - 2 separate shelters); HandsOn River Region - provider of Homeless Management Information System data and information; and, 5) WOW Internet Service providers to leverage resources in order to continue facilitating broadband services as well as filling the gap in digital divide.

**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 long standing relationship with the Mid-Alabama Coalition for the Homeless (MACH). MACH serves as the Continuum of Care organization - a requirement 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 through the Point-In-Time (PIT) Count of homeless individuals within its geographic boundaries.

Community Development Staff (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. During 2022, the Mayor formed a committee derived of homeless agency providers, the CoC, Community Development Staff, and the HMIS provider to combat chronic homelessness. Throughout PY 2023, the committee continued to fight chronic homelessness. The Community Development Department Director will continue to meet with all shelter providers and the COC to advance the planning process of assessing past homelessness activities and lay groundwork for a new plan to address homelessness for the City focusing on street outreach and coordinated entry and 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 regarding 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 manages Homeless Prevention and Rapid-Rehousing

project activities within the HESG Program for the City. MACH also plays a key role in assessing the City's current climate for homelessness and devising a new long-term plan for assisting this population.

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**

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 (homeless). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.

**Table 2 – Agencies, groups, organizations who participated**

1	<b>Agency/Group/Organization</b>	Mid-Alabama Coalition for the Homeless
	<b>Agency/Group/Organization Type</b>	Services-homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (homeless). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
2	<b>Agency/Group/Organization</b>	HandsOn River Region
	<b>Agency/Group/Organization Type</b>	Services-homeless Homeless Management Information System (HMIS)
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (homeless). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.

3	<b>Agency/Group/Organization</b>	Family Sunshine Center
	<b>Agency/Group/Organization Type</b>	Services-Children Services-Victims of Domestic Violence Services-homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Families with children Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (homeless). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
4	<b>Agency/Group/Organization</b>	Friendship Mission Inc.
	<b>Agency/Group/Organization Type</b>	Services-homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Families with children
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (homeless). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
5	<b>Agency/Group/Organization</b>	MONTGOMERY AREA WELLNESS COALITION-MAWC
	<b>Agency/Group/Organization Type</b>	Services-Health
	<b>What section of the Plan was addressed by Consultation?</b>	Healthcare for uninsured/underserved low-income population

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (healthcare for uninsured/underinsured low-income residents). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
6	<b>Agency/Group/Organization</b>	Health Services, Inc.
	<b>Agency/Group/Organization Type</b>	Services-Health
	<b>What section of the Plan was addressed by Consultation?</b>	Healthcare for uninsured/underserved low-income population
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (healthcare for uninsured/underinsured low-income residents). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
7	<b>Agency/Group/Organization</b>	MEDICAL OUTREACH MINISTRIES
	<b>Agency/Group/Organization Type</b>	Services-Health
	<b>What section of the Plan was addressed by Consultation?</b>	Healthcare for uninsured/underserved low-income population
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (healthcare for uninsured/underinsured low-income residents). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.

8	<b>Agency/Group/Organization</b>	Boys and Girls Clubs of the River Region
	<b>Agency/Group/Organization Type</b>	At-risk youth
	<b>What section of the Plan was addressed by Consultation?</b>	Public Services - at-risk youth
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (community development public service - mentoring/tutoring at-risk youth). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
9	<b>Agency/Group/Organization</b>	Montgomery Education Foundation
	<b>Agency/Group/Organization Type</b>	Services-Education
	<b>What section of the Plan was addressed by Consultation?</b>	Public Service
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (community development public service - education). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
10	<b>Agency/Group/Organization</b>	MONTGOMERY STEP FOUNDATION
	<b>Agency/Group/Organization Type</b>	At-risk youth
	<b>What section of the Plan was addressed by Consultation?</b>	Public Services - at-risk youth, mentoring/tutoring

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (community development public service - at-risk youth, mentoring/tutoring). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
11	<b>Agency/Group/Organization</b>	Central Alabama Fair Housing Center
	<b>Agency/Group/Organization Type</b>	Service-Fair Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Fair housing needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (fair housing services). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
12	<b>Agency/Group/Organization</b>	Heritage Training and Career Center
	<b>Agency/Group/Organization Type</b>	Services - Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (housing rehabilitation - critical repairs). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.

13	<b>Agency/Group/Organization</b>	Aletheia House, Inc.
	<b>Agency/Group/Organization Type</b>	Services - Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (affordable housing). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
14	<b>Agency/Group/Organization</b>	Community Action Partners of North Alabama
	<b>Agency/Group/Organization Type</b>	Services - Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (affordable housing). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
15	<b>Agency/Group/Organization</b>	Montgomery Housing Authority
	<b>Agency/Group/Organization Type</b>	PHA
	<b>What section of the Plan was addressed by Consultation?</b>	Public Housing Needs



	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (public housing needs). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
16	<b>Agency/Group/Organization</b>	Alabama Department of Public Health
	<b>Agency/Group/Organization Type</b>	Services-Children Services-Health Other government - State
	<b>What section of the Plan was addressed by Consultation?</b>	Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City does not have, nor anticipate 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. The agency completed surveys with the general public and discussed particular topics related to lead-based paint. The City will coordinate future activity between itself and the agency as it relates to future City/HUD funding and other possible resources.
17	<b>Agency/Group/Organization</b>	Alabama Department of Economic and Community Affairs
	<b>Agency/Group/Organization Type</b>	Agency - Managing Flood Prone Areas Agency - Management of Public Land or Water Resources Other government - State
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City consulted via conference telephone calls as well as agency meetings. The outcome was to coordinate and leverage additional resources relating to planning, storm water management, land use, as well as flood mitigation (and mitigating services). The City will coordinate future activity between itself and the agency as it relates to future HUD funding and other possible resources.
18	<b>Agency/Group/Organization</b>	CITY OF MONTGOMERY
	<b>Agency/Group/Organization Type</b>	Agency - Managing Flood Prone Areas Agency - Management of Public Land or Water Resources Agency - Emergency Management Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Neighborhood resources, community development, and other services listed below
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City arranged meetings/conducted telephone conference calls with a broad community audience including departments of its own local government. Outcomes derived from discussions with these departments resulted in improving coordination of and leveraging resources discussed particular topics important within its own targeted population (neighborhood and community development); Information Technology (through discussions with Montgomery Public School System and internet service providers; Engineering/Emergency Management (flood mitigation/stormwater management/emergency management), Public Works; Community Development Land Use; Neighborhood Services Department (formerly BONDS - Building our Neighborhoods for Development and Success) and, Parks and Recreations (community centers and facilities). The City will coordinate future activity between itself and the departments as it relates to future City/HUD funding and other possible resources.

19	<b>Agency/Group/Organization</b>	Carastar Health
	<b>Agency/Group/Organization Type</b>	Services-Health Publicly Funded Institution/System of Care
	<b>What section of the Plan was addressed by Consultation?</b>	Mental Health facility and services
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	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 (healthcare/mental health facilities and services). The City will coordinate future activity between itself and the agencies as it relates to future City/HUD funding and other possible resources.
20	<b>Agency/Group/Organization</b>	WOW Internet Service
	<b>Agency/Group/Organization Type</b>	Services - Broadband Internet Service Providers Services - Narrowing the Digital Divide
	<b>What section of the Plan was addressed by Consultation?</b>	Broadband Internet Services
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City consulted via conference telephone calls. Outcome was to coordinate and leverage additional resources in order to continue facilitating broadband services as well as filling the gap in digital divide - even after the COVID pandemic within low-income areas of the city and eligible families. The City will coordinate future activity between itself and the agency as it relates to future HUD funding and other possible resources.

**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 (housing for low-income) public hearing, written correspondence, 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	Mid-Alabama Coalition for the Homeless (MACH)	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 usage of HUD's CDBG, HOME, and ESG Program funds during PY 2024 was available for review and comment for 30 days. A copy of the summary of the PY 2024 Action Plan was made available for public review at the Department of Community Development, Community Development Office, 25 Washington Avenue, 4th Floor, Montgomery, AL 36104 and on the City's webpage at the following link - Community Development Division | City of Montgomery, AL ([montgomeryal.gov](http://montgomeryal.gov)). The public comment period began on May 28, 2024 and ended June 27, 2024.

**Citizen Participation Outreach**

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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 on May 28, 2024 at the Department of Community Development, Community Development Division, 25 Washington Avenue, 4th Floor, Montgomery, AL 36104. The draft was also made available on the City's webpage at the following link - Community Development Division   City of Montgomery, AL (montgomeryal.gov) for a 30-day period ending June 27, 2024.	No comments were received during the public comment period for the City's PY 2024 Annual Action Plan.	No comments were received during the public comment period for the City's PY 2024 Annual Action Plan.	

**Table 4 – Citizen Participation Outreach**

## Expected Resources

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

#### Introduction

For PY 2024, the City of Montgomery anticipates the availability and use of the following resources:  
 The CDBG Program will use its administration cap at 20% of its total annual allocation of \$1,757,565, which equals \$351,513.  
 The HOME Program will use its administration cap at 10% of its total annual allocation of \$852,714, which equals \$85,271.  
 The ESG Program will use its administration cap at 7.5% of its total allocation of \$146,691, which equals = \$11,001.

#### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 5				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	1,757,565	0	0	1,757,565	1,757,565	CDBG funds will be used for program administration, public service activities, housing rehab, public facility improvements/rehab, and infrastructure improvements (LMH). The CDBG Program will use its administration cap at 20% of its total allocation (\$1,757,565) - \$351,513 annually



Program	Source of Funds	Uses of Funds	Expected Amount Available Year 5				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	987,958	0	0	987,958	987,958	HOME funds will be used for program administration, development/new construction and rental of affordable housing, CHDO Reserve, and CHDO Operating Costs. The HOME Program will use its administration cap at 10% of its total allocation (\$987,958) - \$98,795 annually

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 5				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	146,333	0	0	146,333	146,333	ESG funds will be used for program administration, operations and maintenance of homeless shelters, homeless prevention and rapid re-housing activities, and HMIS. The ESG Program will use its administration cap at 7.5% of its total allocation (\$146,333) - \$10,974 annually

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**

**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 St. Jude Apartment Historic Rental Rehabilitation Development is planned for funding up to 60 multifamily senior household units during the 2020-2024 Plan period on a 5.16 acre parcel with an existing 22,204 square foot apartment building, which was previously developed, subsequently experienced distress over time, and acquired by the City of Montgomery. In addition, the City has a current inventory within its jurisdiction of scattered-site lots from years of demolition that are subject to potential use in federal and other housing initiative and/or programs.

**Discussion**

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## 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	Downtown Area & North Montgomery Westside of Montgomery	Infrastructure Housing	CDBG: \$960,000 HOME: \$724,807 ESG: \$0	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 60 Households Assisted Rental units constructed: 60 Household Housing Unit Homeowner Housing Rehabilitated: 9 Household Housing Unit
2	Non-Housing Community Development	2020	2024	Homeless Non-Homeless Special Needs Non-Housing Community Development	Citywide	Public Facilities Public Services	CDBG: \$263,634 HOME: \$0 ESG: \$0	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 0 Persons Assisted; Public service activities other than Low/Moderate Income Housing Benefit: 2305 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Homelessness	2020	2024	Homeless Non-Housing Community Development	Citywide	Homeless Services	CDBG: \$0 HOME: \$0 ESG: \$135,689	Tenant-based rental assistance / Rapid Rehousing: 0 Households Assisted Homeless Person Overnight Shelter: 260 Persons Assisted Homelessness Prevention: 0 Persons Assisted Other: 1 Other
4	Program Administration	2020	2024	Administration	Citywide	Homeless Services Infrastructure Housing Public Facilities Public Services	CDBG: \$351,513 HOME: \$85,271 ESG: \$11,002	Other: 3 Other

Table 6 – Goals Summary

**Goal Descriptions**

1	<b>Goal Name</b>	Affordable Housing
	<b>Goal Description</b>	<p>Goal Outcome Indicator totals were derived from the following affordable housing activities -</p> <ul style="list-style-type: none"> <li>The St. Jude Historic Rental Rehabilitation (Rental) - HOME Program (Construction) funds</li> </ul>

<b>2</b>	<b>Goal Name</b>	Non-Housing Community Development
	<b>Goal Description</b>	<p>Goal Outcome Indicator numbers were derived from the following non-profit organizations providing public service activities -</p> <ul style="list-style-type: none"> <li>• Aid to Inmate Mothers</li> <li>• Boys &amp; Girls Club of the River Region</li> <li>• Montgomery STEP Foundation</li> <li>• Medical Outreach Ministries</li> </ul>
<b>3</b>	<b>Goal Name</b>	Homelessness
	<b>Goal Description</b>	<p>The benefit totals listed in Goal Outcome Indicators were derived from the following agencies -</p> <ul style="list-style-type: none"> <li>• Tenant-based Rental Assistance/Rapid Rehousing - Mid-Alabama Coalition for the Homeless</li> <li>• Homeless Person Overnight Shelter - Family Sunshine Center and Friendship Mission, Inc.</li> </ul> <p>OTHER- HandsOn River Region (HMIS)</p>
<b>4</b>	<b>Goal Name</b>	Program Administration
	<b>Goal Description</b>	<p>General Program administration will be administered in the following manner -</p> <ul style="list-style-type: none"> <li>• CDBG Program - \$351,513</li> <li>• HOME Program - \$85,271</li> <li>• ESG Program - \$11,002</li> </ul>

# Projects

## AP-35 Projects – 91.220(d)

### Introduction

CDBG, HOME, and ESG 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).

### Projects

#	Project Name
1	Montgomery STEP Foundation
2	Aid to Inmate Mothers
3	Medical Outreach Ministries
4	Boys & Girls Club of the River Region
5	The Montgomery Area Family Violence Program, Inc. d/b/a Family Sunshine Center
6	The Montgomery Housing Authority
7	CDBG Administration
8	HOME Affordable Housing Development
9	HOME CHDO Operating Costs/Assistance
10	HOME Administration
11	HESG PY 2024

Table 7 - Project Information

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

The City of Montgomery established priorities and goals/objectives based off of public surveys as well as identification of community-based needs during its submission of a Five-Year Consolidated Plan (PY 2020-2024). Through community meetings and consultations with key stakeholders, data derived from all sources listed herein served as a guide for addressing underserved needs and priorities for selections of funding within the CDBG, HOME, and ESG Programs.

**AP-38 Project Summary**  
**Project Summary Information**

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1	<b>Project Name</b>	Montgomery STEP Foundation
	<b>Target Area</b>	Citywide
	<b>Goals Supported</b>	Non-Housing Community Development
	<b>Needs Addressed</b>	Public Services
	<b>Funding</b>	CDBG: \$70,926
	<b>Description</b>	Public Service - Limited Clientele
	<b>Target Date</b>	4/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	150 at-risk youth
	<b>Location Description</b>	Seth Johnson Middle School - 4550 Narrow Lane Rd. - 36116 Chisholm Elementary School – 307 E. Vandiver Blvd. - 36110 McKee Middle School - 4017 McInnis Rd. – 36116 Southlawn Middle School – 5333 Mobile Hwy. - 36108
<b>Planned Activities</b>	S.T.E.P. will provide two (2) full-time Prevention Specialists to establish an effective character, life, social, and violence prevention skills program through its <b>Youth Violence and Aggression Reduction</b> project available to low-income, at-risk students at Seth Johnson Elementary School, Chisholm Elementary School, McKee Middle School, and Southlawn Middle School.	
2	<b>Project Name</b>	Aid to Inmate Mothers
	<b>Target Area</b>	Citywide
	<b>Goals Supported</b>	Non-Housing Community Development
	<b>Needs Addressed</b>	Public Services
	<b>Funding</b>	CDBG: \$65,000
	<b>Description</b>	Public Service - Limited Clientele
	<b>Target Date</b>	4/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	20 low-moderate income individuals
	<b>Location Description</b>	Organization address – 660 Morgan Avenue - 36104

	<b>Planned Activities</b>	Project GENESIS, transitional housing for recently-released inmates, will provide structured living for approximately 20 residents. These residents will receive drug screenings; obtaining State Identification, duplicate birth certificates, and social security cards; intensive case management; job readiness training for employment; counseling; and, life skills training in preparation for re-entry into society.
<b>3</b>	<b>Project Name</b>	Medical Outreach Ministries
	<b>Target Area</b>	Citywide
	<b>Goals Supported</b>	Non-Housing Community Development
	<b>Needs Addressed</b>	Public Services
	<b>Funding</b>	CDBG: \$73,892
	<b>Description</b>	Public Service - Limited Clientele
	<b>Target Date</b>	4/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	250 low-moderate income individuals
	<b>Location Description</b>	Organization address: 5741 Carmichael Parkway - 36117
	<b>Planned Activities</b>	Provision of funding for MOM's <i>Closing the Healthcare Gap</i> project to help high-risk, low-income adults access primary and specialty healthcare to manage their chronic conditions. This includes physicians and nurses, at-home monitoring equipment, medications, and transportation to appointments.
<b>4</b>	<b>Project Name</b>	Boys & Girls Club of the River Region
	<b>Target Area</b>	Westside of Montgomery
	<b>Goals Supported</b>	Non-Housing Community Development
	<b>Needs Addressed</b>	Public Services
	<b>Funding</b>	CDBG: \$53,816
	<b>Description</b>	Public Service – Limited Clientele
	<b>Target Date</b>	4/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	One (1) low-moderate income household

	<b>Location Description</b>	West End – 220 Crenshaw Street – 36104 Chisholm – 2612 Lower Wetumpka Road – 36110
	<b>Planned Activities</b>	Provision of funding for Boys and Girls Club of River Region’s <b>Project Learn</b> at West End and Chisholm Clubs – a mentoring and tutoring program for at-risk youth designed to enhance skills and knowledge; address and emphasize parental involvement and collaboration between Club and school professions as critical factors for a successful learning environment. Clubs will operate Monday - Friday after school (3p-9p) and during summer months (9a-5p).
<b>5</b>	<b>Project Name</b>	The Montgomery Area Family Violence Program, Inc. d/b/a Family Sunshine Center
	<b>Target Area</b>	Citywide
	<b>Goals Supported</b>	Non-Housing Community Development
	<b>Needs Addressed</b>	Public Facilities
	<b>Funding</b>	CDBG: \$235,072
	<b>Description</b>	Rehabilitation of a domestic violence shelter
	<b>Target Date</b>	4/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	750 individuals
	<b>Location Description</b>	Address suppressed
	<b>Planned Activities</b>	Rehabilitation of a domestic violence shelter.
<b>6</b>	<b>Project Name</b>	Montgomery Housing Authority
	<b>Target Area</b>	Northside of Montgomery
	<b>Goals Supported</b>	Affordable Housing
	<b>Needs Addressed</b>	Infrastructure
	<b>Funding</b>	CDBG: \$960,000
	<b>Description</b>	Infrastructure improvements
	<b>Target Date</b>	4/30/2025

	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Up to 60 low-moderate income households
	<b>Location Description</b>	645 Columbus Street - 36104
	<b>Planned Activities</b>	Provision of infrastructure improvements (sewer, street, sidewalk, curb and/or gutter) for Columbus Square Phase III. Rental units will be available to low-income tenants.
<b>7</b>	<b>Project Name</b>	CDBG Administration
	<b>Target Area</b>	Citywide
	<b>Goals Supported</b>	Program Administration
	<b>Needs Addressed</b>	Infrastructure Housing Public Facilities Public Services
	<b>Funding</b>	CDBG: \$333,808
	<b>Description</b>	General administration
	<b>Target Date</b>	4/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	N/A
	<b>Location Description</b>	25 Washington Avenue, 4th Floor 36104
	<b>Planned Activities</b>	General Program administration
<b>8</b>	<b>Project Name</b>	HOME Affordable Housing Development
	<b>Target Area</b>	Citywide
	<b>Goals Supported</b>	Affordable Housing
	<b>Needs Addressed</b>	Housing
	<b>Funding</b>	HOME: \$767,443
	<b>Description</b>	HOME Entitlement (EN) and CHDO Reserve (CR) funds
	<b>Target Date</b>	4/30/2025

	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Up to 60 multifamily senior household units
	<b>Location Description</b>	2018 W. Fairview Avenue - 36108
	<b>Planned Activities</b>	Funds will be used in the form of loans for construction and/or permanent or gap financing to develop and construct affordable rental housing units, which may include projects such as the proposed St. Jude Historic Rental Rehabilitation development consisting of up to 60 multifamily senior household units, and/or other projects yet to be determined at the time of this Plan’s approval. HOME assisted units may or may not be dedicated to special needs populations, i.e. senior citizens, HOME-ARP Program qualifying populations, those requiring accessibility assistance, and/or others, etc. At least 15% of the PY 2024 HOME allocation (\$127,907) will be used by certified Community Housing Development Organizations (CHDOs), subject to HUD statutory requirements, for development of affordable units. The balance (\$596,900) will be made available to non-profit/for-profit developers, including CHDOs.
9	<b>Project Name</b>	HOME CHDO Operating Costs/Assistance
	<b>Target Area</b>	Citywide
	<b>Goals Supported</b>	Affordable Housing
	<b>Needs Addressed</b>	Housing
	<b>Funding</b>	HOME: \$42,636
	<b>Description</b>	CHDO operating costs
	<b>Target Date</b>	4/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	N/A
	<b>Location Description</b>	N/A

	<b>Planned Activities</b>	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 CHDO Operating Cost assistance grants, subject to HOME statutory limitations and restricted to eligible costs of employee salaries, 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).
<b>10</b>	<b>Project Name</b>	HOME Administration
	<b>Target Area</b>	Citywide
	<b>Goals Supported</b>	Program Administration
	<b>Needs Addressed</b>	Housing
	<b>Funding</b>	HOME: \$85,271
	<b>Description</b>	General administration
	<b>Target Date</b>	4/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	N/A
	<b>Location Description</b>	25 Washington Avenue, 4th Floor 36104
	<b>Planned Activities</b>	General Program administration
<b>11</b>	<b>Project Name</b>	HESG PY 2024
	<b>Target Area</b>	Citywide
	<b>Goals Supported</b>	Homelessness Program Administration
	<b>Needs Addressed</b>	Homeless Services
	<b>Funding</b>	ESG: \$146,691
	<b>Description</b>	Emergency Shelter Operations - Family Sunshine Center (\$40,707); Friendship Mission (\$40,706); HMIS - HandsOn River Region (\$54,276); and, Program Administration @ 7.5% Cap - \$11,002
	<b>Target Date</b>	4/30/2025

<p><b>Estimate the number and type of families that will benefit from the proposed activities</b></p>	<p>Homeless population, individuals/families at risk of becoming homeless, and/or domestic violence/battered and abused women, and ESG administration (PY 2024 ESG). Organizations listed within this project will benefit at least <b>500 homeless individuals and 11 agencies.</b></p>
<p><b>Location Description</b></p>	<p>Family Sunshine Center - Address Suppressed          Friendship Mission - 3561 Mobile Highway 36108          HandsOn River Region - 101 Coliseum Blvd. 36109          Community Development (administration) - 25 Washington Avenue, 4th Floor 36104</p>
<p><b>Planned Activities</b></p>	<p>Operations and maintenance of homeless shelter programs, management of the Homeless Management and Information Systems (HMIS), and general Program administration.</p>

## 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 Annual Action 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 citywide 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. ESG funds will be used to support agencies that serving the homeless population (extremely low income) on a citywide basis.

### Geographic Distribution

Target Area	Percentage of Funds
Citywide	47
Downtown Area & North Montgomery	27
Westside of Montgomery	26
Southside Montgomery	0

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

For the PY 2024 Action Plan, the City of Montgomery plans for the rehabilitation of sixty (60) multifamily senior household units using a combination of PY 2022 and PY 2023 CDBG program funds for property acquisition and PY 2024 HOME funds for rehabilitation. In addition, the City plans to use PY 2024 CDBG funds for the rehabilitation of twelve (12) existing single-family owner occupied units for low-moderate income households.

<b>One Year Goals for the Number of Households to be Supported</b>	
Homeless	0
Non-Homeless	72
Special-Needs	0
Total	72

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

<b>One Year Goals for the Number of Households Supported Through</b>	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	72
Acquisition of Existing Units	0
Total	72

**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. However in PY 2024, the current goal is to support the acquisition and rehabilitation of at least sixty (60) existing units for senior housing under PY 2022 and PY 2023 CDBG and PY 2024 HOME program assistance; and support the rehabilitation of at least twelve (12) owner occupied housing units for low-moderate income households with PY 2024 CDBG program assistance.

## **AP-60 Public Housing – 91.220(h)**

### **Introduction**

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

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

Throughout the time period addressed in the PY 2020-2024 Consolidated Plan, the City of Montgomery has continued to partner with the Montgomery Housing Authority (MHA). During PY 2024, the City plans to provide CDBG funding for infrastructure development and/or improvements at the Columbus Square Housing Development Phase III to assist MHA's population. Not only did the City provide CDBG funding for such projects during its previous Consolidated Plan but 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 continue to 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 subsidies. The program also affords low-moderate income families opportunities to invest in wealth building through home ownership.

### **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 a troubled entity.

### **Discussion**

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

### **Introduction**

The City is developing a homelessness reduction plan and program to address an emerging homeless crisis that includes the Downtown business district. Until the new plan is designed and implemented, the City along with MACH will continue to follow eight (8) strategies to reduce homelessness: (1) Improve methods to prevent homelessness; (2) improve outreach services; (3) improve access to services; (4) expand permanent housing options; (5) improve efforts and methods for accurately counting homeless persons; (6) expand local, state, and national partnerships as well as peer to peer opportunities; (7) provide extensive training for local shelter providers; and, (8) explore additional funding opportunities to combat homelessness. In addition, the City of Montgomery’s Homelessness Taskforce Committee, which consists of local homeless service providers, makes recommendations to the Mayor’s Office in regards to homeless issues in the City. The Committee makes policy recommendations to support efforts to assist the homeless population.

The City will continue to build and strengthen its relationship with the Continuum of Care (CoC) and other shelter providers to include local, state, and national agencies in an effort to strengthen strategies and techniques to move homeless individuals and families from homelessness to permanent housing. The City will continue to develop a coordinate homeless response system that effectively incorporate emergency shelter, homeless prevention, rapid rehousing, transitional housing, street outreach and data collection through the Homeless Management Information System (HMIS).

In addition to the city of Montgomery’s Homelessness Taskforce Committee, the Department of Community Development through the Community Development Division, has continued to develop a “Five-Year Plan to Combat Homelessness in the City of Montgomery”. This plan will be developed in conjunction with the City’s next five-year Consolidated Plan (PY 2025 – 2029). The purpose of this Plan is to develop homelessness reduction infrastructure that will allow the City to move forward in addressing homelessness in a manner that will unite all service providers with the purpose of directing more technical assistance, improving data collection, coordinating and sharing of services, and securing funding from federal, state, local, and private funding sources. The City plans to seek technical assistance from HUD and partner with local universities to develop this plan. The plan will focus on the following goals to assist homeless individuals: (1) place individuals/families on the path to temporary and/or permanent housing; (2) provide opportunities for job training; (3) identify and unite local, state, and national resources to buy into project success; (4) conduct research and collect data for tracking project progress; (5) introduce new tools for data collection and tracking; (6) conduct frequent counts for data analysis and comparison; (7) develop real-time list of homeless individuals; (8) create an engagement and protocol process for case management and story collection; (9) develop fundraising program to support the Initiative; (10) develop peer-to-peer relationship with other service providers; (11) create a homeless resource supply hub to support shelters and homeless individuals; (12) provide

public education on homelessness; and (13) strengthen local shelter programs.

**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**

CARES Act (ESG-CV) funding has continued to have a positive effect on the capacity of homeless service providers by awarding them extra financial resources for the purchase of necessary goods, supplies, equipment, and vehicles. Such deliverables would not have been possible without this source of funding. In addition, the City of Montgomery has begun laying the groundwork for a new homelessness strategy plan scheduled to launch in 2025 and will be designed to engage the community in a cooperative process resulting in an implementable plan to compliment HUD ESG funding. The plan is being developed by the City of Montgomery's Homeless Task Force in coordination with the Community Development Division of the City of Montgomery, Alabama. The plan will also strengthen our Continuum of Care and HMIS partners. The City's one-year goals throughout the current 5-Year Consolidated Plan will continue to focus on providing better services and opportunities in an effort to move homeless individuals and families to stable and permanent housing.

As a result of the growth of the homeless population in Downtown Montgomery, the Community Development Department has continued to develop the Emergency Downtown Homelessness Response Plan. The plan which will be implemented in the summer of 2025 is being developed in response to comments from business owners whose customer base (to include tourists) are being directly affected. The Community Development Division, working with local homeless providers, will continue to provide basic hygiene services to the downtown homeless population to include access to mobile shower and bathroom facilities as well as laundry stations. The plan will also include other supportive services such as food, clothing, and instructions to receive other social services through additional outreach providers.

The City of Montgomery is a supportive partner of the City's Continuum of Care (CoC) – Mid-Alabama Coalition for the Homeless (MACH). The CoC coordinates with homeless shelter providers and has developed a collaborative system to reach out to those experiencing homelessness. As the CoC, 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 an annual survey of homeless individuals within its geographic boundaries. MACH accomplishes planning, coordination, proposed project prioritization, gap analysis, and other HUD required tasks. As a result of MACH's planning and coordination activities, local agencies are eligible to receive HUD funding to serve homeless individuals within their service areas providing approximately \$2 million in federal funding

each year.

MACH, along with HandsOn River Region, operates the 2-1-1 Connects system, 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 its CDBG and ESG programs.

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

Persons experiencing a housing crisis will continue to receive effective housing solutions through 2-1-1 Connects, the HMIS system, and/or the CoC network in general. These solutions will provide stable, affordable, healthy, and safe housing during the post-pandemic environment. The transitional housing providers, emergency shelters, permanent supportive housing providers, and public housing providers have created a collaborative network, which is designed to meet the needs of clients in a post pandemic environment. The members of this collaboration coordinate activities to ensure clients' needs are comprehensively met.

### **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, and correctional institutions. 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. 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.**

Since 2004, the City of Montgomery's "Montgomery Area Blue Print" has served as the guiding document and platform for addressing the issues of homelessness in Montgomery. As previously mentioned, the Blue Print has been successful yet continuously under revision to include such considerations as those due to the COVID-19 pandemic. The City, in coordination with MACH, will develop a new homeless strategy plan that will encompass local homeless providers and previously engaged organizations 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 Continuum of Care 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 objectives of the City's new homeless strategy plan and the homelessness task force is to increase communication and coordination between all organizations and agencies, which provide or provide homelessness reduction activities in an effort to move homeless individuals to transitional and permanent housing.

## **Discussion**

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

### **Introduction:**

The public sector can affect affordability in the housing market through policies on things such as zoning, building codes, infrastructure improvements, and implemented planning and economic development activities. Affordability of housing is more indirectly affected by availability and costs of utilities; road construction and maintenance; property taxes; insurance; availability of transportation; and homeowner and renter knowledge of housing contractual practices. Currently, inflation is causing unprecedented pressure on costs for both building materials and labor. Such pressure and other economic factors have negatively affected the availability and timeliness of funding for local affordable housing initiatives, which typically supplement the City of Montgomery's federal allocations. The availability of traditional sources of funding such as Low Income Housing Tax Credits (LIHTC) and private equity funds have been negatively influenced.

### **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 will strive to continue directing proactive financial and technical assistance to affordable housing occupants and developments, as well as encouraging non-profit community housing development organizations and/or for-profit developers that are experienced in providing quality affordable units. The City will also continue to maintain a current inventory of available vacant lots for the construction of affordable new infill housing, and even to donate such parcels when applicable.

The City continues to monitor relevant public policies to safeguard against unintended effects which might create or increase barriers to affordable housing; and, the City remains committed to the principle of non-discrimination against all protected classes, particularly regarding the low-moderate income populations.

The City works to preserve its affordable housing stock through property maintenance codes enforcement, supported by the City's Critical Repair ("emergency") Housing Rehabilitation Program, which helps eligible low-moderate income homeowners address enforcement requirements, with the use of CDBG funds. The City will also use gap financing provided through HUD's HOME Program to acquire and develop new affordable rental housing on an annual basis, as well as to support Community Housing Development Organizations (CHDOs) in their efforts to promote affordable housing, through limited operating cost assistance grants.

### **Discussion:**

## **AP-85 Other Actions – 91.220(k)**

### **Introduction:**

The City of Montgomery has identified a number of measures it will take to address obstacles to meeting underserved needs, foster and maintain affordable housing, reduce lead-based paint hazards, reduce the number of families living below the poverty level, develop institutional structure, and enhance coordination between public and private housing and social service organizations.

### **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 HOME, HOME-ARP, and CDBG grant funds into programs that promote affordable housing and that preserve existing homeowner units, for LMI households. Although affordable rental housing is a priority focus, the City's goal is to promote and support programs that include opportunities for tenants to become successful homeowners. In addition, during this Consolidated Plan period, the City of Montgomery will be increasing the retention of affordable units in the local housing stock by making funds available to current LMI homeowners for critically needed repairs, who might not otherwise be able to afford to obtain them, 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**

Through its CDBG Homeowner Rehabilitation Program, the PJ takes every opportunity to offer assistance (where applicable) to assist tenants and homeowners to reduce existing hazards caused by lead based paint in houses built prior to January 1st, 1978. However, because the program is designed to make critical repairs only, current rehab program policy typically allows assistance only to properties that are exempt from requirements of the Lead Safe Housing Rule provided at 24 CFR 35.115. Any non-exempt units that might otherwise be assisted by the PJ with federal funds will be tested by qualified professionals for lead paint hazards, and certified contractors will 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, and it requires its rehabilitation Subrecipients and/or contractors to provide HUD-approved documentation to homeowners, informing them on 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 of Montgomery and Montgomery 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 will continue to promote housing and service agency collaboration by supporting its two certified Community Housing Development Organizations in their corporate missions, for each of which, its Articles of Incorporation combines the provision social services with development of affordable housing. The PJ is currently working with the local Continuum of Care provider in the process of planning and developing its HOME-ARP Allocation Plan for implementing its recent award of \$3.3 Million in HOME-ARP dollars from HUD. The new program will target combined housing and social service needs to benefit certain specific qualifying populations, including those that are homeless or at greatest risk of becoming homeless.

### **Discussion:**

## Program Specific Requirements

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

#### Introduction:

During PY 2024, 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
<b>Total Program Income:</b>	<b>0</b>

#### 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(l)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

Beyond eligible activities and forms of assistance identified at Section 92.205, the PJ may pursue and seek to invest other resources as leverage for the investment of HOME funds. Some examples are as follows:

- Continued awards to owner/developers by the Alabama Housing Finance Agency (AHFA) of Low Income Housing Tax Credits (LIHTC) for affordable housing planned for development on sites that correspond with local Consolidated Plan and Action Plan needs;
- Eligible HOME Match contributions from non-federal resources, such as (1) donation of excess City-owned real property; (2) waivers of building permit fees; donation or sale of property below market value for development as affordable housing; (3) discounts to developers obtained through below-market interest rates on HOME project debt;
- Requirement that all HOME funded affordable housing developers must invest funds from their own resources as their reasonable 'fair share' contribution to the cost of housing development and/or CHDO operations within the jurisdiction;
- Investment, from time to time, of other available federal funds such as HTF, HOME-ARP, or CDBG, in eligible activities to supplement HOME development projects; such activities might include housing that is reserved for extremely low-income tenants, and/or with appropriate services for qualifying populations to address homelessness, or infrastructure improvements.

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:

Historically, the City of Montgomery has elected to recapture HOME funds invested in any homebuyer activities. Although the PJ does not offer any form of homebuyer program in its PY 2020-2024 Consolidated Plan, the adopted policy under such a program remains as follows, until otherwise noted in its adopted Standard Operating Policies and Procedures (SOP):

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
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.

5. If applicable to a planned HOME TBRA activity, a description of the preference for persons with special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).

The PJ has no planned HOME TBRA activity in its current Consolidated Plan.

6. If applicable to a planned HOME TBRA activity, a description of how the preference for a specific category of individuals with disabilities (e.g. persons with HIV/AIDS or chronic mental illness) will narrow the gap in benefits and the preference is needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2)(ii) and 91.220(l)(2)(vii)).

The PJ has no planned HOME TBRA activity in its current Consolidated Plan.

7. If applicable, a description of any preference or limitation for rental housing projects. (See 24 CFR 92.253(d)(3) and CFR 91.220(l)(2)(vii)). Note: Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

Preference may be given to rental developments funded by the PJ that are specifically dedicated to elderly persons, subject to exemptions to the Fair Housing Act as set forth at Subpart E—Housing for Older Persons, 24 CFR 100.300, and not prohibited by the laws listed under 24 CFR 5.105(a).

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

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

During PY 2024, the City of Montgomery will be able to support its homeless shelter providers. The following standards shall 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.

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).

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.

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. 137-2023

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 programs:

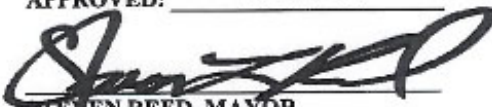
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Mayor Steven Reed is hereby authorized to act as the City of Montgomery's official representative in connection with the proposed (subject to HUD final approval) Federal application for \$1,669,044 in Community Development Block Grant (CDBG) Program funds; \$987,958 in HOME Program funds; \$146,333 in Emergency Solutions Grant (ESG) 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 18<sup>th</sup> day of July, 2023.

GIVEN under my hand and the official seal of the City of Montgomery, Alabama, this 19<sup>th</sup> day of July, 2023.

  
BRENDA GALE BLALOCK, CITY CLERK

APPROVED: JUL 21 2023  
  
STEVEN REED, MAYOR

137-2023

**CITY OF MONTGOMERY  
U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD)  
NOTICE OF PROGRAM YEAR (PY) 2023  
ACTION PLAN**

The City of Montgomery has developed a CRAFT of its proposed one-year Action Plan for PY 2023, which will be the fourth program year of the Consolidated Plan (PY 2020-2024). The Consolidated Plan consists of a detailed analysis of the City's housing, community development needs, resources and options for housing, and a five-year strategy for targeting these resources. The PY 2023 Action Plan summary includes resources available by the U.S. Department of Housing and Urban Development (HUD), and describes proposed activities to address homelessness, housing, and non-housing community development needs in the City of Montgomery using these resources.

# PY 2023 ACTION PLAN NOTICE

A copy of the summary of the PY 2023 Action Plan is available for public review at the Department of Community Development, 25 Washington Avenue, 4th Floor, Montgomery, AL 36104 or on the City's webpage at the following link: <https://www.montgomeryal.gov/cdmontgomeryal>. A 30-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 Plan. A summary of all written comments received during the 30-day review period will be included when the Plan is submitted to HUD.

Comments concerning the City of Montgomery's PY 2023 Action Plan must be in writing by 5:00 p.m. on July 16, 2023 and posted to:

City of Montgomery  
Department of Community Development  
25 Washington Avenue, 4th Floor  
Montgomery, AL 36104  
or by email @ [cdmontgomeryal.gov](mailto:cdmontgomeryal.gov)

**Ciudad de Montgomery  
DEPARTAMENTO DE VIVIENDA Y DESARROLLO URBANO (HUD)  
AVISO DE PROGRAMAS AÑO (PY) 2023  
PLANEACIÓN DE ACCIÓN**

La Ciudad de Montgomery ha desarrollado un CONSORCIO de su Plan de Acción de un año programado para PY 2023, que será el cuarto año programático del Plan Consolidado (PY 2020-2024). El Plan Consolidado consiste en un análisis detallado de las necesidades de desarrollo comunitario de las personas sin hogar de la Ciudad, los recursos disponibles para la vivienda y una estrategia de cinco años para obtener esos recursos. El resumen del Plan de Acción de PY 2023 describe recursos disponibles por el Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD), por sus sitios de Internet, y describe las actividades propuestas para abordar las necesidades de desarrollo comunitario de hogar, vivienda y no vivienda en la Ciudad de Montgomery utilizando estos recursos.

Una copia del resumen del Plan de Acción PY 2023 está disponible para revisión pública en el Departamento de Desarrollo Comunitario, 25 Washington Avenue, 4to Floor, Montgomery, AL 36104 o en la página web de la Ciudad en el siguiente enlace: <https://www.montgomeryal.gov/cdmontgomeryal>. Se proporciona un período de revisión de treinta días a partir de la fecha de publicación de este Aviso para dar al público la oportunidad adecuada de revisar y comentar el plan propuesto. Se incluirá un resumen de todos los comentarios escritos recibidos durante el período de revisión de treinta días cuando el Plan se envíe a HUD.

Los comentarios sobre el Plan de Acción PY 2023 de la Ciudad de Montgomery deben enviarse por escrito antes de las 5:00 p.m. del 16 de julio de 2023 y enviarse por correo a:

Ciudad de Montgomery  
Departamento de Planeación  
25 Washington Avenue, cuarto piso  
Montgomery, AL 36104  
o por correo electrónico @ [cdmontgomeryal.gov](mailto:cdmontgomeryal.gov)  
Mont. Adv. 07/2023  
3737912

# Montgomery Advertiser

PART OF THE USA TODAY NETWORK

## Classified Ad Receipt (For Info Only - NOT A BILL)

**Customer:** CITY OF MONTGOMERY/COMM DEVEL

**Ad No.:** 0005443007

**Address:** 25 WASHINGTON AVE  
MONTGOMERY AL 36104  
USA

**Pymt Method:** Invoice

**Net Amount:** \$382.20

**Phone:** (334) 241-2320

**Run Times:** 1

**No. of Affidavits:** 0

**Run Dates:** 10/07/22

### Text of Ad:

**NOTICE OF PUBLIC HEARING**  
CITY OF MONTGOMERY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COMMUNITY DEVELOPMENT DIVISION

On Thursday, October 20, 2022, the City of Montgomery's Department of Community Development - Community Development Division will sponsor a Public Hearing. The hearing will be held at 1:00 p.m. in the auditorium at the Juliette Hampton Morgan Library, 245 High Street, Montgomery, AL 36104.

This hearing will address the development of the City's one-year Action Plan for Program Year 2023, a portion of the City's five-year Consolidated Plan FY 2020-2024 to be submitted to the U.S. Department of Housing and Urban Development (HUD) no later than 30 days after HUD's announcement of FY 2023 formula program funding availability.

All proposed activities for the City's housing, rental, and programs will be discussed. Community Development Block Grant (CDBG), HOME Investment Partnerships, and Emergency Solutions Grants (ESG).

The purpose of the hearing will be to (1) provide an opportunity for the consolidated Plan and Action Plan; (2) discuss the amount of HUD funds expected to be available; (3) national objectives of the formula grant programs and eligible activities; (4) discuss the activities in order to solicit proposals from community organizations and others that address identified needs and priorities; and (5) to solicit citizen comments.

You may contact the Community Development Division at 334-625-1210 or by email at [cd@montgomeryal.gov](mailto:cd@montgomeryal.gov) if additional information is needed.

For persons requiring assistance with a disability or language translation, please call our office in advance for accommodations.

Super Hill  
General Administration  
Community Development Division  
City of Montgomery

**AVISO DE AUDIENCIA PÚBLICA CUADRO DE MONTGOMERY DEPARTAMENTO DE DESARROLLO COMUNITARIO DIVISIÓN DE DESARROLLO COMUNITARIO**

El jueves 20 de Octubre de 2022, la División de Desarrollo Comunitario del Departamento de Desarrollo Comunitario de la Ciudad de Montgomery patrocinará una Audiencia Pública. La Audiencia se llevará a cabo a las 1:00 horas en el auditorio de la Biblioteca Juliette Hampton Morgan, 245 High Street, Montgomery, AL 36104.

Esta audiencia abordará el desarrollo del Plan de acción de un año de la Ciudad para el año del programa 2023, una parte del Plan consolidado de cinco años de la Ciudad (FY 2020-2024) que se presentará al Departamento de Vivienda y Desarrollo Urbano de EE. UU. (HUD) a más tardar 30 días después del anuncio de HUD de las asignaciones de fondos del programa de fórmula para el año fiscal 2023.

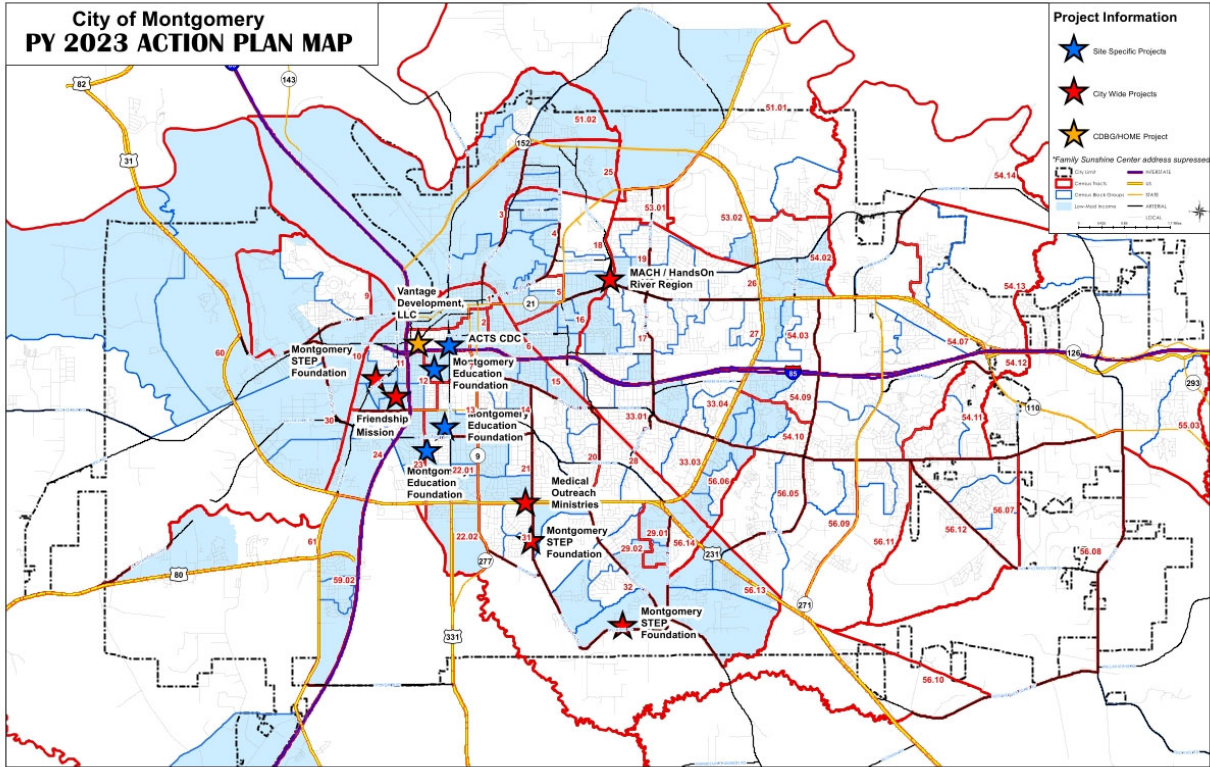
Se debe dar todas las actividades propuestas para los siguientes programas de subvenciones de fórmula de la ciudad: Subvenciones de Ingreso para el Español, Familiares (SDF), Subvenciones de Ingreso HOME y Subvenciones para soluciones de emergencia (ESG).

El propósito de la Audiencia será: (i) brindar una evaluación del Plan Comunitario y el Plan de Acción; (ii) analizar la cantidad de fondos de HUD que se espera sobre el desarrollo; (iii) los criterios relacionados con los programas de apoyo como por fórmula y la subvención de alquiler; (iv) discutir opciones para solicitar propuestas de organizaciones comunitarias y otras que atiendan las necesidades y prioridades identificadas; y (v) para solicitar comentarios sobre el desarrollo.

Puede comunicarse con la División de Desarrollo Comunitario al 312-625-3249 o por correo electrónico a [abram@dmh.org](mailto:abram@dmh.org), al que se mostrará el correo en cada una.

Para las personas que requieren asistencia con una discapacidad o producción de idiomas, llame a nuestro centro con anticipación para obtener asistencia.

**Suzanne Hill**  
Administradora de Subvenciones División  
de Desarrollo Comunitario  
Ciudad de Montgomery  
P.O. Box 127  
02054-0127



## Executive Summary

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

#### 1. Introduction

The purpose of the City of Montgomery's PY 2023 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 three (3) HUD grants, the Community Development Block Grant (CDBG), HOME Investment Partnerships 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 2023:

##### Affordable Housing:

Increase the availability of affordable housing by supporting the following -

- Rental units constructed - up to **55 Household Housing Units**
- Rental units rehabilitated – **1 Household Housing Units**
- Homeowner housing rehabilitated – at least **0 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 – **750 Persons Assisted**

Annual Action Plan  
2023

1

OMB Control No: 2506-0117 (exp. 09/30/2021)

Annual Action Plan  
2024

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OMB Control No: 2506-0117 (exp. 09/30/2021)



- Public facility or infrastructure activities for Low/Moderate Income Housing Benefit – **up to 55 Households Assisted**
- Public services activities other than Low/Moderate Income Housing Benefit – **835 Persons Assisted**
- Jobs created/retained – **0 Jobs**

**Homelessness:**

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

- Tenant-based rental assistance/Rapid Rehousing – **5 Households Assisted**
- Homeless person overnight shelter – **395 Persons Assisted**
- Other (HMIS) – **1 Other**

**Administration:**

General administration of programs for Program Year (PY) 2023 as follows –

- Community Development Block Grant (CDBG) – **\$333,808**
- HOME – **\$98,795**
- Emergency Solutions Grant (ESG) – **\$10,974**

**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 the fourth year of its current Five-Year Consolidated Plan (PY 2020-2024). The City's PY 2022 CAPER is currently being prepared for submission to HUD and the following information is being provided for the PY 2021 Action 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 tenant-based rental assistance/rapid rehousing programs. Two (2) organizations were provided ESG funds to meet this goal through existing emergency shelter and homeless prevention services. At the end of PY 2021, the City's percentage of completeness was at 87.56%. It is expected that the City fully meet this goal after progress is reported during submission of its PY 2022 CAPER. Another goal was the provision of homeless person overnight shelter. The objectives set forth were to improve awareness and provide access to emergency shelter services. After PY 2021, the percentage of completeness of this goal was 29.60%, but the City intends to exceed this goal by its fourth year of the Consolidated Plan.

Annual Action Plan  
2023

2

OMB Control No: 2506-0117 (exp. 09/30/2021)

Annual Action Plan  
2024

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The overall goal for affordable housing under previous plans has been to improve quality and availability of affordable housing by at least 25 units. With regard to public facility or infrastructure in support of affordable housing, the PJ's objective will be met or exceeded for the number of households assisted during the 2020-2024 Strategic Plan period. Through the first three years of the Plan period, considering severe protraction of production due to effects of the COVID-19 pandemic, one (1) CDBG Subrecipient has provided housing rehabilitation in the form of critical ("emergency") home repairs for at least eighteen (18) low-to-moderate income homeowners. All 18 rehabilitated homes are owner occupied. By the end of PY 2022, the PJ has used HOME funds to place two (2) rehabilitated affordable units and six (6) new affordable units into service for tenant occupancy.

The PJ anticipates exceeding HOME funded housing goals within the fifth year of the Plan.

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 has designated four (4) goals – 1) Public Facility/Infrastructure for low-moderate income areas (LMA) - in the first year of the Consolidated Plan, this goal has been met and exceeded by 654.75%; 2) Public Facility/Infrastructure (low/moderate income housing benefit) - this goal will be reported in the PY 2022 CAPER as being 60% complete; 3) Public Service Activities (other than housing benefit) – during PY 2021, this goal has been met and exceeded by 217.27% in the first year's annual goals/outcomes; and, 4) Jobs created/retained – the City intends to solicit applications for economic development through its annual application intake to meet this goal before year five (5) of the Consolidated Plan (PY 2020 – 2024). During PY 2022 - 2023, the City funded non-profit organizations for public services activities in CDBG funding for activities such as free/reduced fee health services for those experiencing chronic medical conditions through primary care, medication, cardiac rehab services, dental clinic, diabetes self-management, and nutrition education; academic enrichment and mentoring for youth; implementation of positive character and social skills development program for at-risk youth; and, mentoring/tutoring program for at-risk youth during summer months and after school.

#### **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 reports the following regarding citizen participation and consultation:

- Advertisement in a local newspaper of general circulation (Montgomery Advertiser) was printed on June 16, 2023 for a 30-day comment period. The comment period was between June 16, 2023 and ended on July 16, 2023. The City's proposed PY 2023 Action Plan was submitted to City Council for review and approved by Resolution on July 18, 2023.

Annual Action Plan  
2023

3

OMB Control No: 2506-0117 (exp. 09/30/2021)

Annual Action Plan  
2024

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OMB Control No: 2506-0117 (exp. 09/30/2021)

During the 30-day comment period, the City received no comments from the public in its final version of the PY 2023 Action Plan. Please see referenced advertisement in Section AD-26 of this Plan.

**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 2023 Annual Action Plan.

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

**7. Summary**

The City of Montgomery submits its fourth-year Action Plan (PY 2023) and will make great efforts to meet all goals and objectives listed within the five-year Consolidated Plan (PY 2020-2024).

City of Montgomery, Alabama  
Department of Community Development  
Community Development Division



Emergency Solutions Grants Program  
Written Standards  
Revised May 2022

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## Introduction

The City of Montgomery (City) is responsible for coordinating and implementing a system-wide approach to meet the needs of the population and subpopulations experiencing homelessness within the City. Both the Emergency Solution Grant Rules and Regulations (ESG) and the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Continuum of Care (CoC) Program Interim Rules state that the CoC, in consultation with Recipients of ESG program funds within the geographic area:

1. Establish and consistently follow written standards for providing CoC assistance;
2. Establish performance targets appropriate for population and program type; and
3. Monitor Recipient and Subrecipient performance.

In accordance with Title 24 of the Code of Federal Regulations (24 CFR) part 578, the City has developed the following written standards. These standards will apply to all projects that receive City ESG funding and are intended as basic minimum standards to which Subrecipients can make additions and/or enforce more stringent standards applicable to their own projects. In addition, all projects must comply with the Notice of Funding Availability (NOFA) under which the project was originally awarded and the Homeless Emergency and Rapid Transition to Housing (HEARTH) Act. All programs that receive ESG funding are required to abide by these written standards.

### 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 Homeless Management Information System (HMIS) and documentation/recordkeeping requirements;
- Eligible activities; and
- Eligible program participants and target populations (including reassessment requirements).

### ESG Program Components (24 CFR 576.100)

The program components of ESG program include the following:

- Street Outreach;
- Emergency Shelter;
- Homeless Prevention;
- Rapid Re-Housing;
- HMIS Component; and
- Administrative Costs.

### Indirect Costs (24 CFR 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 2 CFR 200.

### Restrictions on Street Outreach, Emergency Shelter, and Administrative Costs (24 CFR 576.100)

Combined Street Outreach and Emergency Shelter expenditures are limited to 60 percent of the Recipient's total 2022 ESG expenditures for Street Outreach and Emergency Shelter. This may be exceeded only with the combined approval of the City and HUD.

The total amount that the City can spend on administrative activities is 7.5% of the Subrecipients ESG funds. 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 ESG program participate in HMIS. There is no longer an outcome reporting through the Integrated Disbursement Information Systems (IDIS). 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 time and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into HMIS.

#### Required Amount of Matching contributions to the ESG Program (24 CFR 576.201)

Per 24 CFR 576.201, the Subrecipients must make matching contributions to supplement the Subrecipient's ESG-funding 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 funds, 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 ESG funds; and
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 (24 CFR 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 24 CFR 576.100. The matching contributions must be provided before the Subrecipient Agreement can be executed. To count toward the required match for the Recipient's fiscal year grant, cash contributions must be expended within the expenditure deadline in 24 CFR 576.203, and non-cash contributions must be made within the expenditure deadline in 24 CFR 576.203. Contributions used to match a previous ESG award may not be used to match a subsequent ESG award. 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 (24 CFR 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 2 CFR 200, of the Recipient or Subrecipients; and/or
2. **Non-Cash Contributions;** the value of any real property, equipment, goods, or services contributed to the Recipients or Subrecipients ESG program, provided that if the Recipient or Subrecipients had to pay for them with grant funds, the costs would have been allowable. Non-cash contributions may also include the purchase value of any donated building.

#### Calculating the Amount of Non-Cash Contributions (24 CFR 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 Recipients or Subrecipients 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 non-cash 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:

1. Housing and Urban Development (HUD) [Docket Number FR-5474-1-01];
2. Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302);
3. 24 CFR 91;
4. PART 91 - Consolidated Submissions for Community Planning and Development Programs
5. The HEARTH Act;
6. 2 CFR 215, 2 CFR 230, 2 CFR 225;
7. Single Audit Act Amendments of 2 CFR 200; and
8. 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 CoC(s);
- 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) Re-Certification;
- 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; and
- 576.501(c) Subrecipients Response.

### ESG Eligible Activities

The HEARTH Act amended the McKinney-Vento Homeless Assistance Act, revising the Emergency Shelter Grants Program in significant ways and renaming it the Emergency Solutions Grants (ESG) program. The ESG Interim Rule took effect on January 4, 2012. The change in the program's name, from Emergency Shelter Grants to Emergency Solutions Grants, reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

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 and Medium-Term Rental Assistance
  - c. Tenant-Based Rental Assistance
  - d. Project-Based Rental Assistance

4. **Rapid Re-Housing**
  1. Housing Relocation and Stabilization Services
  2. Short and Medium-Term Rental Assistance
  3. Tenant-Based Rental Assistance
  4. Project-Based Rental Assistance
5. **HMIS Component**
6. **Administrative Activities (7.5%)**

#### Street Outreach - Essential Services (24 CFR 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% of the Recipient's total 2022 ESG expenditures for Street Outreach and Emergency Shelter. This may be exceeded only with combined approval from the City and HUD.

#### Emergency Shelter - Emergency Assistance Program Descriptions (24 CFR 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 (24 CFR 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 35(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 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 explained in this section.

#### **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 Water Sense products and appliances.

#### **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.

#### **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.

#### **Water Supply**

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

#### **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.

#### **Thermal Environment**

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

#### **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.

#### **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.

#### **Sanitary Conditions**

The shelter must be maintained in a sanitary condition.

#### **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 emergency.

### **Minimum Standards for Permanent Housing**

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 explained in this section.

#### **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.

**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 8; the Fair Housing Act (42 U.S.C. 3601 et seq.) and implementing regulations at 24 CFR 100; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and 28 CFR 35; where applicable.

**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.

**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.

**Water Supply**

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

**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.

**Thermal Environment**

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

**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.

**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.

**Sanitary Conditions**

The shelter must be maintained in a sanitary condition.

**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 emergency.

**Smoke Detectors**

Each unit must include at least one (1) 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 (1) 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% of the Recipient's total 2022 ESG expenditures for Street Outreach and Emergency Shelter. This may be exceeded only with the combined approval of the City 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 2022 ESG award 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 (24 CFR 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:

- Case Management;
- Child Care;
- Educational Services;
- Employment Assistance and Job Training;
- Outpatient Health Services;
- Legal Services;
- Life Skills Training;
- Mental Health Services;
- Substance Abuse Treatment;
- Transportation; and
- 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;
- 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 funds 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 these activities include the following:

- Assessing 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;
- Providing medication and follow-up services; and
- Providing preventive and non-cosmetic dental care.

#### Eligible Legal Services Activities for Emergency Shelter - Essential Services

ESG funds 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 under the supervision of the licensed attorney, regarding matters that interfere with the programs 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 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 arrangement.

#### **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 Subrecipient 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.

#### 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, providing these services are eligible expenses. 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) (24 CFR 576.102)

A unit of general purposes of local government is prohibited from using ESG funds to replace funds the local government provided for emergency shelter services immediately preceding 12-month period, unless HUD determines that the unit of general purposes of 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 Subrecipient received funds under a FY 2022 ESG award and met the criteria under the former emergency shelter definition.

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)

Section 416(f) of the McKinney-Vento Act requires for the first time that projects receiving funding under the ESG program participate in an HMIS. Recipients with HUD funding received through the ESG Program are required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD annually. Data collection for the ESG portion of the CAPER is aligned with the most recent version of the HMIS Data Standards. Beginning in October 2017, ESG Recipients may submit their accomplishment data in the Sage HMIS Reporting Repository (Sage). This means that Recipients will no longer need to use ESG-CAPER Annual Reporting Tool (eCart). Instead, project reports (Comma Separated Value (CSV) downloads) generated by HMIS or comparable databases that were previously uploaded into eCart can be uploaded directly into Sage.

### **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 - Renovations (24 CFR 576.102)**

Under this ESG activity, renovation of a building requires that it must be owned by a government entity or a private non-profit Organization. Eligible costs under this activity include the following:

- Labor;
- Materials;
- Tools; and
- 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 Building 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 three (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 24 CFR 576.102(c)(i-iii)).

### **Emergency Shelter - Uniform Relocation Assistance (URA)/Real Property Acquisition Policies**

Under any Emergency Shelter activity that involves URA/Real Property Acquisition, the policies indicates the following:

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

See 24 CFR 576.408 for details which cover the following subject areas as it relates to URA/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 (24 CFR 576.103)

Housing relocation and stabilization services 24 CFR 576.105 and short and/or medium-term rental assistance (24 CFR 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 24 (24 CFR 576.2). The cost of homelessness prevention is 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 amount of assistance are required (24 CFR 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:
  - a. Has an annual income below 30% of median family income for the area, as determined by HUD at initial eligibility determination or at or below 30% at reassessment;
  - b. 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
  - c. Meets one (1) of the following conditions:
    - i. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
    - ii. Is living in the home of another because of economic hardship;
    - iii. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
    - iv. 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;
    - v. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two (2) 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;
    - vi. 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
    - vii. Otherwise lies in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the Recipient's approved consolidated plan;
2. A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(S)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(S)(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. 11434(a)(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 24 CFR 576.2:

1. An individual or family who will imminently lose their primary nighttime residence provided that:
  - a. The primary nighttime residence will be lost within 14 days of the date of application or homeless assistance;
  - b. No subsequent residence has been identified; and
  - c. 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;
2. 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:
  - a. Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1143(a));
  - b. 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;
  - c. Have experienced persistent instability as measured by two (2) moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
  - d. 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
3. Any individual or family who:
  - a. 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;
  - b. Has no other residence; and
  - c. 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 three (3) months;
- Reassessed income must be AT or BELOW 30% AMI;
- All persons must meet at least quarterly 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 (24 CFR 576.106);
- Housing relocation and stabilizations services Subsection (24 CFR 576.105); and
- Written standards and procedures under Subsection (24 CFR 576.400).

### Rapid Re-Housing Component (24 CFR 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 housing. This assistance may be provided to program participants who meet the criteria under paragraph (1) of the "homeless" definition in subsection (24 CFR 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 Re-Housing)

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:
  - a. 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;
  - b. An individual or family living in a supervised publicly or privately-operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
  - c. An individual who is exiting an institution where they 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; or
2. An individual or family who:
  - a. 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);
  - b. Has no other residence; and
  - c. Lacks the resources or support networks, e.g., family, friends, faith-based or other social network to obtain other permanent housing.

#### Additional Requirements for Rapid Re-Housing

The following are additional requirements for this ESG activity:

- Initial assessment to document Rapid Re-Housing eligible 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 Re-Housing must be provided in accordance with:

- Short and/or medium-term rental assistance subsection (24 CF 576.106);
- Housing relocation and stabilizations services subsection (24 CFR 576.105); and
- Written standards and procedures under subsection (24 CFR 576.400).

#### **Short and Medium-Term Rental Assistance (Homeless Prevention & Rapid Re-Housing)**

Homeless Prevention and Rapid Re-Housing (NEW under ESG) includes rental assistance, housing relocation and stabilization services (subject to the general conditions under subsection 24 CFR 576.103 and 24 CFR 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:

- Short-Term Rental Assistance;
- Medium-Term Rental Assistance; and
- Rental Assistance Arrears.

#### **Description of Short and Medium-Term Rental Assistance & Rental Assistance Arrears**

Short-Term Rental Assistance is assistance for up to three (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 three (3) months but not more than 24 months of rent. Rental Assistance Arrears is a one-time payment for up to six (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/tlibrary/forms/rentreasonablechecklist.doc](http://www.hud.gov/offices/cpd/affordablehousing/tlibrary/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 three (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 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507; and
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 sole 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:
4. The program participant moves out of the housing unit for which the participant has a lease;
  - a. The lease terminates and is not renewed; or
  - b. 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% 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; and
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.

The rental assistance agreement must have an initial term of one (1) year. When a new program participant moves into an assisted unit, the term of the rental assistance agreement may be extended to cover the initial term of the program participant's lease. If the program participant's lease is renewed, the rental assistance agreement may be renewed or extended, as needed, up to the maximum number or 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 (24 CFR 576.203) or commit funds for a future ESG award 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 (24 CFR 576.401). To preserve local discretion, it is the Subrecipient's choice whether to use household composition or income change other than the required re-evaluation periods of three (3) 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 (24 CFR 576.105)

Homeless Prevention and Rapid Re-Housing include rental assistance, housing relocation and stabilization services (subject to the general conditions under subsection 24 CFR 576.103 and 24 CFR 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 six (6) months of utility payments in arrears, per service. A partial payment of a utility bill counts as one (1) month. This assistance may only be provided if the program participant or a member of the same household has an account in their 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 three (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 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 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:

1. Conducting the initial evaluation (required under subsection 24 CFR 576.401(a), including verifying and documenting eligibility, for individuals and families applying for Homeless Prevention or Rapid Re-Housing assistance;
2. Counseling;
3. Developing, securing and coordinating services and obtaining Federal, State, and local benefits;
4. Monitoring and evaluating program participant progress;
5. Providing information and referrals to other providers;
6. Developing an individualized housing and service plan, including planning a path to permanent housing and stability;
7. Conducting re-evaluations required under subsection 24 CFR 576.401(b);
8. 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;
9. Legal services as set forth in subsection 24 CFR 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;
10. 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
11. May be required to use a centralized or coordinated assessment system as required under subsection 24 CFR 576.400(d), 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 (24 CFR 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 the ESG program. 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 (24 CFR 576.401). To preserve local discretion, it is the Subrecipient's choice whether to use household composition or income change other than the required re-evaluation periods of three (3) 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 (24 CFR 576.400)

### Consultation with CoC(s)

The Subrecipient and Recipient must consult with the CoC(s) 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(s) to prevent and end homelessness for the area. These other programs include the following:

- Shelter Plus Care Program (24 CFR 582);
- Supportive Housing Program (24 CFR 583);
- Section 8 Moderate Rehabilitation Program for Single Room Occupancy program for Homeless Individuals (24 CFR 882);
- HUD-Veterans Affairs Supportive Housing (HUD-VASH);
- Education for Homeless Children and Youth Grants for State and Local Activities (Title VII-8 of the McKinney-Vento Homeless Assistance Act);
- Grants for the Benefit of Homeless Individuals (section 506 for the Public Health Services Act (42 U.S.C. 290aa-5));
- Health care for the Homeless (42 CFR 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. 11331et 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 S(a)(l)) 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 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 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:

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

#### **Centralized Assessment or Coordinated Entry**

Once the CoC(s) have 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 CoC's area must:

- Use the CoC's assessment system; and
- Work with the CoC(s) 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 CoC's centralized or coordinated assessment system.

#### **Written Standards for Providing ESG Assistance**

The City 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 Subrecipient's program. At minimum written standards must include the following:

- Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under the ESG program;
- 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 the ESG program, 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 Re-Housing Assistance providers; other homeless assistance providers; and mainstream service and housing providers (see 24 CFR 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**

Subrecipients of ESG funds must ensure that data on all persons served and all activities assisted under the ESG program 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 (24 CFR 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 24 CFR 576.400(d) and the written standards established under 24 CFR 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 three (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:
  - a. The program participant does not have an annual income that exceeds 30% of median family income for the area, as determined by HUD; and
  - b. 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 5.609.

#### **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:
  - a. Medicaid (42 CFR chapter IV, subchapter);
  - b. Supplemental Nutrition Assistance Program (7 CFR 271-283);
  - c. Women, Infants and Children (WIC) (7 CFR 246);
  - d. Federal-State Unemployment Insurance Program (20 CFR 601-603,606, 609, 614-617, 625, 640, 650);
  - e. Social Security Disability Insurance (SSDI) (20 CFR 404);
  - f. Supplemental Security Income (SSI) (20 CFR 416);
  - g. Child and Adult Care Food Program (42 U.S.C. 1766 t) (7 CFR 226)); and
  - h. Other assistance available under the programs listed in 24 CFR 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:
  - a. 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
  - b. Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends taking in 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; or
  - c. The Recipient or Subrecipient is exempt from the requirement under paragraph (e)(1)(1) of this section 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)(1) 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 (24 CFR 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.

### 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 (24 CFR 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 the housing owned by the Subrecipient, or any parent or subsidiary of the Subrecipient, carry out the initial evaluation required under 24 CFR 576.401 or administer homelessness prevention assistance under 24 CFR 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 2 CFR 200.36 (for governments) and 2 CFR 200 (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 them or for those with whom they have family or business ties, during their tenure or during the one-year period following their 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;

- a. **Threshold Requirements.** HUD will consider an exception only after the Recipient has provided the following documentation:
  - i. If the Recipient or Subrecipient is a government entity, 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
  - ii. An opinion of the Recipient's attorney that the interest for which the exception is sought would not violate state or local law.
4. **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 in 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 their 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.
5. **Contractors.** All contractors of the Recipient or Subrecipient must comply with the same requirements that apply to Subrecipients under this section.

#### Homeless Participation (24 CFR 576.405)

1. Unless the Recipient is a State, the Recipient must provide for the participation of not less than one (1) 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 the ESG program.
2. 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 the ESG program. The plan must be included in the annual action plan required under 24 CFR 91.220.
3. To the maximum extent practicable, the Recipient or Subrecipient must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the ESG program. This involvement may include employment or volunteer services.

#### Faith-Based Activities (1576.40)

1. 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 the ESG program shall discriminate against an organization on the basis of the organization's religious character or affiliation;
2. 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

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- be voluntary for program participants;
3. 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;
  4. 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;
  5. 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 2 CFR 200.311); and
  6. If the Recipient or 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 (24 CFR 576.407)

##### General

The requirements in 24 CFR 5(a) are applicable, including the nondiscrimination and equal opportunity requirements at 24 CFR S.105(a). Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and Implementing regulations at 24 CFR 135 apply, except that homeless individuals have priority over other Section 3 residents in accordance with 24 CFR 576.405(c).

##### 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 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, gender identity, age, national origin, familial status, sexual orientation, or disability who may qualify for those facilities and services, the Recipient or Subrecipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The Recipient and its Subrecipients must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, Recipients and Subrecipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.

#### **Uniform Administrative Requirements**

The requirements of 2 CFR 200 apply to the Recipient and Subrecipients that are units of general purposes of local government, except that 2 CFR 200 do not apply, and program income is to be used as match under 2 CFR 200. The requirements of 2 CFR 200 apply to Subrecipients that are private nonprofit organizations, except that 2 CFR 200 do not apply, and program income is to be used as the nonfederal share under 2 CFR 200. These regulations include allowable costs and non-Federal audit requirements.

#### **Environmental Review Responsibilities**

1. Activities under this part are subject to environmental review by HUD under 24 CFR 50. The Recipient shall supply all available, relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR 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); and
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 50 and the Recipient has received HUD approval of the property.

#### **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.

#### **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 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 (24 CFR 576.408)**

#### **Minimizing Displacement**

Consistent with the other goals and objectives of the ESG program, 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 ESG program.

#### **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 URA/Real Property Acquisition Policies Act of 1970 (URA), 42 U.S.C. 4601-4655, as described in paragraph 3 of this section, the tenant should be treated as permanently displaced and offered relocation assistance and payments consistent with that paragraph.

#### **Relocation Assistance for Displaced Persons**

In general, a displaced person (defined in paragraph (3)(a) of this section) must be provided relocation assistance at the levels described in, and in accordance with, the URA and 49 CFR 24. A displaced person must be advised of their 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 24.20S (c)(2)(ii)(D).) As required by Section 504 of the Rehabilitation Act (29 U.S.C. 794) and 49 CFR 24, replacement dwellings must also contain the accessibility features needed by displaced persons with disabilities.

#### Displaced Person

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

1. 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:
  - a. 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
  - b. 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;
  - c. Before the date described in paragraph (3)(a)(i)(1) of this section, if the Recipient or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the project; or
  - d. 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;
2. 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.
  - e. The Recipient or Subrecipient may, at any time, request that HUD to determine whether a displacement is or would be covered by this rule.

### 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:

1. 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;
2. 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.

### Real Property Acquisition Requirements

The acquisition of real property, whether funded privately or publicly, for a project assisted with ESG funds is subject to the URA and Federal government wide regulations at 49 CFR 24(b).

### 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 49CFR 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 (24 CFR 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

1. The Recipient must maintain and follow written intake procedures to ensure compliance with the homeless definition in 24 CFR 576.2. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status. The procedures must:
  - Establish the order of priority for obtaining evidence as third-party documentation first;
  - Intake worker observations second; and
  - Certification from the person seeking assistance third.However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider.
2. 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.
3. If the individual or family qualifies as homeless under paragraph (1)(i) or (ii) of the homeless definition in 24 CFR 576.2, acceptable evidence includes a written observation by an outreach worker of the conditions where the 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.
4. If the individual qualifies as homeless under paragraph (1)(iii) of the homeless definition in 24 CFR

576.2, because they resided in an emergency shelter or place not meant for human habitation and is exiting an institution where they resided for 90 days or less, acceptable evidence includes the evidence described in this section and one of the following:

- Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; or
- Where the evidence in this section is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described and a certification by the individual seeking assistance that states they are exiting or has just exited an institution where they resided for 90 days or less.

5. If the individual or family qualifies as homeless under paragraph (2) of the homeless definition in 24 CFR 576.2, because the individual or family will imminently lose their housing, the evidence must include:
  - a. A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law;
  - b. For individuals and families whose 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 their 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;
    - iii. Certification by the individual or head of household that no subsequent residence has been identified; and
    - iv. Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.
6. If the individual or family qualifies as homeless under paragraph (3) of the homeless definition in 24 CFR 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 (1) 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:
  - a. For paragraph (3)(1) of the homeless definition in 24 CFR 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 (42U.S.C. 5701et seq.);
    - The Head Start Act (42 U.S.C. 9831et 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 (7U.S.C. 2011et seq.); and
    - Section 17 of the Child Nutrition Act of 1966 (42U.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;
- b. For paragraph (3)(ii) of the homeless definition in 24 CFR 576.2, referral by a housing or service provider, written observation by an outreach worker, or certification by the homeless Individual or head of household seeking assistance;
  - c. For paragraph (3)(iii) of the homeless definition in 24 CFR 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; and
    - 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;
  - d. For paragraph (3)(iv) of the homeless definition in 24 CFR 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;
7. If the individual or family qualifies under paragraph (4) of the homeless definition in 24 CFR 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;
  8. If the individual or family is receiving shelter or services provided by a victim service provider, the oral statement must be documented by either a certification by the individual or head of household; or a certification by the intake worker;
  9. 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 ESG-funded 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 24 CFR 576.2:
  - a. The documentation specified under this section for determining annual income;
  - b. The program participant's certification on a form specified by HUD that the program participant has insufficient financial resources and support networks;
  - c. The most reliable evidence available to show that the program participant does not have sufficient resources or support networks;
  - d. The most reliable evidence available to show that the program participant meets one or more of the conditions under paragraph (1)(iii) of the definition of "at risk of homelessness" in 24 CFR 576.2.
2. If the program participant meets the criteria under paragraph (2) or (3) of the "at risk of homelessness" definition in 24 CFR 576.2, certification of the child or youth's homeless status by the agency or organization responsible for administering assistance under the
  - Runaway and Homeless Youth Act (42 U.S.C. 5701et 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. 2011et seq.); and
  - 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. 11431et seq.), as applicable.

#### **Determinations of Ineligibility**

For each individual and family determined ineligible to receive 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 24 CFR 576.101 through 24 CFR 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 24 CFR 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 CoC(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.

### **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 24 CFR 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 purposes of local government must keep records to demonstrate compliance with the maintenance of effort requirement, including records of the unit of the general purposes of 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 CoC(s) 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 24 CFR 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.

### **Conflict of Interest**

The Recipient and its Subrecipients must keep records to show compliance with the organizational conflicts of interest requirements in 24 CFR 576.404(a), a copy of the personal conflicts of interest policy or codes of conduct developed and implemented to comply with the requirements in 24CFR 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 24 CFR 576.405.

### **Faith-Based Activities**

The Recipient and its Subrecipients must document their compliance with the faith-based activities requirements under 24 CFR 576.406.

### **Other Federal Requirements**

The Recipient and its Subrecipients must document their compliance with the Federal requirements 24 CFR 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, gender identity, sexual orientation 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 24 CFR 576.407(b);
2. Records demonstrating compliance with the uniform administrative requirements in 2 CFR 200;
3. Records demonstrating compliance with the environmental review requirements, including flood insurance requirements; and
4. Certifications and disclosure forms required under the lobbying and disclosure requirements in 24 CFR 87.

### **Relocation**

The records must include documentation of compliance with the displacement, relocation, and acquisition requirements in 24 CFR 576.408.

### **Financial Records**

1. The Recipient must retain supporting documentation for all costs charged to the ESG award;
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 2 CFR 200, 225 and 230;
3. The Recipient and its Subrecipients must retain records of the receipt and use of program income; and
4. The Recipient must keep documentation of compliance with the expenditure limits in 24 CFR 576.100 and the expenditure deadline in 24 CFR 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 24 CFR 576.501;
2. The Recipient and its Subrecipients must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 2 CFR 200; and
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

The Recipient must keep other records specified by HUD.

#### Confidentiality

1. The Recipient and its Subrecipients must develop and implement written procedures to ensure:
  - a. 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;
  - b. 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
  - c. 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 five (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 five (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% 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% 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 in 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 award, 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 five (5) years;

3. **Reports.** The Recipient must collect and report data on its use of ESG funds in IDIS and other reporting systems, as specified by HUD. The Recipient must also comply with 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 170.

#### Enforcement (24 CFR 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:
  - a. Preparing and following a schedule of actions for carrying out activities affected by the non-compliance, including schedules, timetables, and milestones necessary to implement the affected activities;
  - b. Establishing and following a management plan that assigns responsibilities for carrying out the remedial actions;
  - c. Canceling or revising activities likely to be affected by the noncompliance, before expending ESG funds for activities;
  - d. Reprogramming ESG funds that have not yet been expended from affected activities to other eligible activities;
  - e. Suspending disbursement of ESG funds for some or all activities;
  - f. Reducing or terminating the remaining grant of a Subrecipient and reallocating those funds to other Subrecipients; and
  - g. Making matching contributions before or as draws are made from the Recipient's ESG award;
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; and
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 ESG program requirement or its Subrecipient Agreement, the Recipient must take appropriate actions, as prescribed for HUD in 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 purposes of 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 CPP 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 24 CFR 576.203.

## ESG Performance Standards

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

1. Reduce the number of unsheltered individuals and families, as established in the PIT 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 one (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 three (3) months and six (6) months post discharge. This information will be obtained from HMIS.
3. Increase the percentage of Individuals and families remaining in permanent housing for three (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 ESG 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 each year; and
4. An increase in the percentage of households that increase cash and non-cash income during program enrollment.

### Performance standards for Evaluating the Transitional Housing Program

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 (9) 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; and
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 (3) 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 (3) 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;  
and
3. An increase in the percentage of discharged households that access permanent housing.

Grantee Unique Appendices

RESOLUTION NO. 137-2023

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 programs:

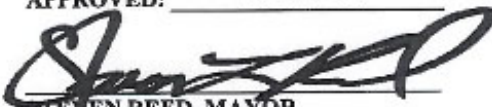
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Mayor Steven Reed is hereby authorized to act as the City of Montgomery's official representative in connection with the proposed (subject to HUD final approval) Federal application for \$1,669,044 in Community Development Block Grant (CDBG) Program funds; \$987,958 in HOME Program funds; \$146,333 in Emergency Solutions Grant (ESG) 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 18<sup>th</sup> day of July, 2023.

GIVEN under my hand and the official seal of the City of Montgomery, Alabama, this 19<sup>th</sup> day of July, 2023.

  
BRENDA GALE BLALOCK, CITY CLERK

APPROVED: JUL 21 2023  
  
STEVEN REED, MAYOR

137-2023



**CITY OF MONTGOMERY  
U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD)  
NOTICE OF PROGRAM YEAR (PY) 2023  
ACTION PLAN**

The City of Montgomery has developed a CRAFT of its proposed one-year Action Plan for PY 2023, which will be the fourth program year of the Consolidated Plan (PY 2020-2024). The Consolidated Plan consists of a detailed analysis of the City's housing, community development needs, resources and options for housing, and a five-year strategy for meeting these resources. The PY 2023 Action Plan summary includes resources available by the U.S. Department of Housing and Urban Development (HUD), and describes proposed activities to address homelessness, housing, and non-housing community development needs in the City of Montgomery using these resources.

# PY 2023 ACTION PLAN NOTICE

A copy of the summary of the PY 2023 Action Plan is available for public review at the Department of Community Development, 25 Washington Avenue, 4th Floor, Montgomery, AL 36104 or on the City's webpage at the following link: <https://www.montgomeryal.gov/cdd>. A 30-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 Plan. A summary of all written comments received during the 30-day review period will be included when the Plan is submitted to HUD.

Comments concerning the City of Montgomery's PY 2023 Action Plan must be in writing by 5:00 p.m. on July 16, 2023 and posted to:

City of Montgomery  
Department of Community Development  
25 Washington Avenue, 4th Floor  
Montgomery, AL 36104  
or by email @ [ciudad@montgomeryal.gov](mailto:ciudad@montgomeryal.gov)

**Ciudad de Montgomery  
DEPARTAMENTO DE VIVIENDA Y DESARROLLO URBANO (HUD)  
AVISO DE PROGRAMAS AÑO (PY) 2023  
PLANE DE ACCIÓN**

La Ciudad de Montgomery ha desarrollado un CONSORCIO de su Plan de Acción de un año propuesto para PY 2023, que será el cuarto año programático del Plan Consolidado (PY 2020-2024). El Plan Consolidado consiste en un análisis detallado de las necesidades de desarrollo comunitario de las personas sin hogar de la Ciudad, los recursos disponibles para la vivienda y una estrategia de cinco años para obtener esos recursos. El resumen del Plan de Acción de PY 2023 describe recursos disponibles por el Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD), por sus sitios de Internet, y describe las actividades propuestas para abordar las necesidades de desarrollo comunitario de hogar, vivienda y no vivienda en la Ciudad de Montgomery utilizando estos recursos.

Una copia del resumen del Plan de Acción PY 2023 está disponible para revisión pública en el Departamento de Desarrollo Comunitario, 25 Washington Avenue, 4to Floor, Montgomery, AL 36104 o en la página web de la Ciudad en el siguiente enlace: <https://www.montgomeryal.gov/cdd>. Se proporciona un período de revisión de treinta días a partir de la fecha de publicación de este Aviso para dar al público la oportunidad adecuada de revisar y comentar el plan propuesto. Se incluirá un resumen de todos los comentarios escritos recibidos durante el período de revisión de treinta días cuando el Plan se envíe a HUD.

Los comentarios sobre el Plan de Acción PY 2023 de la Ciudad de Montgomery deben enviarse por escrito antes de las 5:00 p.m. del 16 de julio de 2023 y enviarse por correo a:

Ciudad de Montgomery  
Departamento de Planeación  
25 Washington Avenue, cuarto piso  
Montgomery, AL 36104  
o por correo electrónico @ [ciudad@montgomeryal.gov](mailto:ciudad@montgomeryal.gov)  
Mont. Adv. 07/2023  
3737912

# Montgomery Advertiser

PART OF THE USA TODAY NETWORK

## Classified Ad Receipt (For Info Only - NOT A BILL)

**Customer:** CITY OF MONTGOMERY/COMM DEVEL

**Ad No.:** 0005443007

**Address:** 25 WASHINGTON AVE  
MONTGOMERY AL 36104  
USA

**Pymt Method:** Invoice

**Net Amount:** \$382.20

**Phone:** (334) 241-2320

**Run Times:** 1

**No. of Affidavits:** 0

**Run Dates:** 10/07/22

### Text of Ad:

**NOTICE OF PUBLIC HEARING**  
CITY OF MONTGOMERY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COMMUNITY DEVELOPMENT DIVISION

On Thursday, October 20, 2022, the City of Montgomery's Department of Community Development, Community Development Division, will sponsor a Public Hearing. The hearing will be held at 1:00 p.m. in the auditorium at the Hilton Hampton, Hampton, Room 205 High Street, Montgomery, AL 36104.

This hearing will address the development of the City's one-year Action Plan for Program Year 2023, a portion of the City's five-year Consolidated Plan FY 2020-2024 to be submitted to the U.S. Department of Housing and Urban Development (HUD) no later than 30 days after HUD's announcement of FY 2023 formula program funding availability.

All proposed activities for the City's housing formula grant programs will be discussed. Community Development Block Grant (CDBG), HOME Investment Partnerships, and Emergency Solutions Grants (ESG).

The purpose of the hearing will be to (1) provide an opportunity for the consolidated Plan and Action Plan; (2) discuss the amount of HUD funds expected to be available; (3) inform stakeholders of the formula grant programs and eligible activities; (4) discuss opportunities in order to solicit proposals from community organizations and others that address identified needs and priorities; and (5) to solicit citizen comments.

You may contact the Community Development Division at 334-625-1210 or by email at [cd@montgomeryal.gov](mailto:cd@montgomeryal.gov) if additional information is needed.

For persons requiring assistance with a disability or language translation, please call our office in advance for accommodations.

Super Hill  
Grant Administration  
Community Development Division  
City of Montgomery

**AVISO DE AUDIENCIA PÚBLICA CIUDAD DE MONTGOMERY DEPARTAMENTO DE DESARROLLO COMUNITARIO DIVISIÓN DE DESARROLLO COMUNITARIO**

El jueves 20 de Octubre de 2022, la División de Desarrollo Comunitario del Departamento de Desarrollo Comunitario de la Ciudad de Montgomery, patrocinará una Audiencia Pública. La Audiencia se llevará a cabo a las 1:00 horas en el auditorio de la Hilton Hampton, Hampton, Room 205 High Street, Montgomery, AL 36104.

Esta audiencia abordará el desarrollo del Plan de acción de un año de la Ciudad para el año del programa 2023, una parte del Plan consolidado de cinco años de la Ciudad (FY 2020-2024) que se presentará al Departamento de Vivienda y Desarrollo Urbano de EE. UU. (HUD) a más tardar 30 días después del anuncio de HUD de las asignaciones de fondos del programa de fórmula para el año fiscal 2023.

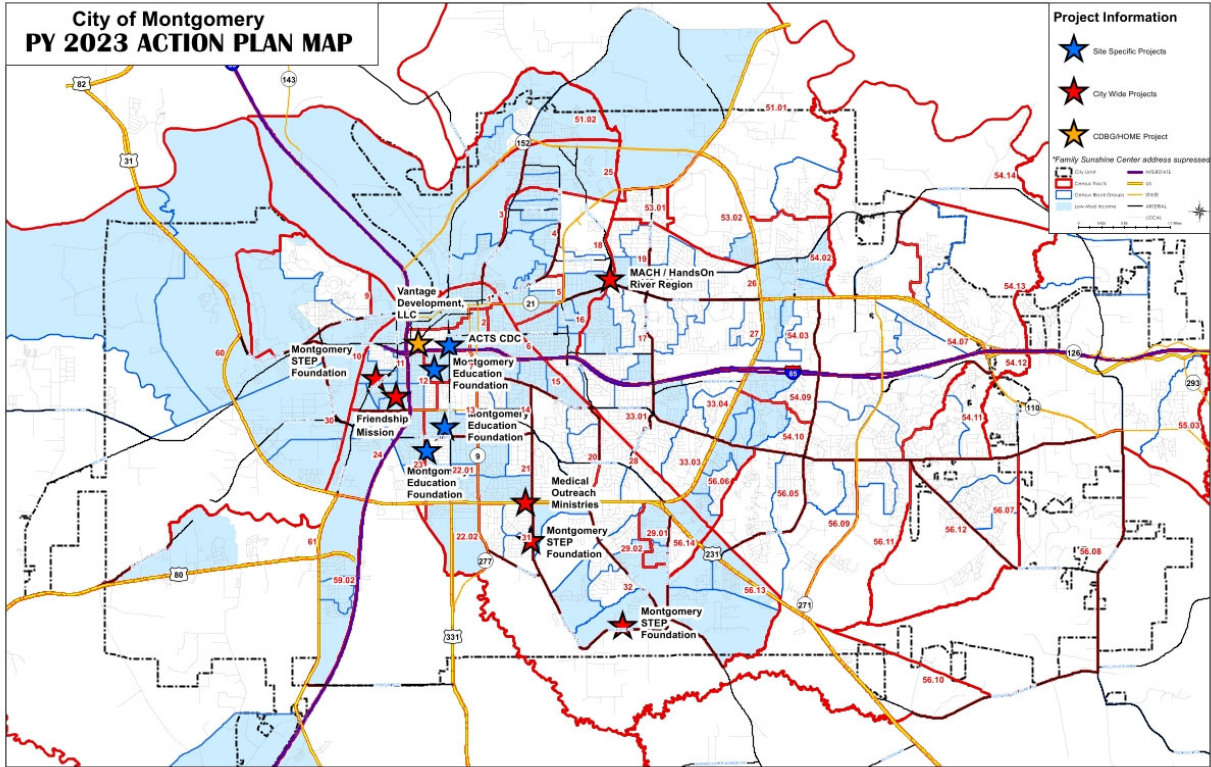
Se debe dar todas las actividades propuestas para los siguientes programas de subvenciones de fórmula de la ciudad: Subvenciones de Ingreso para el Español, Familia y ASES, Subvenciones de Ingreso HOME y Subvenciones para soluciones de emergencia (ESG).

El propósito de la Audiencia será: (i) brindar una evaluación del Plan Comunitario y el Plan de Acción; (ii) analizar la cantidad de fondos de HUD que se espera sobre el desarrollo; (iii) los criterios necesarios en los programas de apoyo como por fórmula y la subvención de ingresos de la ciudad para solicitar propuestas de organizaciones comunitarias y otras que aborden las necesidades y prioridades identificadas; y (iv) para solicitar comentarios sobre el desarrollo.

Puede comunicarse con la División de Desarrollo Comunitario al 312-625-3249 o por correo electrónico a [ahamilton@chicago.gov](mailto:ahamilton@chicago.gov), al que se enviará la información solicitada.

Para las personas que requieren asistencia con una discapacidad o producción de idiomas, llame a nuestro centro con anticipación para obtener asistencia.

**Saura Hill**  
Administrador de Subvenciones División  
de Desarrollo Comunitario  
Ciudad de Chicago  
No. 3, sede: 127  
005448037



## Executive Summary

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

#### 1. Introduction

The purpose of the City of Montgomery's PY 2023 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 three (3) HUD grants, the Community Development Block Grant (CDBG), HOME Investment Partnerships 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 2023:

##### Affordable Housing:

Increase the availability of affordable housing by supporting the following -

- Rental units constructed - up to **55 Household Housing Units**
- Rental units rehabilitated – **1 Household Housing Units**
- Homeowner housing rehabilitated – at least **0 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 – **750 Persons Assisted**

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- Public facility or infrastructure activities for Low/Moderate Income Housing Benefit – **up to 55 Households Assisted**
- Public services activities other than Low/Moderate Income Housing Benefit – **835 Persons Assisted**
- Jobs created/retained – **0 Jobs**

**Homelessness:**

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

- Tenant-based rental assistance/Rapid Rehousing – **5 Households Assisted**
- Homeless person overnight shelter – **395 Persons Assisted**
- Other (HMIS) – **1 Other**

**Administration:**

General administration of programs for Program Year (PY) 2023 as follows –

- Community Development Block Grant (CDBG) – **\$333,808**
- HOME – **\$98,795**
- Emergency Solutions Grant (ESG) – **\$10,974**

**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 the fourth year of its current Five-Year Consolidated Plan (PY 2020-2024). The City's PY 2022 CAPER is currently being prepared for submission to HUD and the following information is being provided for the PY 2021 Action 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 tenant-based rental assistance/rapid rehousing programs. Two (2) organizations were provided ESG funds to meet this goal through existing emergency shelter and homeless prevention services. At the end of PY 2021, the City's percentage of completeness was at 87.56%. It is expected that the City fully meet this goal after progress is reported during submission of its PY 2022 CAPER. Another goal was the provision of homeless person overnight shelter. The objectives set forth were to improve awareness and provide access to emergency shelter services. After PY 2021, the percentage of completeness of this goal was 29.60%, but the City intends to exceed this goal by its fourth year of the Consolidated Plan.

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The overall goal for affordable housing under previous plans has been to improve quality and availability of affordable housing by at least 25 units. With regard to public facility or infrastructure in support of affordable housing, the PJ's objective will be met or exceeded for the number of households assisted during the 2020-2024 Strategic Plan period. Through the first three years of the Plan period, considering severe protraction of production due to effects of the COVID-19 pandemic, one (1) CDBG Subrecipient has provided housing rehabilitation in the form of critical ("emergency") home repairs for at least eighteen (18) low-to-moderate income homeowners. All 18 rehabilitated homes are owner occupied. By the end of PY 2022, the PJ has used HOME funds to place two (2) rehabilitated affordable units and six (6) new affordable units into service for tenant occupancy.

The PJ anticipates exceeding HOME funded housing goals within the fifth year of the Plan.

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 has designated four (4) goals – 1) Public Facility/Infrastructure for low-moderate income areas (LMA) - in the first year of the Consolidated Plan, this goal has been met and exceeded by 654.75%; 2) Public Facility/Infrastructure (low/moderate income housing benefit) - this goal will be reported in the PY 2022 CAPER as being 60% complete; 3) Public Service Activities (other than housing benefit) – during PY 2021, this goal has been met and exceeded by 217.27% in the first year's annual goals/outcomes; and, 4) Jobs created/retained – the City intends to solicit applications for economic development through its annual application intake to meet this goal before year five (5) of the Consolidated Plan (PY 2020 – 2024). During PY 2022 - 2023, the City funded non-profit organizations for public services activities in CDBG funding for activities such as free/reduced fee health services for those experiencing chronic medical conditions through primary care, medication, cardiac rehab services, dental clinic, diabetes self-management, and nutrition education; academic enrichment and mentoring for youth; implementation of positive character and social skills development program for at-risk youth; and, mentoring/tutoring program for at-risk youth during summer months and after school.

#### **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 reports the following regarding citizen participation and consultation:

- Advertisement in a local newspaper of general circulation (Montgomery Advertiser) was printed on June 16, 2023 for a 30-day comment period. The comment period was between June 16, 2023 and ended on July 16, 2023. The City's proposed PY 2023 Action Plan was submitted to City Council for review and approved by Resolution on July 18, 2023.

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During the 30-day comment period, the City received no comments from the public in its final version of the PY 2023 Action Plan. Please see referenced advertisement in Section AD-26 of this Plan.

**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 2023 Annual Action Plan.

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

**7. Summary**

The City of Montgomery submits its fourth-year Action Plan (PY 2023) and will make great efforts to meet all goals and objectives listed within the five-year Consolidated Plan (PY 2020-2024).



City of Montgomery, Alabama  
Department of Community Development  
Community Development Division



Emergency Solutions Grants Program  
Written Standards  
Revised May 2022

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## Introduction

The City of Montgomery (City) is responsible for coordinating and implementing a system-wide approach to meet the needs of the population and subpopulations experiencing homelessness within the City. Both the Emergency Solution Grant Rules and Regulations (ESG) and the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Continuum of Care (CoC) Program Interim Rules state that the CoC, in consultation with Recipients of ESG program funds within the geographic area:

1. Establish and consistently follow written standards for providing CoC assistance;
2. Establish performance targets appropriate for population and program type; and
3. Monitor Recipient and Subrecipient performance.

In accordance with Title 24 of the Code of Federal Regulations (24 CFR) part 578, the City has developed the following written standards. These standards will apply to all projects that receive City ESG funding and are intended as basic minimum standards to which Subrecipients can make additions and/or enforce more stringent standards applicable to their own projects. In addition, all projects must comply with the Notice of Funding Availability (NOFA) under which the project was originally awarded and the Homeless Emergency and Rapid Transition to Housing (HEARTH) Act. All programs that receive ESG funding are required to abide by these written standards.

### 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 Homeless Management Information System (HMIS) and documentation/recordkeeping requirements;
- Eligible activities; and
- Eligible program participants and target populations (including reassessment requirements).

### ESG Program Components (24 CFR 576.100)

The program components of ESG program include the following:

- Street Outreach;
- Emergency Shelter;
- Homeless Prevention;
- Rapid Re-Housing;
- HMIS Component; and
- Administrative Costs.

### Indirect Costs (24 CFR 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 2 CFR 200.

### Restrictions on Street Outreach, Emergency Shelter, and Administrative Costs (24 CFR 576.100)

Combined Street Outreach and Emergency Shelter expenditures are limited to 60 percent of the Recipient's total 2022 ESG expenditures for Street Outreach and Emergency Shelter. This may be exceeded only with the combined approval of the City and HUD.

The total amount that the City can spend on administrative activities is 7.5% of the Subrecipients ESG funds. 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 ESG program participate in HMIS. There is no longer an outcome reporting through the Integrated Disbursement Information Systems (IDIS). 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 time and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into HMIS.

#### Required Amount of Matching contributions to the ESG Program (24 CFR 576.201)

Per 24 CFR 576.201, the Subrecipients must make matching contributions to supplement the Subrecipient's ESG-funding 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 funds, 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 ESG funds; and
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 (24 CFR 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 24 CFR 576.100. The matching contributions must be provided before the Subrecipient Agreement can be executed. To count toward the required match for the Recipient's fiscal year grant, cash contributions must be expended within the expenditure deadline in 24 CFR 576.203, and non-cash contributions must be made within the expenditure deadline in 24 CFR 576.203. Contributions used to match a previous ESG award may not be used to match a subsequent ESG award. 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 (24 CFR 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 2 CFR 200, of the Recipient or Subrecipients; and/or
2. **Non-Cash Contributions;** the value of any real property, equipment, goods, or services contributed to the Recipients or Subrecipients ESG program, provided that if the Recipient or Subrecipients had to pay for them with grant funds, the costs would have been allowable. Non-cash contributions may also include the purchase value of any donated building.

#### Calculating the Amount of Non-Cash Contributions (24 CFR 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 Recipients or Subrecipients 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 non-cash 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:

1. Housing and Urban Development (HUD) [Docket Number FR-5474-1-01];
2. Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302);
3. 24 CFR 91;
4. PART 91 - Consolidated Submissions for Community Planning and Development Programs
5. The HEARTH Act;
6. 2 CFR 215, 2 CFR 230, 2 CFR 225;
7. Single Audit Act Amendments of 2 CFR 200; and
8. 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 CoC(s);
- 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) Re-Certification;
- 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; and
- 576.501(c) Subrecipients Response.

### ESG Eligible Activities

The HEARTH Act amended the McKinney-Vento Homeless Assistance Act, revising the Emergency Shelter Grants Program in significant ways and renaming it the Emergency Solutions Grants (ESG) program. The ESG Interim Rule took effect on January 4, 2012. The change in the program's name, from Emergency Shelter Grants to Emergency Solutions Grants, reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

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 and Medium-Term Rental Assistance
  - c. Tenant-Based Rental Assistance
  - d. Project-Based Rental Assistance



4. **Rapid Re-Housing**
  1. Housing Relocation and Stabilization Services
  2. Short and Medium-Term Rental Assistance
  3. Tenant-Based Rental Assistance
  4. Project-Based Rental Assistance
5. **HMIS Component**
6. **Administrative Activities (7.5%)**

#### Street Outreach - Essential Services (24 CFR 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% of the Recipient's total 2022 ESG expenditures for Street Outreach and Emergency Shelter. This may be exceeded only with combined approval from the City and HUD.

#### Emergency Shelter - Emergency Assistance Program Descriptions (24 CFR 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 (24 CFR 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 35(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 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 explained in this section.

#### **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 Water Sense products and appliances.

#### **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.

#### **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.

#### **Water Supply**

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

#### **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.

#### **Thermal Environment**

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

#### **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.

#### **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.

#### **Sanitary Conditions**

The shelter must be maintained in a sanitary condition.

#### **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 emergency.

### **Minimum Standards for Permanent Housing**

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 explained in this section.

#### **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.

#### **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 8; the Fair Housing Act (42 U.S.C. 3601 et seq.) and implementing regulations at 24 CFR 100; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and 28 CFR 35; where applicable.

#### **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.

#### **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.

#### **Water Supply**

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

#### **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.

#### **Thermal Environment**

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

#### **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.

#### **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.

#### **Sanitary Conditions**

The shelter must be maintained in a sanitary condition.

#### **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 emergency.

#### **Smoke Detectors**

Each unit must include at least one (1) 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 (1) 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% of the Recipient's total 2022 ESG expenditures for Street Outreach and Emergency Shelter. This may be exceeded only with the combined approval of the City 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 2022 ESG award 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 (24 CFR 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:

- Case Management;
- Child Care;
- Educational Services;
- Employment Assistance and Job Training;
- Outpatient Health Services;
- Legal Services;
- Life Skills Training;
- Mental Health Services;
- Substance Abuse Treatment;
- Transportation; and
- 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;
- 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 funds 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 these activities include the following:

- Assessing 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;
- Providing medication and follow-up services; and
- Providing preventive and non-cosmetic dental care.

#### Eligible Legal Services Activities for Emergency Shelter - Essential Services

ESG funds 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 under the supervision of the licensed attorney, regarding matters that interfere with the programs 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 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 arrangement.

#### **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 Subrecipient 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.

#### 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, providing these services are eligible expenses. 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) (24 CFR 576.102)

A unit of general purposes of local government is prohibited from using ESG funds to replace funds the local government provided for emergency shelter services immediately preceding 12-month period, unless HUD determines that the unit of general purposes of 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 Subrecipient received funds under a FY 2022 ESG award and met the criteria under the former emergency shelter definition.

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)

Section 416(f) of the McKinney-Vento Act requires for the first time that projects receiving funding under the ESG program participate in an HMIS. Recipients with HUD funding received through the ESG Program are required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD annually. Data collection for the ESG portion of the CAPER is aligned with the most recent version of the HMIS Data Standards. Beginning in October 2017, ESG Recipients may submit their accomplishment data in the Sage HMIS Reporting Repository (Sage). This means that Recipients will no longer need to use ESG-CAPER Annual Reporting Tool (eCart). Instead, project reports (Comma Separated Value (CSV) downloads) generated by HMIS or comparable databases that were previously uploaded into eCart can be uploaded directly into Sage.



### **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 - Renovations (24 CFR 576.102)**

Under this ESG activity, renovation of a building requires that it must be owned by a government entity or a private non-profit Organization. Eligible costs under this activity include the following:

- Labor;
- Materials;
- Tools; and
- 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 Building 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 three (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 24 CFR 576.102(c)(i-iii)).

### **Emergency Shelter - Uniform Relocation Assistance (URA)/Real Property Acquisition Policies**

Under any Emergency Shelter activity that involves URA/Real Property Acquisition, the policies indicates the following:

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

See 24 CFR 576.408 for details which cover the following subject areas as it relates to URA/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 (24 CFR 576.103)

Housing relocation and stabilization services 24 CFR 576.105 and short and/or medium-term rental assistance (24 CFR 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 24 (24 CFR 576.2). The cost of homelessness prevention is 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 amount of assistance are required (24 CFR 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:
  - a. Has an annual income below 30% of median family income for the area, as determined by HUD at initial eligibility determination or at or below 30% at reassessment;
  - b. 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
  - c. Meets one (1) of the following conditions:
    - i. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
    - ii. Is living in the home of another because of economic hardship;
    - iii. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
    - iv. 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;
    - v. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two (2) 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;
    - vi. 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
    - vii. Otherwise lies in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the Recipient's approved consolidated plan;
2. A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(S)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(S)(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. 11434(a)(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 24 CFR 576.2:

1. An individual or family who will imminently lose their primary nighttime residence provided that:
  - a. The primary nighttime residence will be lost within 14 days of the date of application or homeless assistance;
  - b. No subsequent residence has been identified; and
  - c. 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;
2. 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:
  - a. Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1143(a));
  - b. 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;
  - c. Have experienced persistent instability as measured by two (2) moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
  - d. 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
3. Any individual or family who:
  - a. 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;
  - b. Has no other residence; and
  - c. 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 three (3) months;
- Reassessed income must be AT or BELOW 30% AMI;
- All persons must meet at least quarterly 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 (24 CFR 576.106);
- Housing relocation and stabilizations services Subsection (24 CFR 576.105); and
- Written standards and procedures under Subsection (24 CFR 576.400).

### Rapid Re-Housing Component (24 CFR 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 housing. This assistance may be provided to program participants who meet the criteria under paragraph (1) of the "homeless" definition in subsection (24 CFR 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 Re-Housing)

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:
  - a. 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;
  - b. An individual or family living in a supervised publicly or privately-operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
  - c. An individual who is exiting an institution where they 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; or
2. An individual or family who:
  - a. 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);
  - b. Has no other residence; and
  - c. Lacks the resources or support networks, e.g., family, friends, faith-based or other social network to obtain other permanent housing.

#### Additional Requirements for Rapid Re-Housing

The following are additional requirements for this ESG activity:

- Initial assessment to document Rapid Re-Housing eligible 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 Re-Housing must be provided in accordance with:

- Short and/or medium-term rental assistance subsection (24 CF 576.106);
- Housing relocation and stabilizations services subsection (24 CFR 576.105); and
- Written standards and procedures under subsection (24 CFR 576.400).

#### **Short and Medium-Term Rental Assistance (Homeless Prevention & Rapid Re-Housing)**

Homeless Prevention and Rapid Re-Housing (NEW under ESG) includes rental assistance, housing relocation and stabilization services (subject to the general conditions under subsection 24 CFR 576.103 and 24 CFR 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:

- Short-Term Rental Assistance;
- Medium-Term Rental Assistance; and
- Rental Assistance Arrears.

#### **Description of Short and Medium-Term Rental Assistance & Rental Assistance Arrears**

Short-Term Rental Assistance is assistance for up to three (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 three (3) months but not more than 24 months of rent. Rental Assistance Arrears is a one-time payment for up to six (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/tlibrary/forms/rentreasonablechecklist.doc](http://www.hud.gov/offices/cpd/affordablehousing/tlibrary/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 three (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 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507; and
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:
4. The program participant moves out of the housing unit for which the participant has a lease;
  - a. The lease terminates and is not renewed; or
  - b. 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% 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; and
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.

The rental assistance agreement must have an initial term of one (1) year. When a new program participant moves into an assisted unit, the term of the rental assistance agreement may be extended to cover the initial term of the program participant's lease. If the program participant's lease is renewed, the rental assistance agreement may be renewed or extended, as needed, up to the maximum number or 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 (24 CFR 576.203) or commit funds for a future ESG award 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 (24 CFR 576.401). To preserve local discretion, it is the Subrecipient's choice whether to use household composition or income change other than the required re-evaluation periods of three (3) 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 (24 CFR 576.105)

Homeless Prevention and Rapid Re-Housing include rental assistance, housing relocation and stabilization services (subject to the general conditions under subsection 24 CFR 576.103 and 24 CFR 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 six (6) months of utility payments in arrears, per service. A partial payment of a utility bill counts as one (1) month. This assistance may only be provided if the program participant or a member of the same household has an account in their 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 three (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 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 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:

1. Conducting the initial evaluation (required under subsection 24 CFR 576.401(a), including verifying and documenting eligibility, for individuals and families applying for Homeless Prevention or Rapid Re-Housing assistance;
2. Counseling;
3. Developing, securing and coordinating services and obtaining Federal, State, and local benefits;
4. Monitoring and evaluating program participant progress;
5. Providing information and referrals to other providers;
6. Developing an individualized housing and service plan, including planning a path to permanent housing and stability;
7. Conducting re-evaluations required under subsection 24 CFR 576.401(b);
8. 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;
9. Legal services as set forth in subsection 24 CFR 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;
10. 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
11. May be required to use a centralized or coordinated assessment system as required under subsection 24 CFR 576.400(d), 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 (24 CFR 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 the ESG program. 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 (24 CFR 576.401). To preserve local discretion, it is the Subrecipient's choice whether to use household composition or income change other than the required re-evaluation periods of three (3) 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 (24 CFR 576.400)

### Consultation with CoC(s)

The Subrecipient and Recipient must consult with the CoC(s) 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(s) to prevent and end homelessness for the area. These other programs include the following:

- Shelter Plus Care Program (24 CFR 582);
- Supportive Housing Program (24 CFR 583);
- Section 8 Moderate Rehabilitation Program for Single Room Occupancy program for Homeless Individuals (24 CFR 882);
- HUD-Veterans Affairs Supportive Housing (HUD-VASH);
- Education for Homeless Children and Youth Grants for State and Local Activities (Title VII-8 of the McKinney-Vento Homeless Assistance Act);
- Grants for the Benefit of Homeless Individuals (section 506 for the Public Health Services Act (42 U.S.C. 290aa-5));
- Health care for the Homeless (42 CFR 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. 11331et 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 S(a)(l)) 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 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 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:

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

#### **Centralized Assessment or Coordinated Entry**

Once the CoC(s) have 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 CoC's area must:

- Use the CoC's assessment system; and
- Work with the CoC(s) 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 CoC's centralized or coordinated assessment system.

#### **Written Standards for Providing ESG Assistance**

The City 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 Subrecipient's program. At minimum written standards must include the following:

- Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under the ESG program;
- 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 the ESG program, 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 Re-Housing Assistance providers; other homeless assistance providers; and mainstream service and housing providers (see 24 CFR 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**

Subrecipients of ESG funds must ensure that data on all persons served and all activities assisted under the ESG program 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 (24 CFR 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 24 CFR 576.400(d) and the written standards established under 24 CFR 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 three (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:
  - a. The program participant does not have an annual income that exceeds 30% of median family income for the area, as determined by HUD; and
  - b. 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 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 5.609.

#### **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:
  - a. Medicaid (42 CFR chapter IV, subchapter);
  - b. Supplemental Nutrition Assistance Program (7 CFR 271-283);
  - c. Women, Infants and Children (WIC) (7 CFR 246);
  - d. Federal-State Unemployment Insurance Program (20 CFR 601-603,606, 609, 614-617, 625, 640, 650);
  - e. Social Security Disability Insurance (SSDI) (20 CFR 404);
  - f. Supplemental Security Income (SSI) (20 CFR 416);
  - g. Child and Adult Care Food Program (42 U.S.C. 1766 t) (7 CFR 226)); and
  - h. Other assistance available under the programs listed in 24 CFR 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:
  - a. 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
  - b. Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends taking in 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; or
  - c. The Recipient or Subrecipient is exempt from the requirement under paragraph (e)(1)(1) of this section 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)(1) 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 (24 CFR 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.

### 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 (24 CFR 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 the housing owned by the Subrecipient, or any parent or subsidiary of the Subrecipient, carry out the initial evaluation required under 24 CFR 576.401 or administer homelessness prevention assistance under 24 CFR 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 2 CFR 200.36 (for governments) and 2 CFR 200 (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 them or for those with whom they have family or business ties, during their tenure or during the one-year period following their 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;

- a. **Threshold Requirements.** HUD will consider an exception only after the Recipient has provided the following documentation:
  - i. If the Recipient or Subrecipient is a government entity, 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
  - ii. An opinion of the Recipient's attorney that the interest for which the exception is sought would not violate state or local law.
- 4. **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 in 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 their 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.
- 5. **Contractors.** All contractors of the Recipient or Subrecipient must comply with the same requirements that apply to Subrecipients under this section.

#### Homeless Participation (24 CFR 576.405)

1. Unless the Recipient is a State, the Recipient must provide for the participation of not less than one (1) 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 the ESG program.
2. 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 the ESG program. The plan must be included in the annual action plan required under 24 CFR 91.220.
3. To the maximum extent practicable, the Recipient or Subrecipient must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the ESG program. This involvement may include employment or volunteer services.

#### Faith-Based Activities (1576.40)

1. 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 the ESG program shall discriminate against an organization on the basis of the organization's religious character or affiliation;
2. 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;
3. 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;
  4. 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;
  5. 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 2 CFR 200.311); and
  6. If the Recipient or 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 (24 CFR 576.407)

##### General

The requirements in 24 CFR 5(a) are applicable, including the nondiscrimination and equal opportunity requirements at 24 CFR S.105(a). Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and Implementing regulations at 24 CFR 135 apply, except that homeless individuals have priority over other Section 3 residents in accordance with 24 CFR 576.405(c).

##### 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 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, gender identity, age, national origin, familial status, sexual orientation, or disability who may qualify for those facilities and services, the Recipient or Subrecipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The Recipient and its Subrecipients must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, Recipients and Subrecipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.



#### **Uniform Administrative Requirements**

The requirements of 2 CFR 200 apply to the Recipient and Subrecipients that are units of general purposes of local government, except that 2 CFR 200 do not apply, and program income is to be used as match under 2 CFR 200. The requirements of 2 CFR 200 apply to Subrecipients that are private nonprofit organizations, except that 2 CFR 200 do not apply, and program income is to be used as the nonfederal share under 2 CFR 200. These regulations include allowable costs and non-Federal audit requirements.

#### **Environmental Review Responsibilities**

1. Activities under this part are subject to environmental review by HUD under 24 CFR 50. The Recipient shall supply all available, relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR 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); and
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 50 and the Recipient has received HUD approval of the property.

#### **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.

#### **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 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 (24 CFR 576.408)**

#### **Minimizing Displacement**

Consistent with the other goals and objectives of the ESG program, 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 ESG program.

#### **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 URA/Real Property Acquisition Policies Act of 1970 (URA), 42 U.S.C. 4601-4655, as described in paragraph 3 of this section, the tenant should be treated as permanently displaced and offered relocation assistance and payments consistent with that paragraph.

#### **Relocation Assistance for Displaced Persons**

In general, a displaced person (defined in paragraph (3)(a) of this section) must be provided relocation assistance at the levels described in, and in accordance with, the URA and 49 CFR 24. A displaced person must be advised of their 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 24.20S (c)(2)(ii)(D).) As required by Section 504 of the Rehabilitation Act (29 U.S.C. 794) and 49 CFR 24, replacement dwellings must also contain the accessibility features needed by displaced persons with disabilities.

#### Displaced Person

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

1. 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:
  - a. 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
  - b. 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;
  - c. Before the date described in paragraph (3)(a)(i)(1) of this section, if the Recipient or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the project; or
  - d. 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;
2. 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.
  - e. The Recipient or Subrecipient may, at any time, request that HUD to determine whether a displacement is or would be covered by this rule.

### 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:

1. 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;
2. 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.

### Real Property Acquisition Requirements

The acquisition of real property, whether funded privately or publicly, for a project assisted with ESG funds is subject to the URA and Federal government wide regulations at 49 CFR 24(b).

### 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 49CFR 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 (24 CFR 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

1. The Recipient must maintain and follow written intake procedures to ensure compliance with the homeless definition in 24 CFR 576.2. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status. The procedures must:
  - Establish the order of priority for obtaining evidence as third-party documentation first;
  - Intake worker observations second; and
  - Certification from the person seeking assistance third.However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider.
2. 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.
3. If the individual or family qualifies as homeless under paragraph (1)(i) or (ii) of the homeless definition in 24 CFR 576.2, acceptable evidence includes a written observation by an outreach worker of the conditions where the 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.
4. If the individual qualifies as homeless under paragraph (1)(iii) of the homeless definition in 24 CFR

576.2, because they resided in an emergency shelter or place not meant for human habitation and is exiting an institution where they resided for 90 days or less, acceptable evidence includes the evidence described in this section and one of the following:

- Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; or
- Where the evidence in this section is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described and a certification by the individual seeking assistance that states they are exiting or has just exited an institution where they resided for 90 days or less.

5. If the individual or family qualifies as homeless under paragraph (2) of the homeless definition in 24 CFR 576.2, because the individual or family will imminently lose their housing, the evidence must include:
  - a. A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law;
  - b. For individuals and families whose 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 their 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;
    - iii. Certification by the individual or head of household that no subsequent residence has been identified; and
    - iv. Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.
6. If the individual or family qualifies as homeless under paragraph (3) of the homeless definition in 24 CFR 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 (1) 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:
  - a. For paragraph (3)(1) of the homeless definition in 24 CFR 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 (42U.S.C. 5701et seq.);
    - The Head Start Act (42 U.S.C. 9831et 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 (7U.S.C. 2011et seq.); and
    - Section 17 of the Child Nutrition Act of 1966 (42U.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;
- b. For paragraph (3)(ii) of the homeless definition in 24 CFR 576.2, referral by a housing or service provider, written observation by an outreach worker, or certification by the homeless Individual or head of household seeking assistance;
  - c. For paragraph (3)(iii) of the homeless definition in 24 CFR 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; and
    - 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;
  - d. For paragraph (3)(iv) of the homeless definition in 24 CFR 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;
7. If the individual or family qualifies under paragraph (4) of the homeless definition in 24 CFR 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;
  8. If the individual or family is receiving shelter or services provided by a victim service provider, the oral statement must be documented by either a certification by the individual or head of household; or a certification by the intake worker;
  9. 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 ESG-funded 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 24 CFR 576.2:
  - a. The documentation specified under this section for determining annual income;
  - b. The program participant's certification on a form specified by HUD that the program participant has insufficient financial resources and support networks;
  - c. The most reliable evidence available to show that the program participant does not have sufficient resources or support networks;
  - d. The most reliable evidence available to show that the program participant meets one or more of the conditions under paragraph (1)(iii) of the definition of "at risk of homelessness" in 24 CFR 576.2.
2. If the program participant meets the criteria under paragraph (2) or (3) of the "at risk of homelessness" definition in 24 CFR 576.2, certification of the child or youth's homeless status by the agency or organization responsible for administering assistance under the
  - Runaway and Homeless Youth Act (42 U.S.C. 5701et 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. 2011et seq.); and
  - 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. 11431et seq.), as applicable.

#### Determinations of Ineligibility

For each individual and family determined ineligible to receive 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 24 CFR 576.101 through 24 CFR 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 24 CFR 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 CoC(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.

### **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 24 CFR 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 purposes of local government must keep records to demonstrate compliance with the maintenance of effort requirement, including records of the unit of the general purposes of 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 CoC(s) 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 24 CFR 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.

#### **Conflict of Interest**

The Recipient and its Subrecipients must keep records to show compliance with the organizational conflicts of interest requirements in 24 CFR 576.404(a), a copy of the personal conflicts of interest policy or codes of conduct developed and implemented to comply with the requirements in 24CFR 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 24 CFR 576.405.

#### **Faith-Based Activities**

The Recipient and its Subrecipients must document their compliance with the faith-based activities requirements under 24 CFR 576.406.

#### **Other Federal Requirements**

The Recipient and its Subrecipients must document their compliance with the Federal requirements 24 CFR 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, gender identity, sexual orientation 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 24 CFR 576.407(b);
2. Records demonstrating compliance with the uniform administrative requirements in 2 CFR 200;
3. Records demonstrating compliance with the environmental review requirements, including flood insurance requirements; and
4. Certifications and disclosure forms required under the lobbying and disclosure requirements in 24 CFR 87.

#### **Relocation**

The records must include documentation of compliance with the displacement, relocation, and acquisition requirements in 24 CFR 576.408.

#### **Financial Records**

1. The Recipient must retain supporting documentation for all costs charged to the ESG award;
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 2 CFR 200, 225 and 230;
3. The Recipient and its Subrecipients must retain records of the receipt and use of program income; and
4. The Recipient must keep documentation of compliance with the expenditure limits in 24 CFR 576.100 and the expenditure deadline in 24 CFR 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 24 CFR 576.501;
2. The Recipient and its Subrecipients must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 2 CFR 200; and
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

The Recipient must keep other records specified by HUD.

#### Confidentiality

1. The Recipient and its Subrecipients must develop and implement written procedures to ensure:
  - a. 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;
  - b. 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
  - c. 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 five (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 five (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% 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% 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 in 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 award, 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 five (5) years;

3. **Reports.** The Recipient must collect and report data on its use of ESG funds in IDIS and other reporting systems, as specified by HUD. The Recipient must also comply with 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 170.

#### Enforcement (24 CFR 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:
  - a. Preparing and following a schedule of actions for carrying out activities affected by the non-compliance, including schedules, timetables, and milestones necessary to implement the affected activities;
  - b. Establishing and following a management plan that assigns responsibilities for carrying out the remedial actions;
  - c. Canceling or revising activities likely to be affected by the noncompliance, before expending ESG funds for activities;
  - d. Reprogramming ESG funds that have not yet been expended from affected activities to other eligible activities;
  - e. Suspending disbursement of ESG funds for some or all activities;
  - f. Reducing or terminating the remaining grant of a Subrecipient and reallocating those funds to other Subrecipients; and
  - g. Making matching contributions before or as draws are made from the Recipient's ESG award;
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; and
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 ESG program requirement or its Subrecipient Agreement, the Recipient must take appropriate actions, as prescribed for HUD in 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 purposes of 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 CPP 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 24 CFR 576.203.

## ESG Performance Standards

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

1. Reduce the number of unsheltered individuals and families, as established in the PIT 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 one (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 three (3) months and six (6) months post discharge. This information will be obtained from HMIS.
3. Increase the percentage of Individuals and families remaining in permanent housing for three (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 ESG 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 each year; and
4. An increase in the percentage of households that increase cash and non-cash income during program enrollment.

### Performance standards for Evaluating the Transitional Housing Program

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 (9) 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; and
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 (3) 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 (3) 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;  
and
3. An increase in the percentage of discharged households that access permanent housing.

Grantee SF-424's and Certification(s)

OMB Number: 4310-0004  
Expiration Date: 11/30/2025

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	*3. Version, select appropriate identifier: <input type="text"/> * Other (Specify): <input type="text"/>
*3. Date Received: <input type="text"/>	4. Applicant Identifier: <input type="text" value="B-21-MC-01-133"/>	
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>B. APPLICANT INFORMATION:</b>		
*a. Legal Name: <input type="text" value="City of Montgomery"/>		
*b. Employer/employer identification Number (EIN, T.EIN): <input type="text" value="65-8901373"/>	*c. U.F.I. <input type="text" value="MONTGOMERY"/>	
d. Address:		
* Street:	<input type="text" value="P.O. Box 1111"/>	
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="36101-1111"/>	
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:		
* Path:	* First Name:	* Surname:
<input type="text" value="Dir."/>	<input type="text" value="Wilson"/>	<input type="text" value="Deborah"/>
* Middle Name:	<input type="text"/>	
* Last Name:	<input type="text" value="Wilson"/>	
* Suffix:	<input type="text"/>	
* Title:	<input type="text" value="Director of Community Development"/>	
Organizational Address:		
<input type="text" value="City of Montgomery"/>		
* Telephone Number:	* Fax Number:	
<input type="text" value="1-314-625-7775"/>	<input type="text" value="314-625-4114"/>	
* Email: <input type="text" value="deborah@montgomeryal.gov"/>		

Application for Federal Assistance SF-424	
* 8. 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"/>
* 9. City/County:	<input type="text"/>
* 10. Name of Federal Agency:	<input type="text" value="U.S. Department of Housing and Urban Development (HUD)"/>
11. Catalog of Federal Domestic Assistance Number:	<input type="text" value="14.215"/>
CFDA Use:	<input type="text" value="Community Development Block Grant (CDBG)"/>
* 12. Funding Opportunity Number:	<input type="text" value="14.215"/>
* Title:	<input type="text" value="Community Development Block Grant (CDBG)"/>
13. Competition Identification Number:	<input type="text"/>
Title:	<input type="text"/>
14. Areas Affected by Project (Cities, Counties, States, etc.):	<input type="text"/> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
* 15. Descriptive Title of Applicant's Project:	<input type="text" value="Montgomery's CDBG entitlement funds are obligated to continue a program relative programming, monitoring, and management of activities including a CDBG related program."/>
Attach supporting documents as specified in agency instructions.	
<input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/>	

**Application for Federal Assistance SF-424**

16. Congressional Districts Of:

\* a. Account:  \* 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="1,560,044.00"/>
* 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="1,560,044.00"/>

\* 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 selected 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 18, Section 1001)

\*\* I AGREE

\*\* The list of certifications and assurances or an internet site where you may obtain this list is provided 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: 4140-0029  
Expiration Date: 02/28/2025

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 personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§1728-1762) 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. §§4001 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. §§1861-1863, 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. 91-516), 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 dd-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.


Previous Edition Usable

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Standard Form 424D (Rev. 7/97)  
Prescribed by GMS Circular A-112



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. 91-845) which provide 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. §§1501-508 and 7324-7328) which limit the political 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 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.
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 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 11735; (c) protection of wetlands pursuant to EO 11980; (d) evaluation of flood hazards in floodplains in accordance with EO 11985; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§451 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. 93-525); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
15. 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 Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§1609-1 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) Producing 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
	State
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Montgomery	01/17/2023

GS-4243 (Rev. 7-97) Deck

Application for Federal Assistance SF-424			
* 1. Type of Submission <input type="checkbox"/> Reapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		* 2. Type of Application: * If Several, select appropriate letter(s) <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision * Other (Specify): _____	
* 3. Date Received <input type="text" value=""/>		4. Applicant Identifier <input type="text" value="MONTGOMERY"/>	
5a. Federal Entity Identifier <input type="text" value=""/>		5b. Federal Award Identifier <input type="text" value=""/>	
State Use Only:			
6. Date Received by State: <input type="text" value=""/>		7. State Application Identifier: <input type="text" value=""/>	
<b>8. APPLICANT INFORMATION:</b>			
* a. Legal Name: <input type="text" value="City of Montgomery"/>			
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text" value="28-69001322"/>		* c. UIC: <input type="text" value="0000000000"/>	
<b>d. Address:</b>			
* Street1	<input type="text" value="P.O. Box 1111"/>		
* Street2	<input type="text" value=""/>		
* City	<input type="text" value="Montgomery"/>		
* County/Parish	<input type="text" value="Montgomery"/>		
* State	<input type="text" value="AL: ALABAMA"/>		
* Province	<input type="text" value=""/>		
* Country	<input type="text" value="USA: UNITED STATES"/>		
* Zip/Postal Code	<input type="text" value="36102-1111"/>		
<b>e. Organizational Unit:</b>			
Department Name: <input type="text" value="Community Development"/>		Division Name: <input type="text" value="Community Development"/>	
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>			
* Title	<input type="text" value="Director"/>	* First Name	<input type="text" value="Director"/>
* Middle Name	<input type="text" value=""/>		
* Last Name	<input type="text" value="Wilson"/>		
* Email	<input type="text" value=""/>		
* Title	<input type="text" value="Director of Community Development"/>		
Organizational Address: <input type="text" value="City of Montgomery"/>			
* Telephone Number	<input type="text" value="334-606-3785"/>	* Fax Number	<input type="text" value="334-621-0400"/>
* Email	<input type="text" value="dwilson@montgomeryal.gov"/>		

Application for Federal Assistance SF-424	
<p><b>* 9. Type of Applicant 1: Select Applicant Type:</b></p> <input type="text" value="C. 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><b>* 10. Name of Federal Agency:</b></p> <input type="text" value="DOL, Department of Housing and Urban Development (HUD)"/>	
<p><b>11. Catalog of Federal Domestic Assistance Number:</b></p> <input type="text" value="14.219"/> <p>CFDA line:</p> <input type="text" value="ECHO Investment Partnership Program (EIP)"/>	
<p><b>* 12. Funding Opportunity Number:</b></p> <input type="text" value="7295"/> <p>* Title:</p> <input type="text" value="ECHO Investment Partnership Program (ECHO)"/>	
<p><b>13. Competition Identification Number:</b></p> <input type="text"/> <p>Title:</p> <input type="text"/>	
<p><b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b></p> <input type="text"/> <div style="display: flex; justify-content: space-around;"> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/> </div>	
<p><b>* 15. Descriptive Title of Applicant's Project:</b></p> <input type="text" value="Promote and implement the development of affordable housing."/>	
<p>Attach supporting documents as specified in agency instructions:</p> <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. Assistant  \* 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="8,571,918.00"/>
* 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="8,571,918.00"/>

\* 18. Is Application Subject to Review By State Under Executive Order 12372 Process?

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review

c. Program is not covered by E.O. 12372.

\* 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 18, 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:

\* First Name:  \* Last Name:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative:  \* Date Signed:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0026  
Expiration Date: 02/28/2026

Public reporting burden for the 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 (0348-0042), 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 supervisor 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. §§4728-4763) 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. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§601 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 dd.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. §§801 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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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. 91-346) which provide 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. §§1501-1606 and 1324-7326) which limit the political 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 18 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 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 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. 91-160) 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 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 1956, 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 Archaeological 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
	Mayor
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Montgomery	07/15/2023

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

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Pre-application <input checked="" type="checkbox"/> Application <input type="checkbox"/> Change/Correction Application		* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision * IF Federal select agency into title for: <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: <input type="text"/>	4. Applicant ID#: B-22-HC-JC-4795	
5a. Federal Entity Identifier: <input type="text"/>		5b. Federal Award number: <input type="text"/>
State Use Only:		
6. DAA Request by State: <input type="text"/>	7. State Application number: <input type="text"/>	
<b>8. APPLICANT INFORMATION:</b>		
* 8a. Legal Name: <input type="text" value="City of Montgomery"/>		
* 8b. Federal Employer Identification Number (EIN/TIN): <input type="text" value="01-0801291"/>		* 8c. UCI: <input type="text" value="BRC0025028"/>
<b>d. Address:</b>		
* Street1: P.O. Box 111	<input type="text"/>	
* Street2: <input type="text"/>	<input type="text"/>	
* City: Montgomery	<input type="text"/>	
* County/Parish: Montgomery	<input type="text"/>	
* State: AL	<input type="text"/>	
* Province: <input type="text"/>	<input type="text"/>	
* Country: USA: EXCISED 300063	<input type="text"/>	
* Zip + Postal Code: 36101-111	<input type="text"/>	
<b>e. Organizational Unit:</b>		
Department Name: <input type="text" value="Community Development"/>		Division Name: <input type="text" value="Community Development"/>
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
* Prefix: Mr.	* First Name: Nelson	<input type="text"/>
* Middle Name: <input type="text"/>	<input type="text"/>	
* Last Name: Nelson	<input type="text"/>	
* Suffix: <input type="text"/>	<input type="text"/>	
* Title: Director of Community Development	<input type="text"/>	
<b>Organizational Affiliation:</b>		
<input type="text" value="City of Montgomery"/>		
* Telephone Number: 205-625-2775	* Fax Number: 205-625-2413	
* Email: daniel@montgomeryal.gov		

Application for Federal Assistance SF-424	
<b>* 9. Type of Applicant 1: Select Applicant Type:</b> <input type="text" value="City or Township Government"/>	
<b>Type of Applicant 2: Select Applicant Type:</b> <input type="text"/>	
<b>Type of Applicant 3: Select Applicant Type:</b> <input type="text"/>	
<b>* Other (specify):</b> <input type="text"/>	
<b>* 10. Name of Federal Agency:</b> <input type="text" value="U.S. Department of Housing and Urban Development (HUD)"/>	
<b>11. Catalog of Federal Domestic Assistance Number:</b> <input type="text" value="14.221"/>	
<b>CFDA Title:</b> <input type="text" value="Emergency Solutions Grant (ESG)"/>	
<b>* 12. Funding Opportunity Number:</b> <input type="text" value="14.221"/>	
<b>* Title:</b> <input type="text" value="Emergency Solutions Grant (ESG)"/>	
<b>13. Competition Identification Number:</b> <input type="text"/>	
<b>Title:</b> <input type="text"/>	
<b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b> <input type="text"/> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span>Add Attachment</span> <span>Delete Attachment</span> <span>View Attachment</span> </div>	
<b>* 15. Descriptive Title of Applicant's Project:</b> <input type="text" value="ESG Program provides funding to private home-lessness rapidly re-house homeless and vulnerable families; help operate and provide essential services in emergency shelters for homeless persons/families."/>	
Attach supporting documents as specified in agency instructions. <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span>Add Attachments</span> <span>Delete Attachments</span> <span>View Attachments</span> </div>	



Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Award # <input type="text" value="00117"/>	* b. Program/Project <input type="text" value="00117"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
17. Proposed Project:	
* a. Start Date <input type="text" value="05/01/2023"/>	* b. End Date <input type="text" value="04/30/2024"/>
18. Estimated Funding (\$):	
* a. Federal	<input type="text" value="146,725.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="146,725.00"/>
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/>	
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach:	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
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 18, Section 1001)	
<input checked="" type="checkbox"/> ** I AGREE	
** The list of certifications and assurances or an internet site where you may obtain the list is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix <input type="text" value="Mr."/>	* First Name: <input type="text" value="Steven"/>
Middle Name: <input type="text"/>	
* Last Name <input type="text" value="Hussel"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="Mayor"/>	
* Telephone Number: <input type="text" value="334-625-2000"/>	Fax Number: <input type="text" value="334-625-4431"/>
* Email: <input type="text" value="steven.hussel@countymt.gov"/>	
* Signature of Authorized Representative	* Date Signed <input type="text" value="05/19/2023"/>
	

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number 4040-0109  
Expiration Date: 02/26/2075

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 (2348-0042), 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 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. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4901 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 1885-1889), 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) §§529 and 627 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 2), 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 statutes which may apply to the application.

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Prescribed by OMB Circular A-102

11. Will comply, or has already complied, with the requirements of Titles I and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-648) which provide 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. §§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.
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 18 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 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 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 11990; (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 178(b) 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 1965 (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 Archaeological 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 1988 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 108(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 City of [unclear]	DATE SUBMITTED 07/25/2023

SI-424D (Rev. 7-97) Deck

**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. §§4726-4733) 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 nondiscrimination. 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 handicap; (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. 91-518) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1972 (42 U.S.C. §§290 dd-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 Title 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 7324-7326) 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. §§275a to 275a-7), the Copeland Act (40 U.S.C. §276c and 48 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-323), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(b) 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 11980; (d) evaluation of food hazards in foodpans 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).
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 105 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. §§468a-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. §§4801 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 1986 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	
		Mayor	
APPLICANT ORGANIZATION		DATE SUBMITTED	
City of Kalamazoo		07/28/2020	

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**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. 4601-1655) 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-112, "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. 1701a) and implementing regulations at 24 CFR Part 75.

  
Signature of Authorized Official

07/19/2023  
Date

**Mayor**  
Title

### **Specific Community Development Block Grant Certifications**

The Lullajont 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) 2022, 2023, 2024 [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

07/19/2023  
Date

Mayor  
Title



**Specific HOME Certifications**

The HOME participating jurisdiction certifies that:

**Tenant Based Rental Assistance** -- If 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 CFR §§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

07/19/2023  
Date

Mayor  
Title

### **Emergency Solutions Grants Certifications**

The Emergency Solutions Grants Program recipient certifies that:

**Major rehabilitation/conversion/renovation** – If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation.

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

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

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

**Renovation** – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

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

**Matching Funds** – The recipient will obtain matching amounts required under 24 CFR 576.201.

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

**Homeless Persons Involvement** – To the maximum extent practicable, the recipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

**Consolidated Plan** – All activities the recipient undertakes with assistance under ESG are consistent with its consolidated plan.

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

  
\_\_\_\_\_  
Signature of Authorized Official

07/19/2023  
\_\_\_\_\_  
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.