

ATTACHMENTS

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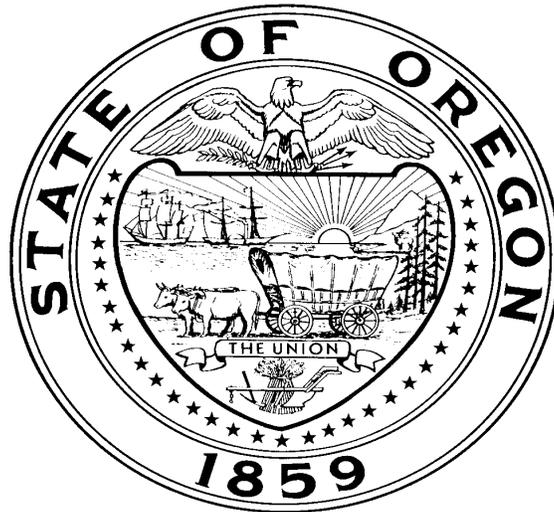
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ATTACHMENT A

OREGON 2011- 2015 FAIR HOUSING STRATEGIC ACTION PLAN

Housing and Community Development Programs



2011-2015 FAIR HOUSING ACTION PLAN

State of Oregon

This is the State of Oregon's Five-Year Fair Housing Strategic Action Plan (FHAP) to address and mitigate impediments to fair housing choice that exist in the State of Oregon. This plan will be carried out by Oregon between 2011 and 2015.

Why a State Fair Housing Plan?

Each year, the State of Oregon is eligible to receive funds from the U.S. Department of Housing & Urban Development (HUD). These funds are used in communities throughout the State to improve housing and community development conditions. HUD requires the State to complete several reports in order to receive funds. One of these reports is called an Analysis of Impediments to Fair Housing Choice or AI.

The AI has two distinct parts. The first is made up of research that is used to identify existing fair housing impediments. Fair housing impediments can take many forms, which may include discrimination of citizens when trying to obtain housing, land use and zoning barriers that prohibit or discourage certain types of housing, and differential treatment of borrowers who are applying for a mortgage, among other types of activities. The second part of the AI is a plan for addressing the impediments that were identified in the research.

The State of Oregon Analysis of Impediments to Fair Housing Choice report, completed in the summer of 2010, details the research findings from the State study of fair housing impediments. This document outlines the specific actions the State will undertake to address the fair housing impediments identified in the Analysis of Impediments (AI). To receive a copy of the AI, contact Ann Brown at ann.brown@state.or.us or 503.986.2122.

The 2010 Analysis of Impediments for the state of Oregon uncovered several issues considered barriers to affirmatively furthering fair housing and, consequently, impediments to fair housing choice. These issues are as follows:

A. Organizational/Political constraints:

1. The need for more effective communication regarding fair housing, further hampered by language and cultural differences.
2. Local zoning constraints and NIMBYism tend to restrict inclusive housing production policies; existence of such policies or administrative that may not be in the spirit of affirmatively furthering fair housing.

B. Structural barriers:

1. The need for more effective outreach and education methods, such as television and radio advertisements, seminars, and webinars or other dissemination methods not currently utilized by the state, particularly in the non-entitlement areas of Oregon.
2. The need to increase knowledge of fair housing and fair housing complaint system.
3. The need to develop a more effective referral system.
4. The need to increase the existing enforcement capacity.

C. Rental markets:

1. Refusal to allow reasonable accommodation.
2. Discrimination against Section 8 voucher holders. While not a protected class, respondents reported Section 8 program participation as a commonly cited reason they are turned away by landlords.
3. Discriminatory terms and conditions exist in marketplace.
4. Discriminatory refusal to rent.

D. Home purchase markets:

1. Disproportionately high denial rates for selected racial and ethnic minorities.
2. Originated high annual percentage rate loans (HALs) disproportionately carried by racial and ethnic minorities.
3. Denials and HALs appear concentrated in selected geographic areas.

The Analysis of Impediments contains a total of twenty possible actions Oregon should consider in developing a Fair Housing Action Plan. While all suggestions had merit, internal discussions led to consensus that due to shortages of human and financial resources, actions should be prioritized. Oregon intends to pursue fair housing actions through an informal association of stakeholders referred to as the Fair Housing Collaborative. The Collaborative consists of State and local agencies concerned about fair housing, the Fair Housing Council of Oregon, and other interested parties.

This Fair Housing Action Plan is intended to be a partner document with the Analysis of Impediments, and thus will minimize repetition of information contained therein. The plan element itself is minimal and contained in the following table, intended to be concise and to the point.

Table on next page -

2014 Annual Action Plan

ACTION ITEM	PRIORITY	TIMING	OUTCOME	MEASUREMENT
1. Renew efforts to have a broad-based active, involved Fair Housing Collaborative (B4*)	High	Ongoing	Improved participation and involvement	Have an average of four quarterly meetings per year over the five years and identify 4 mutually agreed upon action items.
2. Continue contracting for "retail" activities such as educational outreach, informative brochures, audit testing etc. (B1a, B2, B2a)	High	Annual	Consistent effort at public and partner education.	Host at least 9 educational outreach events per year. Distribute a minimum of 9,500 brochures. Conduct an average of 450* audit tests per year over the five years.
3. Develop a means of measuring results of outreach efforts, including possible new approaches(B1b)	High	2011 - 2012	Evaluation of existing measures and suggestions for new approaches	Through regular quarterly reporting and subsequent analysis of self-reported satisfaction surveys and other inputs, success [or failure] of current outreach efforts will be noted and potential alterations and/or new approaches to outreach could be identified.
4. Continue the Fair Housing referral guide (B3)	High	Annual	Availability of information to citizens and partners	Distribute at least 1,500 fair housing referral guides per year
5. Initiate and maintain better communications with Oregon's fair housing enforcement arm, the Bureau of Labor and Industry (B5, a-b-c)	High	Ongoing	Better coordination and understanding	Better outreach and communication will be established with BOLI primarily through its participation in the Statewide Fair Housing Collaborative Network. Success will be measured, in part, through regular meeting attendance and participation in the civil rights complaints process and any actual referrals for enforcement action.
6. Review non-English speaking citizen participation requirements and make changes where needed. (A1)	High	2011 - 2012	Revised Citizen Participation Plan. Adopted Limited English Proficiency Plan	Act on the LEP, including training for OHCS staff, outreach to affected partners, and creation of an annual report.
7. Conduct audit testing specific to reasonable accommodation (C2)	High	Annual	Improved approaches to education and enforcement	Establish and monitor baseline by conducting 20 accommodation specific audit tests.

* Brochures are included in the OBDD SOW. Audits [and follow-ups to complaints] are in addition to more than 300 other audits FHCO will conduct under other service contracts.

Conclusion

Impediments to fair housing continue to exist in Oregon's balance of state and elsewhere. Oregon's Analysis of Impediments identifies a variety of factors that impact Oregon citizens in their right to fair housing.

Oregon has proposed specific actions to overcome identified barriers to fair housing which include a continuation of existing measures plus efforts to explore and develop more sophisticated means of implementing State and federal rules and regulations governing fair housing.

ATTACHMENT B

Oregon Housing and Community Services

Emergency Solutions Grant Operations Manual

Prepared by: Oregon Housing and Community Services Department
Community Resources Division

Funding Years 2011 (2nd Allocation) and Forward

v.9-18-2013

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1. Program Intent

The Emergency Solutions Grant (ESG) provides federal funds to support local programs in assisting individuals and families to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness. ESG funds are available for five program components: street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and data collection through the Homeless Management Information System

(A) *Written Notices*

Send all notices regarding ESG to:

Emergency Solutions Grant Program Analyst
Oregon Housing and Community Services
725 Summer Street NE, Suite B
Salem, OR 97301-1266
Telephone Number: (503) 986-2000
Fax Number: (503) 986-2020

(B) *Release of Information*

All information about the applicant/client is confidential. Disclose information only for purpose of determining program eligibility, providing benefits, or investigating possible violation of federal, state and local regulation(s) associated with ESG delivery. Disclose only appropriate information that is pertinent to the eligibility of the applicant, and exclude those items considered not pertinent to eligibility.

Access to information by inappropriate or unauthorized individuals or parties is a violation of the individuals' right to confidentiality. Inappropriate disclosure of information can result in severe penal action. Take care to secure all files so that unauthorized personnel do not have access to them.

Subgrantee Agencies, will require clients to sign an Authorization to Use and Disclose Information form (see the "Forms" section of this manual), separate from a Confidentiality Policy form, during the intake process; however, failure to sign an Authorization to Use and Disclose Information form **cannot** be the basis for denying program services to otherwise eligible clients.

If the release of information were necessary to obtain documentation related to determining eligibility for the program, base the denial on the lack of required verification necessary to determine program eligibility and **not** on the refusal to sign the Authorization to Use and Disclose Information form.

If Subgrantee Agencies choose not to use this form, they may develop their own form; however, the same information must be included.

Mutually complete the Authorization to use and Disclose Information form in the presence of the client whenever possible to facilitate discussion and case planning, as well as making sure the client understands the form before signing. The case manager should also answer any questions the client has about the form and explain to the client the client's right to request limitations on the disclosure of their information.

There may be various barriers to clients understanding of the form. These barriers may include physical or mental disabilities, limited English proficiency or the inability to read. The presence of a barrier to understanding does not necessarily mean that the person is incapable of giving informed consent.

There is no need to obtain witness of a client signing the form unless there are other reasons for doing so (for example, client request, mental competency issue, etc.).

There should be only one individual listed per form. The form must include space for the signature of the client. Do not identify a person as being a client to any outside organization unless the client or the outside organization can provide a client-signed Release of Information form.

Do not request unnecessary information about a client or more than is needed.

(C) Confidentiality

Subgrantee Agencies, shall ensure that all its officers, employees and agents are aware of and comply with this confidentiality requirement, along with the *"Safeguarding Information for the Financial Assistance Programs"* regulations as shown at 45 CFR §205.50 (www.ecfr.gov).

Confidential records are all applications, records, files, and communications relating to applicants for, and clients of, services offered by ESG.

Electronically collect client information for the limited purpose of administering HSP in accordance with the rules and regulation on ServicePoint (an HMIS data-collection system). The following guidelines apply to the use of a computer for the purposes of confidentiality:

- (1) The computer terminal(s) used must be located in a secure location, limiting access to only those persons who have a legitimate interest in and are responsible in viewing client records.
- (2) The computer monitor must be cleared (or a screen saver activated) immediately after accessing a client record.
- (3) The computer terminal must be on a "locked" mode or turned off if the terminal is unattended.
- (4) Access to ServicePoint shall be given to authorized staff persons and only insofar as access is required for performing the work required pursuant to ESG.

- (5) Information Asset, Network and Information System: Subgrantee Agencies who have access to, or use of, any ServicePoint computer system, shall comply with OAR 407-014-0300 – 407-014-0320. For purposes of this section, “Information Asset, Network and Information System” have the meaning set forth in OAR 407-014-0305.

Domestic Violence Providers

Domestic Violence Providers are required to collect client-level data consistent with HMIS data collection requirements, but they must NOT directly enter data into ServicePoint. To protect clients, victim services providers must enter required client-level data into a comparable database that complies with HMIS requirements, but does not share information with ServicePoint directly. However, victim services providers are still required to aggregate data for HSP reporting purposes.

The confidential policy standards maintained by the Subgrantee Agencies shall comply with all applicable local, state and federal requirements. All records shall be open for review to federal, state, and Subgrantee Agency auditors and/or examiners in the course of their regular audits and monitoring functions of ESG.

(D) Service Delivery

The Subgrantee Agency develops their Service Delivery Plan with their subcontracted Organizations and other entities as needed. Service Delivery includes the following topics:

- (1) Identification of local matching funds for the program;
- (2) List of services that will be made available to HHs within the guidelines of the program;
- (3) Procedure for assuring case plans are jointly developed and managed between the Subgrantee Agency, Organization, and the client;
- (4) Process for determining dollar amount to be allocated for each HH within standard guidelines; and
- (5) Identification of any targeted special populations.

The partnership approach provides a number of key benefits to the program:

- (1) Having all key service providing entities involved in local planning and implementation ensures a coordinated approach.
- (2) The broad-based community approach recognizes that both the challenges and achievements of ESG clients affect the entire community.

(End)

2. **Applicable Rules and Regulations**

All the following as may be amended from time to time:

24 CFR 5.Subpart F *Occupancy Requirements for Section 8 Project-Based Assistance*
24 CFR 91 *Consolidated Submissions for Community Planning & Development Programs*
24 CFR 576 *Emergency Solutions Grant Program*
45 CFR 92.3 and 92.24 *Definitions and Matching or Cost Sharing*
45 CFR 205.50 *Safeguarding Information for Financial Assistance Programs*
ORS 456.515 through 456.725 *Housing and Community Services Department*
ORS 458.505 through 458.545 *Community Services Program*
OAR 166-300 *State Agency Record Retention Schedule*
OAR 813-145 *Emergency Solutions Grant Program*

This manual as guidelines for ESG and as amended from time to time along with all other references made within this manual. All references made in this manual are understood to be as written, and as amended from time to time.

CFRs cited are amended from time to time and can be found at: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=%2Findex.tpl>

ORS cited are amended from time to time and can be found at: <http://landru.leg.state.or.us/ors/>

OARs cited are amended from time to time and can be found at: <http://arcweb.sos.state.or.us/pages/rules/access/numerically.html>

(End)

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3. **Acronyms**

Acronyms commonly used are:

CAA	Community Action Agency
CFR	Code of Federal Regulations
COC	Continuum of Care
DHS	Department of Human Services, Oregon
ESG	Emergency Solutions Grant
FMR	Fair Market Rent
HH	Household
HMIS	Homeless Management Information System
HPRP	Homeless Prevention and Rapid Re-Housing Program
HQS	Housing Quality Standards
HUD	United States Department of Housing and Urban Development
IDIS	Integrated Disbursement and Information System
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes
SRO	Single Room Occupancy
TTA/T &TA	Training and Technical Assistance
URA	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
VA	Veteran's Administration

(End)

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4. Definitions

[24 CFR 576.2, as amended]

At-Risk of Homelessness:

Individuals and Families who:

- (A) Have an annual income below 30% of median family income for the area; **AND**
- (B) Do not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; **AND**
- (C) Meets one of the following conditions:
 - (1) Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance; **OR**
 - (2) Is living in the home of another because of economic hardship; **OR**
 - (3) Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; **OR**
 - (4) Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; **OR**
 - (5) Lives in an SRO or efficiency apartment unit in which there resides more than 2 persons or lives in a larger housing unit in which there resides more than one and a half persons per room; **OR**
 - (6) Is exiting a publicly funded institution or system of care; **OR**
 - (7) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s (State) approved Consolidated Plan

Criteria for Defining Homeless: The Appendices has a convenient chart that will help identifying the definition for homeless and at-risk of homelessness.

Domestic Violence:

This definition includes domestic violence, dating violence, sexual assault, stalking, attempting to cause, or intentionally, knowingly or recklessly causing or placing another in fear of imminent serious physical injury or emotional, mental or verbal abuse, and using coercive or controlling behavior. This does not include other criminal acts such as violence perpetrated by a stranger, neighbor, acquaintance or friend, unless those persons are family members, intimate partners or household members. (Note: This definitional aligns with TANF rules and regulations)

HMIS:

Means Homeless Management Information System. OHCS uses ServicePoint as their HMIS; however, for Domestic Violence Shelters use a comparable database (see “HMIS” section of this manual).

Homeless:

There are four categories of people who are “homeless” and therefore eligible for assistance through the ESG program:

- (A) **Category 1: Literally homeless:** a HH that lacks a fixed, regular, and adequate nighttime residence, meaning:
- (1) Using a primary nighttime residence that is a public or private place not meant for human habitation (includes car, park, abandoned building, bus or train station, airport, or camping ground); **OR**
 - (2) Is living in a publicly or privately operated shelter (see “Definitions” section of this manual) designated to provide temporary living (see “Definitions” section of this manual) arrangements; **OR**
 - (3) Is exiting an institution where the HH has temporarily resided for 90 days or less **AND** who resided in a shelter or place not meant for human habitation prior to entering the institution
- (B) **Category 2: Imminent risk of homelessness:** a HH who will imminently lose their primary nighttime residence, provided that:
- (1) The residence will be lost within 14 days of the date of application for homeless assistance by court order (see definition for “Documentation”); **AND**
 - (2) No subsequent residence has been identified; **AND**
 - (3) The HH lacks the resources or support networks needed to obtain other permanent housing
- (C) **Category 3: Unaccompanied Youth with Child/ren Who Qualify as Homeless under Other Federal Statutes:** Unaccompanied Youth under 25 years of age, with Child/ren who do not otherwise qualify as homeless under this definition, but who:
- (1) Are defined as homeless under “other federal statutes” (see “Definitions” section of this manual); **AND**
 - (2) Has not leased, owned, or rented a permanent housing space for at least 60 days prior to application for assistance; **AND**
 - (3) Has had at least two moves within the past 60 days, prior to application for assistance; **AND**
 - (4) Has one or more chronic disabilities (see “Definitions” section of this manual), **AND**
 - (5) Has at least two barriers to employment (see “Definitions” section of this manual) **Note:** This definition applied only to the 2011 NOFA and is only allowable on Continuum of Care projects and its use must be pre-approved by HUD and follow very strict guidelines. The following link goes to the HUD Notice for this category; a copy of the Notice is also included in Appendix B: <http://portal.hud.gov//huddoc/12-01cpdn.doc>
- (D) **Category 4: Fleeing, or attempting to flee, domestic violence (as defined in this manual):** a HH who:
- (1) Is fleeing, or is attempting to flee, domestic violence; **AND**
 - (2) Has no other residence; **AND**

- (3) Lacks the resources or support networks to obtain other permanent housing

Recipient:

The state entity receiving funds directly from HUD through an executed grant agreement for the Emergency Solutions Grant Program also referred to as Oregon Housing & Community Services (OHCS).

Organization(s):

Organizations are entities that, by contract with the Subgrantee Agency, provide ESG direct client services and receive funding directly from the Subgrantee Agency. In its agreements with Subgrantee Agency, Organizations will comply with all requirements for the Emergency Solutions Grant.

Other Federal Statutes:

Other Federal Statutes include:

- (A) Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.),
- (B) Head Start Act (42 U.S.C. 9831 et seq.),
- (C) Subtitle N of the Violence against Women Act of 1994 (42 U.S.C. 14043e et seq.) (VAWA),
- (D) Section 330 of the Public Health Service Act (42 U.S.C. 254b),
- (E) Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
- (F) Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and
- (G) Subtitle B of title VII of the McKinney-Vento Act (42 U.S.C. 11431 et seq.)

Shelter:

“Emergency shelter,” means any facility whose purpose is to provide temporary shelter for the homeless including congregate shelters, hotels/motels paid for by charitable organizations, or federal, state and/or local government programs, which do not require occupants to sign leases or occupancy agreements.

Subgrantee Agency:

Community Action Agencies (or other qualified entities) that receive funding from the Recipient (OHCS) and provides direct client services. Subgrantee Agencies may contract direct client services to Organizations.

Support Network:

Examples include family, friends and faith-based or other social networks.

Temporary Living:

Residing in a facility for fewer than 90 days

Unaccompanied Youth:

Unaccompanied Youth are less than 25 years of age and homeless under other Federal statutes and:

- (A) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application; **AND**
- (B) Have experienced persistent instability as measured by two moves or more in the preceding 60 days; **AND**
- (C) Can be expected to continue in such status for an extended period due to special needs or barriers

(End)

5. **Contacts**

Oregon Housing and Community Services

Program Delivery Division

Community Services

Ann Brown

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6. Consultation with Continuums of Care

[24 CFR 91.110, 24 CFR 121, as amended]

(A) **General**

Implementation of ESG must occur in coordination with CoCs. Coordination promotes consistent standards, avoids duplicative/unnecessary assistance and promotes strategic targeting of homeless assistance resources. Use coordination as a means to assess the eligibility and needs of each individual or family who seeks assistance.

Area-wide System Coordination includes:

- (1) Consultation with CoC(s)
- (2) Coordination with other Targeted Homeless Services
- (3) Coordination with Mainstream Resources
- (4) Participation in a Centralized or Coordinated Assessment System
- (5) Written Standards for Providing ESG Assistance
- (6) Participation in HMIS

Consultation with CoC(s)

Subgrantee Agencies must consult with each CoC that serves the Subgrantee Agency's geographic area. Topics for consultation include:

- (1) How to allocate ESG funds (e.g. which component and which activity)
- (2) Development of project performance standards, including outcome measures for projects and activities
- (3) Funding, policies and procedures for HMIS administration and operation

Recipients must consult with CoCs in coordination with the state's Consolidated Plan. Annual Action Plans include a description of how the Recipient consults with each CoC. Data collected by the CoC(s) should inform Recipient's strategic plan by identifying needs and gaps in homeless services delivery systems.

Coordination with other Target Homeless Services

Recipients and Subgrantee Agencies must coordinate ESG-funded activities with other programs targeted to serving homeless people. Targeted Homeless Services include:

- (1) Shelter Plus Care Program
- (2) Supportive Housing Program
- (3) Section 8 Moderate Rehab program for SRO program or for Homeless individuals
- (4) Veterans Affairs Supportive Housing (VASH)
- (5) Education for Homeless Children and Youth Grants for State and Local Activities
- (6) Grants for the Benefit of Homeless Individuals as part of Public Health Services Act
- (7) Healthcare for the Homeless Program
- (8) Programs for Runaway and Homeless Youth
- (9) Projects for Assistance in Transition from Homelessness (PATH)

- (10) Services in Supportive Housing Grant
- (11) Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program
- (12) Homeless Veterans Reintegration Program
- (13) Domiciliary Care for Homeless Veterans Program
- (14) VA Homeless Providers Grant and Per Diem Program
- (15) Health care for Homeless Veterans Program
- (16) Homeless Veterans Dental Program
- (17) Supportive Services for Veteran Families Program
- (18) Veteran Justice Outreach Initiative

Coordination with Mainstream Resources

Recipients and Subgrantee Agencies must coordinate and integrate ESG-funded activities with mainstream resources for which persons that are homeless or at-risk of homelessness may be eligible. Examples of Mainstream Resources include:

- (1) Housing Programs
 - (a) Public housing programs
 - (b) Housing programs receiving tenant-based or project-based assistance
 - (c) Supportive Housing for Persons with Disabilities
 - (d) HOME Investment Partnerships program
- (2) Health Services
 - (a) Health Center Program
 - (b) State Children's Health Insurance Program (SCHIP)
 - (c) Addiction and mental health programs
 - (d) Private Health Partnerships
 - (e) Public Health Divisions
 - (f) Oregon Healthy Kids Program
 - (g) Oregon State Hospital
 - (h) Programs for those persons with HIV/AIDS
- (3) Social Services
 - (a) Temporary Assistance to Needy Families (TANF)
 - (b) Aging and People with Disabilities programs
 - (c) Child Welfare programs
 - (d) Developmental Disabilities programs
 - (e) Self-Sufficiency programs
 - (f) Vocational Rehabilitation programs
 - (g) Foster care and Adoption programs
 - (h) Re-entry to society from prison and institution programs
- (4) Employment Programs
 - (a) Services funded by Workforce Investment Act
 - (b) Employment services programs
 - (c) Unemployment Insurance programs
 - (d) Child Care services program
- (5) Education Programs
 - (a) Head Start programs

- (b) Special Education programs
- (c) Services for Persons with Disabilities programs
- (d) Services for Persons who are Blind/Deaf programs
- (e) Services for Persons with Developmental Disabilities programs
- (f) Student Wellness programs
- (6) Youth Programs
 - (a) Oregon National Guard Youth Challenge program
 - (b) Universities Summer and Youth programs
 - (c) Oregon Youth Transition Program
 - (d) Youth Villages programs
 - (e) Mentor programs
 - (f) YMCA/YWCA

Centralized or Coordinated Assessment System

Recipients and Subgrantee Agencies must use the CoC's centralized or coordinated assessment system to evaluate eligibility. [This requirement does not go into effect until the CoC regulation is published for effect and the CoC establishes] ESG Recipients/Subgrantee Agencies must ensure the CoC's system is consistent with the written standards for determining ESG assistance. Victim Subgrantee Agencies that receive ESG funds may opt out of using the CoC's system. Some examples of centralized or coordinated assessment systems include:

- (1) A central location or locations within a geographic area where individuals and families must present for homeless services
- (2) A 211 or other hotline system that screens and directly connects callers to appropriate homeless housing/Subgrantee Agency(ies) in the area
- (3) A "no wrong door" approach in which a homeless family or individual can present at any homeless Subgrantee Agency in the geographic area, but is assessed using the same tool and methodology so that referrals are consistently completed across the CoC
- (4) A specialized team of case workers that provides assessment services to providers within the CoC
- (5) In larger geographic areas, a regional approach in which "hubs" are created within smaller geographic areas

Written Standards

Recipients and Subgrantee Agencies must establish and consistently apply written standards that describe each CoC's requirements for the establishment and implementation of these standards. Recipient must describe such standards in the state's Consolidated Plan. Required topics for written standards include:

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

- (a) Length of stay
- (b) Safeguards to meet the safety and shelter needs of special population (e.g., victims of domestic violence, dating violence, sexual assault, and stalking, individuals and families who have the highest barriers to housing and are likely to be homeless the longest)
- (4) Policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter
- (5) Policies and procedures for coordination among emergency shelter, essential services, homeless prevention, rapid re-housing providers; and other mainstream providers for housing and services
- (6) 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
- (7) 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
- (8) 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
- (9) 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

Subgrantee Agencies must have written standards for selecting Organizations to provide ESG services. Such standards must include how you choose Organizations and the process used to make such choices. According to 24 CFR 576.108(b), The Recipient may share its funds for administrative costs with Subrecipients that are private non-profit and must share a reasonable amount with Subrecipients that are units of general-purpose local government. However, this rule does not require that Recipient share any portion of administrative funds with Subgrantee's Organizations.

HMIS Participation

Subgrantee Agencies and Organizations must collect and enter data into the applicable community-wide HMIS system (ServicePoint). Data must include all persons served and all ESG-funded activities. If the Subgrantee Agency or Organization is a victim Subgrantee Agency 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. Do not enter directly into HMIS information entered into a comparable database.

Each CoC must have written HMIS standards that include data quality, privacy and security plan in accordance with HMIS data standards.

(B) Substantive Areas of Consultation

According to the ESG Interim Rule, a State's consultation with CoCs must address three specific substantive areas:

- (1) Allocation of resources (both by type of activity and geographic distribution)
- (2) Development of performance standards for, and evaluating outcomes of, projects and activities assisted by ESG funds
- (3) Development of funding, policies, and procedures for operating and administering HMIS

Allocation of Resources

This section lists some of the issues that can help guide discussions with local CoC leadership and planning groups. Suggestions provided for this area of consultation are as follows:

- (1) What are the CoCs' relative priorities within the activities eligible under ESG?
- (2) What is the justification for prioritizing certain activities over other activities?
- (3) What is the recommended division between Rapid Re-Housing and Homelessness Prevention?
- (4) What local plans, studies, and/or local data on needs exist that address the goals of ESG?
- (5) How does local data help to shape local priorities for allocation?
- (6) Does the CoC have recommendations on the use of project-based versus tenant-based assistance?
- (7) Does the CoC have recommendations regarding the general application/RFP process at the state level? What are some recommended roles for local CoC leadership in this process?
- (8) Does the CoC have specific recommendations for selection criteria?
- (9) Are there jurisdictions with significant populations that will not receive their own ESG allocations and are not part of any urban county consortium, and as a result, will not be covered by ESG funding unless the State allocates funds for use in those areas?
- (10) How will the funding priorities support national priorities?
- (11) Are there any obstacles to addressing underserved needs in specific communities?

Performance Standards

ESG Recipients will use performance standards for evaluating the activities carried out with ESG funds, including how well Subgrantee Agencies succeed in:

- (1) Targeting those who need the assistance most
- (2) Reducing the number of people living on the streets or emergency shelters
- (3) Shortening the time people spend homeless
- (4) Reducing participants' housing barriers or housing stability risks

Suggestions: This section lists some of the issues that can help guide discussions with local CoC leadership and planning groups. Suggestions provided for this area of consultation are as follows:

- (1) Are local communities already using performance standards for activities eligible under ESG?
- (2) What are the recommendations for new performance standards for ESG activities?
- (3) How can local and state ESG performance standards contribute to HEARTH goals?
- (4) What challenges are anticipated in implementing performance standards?
- (5) Do CoCs believe that there should be consistency between state and local entitlement performance standards? If the State were to allow each Subgrantee Agency to develop its own standards, how would CoCs propose managing that process?
- (6) How will data on performance standards be collected before HMIS data from ESG providers is available?
- (7) How will ESG Subgrantee Agencies report on performance standards? Should the CoC play any role in monitoring of performance standards?
- (8) Can the performance standards be expected to effectively measure how well Subgrantee Agencies are succeeding in targeting those who need assistance the most, reducing persons on the street or in shelter, shortening periods of homelessness, and reducing housing barriers and housing stability risks?
- (9) Do the performance standards help or hinder Subgrantee Agencies' ability to target and design their programs so that homelessness is effectively shortened and reduced in the Subgrantee Agencies' jurisdiction?

HMIS

This section lists some of the issues that can help guide discussions with local CoC leadership and planning groups. Suggestions provided for this area of consultation are as follows:

- (1) Are there existing HMIS Policies and Procedures for ESG Subgrantee Agencies? What, if any, new HMIS policies and procedures are needed?
- (2) What resources are required for ESG Subgrantee Agencies to participate in HMIS?
- (3) Will the State have access to HMIS data or reports?
- (4) Are any comparable databases already in use for Domestic Violence Providers?
- (5) Are there any current problems with existing HMIS vendors and/or possible ways to mitigate those obstacles?

(C) Potential Mechanisms of Consultation

There are a number of suggested mechanisms for conducting consultation with CoCs and other key stakeholders. In many cases, it is beneficial to use a combination of mechanisms. It should be noted that use of any one or a combination of the suggested mechanisms does not necessarily constitute meeting the requirement of part 91.110.

The rule needs to be addressed holistically and it is the State’s responsibility to ensure that the standards in part 91.110 are met. Potential mechanisms include:

- (1) Stakeholder Meetings
- (2) Continuum of Care Presentations
- (3) Feedback on Draft Documents
- (4) Stakeholder Survey
- (5) Workgroup or Advisory Groups
- (6) CoC Involvement in Direct Funding Decisions

Potential Mechanism #1: Stakeholder Meetings	
Convene meetings with CoC leaders and participants. It may be helpful to include other key local stakeholders in the meetings as well.	
Strengths	Considerations
<ul style="list-style-type: none"> • Can hold regional meetings in areas where there are many CoCs or large geographic areas within a CoC • Can get input from other key stakeholders who may not be part of the CoC planning body, but are nonetheless instrumental in planning 	<ul style="list-style-type: none"> • Ensure the appropriate stakeholders attend • Clarify who is explicitly representing the CoCs, and who is simply sharing personal/professional opinion • Encourage far-reaching dialogue to elicit creative, best thinking of local leadership • Include key stakeholders in defining the topics or agenda for the meeting
Example	
The State of California held four regional stakeholder meetings in different parts of the state. A variety of stakeholders, including CoC representatives, attended meetings. The meetings were each six hours and covered a wide range of topics including allocation of funds for eligible activities, performance standards, written standards, HMIS policies and procedures, reporting, monitoring centralized/coordinated assessment, and building collaboration. The objective of the meetings was to obtain feedback from CoC representatives and other key stakeholders. They asked stakeholders to review the Interim Rule before coming to the meetings.	

Potential Mechanism #2: Continuum of Care Presentations	
Invite representatives from the CoC to present information about their needs and priorities to the appropriate representatives of the State ESG Program	
Strengths	Considerations
<ul style="list-style-type: none"> • Able to gather the information needed from CoCs with enhanced efficiency • Able to gain a clear understanding of the perspective and needs of each specific CoC • Allows CoCs to use local data (when possible) to support their recommendations and/or funding justifications 	<ul style="list-style-type: none"> • Clearly articulate goals of the presentation and types of information expected • Clarify expectations about how information will be used. Ensure CoCs do not have unrealistic expectations • CoCs may vary widely in their capacity to compile and present accurate and relevant information. It may become clear that some CoCs need additional

<ul style="list-style-type: none"> • Enables feedback from CoCs in person or in a formal written document 	<p>assistance. Process can help identify ways to increase local capacity to improve participation in consultation</p>
<p>Example</p>	
<p>The State of North Carolina asked each of their local CoCs to develop a presentation on its needs and priorities. In addition to hearing from formally constituted CoCs, local regional planning groups within the BOS were invited to make presentations. The State asked CoCs to use local data to justify needs. Before these presentations, the State provided training for CoCs and local planning groups on the new ESG Interim Rule and requirements as well as orientation to the State’s general approach to implementing ESG</p>	

<p>Potential Mechanism #3: Feedback of Draft Documents</p>	
<p>Share a first draft of allocation priorities, performance standards, HMIS policies, and other documents with CoC stakeholders and ask for written or verbal feedback on the draft.</p>	
<p>Strengths</p>	<p>Considerations</p>
<ul style="list-style-type: none"> • Provides concrete information to which CoC stakeholders can react • Increases likelihood that feedback related to the topics of greatest importance for the state planning process will be received • Clearly spells out and answers questions about how and where the funds should be used 	<ul style="list-style-type: none"> • Be clear about the type of review and comments desired • Provide adequate background information to stakeholders, ensuring that they understand existing ESG processes, and new ESG requirements • If this is the primary mechanism of consultation, need to be open to hearing and responding to all feedback on drafts of documents. It may be helpful to schedule a dialogue by phone or in person to discuss the CoC’s response to the documents
<p>Example</p>	
<p>The State of New Mexico asked the lead agency for the Albuquerque and BOS CoC to review its allocation plan and the ESG competitive request for proposals. The CoC lead agency then provided feedback in writing, in person, and via phone discussions. The State used the CoC’s recommendations in making allocation decisions and in shaping its requests for proposals. The State of New Mexico also followed the same process to gather feedback on its substantial amendment draft</p>	

<p>Potential Mechanism #4: Stakeholder Survey</p>	
<p>Conduct a survey and summarize the responses both by CoC and statewide, especially when there are a large number of CoCs or stakeholders.</p>	
<p>Strengths</p>	<p>Considerations</p>
<ul style="list-style-type: none"> • Ability to collect information from a large number of people • Easy-to-use and free/inexpensive survey tools are available online 	<ul style="list-style-type: none"> • Surveys may not obtain the exact information desired and may require follow-up clarification • May have conflicting perspectives from

<ul style="list-style-type: none"> • Feedback can be organized and documented automatically 	<p>stakeholders and will have to reconcile the differences without any discussion</p> <ul style="list-style-type: none"> • May not get responses from all relevant stakeholders • May need to conduct follow-up meetings by phone or in person to discuss the reactions to the survey results
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Example

The Commonwealth of Massachusetts convened a meeting of ESG implementation stakeholders, including representatives from ESG entitlement communities, CoCs, the State’s Interagency Council on Housing and Homelessness (ICHH), Regional Housing Networks and the Veteran’s Administration. As a follow up, participants completed a survey after consulting with their local and regional partners, focusing on several main areas including: a) feedback on proposed Performance Measurements; b) interaction between CoCs and ESG recipients; and c) priorities for funding and populations to be served, including justification for these priorities.

Potential Mechanism #5: Workgroups or Advisory Groups

Because the consultation requirements span several topics, it can be helpful to establish workgroups or advisory groups around one or more topics. For example, recipients could create an Allocation Advisory group that includes representation from key stakeholders from each of the CoCs. Other topics on which advisory groups could focus may include HMIS and performance standards.

Strengths	Considerations
<ul style="list-style-type: none"> • Provides a concrete role for stakeholders • Allows stakeholders to focus attention on certain topics 	<ul style="list-style-type: none"> • If a CoC has limited capacity, it may not have enough stakeholders for each group • Ensure the appropriate stakeholders are engaged on the relevant workgroup

Example

The State of Utah worked with the local ESG recipients (Salt Lake County and Salt Lake City) in order to create a comprehensive plan for Salt Lake County. Because the three recipients fund so many of the same providers, they divided planning responsibilities so that each focused on a different topic. The State pulled together data and performance, the County gathered input from the CoC providers and stakeholders, and the City identified any existing HUD program issues ensuring compliance with HUD guidelines. The State and local ESG entitlement jurisdictions also collaboratively developed reporting and monitoring procedures in order to provide consistency across funders. The State has also asked Local Homeless Coordinating Committees within the BOS CoC to attend the State's allocation committee meetings in order to provide feedback on community needs and priorities.

Potential Mechanism #6: CoC Involvement in Direct Funding Decisions

There are a number of ways in which local CoC groups can play a key role in the State-level allocation and Subgrantee Agency selection process. Among these, the State may:

- Require all Subgrantee Agencies to obtain written sign-off from the local CoC as part of the application process

<ul style="list-style-type: none"> • Create a scale to rate “level of involvement with local CoC” in scoring applications • Allocate funding at the CoC level – requiring a “lead” agency at the CoC level to prepare a plan for funding within the CoC (potentially based on a “formula” allocation) 	
Strengths	Considerations
<ul style="list-style-type: none"> • Provides concrete role for the CoC • Increases Subgrantee Agencies’ engagement in CoC processes • Tailors funding to local need and CoC priorities 	<ul style="list-style-type: none"> • Priorities of CoC and State may not match up • May need to create basic guidelines for CoC decision-making in order to ensure consistency across CoCs
Example	
<p>The State of Michigan provides funding to one designated fiduciary agency within each CoC (including locally defined CoC within the BOS) who can issue grants to local Subgrantee(s). The grant applications to the State reflect an approved local CoC funding strategy. The State also requires a Memorandum of Understanding (MOU) between the CoC Decision-Making Body, the Fiduciary agency, and any Subgrantees. This MOU identifies what services will be provided, how services will be coordinated, and how monitoring will be conducted to assure all requirements are met.</p>	

(D) General Suggestions for Consultation

Outline the Objectives and Parameters of the Consultation Process

- (1) Clarify the parameters and objectives of the consultation process. Ensure everyone is clear about the topics of discussion, the process that will be used, and the goals of that process.
- (2) Specify the areas in which feedback is desired. This will help to avoid impractical expectations while encouraging genuine feedback and discussion. For example, if you want feedback on the types of activities that will be funded, but have no intention of making substantial changes to the competition process, ensure participants are clear from the outset that you are seeking feedback only on the activities to be funded and not the process.

Ensure the right stakeholders are at the table

- (1) Take advantage of existing infrastructure and organization around homelessness planning. If there are already formal CoC planning bodies or local homeless advisory committees, tap into their existing processes for input. For example, it may be important to incorporate the perspective of the local 10-Year Plan planning bodies.
- (2) Through the historical process for awarding Emergency Shelter Grant funding, some ESG Recipients and Subgrantee Agencies/Organizations may not have a strong connection with the CoC. For example, because the CoC has never funded emergency shelter, shelter providers may not be familiar with how the CoC operates. It will be important to create a mechanism to gather feedback from a variety of providers along the entire continuum of services whenever possible
- (3) Beyond CoC leadership, consider involving additional stakeholders whose experience can meaningfully inform the ESG planning process. Some of these

stakeholders could include local entitlements, HPRP and ESG providers, HMIS staff, local homelessness planning groups, and interagency councils. The Interim Rule requires that when preparing the Consolidated Plan homeless strategy, the State must also consult with public and private Subgrantee Agencies, publicly funded institutions of care, and business and civic leaders. If they are not directly included in the CoC consultation, consider ways to involve these stakeholders in the CoC consultation process wherever possible in order to address all the consultation requirements simultaneously

Start with Context, Background, and Training (as necessary)

- (1) Stakeholders will have varying degrees of familiarity with the ESG Interim Rule and its intentions. For many CoCs, the focus has been on transitional and permanent supportive housing, and thus long-standing ESG activities such as emergency shelter and street outreach, as well as “new” ESG activities such as rapid-re-housing and homelessness prevention, may be relatively new to them. It will be helpful to make sure that all participants start with a common understanding to ensure the consultation is effective.
- (2) Consider using ESG Administrative funds to provide training to partners on new program requirements. For example, an ESG Recipient could organize viewing sessions of the ESG webinars, with time for discussion about how the requirements affect their local community.
- (3) It is important to take time to start with the goals of ESG in the community and the history, so that they can fully contribute to the conversation over time about the future of ESG.
- (4) Provide an explanation about how the new ESG Program differs from the Emergency Shelter Grant Program. For example, it is important for the CoC to understand the new focus on prevention and rapid re-housing. Discuss ways to build on existing capacities, systems, and lessons learned from the HPRP.

Encourage Meaningful Feedback

- (1) The State staff should maintain a neutral and receptive attitude during the consultation process.
- (2) Provide drafts of documents or policies to facilitate feedback whenever possible. Giving people something concrete to react to will make it easier to focus the consultation on the topics of interest and will make it more likely that the desired feedback is obtained.
- (3) Keep a thorough record of comments, suggestions, needs, and alternatives discussed. Many different ideas will come up throughout the consultation process and it is important to document them for reference in future discussions. Nominate someone in the group to take notes during the meetings and then have stakeholders review the notes afterwards to make sure the discussion is accurately documented.

(E) ***Potential Challenges and Solutions***

Based on the structure of CoCs in the State as well as the nature of the existing relationship between the State and the local CoCs, a number of predictable challenges may occur in consulting with the CoCs. Some of these challenges, as well as potential solutions, are listed below:

Potential Challenge #1: Tension between state-level planning goals and local CoC planning priorities

Potential Solutions: Prioritize state goals if possible and identify where there is flexibility to adapt goals to local needs. Confronting conflicts regarding non-negotiable goals early in the consultation will help to minimize frustration later. As part of the consultation, brainstorm ways the CoC can meet priorities with different resources. Examples include targeting CoC and ESG funds at different populations, or using TANF or HOME TBRA to serve additional populations. It may also make sense to target state and local ESG funds toward different populations. If possible, work with all CoCs and local entitlements in order to achieve coordination of funding statewide

Potential Challenge #2: Different perspectives in approach to ending homelessness

Potential Solutions: Ensure the local CoCs and stakeholders understand the reasoning behind the approach the State has taken in ending homelessness, and foster an open discussion about the differences. The State staff should make sure they understand why CoCs may have different priorities. Understanding the reasoning behind stakeholder perspectives can help the group to identify underlying commonalities and shared goals to ending homelessness. Provide background on HEARTH and “*Opening Doors*” to help stakeholders understand the national context

Potential Challenge #3: Identifying needs of large Balance of State CoCs

Potential Solutions: If regional planning groups exist within the BOS, they should be engaged in the consultation process. If there is no regional infrastructure for planning, the State could solicit input from providers across the BOS CoC to identify similar, as well as unique, needs.

Potential Challenge #4: Lack of CoC familiarity with ESG and/or ESG providers

Potential Solutions: Ensure that the CoC understands the new ESG program, including eligible activities and participants, and limitations on uses of funds. The consultation process may also provide an opportunity to increase Subgrantee Agency participation in the CoC planning process in the long run. Solicit feedback or participation from ESG Subgrantee Agencies in addition to CoC stakeholders.

Potential Challenge #5: Variable capacity of CoCs

Potential Solutions: Provide adequate background and context at the start of the consultation process. Identify those CoCs that may need more information or assistance to fully engage in meaningful consultation and provide support as available. Connect CoCs with limited capacity with other stakeholders that may be able to provide additional planning support.

(F) Additional Resources

- (1) ESG Resources: www.hudhre.info/esg
- (2) CoC Contacts Page of the Homelessness Resource Exchange:
<http://www.hudhre.info/index.cfm?do=viewCocContacts>
- (3) ESG Program and Consolidated Plan Conforming Amendments:
<http://hudhre.info/index.cfm?do=viewResource&ResourceID=4517>
- (4) Con Plan page of HUD's CPD website:
<http://www.hud.gov/offices/cpd/about/conplan/>

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7. Conflict of Interest

[24 CFR 576.404]

(A) Organizational Conflicts of Interest

For this section/chapter of this manual, the term “Subgrantee Agency” specifically refers to the Subgrantee Agency, any Organization contracted by the Subgrantee Agency, and any parent or subsidiary of the Subgrantee or Organization contracted by the Subgrantee Agency.

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 Subgrantee Agency. No Subgrantee Agency may carry out the client initial evaluations of individuals or families occupying housing owned by the Subgrantee Agency. No Subgrantee Agency may administer homelessness prevention assistance to individuals or families occupying housing owned by the Subgrantee Agency.

(B) Individual Conflicts of Interest

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

(1) Conflicts prohibited

No person described in paragraph (B) of this section who exercises or has exercised any functions or responsibilities with respect to activities assisted under the ESG program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the Program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.

(2) Persons covered

Persons covered in paragraph (B) include any person who is an employee, agent, consultant, officer, or elected or appointed official of the Subgrantee Agency.

(3) Exceptions

Upon the written request of the Recipient, HUD may grant an exception to the provisions of this paragraph on a case-by-case basis, taking into account the cumulative effects of the criteria as identified by 24 CFR 576.404, provided that the Recipient has satisfactorily met the threshold requirements as identified in the same CFR. Subgrantee Agencies wishing an exception must submit requests to the Recipient (OHCS), via U.S. Mail or Email to the OHCS ESG Program Analyst, who will further the request to HUD. There is no guarantee that an exception will be approved.

(End)

8. Eligible Activities

[24 CFR 576.100 – 576.109, as amended]

Component	Serving...	
	Those who are Homeless	Those who are At-Risk of Homelessness
1. Street Outreach	✓	
2. Emergency Shelter	✓	
3. Homelessness Prevention		✓
4. Rapid Re-housing	✓	
Collecting Data on...		
5. Homeless Management Information System (HMIS)	✓	✓
Administration		

Appendices include tables of eligibilities both by definition of homelessness category and program activity category. Find this electronically at the following link (use Page 2):

http://www.hudhre.info/documents/HomelessDefEligibility%20SHP_SPC_ESG.pdf

(A) **Street Outreach**

[24 CFR 576.101, as amended]

Individuals defined as Unsheltered - Category 1, literally homeless, or Category 4, fleeing/attempting to flee DV (where the individual or family also meets the criteria for category 1) are eligible for assistance in street outreach with the following limitations:

- Individuals and families must be living on the streets (or other places not meant for human habitation); **AND**
- Be unwilling or unable to access services in emergency shelter.

Eligible uses for funds within this category include engagement services, case management services, emergency health services, emergency mental health services, transportation, and services for special populations. *Staff salaries* related to carrying out Street Outreach activities are also eligible.

Note: Provide referrals; however, do not provide direct case management for employment, health, substance abuse and other related services with these funds.

Use ESG funds for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility-based care to unsheltered homeless people.

Comparison of Essential Services	
Street Outreach (Unsheltered Homeless persons)	Emergency Shelter Services (Sheltered Homeless persons)
Engagement	----
Case Management	Case Management
----	Childcare
----	Education Services
----	Employment Assistance/Training
Emergency Health Care	Outpatient Health Services
----	Legal Services
----	Life Skills Training
Emergency Mental Health Care	Mental Health Services
Services for Special Populations	Services for Special Populations
----	Substance Abuse Treatment
Transportation	Transportation

(1) Engagement Services

The costs of activities to locate, identify, and build relationships with **unsheltered homeless people** and engage them for providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and other housing programs.

Eligible Costs include:
<ul style="list-style-type: none"> (a) Making an initial assessment of needs and eligibility (b) Providing crisis counseling (c) Addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries (d) Actively connecting and providing information and referrals (e) Cell phone costs of outreach workers

(2) Case Management

The costs of activities to assess housing and service needs and to arrange/coordinate/monitor the delivery of individualized services.

Eligible Costs include:
<ul style="list-style-type: none"> (a) Using centralized or coordinated assessment systems; (b) Conducting initial evaluations including, verifying and documenting eligibility; (c) Counseling; (d) Developing/securing/coordinating services

- (e) Helping obtain Federal, State, and local benefits;
- (f) Monitoring and evaluating program participant progress;
- (g) Providing information and referrals to other providers;
- (h) Developing an individualized housing and service plan, including planning a path to permanent housing stability

(3) Emergency Health

Emergency Health services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. Outpatient treatment of urgent medical conditions by licensed medical professionals in community-based settings (e.g. streets, parks, and campgrounds) to those eligible participants unwilling or unable to access emergency shelter or an appropriate healthcare facility.

Eligible Costs include:

- (a) Assessing health problems and developing treatment plans
- (b) Assistance in understanding health needs
- (c) Providing directly or assisting to obtain appropriate emergency medical treatment
- (d) Providing medication and follow-up services

(4) Emergency Mental Health

Emergency Mental Health services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. Outpatient treatment of urgent mental health conditions by licensed professionals in community-based setting (e.g. streets, parks, and campgrounds) to those eligible participants unable or unwilling to access emergency shelter or an appropriate health care facility.

Eligible Costs include:

- (a) Crisis intervention
- (b) Prescription of psychotropic medications
- (c) Explanation about the use and management of medications
- (d) Combinations of therapeutic approaches to address multiple problems

(5) Transportation

Travel by outreach workers, social workers, medical professionals or other Subgrantee Agencies during the provision of eligible street outreach services.

Eligible Costs include:

- (a) Transporting unsheltered people to emergency shelters or other service facilities
- (b) Public transportation for participants

- (c) Mileage allowance for outreach workers using their own vehicles to visit program participants
- (d) Purchasing or leasing a vehicle for use in conducting outreach activities, including the cost of gas, insurance, taxes, and maintenance for the vehicle
- (e) Costs of staff to accompany or assist program participants to use public transportation

(6) Services for Special Populations

Means otherwise eligible Essential Services that have been tailored to address the special needs of homeless youths, victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking, and/or people living with HIV/AIDS who are literally homeless.

Eligible Costs include:

- (a) Engagement
- (b) Case Management
- (c) Emergency Health Services
- (d) Emergency Mental Health Services
- (e) Transportation

(B) *Emergency Shelter Essential Services*

[24 CFR 576.102, as amended]

Use ESG funds for costs of providing essential services to homeless families and individuals in emergency shelters; renovating a building to be used as emergency shelter for homeless families and individuals; and operating emergency shelters. Those meeting the definition of homeless in Categories 1, 2, 3, and 4 are eligible for emergency shelter services.

(1) Essential Services

Essential services include: case management, child care, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment, transportation, and services for special populations, (homeless youth, victim services, and services for people living with HIV/AIDS (so long as the costs of providing these services are eligible as previously listed). *Staff costs* related to carrying out emergency shelter activities are also eligible.

- (a) **Case Management** is the act of assessing, arranging, coordinating, and monitoring individualized services developed for program participants.

Case Management Eligible Costs include:

- (I) Using centralized or coordinated assessment systems;
- (II) Conducting initial evaluations including, verifying and documenting eligibility;
- (III) Counseling;
- (IV) Developing, securing and coordinating services and obtaining Federal, State, and local benefits;
- (V) Monitoring and evaluating program participant progress;
- (VI) Providing information and referrals to other providers;
- (VII) Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking; and
- (VIII) Developing an individualized housing and service plan, including planning a path to permanent housing stability

(b) **Child Care Costs** are for children under the age of 13, or disabled children under the age of 18. The child-care center must be licensed by the jurisdiction in which it operates.

Child Care Eligible Costs include:

- (I) Childcare costs
- (II) Providing meals and snacks
- (III) Comprehensive and coordinated sets of appropriate developmental activities

(c) **Education** eligible services include instruction or training in to enhance participants' ability to obtain and maintain housing, consumer education, health education, substance abuse prevention, literacy, ESL and GED. Education includes Life Skills training which are critical life management skills necessary to assist the program participant to function independently in the community and eligible costs would include budgeting resources, managing money, managing a household, resolving conflict, shopping for food and needed items, improving nutrition, using public transportation, and parenting.

Education Eligible Costs include:

- (I) Screening, assessment, and testing
- (II) Individual/group instruction
- (III) Tutoring
- (IV) Books, supplies, and instructional materials
- (V) Counseling
- (VI) Referral to community resources

(d) **Employment** assistance and job training include services assisting participants to secure employment and job training programs.

Employment Assistance and Job Training Eligible Costs include:

- (I) Classroom, online, and/or computer instruction
- (II) On the job instruction
- (III) Job finding and skill building
- (IV) Reasonable stipends to program participants in employment assistance and job training programs
- (V) Books and instruction materials
- (VI) Employment screening; assessment or testing
- (VII) Structured job seeking support
- (VIII) Special training and tutoring; including literacy training and pre-vocational training
- (IX) Counseling or job coaching
- (X) Referral to community resources

- (e) [Outpatient Health](#) services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community.

Outpatient Health Services Eligible Costs include:

- (I) Assessing health problems and developing treatment plans
- (II) Assistance in understanding health needs
- (III) Providing directly or assisting to obtain appropriate medical treatment; preventive medical care; health maintenance services, including emergency medical services
- (IV) Providing medication and follow-up services
- (V) Providing preventive and non-cosmetic dental care

- (f) [Legal](#) services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. This would include necessary legal services regarding matters that interfere with the program participant's ability to obtain and retain housing. Legal issues would include child support; guardianship; paternity; emancipation; legal separation; orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking; appeal of veterans and public benefit claim denials; and resolution of outstanding criminal warrants. Legal services for immigration and citizenship matters and issues relating to mortgages, retainer fee arrangements, and contingency fee arrangement are ineligible costs.

Legal Services Eligible Costs include:

- (I) Hourly fees for legal advice and representation by licensed attorneys and certain other fees-for-service
- (II) Client intake, preparation of cases for trial, provision of legal advice, representation at hearings, and counseling

(III) Filing fees and other necessary court costs

- (g) **Mental Health** services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. Services are direct outpatient treatment of mental health conditions by licensed professionals.

Mental Health Services Eligible Costs include:

- (I) Crisis intervention
- (II) Individual, family, or group therapy sessions
- (III) Prescription of psychotropic medications and explanation about the use and management of medications
- (IV) Combinations of therapeutic approaches to address multiple problems

- (h) **Substance Abuse Treatment** are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. Licensed or certified professionals, designed to prevent, reduce, eliminate or deter relapse of substance abuse or addictive behaviors, must provide services. Inpatient detoxification and other inpatient drug or alcohol treatment are ineligible costs.

Substance Abuse Treatment Eligible Costs include:

- (I) Client intake and assessment
- (II) Outpatient treatment for up to 30 days
- (III) Group and individual counseling
- (IV) Drug testing

- (i) **Transportation** costs of travel by program participants to and from medical care, employment, childcare or other facilities that provide eligible essential services. Staff costs to travel to support provision of essential services are also eligible.

Transportation Eligible Costs include:

- (I) Public transportation for participants
- (II) Mileage allowance for service workers using their own vehicles to visit program participants
- (III) Purchasing or leasing a vehicle used for transport of participants and/or staff serving participants, including the cost of gas, insurance, taxes, and maintenance for purchased or leased vehicles

- (j) **Services for Special Populations** means otherwise eligible essential services that are tailored to address the special needs of homeless youth, victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and

other organization with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking, and/or people living with HIV/AIDS in emergency shelters.

Services for Special Populations Eligible Costs include:	
(I)	Case management
(II)	Childcare
(III)	Education services
(IV)	Employment assistance and job training
(V)	Outpatient Health services
(VI)	Legal services
(VII)	Life Skills training
(VIII)	Mental health services
(IX)	Substance abuse treatment services
(X)	Transportation

(C) Emergency Shelter Operations

(1) Rehabilitation and Renovation

Use of a renovated building must be for an emergency shelter for homeless families and individuals. Government entity or private non-profit organization must own the rehabbed or converted emergency shelter. Maintain buildings renovated with ESG funds as a shelter for homeless individuals and families for not less than a period of 3 or 10 years, depending on the type of renovation and the value of the building.

Rehab and Renovation Eligible Costs include:	
(a)	Labor
(b)	Materials
(c)	Tools
(d)	Other costs for renovation, including soft costs
(e)	Major rehabilitation of an emergency shelter
(f)	Conversion of a building into an emergency shelter

Rehabilitation and Renovation		
Minimum Period of Use		
	Use Requirement	Building Valuation
Major Rehabilitation	10 years*	If rehab costs exceed 75% of the value of the building before rehab
Conversion	10 years*	If rehab costs exceed 75% of the value of the building after rehab
Other Renovation	3 years	If rehab costs are 75% or less

		of the value of the building before rehab
*Recorded deed or use restriction required.		

(2) Shelter Operation

Shelter operations are costs to operate and maintain emergency shelters and also provide other emergency lodging when appropriate. Where no emergency shelter is available, eligible costs may also include a hotel or motel vouchers.

NOTE: If a Shelter is serving families (receiving operating funds), the Shelter cannot deny services to families based on the configuration of the family (e.g., 1-parent, 2-parent, same-sex parent, unmarried, married, etc.). Family Shelters cannot separate families.

Shelter Operation Eligible Costs include:

- (a) Minor or routine maintenance
- (b) Rent
- (c) Security
- (d) Fuel
- (e) Equipment
- (f) Insurance
- (g) Utilities
- (h) Food
- (i) Furnishings
- (j) Supplies necessary for the operation of the emergency shelters
- (k) Hotel/Motel voucher only for families and individuals where no emergency shelter is available

(3) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) Assistance

Assistance as described in 24 CFR 576.408, as amended. Do not consider persons that receive URA as “program participants.” Do not consider relocation payments and other URA assistance as “rental assistance” or “housing relocation and stabilization services” for the purpose of this part under ESG.

URA Eligible Costs include:

- (a) Relocation payments and other assistance to persons displaced by a project assisted with ESG funds

(D) *Street Outreach and Emergency Shelter Funding Ceiling*

Street outreach and emergency shelter expenditures are capped. Combined street outreach and emergency shelter expenditures from each fiscal year’s ESG grant cannot exceed the greater of:

- 60% of that fiscal year’s total ESG grant award

- The amount of the previous fiscal year’s grant funds committed to street outreach and emergency shelter activities.

(E) Homeless Prevention and Rapid Re-Housing Principles

[24 CFR 576.103 & 104, as amended]

Eligible activities include short- and medium-term rental assistance and housing relocation and stabilization services. *Staff salaries* related to carrying out rapid re-housing and homelessness prevention activities are also eligible.

Maximum Period of Use: The total period for which any program participant may receive the services must not exceed 24 months during any 3-year period.

Discretion to Set Cap: The Recipient may set a maximum dollar amount and maximum period for which a program participant may receive any of the types of assistance or services within the regulatory maximums.

	Homeless Prevention <u>Imminent Risk or At-Risk of Homelessness</u>	Rapid Re-Housing <u>Literally Homeless</u>
Eligible Participants	Category 2 – Imminent Risk Category 3 – Other Federal Statutes Category 4 – DV	Category 1 – Literally Homeless Category 4 – DV
Purpose	<ul style="list-style-type: none"> • To <u>prevent</u> persons who are housed from becoming homeless • To help such persons <u>regain stability</u> in their current housing or other permanent housing 	<ul style="list-style-type: none"> • To help homeless persons living on the streets or in an emergency shelter <u>transition</u> as quickly as possible into permanent housing, and then • To help such persons <u>achieve stability</u> in that housing
Reassessment	<ul style="list-style-type: none"> • Every 3 months • Must have income <u>below</u> 30% AMI, AND • Lack resources and support network 	<ul style="list-style-type: none"> • Every 12 months • Must have income <u>at or below</u> 30% AMI, AND • Lack resources and support network
Eligible Activities	Housing Relocation and Stabilization Services	Housing Relocation and Stabilization Services
	Short- and Medium-Term Rental Assistance	Short- and Medium-Term Rental Assistance

(F) Homeless Prevention Services

[24 CFR 576.103, as amended]

Homeless Prevention Services are housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or

family from moving into an emergency shelter. Homeless prevention must be provided in accordance with housing relocation/stabilization requirements, short- and/or medium-term rental assistance requirements, and written standards and procedures established under 24 CFR 576.400, as amended.

Individuals or families defined as At-Risk of Homelessness and Category 2, imminent risk of homeless, Category 3, homeless under other federal statutes, or Category 4, fleeing/attempting to flee DV (where the individual or family also meets the criteria for category 1) AND with an individual and family annual income, not exceeding 30% of AMI are eligible for homeless prevention assistance.

(G) *Rapid Re-Housing Assistance*

[24 CFR 576.104, as amended]

Rapid Re-Housing Assistance is housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to help an individual or family move as quickly as possible into permanent housing and achieve stability in that housing. Rapid re-housing must be provided in accordance with housing relocation/stabilization requirements, short- and/or medium-term rental assistance requirements, and written standards and procedures established under 24 CFR 576.400, as amended.

Individuals or families defined as Category 1, literally homeless, or Category 4, fleeing/attempting to flee DV (where the individual or family also meets the criteria for category 1) are eligible for assistance in rapid re-housing.

(H) *Housing Relocation and Stabilization Services*

[24 CFR 576.105, as amended]

Eligible activities for both Homeless Prevention and Rapid Re-Housing assistance includes: financial assistance costs, housing search and placement services; housing stability case management, mediation, legal services, credit repair, short-term and medium-term housing either tenant or project based.

Subgrantee Agencies can set a maximum dollar amount that a participant may receive financial assistance for each service listed and set a maximum period of time for which a participant may receive these types of assistance; however, the time may not exceed 24 months during any 3-year period. Fund limits for this section will apply to the total assistance an individual receives, either as an individual or as part of a family. Do not provide this assistance to a participant who is receiving the same type of assistance through other public sources or those receiving replacement-housing payments under the URA during the period covered by the URA payments.

(1) Financial Assistance Costs

(a) Financial Costs Eligible Costs include:	
(I) Rental Application	Application fee that is charged by the

Fees	owner to all applicants
(II) Security Deposits	Equal to or not more than 2 month's rent
(III) Last Month's Rent	Paid to the owner of housing at the time security deposit and first month's rent are paid. Amount is included in the participant's total rental assistance.
(IV) Moving Costs	Moving costs include truck rental, hiring a moving company, and temporary storage fees. Storage fees may be up to 3 month's rent, providing that costs are not incurred until after program participation begins and before move-in. Moving costs may not include arrearage temporary storage fees.
(V) Standard Utility Deposit	Standard deposit required by the utility company for all customers. Includes gas, electric, water, sewer
(VI) Standard Utility Payments	Up to 24 months during any 3-year period of utility payments per participant, per service, including up to 6 months of arrears, per service. Includes gas, electric, water, sewer

(2) Service Costs

(a) Housing Search and Placement Eligible Costs include:
<ul style="list-style-type: none"> (I) Assessment of housing barriers, needs, and preferences (II) Development of an action plan for locating housing (III) Housing search (IV) Outreach to and negotiation with owners (V) Assistance with submitting rental applications and understanding leases (VI) Assessment of housing for compliance with ESG requirements of habitability, lead-based paint, and rent reasonableness (VII) Assistance with obtaining utilities and making moving arrangements (VIII) Tenant counseling
(b) Housing Stability Case Management
<p>Includes assessing, arranging, coordinating and monitoring the delivery of individualized services to facilitate housing stability for a program participant who is already in permanent housing (not to exceed 24 months) or to assist a program participant to overcoming immediate barriers to obtaining housing (not to exceed 30 days) Housing Stability Case Management Eligible Costs include:</p> <ul style="list-style-type: none"> (I) Using centralized or coordinated assessment systems

- (II) Conducting initial evaluations including, verifying and documenting eligibility
- (III) Counseling
- (IV) Developing, securing and coordinating services and obtaining Federal, State, and local benefits
- (V) Monitoring and evaluating program participant progress
- (VI) Providing information and referrals to other providers
- (VII) Developing an individualized housing and service plan, including planning a path to permanent housing stability
- (VIII) Conducting re-evaluations

(c) **Mediation**, providing that mediation is necessary to prevent the participant from losing their housing.

(d) **Legal Services** must be necessary to resolve legal problems that prohibit the participant from obtaining or keeping housing. Legal Services **Eligible Costs** include:

- (I) Landlord/tenant matters
- (II) Child support
- (III) Guardianship
- (IV) Paternity
- (V) Emancipation
- (VI) Legal separation
- (VII) Orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking
- (VIII) Appeal of veterans and public benefit claim denials
- (IX) Resolution of outstanding criminal warrants
- (X) *Legal services for immigration and citizenship matters and issues relating to mortgages, retainer fee arrangements, and contingency fee arrangement are ineligible costs.*

(e) **Credit Repair**: This does not include the payment or modification of debt. **Eligible Costs** include:

- (I) Credit counseling
- (II) Household budgeting
- (III) Managing money
- (IV) Accessing a free personal credit report
- (V) Resolving personal credit problems

(3) **Maximum amounts and periods of assistance.** The recipient may set a maximum dollar amount that a program participant may receive for each type of financial assistance under paragraph (1) of this section. The recipient may also set a maximum period for which a program participant may receive any of the types of assistance or services under this section. However, except for housing stability

case management, the total period for which any program participant may receive the services under paragraph (2) of this section must not exceed 24 months during any 3-year period. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family.

- (4) **Use with other subsidies.** Financial assistance under paragraph (1) of this section cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments.

(I) ***Short- and Medium-Term Rental Assistance Requirements and Restrictions***

Provides program participants with up to 24 months of rental assistance during any 3-year period and may include arrears, or any combination of rental assistance payments. Rental assistance may be tenant or project based.

Tenant Based Rental Assistance: Program participants select a housing unit in which to live (may be within a specified service area) and receive rental assistance. Rental assistance payment will comply with 24 CFR 576.106, as amended.

Project Based Rental Assistance: Subgrantee Agencies identify permanent housing units that meet ESG requirements and enter into a rental assistance agreement with the owner to reserve the unit and subsidize its rent so that eligible program participants have access to the unit. Rental assistance payment will comply with 24 CFR 576.106, as amended

- **Short-Term Assistance** is for up to 3 months' rent
- **Medium-Term Assistance** is more than 3 months, no more than 24 months.
- **Payment of Arrears** must be a one-time payment of up to 6 months' rent, including late fees.

Requirements

- (1) Must meet compliance with **Habitability Standards** – complete Form 14
- (2) Must meet compliance with **Fair Market Rent (FMR)**
 - (a) Assisted units must be at or below FMR for area and unit size for rent plus utilities
 - (b) See “Rent Reasonableness and Fair Market Rent” section in this manual.
Complete Form 12
- (3) **Rental Assistance Agreement and Lease Standards:**
 - (a) The rental assistance agreement must set forth the terms under which rental assistance will be provided. See “Lease Agreement” section in this manual.

- (b) Each participant receiving rental assistance must have a legally binding, written lease (between the owner and participant) for the rental unit, unless, the assistance is solely for rental arrears.
 - (c) Project-based rental assistance leases must have an initial term of one year.
- (4) **Cannot use with other subsidies:**
- (a) No rental assistance can be provided to a household receiving rental assistance from another public source for the same time period (except 6 months of arrears)
 - (b) Rental assistance may not be provided to participants who are currently receiving replacement housing payments under the URA (Example: Persons living in public housing units, using housing choice vouchers, or residing in project-based assisted unit cannot receive monthly rental assistance under ESG)
- (5) **Late Payments:**
- (a) The rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease
 - (b) The Subgrantee Agency must make timely payments to owners in accordance with the rental assistance agreement
 - (c) The Subgrantee Agency is solely responsible for paying (with non-ESG funds) late payment penalties that it incurs

(J) Homeless Management Information System (HMIS)

[24 CFR 576.107, as amended – Also see “HMIS and Reporting Requirements” section of this manual for additional information.]

Costs for administering and working within the HMIS system are eligible uses of ESG.

HMIS Eligible Costs include:

- (1) Purchasing or Leasing Computer Hardware
- (2) Purchasing Software or Software Licenses
- (3) Purchasing or Leasing Equipment including telephones, fax machines and furniture
- (4) Obtaining Technical Support
- (5) Leasing Office Space
- (6) Payments for electricity, gas, water, phone service and high speed data transmission necessary to operate or contribute data to HMIS
- (7) Paying Salaries for operating HMIS, including:
 - (a) Completing data entry
 - (b) Monitoring and reviewing data quality
 - (c) Completing data analysis
 - (d) Reporting to the HMIS lead
 - (e) Training staff on using HMIS or comparable database
 - (f) Implementing and complying with HMIS requirements

- (8) Paying costs of staff to travel to and attend HUD-sponsored and HUD-approved training on HMIS (including programs authorized by Title IV of the McKinney-Vento Homeless Assistance Act)
- (9) Paying staff travel costs to conduct intake
- (10) Paying participation fees charged by HMIS Lead, if the Recipient or Subgrantee Agency is not the HMIS Lead

Comparable Database

Victim services providers or legal services providers: may use ESG funds to establish and operate a comparable database (one which includes all required HUD data elements) that collects client-level data over time (i.e., longitudinal data) and generates subsequent unduplicated aggregate reports on the data.

(K) Administration

[24 CFR 576.108, as amended]

Expenses are limited to 7.5% of the total ESG award (5% for Recipient and 2.5% for Subgrantee Agency) [negotiate distribution of administrative fees locally] and could include any of the following activities:

Administration Eligible Costs include:

- (1) General management, oversight, and coordination:
 - (a) Salaries, wages, and related costs of the recipient’s staff, Subgrantee Agencies’ staff, other staff engaged in program administration
 - (b) Monitoring program and evaluating performance
 - (c) Administrative services performed under 3rd party contracts/agreements (General legal services, accounting, auditing)
 - (d) Other costs for goods & services (rental/purchase of equipment, insurance utilities, office supplies, and maintenance of office space)
- (2) Training on ESG requirements, including cost of attending training on ESG requirement, and HUD-sponsored ESG trainings
- (3) Environmental Reviews, including costs of carrying out the environmental review responsibilities.

(L) Ineligible Activities/Assistance

Among the **Ineligible Activities** associated with ESG funding of any category are the following (not an inclusive list):

- (1) Funds cannot be used to supplant existing mainstream resources;
- (2) Payments can only be made to third parties such as landlords or utility companies; payments cannot under any circumstance be made to program participants;
- (3) An assisted property must not be owned by the Subgrantee Agency, Organization or the parent subsidiary or affiliated organization of the Subgrantee Agency/Organization;

- (4) Mortgage assistance (including land contracts);
- (5) Rental assistance payments on behalf of eligible individuals or families for the same period of time and for the same cost types as are being provided through any other Federal, state, or local housing subsidy program;
- (6) Furniture (Subgrantee Agencies are encouraged to use existing community sources);
- (7) Credit card bills or other consumer debt (including child support and any garnishments);
- (8) Entertainment activities;
- (9) Cash assistance;
- (10) Development of discharge planning programs in mainstream institutions such as hospitals, nursing homes, jails, or prisons
- (11) Note: Persons whose discharge from public-funded institutions is imminent are eligible to receive financial assistance through ESG

(End)

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9. Citizenship Requirements and Verification

[Public Law 104-193 Title IV Sec. 400(7)]

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, also known as the Welfare Reform Act) prohibits the provision of non-exempted "federal public benefits" to a non-citizen, who is not a "Qualified Non-Citizen." Oregon chooses to follow the Federal classification in determining the eligibility of such non-citizens for public assistance. In doing so, Oregon is considered to have chosen the least restrictive means available for achieving the compelling governmental interest of assuring that non-citizens be self-reliant in accordance with national immigration policy.

Note: The term "non-citizen" also refers to "alien." For the purposes of ESG, the terms are interchangeable.

Use ESG funds to assist "Qualified Non-Citizens".

For purposes of ESG, the term "Qualified Non-Citizen" means a non-citizen who, at the time the non-citizen applies for, receives, or attempts to receive a Federal public benefit is:

- (A) Lawfully admitted for permanent residence under the Immigration and Nationality Act; **OR**
- (B) Granted asylum under section 208 of such Act; **OR**
- (C) Admitted to the United States as a refugee under section 207 of such Act; **OR**
- (D) Paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year; **OR**
- (E) Withheld from deportation under section 243(h) of such Act; **OR**
- (F) Granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980

A nonprofit charitable organization is not required by the Act to seek an applicant's confirmation that he or she is a Qualified Non-Citizen, or to have a separate entity verify the applicant's status before providing benefits.

To be eligible for this exemption, an organization must be both "nonprofit" **AND** "charitable."

For purposes of this Guidance, **an organization is "nonprofit"** if it is organized and operated for purposes other than making gains or profits for the organization, its members or its shareholders, and is precluded from distributing any gains or profits to its members or shareholders.

An organization is "charitable" if it is organized and operated for charitable purposes. The term "charitable" should be interpreted in its generally accepted legal sense as developed by judicial decisions. It includes organizations dedicated to relief of the poor and distressed or the underprivileged, as well as religiously affiliated organizations and educational organizations.

If your organization chooses to verify, even though it is a nonprofit charitable organization that is not required to do so under the Act, you should comply with the procedures set forth in this Guidance and provide benefits only to those whom you verify to be U.S. citizens, U.S. nationals or Qualified Non-Citizens. Accompany any verification request to INS, by a nonprofit charitable organization, by the written consent of the individual to the release of information about the individual to a nongovernmental entity. The consent must be notarized or executed under penalty of perjury. (Use INS Form G-639)

Question: Is this different if we are a private non-profit?

Answer: A “private” non-profit means that the agency is not a publicly held agency and the profits go back into the organization and are not disbursed among shareholders, etc. If your agency is a 501(c)(3), there shouldn’t be any problem because we know your agency fits the “charitable organization” as defined. If you have different answers here as to what “private” means to you, then please contact our office to discuss this further.

Find the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 at:
<http://www.gpo.gov/fdsys/pkg/PLAW-104publ193/content-detail.html>

(End)

10. Eligibility

[24 CFR Part 5, as amended]

(A) General

- (1) All program participants must be assisted, as needed, in obtaining services and financial assistance through other homeless and public assistance program;
- (2) Program participants lack financial resources and support networks needed to obtain immediate housing or remain in existing housing and have no appropriate subsequent housing options that have been identified;
- (3) Each program participant receiving homelessness prevention or rapid re-housing assistance must be required to meet regularly with a case manager (except where prohibited by Violence Against Women Act and the Family Violence Prevention and Services Act),
- (4) The case manager must develop an individualized plan to help each program participant retain permanent housing after the ESG assistance ends.

(B) Income Inclusion

ESG uses 24 CFR Part 5, as amended, definitions of income, along with what counts as income, what does not count, and any adjusted factors to consider. There are several specific issues related to the calculation of Part 5 annual income.

- (1) *Annual income* means all amounts, monetary or not, which:
 - (a) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
 - (b) Are anticipated to be received from a source outside the family during the 12-month period following assistance (or recertification of assistance) effective date; and
- (2) *Annual income* also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

This table presents the ESG income inclusions. The following types of income that is included when calculating gross income:

General Category	Description
1. Earned Income	The full amount of gross income earned before taxes and deductions
2. Business Income	The net income earned from the operation of a business, i.e., total revenue minus business operating expenses. This also includes any withdrawals of cash from the business or profession for your personal use
3. Interest and Dividend Income	Monthly interest and dividend income credited to an applicant's bank account and available for use by the household (not just the applicant)

4. Pension/Retirement Income	The monthly payment amount received from Social Security, annuities, retirement funds, pensions, disability, and other similar types of periodic payments
5. Unemployment and Disability Income	Any monthly payments in lieu of earnings, such as unemployment, disability compensation, SSI, SSDI, and worker's compensation
6. TANF/Public Assistance	Monthly income from government agencies excluding amounts designated for shelter (rent assistance, and utilities, WIC, SNAP/food stamps, and child care)
7. Alimony, Child Support and Foster Care Income	Alimony, child support, and foster care payments received from organizations or from persons not residing in the dwelling
8. Armed Forces Income	All basic pay, special pay and allowances of a member of the Armed Forces excluding special pay for exposure to hostile fire (hazard pay)

(C) Income Exclusion

This table presents the following types of income that is excluded (not counted) when calculating gross income:

General Category	Description
1. Income of Children	Income from employment of children (including foster children) under the age of 18 years
2. Inheritance and Insurance Income	Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses (except as provided in number 5 of Income Inclusions)
3. Medical Expense Reimbursements	Amounts received by the household that are specifically for, or in reimbursement of, the cost of medical expenses for any household member
4. Income of Live-in Aides	Income of a live-in aide (as defined in 24 CFR 5.403, as amended)
5. Disabled Persons	Certain increases in income of a disabled member of a qualified household (24 CFR 5.671(a), as amended)
6. Student Financial Aid	The full amount of student financial assistance paid directly to the student or to the educational institution
7. Armed Forces Hostile Fire Pay	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
8. Self-Sufficiency Program Income	a. Amounts received under training programs funded by HUD b. Amounts received by a person with a disability that are disregarded for a limited time for purposes of SSI eligibility and benefits because they

General Category	Description
	<p>are set aside for use under a Plan to Attain Self-Sufficiency (PASS)</p> <p>c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program</p> <p>d. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the public housing authority (PHA) or property owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time.</p> <p>e. Incremental earnings and benefits resulting to any household member from participation in qualifying state or local employment training programs (including training not affiliated with a local government) and training of a household member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program.</p>
9. Gifts	Temporary, nonrecurring, or sporadic income (including gifts)
10. Reparations	Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era
11. Income from Full-Time Students	Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household or spouse)
12. Adoption Assistance Payments	Adoption assistance payments in excess of \$480 per adopted child
13. Social Security and SSI Income	Deferred periodic amounts from SSI and Social Security benefits that are received in a lump-sum amount or in prospective monthly amounts
14. Property-Tax Refunds	Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit
15. Home Care Assistance	Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep this developmentally disabled family member at home

General Category	Description
<p>16. Other Federal Exclusions</p>	<p>Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions of 24 CFR 5.609(c), as amended, apply, including:</p> <ul style="list-style-type: none"> ➤ The value of the allotment made under the Food Stamp Act of 1977 ➤ Payments received under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions) ➤ Payments received under the Alaskan Native Claims Settlement Act ➤ Income derived from the disposition of funds to the Grand River Band of Ottawa Indians ➤ Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes ➤ Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program ➤ Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721) ➤ The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court and the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands ➤ Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs' student assistance programs ➤ Payments received from programs funded under Title V of the Older Americans Act of 1985 (Green Thumb, Senior Aides, Older American Community Service Employment Program) ➤ Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.) ➤ Earned income tax credit refund payments received on or after January 1, 1991, including advanced earned income credit payments ➤ The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 ➤ Payments received under programs funded in whole or in part under the Job Training Partnership Act (employment and training programs for Native Americans and migrant and seasonal farm workers, Job Corps, State job training programs and career intern programs, AmeriCorps)

General Category	Description
	<ul style="list-style-type: none"> ➤ Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation ➤ Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 ➤ Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran ➤ Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act ➤ Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998

(D) Annualization of Income

If it is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income), or the Subgrantee Agency believes that past income is the best available indicator of expected future income, the Subgrantee Agency may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

Annualizing Wages and Periodic Payments: When calculating income based on hourly, weekly, or monthly payment information, add the gross amount earned in each documented payment period and divide by the number of payment periods. This provides an average wage per payment period. Depending on pay periods used by the employer or the schedule of periodic payments, the following calculations convert the average wage into annual income:

- Hourly Wage multiplied by Hours Worked per Week multiplied by 52 weeks
- Weekly Wage multiplied by 52 weeks
- Bi-Weekly (every other week) Wage multiplied by 26 bi-weekly periods
- Semi-Monthly Wage (twice a month) multiplied by 24 semi-monthly periods
- Monthly Wage multiplied by 12 months

Find income eligibility requirements in the Appendices

(E) Adjusted income

Adjusted income means annual income (as determined by the responsible entity, defined in 5.100 and 5.603) of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

- (1) *Mandatory deduction:* In determining adjusted income, the responsible entity must deduct the following amounts from annual income:
 - (a) \$480 for each dependent;
 - (b) \$400 for any elderly family or disabled family;
 - (c) The sum of the following, to the extent the sum exceeds three percent of annual income:
 - (i) Unreimbursed medical expenses of any elderly family or disabled family; and
 - (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- (2) Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education

The following link will take you directly to the HUD Website that explains Part 5
<http://www.hud.gov/offices/cpd/affordablehousing/training/web/calculator/definitions/part5.cfm>

The following link will take you to HUD's Occupancy Handbook, Chapter 5: Determining Income and Calculating Rent
http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_35649.pdf

(F) *Calculating Area Median Income*

HUD uses Area Median Income (AMI) to determine eligibility for some types of ESG assistance. To calculate AMI follow these steps:

Step 1: Enter into your browser the following link:

<http://www.huduser.org/portal/datasets/il.html>

HUD USER | MONDAY, JULY 01, 2013 | HUD.GOV | U.S. Department of Housing and Urban Development | Secretary Shaun Donovan

HOME | ABOUT PD&R | RESEARCH & PUBLICATIONS | DATA SETS | PROGRAMS | QUICK LINKS | EVENTS

DATA SETS

Income Limits

HUD Program Income Limits (Section 8, Section 221(d)(3) BMIR, Section 235 and Section 236)

- FY2013 Income Limits**
Effective 12/11/2012.
Revised FY 2013 Data Published 12/11/2012, Supersedes Medians and Income Limits Posted on 12/4/2012 for All Areas.
- FY 2012 Income Limits**
- FY 2011 Income Limits**
Effective May 31, 2011
Income Limits for New York, NY HMFA were updated on June 1, 2011 to correct an error.
The following areas were revised on June 30, 2011:

TOPIC AREAS

- 50th Percentile Rent Estimates
- American Housing Survey
- Annual Adjustment Factors
- Assisted Housing: National and Local
- CINCH
- Consolidated Planning
- Data Set Reference Guide
- Fair Market Rents
- Geographic Information Systems
- Government Sponsored Enterprise Data
- Housing Affordability Data System
- Income Limits
- Uniform Relocation Act Income Limits
- Infographics

Step 2: Click <Current Year Income Limits>

DATA SETS

FY 2013 Income Limits

The effective date is December 11, 2012.

Access Individual Income Limits Areas

- **FY 2013 Income Limits Documentation**

Access Individual Median Family Income Areas

- **FY 2013 Median Family Documentation**

Frequently Asked Questions

Step 3: Click <Median Family Documentation> for the Area Median Income



DATA SETS

FY 2013 Median Family Income Documentation System

This system provides complete documentation of the development of the FY 2013 Median Family Income (MFI) estimates for any area of the country selected by the user. After selecting the desired geography, the user is provided a page containing a detailed account of how the final FY 2013 MFIs were developed using 5-year data from the 2010 American Community Survey (ACS) data.

[Click Here for FY 2013 MFI Documentation](#)

Step 4: Press the <Click Here> Button

FY 2013 Median Family Income

Choose one (1) of the following:

Select a state:

- Nevada - NV
- New Hampshire - NH
- New Jersey - NJ
- New Mexico - NM
- New York - NY
- North Carolina - NC
- North Dakota - ND
- Ohio - OH
- Oklahoma - OK
- Oregon - OR**

Then select a county:

- Klamath County, OR
- Lake County, OR
- Lane County, OR
- Lincoln County, OR
- Linn County, OR
- Malheur County, OR
- Marion County, OR**
- Morrow County, OR
- Multnomah County, OR
- Polk County, OR

[Next Screen...](#)

Or select a FY 2013 HUD Metropolitan Fair Market Rent

Abilene, TX MSA

[Select HMFA Income Limits Area](#)

Step 5

Select <Oregon> state

Select <County> the county for which you want the information

Click <Next Screen> to obtain the **Area Median Income**

FY 2013 Income Limits Documentation System

Median Family Income Calculation Methodology

Estimates of median family income for metropolitan and non-metropolitan areas are developed as follows:

1. 2006-2010 ACS estimates of median family income calculated by the Census Bureau for HUD's Fair Market Rent and Income Limit area
2. In areas where the 2010 5-year ACS estimate is smaller than the reported margin of error, the state non-metro estimate of median family
3. In areas where there is a 2010 1-year ACS estimate of median family income that exceeds its margin of error, the 1-year ACS estimate income.
4. Once the appropriate 2010 ACS data has been selected, the data are set as of December 2011 using the December national CPI value value.
5. All estimates are then trended from December 2011 to April 2013 (1 ¼ year) with a trending factor of 1.66% the national 1-year estimate of median family income between the 2005 and 2010 American Community Survey

Marion County, OR has published local area 1-year 2010 ACS Survey results.

The results of the Median Family Income Step by Step Process

Marion County Results

1. The following are the 2010 American Community Survey 5-year median income estimate and margin of error

Area	ACS ₂₀₁₀ 5-Year Median Income	ACS ₂₀₁₀ 5-Year Margin of Error	Ratio	Result
Marion County, OR	\$56,016	\$1,125	$\frac{\$1,125}{\$56,016} = 0.02$	0.02 < 1 Use ACS ₂₀₁₀ Marion County, OR Median Income

2. Since there is an ACS₂₀₁₀ 1-year estimate available, a comparison is made in order to determine if the 1-year ACS₂₀₁₀ estimate is different

Area	ACS ₂₀₁₀ 1-Year Median Income	ACS ₂₀₁₀ 1-Year Margin of Error	Ratio	Result
Marion County, OR	\$51,778	\$1,903	$\frac{\$1,903}{\$51,778} = 0.037$	0.037 < 1 Update to ACS ₂₀₁₀ 1-Year Median Income

3. The calculation of the CPI Update Factor is as follows:

Area	2011 December CPI	2010 Annual CPI	CPI Update Factor
Marion County, OR	102.074	101.074	$\frac{102.074}{101.074} = 1.010117$

4. The FY 2013 median family income is estimated as follows:

Area	ACS ₂₀₁₀ 1-Year Estimate	CPI Update Factor	Trending 1.66% for 1.25 years	FY 2013 Area MFI Estimate
Marion County, OR	\$51,778	1.04117	$1.0166^{1.25} = 1.02074$	$(\$51,778 * 1.04117 * 1.02074) = \$55,027.48$

5. In keeping with HUD policy, the median family income estimate is rounded to the nearest \$100:

Area	Unrounded FY 2013 MFI Estimate	Rounded FY 2013 MFI Estimate
Marion County, OR	\$55,027.48	\$55,000

Step 6:

Scroll down to the bottom of the page for the **Median Income** information that you will use for your area (in #4 and #5).

(G) Adjusting AMI for Family Size

Adjust Area Median Income for the size of the family by creating an Excel Spreadsheet. Follow the steps below:

Step 1: Create an Excel Spreadsheet, typing exactly columns 1 and 2 (all shaded cells). Type in the formulas as shown in each row

Column 1	Column 2
2013 AMI Limits	
Number in Family	Estimated HUD Median Income
1	=B3*70%
2	=B3*80%
3	=B3*90%
4	=B3*100%
5	=B3*108%
6	=B3*116%
7	=B3*124%
8	=B3*132%
Over 8, add per child	0.08

Step 2: Using the AMI figure that you calculated in Section F previously, type that number into Column 2 Row 3 (shaded cell), and the formulas will automatically adjust the AMI for Family Size. Format Column 2 for “Accounting” style with zero cents for easier reading

Column 1	Column 2
2013 AMI Limits	
Number in Family	Estimated HUD Median Income
	55,000
1	38,500
2	44,000

← Row 3

3	49,500
4	55,000
5	59,400
6	63,800
7	68,200
8	72,600
Over 8, add per child	8%

(H) New Annual AMI Adjustments for Family Size



The Adjusted for Family Size percentages of the AMI may change from year to year. Review the Income Limits Briefing materials to ensure that you are still using the appropriate percentages. Use the following steps each year to ensure use of the correct percentages:

Step 1: Enter into your browser the following link:

<http://www.huduser.org/portal/datasets/il.html>

The screenshot shows the HUD.GOV website interface. At the top, there is a navigation menu with links for HOME, ABOUT PD&R, RESEARCH & PUBLICATIONS, DATA SETS, PROGRAMS, QUICK LINKS, and EVENTS. The 'DATA SETS' link is highlighted. Below the navigation, there is a large banner for 'DATA SETS' with a house image. A red arrow points from a text box labeled 'Step 2: Click the <Current Year Income Limits> selection' to the 'FY2013 Income Limits' link in the 'Income Limits' section. The 'Income Limits' section contains a heading 'HUD Program Income Limits (Section 8, Section 221(d)(3) BMIR, Section 235 and Section 236)' and a list of links for 'FY2013 Income Limits', 'FY2012 Income Limits', and 'FY2011 Income Limits'. To the right, there is a 'TOPIC AREAS' section with a list of various housing-related topics.

FY 2013 Income Limits

The effective date is December 11, 2012.

Access Individual Income Limits Areas

- [FY 2013 Income Limits Documentation](#)

Access Individual Median Family Income Areas

- [FY 2013 Median Family Documentation](#)

[Frequently Asked Questions](#)

Income Limits

- FY 2013 Income Limits Briefing Material in [pdf](#)
- Area Definition [report](#)
- Notice of FY 2013 Income Limits for the Public Housing and Section 8 Programs in [pdf](#)
- Tables for Section 8 Income Limits in [pdf](#) and [MS WORD](#)
- Data for Section 8 Income Limits in [MS EXCEL](#)

Step 3: Click the <Current Year Income Limits Briefing Material> selection

FY 2013 INCOME LIMITS BRIEFING MATERIAL

- I. [Overview of HUD Section 8 Income Limits](#)
- II. [FY 2013 Median Family Income Estimates](#)
 - A. [Overview](#)
 - B. [ACS Data and its Use in the Production of Median Family Incomes](#)
 - C. [Margin of Error](#)
 - D. [Trend Factor](#)
 - E. [Median Family Income Estimate Calculations](#)
- III. [FY 2013 Income Limits](#)
 - A. [Overview](#)
 - B. [Very Low-Income Limits](#)
 - C. [Low-Income Limits](#)
 - D. [30 Percent of Area Median Family Income Limits](#)
 - E. [Family Size Adjustments](#)
 - F. [5 Percent Rule](#)
- IV. [Housing and Economic Recovery Act of 2008](#)
- V. [Income Limit Applications](#)
 - A. [Department of Housing and Urban Development](#)
 - B. [Rural Housing and Community Development Service](#)
 - C. [Treasury Programs](#)
 - D. [Federal Deposit Insurance Corporation](#)

Step 4: From the Table of Contents (pg 2) of the Briefing Material, Click the <Family Size Adjustments> selection

portal/datasets/il/il13/IncomeLimitsBriefingMaterial_FY13.pdf

instead of FMRS that include 50th percentile areas, to calculate high housing cost areas. The purpose of this change is to prevent fluctuations in difficult to develop area (DDA) determinations that result solely from high housing cost income limit fluctuations as areas go in and out of the 50th percentile FMR program.

D. 30 Percent of Area Median Family Income Limits

The Quality Housing and Work Responsibility Act of 1998 established a new income limit standard based on 30 percent of median family income, which was to be adjusted for family size and for areas of unusually high or low family income. A statutory change was made in 1999 to clarify that these income limits should be tied to the Section 8 very low-income limits. The 30 percent income limits therefore are calculated as 30/50ths (60 percent) of the Section 8 very low-income limits. They are then compared to Supplemental Security Income (SSI) benefits. Since SSI benefits provide the minimum entitlement income for elderly and disabled one-person 30 percent income limits are increased if they would otherwise be minimum SSI level. These limits are also adjusted upward if rounding causes 95% of last year's limit.

Step 5: Use the percentages as shown in the Briefing Materials for the Excel Spreadsheet you created at the beginning of this section of the manual.

E. Family Size Adjustments

The income limit statute requires adjustments for family size. The legislative conference committee report indicates that the Congress intended that income limits should be higher for larger families and lower for smaller families. The same family size adjustments are used for all income limits. They are as follows:

Number of Persons in Family and Percentage Adjustments							
1	2	3	4	5	6	7	8
70%	80%	90%	Base	108%	116%	124%	132%

Income limits for families with more than eight persons are not included in the printed lists because of space limitations. For each person in excess of eight, the four-person income limit should be multiplied by an additional 8 percent. (For example, the nine-person limit equals 140 percent [132 + 8] of the relevant four-person income limit.) Income limits are rounded to the nearest \$50. Local agencies may round income limits for nine or more persons to the nearest \$50, or may use the un-rounded numbers. Family size-adjusted income limits are not re-tested for compliance with the 5-percent rule, as discussed below. Rounding anomalies produce some

(I) AMI Questions

The following Questions and Answers will assist you in determining when to apply the 30% AMI and how:

Question 1:

To what ESG program components does the 30% area median income (AMI) limit apply?

Answer:

For Rapid Re-Housing, an income assessment is not required at initial evaluation. However, at annual re-evaluation, income must be LESS THAN OR EQUAL TO 30% AMI.

For Homelessness Prevention assistance, households must have an income BELOW 30% AMI at initial evaluation, and have no other housing options, financial resources, or support networks. At re-evaluation - not less than once every three months - the participant must have an annual income LESS THAN OR EQUAL TO 30% AMI.

The 30% AMI limit does not apply to program participants who are being served under the Emergency Shelter or Street Outreach components.

Question 2:

If an ESG case manager learns that a program participant's annual income has increased and now exceeds 30% of AMI, must the recipient/subrecipient immediately stop providing assistance to the program participant?

Answer:

Whether a Subgrantee Agency must stop a program participant's ESG assistance upon learning of an increase in income (or other change in household circumstances that may affect eligibility) depends upon whether the information is obtained through a re-evaluation, or through other means (e.g., case management).

If income over AMI is discovered *during* re-evaluation for Homelessness Prevention and Rapid Re-housing assistance: Each re-evaluation of eligibility must establish that the program participant has an annual income that does not exceed 30 percent of median family income for the area, as determined by HUD. (24 CFR § 576.401(b)(1)(i)). Rapid Re-Housing program participants must be re-evaluated not less than once annually and Homelessness Prevention program participants must be re-evaluated not less than once every three months. If the re-evaluation shows that the program participant is no longer eligible for ESG, assistance must be stopped at that time.

If income over AMI is discovered *outside* of the re-evaluation process for Homelessness Prevention and Rapid Re-housing assistance: HUD does not require Subgrantee Agencies to conduct a re-evaluation outside of the regular re-evaluation process, if information becomes available to indicate that a household has (or may have) increased income or a change in household circumstances that affect eligibility for the program. However, the Subgrantee Agency has discretion to institute its own standards and MAY require each program participant receiving Rapid Re-Housing or Homelessness Prevention assistance to provide information about changes in income or other circumstances (e.g., household composition) that affect the program participant's need for assistance. When a program participant notifies a Subgrantee Agency of a relevant change because the notification is REQUIRED, the Subgrantee Agency MUST re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs (see 24 CFR § 576.401(b)(2)). If the re-evaluation shows that the program participant is no longer eligible for ESG, assistance must be stopped at that time.

If the Subgrantee Agency has NOT required such a notification, simply receiving information about a change in a program participant's situation outside of the re-evaluation process (e.g., through case management or credit repair activities) has no immediate effect on the program participant's eligibility for ESG, and ESG assistance can continue until the next re-evaluation. At that time, the re-evaluation will determine whether the program participant continues to be eligible for ESG assistance.

(J) Eligibility Re-certification

Evaluate households for eligibility, appropriateness of services and assistance. Conduct re-assessments by telephone in cases where distance prohibits a face-to-face assessment; though HUD encourages face-to-face assessments whenever possible, (telephone assessment is limited to once per household receiving assistance). If unrelated individuals are joint parties to a lease, income for all adults in the household must be included when determining eligibility.

Re-certification (re-assessment) occurs every (3) three months for those receiving Homeless Prevention assistance and every (12) twelve months for those receiving Rapid Re-Housing Assistance. Income must be **below** 30% AMI for Homeless Prevention. Income must be **at or below** 30% for Rapid Re-Housing. If a Homeless Prevention household income is determined to be at 30% of AMI at the time of the re-assessment, the household is no longer eligible for assistance. Income must be **below** 30%, so 29.9% would be acceptable. If a Rapid Re-Housing household income is determined to be at 31% of AMI at the time of the re-assessment, the household is no longer eligible for assistance. Income must be **at or below** 30% to be acceptable.

(K) Treatment of Assets

Question 1: What is an Asset?

- (a) Assets are items of value that you can turn into cash. A savings account is a cash asset. The bank pays interest on the asset. The interest is the income from that asset.
- (b) Some participants have assets that are not earning interest. A quantity of money under a mattress is an asset: it is a thing of value that could be used to the benefit of the tenant, but under the mattress, it is not producing income.
- (c) Do not consider some belongings of value as assets. Do not count necessary personal property as an asset.

NOTE: There is no asset limitation for participation in HUD assisted-housing programs. However, the definition of annual income includes net income from family assets.

Question 2: What does Net Family Assets include?

- (a) Cash held in savings and checking accounts, safe deposit boxes, homes, etc.: For savings accounts, use the current balance. For checking accounts, use the average balance for the last six months. Consider assets held in foreign countries as assets.
- (b) Revocable trusts: Include the cash value of any revocable trust available to the family.
- (c) Equity in rental property or other capital investments: Include the current fair market value less the following:
 - (l) Any unpaid balance on any loans secured by the property and

- (II) Reasonable costs incurred in selling the asset (e.g., penalties, broker fees, etc.)

NOTE: If the person's main business is real estate, then count any income as business income. Do not count it both as an asset and business income.

- (a) Stocks, bonds, Treasury bills, certificates of deposit, mutual funds, and money market accounts: Count interest or dividends earned as income from assets even when the earnings are reinvested. The value of stocks and other assets vary from one day to another. The value of the asset may go up or down the day before or after rent is calculated and multiple times during the year thereafter. The owner may assess the value of these assets at any time after you receive the authorization for the release of information. The participant may request an interim recertification at any time thereafter that a decrease in stock value may result in a decrease in rent.
- (b) Individual retirement, 401K, and Keogh accounts: These are included when the holder has access to the funds, even though a penalty may be assessed. If the individual is making occasional withdrawals from the account, determine the amount of the asset by using the average balance for the previous six months. (Do not count withdrawals as income.)

Example – Withdrawals from a Keogh Account

Ly Pham has a Keogh account valued at \$30,000. When she turns 70 years old, she begins drawing \$2,000 a year. Continue to count the account as an asset. Use this guidance to determine the cash value and imputed income from the asset. Do not count the \$2,000 she withdraws as income.

- (c) Retirement and pension funds:
 - (I) While the person is employed: Include only amounts the family can withdraw without retiring or terminating employment. Count the whole amount less any penalties or transaction costs.
 - (II) At retirement, termination of employment, or withdrawal: Count periodic receipts from pension and retirement funds as income. Count lump sum receipts from pension and retirement funds as assets. Count the amount as an asset or as income, as provided below.
 - (1) If benefits will be received in a lump sum, include the lump sum receipt in net family assets.
 - (2) If benefits will be received through periodic payments, include the benefits in annual income. Do not count any remaining amounts in the account as an asset.
 - (3) If the individual initially receives a lump-sum benefit followed by periodic payments, count the lump-sum benefit as an asset as provided in the example below and treat the periodic payment as

income. In subsequent years, count only the periodic payment as income. Do not count the remaining amount as an asset.

NOTE: This paragraph and the example below assume that the lump-sum receipt is a one-time receipt and that it does not represent delayed periodic payments. However, in situations in which a lump-sum payment does represent delayed periodic payments, then consider the amount as income and not an asset.

Example – Retirement Benefits as Lump-Sum and Periodic Payments

Upon retirement, Eleanor Reilly received a lump-sum payment of \$15,000. She will also receive periodic pension payments of \$350 a month. Generally, we treat the lump-sum amount of \$15,000 as an asset. In this instance, however, Eleanor spent \$5,000 of the lump sum on a trip following her retirement. The remaining \$10,000 she placed in her mutual fund with other savings. Count the entire mutual fund as an asset. The owner has verified that Eleanor is now not able to withdraw the balance from her pension. Therefore, the owner will count the \$350 monthly pension payment as annual income and will not list the pension account as an asset

- (d) Cash value of life insurance policies available to the individual before death (e.g., the surrender value of a whole life policy or a universal life policy): It would not include a value for term insurance, which has no cash value to the individual before death.
- (e) Personal property held as an investment: Include gems, jewelry, coin collections, or antique cars held as an investment. Do NOT consider personal jewelry an asset.
- (f) Lump-sum receipts or one-time receipts: These include inheritances, capital gains, one-time lottery winnings, victim's restitution, settlements on insurance claims (including health and accident insurance, worker's compensation, and personal or property losses), and any other amounts that are not intended as periodic payments.
- (g) A mortgage or deed of trust held by an applicant:
 - (I) Payments on this type of asset are often received as one combined payment of principal and interest with the interest portion counted as income from the asset.
 - (II) Separate this combined figure into the principal and interest portions of the payment. (Refer to an amortization schedule that relates to the specific term and interest rate of the mortgage.)
 - (III) To count the actual income for this asset, use the interest portion due, based on the amortization schedule, for the 12-month period following the certification.
 - (IV) To count the imputed income for this asset, determine the asset value as of the effective date of the certification. Since this amount will continually be reduced by the principal portion paid during the previous year, the

owner will have to determine this amount at each annual recertification. See the following example:

Example – Deed of Trust and Imputed Income

Computation of imputed income:

An elderly tenant sells her home and holds the mortgage for the buyer. The cash value of the mortgage is \$60,000. The combined payment of principal and interest expected for the upcoming year is \$5,000. The amortization schedule breaks that payment into \$2,000 in principal and \$3,000 in interest. In completing the asset income calculation, the cash value of the asset is \$60,000, and the projected annual income from that asset is \$3,000. **Calculate the imputed income by multiplying the cash value of \$60,000 by the 2% imputed passbook rate.** Each subsequent year, the cash value of the asset should be reduced by the principal portion paid. In this example, it would be reduced to \$58,000 in the following year (\$60,000 – \$2,000 principal payment = \$58,000). **When calculating the imputed income for the following year, the owner would multiply the cash value of \$58,000 by the 2% passbook savings rate.**

Question 3: What Net family assets ARE NOT included?:

- (1) Personal property: Clothing, furniture, cars, wedding ring, other jewelry not held as an investment, vehicles specially equipped for persons with disabilities.
- (2) Interests in Indian trust land
- (3) Term life insurance policies (i.e., where there is no cash value)
- (4) Equity in the cooperative unit in which the family lives
- (5) Assets that are part of an active business: "Business" does NOT include rental of properties held as investments unless such properties are the participant's main occupation.

Example – Assets that are Part of an Active Business

- Laura and Lester Hines own a copier and courier service. Do not count any of the equipment that they use in their business as an asset (e.g., the copiers, the FAX machines, the bicycles).
- Alice Washington rents out the home that she and her husband lived in for 42 years. This home is not an active business asset. Therefore, consider it an asset and the owner must determine the annual income that Alice receives from it.

- (6) Assets that are NOT effectively owned by the applicant: Assets are not effectively owned when they are held in an individual's name, but:
 - (a) the assets and any income they earn accrue to the benefit of someone else who is not a member of the family, and
 - (b) that other person is responsible for income taxes incurred on income generated by the assets

Example – Assets not Effectively Owned by the Applicant

- Net family assets do not include assets held pursuant to a power of attorney because one party is not competent to manage the assets, or assets held in a joint account solely to facilitate access to assets in the event of an emergency.

Example: Alexander Cumbow and his daughter, Emily Bornscheuer, have a bank account with both names on the account. Emily’s name is on that account for the convenience of her father in case an emergency arises that would result in Emily handling payments for her father. Emily has not contributed to this asset, does not receive interest income from it, nor does she pay taxes on the interest earned. Therefore, Emily does not own this account. If Emily applies for assisted housing, the owner should not count this account as her asset. This asset belongs to Alexander and would be counted entirely as the father’s asset should he apply for assisted housing.

(7) Assets that are not accessible to the applicant and provide no income to the applicant

Example

A battered spouse owns a house with her husband. Because of the domestic situation, she receives no income from the asset and cannot convert the asset to cash.

(L) At-Risk of Homelessness/Homeless

Program participants must meet the definition of At-Risk of Homelessness or Homeless according to the appropriate category of assistance. See “*Eligible Activities*” section of this manual.

(M) Rent Assistance Models

The percentage or amount of assistance each program participant must pay while receiving homelessness prevention or rapid re-housing assistance is not specifically listed in the current standards. We have not listed a specific standard because the current ESG guidelines allow the Continua and ESG sub-recipients to choose between the four acceptable models and therefore the percentage and or amount could change by Continua. The standard we currently provide for determining what percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention or rapid rehousing assistance, is a requirement for a clear description of how the percentage or the amount it is calculated (see below).

Throughout the year, OHCS will continue to work in consultation with the six Continua and the 18 ESG Subgrantee Agencies in order to further strengthen and define the written standards by the end of year. No model can include rent amounts that exceed Fair Market Rent (see “*FMR*” section of this manual).

The Models:

- (1) Flat Rate: The subsidy is a set amount each month for all households (e.g., all households get a maximum of \$200 each month).

- (2) Household income: Household rent share is based on a specific percentage of household income (e.g., 30 percent, 40 percent, 50 percent). ESG does NOT mandate any specific tenant contribution.
- (3) Percentage of the rent: Household rent share is a pre-set percentage of the rent (e.g., all households must pay 75% of their rent).
- (4) Graduated subsidy: Whether income-based or fixed, the subsidy declines in “steps” based upon a fixed timeline or when the individual has reached specific goals, until the household assumes full responsibility for monthly housing costs. The steps are known (and documented) in advance and act as deadlines for increasing income.

Subgrantee Agency ESG policies and/or procedures for rent assistance must include, at a minimum:

- (1) A clear description of the model, rent subsidy/household’s share of rent and utilities and how it is calculated;
- (2) Any minimum lease periods (e.g., a year’s lease) that may be required;
- (3) Provisions for handling returned deposits made on behalf of clients; and
- (4) An explanation of any established tenant escrow accounts for clients.

When you base rent assistance on a household’s income, the following ESG policies and/or procedures must include, at a minimum:

- (1) Minimum tenant payments (if any);
- (2) How utilities impact a household’s subsidy; and
- (3) Any requirement for households to report changes in income prior to recertification and how changes in income will affect tenant rent share

(End)

11. Records

[24 CFR 576.500, as amended]

(A) Retention

Programs are responsible for verifying and documenting eligibility of all ESG applicants prior to providing assistance. Programs are responsible for maintaining this documentation in the ESG participant case file. Retain all records pertaining to each fiscal year of ESG funds for the greater of 5 years or the period specified below. Substitute copies made by microfilming, photocopying, or similar methods for the original records, if needed.

- (1) Retain records until 10 years after the date that ESG funds are first obligated for renovation when you use ESG funds for the renovation of an emergency shelter and the costs charged to the ESG grant for renovation exceed 75 percent of the value of the building before renovation.
- (2) Retain records until 10 years after the date that ESG funds are first obligated for the conversion when you use ESG funds to convert a building into an emergency shelter and the costs charged to the ESG grant for the conversion exceed 75 percent of the value of the building after conversion.

Type of Information	Record Retention Period
All program records for each fiscal year of ESG funds	5 years (or longer)
Program participant records	5 years after year of expenditure of all funds from grant under which participant was served
Emergency shelter renovation costs are >75% of pre-renovation value	10 years from initial obligation
Emergency shelter conversion costs >75% of post-conversion value	10 years from initial obligation

(B) Access

Allow HUD, the HUD Office of the Inspector General, and the Comptroller General of the United States, or any of their authorized representative, and Oregon Housing and Community Services access to program/financial records. Rights of access are not limited to the required retention period, but last as long as you retain the records. The recipient must provide citizens, public agencies, and other interested parties with reasonable access (consistent with state and local laws regarding privacy and obligation of confidentiality) to records regarding any uses of ESG funds the recipient received during the preceding 5 years.

(C) Confidentiality

Keep secure and confidential all records containing personally identifying information of any individual or family who applies for and/or received ESG assistance. Do not make public the address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG, except with written authorization of the person responsible for the operation of the project. Do not make public the address or location of any housing of a program participant, except as provided under a pre-existing privacy policy of the Recipient or Subgrantee Agency and consistent with state and local laws regarding privacy and obligations of confidentiality.

(D) Documentation Standards

In general, there is an order of preference for all documentation types and projects must document due diligence of efforts to obtain all documentation.



Circumstances, as well as the type of services or housing received, will affect the ability of intake workers/case managers to obtain some forms of documentation. The order of priority among documentation is third-party documentation first, intake worker/case manager observation second, and certification by the individual or head of household seeking assistance third.

(E) Third-party Documentation

Where it is available, is the preferable form of documentation (financial, homelessness, disability, etc.). Recordkeeping requirements allow already available documentation, where it is available, as third-party documentation.

Already available documentation includes certification or other appropriate service transactions recorded in a Homeless Management Information System (HMIS) or other database that meet certain standards. Information recorded in an HMIS must retain an auditable history of all entries, including the person who entered the data; the date of entry, and the change made, and must prevent overrides of the dates when changes are made. Already available documentation may also include discharge paperwork, to verify a stay in an institution, shelter, or other facility.

For emergency shelters that require clients to present every night to gain access to a bed for just that night, OHCS would expect to see certification by the individual or head of household as the primary method of establishing homeless eligibility. OHCS would also consider a sign-in sheet, with a certification from the individual or head of household seeking assistance, as meeting this standard. However, for permanent housing and nonemergency services, such as employment assistance, OHCS will expect to see third-party documentation, such as pay stubs, copy of recent bank statements, or filed tax documents.

(F) *Example of Documentation*

Documenting a disability would not include participant self-certification, as disabilities would have written documentation of some type. You could document a disability by:

- (1) Written verification of the disability from a professional licensed by the state to diagnose and treat the disability and his or her certification that the disability is expected to be long-continuing or of indefinite duration and substantially impedes the individual's ability to live independently; OR
- (2) Written verification from the Social Security Administration; OR
- (3) The receipt of a disability check; OR
- (4) Intake worker/case manager-recorded observation of a disability that, no later than 45 days of the application for assistance, is confirmed and accompanied by evidence

HUD expects conscientious and reasonable efforts to use the highest documentation standard possible. Accept documentation dated within 30 days prior to the time of application.

See "Appendices" section of this manual for the following information:

- (1) Homeless/At-Risk acceptable documentation requirements
- (2) Housing Options/Resources eligibility documentation requirements
- (3) Rapid Re-Housing Eligibility Documentation for Homeless Persons
- (4) Homelessness Prevention Eligibility documentation for Persons at-Risk of Homelessness

(G) *Intake/Case Manager Worker Observation*

May include oral statements made by a social worker, case manager, or other appropriate official at an institution, shelter, or other facility and documented by the CAA intake worker/case manager. Where the intake worker/case manager is not able to obtain a written or oral statement from a social worker, case manager, or other appropriate official at an institution, shelter, or other facility, the intake worker/case manager may document his or her due diligence in attempting to obtain a statement from the appropriate official in the case file.

If an oral statement is used, OHCS requires a written certification by the person making the oral statement. Use oral statements when third-party documentation is not available. The CAA intake worker/case manager, through the intake worker's/case

manager's written certification, may verify oral statements. Intake workers/case managers must still document his or her due diligence in attempting to obtain the original verification.

(H) *Participant Self-Certification*

Requires a written and signed document by the individual or head of household seeking assistance attesting to the facts for which they are certifying.

(End)

12. Intake/Participant File

Document all participant files using the forms provided by OHCS as outlined on the Participant File Checklist. Complete the Intake, Assessment, and Housing Plan in HMIS. Files must also contain case management notes.

(ESG Form A) Participant File

The Subgrantee Agency is required to maintain all Financial Records of their ESG participants; Organizations may retain the participant's file information. Document all participant files using the forms provided by OHCS as outlined on the Participant File Checklist. Complete the Intake, Assessment, and Housing Plan in HMIS. Place a copy of these documents in the participant's file. Files must also contain case management notes.

(A) *Client Eligibility Forms*

(ESG Form B) Release of Information

Each HH member, age 18 or older, with a copy in file, must sign a release of Information form. Per HMIS procedure, general releases are not allowed.

(ESG Form C) Screening Assessment

Conducts a complete, comprehensive housing assessment with the HH. The assessment will function as the basis for creating the "Housing Plan" which serves as the foundation for resource coordination and resolution of the housing crisis. Each HH should have a copy of the screening assessment in the client file. Housing assessments may be completed through HMIS and a printed, hard-copy kept in the client file.

(ESG Form C1) Info Form for HUD Entry

(ESG Form C2) Info Form for HUD Exit

(ESG Form #1) Verification of U.S. Citizenship or Lawful Resident

ESG assistance is available only to individuals who are US citizens, US nationals, or qualified non-citizens that have eligible immigration status. At least one family member must be a citizen, national, or non-citizen with eligible immigration status in order for the family to qualify for assistance. A copy of documentation of citizenship must be in the client file.

U.S. Identification (required for all household members—see reverse for types of proofs acceptable)

There must be documentation of identification for all HH members, in the client file, whether receiving case management and/or financial assistance. Documentation may be a copy of the following:

- (1) Driver's license
- (2) Social Security card
- (3) Medicaid Card (as a last resort for children only)
- (4) Birth certificate
- (5) Passport

- (6) Naturalization papers
- (7) Church-issued baptismal certificate
- (8) U.S. military discharge papers (DD-214)
- (9) Adoption papers
- (10) Department of Human Services ID (for children only)
- (11) Custody agreement
- (12) Affidavit of parentage

(ESG Form #2 or ESG Form #3 required) Verification of homelessness or at risk of homelessness

The agency must complete the Homeless Certification or At-Risk of Homelessness Certification indicating current living situation and provide the appropriate documentation as indicated on the form. A copy of this certification must be in the client file. Valid proof of homelessness is needed from one of the following sources:

- (1) **Agency** – this documentation should contain the letterhead of the assisting agency, and the dates of service. Documents such as court ordered eviction notice and utility shut-off notices are accepted as proof.
- (2) **Current household** – if the person’s family is evicting him/her, a statement describing the reason for eviction should be signed by the HOH and dated. The subgrantee must make efforts to confirm that these circumstances are true and have written verification describing the efforts and attesting to their validity. The verification should be signed and dated and a copy kept in the client’s file.

(ESG Form #4, if applicable) Disability Certification

Disability certification can be used to prioritize those eligible for Rapid Re-Housing assistance.

(ESG Form #5, if applicable) Self-Certification

If required verifications/other documents cannot be provided and self-certification is the only way to verify information to determine program eligibility, this form must be completed and a copy kept in the client’s file.

(ESG Form #7) Staff Affidavit of Eligibility/Conflict of Interest for ESG

ESG staff must sign the Staff Affidavit certifying that the HH meets all requirements to receive ESG assistance and that all of the information provided is true and complete to the best of their knowledge. It further certifies that the HH receiving assistance has not resulted, nor will result, in a personal or financial interest or benefit for the staff person or anyone with whom they have family or business ties (i.e., conflict of interest).

(ESG Form #8) Verification Tracking of Income

Agencies must record all attempts (phone logs, email correspondence, copies of certified letters, etc.) to obtain required verifications in the order specified. Staff

must provide an explanation (detail of outcomes including obstacles) on the form if utilizing verification out of the hierarchy sequence.

All sources of HH income (for all adult members) must be verified and documented at intake and every 3 months for prevention and annually for rapid re-housing, to determine program eligibility, with a copy kept in the client file. To be eligible for assistance, gross HH income must be below 30% AMI for the county in which the HH is residing. Some examples of common acceptable documentation:

- (1) **Earned Income** – pay stubs, previously filed taxes, bank statements, etc.
- (2) **Unearned Income** – statements from government official/agency, unemployment or disability pay stubs, most recent benefit or disability income notice from agency

(ESG Form #9) Request for Verification of Income

If HH income cannot be verified with third-party source documents (provided by the client), Agency must request the income information from income source (i.e. employer, bank, etc.)

(ESG Form #10) Calculation Worksheet

The Calculation Worksheet must be completed and a copy kept in the client file, at intake, every 3 months for prevention, and annually for rapid re-housing assistance, to determine eligibility for ESG assistance. To be eligible, the gross annual HH income must be below 30% AMI. Income is annualized to project gross annual income; there are no allowances/deductions from the HH gross income.

(B) *Income Inclusions and Examples of Acceptable Documentation*

- (1) **Earned Income (Wages and Salary):** Payment statement, Statement of income from employer/source of income
- (2) **Self-Employment/Business Income:** Most recent Financial Statement
- (3) **Interest and Dividend Income:** Most recent interest or dividend income statement
- (4) **Pension/Retirement Income:** Most recent benefit notice, pension statement or other payment statement from pension provider
- (5) **Armed Forces Income:** Payment statement, Statement of income from government official/agency
- (6) **Unemployment and Disability Income:** Most recent benefit or disability income notice from SSI, Statement from SSI
- (7) **Public Assistance, including TANF:** Most recent benefit or income notice from public assistance administrator, Statement from public assistance administrator
- (8) **Alimony and Child Support:** Court Order, Most recent payment statement
- (9) **No Income Report:** Self-certification (ESG Form #5)

(C) *Income Exclusions*

- (1) Food stamps;
- (2) Foster children and foster adult care payments;
- (3) Scholarships and Grants;

- (4) **Resident Service Stipend**—not to exceed \$200/month (if more than \$200/month the entire stipend (including the \$200) is included as income.

(D) **Calculating Income**

The requirements for determining whether a family is eligible for assistance requires intake staff to project or estimate the annual income the household expects to receive. Generally, current circumstances must be used to estimate income, and annual income is projected by annualizing current income.

Convert all income to an annual figure by multiplying the pay rate by the frequency of payment:

- (1) Multiply **hourly** wages by the number of hours worked per year. Full-time employment (40 hours a week and no overtime) is 2,080 hours (40 hrs. X 52 weeks = 2080 hours). (10 hours a week X 52 weeks = 520 hrs. per year).
- (2) Multiply **weekly** wages by 52.
- (3) Multiply **bi-weekly** wages by 26.
- (4) Multiply **semi-monthly** wages by 24.
- (5) Multiply **monthly** wages by 12.
- (6) Multiply **daily** wages by 260 (full time/no overtime).
- (7) To convert **monthly amount to weekly**, divide by 4.3.
- (8) **Unemployment compensation** should be calculated assuming current circumstances will last a full 12 months. If changes occur later in the year, an interim recertification can be conducted to change the family's rent.
- (9) **Round up** to the nearest dollar at .50 and above (except SS payments, which are always rounded down).

(E) **Calculating Income from Assets**

When calculating income from assets, include assets of all household members **including assets of minor children. Income earned from assets is included in the gross income calculation (not the actual value of the asset).** If a program participant has a savings account with a \$500.00 balance, earning 1% interest, \$5.00 would be added as household income

Assets Include:

- (1) Bank Accounts
- (2) Life Insurance policies
- (3) Lump sum additions
- (4) Personal Property held as Investments
- (5) Retirement/Pension funds
- (6) Trusts
- (7) Assets disposed of for less than Fair Market Value
- (8) Stocks, Bonds, Mutual Funds, etc.
- (9) IRA, Keogh, Annuities and Similar Retirement Accounts
- (10) Assets Exclude:
- (11) Necessary Personal Property
- (12) Assets not Accessible to Family

- (13) Business or Farming Operation Assets
- (14) Interest in Indian Land trusts
- (15) Equity in Cooperatives & Manufactured Homes
- (16) Vehicles/Special Equipment for Disabled

The calculation **to determine the amount of income from assets** to include in annual income considers both the total cash value of the family's assets; and (+) The amount of income those assets are earning or could earn.

The rule for calculating income from assets differs depending on whether the total cash value of family assets is \$5,000 or less, or is more than \$5,000.

If the total cash value of the family assets are (</=) Less than or equal to \$5,000, Use the actual income earned from assets (i.e., interest and dividends) **OR**

If the total cash value of the family assets are (>) Greater than \$5,000, use the greater of Actual income earned from assets, or Imputed income from assets (based upon passbook rate approved by HUD (2%))

(Imputed Income is HUD's approved passbook rate multiplied by the total cash value of assets).

Checking/Savings Accounts

The cash value of a checking and savings account is the current balance.

(F) *Financial Assistance Eligibility Forms*

Housing Plan (copy of HMIS entry or hard copy)

A Housing Plan must be completed for all individuals that receive a housing assessment and are determined eligible for services. The Housing Plan is intended to be a guide for both the HH and the service agencies. Keep a copy of the Housing Plan in the client's file.

Copy of signed Lease/Rental Agreement

A lease is required for HH receiving financial assistance. Financial assistance includes:

- (1) Rental assistance
- (2) Security deposits
- (3) Rental arrearages
- (4) Utility payment/deposits

All HH members must be listed on the lease/rental agreement and a copy must be maintained in the client file. For HH moving into a new unit, the unit must meet habitability standards before the lease is signed and the HH moves in. For HH already residing in a unit, the unit must meet habitability standards before financial assistance can be provided.

If rental and utility arrearages are paid, the participant must have had a valid lease in place covering the arrearage period. The rental arrearage amount paid each

month cannot exceed the FMR (see “FMR” section of this manual for more information).

If the Landlord agrees to lower the rent to comply with the FMR, a new lease or lease addendum must be signed stating the new rental amount and a copy placed in the file. The rent amount charged after the household’s leasing assistance has ended is between the landlord and the tenant.

Utility Arrearages from a Previous Address for Re-housing Participants

Utility arrearages for a previous address may be made, regardless if it was not the household’s last address; however, the following guidelines must be followed:

- (1) Utility arrearage payments cannot exceed \$1,500;
- (2) If the utility arrearage is over the \$1,500 maximum, the case manager is required to work with the utility company to set-up a payment plan between the household and the utility company and/or ask the utility company to forgive the debt.
- (3) Before making payment for utility arrearages, the case manager must document in the participant’s file with either verbal or written documentation from the utility company that by paying a specified amount, again up to \$1,500, the utilities will be turned on for the household by the utility company at the new address.

(ESG Form #11, *Optional*) Lease Approval

The Lease Approval form is completed by the applicant and landlord to request the ESG Program Administrator’s approval of the unit for which the applicant has elected to receive rental assistance. This form, serves as a briefing for the participant informing them of the FMR, unit size the HH is eligible for, and their portion of the monthly rent. The portion of the form completed by the landlord provides size of unit, year built, and who is responsible for utilities. This applies to clients receiving prevention assistance such as those doubled-up having to move into a new unit and rapid-rehousing clients. **This form does not take the place of a lease.**

(ESG Form #12) Rent Reasonableness

For prevention and rapid re-housing, rent comparables are required for all HH receiving security deposits and leasing assistance. ESG assisted units must rent for a reasonable amount, compared to rents charged for comparable, unassisted units. Agencies must document the basis for their rent reasonableness determinations. The prescribed form provides a rent analysis for three comparable unassisted units. Although it is acceptable to use three unassisted units in the same apartment complex, it is recommended that two comparable units be located in other complexes/locations. A copy of comparable information must be kept in the client’s file. (See “*Rent Reasonableness*” section of this manual for more information)

(ESG Form #13, *Optional*) Notice of Inspection

All units must meet Habitability Standards before financial assistance can be provided (e.g., rental arrearages, leasing assistance, security deposits). Landlords and tenants must be notified of the date and time of the inspection and the tenant, landlord or an adult representative must be present at the housing unit during the inspection. A copy of the Notice to Inspect must be kept in the client's file.

(ESG Forms #14) Housing Habitability Standards

Agencies conduct Habitability Standards inspections. All units must meet Habitability standards before financial assistance can be provided (e.g., rental arrearages, leasing assistance, security deposits). Landlords and tenants must be notified of the date and time of the inspection and the tenant, landlord or an adult representative must be present at the housing unit during the inspection. A completed copy of this form must be kept in the client's file. If water/utilities are not on at the time of initial inspection, a follow-up inspection must be done within 10 days of the water/utilities being turned on. (See "*Habitability Standards*" section of this manual for more information)

(ESG Form #15, *Optional*) Inspection Deficiencies Notice

If a unit fails to pass a Habitability inspection, the owner must be notified in writing of the specific deficiencies and the necessary corrective action must be completed within a specific timeframe. Landlords and tenants should be given a reasonable period of time (e.g., 24 hours for emergency conditions or 30 days for less serious conditions) to correct the deficiencies. If repairs cannot be made because of inclement weather, the Landlord must complete the Delayed Exterior Repair Agreement (ESG Form #16) stipulating that needed repairs will be completed by the due date(s) specified on the form.

(ESG Form #16) Delayed Exterior Repair Agreement

If repairs cannot be made because of inclement weather, the Landlord must sign this completed form stipulating that needed repairs will be completed by the due date(s) specified. A copy of this agreement must be kept in the client file. An inspection of the repair is required before continuing to make payments to the Landlord after the due date(s) in the notice.

Proof and Assessment of LBP - Pamphlet, *Protect Your Family from Lead in Your Home*

All HH must be provided a copy of the HUD pamphlet. The LBP pamphlet may be downloaded from HUD's LBP website:

http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11875.pdf

(ESG Form #17) Owner Certification of Lead-Based Paint

LBP inspection is required for prevention and rapid re-housing assistance for properties built before 1978, **and** if a child age 6 or younger **or** a pregnant woman will be residing in the unit. The inspection may be visual; however, if the child age 6 or younger has been identified with an Identified Environmental Intervention Blood Lead Level, the inspection must be done by a Certified LBP Risk Assessor (ESG Form #18). All HH must be provided with the HUD pamphlet, *Protect Your Family From Lead in Your Home*. A copy of this certification must remain in the client file.

(ESG Form #18) Summary Notice of LBP Risk Assessment

If a LBP inspection is deemed required to be performed by a Certified LBP Risk Assessor, the Risk Assessor must complete this form summarizing **after** his/her assessment of the LBP in/outside the home. A List of Certified LBP Risk Assessor can be found at your local County Health Department. A copy of this assessment must remain in the client file.

(ESG Form#19) Disclosure of Information of LBP

Each HH must sign and date the top portion of this form to certify that they received the pamphlet and a copy of the certification kept in the client file. If a child age 6 or younger or a pregnant woman will be residing in the unit, the second portion of the form must be completed and signed by the owner of the unit. A copy of this form must remain in the client file.

Mediation

Verification that Mediation assistance is necessary for client to obtain/remain in housing

(G) Documenting Lack of Resources

Examples of support networks about which Subgrantee Agencies must inquire when determining whether an individual or family lacks the resources or support networks to obtain other permanent housing include friends, family, and faith-based or other social networks. This is not all-inclusive, but rather designed to illustrate the kinds of support networks that people must first turn to, if they are able to, before drawing on the scarce resources targeted to homeless people.

(End)

13. Case Management

[24 CFR 576-401, as amended]

(A) *Strength-Based Case Management*

The relationship between the case manager and the family is one of advocacy and collaboration. The individual family's strengths and goals are identified. The case manager works with the family to achieve short- and long-term goals, helping them access the necessary services. Although housing is usually the primary goal, this cooperative relationship addresses counseling, education, employment, and life skills goals.

(1) **What Is It?**

- (a) Strengths-Based Practice assesses the inherent strengths of a person or family, and then builds on them.
- (b) Strengths-Based practice uses peoples' personal strengths to aid in recovery and empowerment.
- (c) It's really about reframing personal perception to find good even in the worst situation.

(2) **Why Use It?**

- (a) It is an empowering alternative to traditional therapies which typically describe family functioning in terms of psychiatric diagnoses or deficits.
- (b) It avoids the use of stigmatizing language or terminology which families use on themselves and eventually identify with, accept, and feel helpless to change. It is at odds with the "victim identity" -- epitomized in popular culture by the appearance of individuals on television or talk radio sharing intimate details of their problems -- which is inherently self-defeating.
- (c) It fosters hope by focusing on what is or has been historically successful for the person, thereby exposing precedent successes as the groundwork for realistic expectations.
- (d) It inventories (often for the first time in the person's experience) the positive building blocks that already exist in his/her environment that can serve as the foundation for growth and change.
- (e) It reduces the power and authority barrier between the person and therapist by promoting the person to the level of expert in regards to what has worked, what does not work, and what might work in their situation.
- (f) It reduces the power and authority barrier between person and therapist by placing the therapist in the role of partner or guide.
- (g) Families are more invested in any process where they feel they are an integral part.
- (h) And lastly - it works.

(B) *Functions of Case Management*

All short- and medium-term rental assistance participants must be case managed as defined by the following services:

- (1) Using a centralized or coordinated assessment system (upon the CoC's development of this system); **AND**
- (2) Conducting initial evaluation, including verification & documentation of eligibility; **AND**
- (3) Counseling; **AND**
- (4) Developing, securing & coordinating services, and obtaining Federal, State, and local benefits; **AND**
- (5) Monitoring and evaluating participant's progress in the program; **AND**
- (6) Developing an individualized housing and service plan; **AND**
- (7) Assuring the protection of program participants' rights

Central Intake and Housing Assessment:

The Central Intake and Housing Assessment process consists of two parts. The intent of the intake is to discern *primary* need and the *urgency* of the need. The intent of the assessment is to identify barriers to housing to be addressed in the Housing Plan.

(C) *Intake*

The initial point of contact includes prioritizing households based on the severity of their housing crisis and targets the most appropriate response. The intent is to discern *primary* need and the *urgency* of the need.

- (1) All households will be screened either by phone or in person.
- (2) Protocol is developed between Subgrantee Agency and a crisis line, e.g. 211, taking calls during non-traditional work hours. The crisis line, e.g. 211, must make callers aware that he/she should contact the Subgrantee Agency when their office reopens.
- (3) Households who are presented with immediate safety issues will be re-directed appropriately (Domestic Violence or 911.)
- (4) Intakes are required to determine primary issues.
- (5) If the intake concludes there is not an immediate housing need (but other needs are present), households will be referred to the appropriate resource to address the need (e.g. food assistance through DHS, mental health, etc.), and a housing plan is not necessary.
- (6) If the intake concludes there is an immediate housing need, households will proceed to a full housing assessment or be scheduled for a housing assessment within two business days, if possible.
- (7) Sharing of participant information within HMIS between agencies.

(D) *Housing Assessments*

Depending on the urgency and priority identified in the intake, the ESG program will conduct a comprehensive assessment with the household. The assessment, at a minimum, will identify the housing needs of the household. The assessment will

function as the basis for creating a housing plan, which serves as the foundation for resource coordination and resolution of the housing crisis. It will require staffing familiar with housing resources, with the local housing market, and with services.

- (1) Case Managers/Intake Workers may utilize the assessment tool within HMIS, focusing on issues related to obtaining and maintaining housing.
- (2) Assessments will be conducted in person.
- (3) Case Managers/Intake Workers will identify the most appropriate resources for which the household may be eligible and provide this information to the household both verbally and in a written form as part of the Housing Plan.
- (4) If the household agrees, the Housing Plan can be shared with other providers to assist in obtaining resources or housing.

(E) *Housing Plan*

A Housing Plan **must** be completed for all individuals that receive a housing assessment **and** are determined eligible for services. (If the household does **not** meet program eligibility, e.g. over income, a housing plan does **not** need to be done). Upon their development and implementation, ensure that housing assessments are consistent with written standards and the CoC's coordinated system.

The Housing Plan is intended to be a guide for both the household and the service agencies. Housing Plans must be framed to include:

- (1) A focus on obtaining or maintaining housing;
- (2) Defined goals, outcomes and timelines, as well as documentation of frequency of meetings for follow-up;
- (3) An identification of needed community resources;
- (4) Referrals to mainstream services, as needed;
- (5) Budget education and tenant education;
- (6) An attached copy of the housing assessment

(F) *Occupancy Standards*

Occupancy standards must comply with HQS requirements and outline how the number of bedrooms required by the household will be determined. The following basic standards can be modified to take into consideration specific household composition and circumstances (i.e., pending child custody cases, chronic illnesses, family member who is absent most of the time).

- (1) No more than two persons are required to occupy a bedroom;
- (2) Persons of different generations (i.e., grandparents, parents, children), persons of the opposite sex (other than spouses/couples) and unrelated adults are not required to share a bedroom;
- (3) Children of the same sex (regardless of age) and couples co-habiting (whether or not legally married) must share the same bedroom for purpose of assigning the number of bedrooms;
- (4) A live-in care attendant who is not a member of the family is not required to share a bedroom with another household member;

- (5) Individual medical problems (i.e., chronic illness) sometimes require either separate bedrooms for household members who would otherwise be required to share a bedroom or an extra bedroom to store medical equipment;
- (6) In most instances, a bedroom is not provided for a family member who will be absent most of the time, such as a member who is away in the military.

Occupancy standards are used to provide consistent criteria for determining the unit size for which the household is eligible and thus, the amount of assistance to be provided. Fair housing rules permit a household to select smaller units that do not create seriously overcrowded conditions. A tenant may select a larger unit if it meets the FMR for the actual number of bedrooms for which they are eligible according to the eligibility guidelines. Tenants are not allowed to give the landlord additional funds for larger units.

- (7) *Undersized Units*: If a family elects to occupy a unit with fewer bedrooms than specified in the Occupancy Guidelines, the FMR is based on the actual number of bedrooms;
- (8) *Oversized Units*: If a family elects to occupy a unit with more bedrooms than specified in the Occupancy Guidelines, the FMR is based on the number of bedrooms specified in the Occupancy Guidelines.

If an additional bedroom is required for an individual who would normally be required to share a room, the reason must be documented in the file. For example: If an additional room is needed because of a medical condition, documentation may be a note from their doctor; otherwise, if the case manager determines an additional room is needed (medical condition, care-giver, medical equipment etc.) the case manager must document the reason in the case management notes.

In cases where college students and children staying only for weekends etc., the amount of time spent in the unit should be taken into consideration before assigning additional bedroom(s). ESG assistance is short-term and a smaller unit is acceptable if it does not create serious overcrowding; a living room can be counted as a sleeping room. If student/children will be in the unit the majority of the time and future rent will not be a burden, then an additional bedroom can be assigned.

A separate bedroom cannot be issued for an unborn child. Once the baby is born a second bedroom can be issued unless the baby has an older, same sex sibling who has already been issued a bedroom.

(End)

14. Lease Agreements

[24 CFR 576.106, as amended]

A lease must be in place and the program participant must be on the lease in order to use ESG funds for the rent or security deposit. Do not assist an individual renting from a friend or relative if a legal lease is not in place. In cases where an individual is renting a unit from a friend or relative and a legal lease is in place, programs providing assistance must ensure that the arrangement is not in violation of the conflict of interest provisions outlined in the ESG Notice. (e.g. the rent charged and the terms of the lease must be the same for the participant as they are for other tenants renting comparable units).

Rental assistance may be tenant-based or project-based

(A) Tenant-Based Rental Assistance

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

(B) Project-Based Rental Assistance

If the Subgrantee Agency identifies a permanent housing unit that meets ESG requirements and becomes available before identifying a program participant to lease the unit, the Subgrantee 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. Program participants, except as provided in this section, may only occupy each unit covered by the rental assistance agreement ("assisted unit").
- (2) The Subgrantee Agency may pay up to 100 percent of the first month's rent, if a program participant signs a lease and moves into the unit before the end of the month for which the first month's rent is paid. The rent paid before a program

participant moves into the unit must not exceed the rent charged under the program participant's lease and must be included when determining that program participant's total rental assistance.

- (3) The Subgrantee Agency may make monthly rental assistance payments only for each whole or partial month that a program participant leases an assisted unit. When a program participant moves out of an assisted unit, the Subgrantee Agency may pay the next month's rent.
- (4) The program participant's lease must not condition the term of occupancy to the provision of rental assistance payments. If the program participant is determined ineligible or reaches the maximum number of months of assistance, the Subgrantee 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 Subgrantee Agency may resume payments if the individual or family again becomes eligible and needs further rental assistance. Upon termination of payment, another available unit in the same building can receive a transfer of the rental assistance, if the other unit meets all ESG requirements.
- (5) The rental assistance agreement must have an initial term of one year. When a new program participant moves into an assisted unit, the term of the rental assistance agreement extends to cover the initial term of the program participant's lease. If the program participant's lease is renewed, the rental assistance agreement may be renewed or extended, as needed, up to the maximum number of months for which the program participant remains eligible. However, under no circumstances may the Subgrantee Agency commit ESG funds beyond the expenditure deadline or commit funds for a future ESG grant before the grant award.

(C) *Discretion to Set Caps and Conditions*

The Subgrantee Agency may set a maximum amount or percentage of rental assistance that a program participant may receive a maximum number of months that a program participant may receive rental assistance, or a maximum number of times that a program participant may receive rental assistance. The recipient may also require program participants to share in the costs of rent.

(D) *Use with Other Subsidies*

Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, do not provide rental assistance to a program participant who is receiving tenant-based rental assistance, or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources. Do not provide rental assistance to a program participant who receives replacement-housing payments under the URA during the time covered by the URA payments.

(E) *Rent Restrictions*

Rental assistance cannot be provided unless the rent does not exceed the Fair Market Rent established by HUD, as provided under 24 CFR part 888, as amended, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507, as amended.

(F) *Rental Assistance Agreement*

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

(G) *Late Payments*

The Subgrantee 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 Subgrantee Agency is solely responsible for paying late payment penalties that it incurs with non-ESG funds.

(H) *Lease*

Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. Where the assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks. For program participants living in housing with project-based rental assistance, the lease must have an initial term of one year.

(End)

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15. **Habitability Standards and Lead-Based Paint Inspections**

[24 CFR 576.403, as amended]

Third party entities do not have to perform habitability standard inspections and lead-based paint inspections. ESG project staff can conduct the inspections. If a program participant is moving into a unit and using another subsidy program that requires an inspection, staff from the other program may conduct the inspection, as long as they follow the minimum habitability standards required by ESG. Inspections must be conducted upon initial occupancy and then on an annual basis for the term of ESG assistance.

(A) *Habitability Standards*

Habitability Standards inspections are required for any household receiving financial assistance for rental assistance (whether for prevention or rapid rehousing, new unit or existing unit or emergency shelter). Conduct inspections upon initial occupancy, on an annual basis for the term of ESG assistance, and upon a change of tenancy.

Habitability Standards are different from the Housing Quality Standards (HQS) used for other HUD programs. Because the HQS criteria are more stringent than the Habitability Standards - programs could use either standard. Units also need to be compliant with local housing codes relating to occupancy, health, and safety standards. If there are local housing codes, the program must comply with the more stringent of the two.

[See Appendix J “*Habitability Standards for ESG*” for full list of Habitability Standards and use Form No. 14 “*Housing Habitability Standards Inspection Checklist*” during inspections.]

(B) *Lead-Based Paint Inspections*

(1) Introduction

HUD’s new Lead-based paint regulation retained the existing fundamental requirement of repairing the presence of lead-based paint, but it also required control of lead contamination dust associated with the presence of lead-based paint. Lead in dust is the most common pathway of childhood exposure to lead. The “clearance” requirement in the regulation involves testing settled dust for lead contamination after hazard control work. It ensures that fine particles of lead in dust have been cleaned up and the unit is safe for re-occupancy. The old regulations did not require cleanup or clearance. Also trained and certified lead paint professionals are required to assure that lead hazard control work is done safely, resulting in a more effective program that has reduced childhood lead poisoning.

(2) **Exemptions**

The following properties are **not** covered by this regulation, either because lead paint is unlikely to be present, or because children will not occupy the house in the future:

- (a) Housing built on or after January 1, 1978 (when lead paint was banned for residential use);
- (b) Housing exclusively for the elderly or persons with disabilities, unless a child under age 6 is expected to reside there for prolonged periods of time;
- (c) Zero bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks;
- (d) Property has been found to be free of lead-based paint by a certified inspector;
- (e) Property from which all lead-based paint has been removed, and clearance has been achieved;
- (f) Non-residential property;
- (g) Any rehabilitation or housing improvement that does not disturb a painted surface.

(3) **Mortgage Assistance**

The Lead-based paint requirement does **not** apply to one-time mortgage assistance.

(4) **Essential Services**

Essential service activities, such as, counseling, case management, street outreach, referrals to employment, etc., are exempt and excluded from the lead-based paint regulations. Counseling does not trigger requirements under lead-based paint. However, any ESG housing or services sites built prior to 1978 regularly frequented by children less than 6 years of age should use ESG funds for testing. This would include:

- (a) A visual assessment of all painted surfaces to identify deteriorated surfaces;
- (b) Complete paint stabilization of all deteriorated surfaces.
- (c) Incorporate ongoing lead-based paint maintenance activities into the regular building maintenance operations.

(5) **Shelters**

Emergency housing using efficiencies, studio apartments, dormitories, single room occupancy units, barracks, group homes, or room rentals in residential dwellings (all referred to as zero bedroom) are all excluded from the lead-based paint requirements. Programs that provide food service are not considered housing assistance programs and are not covered by the regulation.

Again, ESG housing or services sites built prior to 1978 regularly frequented by children less than 6 years of age should use ESG funds for testing. This would include:

- (a) A visual assessment of all painted surfaces to identify deteriorated surfaces;
- (b) Complete paint stabilization of all deteriorated surfaces;
- (c) Incorporate ongoing lead-based paint maintenance activities into the regular building maintenance operations.

(6) **Rental Housing**

ESG-assisted housing in which units must be free from lead-based paint contamination include:

- (a) Longer-term transitional housing in an apartment with one or more bedrooms AND which has family residents who are receiving continual assistance of more than 100 days, or housing where the household is expected to reside for over 100 days.
- (b) Housing that the resident selects or where the grantee provides services such as housing search; and
- (c) Homeless prevention services such as first month's rent;
- (d) Security deposit assistance.

A lead-based paint inspection is required if all three of the following criteria exist:

- (a) Household is served with Homeless Prevention or Rapid Re-housing funds, and
- (b) Housing is occupied by families with children under the age of 6 or a pregnant woman, and
- (c) Housing was constructed before 1978

(7) **Abatement Work Over \$25,000 Per Unit**

Any work subject to standards in excess of \$25,000 must meet all training and certification requirements of the State of Oregon. Recipients should require documentation of appropriate certifications, and contact to verify compliance with certification requirements. Abatement activities are likely to be triggered only when rehabilitation in excess of \$25,000 per unit or abatement activities are prescribed by an official when a child with Environmental Intervention Blood Lead Level (EIBLL) is present in the unit.

Keep lead-based paint compliance information on file. Lead-based paint inspections are not required if the property has had all lead-based paint identified and removed in accordance with HUD regulations.

(8) Lead-Based Paint Evaluation

Notification of lead-based paint hazards should be provided to occupants within 15 days of the date the evaluation completed in the occupant's primary language. The notice must include:

- (a) A summary of the nature, scope and results of the evaluation;
- (b) Contact name, address and telephone number for more information; and
- (c) The date of the notice.

When hazard reduction activities are undertaken, the responsible party must provide notice to occupants no more than 15 days after the activity is completed. The notice should include 1-3 above, but also include available information on the location of any remaining lead-based paint hazards.

Programs must present evidence that appropriately trained individuals are performing visual assessments. While lead-based paint certification is necessary to conduct lead-based paint inspections, a self-directed online 'visual assessment' training is accessible by this link:

<http://www.hud.gov/offices/lead/training/visualassessment/h00100.cfm>.

You might also check with your local community action agency, as all weatherization programs are now required to have at least one certified lead renovator on staff to conduct a swab test for lead-based paint.

Find basic info regarding the date a dwelling was constructed through the Oregon Assessor and Property Tax Records located at:

<http://publicrecords.onlinesearches.com/Oregon-Assessor-and-Property-Tax-Records.htm>.

(9) Stabilizing Deteriorated Paint

A visual assessment of a unit will reveal the presence of deteriorated paint. Loose, peeling or cracking paint in units may contain lead and therefore pose a serious health hazard for children under six year of age. If deteriorated paint is found, a Deficiencies Notice identifying the specific location(s) of deterioration must be provided to the landlord. In order to be in compliance with ESG rules, landlords are required to stabilize all deteriorated paint surfaces. In properties built prior to 1978, it is required that you use workers trained in lead safe work practices when performing paint stabilization. Paint stabilization must be completed prior to occupancy, if moving, and prior to payment to a landlord.

If inspector detects peeling/deteriorated paint during the visual assessment, costs associated with testing and repair and/or cleanup are not eligible expenses under ESG. However, upon repair of the deteriorated paint, Subgrantee Agency can charge the cost of a clearance exam against the grant under the financial assistance category.

(10) **Related Sites:**

US Environmental Protection Agency, www.epa.gov/lead

The LBP pamphlet may be downloaded from HUD's LBP website:

http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11875.pdf

More information provided by HUD about Lead-Based Paint Poisoning Prevention is available. See 24 CFR Part 35, as amended, at this site:

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title24/24cfr35_main_02.tpl

(End)

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16. Rent Reasonableness and Fair Market Rent

[24 CFR 888 & 24 CFR 982.507, both as amended]

Providing rental assistance requires understanding and adherence to **both** Fair Market Rents (FMRs) and rent reasonableness standards, to determine whether to assist a client with short-or medium-term rental assistance. Provide short-and medium-term rental assistance only when the rent, including utilities, for the housing unit does not exceed FMR **and** complies with HUD's standards for Rent Reasonableness.

"Gross Rent" is the sum of the rent paid to the owner and (*if the tenant pays separately for utilities*), the monthly allowance for utilities established by the public housing authority for the area in which the housing is located. For purposes of calculating the FMR, utilities include electricity, gas, water and sewer, and trash removal services but not cable or satellite television service, or internet service. If the owner pays for all utilities, then gross rent equals the rent paid to the owner.

"Rent Reasonableness" is a reasonable rent when compared to other units of similar location, type, size, and amenities within the community.

- (1) **Do not** provide rental assistance if the rent exceeds the Fair Market Rent (FMR), or does not comply with HUD's standard of rent reasonableness.
- (2) **Determine** and **document** rent reasonableness for all units receiving ESG rental assistance (including arrears) and/or security deposit assistance.
- (3) This requirement applies to **both** homelessness prevention and rapid re-housing assistance.

(A) ***Determining if Rent is Acceptable for ESG Rental Assistance***

Whether a household is seeking to maintain its current housing or relocate to another unit to avoid homelessness (Homelessness Prevention), or exiting homelessness into new housing (Rapid Re-Housing), the process for determining acceptable rent amounts is the same:

- (1) The Recipient or Subgrantee Agency first compares the gross rent (see box following) for the current or new unit with current FMR limits, which are updated annually.
- (2) If the units' gross rent is at or below FMR, the Recipient/Subgrantee Agency next uses current data to determine rent reasonableness.

If the gross rent is **at or below** both the FMR **and** the rent reasonableness standard for a unit of comparable size, type, location, amenities, etc., provide ESG funds to pay the rent amount for the unit.

If the gross rent for the unit **exceeds** FMR or rent reasonableness standard do not use ESG funds for **any** portion of the rent, even if the household is willing and/or able to

pay the difference. However, because the FMR and rent reasonableness requirements apply only to rental assistance, ESG funds may be used:

- (1) to pay for financial assistance and services to help the eligible program participant stay in the unit, or
- (2) to pay for financial assistance and services to locate and move to a different unit that meets the rent reasonableness standard and is at or below FMR and pay rental assistance in that unit

Rent reasonableness and FMR requirements **do not apply** when a program participant receives only financial assistance or services under Housing Stabilization and Relocation Services. This includes rental application fees, security deposits, an initial payment of “last month’s rent,” utility payments/deposits, and/or moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair. (**Note:** “Last month’s rent” may not exceed the rent charged for any other month; security deposits may not exceed 2 months’ rent.)

Calculating the GROSS RENT AMOUNT

To calculate the gross rent of a unit tested by the FMR standard:

$$\begin{array}{r}
 \text{Total contract rent amount of the unit} \\
 + \\
 \text{Any fees required for occupancy under the lease (excluding late fees and pet} \\
 \text{fees)} \\
 + \\
 \text{Monthly utility allowance (excluding telephone) established by local PHA} \\
 = \\
 \text{Gross Rent Amount}
 \end{array}$$

(B) *What is the FMR Requirement?*

HUD establishes FMRs to determine payment standards or rent ceilings for HUD-funded programs that provide rental assistance, which it publishes annually for 530 metropolitan areas and 2,045 non-metropolitan county areas. Federal law requires that HUD publish final FMRs for use in any fiscal year on October 1—the first day of the fiscal year (FY). Find FMRs for each fiscal year at HUD’s website at www.huduser.org/portal/datasets/fmr.html and click on the current “Individual Area Final FY20__ FMR Documentation” link.

This site allows Recipients/Subgrantee Agencies to search for FMRs by selecting their state and county from the provided list. The site also provides detailed information on HUD’s calculation for the FMR for each area.

When using ESG funds for rental assistance, Recipients/Subgrantee Agencies must consult the most current FMR published for their geographic area and document FMR for all units.

To calculate the gross rent for purposes of determining whether it meets the FMR, consider the entire housing cost. This includes rent and the cost of utilities that must, according to the lease, be the responsibility of the tenant. Utility costs may include gas, electric, water, sewer, and trash. However, telephone, cable or satellite television service, and internet service are not included in FMRs, and are not allowable costs under ESG. The FMR also does not include pet fees or late fees that the program participant may accrue for failing to pay the rent by the due date established in the lease.

HUD sets FMRs to ensure that a reasonable supply of modest but adequate rental housing is available to HUD program participants. To accomplish this objective, FMRs must be both high enough to permit a selection of units and neighborhoods and low enough to serve as many low-income families as possible.

Note: Once a unit is determined to meet the FMR and rent reasonableness requirements, use ESG funds to pay for the actual utility costs. Use the utility allowance calculation **only** to determine whether the unit meets the FMR standard.

Example:

A case manager is looking to Rapidly Re-house a mother and son and has identified a 2-bedroom unit at a rent of \$1,200 per month, not including utilities (the tenant's responsibility). The utility allowance established by the PHA is \$150. Therefore, the gross rent is \$1,350. A check of three similar units in the neighborhood reveals that the reasonable rent is \$1,400 for that area of the city. However, the FMR for the jurisdiction is \$1,300. This means the family cannot be assisted with ESG in this unit because the gross rent exceeds the FMR.

DETERMINING AND DOCUMENTING FMR

Recipients/Subgrantee Agencies must ensure that the rent for units assisted under the ESG Program does not exceed current HUD-published FMRs for their particular geographic region.

No geographic area has more than one FMR standard. However, if a Recipient/Subgrantee Agency covers multiple cities or counties, they must use the appropriate FMR for the geographic area in which the assisted rental unit is located. Recipients/Subgrantee Agencies should print and place in case files a copy of the applicable FMR data to document the FMR for that participant's unit size and geographic area.

(C) What is the Rent Reasonableness Requirement?

HUD designed the rent reasonableness standards to ensure that rents paid are reasonable in relation to rents charged for comparable unassisted units in the same market. Methods of determining and documenting rent reasonableness are as follows:

For units within the FMR limit, if a rent reasonableness determination supports a **lower** rent than the advertised rent, then ESG funds may not be used to rent the unit (unless the landlord is willing to lower the rent). However, as with FMR, it is possible to use ESG funds to assist the program participant move to a different unit that does meet both the FMR and rent reasonableness standards. If the rent reasonableness determination supports the advertised rent (and is within the FMR limit), use ESG funds for rental assistance, as long as all other program requirements are met.

DETERMINING AND DOCUMENTING RENT REASONABLENESS

Recipients are responsible for determining what documentation is required in order to meet the rent reasonableness standards. Recipients and Subgrantee Agencies should determine rent reasonableness by considering the location, quality, size, type, and age of the unit, and any amenities, maintenance, and utilities provided by the owner. Check comparable rents by using a market study of rents charged for units of different sizes in different locations or by reviewing advertisements for comparable rental units.

For example, a participant's case file might include the unit's rent and description, a printout of three comparable units' rents, and evidence that these comparison units shared the same features (location, size, amenities, quality, etc.). Another acceptable method of documentation is written verification signed by the property owner or management company, on letterhead, affirming that the rent for a unit assisted with ESG funds is comparable to current rents charged for similar unassisted units managed by the same owner.

Recipients must establish and follow their own written policies and procedures for documenting comparable rents when documenting rent reasonableness in the case file. A Recipient may require all Subgrantee Agencies to use a specific form or a particular data source. Use of a single form to collect data on rents for units of different sizes and locations will make the data collection process uniform. A sample "Rent Reasonableness Checklist and Certification" form is available in the "Forms" section of this manual.

Before conducting its own study of rent levels in its community, a Recipient/Subgrantee Agency should consult existing sources of rental housing data to establish comparable rents. The section below describes some different sources of information on rental units to help Recipients and Subgrantee Agencies meet rent reasonableness requirements. Each recipient must determine which approach is appropriate for its jurisdiction, given the size of its program, other housing programs

it administers, local staff capacity, and other resources available within the community.

Caution Comparable rents vary over time with market changes, so it is important to ensure that the comparison you are using is up-to-date and appropriate for each prospective unit.

(D) Rental Housing Data Sources

Public sources of data: There may be organizations within the recipient’s jurisdiction that collect and aggregate data on the rental housing stock, such as a state or local Public Housing Agency (PHA) or the local Chamber of Commerce.

- (1) **REAL ESTATE ADVERTISEMENTS AND CONTACTS:** Ads in newspapers or online are simple ways to identify comparable rents. The following are potential sources of information:
 - (a) Newspaper ads (including internet versions of newspaper ads);
 - (b) Weekly or monthly neighborhood or “shopper” newspapers with rental listings;
 - (c) “For Rent” signs in windows or on lawns;
 - (d) Bulletin boards in community locations, such as grocery stores, Laundromats, churches, and social service offices
 - (e) Real estate agents;
 - (f) Property management companies that handle rental property; and
 - (g) Rental Listing websites like:
www.apartmentguide.com
www.apartments.com www.forrentmag.com
www.move.com/apartments/main.aspx

Tip: Real estate ads and contacts might not provide all the information the recipient requires to determine rent reasonableness. In such instances, a follow-up call to obtain the missing information may be required; Newspaper and internet listings often contain either the lowest rent or the range of rents when there is variation among units with the same number of bedrooms. The recipient should follow up to determine what causes the rents to vary (e.g., unit size, location within the development, number of bathrooms, amenities), and then document these factors.

- (2) **RENTAL MARKET STUDY:** A rental market study is an in-depth analysis of a particular rental market that is often prepared by independent organizations for specific communities. Commercial firms will frequently conduct these studies before developing rental housing in a particular location. They can provide a good source of data to use as the basis of a rent reasonableness policy. However, some rental market studies may be narrowly focused on a particular type of rental housing (such as housing for seniors or rental condominiums) and might be useful only for certain housing units assisted with ESG funds.

- (3) **RENTAL MARKET SURVEY:** A rental market survey provides a comparison of various landlords and property management companies in the area. Some local governments conduct surveys to assist with planning activities. Additionally, local associations of rental owners and managers may survey their members periodically and publish the results. Many of these surveys report average rents and/or rent ranges by the number of bedrooms and submarket location. However, such surveys frequently do not contain the detailed information required for rent reasonableness comparisons, such as amenities (free parking, laundry, etc.) or additional fees to be paid. Rental market surveys are designed to show the overall picture of the rental market and may not be useful in evaluating the rent for a particular unit type.

Tip: When using either a market study or a market survey, it is very important to understand what is and is not included in the rent reported. For example, surveys/studies may report rents with all, some, or no utilities included. When comparing unassisted market units with ESG-assisted units, it is important to consider whether utilities and other amenities are included in the rent.

- (4) **RENTAL DATABASE:** Some Subgrantee Agencies/Organizations find it useful to build their own rental database in order to perform efficient searches for comparable rents. Building a rental database allows the majority of work to be completed on the front end, which increases the efficiency of making rent reasonableness determinations and allows assistance to be provided more quickly. However, there are serious resource issues to consider for this option, including updating the data and maintaining the database, which can be labor-intensive and costly. If choosing this option, ESG recipients in close proximity to one another may choose to collaborate on a regional database.
- (5) **RURAL HOUSING DATA SOURCES:** While there may be fewer rental units in rural areas than in urban and suburban areas, it is possible to find comparable rents for different unit types located in these areas using various data sources, including:
- (a) **U.S. Department of Agriculture's Rural Development Agency (USDA):** USDA provides direct and guaranteed loans for single and multi-family housing development in rural areas and for farm laborers. Contact information for Rural Development State and Local Offices or USDA Service Centers is available at www.rurdev.usda.gov/recd_map.html. Each Rural Development Office, if it has a Rural Housing component, should provide information on the types of rental housing available in communities throughout the state, and include unit sizes and rental rates.
 - (b) **PHAs:** If a rural community is also under the jurisdiction of a PHA, the PHA may be a source of comparable rent data.
 - (c) **Real estate agents:** Local real estate agents are not only knowledgeable about real estate prices but often are a source of information on rental housing in the area. They may be able to extrapolate rent estimates based

on the general cost of housing in the area. To find real estate agents active in particular communities, recipients can consult the National Association of Realtors on the web at www.realtor.org. For demographic information on the housing stock, market trends, etc., recipients should access www.realtor.org/research.

(E) Components of an Effective Policy

For monitoring purposes, HUD will determine whether the Recipient/Subgrantee Agency developed a written policy and followed that policy to determine and document that:

- (1) The rent was reasonable; **and**
- (2) The rent was within the established FMR limit.

The evidence documented in the case file supports the basis for the determination. Therefore, adequate documentation will enable a supervisor or other entity charged with monitoring the program to identify the factors and process that resulted in the determination that each unit met HUD requirements.

Recipients'/Subgrantee Agencies' policies and procedures must be transparent and consistently applied across their program, and result in decisions that comply with HUD requirements. At a minimum, an effective policy includes a methodology, documentation requirements, staffing assignments, and strategies for addressing special circumstances.

This means that policies and procedures should provide step-by-step guidance on making comparisons between the program participant's rent, the FMR, and the rent reasonableness standards for comparable units in that community. This includes the documentation to be included in each case file, such as forms and/or case notes from the staff making the determination.

For example, a recipient could create a policy where a provider must consider the rents of three comparable units and allow as "reasonable" only rents that fall within \$50 of the average of the three comparable rents. In this example, a rent could be paid that is slightly higher than some of the individual comparable units. That rent would still be considered "reasonable" under the recipient's policy—but rent could only be paid if it is **also** at or below the FMR.

STAFF ROLES AND RESPONSIBILITIES

The responsibility of determining and documenting each unit's compliance with these standards may be assigned to one or more program staff, such as the case manager, clerical support staff, or a staff member who is assigned to conduct habitability inspections. One staff person may perform all the checks, or divide the tasks among more than one staff. For example, for rent reasonableness, one staff member could conduct a telephone survey of the property owner/landlords, while another searches rental databases for comparable properties.

RESOURCES:

See Appendices for the Rent Reasonableness form

24 CFR 888, as amended

24 CFR 982.503, as amended

24 CFR 982.507, as amended

24 CFR 982.517, as amended

24 CFR 576.106(d), as amended

Find CFRs electronically at:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>

17. Termination

[24 CFR 576.402, as amended]

Subgrantee Agencies/Organizations must have written termination, denial, and grievance policies and/or procedures. The policies and/or procedures should be readily available to program participants either in written information or by posting the policy in a public place. It is important to effectively communicate these policies and/or procedures to households and ensure that they are fully understood.

If a program participant violates program requirements, the Subgrantee Agency/Organization may terminate the assistance in accordance with a formal process established by the Recipient/Subgrantee Agency that recognizes the right of individuals affected. Exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that you terminate a program participant's assistance ONLY in the most severe cases.

To terminate ESG program services to a program participant, a formal process is required and 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 subordinate of that person) who originally made or approved the termination decision;
AND
- (3) Prompt written notice of the final decision to the program participant.

Termination does not bar the Subgrantee Agency/Organization from providing further assistance, later, to the same family or individual.

(End)

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18. Appeals and Hearings

[24 CFR 576.402(a), as amended]

(A) *The Hearing Process*

A hearing is a formal proceeding leading to a final decision regarding a client's right to benefits when the client has filed a hearing request and disputed a decision made by Subgrantee Agency staff. The hearings process provides a "second look" to ensure case managers followed proper procedures and policies. Hearings can also resolve other issues.

The U. S. Constitution, federal law, state statute, and program guidelines give clients the right to a hearing. Typically, after denied, reduced, or closed benefits, is when clients request hearings. A person also has a right to a hearing when the Subgrantee Agency claims an overpayment or when there is a claim that the client committed an intentional program violation.

Many cases can be resolved informally, prior to the hearing, when case managers explain the situation to the client and review the policy used to make the decision in question. Informal conferences may also resolve cases. A key to successfully resolving cases informally is creating an opportunity to exchange information with the client.

- (1) Inform applicants of their right to an appeal hearing during the intake interview.
- (2) If a claim is denied, a written notice must tell the applicants:
 - (a) The reason for denial of assistance;
 - (b) That they may provide additional information for re-evaluating their claim;
 - (c) That they have 30 days from the date of the Notice to ask for a hearing and;
 - (d) Their rights to further appeal the decision.
- (3) A hearing is scheduled and held by a hearings panel at the local agency. The staff person who took the application must not be a member of the panel.
- (4) Within (30) thirty days after the hearing, inform the applicants/clients, by written notice and certified mail, of the decision. Inform the applicant/client of their right to appeal the decision to OHCS within 30 days of receiving the notice. Applicants/Clients forfeit hearing rights if the applicant/client does not request a hearing at OHCS within 30 days of the date of notice.

(B) *Applicant Rights*

All applicants requesting a hearing have the right to:

- (1) A representative at the hearing;
- (2) Present written and oral statements, and other evidence;

- (3) Subpoena witnesses and cross examine, and
- (4) Bring an interpreter to the hearing.

(C) *Hearing Conditions*

All hearings must:

- (1) Be held in a place convenient for the applicant;
- (2) Allow the applicant to review the case file;
- (3) Have a hearings panel whose members were not involved in the initial decision process of the local agency;
- (4) Allow testimony given under oath;
- (5) May be recorded and any decision determined on that basis, and;
- (6) To accommodate a disability and by request, conduct the hearing via telephone conference call.

(D) *Hearing Decorum*

Hold hearings in a manner that emphasizes fairness and impartiality. It is essential that the applicant/client leave the hearing with the feeling that the Hearings Panel provided a dignified, meaningful, and fair hearing. Therefore, observe the following:

- (1) The Hearings Panel will be established with no less than 3 members;
- (2) The Hearings Panel will appoint a presiding officer that would control all aspects of the hearing;
- (3) The Hearings Panel would occupy a central location within the hearings room;
- (4) Agency staff will not enter the hearings room prior to the appearance of the applicant;
- (5) Agency staff and the applicant/client will leave the hearings room at the same time, at the close of the hearing;
- (6) There is no discussion of the hearings issue or evidence, between agency staff, the applicant/client and the Hearings Panel, prior to, or after the hearing; and
- (7) The presiding officer will maintain strict order at all times in the hearings room.

(E) *Withdrawal of Request for a Hearing*

Applicants/Clients may withdraw the request for a hearing either orally or in writing to the local agency or to OHCS. Acknowledge applicant/client withdrawals in writing, sending the original by certified mail and keep one copy in the applicant/client file.

(F) *Dismissal for Failure to Appear*

Dismiss a hearings request, by order, when neither the applicant/client nor the applicant /client's representative appears at the time and place specified for the hearing. The order is effective on the date scheduled for the hearing. The agency will cancel the dismissal order on request of the applicant/client on a showing that the applicant/client and/or applicant's/client's representative were/was unable to attend the hearing and unable to request a postponement for reasons beyond his or her control.

(G) *The Hearing Order*

The presiding officer of the Hearings Panel submits a written summary within (30) thirty days following the hearing, making a recommendation to the agency Director to render a decision.

The hearing summary must contain:

- (1) Finding of facts;
- (2) Conclusions of law and policy material applicable to the facts; and
- (3) Rulings on any objections made.

(H) *The Final Order*

The agency Director shall have had no part in the action forming the basis for the protest. Base the final order solely upon the testimony and evidence presented during the hearing. The order will consider whether the agency office acted correctly in applying OHCS rules and regulations, policy material, and state and federal statutes. The final order shall contain the hearing panel's recommendations. The agency Director shall state the determination based on the hearings summary and give the applicant/client information on how to appeal to OHCS.

(I) *Appeals of Final Orders to OHCS*

The applicant/client may appeal the final order to OHCS within (30) thirty days of the date of the mailing of the final order. OHCS makes a determination based on the testimony and evidence offered at the time of the hearing and entered into the record. Mail a copy of OHCS' determination and hearing rights before the Office of Administrative Hearings to both the applicant/client and the agency within (10) ten working days of the ruling.

The Office of Administrative Hearings provides an independent and impartial forum for citizens and businesses to dispute state agency action against them. According to the Oregon Legislature, the applicant may request a hearing before the Office of Administrative Hearings within (30) thirty days of the date of mailing OHCS's determination.

Find Regional offices at the Office of Administrative Hearings website at: http://www.oregon.gov/oah/Pages/contact_us.aspx. The Main Office is located at:

Office of Administrative Hearings
Administrative Offices
4600 25th Ave. NE, Suite 140
Salem, OR 97301
Ph: (503) 947-1918
Fax: (503) 947-1531
Mailing Address: PO Box 14020, Salem, OR 97309-4020

(J) *Policy Statement within Hearing Orders*

The testimony and evidence is specific to each case and is heard and entered into the record after the hearing of such testimony and evidence. Each case stands alone on its own merits and cannot be construed as a policy statement(s) that can be applied to any other case.

(End)

19. **Financial Management**

[24 CFR 576.100, 576.108, 576.109, 576.201, 576.203, 576.300, all as amended, OMB Circular A-87 (2 CFR 225) and A-122 (2 CFR 230), Uniform Administrative Requirements, and Allowable Cost Circulars], as amended

Programs will maintain an accounting system, which segregates each major funding category (Street Outreach, Homeless Prevention Financial Assistance, Homeless Prevention Stabilization Services, Rapid Rehousing Financial Assistance, Rapid Re-Housing Stabilization Services, Admin., etc.).

Subgrantee Agencies will fully expend funds from a previous funding cycle before spending funds from a current funding cycle.

Specific Standards and Conditions can be found in the Master Grant Agreement Exhibit entitled “*Standards and Conditions*”.

(A) Support of Salaries and Wages

OMB Circular A-122 and A-87 directs non-profit agencies and governmental agencies on the required methods for supporting personnel expenses charged to federal grants. Timecards must indicate, after-the-fact, total time worked indicating the percentage of this total time that was worked on ESG. Keep timecards signed by the employee and supervisor and generated at least monthly.

Find OMB Circulars electronically at:

http://www.whitehouse.gov/omb/circulars_default

(B) Match Requirements

[24 CFR 576.201, Master Grant Agreement ESG Program Element]

(1) Required amount of matching contributions

Except as provided in the next paragraph, the Subgrantee Agency must make matching contributions to supplement the Subgrantee Agency’s ESG program in an amount that equals the amount of ESG funds provided by HUD – 100%.

The Recipient (OHCS) is not required to match the first \$100,000 of the fiscal year grant and transfers the benefit of this exception to its Subgrantee Agencies that are least capable of providing matching contributions through a waiver. Subgrantee Agencies desirable of a waiver, must contact the OHCS ESG Program Analyst.

This matching requirement does not apply if the recipient is a territory.

(2) Eligible sources of matching contributions

Obtain matching contributions from any source, including any Federal (non-ESG) source, as well as state, local, and private sources. However, the following requirements apply to matching contributions from a Federal source of funds:

- (a) The Subgrantee Agency must ensure the laws governing any funds used as matching contributions do not prohibit the use of those funds to match Emergency Solutions Grant (ESG) funds.
- (b) If Subgrantee Agencies uses ESG funds to satisfy the matching requirements of another Federal program, then do not use funding from that program to satisfy the matching requirements under this section.

(3) Recognition of matching contribution:

All sources listed as match must meet these criteria:

- (a) Every match source must have supplemental documentation
- (b) The source and amount has not been committed as match for another state/federal program;
- (c) The match must be provided during this ESG grant term;
- (d) The match must be used for ESG eligible activities;
- (e) The match must be used for ESG eligible clients;
- (f) The match must be documented in the same way that an ESG dollar would be;
- (g) No funding source that is matched by this ESG grant can be used to match ESG in return (i.e., reciprocal matching is not permitted).

TIP:

- If you are using other grants to meet the ESG match you must attach a copy of the award letter.
- Approval letter from State Agency, if a state grant will be used as match;
- In-Kind match is acceptable. Proof of in-kind must be documented.
- Additional Guidance HUD Regulation §576.201 at <http://www.gpo.gov/fdsys/pkg/CFR-2012-title24-vol3/xml/CFR-2012-title24-vol3-sec576-201.xml>

(4) Eligible types of matching contributions [24 CFR 576.201]

Grantees/recipients may use any of the following in calculating the amount of matching funds provided:

- (a) Cash;
- (b) The value or fair rental value of any donated material or building;
- (c) The value of any lease on a building;
- (d) Any salary paid to staff to carry out the program of the recipient; and
- (e) The value of the time and services contributed by volunteers to carry out the program of the recipient at a current rate of \$10 per hour. (Note:

Volunteers providing professional services such as medical or legal services are valued at the reasonable and customary rate in the community).

(5) Non-Allowable Match

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

(a) Cash contributions:

Cash expended for allowable costs, as defined in OMB Circulars A-87 (2 CFR part 225) and A-122 (2 CFR part 230), of the Subgrantee Agency.

(b) Noncash contributions:

The value of any real property, equipment, goods, or services contributed to the Recipient's or Subgrantee Agency's ESG program, provided that if the Subgrantee Agency had to pay for them with grant funds, the costs would have been allowable. Noncash contributions may also include the purchase value of any donated building and other public benefits such as: Housing Choice Voucher; SNAP Benefits; Tenant portion of rent; HOME/TBRA; and SHP

(6) Calculating the amount of noncash contributions

To determine the value of any donated material or building, or of any lease, the Subgrantee Agency 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 Subgrantee's Agency. If the Subgrantee's Agency does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in the same labor market.

Some noncash contributions are real property, equipment, goods, or services that, if the Subgrantee Agency had to pay for them with grant funds, the payments would have been indirect costs. Give matching credit for these contributions only if the Subgrantee Agency has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of those contributions.

(7) Costs paid by program income

Costs paid by program income shall count toward meeting the Subgrantee Agency's matching requirements, provided the costs are eligible ESG costs that supplement the Subgrantee Agency's ESG program.

(C) Indirect Costs

In general, ESG grant funds may be used to pay indirect costs in accordance with OMB Circular A-87 (2 CFR part 225, as amended), or A-122 (2 CFR part 230, as amended), as applicable.

- (1) Indirect costs are those incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. Treat direct cost of minor amounts as indirect costs under the conditions described in subparagraph B.2. After direct costs have been determined and assigned directly to awards or other work as appropriate, indirect costs are those remaining to be allocated to benefiting cost objectives. Do not allocate a cost to an award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, and assigned to an award as a direct cost.
- (2) Because of the diverse characteristics and accounting practices of non-profit organizations, it is not possible to specify the types of cost, which may be classified as indirect cost in all situations. However, typical examples of indirect cost for many non-profit organizations may include depreciation or use allowances on buildings and equipment, the costs of operating and maintaining facilities, and general administration and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting.
- (3) Classify indirect costs within two broad categories: "Facilities" and "Administration." "Facilities" means as depreciation and use allowances on buildings, equipment and capital improvement, interest on debt associated with certain buildings, equipment and capital improvements, and operations and maintenance expenses. "Administration" is defined as general administration and general expenses such as the director's office, accounting, personnel, library expenses and all other types of expenditures not listed specifically under one of the subcategories of "Facilities" (including cross allocations from other pools, where applicable). See indirect cost rate reporting requirements in subparagraphs D.2.e and D.3.g.
- (4) Allocation of Indirect Costs and Determination of Indirect Cost Rates must be in line with OMB Circulars previously cited.

(D) Request for Funds

The OPUS System is a web-based centralized data system designed to meet business-processing needs.

The OPUS System has its own manual. If you need a copy of this manual, please contact the OPUS Help Desk. OPUS Help Desk has multiple staff for coverage with one lead staff member assigned to it. OHCS Fiscal staff work closely with the OPUS System and several reports can be obtained, such as the Grant Management Report.

Subgrantee Agencies request reimbursement of expenses by using the OPUS System. Send Request for Funds regularly. If you have any questions regarding the OPUS System, contact the OPUS Help Desk.

Reach OPUS Help Desk at:

Email: opushelp@hcs.state.or.us

Ph: (503) 986-2099

Toll Free: (800) 453-5511 Option 6

(End)

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20. HMIS and Reporting Requirements

[24 CFR 121, 24 CFR 576.107, as amended, See HUD's Office of Community Planning and Development Notice CPD13-017, as amended, Draft HMIS Data Standards at: <https://www.onecpd.info/resource/2917/2013-draft-hmis-data-standards/>]

(A) **HMIS**

Homeless Management Information System is a way for Subgrantee Agency/Organizations of the Emergency Solution Grant Program to consolidated and coordinate program participant information.

ESG requires participation in HMIS. The designated system for use by ESG-funded agencies is ServicePoint (Bowman Systems, Copyright 2012, All Rights Reserved). Each Subgrantee Agency/Organization must follow all state and federal laws governing HMIS, including:

- (1) Collecting informed written consent from program participants,
- (2) Not denying service based solely on program participant refusal to provide data to an HMIS,
- (3) Protecting program participant confidentiality,
- (4) Not collecting personally identifying information from program participants that are victims of domestic violence in HMIS is restricted by organization; however, use another comparable database, and
- (5) Using the HMIS as a tool to evaluate individuals and families applying for or receiving homelessness prevention or rapid re-housing assistance;
- (6) Conducting the initial evaluation through HMIS, including verifying and documenting eligibility, for individuals and families applying for homelessness prevention or rapid re-housing assistance;
- (7) Developing, securing, and coordinating services and obtaining Federal, State, and local benefits;
- (8) Monitoring and evaluating program participant progress;
- (9) Providing information and referrals to other providers within HMIS guidelines;
- (10) Developing an individualized housing and service plan, including planning a path to permanent housing stability;
- (11) Conducting re-evaluations required through HMIS, and
- (12) Other requirements defined in RCW 43.185C.030, 43.185C.180, and VAWA Reauthorization Section 605

Please note that households should remain in the program(s) in ServicePoint, for which they were initially enrolled, (Homeless Prevention or Rapid Rehousing) throughout their term of service.

The HMIS standards require that Subgrantee Agency/Organizations enter income sources and amounts and non-cash benefits received in the past 30 days during three points in time:

- at entry into program
- at exit from the program
- at least once quarterly or annually, depending on the re-assessment period

Do not use this amount documented through this calculation to determine eligibility, but rather use it to show that the household does lack resources to maintain housing.

(B) Reporting Requirements

Subgrantee Agency/Organization will compile data for ESG reporting using ServicePoint HMIS. Enter data at the time of service, within 72 hours (as negotiated with individual CoC), as data completeness and integrity is key element to successful use of HMIS. Programs should prioritize data quality and reporting.

DV Shelters contact: Ann Brown at ann.brown@state.or.us, (503) 986-2122.

(C) Regular Reports

Subgrantee Agencies are required to submit to OHCS ESG Program Analyst a status report after the end of every fiscal quarter. This report is submitted on an OHCS-developed document and is due 20 days after each quarter end – October 20, December 20, March 20, and June 20.

For HMIS-Related problems or concerns, contact the OHCS HMIS specialist, Rena Croucher at rena.croucher@state.or.us, (503) 986-0978.

(D) Personal Identifying Data

Individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, could include:

- (1) A first and last name;
- (2) A home or other physical address;
- (3) Contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- (4) A social security number; and
- (5) Any other information, including date of birth, racial or ethnic background, or religious affiliation that, in combination with any other non-personally identifying information, would serve to identify any individual collecting “non-identified” client records

(E) Data Entry for “Non-Identified” Client Records

- (1) Leave the “Name” fields NULL (blank). Do not write in names such as “Anonymous” or “Refused” as that will compromise data quality at the state level.
- (2) If there are no personal identifiers for a client record, there needs to be an “Agency Unique ID” of some sort created and stored in the system that can be used by the agency to access the record later (and should not be an algorithm of elements that can lead to the client’s identification).
- (3) Enter an approximate year of birth – subtract or add one to three years to the actual year of birth.
- (4) Enter “Refused” for gender, race, and ethnicity when the real answers to those questions, in combination with other data, can potentially lead to identification of the client.
- (5) Enter any additional answer to the universal, program-specific and optional data elements (from the March 2010 HMIS Data Standards) only if the answers to those questions, in combination with other data, will not lead to the identification of the client.
- (6) Program Entry Date, Program Exit Date and Service Date are generally required unless you use those elements in combination with other elements to identify the client. If this is the case, please enter an approximate Program Entry Date, Program Exit Date and Service Date by adding one to three months to the actual dates and keeping the “Length of Stay” (the number of days between program entry and program exit) consistent with reality. Keep the approximate service date, if used, within the actual service date’s reporting period.

Find HMIS Technical Assistance at the OneCPD website at:

<http://www.hudhre.info/index.cfm?do=tarrs.actMakeTARrequest>

(F) Electronic Confidentiality

Electronically collect client information for the limited purpose of administering ESG in accordance with the rules and regulation on ServicePoint (an HMIS data-collection system). The following guidelines apply to the use of a computer for the purposes of confidentiality:

- (1) The computer terminal(s) used must be located in a secure location, limiting access to only those persons who have a legitimate interest in and are responsible in viewing client records.
- (2) The computer monitor must be cleared (or a screen saver activated) immediately after accessing a client record.
- (3) The computer terminal must be on a “locked” mode or turned off if the terminal is unattended.
- (4) Access to ServicePoint shall be given to authorized staff persons and only insofar as access is required for performing the work required pursuant to ESG.
- (5) Information Asset, Network and Information System: Subgrantee Agencies who have access to, or use of, any ServicePoint computer system, shall comply with

OAR 407-014-0300 – 407-014-0320. For purposes of this section, “Information Asset, Network and Information System” have the meaning set forth in OAR 407-014-0305.

(End)

21. **Monitoring**

[24 CFR 576.107, as amended]

OHCS generally will advise the Subgrantee Agencies as to its observations and findings generated by any on-site visit, usually through an exit interview. Within (60) sixty days after an on-site inspection, OHCS will provide Subgrantee Agencies with a written report as to its findings from that inspection. OHCS will advise of any corrective action that is appropriate based upon its monitoring activities or otherwise. Subgrantee Agencies shall timely satisfy such corrective actions required by OHCS.

(A) **Major Findings Resolution**

OHCS may track and follow up with Subgrantee Agency regarding the correction of findings made or other corrective actions required in OHCS' monitoring of performance. The tracking record developed by OHCS may include, without limitation: findings, corrective actions, and deliverables, due dates, responsible parties, actions taken, and final resolution. Findings shall be resolved and other required corrective actions taken within the timeframes reasonably given by OHCS by written report or otherwise.

(B) **Remedies**

If OHCS determines, in its sole discretion, that Subgrantee Agency has failed to comply timely with any material obligation, including but not limited to any OHCS directive or term of a corrective action plan, OHCS may exercise any remedy available to it, applicable law, or otherwise. Such remedies may include, but are not limited to:

- (1) Terminating any part or all of the Subgrantee Agency's Master Grant Agreement;
- (2) Modifying any NOA;
- (3) Withholding and/or reducing grant funds;
- (4) Disallowing costs;
- (5) Suspending and/or recouping payments;
- (6) Appointing a receiver for the receipt and administration of grant funds;
- (7) Requiring corrective action as it may determine to be appropriate;
- (8) Bringing suit or action in an appropriate forum; including by temporary restraining order, injunction, specific performance or otherwise;
- (9) Debarring or otherwise limiting Subgrantee Agency eligibility for other funding from OHCS;
- (10) Instituting criminal action for misstatements or fraud;
- (11) Requesting investigation, audit and/or sanction by other governmental bodies.

The rights and remedies of OHCS provided in this Section shall not be exclusive and are in addition to any other rights and remedies provided, by law, or otherwise. OHCS reserves the right to monitor Subgrantee Agency Organizations within this scope. This Section also does not limit Subgrantee Agency remedies by law, or otherwise. See the Subgrantee Agency "*Master Grant Agreement*" for full Monitoring information.

(C) **Organization Monitoring**

Subgrantee Agencies shall monitor their service Organization regularly and be prepared to share monitoring reports of such activities with the OHCS monitor.

(End)

22. Resources

Find the HUD Resource Exchange site, also referred to as OneCPD Resource Exchange, at:
<https://www.onecpd.info/esg/>

The HUD Resource Exchange site includes:

- ESG Program Guidance;
- Regulations and Allocations;
- Tools and TA Resources;
- Webinars;
- Listserv opportunities; and
- Frequently asked questions

(End)

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ATTACHMENT C

CDBG Method of Distribution

All documents are available on-line at:

<http://www.orinfrastructure.org/Learn-About-Infrastructure-Programs/>

[Interested-in-a-Community-Development-Project/Community-Development-Block-Grant/](http://www.orinfrastructure.org/Learn-About-Infrastructure-Programs/Interested-in-a-Community-Development-Project/Community-Development-Block-Grant/)

ATTACHMENT D

CERTIFICATIONS

STATE CERTIFICATIONS

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

Affirmatively Further Fair Housing -- The State will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

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, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this 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 State -- The submission of the consolidated plan is authorized under State law and the State possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.



Signature/Authorized Official

11.7.13

Date



Title

Specific HOME Certifications

The State certifies that:

Tenant Based Rental Assistance -- If it intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the State's 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.

Appropriate Financial Assistance -- Before committing any funds to a project, the State or its recipients 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/Authorized Official

11-7-13

Date

Director

Title

ESG Certifications

Each State that seeks funding under the Emergency Solutions Grants Program must provide the following certifications:

Matching Funds – The State will obtain any matching amounts required under 24 CFR 576.201 in a manner so that its subrecipients that are least capable of providing matching amounts receive the benefit of the exception under 24 CFR 576.201(a)(2).

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

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

The State will ensure that its subrecipients comply with the following criteria:

Major rehabilitation/conversion – If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

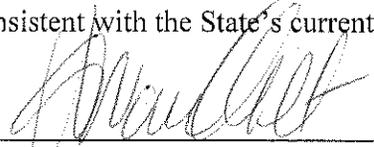
Essential Services and Operating Costs – If ESG funds are used for shelter operations or essential services related to street outreach or emergency shelter, the subrecipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided,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

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

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

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

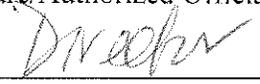
Consolidated Plan – All activities the subrecipient undertakes with assistance under ESG are consistent with the State's current HUD-approved consolidated plan.



Signature/Authorized Official

11-7-13

Date



Title

STATE CERTIFICATIONS

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

Affirmatively Further Fair Housing -- The State will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

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, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under

subparagraph 4(b), with respect to any employee who is so convicted -

- (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

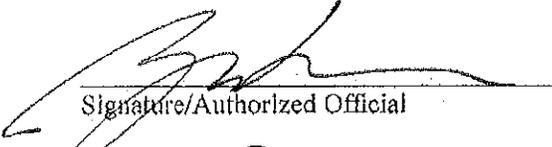
Anti-Lobbying -- To the best of the State's knowledge and belief:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- 3. It will require that the language of paragraphs 1 and 2 of this 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 State -- The submission of the consolidated plan is authorized under State law and the State possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.


Signature/Authorized Official

10-17-13
Date

IFA Director
Title

Specific CDBG Certifications

The State certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR §91.115 and each unit of general local government that receives assistance from the State is or will be following a detailed citizen participation plan that satisfies the requirements of 24 CFR §570.486.

Consultation with Local Governments -- It has or will comply with the following:

1. It has consulted with affected units of local government in the nonentitlement area of the State in determining the method of distribution of funding;
2. It engages in or will engage in planning for community development activities;
3. It provides or will provide technical assistance to units of local government in connection with community development programs; and
4. It will not refuse to distribute funds to any unit of general local government on the basis of the particular eligible activity selected by the unit of general local government to meet its community development needs, except that a State is not prevented from establishing priorities in distributing funding on the basis of the activities selected.

Local Needs Identification -- It will require each unit of general local government to be funded to identify its community development and housing needs, including the needs of low-income and moderate-income families, and the activities to be undertaken to meet these needs.

Community Development Plan -- Its consolidated housing and community development 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 objectives of Title I of the Housing and Community Development Act of 1974, as amended. (See 24 CFR 570.2 and 24 CFR part 570)

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 certifies that 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 activities which the grantee certifies are designed to meet other community development needs having a 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);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) ~~1999-2000~~, and ~~2001~~ (a period specified by the grantee consisting 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. The state will require units of general local government that receive CDBG funds to certify to the following:

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.

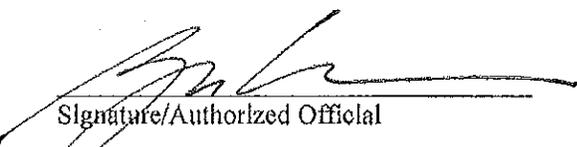
It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, 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 will require units of general local government that receive CDBG funds to certify that they have adopted and are 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 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

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



Signature/Authorized Official

10-17-13

Date

IFA Director

Title

HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Neda Ghatem Deem 11-5-13
Signature/Authorized Official Date

HIV-STD-TB Section mgmt
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING REQUIREMENTS:

A. 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.

ATTACHMENT E

Standard Forms 424

Application for Federal Assistance SF-424

Version 02

*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application * If Revision, select appropriate letter(s) <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision	*Other (Specify) _____
--	---	----------------------------------

3. Date Received:	4. Applicant Identifier:
--------------------------	---------------------------------

5a. Federal Entity Identifier: n/a	*5b. Federal Award Identifier: E13-DC-41-0001
--	---

State Use Only:

6. Date Received by State:	7. State Application Identifier:
-----------------------------------	---

8. APPLICANT INFORMATION:

***a. Legal Name:** Oregon Housing and Community Services

*b. Employer/Taxpayer Identification Number (EIN/TIN): 93-0952117	*c. Organizational DUNS: 809-580-293
---	--

d. Address:

***Street 1:** 725 Summer St. N.E. Suite B
Street 2: _____
***City:** Salem
County: Marion
***State:** Oregon
Province: _____
***Country:** USA
***Zip / Postal Code** 97301

e. Organizational Unit:

Department Name: Oregon Housing and Community Services ESG	Division Name: Community Services
---	---

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: _____ ***First Name:** Ann
Middle Name: _____
***Last Name:** Brown
Suffix: _____

Title: Program Analyst

Organizational Affiliation:

***Telephone Number:** 503-986-2122 **Fax Number:** 503-986-2006

***Email:** ann.brown@hcs.state.or.us

Application for Federal Assistance SF-424

Version 02

***9. Type of Applicant 1: Select Applicant Type:**

A.State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14-231

CFDA Title:

Emergency Solutions Grant

***12 Funding Opportunity Number:**

n/a

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Balance of State

***15. Descriptive Title of Applicant's Project:**

Identify sheltered and unsheltered homeless persons as well as those at risk of homelessness, and provide the services necessary to help those persons quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant: 1,2,3,4,5,6

*b. Program/Project: 1,2,4,5,6

17. Proposed Project:

*a. Start Date: 01/01/2013

*b. End Date: 12/31/2013

18. Estimated Funding (\$):

*a. Federal	<u>\$ 1,368,385.00</u>
*b. Applicant	_____
*c. State	_____
*d. Local	_____
*e. Other	_____
*f. Program Income	_____
*g. TOTAL	<u>\$ 1,368,385.00</u>

***19. 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.)**

- Yes No

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 218, Section 1001)

** I AGREE

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

Authorized Representative:

Prefix: ms. *First Name: Margaret

Middle Name: L

*Last Name: Van Vliet

Suffix: _____

*Title: Director

*Telephone Number: 503-986-2000

Fax Number: 503-986-2006

* Email: margaret.vanvliet@state.or.us

*Signature of Authorized Representative:

*Date Signed:

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

Application for Federal Assistance SF-424

Version 02

*1. Type of Submission		*2. Type of Application	*If Revision, select appropriate letter(s):
<input type="checkbox"/> Preapplication		<input type="checkbox"/> New	
<input checked="" type="checkbox"/> Application		<input checked="" type="checkbox"/> Continuation	* Other (Specify)
<input type="checkbox"/> Changed/Corrected Application		<input type="checkbox"/> Revision	
*3. Date Received:		4. Application Identifier:	
5a. Federal Entity Identifier:		*5b. Federal Award Identifier:	
State Use Only:			
6. Date Received by State:		7. State Application Identifier:	
8. APPLICANT INFORMATION:			
* a. Legal Name: Oregon Housing and Community Services			
* b. Employer/Taxpayer Identification Number (EIN/TIN): 93-0952117		*c. Organizational DUNS: 809-580-293	
d. Address:			
*Street 1: 725 Summer Street NE Ste. B			
Street 2:			
*City: Salem			
County: Marion			
*State: Oregon			
Province:			
Country: USA		*Zip/ Postal Code: 97301	
e. Organizational Unit:			
Department Name: Multifamily Finance and Resources		Division Name: Program Delivery Division	
f. Name and contact information of person to be contacted on matters involving this application:			
Prefix:		First Name: Carole	
Middle Name:			
*Last Name: Dicksa			
Suffix:			
Title: HOME Program Manager			
Organizational Affiliation: State of Oregon			
*Telephone Number: 503-986-2137		Fax Number:	
*Email: carole.dicksa@state.or.us			

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type: A. State Government

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

*Other (specify):

*10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.239

CFDA Title:

HOME Investment Partnerships Program (HOME)

*12. Funding Opportunity Number:

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

State-wide Non-entitlement Areas

*15. Descriptive Title of Applicant's Project:

The HOME Program makes funding available for multifamily rents housing development and tenant based rental assistance for low and very low income families.

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant 1-6

*b. Program/Project: 1-5

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

17. Proposed Project:

*a. Start Date: 01-01-2014

*b. End Date: 12-31-2014

18. Estimated Funding (\$):

*a. Federal	\$6,110,481.00
*b. Applicant	
*c. State	\$1,527,620.00
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	\$7,638,101.00

***19. 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.)

- Yes
- No

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 218, Section 1001)

**I AGREE

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

Authorized Representative:

Prefix: *First Name: Margaret

Middle Name:

*Last Name: Van Vliet

Suffix:

*Title: Director

*Telephone Number: 503-986-2000

Fax Number: 503-986-2020

*Email: margaret.vanvliet@hcs.state.or.us

*Signature of Authorized Representative:

Date Signed:

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

Application for Federal Assistance SF-424		Version 02
*1. Type of Submission		*2. Type of Application
<input type="checkbox"/> Preapplication	<input type="checkbox"/> New	*If Revision, select appropriate letter(s):
<input checked="" type="checkbox"/> Application	<input checked="" type="checkbox"/> Continuation	* Other (Specify)
<input type="checkbox"/> Changed/Corrected Application	<input type="checkbox"/> Revision	
*3. Date Received:		4. Application Identifier:
5a. Federal Entity Identifier:		*5b. Federal Award Identifier: ORH013-F999
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
8. APPLICANT INFORMATION:		
* a. Legal Name: Oregon Health Authority		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 93-6001752		*c. Organizational DUNS: 87-814-4021
d. Address:		
*Street1: 800 NE Oregon Street Street 2: Suite 1105 *City: Portland County: Multnomah *State: Oregon Province: Country: United States		
*Zip/ Postal Code: 97232		
e. Organizational Unit:		
Department Name: Center for Public Health Practice HIV STD & TB Section		Division Name: Public Health
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Middle Name:		First Name: Veda
*Last Name: Latin-Green		
Suffix:		
Title: HIV/STD/TB Section Manager		
Organizational Affiliation:		
*Telephone Number: 971-673-0175		Fax Number: 971-673-0178
*Email: veda.latin@state.or.us		

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type: A. State Government

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

*Other (specify):

*10. Name of Federal Agency:

HUD

11. Catalog of Federal Domestic Assistance Number:

14.241

CFDA Title:

Housing Opportunities for Persons with AIDS

*12. Funding Opportunity Number:

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Balance of State

*15. Descriptive Title of Applicant's Project:

Assist people living with HIV/AIDS in creating a continuum of stable, sustainable housing.

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant **3**

*b. Program/Project: **1-5**

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

17. Proposed Project:

*a. Start Date: **01/01/2014**

*b. End Date: **12/31/2014**

18. Estimated Funding (\$):

*a. Federal **\$363,787.00**

*b. Applicant

*c. State

*d. Local

*e. Other

*f. Program Income

*g. TOTAL **\$363,787.00**

*19. 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.)

Yes No

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 218, Section 1001)

**I AGREE

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

Authorized Representative:

Prefix: *First Name: **Veda**

Middle Name:

*Last Name: **Latin-Green**

Suffix:

*Title: **HIV/STD/TB Section Manager**

*Telephone Number: **971-673-0175**

Fax Number: **971-673-0178**

*Email: **veda.latin@state.or.us**

*Signature of Authorized Representative: **Veda Latin-Green** Date Signed: **11-5-13**

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

Application for Federal Assistance SF-424		Version 02
*1. Type of Submission		*2. Type of Application
<input type="checkbox"/> Preapplication	<input type="checkbox"/> New	*If Revision, select appropriate letter(s):
<input checked="" type="checkbox"/> Application	<input checked="" type="checkbox"/> Continuation	* Other (Specify)
<input type="checkbox"/> Changed/Corrected Application	<input type="checkbox"/> Revision	
*3. Date Received:		4. Application Identifier: FY2014
5a. Federal Entity Identifier: 41-001		*5b. Federal Award Identifier: BC-14-DC-41-001
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
8. APPLICANT INFORMATION:		
* a. Legal Name: State of Oregon		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 93-0621491		*c. Organizational DUNS: 80-957-9543
d. Address:		
*Street1: 775 Summer Street NE - Suite 200		
Street 2:		
*City: Salem		
County: Marion		
*State: Oregon		
Province:		
Country: USA:United States		*Zip/ Postal Code: 97301-1280
e. Organizational Unit:		
Department Name: Oregon Business Development Department		Division Name: Infrastructure Finance Authority
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mrs.		First Name: Mary
Middle Name:		
*Last Name: Baker		
Suffix:		
Title: CDBG Program and Policy Coordinator		
Organizational Affiliation: Oregon Business Development Department - Infrastructure Finance Authority		
*Telephone Number: 541-882-1340		Fax Number: 503-581-5115
*Email: mary.a.baker@biz.state.oregon.gov		

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type: A. State Government

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

*Other (specify):

*10. Name of Federal Agency:

Department of Housing and Urban Development (HUD)

11. Catalog of Federal Domestic Assistance Number:

CFDA 14.228

CFDA Title:

Title I HUD Community Development Block Grant Program - State non-entitlement

*12. Funding Opportunity Number:

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

State-wide, non-entitlement area

*15. Descriptive Title of Applicant's Project:

FY2014 Annual Update to Oregon's Consolidated Plan (2011-2015) 2014 CDBG Method of Distribution

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

ATTACHMENT F

Citizen Participation Documentation

This attachment includes documentation to support citizen participation in response to the Proposed 2014 Annual Action Plan (AAP) and the Proposed Community Development Block Grant (CDBG) Method of Distribution (MOD)

Included are the following:

A. OHCS webpage posting of Proposed Annual Action Plan	F-1
B. OHCS notice to Annual Action Plan program contributors	F-2
C. OHCS E-List notice of hearing and public comment period and list of recipients.....	F-3
D. OHCS notice of hearing and public comment period	F-13
E. HOME and ESG public comments and responses	F-14
F. Oregonian Affidavit of Publication	F-15
G. OBDD notice of hearing and public comment period posted to website	F-17
H. OBDD public hearing sign-in sheet	F-21
I. OBDD Listserve for public notice, hearing and significant changes memo	F-23
J. CDBG public comments and response table	F-27
K. HOPWA public comments and responses	F-39

Oregon Housing and Community Services

Department Consolidated Plan

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Agency Programs

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Compliance, Monitoring & Streamlining

Employment Opportunities

Energy / Weatherization

Farmworker Housing Finance Information Center

Foreclosure Prevention

Homelessness Prevention

Homeownership

Manufactured Home Parks

Multifamily Loans, Grants & Tax Credits

Procurement and Contracts

Regional Advisors

Section 8

Contact:
[Theresa Wingard](#)
Partnership Development Analyst
Ph: 503.986.0999 | [E-Mail](#)

The **State of Oregon Consolidated Plan** for Housing and Community Development is a planning requirement of the Department of Housing & Urban Development (HUD) for application and use of three federal programs: Community Development Block Grant (CDBG); HOME Investment Partnerships Program; Emergency Shelter Grant (ESG). The Consolidated Plan furthers the following goals of the program it covers to: provide decent housing; establish and maintain a suitable living environment and; expand economic opportunities for every American, particularly for low- and very low-income persons.

The Consolidated Plan is a five year planning document, consisting of the five year plan and annual updates.

2014 Proposed Annual Action Plan:

[2014 Proposed Annual Action Plan \(.pdf\)](#)

[2014 Action Plan Attachment \(.pdf\)](#)

Get Email Updates
Privacy by [ESafeSubscribe](#)SM

For More Information:
[Theresa Wingard](#)
Partnership Development Analyst
Ph: 503.986.0999 | [E-Mail](#)

2011–2015 State of Oregon Consolidated Plan:

[2011–2015 Consolidated Plan](#) Amended June 2012

[2011–2015 Consolidated Plan Attachments](#)

[2011–2015 Oregon Analysis of Impediments To Fair Housing Choice](#)

Note: 2006–2010 Consolidated Plan available upon request.

Recent Annual Action Plans & Performance Evaluations

2013

[2013 Annual Action Plan \(.pdf\)](#)

[2013 Action Plan Attachment \(.pdf\)](#)

2012

[2012 Annual Action Plan](#) Amended June 2012

[2012 Annual Action Plan ESG](#) Amended September 2012

[2012 Annual Action Plan Attachments](#)

Baker Mary A

From: Wingard Theresa * HCS [theresa.wingard@state.or.us]
Sent: Friday, September 20, 2013 11:25 AM
To: BROWN Ann; BENSON Annick; DICKSA Carole; HUDSON Christy J; TROGDON Coleen; KOPPE Diana; Zacharias Gloria; PATE Heather; GAIL Jon; Cody Julie * HCS; Baker Mary A; AUMAN Michael L; MATHEWS Richard L; MILLER Ryan D; MASSEY Vicki R
Subject: 2014 Proposed AAP

Good Morning!

The Proposed Annual Action Plan and attachments are now posted on the OHCS website. Click on the link below to view the documents:

http://www.oregon.gov/ohcs/pages/hrs_consolidated_plan_5yearplan.aspx

Thank you,

Theresa Wingard

Partnership Development Analyst
Oregon Housing & Community Services
503-986-0999

From: Oregon Housing and Community Services <info@hcs.state.or.us>
Sent: Friday, September 20, 2013 11:50 AM
To: Wingard Theresa * HCS
Subject: 2014 Proposed Annual Action Plan: Notice of Public Comment Period

Follow Up Flag: Follow up
Flag Status: Flagged



Oregon
Housing and Community Services

North Mall Office Building
725 Summer St NE, Suite B
Salem, OR 97301-1266
PHONE: (503) 986-2000
FAX: (503) 986-2020
www.ohcs.oregon.gov

You are subscribed to receive Consolidated Plan Updates and Technical Advisories from Oregon Housing and Community Services.

September 20, 2013

Consolidated Plan Technical Advisory

Subject: 2014 Proposed Annual Action Plan - Notice of Public Comment Period

[Get Public Notice here.](#)

###

Know someone interested in receiving news and updates from Oregon Housing and Community Services? Forward this [Signup link](#) to them, so they can join our maillists. Thank you!



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Try it FREE today.

This email was sent to theresa.wingard@hcs.state.or.us by info@hcs.state.or.us | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Public Notice E-List Recipients

A notice for public hearing and comment period on the 2014 Annual Action Plan was sent electronically through a subscription-based e-newsletter service to approximately 775 agencies representing public and private organizations, as well as private citizens.

An example of agencies receiving the notice include the following:

ACCESS	Kate Allen Community Development Services
African American Alliance for Homeownership	Klamath & Lake Community Action Services
Ambrowse Law Group LLC	MHT Housing, Inc.
Bergsund DeLaney Architecture	Multnomah County Human Services
Bienestar	National Affordable Housing Trust
Bridge Housing Corporation	Neighborhood Partnerships
Caine Mitter & Associates	NeighborImpact
CASA of Oregon	NeighborWorks Umpqua
Cascade Housing Association	Network for Oregon Affordable Housing
Catholic Community Charities	Oregon Housing Stability Council
Central Oregon Veteran's Ranch	Oregon On
Chrisman Development Inc.	Oregon Opportunity Network
City Planners and Architects	Oregon Rehabilitation Association
City of Medford Board for Housing Development	Portland Business Alliance
Clatsop Community Action	Portland General Electric
ColumbiaCare Services	Portland Housing Bureau
Community Action Serving Washington County	Prospect Mortgage
Community Action Team, Inc.	Rural Community Assistance Corporation
Community Services, Inc.	Shelter America Group
Community Vision, Inc.	Shelter Resources, Inc.
Cornerstone Community Housing	State of Oregon Audits Division
Department of Human Services	Studio C Architecture, LLC
Fair Housing Council of Oregon	Transition Projects, Inc.
Gerding Builders	Umatilla County Housing Authority
GSL Properties	USDA RD
Guild Mortgage Company	U.S. Department of Housing and Urban
Habitat for Humanity, Portland Metro East	Development (HUD)
Holly Hill Ventures, LLC	Viridian Management
Home Forward	WC Construction
Housing Authorities in Oregon	
Housing Development Center	
Human Solutions	

NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC COMMENT PERIOD

The State of Oregon, through its agencies: Oregon Housing and Community Services (OHCS); Oregon Health Authority (OHA) and the Oregon Business Development Department – Infrastructure Finance Authority (OBDD-IFA), is seeking public comment on the proposed 2014 Annual Action Plan (AAP) and the proposed 2014 Community Development Block Grant (CDBG) Method of Distribution (MOD). There will be a public hearing for the Action Plan and Method of Distribution for U.S. Department of Housing and Urban Development Funding (HUD).

The proposed 2014 Annual Action Plan covers HUD funding for the Home Investment Partnership Program (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with HIV/AIDS (HOPWA). The Action Plan can be viewed at http://www.oregon.gov/ohcs/pages/hrs_consolidated_plan_5yearplan.aspx.

The proposed 2014 Method of Distribution (MOD) covers HUD funding for the Community Development Block Grant (CDBG) program. The proposed 2014 CDBG MOD and can be viewed at: <http://www.orinfrastructure.org/Learn-About-Infrastructure-Programs/Interested-in-a-Community-Development-Project/Community-Development-Block-Grant/>

All Oregon residents are invited to provide written or verbal comments, which can be submitted anytime through 5:00 pm on Monday October 21, 2013.

- **Public Comment Period:** The 30-day public comment period for the proposed 2014 Action Plan and Method of Distribution concludes 5:00 pm on Monday October 21, 2013. Comments can be directed to the persons listed below.
- **Public Hearing:** A public hearing on the proposed 2014 Action Plan and Method of Distribution will be held from 12:00 noon to 1:00 pm on Thursday October 17, 2013 at Oregon Business Development Department-Infrastructure Finance Authority (OBDD-IFA), 775 Summer Street N.E., Suite 200, Salem, Oregon in conference room 201.
- **Direct Comments to:**
 - HOPWA comments should be directed to Annick Benson-Scott, HIV Community Services Manager, OHA, 800 NE Multnomah, Portland, Oregon 97232 or by e-mail at Annick.BENSON@state.or.us
 - HOME and ESG comments should be directed to Theresa Wingard, OHCS, 725 Summer Street N.E. – Suite “B”, Salem, Oregon 97301 or by e-mail at Theresa.wingard@state.or.us
 - CDBG comments should be directed to Mary Baker, OBDD, P.O. Box 866 Klamath Falls, Oregon 97601 or by e-mail at mary.a.baker@biz.state.or.us

Persons needing copies in other languages should contact the respective person listed above at their earliest convenience. Questions, concerns, complaints, or requests for information in alternative formats from individuals with disabilities must be submitted at least ten days before the end of the comment period. Deaf and hearing-impaired individuals may use a TTY by calling 503.986.2100.

The State of Oregon’s programs are administered in a nondiscriminatory manner, consistent with Equal Opportunity Employment Opportunities, Affirmative Action, and Fair Housing requirements.

HOME and ESG Public Comments

OHCS did not receive any public comments at the public hearing or during the public comment period in response to the 2014 Proposed Annual Action Plan.

The Oregonian

HILLSBORO
ARGUS



OregonLive.com

FOREST GROVE
LEADER



1320 S.W. Broadway, Portland, OR 97201-3499

Affidavit of Publication

I, Megan Marks, duly sworn depose and say that I am the Principal Clerk Of The Publisher of The Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published in the city of Portland, in Multnomah County, Oregon; that the advertisement was published without interruption in the entire and regular issue of The Oregonian on the following date(s):

9/19/2013



Megan Marks
Principal Clerk of the Publisher:

Sept. 20, 2013

Subscribed and sworn to before me this date:

Christine D. Casse

Notary:

Ad Order Number: 0003511717

**NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC COMMENT PERIOD**

The State of Oregon, through its agencies: Oregon Housing and Community Services (OHCS); Oregon Health Authority (OHA) and the Oregon Business Development Department - Infrastructure Finance Authority (OBDD-IFA), is seeking public comment on the proposed 2014 Annual Action Plan (AAP) and the proposed 2014 Community Development Block Grant (CDBG) Method of Distribution (MOD). There will be a public hearing for the Action Plan and Method of Distribution for U.S. Department of Housing and Urban Development Funding (HUD).

The proposed 2014 Annual Action Plan covers HUD funding for the Home Investment Partnership Program (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with HIV/AIDS (HOPWA). The Action Plan can be viewed at http://cms.oregon.gov/ohcs/Pages/COM_NewsRoom.aspx

The proposed 2014 Method of Distribution (MOD) covers HUD funding for the Community Development Block Grant (CDBG) program. The proposed 2014 CDBG MOD and can be viewed at: <http://www.oinfrastructure.org/Learn-About-Infrastructure-Programs/Interested-In-a-Community-Development-Project/Community-Development-Block-Grant/>

All Oregon residents are invited to provide written or verbal comments, which can be submitted anytime through 5:00 pm on Monday October 21, 2013.

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Direct Comments to:

- HOPWA comments should be directed to Annick Benson-Scott, HIV Community Services Manager, OHA, 800 NE Multnomah, Portland, Oregon 97232 or by e-mail at Annick.BENSON@state.or.us
- HOME and ESG comments should be directed to Theresa Wingard, OHCS, 725 Summer Street N.E. - Suite "B", Salem, Oregon 97301 or by e-mail at Theresa.wingard@state.or.us
- CDBG comments should be directed to Mary Baker, OBDD, P.O. Box 866 Klamath Falls, Oregon 97601 or by e-mail at mary.a.baker@biz.state.or.us

Persons needing copies in other languages should contact the respective person listed above at their earliest convenience. Questions, concerns, complaints, or requests for information in alternative formats from individuals with disabilities must be submitted at least ten days before the end of the comment period. Deaf and hearing-impaired individuals may use a TTY by calling 503.986.2100.

The State of Oregon's programs are administered in a nondiscriminatory manner, consistent with Equal Opportunity Employment Opportunities, Affirmative Action, and Fair Housing requirements.

114% 3 1.00h



September 19, 2013

To: City Councils, County Boards of Commissioners, Councils of Governments,
Economic Development Districts, Interested Organizations and Individuals

From: Lynn Schoessler, Infrastructure Finance Authority (IFA) Director

Subject: Proposed 2014 Community Development Block Grant Guidelines—Request
for Comments

A copy of the proposed 2014 *Method of Distribution* Community Development Block Grant Program Guidelines is available on the department's Web site at:
<http://www.orinfrastructure.org/CDBG/>

Please take time to review this message and the proposed guidelines. If you are unable to download a copy of the guidelines the IFA staff will gladly forward a hardcopy to you upon request.

The state of Oregon expects to have approximately \$12 million in federal funds for award to rural cities and counties in the year 2014. The money comes from the federal Community Development Block Grant Program administered through the U.S. Department of Housing and Urban Development. These grant funds must be awarded under a system with published rules and criteria, which are adopted following an opportunity for public comment.

The department is proposing to make changes to the program guidelines adopted for year 2013 funds. The attached "Summary of Significant Changes Proposed for 2014" describes the proposed changes. Your comments and suggestions will help us to improve service in 2014.

The deadline for written comments is October 21, 2013. You can send your comments and suggestions in writing, either by letter or e-mail. Letters should be addressed to: Mary Baker, Infrastructure Finance Authority, PO Box 866, Klamath Falls, OR 97601. E-mail responses can be sent to: mary.a.baker@state.or.us

Thank you for your interest and participation in this very important process. If you have questions, please call Mary Baker at (541) 882-1340.

Oregon Business Development Department
Infrastructure Finance Authority

**Community Development Block Grant Program
Summary of Significant Changes Proposed for 2014**

Comments Requested:

Please review the following summary and the proposed *Method of Distribution* (program guidelines) for the 2014 Community Development Block Grant Program. Comments and suggestions are encouraged and welcomed.

Comment Period and Public Hearing

Comments on the proposed 2014 Community Development Block Grant Program *Method of Distribution* can be submitted either orally, in writing or by e-mail. **The 30-day comment period ends at 5:00 pm on October 21, 2013.** Please address written comments by letter to Mary Baker, Community Development Division, Infrastructure Finance Authority, P.O. Box 866, Klamath Falls, OR 97601 or by e-mail to mary.a.baker@state.or.us

Date: October 17, 2013
Time: 12:00 noon to 1:00 pm
Location: Business Oregon
775 Summer Street NE, Suite 200
Salem, Oregon 97301
Conference Room 201 (Second Floor)

Summary of Proposed Changes for 2014

Funding Category Changes (Refer to the specific chapter in the proposed 2014 Method of Distribution for more detailed information about each funding category.)

Chapter 2 Eligible Applicants/Limits on Applications and Chapter 3 National Objectives

OBDD-IFA will be implementing a new policy in 2014, limiting the applicability of an OBDD-IFA approved local income survey to five years. In 2014, the new 2013 or most recent LMI data issued by the U.S. Department of Housing and Urban Development (HUD) will be utilized for cities and any prior OBDD-IFA approved income survey for a district that is five years or older will no longer be valid. This change coincides with the five year rolling data based used by the American Community Survey (ACS) data which is utilized by HUD.

Chapter 3 National Objectives

The section entitled “Area Wide Documentation Needed” was revised to reflect OBDD-IFA’s new income survey policy that locally conducted surveys will be valid and usable for five years, after OBDD-IFA approval.

Chapter 10—Public Works

The maximum grant limits were increased as follows:

- Planning grants from \$150,000 to \$175,000;

- The maximum grant limit over five years for the same system was increased from \$2,000,000 to \$3,000,000; and

- The maximum grant exception limit was increased from \$3,500,000 to \$4,000,000.

Chapter 11—Public/Community Facilities

The maximum grant limit was increased from \$1,500,000 to \$2,000,000.

Transitional housing was eliminated to coincide with changing needs. HUD has been moving toward rapid re-housing and away from transitional housing for several years. The 2009 Federal American Recovery and Reinvestment Act (ARRA) funding created the Homelessness Prevention & Rapid Re-housing Program (HPRP). As result, HUD has determined that the HPRP rapid re-housing program was showing greater results than traditional transitional housing.

**PROPOSED 2014 ANNUAL ACTION PLAN and CDBG METHOD OF DISTRIBUTION
PUBLIC HEARING
October 17, 2013 12:00 NOON TO 1:00 PM**

Name	Representing	E-mail Address	Phone Number	Providing Testimony	
				Yes	No
Jon Gail	OHCS	jon.gail@state.or.us	986-2064		+
Renata Wikelley	MWVCOA	renata@mwvco.org	5886077		+
Shelly Ehenger	Marion County HA	sehenger@mchaor.org	5037984157	✓	

Baker Mary A

From: Zacharias Gloria
Sent: Thursday, October 17, 2013 12:42 PM
To: Baker Mary A
Subject: Public Hearing FYI ...

Categories: Purple Category

At 12:30pm a Shelly Ehenger from Marion County Housing Authority arrived to give public testimony. I had her sign in and I turned the recorder back on. All she wanted to say is that we have a very well written document but that there just isn't enough money to serve rural Marion County. After I turned off the recorder I asked her if she was talking about the project category splits we have in the MOD or the overall allocation from HUD. She was talking about the overall allocation from HUD. I told her about the formula and I told her that we don't get to vote on the allocation and she said she understood all of that but they wanted to be on the record that the money needs to stop being cut and we need more. I thanked her for coming and found out that she just arrived in Oregon 15 days ago and is brand new in her position. She was VERY nice and was complimentary of what we are doing. Hope that when I turned back on the recorder it didn't start over and erase everything else but I guess you and I can re-write the minutes if we need to. I am pdf'ing you the new sign in sheet with her name. Let me know if you need anything else.

Gloria Zacharias, PCED
CDBG Program and Policy Coordinator
Oregon Business Development Department

Office: (503) 986-0132
Fax: (503) 581-5115

****CONFIDENTIALITY NOTICE****

This e-mail may contain information that is privileged or confidential. If you are not the addressee or it appears from the context that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

Baker Mary A

From: CDBGNews [cdbgnnews-bounces@listsmart.osl.state.or.us] on behalf of Zacharias Gloria [gloria.zacharias@biz.state.or.us]
Sent: Thursday, September 19, 2013 9:10 AM
To: CDBGNews@listsmart.osl.state.or.us
Subject: [CDBGNews] Proposed CDBG 2014 Method of Distribution
Attachments: Draft 2014 CDBG comment notice and sig changes (Revised 3).doc; ATT00001.txt

Attached please find the 2014 CDBG Public Hearing Notice and the 2014 CDBG Comment Notice and Significant Changes Memo.

The Oregon Business Development Department (OBDD) is seeking public comment on the proposed 2014 CDBG Method of Distribution through October 21, 2013. A public hearing will be held at 12:00 noon on October 17, 2013 at OBDD, 775 Summer Street NE, Salem, Oregon in conference room 201.

The draft Method of Distribution (MOD) can be viewed at

<http://www.orinfrastructure.org/Learn-About-Infrastructure-Programs/Interested-in-a-Community-Development-Project/Community-Development-Block-Grant/>

Written comments on the proposed 2014 MOD will be accepted until 5:00 pm on October 21, 2013. Comments can be forwarded to Mary Baker, OBDD, PO Box 866, Klamath Falls, Oregon 97601 or by e-mail at mary.a.baker@biz.state.or.us

If you would like a hard copy of the 2014 Proposed Method of Distribution please let us know and one will be sent to you.

Gloria Zacharias, PCED
CDBG Program and Policy Coordinator
Oregon Business Development Department

Office: (503) 986-0132
Fax: (503) 581-5115

****CONFIDENTIALITY NOTICE****

This e-mail may contain information that is privileged or confidential. If you are not the addressee or it appears from the context that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.



September 19, 2013

To: City Councils, County Boards of Commissioners, Councils of Governments,
Economic Development Districts and Interested Organizations and Individuals

From: Lynn Schoessler, Infrastructure Finance Authority (IFA) Director

Subject: Proposed 2014 Community Development Block Grant Guidelines – Request for
Comments

A copy of the proposed 2014 "Method of Distribution" Community Development Block Grant
Program Guidelines is available on the Departments web site at:

<http://www.orinfrastructure.org/Learn-About-Infrastructure-Programs/Interested-in-a-Community-Development-Project/Community-Development-Block-Grant/>

Please take time to review this message and the proposed Guidelines. If you are unable to
download a copy of the guidelines the IFA staff will gladly forward a hardcopy to you upon request.

The State of Oregon expects to have approximately \$12 million in federal funds for award to rural
cities and counties in the year 2014. The money comes from the federal Community Development
Block Grant Program administered through the U.S. Department of Housing and Urban
Development. These grant funds must be awarded under a system with published rules and
criteria, which are adopted following an opportunity for public comment.

The department is proposing to make changes to the program guidelines adopted for year 2013
funds. The attached "Summary of Significant Changes Proposed for 2014" describes the proposed
changes. Your comments and suggestions will help us to improve service in 2014.

The deadline for written comments is October 21, 2013. You can send your comments and
suggestions in writing, either by letter or e-mail. Letters should be addressed to: Mary Baker,
Infrastructure Finance Authority, Oregon Business Development Department, PO Box 866,
Klamath Falls, OR 97601. E-mail responses can be sent to: mary.a.baker@biz.state.or.us

Thank you for your interest and participation in this very important process. If you have questions,
please call Mary Baker at (541) 882-1340.

September 19, 2013

Oregon Business Development Department
Infrastructure Finance Authority

Community Development Block Grant Program

Summary of Significant Changes Proposed for 2014

Comments Requested:

Please review the following summary and the proposed "Method of Distribution" (program guidelines) for the 2014 Community Development Block Grant program. Comments and suggestions are encouraged and welcomed.

Comment Period and Public Hearing

Comments on the proposed 2014 Community Development Block Grant's Program Method of Distribution can be submitted either orally, in writing or by e-mail. **The 30-day comment period ends at 5:00 pm on October 21, 2013.** Please address written comments by letter to Mary Baker, Community Development Division, Oregon Business Development Department-Infrastructure Finance Authority, P.O. Box 866, Klamath Falls, OR 97601 or by e-mail to mary.a.baker@biz.state.or.us

Public Hearing Date: October 17, 2013
Time: 12:00 noon to 1:00 pm
Location: OBDD-IFA
775 Summer Street NE – Suite 200
Salem, Oregon 97301
Conference Room 201

Summary of Proposed Changes for 2014

FUNDING CATEGORY CHANGES (Refer to the specific chapter in the proposed 2014 Method of Distribution for more detailed information about each funding category.)

Chapter 2 Eligible Applicants/Limits on Applications and Chapter 3 National Objectives –

OBDD-IFA will be implementing a new policy in 2014, limiting the applicability of an OBDD-IFA approved local income survey to five years. In 2014, the new 2013 or most recent LMI data issued by the U.S. Department of Housing and Urban Development (HUD) will be utilized for cities and any prior OBDD-IFA approved income survey for a district that is five years or older will no longer be valid. This change coincides with the five year rolling data based used by the American Community Survey (ACS) data which is utilized by HUD.

Chapter 3 National Objectives

The section entitled "Area Wide Documentation Needed" was revised to reflect OBDD-IFA's new income survey policy that locally conducted surveys will be valid and usable for 5 years, after OBDD-IFA approval.

Chapter 10 – Public Works:

The maximum grant limits were increased as follows:

- Planning grants from \$150,000 to \$175,000;
- The maximum grant limit over five years for the same system was increased from \$2,000,000 to \$3,000,000; and
- The maximum grant exception limit was increased from \$3,500,000 to \$4,000,000.

Chapter 11 – Public/Community Facilities

- 1) The maximum grant limit was increased from \$1,500,000 to \$2,000,000.
- 2) Transitional housing was eliminated to coincide with changing needs. HUD has been moving toward rapid re-housing and away from transitional housing for several years. The 2009 Federal American Recovery and Reinvestment Act (ARRA) funding created the Homelessness Prevention & Rapid Re-housing Program (HPRP). As result, HUD has determined that the HPRP rapid re-housing program was showing greater results than traditional transitional housing.

REC'D 10/1/13

CITY OF HALFWAY
155B E. Record Street, PO Box 738
Halfway, OR 97834
Phone: (541)742-4741 Fax: (541)742-4742
TTY/Voice: 1-800-735-2900

September 24, 2013

Community Development Division
OBDD/IFA
P.O. Box 866 Klamath Falls, OR 97601
ATTN: Mary Baker

Dear Ms. Baker,

The City of Halfway would like to provide our support of the Funding Category changes suggested in your letter dated September 19, 2013.

The City of Halfway is very excited about the increase in the maximum grant exception limit from \$3,500,000 to \$4,000,000 in Chapter 10 – Public Works. The City will be looking forward to possibly utilizing this option if this suggested change become implemented in 2014. The City of Halfway is hoping this change will allow very small rural, low to moderate-income communities to provide their citizens with needed upgrades to the Cities infrastructure systems without financially crippling the citizens of the communities.

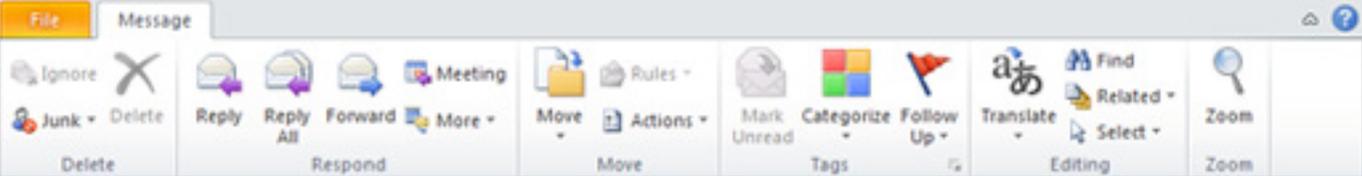
The City of Halfway would like to thank you for providing this information to us for our comments.

Sincerely,



Sheila Farwell
Honorable Mayor
City of Halfway

The City Of Halfway is an AA/EEO employer, in compliance with
Section 504 of the Rehab. Act of 1973



From: Wingard Theresa * HCS
 To: Wingard Theresa * HCS
 Cc:
 Subject: FW: Public Hearing FYI ...

Sent: Fri 11/1/2013 8:58 AM

From: Baker Mary A [<mailto:mary.a.baker@biz.state.or.us>]
Sent: Monday, October 21, 2013 8:15 AM
To: GAIL Jon; WINGARD Theresa
Subject: FW: Public Hearing FYI ...

One late attendee at the CDBG Public Hearing last week.

From: Zacharias Gloria
Sent: Thursday, October 17, 2013 12:42 PM
To: Baker Mary A
Subject: Public Hearing FYI ...

At 12:30pm a Shelly Ehenger from Marion County Housing Authority arrived to give public testimony. I had her sign in and I turned the recorder back on. All she wanted to say is that we have a very well written document but that there just isn't enough money to serve rural Marion County. After I turned off the recorder I asked her if she was talking about the project category splits we have in the MOD or the overall allocation from HUD. She was talking about the overall allocation from HUD. I told her about the formula and I told her that we don't get to vote on the allocation and she said she understood all of that but they wanted to be on the record that the money needs to stop being cut and we need more. I thanked her for coming and found out that she just arrived in Oregon 15 days ago and is brand new in her position. She was VERY nice and was complimentary of what we are doing. Hope that when I turned back on the recorder it didn't start over and erase everything else but I guess you and I can re-write the minutes if we need to. I am pdf'ing you the new sign in sheet with her name. Let me know if you need anything else.

Gloria Zacharias, PCED
 CDBG Program and Policy Coordinator
 Oregon Business Development Department

Office: (503) 986-0132
 Fax: (503) 581-5115

"OO:SPRINT/NOTICE"
 This email may contain information that is privileged or confidential. If you are not the addressee or it appears from the content that you have received this email in error, please advise me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.

**COMMUNITY DEVELOPMENT BLOCK GRANT
2014 PROPOSED METHOD OF DISTRIBUTION
PUBLIC COMMENTS**

REGIONAL HOUSING REHABILITATION (HR)		
COMMENT	COMMENTOR OR AGENCY	STATE RESPONSE
In previous years, homeowners had the option of contracting with local contractors for completion of work, or undertaking some repairs themselves for reimbursement of materials only. Additionally, local building codes allow homeowners to complete some rehab/repair work, if a homeowner was capable of replacing their water heater or painting their house themselves, they could perform the labor and receive reimbursement for material costs only. Allowing for materials reimbursement saves the homeowners from repair when 24 CFR 570.202 allows for "labor, materials and other costs of rehabilitation of properties" as eligible for reimbursement. Please provide information on why the Infrastructure Finance Authority (IFA) is making a determination that "materials" reimbursement is not considered eligible under the program.	Mid-Willamette Valley Council of Governments (MWVCOG)	<p><u>The existing requirement to use local construction contractors has been a program requirement for numerous years and will remain in 2014.</u></p> <p>In reviewing the previous 6 years' MOD's: page 12-1 of the 2013 MOD; page 12-1 of the 2012 MOD; page 13-1 of the 2011 MOD; page 13-1 of the 2010 MOD; page 13-1 of the 2009 MOD; and, page 13-1 of the 2008 MOD all identify the requirement to use local construction contractors to complete housing rehabilitation work.</p> <p>The citation from 24 CFR 570.202 is from the Entitlement program and the HUD-Administered Small Cities program and is not applicable to the State Non-Entitlement program.</p> <p>The Oregon Business Development Department – Infrastructure Finance Authority (OBDD-IFA) requires construction contractors to complete the rehabilitation work to ensure that the highest quality of work is conducted by licensed and bonded contractors, especially in the event that warranty work is needed.</p> <p>Based upon this comment, the language in the 2014 MOD will be revised from "local construction contractors" to "contractors licensed by the Oregon Construction Contractors Board and licensed to work in the State of Oregon through the Oregon Corporate Division".</p>

MICROENTERPRISE ASSISTANCE		
COMMENT	COMMENTOR OR AGENCY	STATE RESPONSE
No comments were received.		

PUBLIC WORKS PUBLICLY OWNED OFF SITE INFRASTRUCTURE		
COMMENT	COMMENTOR OR AGENCY	STATE RESPONSE
No comments were received.		

PUBLIC WORKS		
COMMENT	COMMENTOR OR AGENCY	STATE RESPONSE
The City of Halfway would like to provide our support of the Funding Category changes suggested in the Summary of Significant Changes dated September 19, 2013. The City is very excited about the increase in the maximum grant exception limit from \$3,500,000 to \$4,000,000 in Chapter 10 – Public Works. The City will be looking forward to possibly utilizing this option if this suggested change becomes implemented in 2014.	City of Halfway	Thank you for the support. <u>The following proposed changes will be implemented in the 2014 MOD:</u> <ul style="list-style-type: none"> The planning grant limit will increase from \$150,000 to \$175,000; The maximum grant limit will increase from \$2,000,000 to \$3,000,000; and, The maximum grant exception limit will increase from \$3,500,000 to \$4,000,000.
MWVCOG supports IFA's proposal to increase grant limitations for public works and community facility projects to account for inflation.	MWVCOG	
PUBLIC/COMMUNITY FACILITIES (CF)		
COMMENT	COMMENTOR OR AGENCY	STATE RESPONSE
MWVCOG supports IFA's proposal to increase grant limitations for public works and community facility projects to account for inflation.	MWVCOG	Thank you for the support. <u>The proposed change to raise the maximum grant limit from \$1,500,000 to \$2,000,000 will be implemented in the 2014 MOD.</u>
GENERAL/ADMINISTRATIVE		
COMMENT	COMMENTOR OR AGENCY	STATE RESPONSE
From a historical standpoint, it appears that Program Management and Grant Administration fees have not been adjusted for many, many years. Expenses increase, salaries increase, but the base line has not. It is difficult to do the same work on the same amount of funds that have been stagnant for decades. This does not mean we will not continue to do this work, but we would appreciate it if it could be addressed.	Community Action Team (CAT)	The list below contains the history of the grant administration (GA) and program management (PM) costs allowed under the states' Community Development Block Grant (CDBG) program since 2005: <p>2005: (Maximum for GA \$15,000 and PM \$80,000)</p> <ul style="list-style-type: none"> Grant Administration 10% with a cap of \$15,000 Program Management 20% including grant administration. <p>2006: (Maximum for GA \$20,000 or \$25,000 and PM \$85,000 or \$90,000)</p> <ul style="list-style-type: none"> Grant Administration 10% with a cap of \$20,000 (\$25,000 if utilizing an Oregon certified grant administrator) Program Management 20% plus \$5,000, including grant administration. (Could be 20% plus \$10,000, including grant administration if utilizing an Oregon certified grant administrator) <p>2007: (Maximum for GA \$30,000 or \$35,000 and PM \$89,000 or \$94,000)</p> <ul style="list-style-type: none"> Grant Administration – no change from 2006 Program Management - no change from 2006 New additional allowances for Environmental Review \$4,000 and Federal Labor Standards Compliance Monitoring \$6,000

	CAT Continued	<p>2008: (Maximum for GA \$35,000 and PM \$94,000)</p> <ul style="list-style-type: none"> • Grant Administration 10% with a cap of \$25,000 • Program Management 20% plus \$10,000, including grant administration • Environmental Review \$4,000 • Federal Labor Standards Compliance Monitoring \$6,000 <p>2009: (Maximum for GA \$36,000 and PM \$94,000)</p> <ul style="list-style-type: none"> • Grant Administration 10% with a cap of \$25,000 • Program Management 20% plus \$10,000, including grant administration • Environmental Review \$4,000 • Federal Labor Standards Compliance Monitoring \$7,000 <p>2010: (Maximum for GA \$40,000 and PM \$105,000)</p> <ul style="list-style-type: none"> • Grant Administration 10% with a cap of \$25,000 • Program Management 20% plus \$10,000, including grant administration • Environmental Review and Federal Labor Standards Compliance Monitoring combined of \$15,000 • <p>2011: (Maximum for GA \$40,000 and PM \$105,000)</p> <ul style="list-style-type: none"> • Grant Administration 10% with a cap of \$25,000 • Program Management 20% plus \$10,000, including grant administration • Environmental Review and Federal Labor Standards Compliance Monitoring combined of \$15,000 <p>2012: (Maximum for GA \$55,000 and PM \$105,000)</p> <ul style="list-style-type: none"> • Grant Administration 10% with a cap of \$25,000 • Program Management 20% plus \$10,000, including grant administration • Environmental Review \$15,000 • Federal Labor Standards Compliance Monitoring \$15,000 <p>2013: (Maximum for GA \$58,000 and PM \$108,000)</p> <ul style="list-style-type: none"> • Grant Administration 10% with a cap of \$25,000 • Program Management 20% plus \$10,000, including grant administration • Environmental Review \$15,000 • Federal Labor Standards Compliance Monitoring \$15,000 • New Additional Allowance: Limited English Translation Services \$3,000 • Public Works Funding Application Preparation \$7,500 <p>The GA and PM allowances under the program have been slowly and steadily increasing through the years. <u>OBDD-IFA will re-consider additional increases to the base allowances for grant administration and program management during 2014.</u></p>
OBDD-IFA has a well written Method of Distribution but there is not enough money being allocated to the State of Oregon from the U.S. Department of Housing and Urban Development (HUD) to address the states needs and in particular rural Marion County.	Marion County Housing Authority	Thank you for the support. HUD allocates the State CDBG appropriation to OBDD-IFA using a formula allocation process. The State of Oregon has no control over the amount of funds allocated to the state.

<p>MWVCOG encourages IFA to allow greater flexibility in awarding of projects. For example, of the three federal national objectives eligible under the CDBG program, who does IFA choose to qualify projects for funding under only two of the three national objectives and not allow for the national objective of "prevention or elimination of slums or blight"?</p>	<p>MWVCOG</p>	<p><u>The language contained in the 2013 MOD will remain unchanged in the 2014 MOD.</u></p> <p>If OBDD-IFA receives a well developed funding proposal that demonstrates every reasonable likelihood that the proposed project could meet the CDBG program requirements, (including national objective) there is nothing in the MOD that precludes an applicant from applying to the CDBG program from that project. Page 1-1 of the proposed 2014 MOD states "<i>Section 106(d)(2)(C)(iii) of the Housing and Community Development Act (HCDA) prohibits a state from declaring certain statutorily eligible activities as ineligible for funding under the state's program, but allows a state to establish funding priorities among the types of eligible activities. The State of Oregon's funding priorities for 2014 are described within the 2014 Method of Distribution (MOD). In accordance with the HCDA the state will consider applications for funding consistent with the identified funding priorities within the 2014 MOD.</i></p> <p><i>There is a broad range of activities that may be assisted with CDBG funds as defined in Section 105(a) of the Housing and Community Development Act (HCDA) of 1974, as amended. States that administer a non-entitlement CDBG program are required to establish procedures for distributing the funds and identification of the activities (priorities) which will be eligible for funding under the state's program. These priorities are described within the 2014 MOD. The priorities eligible for funding under Oregon's 2014 Community Development Block Grant program are:</i></p> <ol style="list-style-type: none"> 1. <i>Microenterprise Assistance Public Services</i> 2. <i>Public Works</i> 3. <i>Community/Public Facilities</i> 4. <i>Community Capacity/Technical Assistance</i> 5. <i>Emergency Projects</i> 6. <i>Housing Rehabilitation</i> <p>The slum and blight eligible project priorities are not identified as a priority under the states' program because of the federally required five-year continued use requirement, which requires that the site must remain in the same use for five years after administrative closeout of the grant between the recipient and the state. The continued use requirement is the biggest hurdle for using the slum and blight national objective for local communities. The site, once the blight has been cleared, must continue to meet the federal national objective of slum and blight removal, meaning that the property must remain vacant or be converted to another eligible use during this time. If the property is converted to another use during the five-year period, the new use must meet a federal national objective or the recipient must repay the grant to the State, in accordance with 24 CFR 570.489(j).</p>
<p>MWVCOG appreciates that IFA acknowledges the expense related to translation of documents, as needed, into other languages and appreciate that the State has highlighted this as an eligible expense. We do request that IFA provide Spanish and Russian versions, at a minimum, of all materials required to be posted or published under the CDBG guidelines. This service would reduce the need of each awarded jurisdiction to individually translate required materials and would reduce the need to spend CDBG funds on repeated translations throughout the State. Each jurisdiction could then use the templates provided by IFA to use translation services to personalize the publication and materials to their area, at reduced cost. Could the one percent set aside under the Community Capacity/Technical Assistance be used by IFA for such provisions?</p>	<p>MWVCOG</p>	<p>OBDD-IFA is currently researching translation services, costs and identifying which documents/templates would need to be translated for the program.</p>

<p>The MOD allows for special income surveys if "2013 LMISD data shows that 47% to 50.9% of the persons in an area are low and moderate income but the applicant believes that local economic conditions have significantly changed". Can you please provide additional information regarding how the 47% cut off was determined?</p> <p>In the past communities outside the range of 47%-50.9% range have been able to successfully demonstrate eligibility by completing local income surveys. Given the degree of sampling error with the ACS data, we recommend IFA broaden the range and/or provide more flexibility for local governments to complete special income surveys at their own expense.</p>	<p>MWVCOG</p>	<p><u>The current requirement "...that 47% to 50.9% of the persons in an area are low and moderate income but the applicant believes that local economic conditions have significantly changed" was implemented in 2011 and will remain unchanged in 2014.</u></p> <p>This requirement was developed after issuance of the annual Low and Moderate Income Survey Data (LMISD) data from HUD. Since the LMISD data is updated annually, rather than once every 10 years as it was in the past, the data is anticipated to be of a higher quality. As HUD develops the new "benchmark" LMI data, along with the new local income survey methodology requirements and the implementing Community Planning Division (CPD) notices OBDD-IFA will make the necessary program changes to accommodate the future requirements when issued by HUD.</p>
<p>The IFA proposes a return to rating and ranking criteria of all applications upon submission. This process was revised in previous years to be on an "as needed" basis if funding for a category become competitive. As IFA has not awarded all the funding previous years, it appears rating and ranking all applications, once they are determined to meet all threshold requirements for a category, appears to be an extra and excessive burden upon IFA staff. We propose rating and ranking of applications only occur if funding for category become limited and a competitive award process is required.</p>	<p>MWVCOG</p>	<p><u>The current 2013 application process is a quarterly competitive application process and will remain unchanged in 2014.</u></p> <p>OBDD-IFA cannot refuse applications from units of general local government for eligible activities. Refer to page 1-1 of the 2014 MOD where it states "<i>Section 106(d)(2)(C)(iii) of the Housing and Community Development Act (HCDA) prohibits a state from declaring certain statutorily eligible activities as ineligible for funding under the state's program, but allows a state to establish funding priorities among the types of eligible activities. The State of Oregon's funding priorities for 2014 are described within the 2014 Method of Distribution (MOD). In accordance with the HCDA the state will consider applications for funding consistent with the identified funding priorities within the 2014 MOD.</i></p> <p><i>There is a broad range of activities that may be assisted with CDBG funds as defined in Section 105(a) of the Housing and Community Development Act (HCDA) of 1974, as amended. States that administer a non-entitlement CDBG program are required to establish procedures for distributing the funds and identification of the activities (priorities) which will be eligible for funding under the state's program. These priorities are described within the 2014 MOD. The priorities eligible for funding under Oregon's 2014 Community Development Block Grant program are:</i></p> <ol style="list-style-type: none"> 1. <i>Microenterprise Assistance Public Services</i> 2. <i>Public Works</i> 3. <i>Community/Public Facilities</i> 4. <i>Community Capacity/Technical Assistance</i> 5. <i>Emergency Projects</i> 6. <i>Housing Rehabilitation</i> <p>However, the state can develop funding priorities (eligible activities) and funding criteria to ensure that the state identified priority projects (eligible activities) receive funding priority under the states' program. To accomplish this, in 2013 the application process was modified, as requested by HUD to return to a quarterly competitive application process, allowing the state to fund priority projects, the process contained in Chapter 7 of both the 2013 and 2014 MOD is a fair and transparent review process, and remains unchanged.</p>

Abbreviations:

ACS	American Community Survey
CAT	Community Action Team
CDBG	Community Development Block Grant
CFR	Code of Federal Regulation
CPD	Community Planning Division
HCDA	Housing and Community Development Act
HUD	Housing and Urban Development
LMI	Low and Moderate Income
LMISD	Low and Moderate Income Survey Data
MOD	Method of Distribution
MWVCOG	Mid-Willamette Valley Council of Governments
OBDD-IFA	Oregon Business Development Department – Infrastructure Finance Authority



Mid-Willamette Valley Council of Governments

100 HIGH STREET S.E., Suite 200 • SALEM, OREGON 97301 • www.mwvcog.org
PHONE 503-588-6177 • FAX 503-588-6094 • email: mwvcog@mwvcog.org

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October 18, 2013

Mary Baker
Infrastructure Finance Authority
Oregon Business Development Department
PO Box 866
Klamath Falls, OR 97601

RE: Draft 2014 CDBG Method of Distribution

Dear Ms. Baker,

Thank you for inviting comments on the proposed 2014 "Method of Distribution" for the Community Development Block Grant Program. As a voluntary association of more than 40 local governments, MWVCOG has worked with and supported local government staff in a large number of applications for and administration of CDBG projects. As such, we would like to offer a few general comments regarding the proposed 2014 Method of Distribution (MOD) for the Oregon non-entitlement Community Development Block Grant program.

- **Grant Limitations.** We support IFA's proposal to increase grant limitations for public works and community facility projects to account for inflation.
- **Award of Program Funds/National Objectives.** We encourage IFA to allow for greater flexibility in awarding of projects. For example, of the three federal national objectives eligible under the CDBG program, why does IFA choose to qualify projects for funding under only two of the three eligible national objectives and not allow for the national objective of "prevention or elimination of slums or blight"?
- **Translation Services.** We appreciate that IFA acknowledges the expense related to translation of documents, as needed, into other languages and appreciate that the State has highlighted this as an eligible expense. We do request that IFA provide Spanish and Russian versions, at a minimum, for all materials required to be posted or published under the CDBG guidelines. This service would reduce the need of each awarded jurisdiction to individually translate required materials and would reduce the need to spend CDBG funds on repeated translations throughout the State. Each jurisdiction could then use the templates provided by IFA to use translation services to personalize the publication and materials to their area, at a reduced cost. Could the one percent set aside under Community Capacity/Tech Assistance be used by IFA to provide such provisions?
- **Housing Rehabilitation, Page 12-1.** In previous years, homeowners had the option of contracting for completion of work or undertaking some of the repairs themselves for reimbursement of materials only. Additionally, local building codes allow homeowners to

complete some rehab/repair work, if a homeowner was capable of replacing their water heater or painting their house themselves, they could perform the labor and receive reimbursement for material costs only. Allowing for materials reimbursement saves the homeowner and program costs. It is unclear why the program further restricts homeowners from repair when 24 CFR 570.202 allows for "labor, materials, and other costs of rehabilitation of properties" as eligible for reimbursement. Please provide information on why IFA is making a determination that "materials" reimbursement is not considered eligible under the program.

- **Rating and Ranking.** The IFA propose a return to rating and ranking criteria of all applications upon submission. This process was revised in previous years to be on an "as needed" basis if funding for a category became competitive. As IFA has not awarded all funds in previous years, it appears rating and ranking all applications, once they are determined to meet all threshold requirements for the category, appears to be an extra and excessive burden upon IFA staff. We propose rating and ranking of applications only occur if funding for a category become limited and a competitive award process is required.
- **Special Income Surveys.** The MOD allows for special income surveys if "2013 LMISD data shows that 47% to 50.9% of the persons in an area are low and moderate income but the applicant believes that local economic conditions have significantly changed". Can you please provide additional information regarding how the 47% cut off was determined? In the past communities outside of the 47%-50.9% range have been able to successfully demonstrate eligibility by completing local income surveys. Given the degree of sampling error with the ACS data, we recommend IFA broaden the range and/or provide more flexibility for local governments to complete special income surveys at their own expense.

The Community Development Block Grant Program is the only significant 100 percent grant resource still available to local governments who are attempting to address problems faced by their growing low and moderate income populations. For this reason, it is a particularly strategic and important program. We urge the IFA to look for ways to expand community development investment options for local governments and provide greater deference to local decision-making.

Thank you again for your invitation to comment on the use of this vital local government resource.

Sincerely,



Suzanne Dufner,
Community Development Director

Cc: Renata Wakeley, MWVCOG
Lynn Schoessler, Business Oregon

Wingard Theresa * HCS

From: Baker Mary A <mary.a.baker@biz.state.or.us>
Sent: Tuesday, October 22, 2013 8:33 AM
To: WINGARD Theresa; GAIL Jon; Zacharias Gloria
Subject: FW: [CDBGNews] Proposed CDBG 2014 Method of Distribution

The last comment, notice it came in exactly at 5:00 pm yesterday!

From: Susan Wagner [mailto:swagner@cat-team.org]
Sent: Monday, October 21, 2013 5:00 PM
To: Baker Mary A
Subject: RE: [CDBGNews] Proposed CDBG 2014 Method of Distribution

Good afternoon.

I would like to comment on the proposed MOD.

I am relatively new to the field of CDBG, having only worked since 2007; however, from historical standpoint, it appears that Grant Management fees and Grant Administration Fees have not been adjusted for many, many years.

Expenses increase, salaries increase, but the base line has not. It is difficult to do the same work on the same amount of funds that have been stagnant for decades. This does not mean we will not continue to do this work, but we would appreciate it if it could be addressed.

Sincerely,

Susan Wagner
Community Action Team
St Helens, OR
503.366.6562

From: CDBGNews [mailto:cdbgnews-bounces@listsmart.osl.state.or.us] **On Behalf Of** Zacharias Gloria
Sent: Thursday, September 19, 2013 9:10 AM
To: CDBGNews@listsmart.osl.state.or.us
Subject: [CDBGNews] Proposed CDBG 2014 Method of Distribution

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The Oregon Business Development Department (OBDD) is seeking public comment on the proposed 2014 CDBG Method of Distribution through October 21, 2013. A public hearing will be held at 12:00 noon on October 17, 2013 at OBDD, 775 Summer Street NE, Salem, Oregon in conference room 201.

The draft Method of Distribution (MOD) can be viewed at

<http://www.orinfrastructure.org/Learn-About-Infrastructure-Programs/Interested-in-a-Community-Development-Project/Community-Development-Block-Grant/>

Written comments on the proposed 2014 MOD will be accepted until 5:00 pm on October 21, 2013. Comments can be forwarded to Mary Baker, OBDD, PO Box 866, Klamath Falls, Oregon 97601 or by e-mail at mary.a.baker@biz.state.or.us

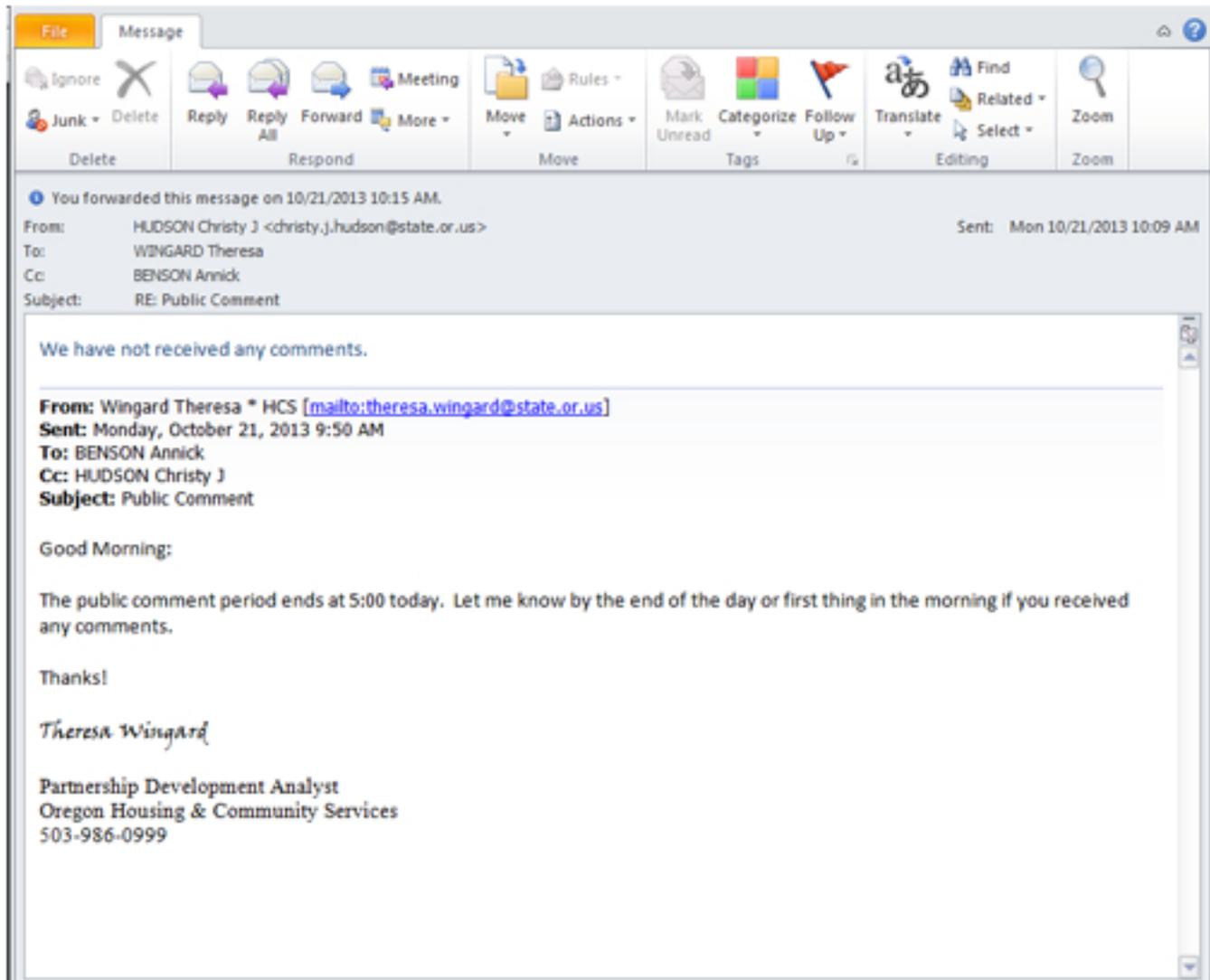
If you would like a hard copy of the 2014 Proposed Method of Distribution please let us know and one will be sent to you.

Gloria Zacharias, PCED
CDBG Program and Policy Coordinator
Oregon Business Development Department

Office: (503) 986-0132
Fax: (503) 581-5115

****CONFIDENTIALITY NOTICE****

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ATTACHMENT G

CITIZEN PARTICIPATION PLAN

State of Oregon

CITIZEN PARTICIPATION PLAN

for HUD Funding of CDBG, ESGP, HOPWA, and HOME
by Oregon Business Development Department, Oregon Health Authority
and Oregon Housing and Community Services

PURPOSE

The purpose of this Citizen Participation Plan is to encourage collaborative problem solving through involvement of the citizens of Oregon along with public and private agencies that serve their needs through use of the covered funds available from HUD.

UNIVERSAL ELEMENTS

TARGETED POPULATIONS

- Elderly including frail elderly
- Low and moderate income persons
- Minorities
- Disabled, including physically, mentally, developmentally, and chemically
- Persons with HIV/AIDs and their families
- Homeless and near homeless
- Farm workers

CONSULTING PARTNERS

- The citizens of Oregon
- Oregon Department of Human Services
- Oregon Health Authority
- Oregon Public Housing Authorities
- Oregon CDCs, including CHDOs
- Oregon economic development organizations
- Oregon Association of Community Development Officials
- League of Oregon Cities
- CASA of Oregon
- Oregon Association of Counties
- Oregon Council on Developmental Disabilities
- Oregon Disability Commission
- Oregon Indian Nations
- Faith-based groups
- Oregon Continuums of Care
- Local governments, port authorities and economic development agencies
- Oregon non-profit and for-profit groups providing services to targeted populations
- Local business and civic leaders

- publicly funded institutions and systems of care that may discharge persons into homelessness
- agencies and entities providing data or services relating to Lead Based Paint
- Rural Development (U.S. Department of Agriculture)
- Oregon Community Action Agencies

TARGETED NOTICE CONTACTS

- Oregonian – formal hearing and comment period notices
- Media outlets
- Consulting partners
- Various neighborhood, public housing, religious and other organizations providing services to targeted populations by press release or notice.
- Any person or group requesting notice

DOCUMENT AVAILABILITY

- OHCS web site <http://www.ohcs.oregon.gov/>
- OBDD web site <http://www.econ.state.or.us/>
- Reasonable numbers of print copies will be made available free of charge
- OBDD, 755 Summer Street NE, Suite 200, Salem, OR 97301
- OHCS, 725 Summer Street NE Suite B, Salem, OR 97301

ACCOMMODATION AT MEETINGS AND HEARINGS

Public meetings or hearings will be held

- at locations convenient for targeted populations
- in a facility which is fully accessible to the physically handicapped
- at a time convenient for targeted populations (generally over the noon hour)
- accommodation for translation/interpreter services for limited English proficient persons will be provided upon request.
- with accommodations made for special needs when accommodation is requested at least five days prior to the event

PUBLIC AND PARTNER INPUT

- all citizen input will be considered by Oregon in determining final decisions on all covered documents
- a summary of all citizen input will be included in all covered documents along with Oregon's response to the input, including changes to the covered document or an explanation of why the comments did not elicit any changes
- minutes from all public hearings will be included in submission of covered documents
- translation services will be provided for any public hearing where a significant number of non-English speaking residents can be reasonably expected to participate or if requested at least five days prior to the event.

COVERED DOCUMENTS

- Consolidated Plan – a document generally projecting the five year amount, use, and beneficiaries of the HUD funds for Community Development Block Grant, Emergency Solutions Grant Program, Home Partnership Grant (including American Dream Down payment Initiative) and Housing of Persons with Aids grants
- Annual Action Plans – individual detailed annual plans for each of the five years of the Consolidated Plan.
- CDBG Method of Distribution
- Consolidated Annual Performance Evaluation Reports (CAPER) outlining actual results of Action Plan activities for the previous calendar year
- Substantial Amendments to the Consolidated Plan – defined as one or more the following
 - Changes to fund allocation priorities
 - Changes in method of distribution of funds not already discussed in the Consolidated Plan
 - Use of funds (including program income) for an activity not previously described in the CDBG MOD or Annual Action Plan
 - Substantial* changes in the purpose, scope, location, or beneficiaries of and activity.

* Substantial is defined as a variance of 20% or more from the average of the previous five years funding and/or goals.

FORM OF NOTICE CHART				
DOCUMENT	PUBLIC HEARING	COMMENT PERIOD	SUBMIT TO HUD	FORM OF NOTICE
Consolidated Plan	Yes	30 days	No later than November 15 th or 45 days prior to start of next planning period	Newspaper OHCS Website Via e-mail to Partners
Annual Action Plan and CDBG MOD	Optional	30 days	No later than November 15 th or 45 days prior to start of next planning period	Newspaper OHCS Website Via e-mail to Partners
CAPER and PER	Not required	15 days	No later than March 30 th of the year following performance	Newspaper OHCS Website Via e-mail to Partners
Amendments	Optional	30 days	At time of amendment or no later than end of program year.	Newspaper OHCS Website Via e-mail to Partners

CDBG RECIPIENTS

CDBG recipients are required to follow citizen participation requirements contained in the Method of Distribution.

COMPLAINTS

Oregon will respond, in writing, within fifteen working days of to any complaint from citizens related to the Consolidated Plan, Annual Action Plan, Method of Distribution, PER, CAPER, or any substantial Program Amendment.

CONTACTS

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Salem, OR 97301-1266
503.986.0999
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