

NORTH DAKOTA'S EMERGENCY SOLUTIONS GRANT PROGRAM DESK GUIDE

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ALTERNATIVE FORMATS ARE AVAILABLE UPON REQUEST

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SECTION 1 PROGRAM OVERVIEW

The Emergency Solutions Grants Program (ESG), formerly known as the Emergency Shelter Grants Program is a federal block grant authorized by subtitle B of the McKinney Vento Homeless Assistance Act and administered by the U.S. Department of Housing and Urban Development (HUD). The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH) revised the Emergency Shelter Grants Program and renamed it the Emergency Solutions Grants Program.

As a result of the HEARTH Act, the new ESG expands the eligible activities for emergency shelter and homelessness prevention activities to include short- and medium-term rental assistance and services to stabilize and rapidly re-house individuals and households who are homeless or at risk of becoming homeless. One of the main changes to the ESG program is an increased focus on homelessness prevention services and rapid re-housing activities as evidenced with the emphasis on homelessness prevention and the addition of a new rapid re-housing activity.

The North Dakota's Emergency Solutions Grant Program Desk Guide is intended to assist sub-recipients with the administration of the ESG Program. Sub-recipients are encouraged to review 24 CFR Parts 91 and 576 for complete program information.

SECTION 2

PROGRAM COMPONENTS AND ELIGIBLE ACTIVITIES

ELIGIBLE ACTIVITIES

Subrecipients may use ESG funds for five program components: Street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and HMIS. The five program components and the eligible activities that may be funded under each are set forth in 576.101 through CFR 576.107.

Subject to the cost principles in OMB Circulars A-87 (2 CFR 225) and A-122 (2 CFR 230) and other requirements in this part, employee compensation and other overhead costs directly related to carrying out street outreach, emergency shelter, homelessness prevention, rapid rehousing, and HMIS are eligible costs of those program components. These costs are not administrative costs.

STREET OUTREACH COMPONENT

Subject to the expenditure limit in CFR 576.100(b), ESG funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. For the purposes of this section, the term “unsheltered homeless people” means individuals and families who qualify as homeless under paragraph (1)(i) of the “homeless” definition under CFR 576.2. The eligible costs and requirements for essential services consist of:

Engagement

The costs of activities to locate, identify, and build relationships with unsheltered homeless people and engage them for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs. These activities consist of making an initial assessment of needs and eligibility; providing crisis counseling; addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries; and actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs, including emergency shelter, transitional housing, community-based services, permanent supportive housing, and rapid rehousing programs. Eligible costs include the cell phone costs of outreach workers during the performance of these activities.

Case Management

The costs of assessing housing and service needs, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant. Eligible services and activities are as follows: using the centralized or coordinated assessment system as required under CFR 576.401(a), including verifying and documenting eligibility; counseling; developing, securing and coordinating services, obtaining Federal, State, and local benefits;

monitoring and evaluating program participant progress; providing information and referrals to other providers; and developing an individualized housing and service plan for permanent housing stability.

Emergency HEALTH Services

1. Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living.
2. ESG funds may be used only for these services to the extent that other appropriate health services are inaccessible or unavailable within the area.
3. Eligible treatment consists of assessing a program participant's health problems and developing a treatment plan; assisting program participants to understand their health needs; providing directly or assisting program participants to obtain appropriate emergency medical treatment; and providing medication and follow-up services.

Emergency MENTAL Health Services

1. Eligible costs are the direct outpatient treatment by licensed professionals of mental health conditions, operating in community-based settings, including streets, parks, and other places where unsheltered people are living.
2. ESG funds may be used only for these services to the extent that other appropriate mental health services are inaccessible or unavailable with the community.
3. Mental health services are the application of therapeutic processes to personal, family, situational or occupational problems in order to bring about positive resolution of the problem of improved individual or family functioning or circumstances.
4. Eligible treatment consists of crisis interventions, the prescription of psychotropic medications, explanation about the use and management of medications, and combinations of therapeutic approaches to address multiple problems.

Transportation

The transportation costs of travel by outreach workers, social workers, medical professionals, or other service providers are eligible, provided that this travel takes place during the provision of services eligible under this section. The costs of transporting unsheltered people to emergency shelters or other service facilities are also eligible. These costs include the following:

1. The costs of a program participant's travel on public transportation;
2. If service workers use their own vehicles, mileage allowance for service workers to visit program participants;

3. The cost of purchasing or leasing a vehicle for the recipient or subrecipient in which staff transports program participants and/or staff serving program participants, and the cost of gas, insurance, taxes and maintenance for the vehicle; and
4. The travel costs of subrecipient staff to accompany or assist program participants to use public transportation.

Services for Special Populations

ESG funds may be used to provide services for homeless youth, victim services, and services for people living with HIV/AIDS, so long as the costs of providing these services are eligible. The term victim services means services that assist program participants who are 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.

Eligible costs include:

1. Engagement
2. Case Management
3. Emergency Health Services
4. Emergency Mental Health Services
5. Transportation

EMERGENCY SHELTER COMPONENT

Subject to the expenditure limit in CFR 576.100(b), ESG funds may be used for costs of providing essential services to homeless families and individuals in emergency shelters, renovating building to be used as emergency shelter for homeless families and individuals, and operating emergency shelters. ESG funds may be used to provide essential services to individuals and families who are in an emergency shelter as follows:

Essential Services

Case Management

The costs of assessing, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant is eligible. Component services and activities consist of:

1. Using the centralized or coordinated assessment system;
2. Conducting the initial evaluation required under CFR 576.401(a), including verifying and documenting eligibility;
3. Counseling;

4. Developing, securing and coordinating services and obtaining Federal, State, and local benefits;
5. Monitoring and evaluating program participant's progress;
6. Providing information and referrals to other providers;
7. Providing on-going risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking, and;
8. Developing an individualized housing and service plan, including planning a path to permanent housing stability.

Child Care

The costs of child care for program participants, including providing meals and snacks, and comprehensive and coordinated sets of appropriate developmental activities, are eligible. The children must be under the age of 13, unless they are disabled. Disabled children must be under the age of 18. The child care center must be licensed by the State in order for its costs to be eligible.

Education Services

When necessary for the program participant to obtain and maintain housing, the costs of improving knowledge and basic educational skills are eligible. Services include instruction or training in consumer education, health education, substance abuse prevention, literacy, English as a Second Language, and General Educational Development (GED) are eligible. Component services or activities are screening, assessment and testing; individual or group instruction; tutoring; provision of books, supplies and instructional material; counseling; and referral to community resources.

Employment Assistance and Job Training

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

Outpatient Health Services

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

Legal Services

1. Eligible costs are the hourly fees for legal advice and representation by attorneys licensed and in good standing with the bar association of the State in which the services are provided, and by person(s) under the supervision of the licensed attorney, regarding matters that interfere with the program participant's ability to obtain and retain housing.
2. ESG funds may be used only for these services to the extent that other appropriate legal services are unavailable or inaccessible within the community.
3. Eligible subject matters are child support, guardianship, paternity, emancipation, and legal separation, orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking, appeal of veterans and public benefit claim denials, and resolution of outstanding criminal warrants.
4. Component services or activities may include client intake, preparation of cases for trial, provision of legal advice, representation at hearings, and counseling.
5. Fees based on the actual service performed (i.e., fee for service) are also eligible, but only if the cost would be less than the cost of hourly fees. Filing fees and other necessary court costs are also eligible. If the subrecipient is a legal services provider and performs the services itself, the eligible costs are the subrecipient's employees' salaries and other costs necessary to perform the services.
6. Legal services for immigration and citizenship matters and issues relating to mortgages are ineligible costs. Retainer fee arrangements and contingency fee arrangement are ineligible costs as well.

Life Skills Training

The costs of teaching critical life management skills that may never have been learned or have been lost during the course of physical or mental illness, domestic violence, substance use, and homelessness are eligible costs. These services must be necessary to assist the program

participant to function independently in the community. Component life skills training are budgeting resources, managing money, managing a household, resolving conflict, shopping for food and needed items, improving nutrition, using public transportation, and parenting.

Mental Health Services

1. Eligible costs are the direct outpatient treatment by licensed professional of mental health conditions.
2. ESG funds may only be used for these services to the extent that other appropriate mental health services are unavailable or inaccessible within the community.
3. Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances. Problem areas may include family and marital relationships, parent-child problems, or symptom management.
4. Eligible treatment consists of crisis interventions; individual, family or group therapy sessions; the prescription of psychotropic medications or explanations about the use and management of medications; and combinations of therapeutic approaches to address multiple problems.

Substance Abuse Treatment Services

1. Eligible substance abuse treatment services are designed to prevent, reduce, eliminate, or deter relapse of substance abuse or addictive behaviors and are provided by licensed or certified professionals.
2. ESG funds may only be used for these services to the extent that other appropriate substance abuse treatment services are unavailable or inaccessible within the community.
3. Eligible treatment consists of client intake and assessment, and outpatient treatment for up to 30 days. Group and individual counseling and drug testing are eligible costs. Inpatient detoxification and other inpatient drug or alcohol treatment are not eligible costs.

Transportation

Eligible transportation costs consist of a program participant's travel to and from medical care, employment, child care, or other eligible essential services facilities. These costs include the following:

1. The cost of a program participant's travel on public transportation;
2. If subrecipient staff use their own vehicles, mileage allowance for staff to visit program participants; and

3. The cost of purchasing or leasing a vehicle for the recipient or subrecipient in which staff transports program participants and/or staff serving program participants, and the cost of gas, insurance, taxes and maintenance for the vehicle; and
4. The travel costs of subrecipient staff to accompany or assist program participants to use public transportation.

Services for Special Populations

ESG funds may be used to provide services for homeless youth, victim services, and services for people living with HIV/AIDS, so long as the costs of providing these services are eligible. The term victim services means services that assist program participants who are 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.

Renovation

Eligible costs include labor, materials, tools and other costs for renovation (including major rehabilitation of an emergency shelter or conversion of a building into an emergency shelter). The emergency shelter must be owned by a government entity or private nonprofit organization.

Shelter Operations

Eligible costs are the costs of maintenance (including minor or routine repairs), rent, security, fuel, equipment, insurance, utilities, food, furnishings, and supplies necessary for the operations of the emergency shelter. Where no appropriate emergency shelter is available for a homeless family or individual, eligible costs may also include a hotel or motel voucher for that family or individual.

HOMELESSNESS PREVENTION COMPONENT

ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to **prevent an individual or family** from moving into an emergency shelter or another place described in paragraph (1) of the “homeless” definition in CFR 576.2. This assistance, referred to as homelessness prevention, may be provided to individuals and families who meet the criteria under the “at risk of homelessness” definition or who meet the criteria in paragraph (2), (3), or (4) of the “homeless” definition in CFR 576.2 and have an annual income below 30% of median family income for the area, as determined by HUD. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant’s current permanent housing or move into other permanent housing and achieve stability in that housing. Homelessness prevention must be provided in accordance with the housing relocation and stabilization services requirements in CFR 576.105, the short-term and medium-term rental assistance requirements in 576.106, and the written standards and procedures established under CFR 576.400.

RAPID RE-HOUSING ASSISTANCE COMPONENT

ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a **homeless individual or family** move as quickly as possible into permanent housing and achieve stability in that housing. This assistance, referred to as rapid re-housing assistance, may be provided to program participants who meet the criteria under paragraph (1) of the “homeless” definition in CFR 576.2 or who meet the criteria under paragraph (4) of the “homeless” definition and live in an emergency shelter or other place described in paragraph (1) of the “homeless” definition. The rapid re-housing assistance must be provided in accordance with the housing relocation and stabilization service requirements of CFR 576.105, the short-and medium-term rental assistance requirements of CFR 576.108, and the written standards and procedures established under CFR 576.400.

THE FOLLOWING REQUIREMENTS APPLY TO PROGRAM PARTICIPANTS ASSISTED THROUGH THE ESG FOR HOMELESS PREVENTION COMPONENT AND RAPID RE-HOUSING ASSISTANCE COMPONENT:

Housing Relocation and Stabilization Services. Subject to the general restrictions under the Homelessness Prevention Component, ESG funds may be used to pay the costs of providing the following service. Subrecipient may set a maximum dollar amount and/or a maximum period of time that a program participant may receive for each type of financial assistance. The following financial assistance cannot be provided to a program participant who is receiving the same type of assistance through other public sources.

Rental Application Fees: ESG funds may pay for the rental housing application fee that is charged by the owner to all applicants.

Security Deposit: ESG funds may pay for a security deposit that is equal to no more than 2 month’s rent.

Last Month’s Rent: If necessary to obtain housing for a program participant, the last month’s rent may be paid from ESG funds to the owner of that housing at the time the owner is paid the security deposit and the first month’s rent. This assistance must not exceed one month’s rent and must be included in calculating the program participant’s total rental assistance, which cannot exceed 24 months during any 3-year period.

Utility Deposits: ESG funds may pay for a standard utility deposit required by the utility company for all customers for the utilities listed in this section.

Utility Payments: ESG funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. A partial payment of a utility bill counts as one month. This assistance may only be provided for the program participant or a member of the same household who has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water and sewage. No program participant shall receive more than 24 months of utility assistance within any 3-year period.

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

Housing Search and Placement: Services or activities necessary to assist program participants in locating, obtaining, and retaining suitable permanent housing, include the following:

- a. Assessment of housing barriers, needs, and preferences;
- b. Development of an action plan for locating housing;
- c. Housing search;
- d. Outreach to and negotiation with owners;
- e. Assistance with submitting rental applications and understanding leases;
- f. Assessment of housing for compliance with Emergency Solutions Grant (ESG) requirements for habitability, lead-based paint, and rent reasonableness;
- g. Assistance with obtaining utilities and making moving arrangements; and
- h. Tenant Counseling

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

- a. Using the centralized or coordinated assessment system as required under CFR 576.400(d), to evaluate individuals and families applying for or receiving homelessness prevention or rapid re-housing assistance;
- b. Conducting the initial evaluation required under CFR 576.401(a), including verifying and documenting eligibility, for individuals and families applying for homelessness prevention or rapid re-housing assistance;
- c. Counseling;
- d. Developing, securing, and coordinating services and obtaining Federal, State, and local benefits;
- e. Monitoring and evaluating program participant progress;

- f. Providing information and referrals to other providers;
- g. Developing an individualized housing and service plan, including planning a path to permanent housing stability; and
- h. Conducting re-evaluations required under CFR 576.401(b).

Mediation: ESG funds may pay for mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.

Legal Services: ESG funds may pay for legal services, as set forth in 576.102(a)(1)(vi), except that the eligible subject matters also include landlord/tenant matters, and the services must be necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which they currently resides.

Credit Repair: ESG funds may pay for credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems. This assistance does not include the payment or modification of a debt.

Short-Term and Medium-Term Rental Assistance

a. General Provisions

For Rapid Re-housing Assistance short-term and medium-term rental assistance, ESG funds may provide a program participant with up to 24 months of rental assistance during any 3 year period. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance.

1. Short-term rental assistance is assistance for up to 3 months of rent;
2. Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent;
3. Payment of rental arrears consists of a onetime payment for up to 6 months of rent in arrears, including any late fees on those arrears;
4. Rental assistance may be tenant-based or project-based;

b. Discretion of Set Caps and Conditions. The subrecipient 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 subrecipient may also require program participants to share in the costs of rent. All units must meet Fair Market Rent requirements as established by HUD.

- c. **Use with Other Subsidies.** Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance through other public sources. Rental assistance may not be provided 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.

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.

For tenant-based rental assistance, the subrecipient may require that all program participants live within a particular area for the period in which the rental assistance is provided.

d. **Rent Restrictions.**

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

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

For project-based rental assistance, the rental assistance agreement may cover one or more permanent housing units in the same building. The program participant's lease must not contain the term of occupancy to the provision of rental assistance payments. The rental assistance agreement must have an initial term of one year. Under no circumstances may the subrecipient commit ESG funds to be expended beyond the expenditure deadline in CFR 576.203 or commit funds for a future ESG grant before the grant is awarded.

For tenant-based, a rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:

1. The program participant moves out of the housing unit for which the program participant has a lease;

2. The lease terminates and is not renewed; or
 3. The program participant becomes ineligible to receive ESG rental assistance.
- f. **Late Payments.** The subrecipient 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 subrecipient is solely responsible for paying late payment penalties that it incurs with non-ESG funds.
- g. **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 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 ESG project-based rental assistance, the lease must have an initial term of one year.

Assistance to eligible persons/families funded the ESG cannot exceed 24 months of rental assistance, 24 months of utility payment assistance including up to 6 months of arrears (utility/rent) during any three year period.

HMIS COMPONENT

The HEARTH Act makes the Homeless Management Information System (HMIS) participation a statutory requirement for ESG subrecipients. Victim service providers cannot, and legal services organizations may choose to not, participate in HMIS. Providers that do not participate in HMIS must instead use a comparable database that produces unduplicated, aggregate reports.

Eligible Costs

1. The subrecipient may use ESG funds to pay the costs of contributing data to the HMIS designated by the Continuum of Care for the area, including the costs of:
 - a. Purchasing software or software licenses;
 - b. Obtaining technical support
 - c. Paying charges for high-speed internet necessary to operate or contribute data to the HMIS;
 - d. Paying salaries for operating HMIS, including:
 1. Completing data entry;
 2. Monitoring and reviewing data quality;

3. Completing data analysis;
 4. Reporting to the HMIS Lead;
 5. Training staff on using the HMIS; and
 6. Implementing and complying with HMIS requirements;
- e. Paying costs of staff to travel to and attend HUD-sponsored and HUD approved training on HMIS and programs authorized by Title IV of the McKinney-Vento Homeless Assistance Act;
 - f. Paying staff travel costs to conduct intake; and
 - g. Paying participation fees charged by the HMIS Lead, if the subrecipient is not the HMIS Lead. The HMIS Lead is the entity designated by the Continuum of Care to operate the area's HMIS.

2. **General Restrictions**

Activities funded under this section must comply with HUD's standards on Participation, data collection, and reporting under a local HMIS.

If subrecipient is a victim services provider or a legal service provider, it may use ESG funds to establish and operate a comparable database that collects client-level data over time and generates unduplicated aggregate reports based on the data.

SECTION III
PROGRAM REQUIREMENTS AND GRANT ADMINISTRATION

Matching Requirement. Each subrecipient must match its ESG funds with an equal amount of funds received from sources other than this program. Matching funds may be obtained from any source, including any Federal source other than the ESG Program, as well as state, local and private sources. However, the subrecipient must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match ESG funds. Other criteria for matching funds follow:

1. The matching funds must be provided AFTER the date that DSC signs the grant agreement.
2. Matching funds used to match a previous ESG grant may not be used to match a subsequent ESG grant.
3. Matching funds that have been or will be counted as satisfying a match requirement of another Federal grant or award may not count as satisfying the match requirement of this program.
4. To count as match, cash distributions must be expended and noncash contributions must be made within the term of the ESG grant agreement.

Eligible Types of Matching contributions: The matching requirement may be met by one or both of the following:

1. Cash Contributions
2. Non-cash contributions – the value of any real property, equipment, goods or services, as well as the purchase value of any donated building.

**WRITTEN STANDARDS FOR PROVISION OF ESG
ASSISTANCE IN NORTH DAKOTA**

1. Standard policies and procedures for evaluating individuals' and families' eligibility for Assistance under ESG.

Per [24 CFR 576.401](#) ESG sub-recipients must conduct an initial evaluation to determine each individual or family's eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing. These evaluations must be conducted in accordance with the centralized or coordinated assessment requirements set forth under §576.400(d) which is pending development by the ND Continuum of Care (CoC).

ESG sub-recipients must re-evaluate the program participant's eligibility and the types and amounts of assistance the participant needs; not less than once every 3 months for participants who are receiving homelessness prevention assistance, and not less than once annually for participants who are receiving rapid re-housing assistance.

At the sub-recipient's discretion, re-evaluations may be conducted more frequently than required by [24 CFR 576.401](#) and may also be incorporated into the case management process which must occur not less than monthly for homeless prevention and rapid re-housing participants – [See 24 CFR 576.401\(e\) \(i\)](#). Regardless of which timeframe is used, re-evaluations, must at minimum, establish that:

- The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and the program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance. To determine if an individual or family is income eligible, the sub-recipient must examine an individual or family's annual income to ensure that it does not exceed the most current area [income limits](#) posted on the Division of Community Service's webpage found at:
www.communityservices.nd.gov/communitydevelopment/Programs/EmergencySolutionsGrantsESG/

Note: Annual income must be below 30% at the time of the initial evaluation.

- When the program participant's income or other circumstances change (*e.g.*, changes in household composition) that affects the program participant's need for assistance under ESG, the sub-recipient must re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs.

Sub-recipients must assist each program participant, as needed, to obtain appropriate supportive services, including assistance in obtaining permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living; housing stability case management; and other Federal, State, local, or private assistance available to assist the program participant in obtaining housing stability including:

- Medicaid
- Supplemental Nutrition Assistance Program
- Women, Infants and Children (WIC)
- Federal-State Unemployment Insurance Program
- Social Security Disability Insurance (SSDI)
- Supplemental Security Income (SSI)
- Child and Adult Care Food Program, and
- Other mainstream resources such as housing, health, social services, employment, education services and youth programs that an individual or family may be eligible to receive

2. Standards for targeting and providing essential services related to street outreach.

ESG funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility-based care to unsheltered homeless people who are *unwilling or unable* to access emergency shelter, housing, or an appropriate health facility. For the purposes of this section, the term “unsheltered homeless people” means individuals and families who qualify as homeless under paragraph (1) (i) of the “homeless” definition under [24 CFR Part 576.2](#).

As outlined in [24 CFR Part 576.101](#), essential services consist of:

- a) Engagement;
- b) Case management;
- c) Emergency health services – only when other appropriate health services are inaccessible or unavailable within the area;
- d) Emergency mental health services – only when other appropriate mental health services are inaccessible or unavailable within the area;
- e) Transportation; and
- f) Services for special populations.

ESG Sub-recipients must determine an individual’s or family’s vulnerability and unwillingness or inability to access emergency shelter, housing, or an appropriate health facility, prior to providing essential services under this component to ensure that ESG funds are used to assist those with the greatest need for street outreach assistance.

3. Policies and procedures for admission, diversion, referral, and discharge by emergency

a. Emergency Shelter Definition

The term Emergency Shelter was revised by [24 CFR Part 576.2](#) to mean “any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements. This definition excludes transitional housing. However, projects that were funded as an emergency shelter (shelter operations) under the FY 2010 Emergency Shelter Grants program may continue to be funded under the emergency shelter component under the Emergency Solutions Grants program, regardless of whether the project meets the revised definition.

b. Admission, Diversion, Referral and Discharge

Consistent with Section (a) of this document, ESG sub-recipients must conduct an initial evaluation of all individuals or families to determine if they should be admitted to an emergency shelter, diverted to a provider of other ESG funded components (e.g. rapid re-housing or homeless prevention assistance) and/or referred for other mainstream resources.

ESG sub-recipients must determine that individuals and families meet criteria (1), (2), (3), or (4) of the [Homeless Definition](#) and rate the individual or family's vulnerability to ensure that only those individuals or families that have the greatest need for emergency shelter assistance receive ESG funded assistance.

ESG sub-recipients must also reassess emergency shelter participants, on an ongoing basis, to determine the earliest possible time that they can be discharged to permanent housing.

c. Safety and Shelter Needs of Special Populations

ESG funds may be used to provide services for homeless youth, victim services, and services for people living with HIV/AIDS, so long as the costs of providing these services are eligible under the regulations for the emergency shelter component found at [24 CFR Part 576.102](#).

Consistent with ESG recordkeeping and reporting requirements found at [24 CFR Part 576.500](#), ESG sub-recipients must develop and apply written policies to ensure the safety of program participants through the following actions:

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

In addition, ESG sub-recipients must adhere to the following ESG shelter and housing standards found at [24 CFR Part 576.403](#) to ensure that shelter and housing facilities are safe, sanitary, and adequately maintained:

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

4. Policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter.

ESG funds may be used to provide essential services to individuals and families who are in an emergency shelter. Essential services for participants of emergency shelter assistance can include case management, child care, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services, transportation, and services for special populations.

ESG sub-recipients are responsible to assess an individual or family's initial need for emergency shelter and must re-assess their need on an ongoing basis to ensure that only those individual or families with the greatest need receive ESG funded emergency shelter assistance.

Upon completion and implementation of the CoC's centralized or coordinated assessment system, ESG recipients shall be required to use that system to help determine an individual or families need for emergency shelter or other ESG funded assistance.

5. Policies and procedures for coordination among emergency shelter providers, essential service providers, homelessness prevention and rapid re-housing assistance providers, other homeless assistance providers, and mainstream service and housing providers.

Coordination to assist the homeless and prevent homelessness will come from the leadership of the statewide Continuum of Care. Active engagement and membership in the statewide CoC or local homeless coalition is strongly encouraged. The CoC will further engage and coordinate resources amongst other entities to improve current programs and funding.

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.

The key to the success of any program is a screening and assessment process, which thoroughly explores a family's or individual's situation and pinpoints their unique housing and service needs. Based upon the assessment, families and individuals should be referred to the kinds of housing and services most appropriate to their situations and need.

Once in place, a centralized or coordinated assessment system will help to better match individuals and families with the most appropriate assistance. Under homelessness prevention assistance, funds are available to persons below 30% of Area Median Income (AMI), and are homeless or at risk of becoming homeless.

ESG funds can be used to prevent an individual or family from becoming homeless and/or regain stability in current housing or other permanent housing. Rapid re-housing funding will be available to those who are literally homeless to ultimately move into permanent housing and achieve housing stability.

7. Standards for determining the share of rent and utilities costs that each program participant must pay, if any, while receiving homelessness prevention or rapid re-housing assistance.

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

- Rental assistance cannot be provided for a unit unless the rent for that unit is at or below the [Fair Market Rent](#) limit, established by HUD. A complete listing of Fair Market Rents for North Dakota counties can be found at: <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/limits/rent/2013/>
- The rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units. See [24 CFR 574.320](#).
- The rental unit must meet minimum habitability standards found at [24 CFR 576.403](#).
- There must be a rental assistance agreement and lease between property manager and tenant as well as the owner of property and ESG sub-recipient.
- No rental assistance may be made to an individual or family that is receiving rental assistance from another public source for the same time period, and
- Rental assistance may not be provided to a participant who is currently receiving replacement housing payments under Uniform Relocation Assistance

Per [24 CFR 576.106 \(e\)](#), ESG sub-recipients may make rental assistance payments only to an owner with whom the sub-recipient has entered into a rental assistance agreement. The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements that apply under this section. The rental assistance agreement must provide that, during the term of the agreement, the owner must give the sub-recipient 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.

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.

Subject to the general conditions under [24 CFR 576.103](#) and [24 CFR Part 576.104](#), ESG sub-recipients may provide a program participant with up to 24 months of rental assistance during any 3-year period. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance.

Short-term rental assistance is assistance for up to 3 months of rent. Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent. Payment of rental arrears may consist of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.

The maximum amount of rental assistance provided and, an individual or family's level of responsibility for rent payments, over time, shall be determined by the ESG sub-recipient and shall be reflective of the individual or family's need for rental assistance and the level of financial resources available to the ESG sub-recipient.

9. Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide 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 participants receives assistance; or the maximum number of times the program participants may receive assistance.

Subject to the general conditions under [24 CFR 576.103](#) and [24 CFR Part 576.104](#), sub-recipients may use ESG funds to pay housing owners, utility companies, and other third parties for some or all of the following costs, as allowed [under 24 CFR 576.105](#):

- Rental application fees
- Security deposits
- Last month's rent
- Utility deposits
- Utility payments
- Moving costs, and
- Some limited services costs

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

Consistent with [24 CFR 576.105\(d\)](#), financial assistance for housing stabilization and/or relocation services cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the Uniform Relocation Act (URA) during the period of time covered by the URA payments.

Participating in HMIS. The subrecipient must ensure that data on all persons served and all activities assisted under ESG are entered into the applicable community-wide HMIS in the area in which those persons and activities are located, or a comparable database, in accordance with HUD's standards on participation, data collection, and reporting under a local HMIS. If the subrecipient is a victim service provider or a legal services provider, it may use a comparable database that collects client-level data over time (i.e., longitudinal data) and reports based on the data. Information entered into a comparable database must not be entered directly into or provided to an HMIS.

Terminating Assistance. Subrecipients may terminate assistance to a program participant who violates program requirements. Subrecipients may also resume assistance to a program participant whose assistance was previously terminated. In terminating assistance to a program participant, subrecipients must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law. This process, at a minimum, must consist of:

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

Conflicts of Interest

1. **Organizational Conflicts of Interest.** The provision of any type of amount of ESG assistance may not be conditioned on an individual's or family's acceptance or occupancy of emergency shelter or housing owned by the subrecipient, or a parent or subsidiary of the subrecipient. No subrecipient may, with respect to individuals or families occupying housing owned by the subrecipient, or any parent or subsidiary of the subrecipient, carry out the initial evaluation required under CFR 576.401 or administer homelessness prevention assistance under CFR 576.103.
2. **Individual Conflicts of Interest.** For the procurement of goods and services, the recipient and subrecipients must comply with the codes of conduct and conflict of interest requirements under 24 CFR 85.36 (for governments) and 24 CFR 84.42 (for private non-profit organizations).

Drug-Free Workplace Requirements. The Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et seq.) and HUD's implementing regulations at 24 CFR part 21 apply to ESG.

Recordkeeping and Reporting Requirements. The subrecipient must have policies and procedures to ensure that requirements are met. The policies and procedures must be established in writing and implemented by the subrecipients to ensure that ESG funds are used in accordance with the requirements in 24 CFR part 576.500.

Monitoring. DCS is responsible for monitoring all ESG activities, including activities that are carried out by subrecipients, to ensure that the program requirements established by the HUD Notice and any subsequent guidance are met.

Nondiscrimination and Equal Opportunity Requirements. Subrecipients must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). In addition, Subrecipients must make known that ESG rental assistance and services are available to all on a nondiscriminatory basis and ensure that all citizens have equal access to information about ESG and equal access to the financial assistance and services provided under this program. Among other things, this means that each subrecipient must take reasonable steps to ensure meaningful access to programs to persons with limited English proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964.

Sanctions. If DCS determines that a subrecipient is not complying with the requirements of this guide, the ESG plan or other applicable federal laws, DCS will take appropriate actions, which may include:

- Issue a warning letter that further failure to comply with such requirements will result in a more serious sanction;
- Direct the subrecipient to cease incurring costs with ESG funds;
- Require that some or all of the ESG funds amounts be remitted to DCS; or
- Reduce (de-obligate) the level of funds the subrecipient would otherwise be entitled to receive; or
- Elect to make the subrecipient ineligible for future DCS funding.

Subrecipients **MUST EXPEND 100%** of their funds within **12 months** from the date the grant agreement was signed by DCS.

DCS and HUD will closely track subrecipient expenditures in order to meet requirements and allow for reallocation if subrecipients have not spent their funds within the 12 month period.

DCS reserves the right to review a subrecipient's balance of funds quarterly and re-allocate unused funds. Any ESG funds that become available to DCS as a result of a sanction will be made available (as soon as practicable) to other private non-profit organizations or units of general local government located in the state for use within specific time periods.

Reimbursement Requests

ESG subrecipients will submit draw requests for reimbursement of program expenditures to DCS. Request will be reviewed in the order they are received by DCS. Lack of documentation or explanation may result in disallowance of expenses until appropriate documentation is submitted.

- Subrecipients are encouraged to send only one draw request per month.
- Non-DV Clients must be entered into the HMIS System prior to any reimbursement of their activities.
- Only incurred expenses are eligible for reimbursement. Expenses that are incurred prior to the current contract date are not eligible.

Once a monthly draw request is received:

- Each expense request is reviewed for accuracy and eligibility.
- If an expense item is missing documentation or DCS has a question regarding the expense and/or documentation that item will be disallowed. An explanation of why it was disallowed will be included in the return letter and notation as to whether the item can be resubmitted with a future draw. The remainder of the draw request will be processed.

A detailed list of instructions, an Itemization Form and a set of Financial Assistance and Housing Relocation & Stabilization forms are sent to each subrecipient for their use in submitting their draw requests.

Subrecipients will submit, at a minimum annually, any additional reporting requirements by the Federal Government or DCS.

Documentation and File Contents

If a client is found to be eligible and appropriate for the ESG program after the initial interview, certain documents must be obtained and placed in the client file. Below is a list of general items.

1. ESG Centralized Intake Assessment
2. Identification: Copy of government issued proof of citizenship (birth certificate, social security card, driver's license, and passport).
3. ESG Housing Stabilization Plan
4. Non-housing Referrals (to mainstream resources and other agencies)
5. Housing Referrals (to permanent housing)
6. HMIS Client Consent to Release Information form (for Non-DV Clients)
7. Correspondence & Case Notes
8. Follow-up after discharge documentation
9. Documentation of non-eligibility

10. If not eligible for assistance, documentation as to other assistance applicant was referred to
11. Income Verifications (third party documentation preferred)
12. Zero Income Affidavits (self-declaration documentation)
13. Other Income Correspondence
14. Rent Calculations

GLOSSARY

AT RISK OF HOMELESSNESS DEFINITION

CATEGORY ONE - An individual or family who:

1. **CONDITION ONE** - Has an annual income **BELOW** 30% of median family income for the area, as determined by HUD; **AND**
2. **CONDITION TWO** - Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “homeless” definition in this section; **AND**
3. **CONDITION THREE** - Meets one of the following seven (7) conditions:
 - a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance; **OR**
 - b. Is living in the home of another because of economic hardship; **OR**
 - c. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; **OR**
 - d. Lives in a hotel or motel and the costs of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals; **OR**
 - e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there resides more than 1.5 persons reside per room, as defined by the U.S. Census Bureau; **OR**
 - f. Is exiting a publicly funded institution or system of care; **OR**
 - g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved Con Plan.

DOCUMENTATION REQUIREMENTS FOR CATEGORY ONE

CONDITION DOCUMENTATION

CONDITION TWO – documentation will require a self-certification, supported by other documentation when practicable (termination notice, employment compensation statement and health care/utility bill showing arrears).

CONDITION THREE – Self certification AND supporting documentation (third-party or oral or intake observation or documentation of due diligence.

RISK FACTOR DOCUMENTATION

RISK FACTOR ONE –

Notice of termination

Health care bills indicating arrears

Utility bills indicating arrears

INTAKE OBSERVATION IS NOT APPROPRIATE.

RISK FACTOR TWO –

Eviction notice from tenant/homeowner

Documentation of termination from employment OR unexpected medical costs OR inability to maintain housing including utilities

RISK FACTOR THREE –

Eviction Notice/Court Order from landlord/homeowner (**Only third party documentation allowed**)

RISK FACTOR FOUR –

Letter from hotel/motel manager

Intake observation

Documentation of participant's payment for hotel/motel stay

RISK FACTOR FIVE –

Lease

Unit details from Tax Assessor's Office

Intake Observation

(Must document the number of rooms in the unit AND the number of individuals living in the unit)

RISK FACTOR SIX –

Discharge paperwork

Referral letter

RISK FACTOR SEVEN –

Appropriate documentation depends on the characteristics identified in DCS’s Consolidated Plan.

Policies and procedures must establish documentation requirements in line with HUD’s required order.

CATEGORY TWO - A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C.5732a(3)), section 637(11) of the Head Start Act (42 U.S.C.9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C.14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C.254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C.2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C.1786(b)(15)); or

DOCUMENTATION REQUIREMENTS FOR CATEGORY TWO

Third Party – **WRITTEN ONLY**

Certification of homeless status (letter or standardized form)

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

DOCUMENTATION REQUIREMENTS FOR CATEGORY THREE

Documentation from family or agency administering the Federal Program in which the youth resides.

Must confirm that family/guardian is residing with children/youth.

Chronically Homeless Definition:

1. An individual who:
 - a. Is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
 - b. Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last 3 years, where each homeless occasion was at least 15 days; and

- c. Can be diagnosed with one or more of the following conditions: substance abuse disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C 15002)), posttraumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability;
2. An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) before entering that facility; and
3. A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1); including a family whose composition has fluctuated while the head of household has been homeless.

Emergency Shelter means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.

Homeless Definition

CATEGORY ONE: Any individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- a. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camp ground;
- b. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low income individuals); or
- c. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

DOCUMENTATION REQUIREMENTS FOR CATEGORY ONE

1. Written observation by the outreach worker; OR
2. Written referral by another housing or service provider; OR
3. Certification by the individuals or head of household seeking assistance stating that (s)he was living on the streets or in shelter;

4. For individuals exiting an institution – one of the forms of evidence above AND:
 - a. Discharge paperwork or written/oral referral, OR
 - b. Written record of intake worker’s due diligence to obtain above evidence AND certification by individual that they exited institution

CATEGORY TWO: An individual or family, who will imminently lose their primary nighttime residence, provided that:

- a. The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- b. No Subsequent residence has been identified; and
- c. The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.

DOCUMENTATION REQUIREMENTS FOR CATEGORY TWO

1. A court order resulting from an eviction action notifying the individual or family that they must leave; OR
2. For individual and families leaving a hotel or motel – evidence that they lack the financial resources to stay; OR
3. A documented and verified oral statement; AND
4. Certification that no subsequent residence has been identified; AND
5. Self-certification or other written documentation that they individual lacks the financial resources and support necessary to obtain permanent housing.

CATEGORY THREE: Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- a. Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C 2012), section 17(b) of the Child Nutrition Act of 1995 (42 U.S.C 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C 11434a);
- b. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

- c. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance, and
- d. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

RECORDING KEEPING REQUIREMENTS FOR CATEGORY THREE

- 1. Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; AND
- 2. Certification of no permanent housing in the last 60 days; AND
- 3. Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; AND
- 4. Documentation of special needs OR 2 or more barriers.

CATEGORY FOUR: An individual or family who:

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

DOCUMENTATION REQUIREMENTS FOR CATEGORY FOUR

- 1. For Victim Service Providers:
 - a. An oral statement by the individual or head of household seeking assistance which states: *they are fleeing; they have no subsequent residence; and they lack resources.* Statement must be documented by a self-certification or a certification by the intake worker;

2. For Non-Victim Service Providers:

- a. Oral statement by the individual or head of household seeking assistance that they are feeling. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; AND
 - 1) Certification by the individual or head of household that no subsequent residence has been identified; AND
 - 2) Self-certification or other written documentation that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

Homeless Management Information System (HMIS) means the information system designated by the Housing for the Homeless Consortium to comply with the HUD's data collection, management, and reporting standards and used to collect client level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.

Homelessness Prevention means funds may be used to provide housing relocation and stabilization services and short-or medium-term assistance necessary to prevent an individual or family from moving into an emergency shelter and prevent incidences of homelessness.

Housing for the Homeless Consortium means the group composed of representatives of relevant organizations, which includes non-profit homeless providers; victim service providers; faith-based organizations; governments; businesses; advocates; public housing agencies; school districts; social service providers; mental health agencies; organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons that are organized to plan for and provide, as necessary, a system of outreach, engagement, and assessment; emergency shelter; rapid re-housing; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless persons and persons at risk of homelessness for the State of North Dakota.

Housing Status and Documentation Each household served with housing relocation and stabilization services or short - medium term rental assistance is determined to be either homeless (for rapid re-housing assistance) or at risk of losing housing (for homelessness prevention assistance) through a housing status determination process that includes documentation of the household's current and past living situation. Documentation in the household file meets HUD's ESG Eligibility Determination and Documentation Guidance.

RAPID RE-HOUSING

Literally Homeless – Category 1 and 4 (see homeless definition above)

At-Imminent Risk of Literal Homelessness – Categories 2 and 4 (see homeless definition above)

At-Risk of Literal Homelessness – Category 3 (see homeless definition above)

HOMELESS PREVENTION

At-Risk of Homelessness – Category 1, 2 and 3 (see At-Risk Homeless Definition above)

Program Income shall have the meaning provided in 24 CFR 85.25. Program income includes any amount of a security or utility deposit returned to the subrecipient. THIS IS NOT AN ALLOWABLE COST IN THE ESG PROGRAM.

Program Participant means an individual or family who is assisted under the ESG program.

Rapid Re-Housing means ESG funds may be used to provide housing relocation and stabilization services and short-or medium-term rental assistance necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing.

Recipient means any State, territory, metropolitan city, or urban county, or in the case of reallocation, any unit of general purpose local government that is approved by HUD to assume financial responsibility and enters into a grant agreement with HUD to administer assistance under this part.

Subrecipient means a unit of general purpose local government or private nonprofit organization to which a recipient makes available ESG funds.

Street Outreach means funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing or an appropriate health facility.

Victim Service Provider means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault or stalking. This term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.