

# **FY 2011**

## **North Dakota Department of Commerce, Division of Community Services (DCS) Substantial Amendment to the FY 2011 Consolidated Plan Annual Action Plan**

This substantial amendment was prepared and is being submitted to HUD in accordance with the North Dakota Department of Commerce, Division of Community Services' (DCS) Citizen Participation Plan and the requirements of 24 CFR Part 91, as amended by the ESG Interim Rule.

### **GENERAL OVERVIEW**

The Consolidated Plan is a five-year housing and community development planning document prepared by the North Dakota Department of Commerce, Division of Community Services (DCS). The overall goal of community planning and development programs is to develop viable communities by providing decent housing and suitable living environment and expanding economic opportunities primarily for low and moderate-income persons. The Emergency Solutions Grants Program (ESG) – formerly known as Emergency Shelter Grants Program, is a formula program funded through U.S. Department of Housing and Urban Development's (HUD) Community Planning & Development utilized to help reach this goal. As a requirement of the application process for the new Emergency Solutions Grants program, DCS was required to create a substantial amendment to the State's 2011 Consolidated Plan, Annual Action Plan. On May 20, 2009, the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act was enacted into law. The HEARTH Act consolidates three of the separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program and revises the Emergency Shelter Grants Program and renames it as the Emergency Solutions Grants Program. The HEARTH Act also codifies into law the Continuum of Care planning process.

On December 5, 2011, the Homeless Emergency Assistance and Rapid Transition to Housing: Emergency Solutions Grants Program and Consolidated Plan Conforming Amendments (ESG Interim Rule) was published in the Federal Register. The ESG Interim Rule revises the regulations of the Emergency Shelter Grants Program by establishing the regulations for the new Emergency Solutions Grants Program. On January 27, 2012, HUD released the Notice of FY 2011 Substantial Amendment Process and Other Related Information for Recipients of Emergency Solutions Grants Program Funds which was utilized in creation of this Substantial Amendment to the North Dakota 2011 Consolidated Plan, Annual Action Plan.

This Substantial Amendment to the 2011 Consolidated Plan, Annual Action Plan serves to provide notice to the public of the dollar amounts and spending restrictions on the use of the second allocation of Fiscal Year (FY) 2011 Emergency Solutions Grants funding, and requirements for receiving the second allocation.

## A. Requirements for Preparation

### 1. Consultation

Consult with the Continuum(s) of Care within the geographic area on:

- Determining how to allocate ESG funds for eligible activities;

DCS staff met or spoke with the North Dakota State-wide Continuum of Care (CoC) on February 2, February 22, February 27, March 1, March 7, March 8, March 14, March 19, March 21, and March 27, 2012, to begin the consultation process outlined in the ESG Interim Rule. The ND State-wide CoC is made up of representatives from a wide range of targeted homeless programs, private non-profit organizations, local councils of government, community leaders, concerned citizens, as well as public and private agencies providing mainstream resources to individuals that are homeless or at-risk of homelessness, including: state and federal agencies that receive funding from the U.S. Department of Education, U.S. Health and Human Services, the U.S. Department of Labor, U.S. Veterans Administration and the U.S. Department of Justice.

A CoC taskforce provided recommendations to the DCS as to which ESG components and sub-activities should receive funding from the 2<sup>nd</sup> FY 2011 ESG allocation. Based on our consultation with the CoC, the estimated funding levels by ESG components, and sub-activities, are as follows:

#### 2<sup>nd</sup> FY 2011 ESG Allocation – Funding Breakdown

- Rapid Re-Housing = \$78,116.88
- Homeless Prevention = \$59,379.24
- Allowable Administration from 2<sup>nd</sup> 2011 Allocation = \$18,650.88
- Total 2<sup>nd</sup> FY 2011 ESG Allocation = \$156,147.00

Note: The above funding amounts represent estimates based on anticipated funding priorities and may be subject to change. Combined administrative costs for the 1<sup>st</sup> and 2<sup>nd</sup> FY 2011 ESG Allocation = 7.5% of the total 2011 allocation.

- Developing the performance standards for, and evaluating the outcomes of, projects and activities assisted by ESG funds;

The performance standards for the Emergency shelter, Street Outreach, Homeless Prevention, and Rapid Re-housing components were developed in conjunction with the North Dakota Continuum of Care. The baseline measurements for the system-wide objectives will be developed upon program inception by using data from the HMIS. The ESG components will follow a set of standards that will include short-term outputs and long-term outcomes related to client's accessing permanent housing, increased economic security, and increased access to mainstream services. Current standards include:

- Reduce time spent in shelters (or the number of months an individual or family uses homeless prevention or rapid re-housing assistance)
- Increase the number of persons who are transitioned to permanent housing
- Improve data quality and consumer engagement around the discharge process
- Reduce the number of persons returning to shelters or returning for additional months of homeless prevention or rapid re-housing assistance
- Increase or maintain employment, income, or education
- Improve retention in permanent supportive housing
- Increase the number of consumers that achieve success on personally identified objectives in the housing case plan

The DSC & CoC will develop performance standards for ESG components that will compliment and contribute to program performance. The performance standards may continue to evolve over time with increased HMIS data and advancement.

- Developing funding, policies, and procedures for the operation and administration of the HMIS.

DCS staff worked with the CoC taskforce to determine funding, policies and procedure for the operation and administration of the HMIS. For FY 2012, ESG sub-recipients may use ESG funds to pay the costs of participating in the Homeless Management Information System (HMIS). Costs include: hardware; software licenses or equipment; obtaining technical support; monitoring and reviewing data quality; HUD approved training; reporting; and coordinating and integrating the system.

The DCS has required ESG sub-recipients to participate in HMIS for several years. The new regulations only allow ESG funds to be used on HMIS to the extent that those funds are needed to enable HMIS participation. Since the State's ESG sub-recipients are already participating in HMIS, it is estimated that no funds from the 2<sup>nd</sup> FY 2011 will be used to support HMIS participation.

The State will continue to require all ESG Sub-recipients to enter data on all persons served and all activities assisted under ESG in the state-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 the state-wide HMIS.

If the sub-recipient is a victim service provider or a legal services provider, it may use a comparable database that collects client-level data over time (*i.e.*, longitudinal data) and generates unduplicated aggregate reports based on the data. Information entered into a comparable database shall not be entered directly into or provided to an HMIS. The State will not approve an ESG sub-recipient's request for funds until the HMIS Administrator verifies that a sub-recipient is participating as required.

2. Citizen Participation - Follow existing citizen participation plan for completing a substantial amendment.

North Dakota's Substantial Amendment to the FY 2011 Consolidated Plan, Annual Action Plan was developed in compliance with the requirements of 24 CFR Part 91, as amended by the ESG Interim Rule and the DCS Citizen Participation Plan.

The Substantial Amendment will be available for a 30 day public comment period (April 9 – May 9, 2012). Notice of the Substantial Amendment and the 30 day comment period will be posted in the daily newspapers, and on the DCS website. In addition, notice of the availability of the draft Substantial Amendment will be emailed to interested parties.

The substantial amendment is available at DCS's website at: [www.communityservices.nd.gov](http://www.communityservices.nd.gov) for the full public comment period. After public comments are received, the DCS will summarize the public comments or views received, summarize the comments or views not accepted, and include the reasons for not accepting those comments or views in Section B3 of the substantial amendment.

## **B. Required Contents of Substantial Amendments**

1. SF-424 – See Attachment A
2. Summary of Consultation Process

Describe how the recipient consulted with the Continuum(s) of Care on:

- Determining how to allocate ESG funds for eligible activities;

See Section A1 above for a summary of the consultation process for determining how to allocate ESG funds for eligible activities.

- Developing the performance standards for activities funded under ESG;

See Section A1 above for a summary of the consultation process for determining the performance standards for activities funded under ESG.

- Developing funding, policies, and procedures for the operation and administration of the HMIS.

See Section A1 above for a summary of the consultation process for developing funding, policies, and procedures for the operation and administration of the HMIS.

3. Summary of Citizen Participation Process

- Summarize citizen participation process used;

See Section A2 above for a description of the citizen participation process that was used.

- Summarize the public comments or views received and Summarize the comments or views not accepted and include the reasons for not accepting those comments or views.

After public comments are received, the DCS will summarize the public comments or views received, summarize the comments or views not accepted, and include the reasons for not accepting those comments or views.

**NOTE:** Two comments were received during the public comment period for the FY 2011 and FY 2012 Substantial Amendments: one from the DCS ESG program administrator and one from Nina Carter, the State's HUD Representative in Denver, Colorado. No additional comments were received.

The first comment was related to the FY 2012 Substantial Amendment only and that comment and response is reflected in that document. The second comment was relevant to both the FY 2011 and FY2012 Substantial Amendments. The commenter pointed out that on Attachment D, Table 1, the total beds under development for Persons in Families with Children should total 13 not zero. In response to that comment, the total was changed in both the FY 2011 and FY 2012 Substantial Amendments.

#### 4. Match

The State will continue to meet the ESG match requirements in the same manner as it has in past grant years. **Each grant year, the State contributes \$120,000 in general funds to match the federal allocation. The remaining matching funds are provided by ESG sub-recipients.**

ESG sub-recipients may request a waiver from the match requirement and requests are approved on a case-by-case basis, depending on the sub-recipient's demonstrated need. Matching funds are used to enhance and expand eligible ESG components and sub-activities.

#### 5. Proposed Activities and Overall Budget

##### a. Proposed Activities for 2<sup>nd</sup> 2011 ESG Allocation

- All recipients must include the following details for each proposed activity:

##### 1) Corresponding priority needs from recipient's Annual Action Plan

The DCS anticipates using ESG funds for rapid re-housing, homelessness prevention, and administrative activities. The program activities will be targeted to the State's Priority Housing/Special Needs Groups including small related households, large related households, elderly households, and all other households whose income is 0-30% of Area Median Family Income.

- 2) Concise description of the activity, including the number and types of persons to be served

The DCS anticipates using ESG funds for the following eligible activities: rapid re-housing, homeless prevention and administrative activities. The DCS anticipates serving both persons who meet the definition of homeless and at-risk of homelessness. The DCS estimates the ESG program will serve approximately 2,300 individuals.

The table below is an estimate on how 2011 second allocation ESG funds will be used for eligible activities. The Department anticipates that the final amounts budgeted, once 2011 second allocation ESG contracts are executed, will be different than the proposed allocations indicated below.

**FY 2011 SECOND ALLOCATION ESG FUNDS ESTIMATED ALLOCATIONS BY SUB-ACTIVITY**

ESG Funded Activity	Estimated Funding Amount
Rapid Re-Housing	\$78,116.88
Homeless Prevention	\$59,379.24
Administration - DCS	\$18,650.88
Total 2 <sup>nd</sup> 2011 ESG Allocation	\$156,147.00

This represents estimated allocations by activity. Allocations will change once 2011 second allocation financial awards and budgets are determined.

- 3) Corresponding standard objective and outcome categories

**FY 2011 Second Allocation ESG Funds Estimated Allocations by Activity ESG Homeless and Special Needs Goals**

Outcomes and Objectives	Performance Indicators	Expected Number	Activity Description
DH-2 Affordability and Provide Decent Housing	The provision of non-residential services including homelessness prevention assistance.	2300	<ul style="list-style-type: none"> <li>• Homelessness Prevention - housing relocation and stabilization services.</li> <li>• Homelessness Prevention rental assistance.</li> <li>• Rapid Re-Housing housing relocation and stabilization services.</li> <li>• Rapid Re-Housing rental assistance</li> </ul>

4) Start date and completion date

ESG funds which will be received for FY 2011 second allocation will be awarded within 60 days of receipt of the HUD grant agreement. The State ESG contracts for FY 2011 second allocation funds are anticipated to begin on July 1, 2012 and will end June 30, 2013. However, the contract period will be dependent upon the actual date that the HUD grant agreement is executed. Any unexpended funds will be re-distributed in the following ESG program year in separate contracts.

5) ESG and other funding amounts

<b>FY 2011 Second Allocation ESG Funds Estimated Allocations by Activity ESG Homeless and Special Needs Goals</b>			
Outcomes and Objectives	Performance Indicators	Expected Number	Activity Description
DH-2 Affordability and Provide Decent Housing	The provision of non-residential services including homelessness prevention assistance.	2300	<ul style="list-style-type: none"> <li>• Homelessness Prevention - housing relocation and stabilization services.</li> <li>• Homelessness Prevention tenant-based rental assistance.</li> <li>• Rapid Re-Housing housing relocation and stabilization services.</li> <li>• Rapid Re-Housing tenant-based rental assistance</li> </ul>

The DCS will also incorporate performance standards related to, but not limited to, individuals exiting into temporary/transitional housing destinations, exiting into permanent housing destinations, receiving case management, maintaining permanent housing, persons with higher incomes at program exit and persons placed in shelters or safe havens.

b. Discussion of Funding Priorities

- Explain why the recipient chose to fund the proposed activities at the amounts specified (recommended: if available, use locally-relevant data to support the funding priorities, and explain how the funding priorities will support the national priorities established in Opening Doors: Federal Strategic Plan to Prevent and End Homelessness.

During the initial 2011 ESG allocation, the DCS selected the proposed activities by funding the applicants that ranked the highest according to the DCS's ESG application scoring criteria. The DCS embedded the priorities established in Opening Doors: Federal Strategic Plan to Prevent and End Homelessness in the scoring criteria utilized to rate FY 2011 ESG applications.

In following Opening Doors objectives, the DCS emphasized the following objectives: increased collaboration, increased outcomes related to client’s accessing permanent housing, increased economic security, increased access to mainstream services, improved health and stability, and changing funding priorities from emergency shelter to rapid re-housing and homelessness prevention.

The DCS emphasized these objectives by awarding points to applicants whose projects proposed to achieve the following outcomes: exiting into permanent or transitional housing, housing stability, an increase in income or benefits. After applications were rated, applicants whose proposed projects met these objectives ranked highest and were awarded funding.

The table below identifies the activities to be funded and the estimated amount budgeted for each activity with 2011 second allocation funds. The DCS anticipates that the final amounts budgeted to the activities will be different than the proposed allocations indicated in the following table. The only activity that will remain as indicated is administration.

<b>FY 2011 Second Allocation ESG Funds Estimated Allocations by Activity</b>		
Activity	Funding Amount	Percentage
Administration	\$18,650.88	11% **
Rapid Re-Housing	\$78,116.88	50%
Homeless Prevention	\$59,379.24	38%
Total 2 <sup>nd</sup> 2011 Allocation	\$156,147.00	100%

\*\* Combined administrative costs for the 1<sup>st</sup> and 2<sup>nd</sup> FY 2011 ESG Allocation = 7.5% of the total 2011 allocation.

- Identify any obstacles to addressing underserved needs in the community.

North Dakota is a state with many rural areas which have limited service providers addressing the needs of homeless persons and those at-risk of homelessness. In addition, the oil boom that is currently occurring has greatly limited available and affordable housing in much of the Western half of the State and the housing that is available is considerably more costly than current fair market rents.



c. Detailed Budget

Include detailed budget of planned activities and funding levels accounting for entire second allocation and any reprogrammed funds from the first allocation.

See Attachment B - Table 3: FY 2011 Detailed Budget Table

6. Written Standards for Provision of ESG Assistance

If the recipient is a state: include written standards for providing the proposed assistance **or** describe the requirements for sub-recipients to establish and implement written standards.

As allowed by § 576.400 of the ESG Interim Rule, the DCS has opted to require the State's ESG sub-recipients to establish and implement written standards for providing ESG assistance.

At minimum, an ESG sub-recipient's written standards shall include:

- a. Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under Emergency Solutions Grant (ESG);
- b. Policies and procedures for coordination among relevant emergency shelter providers, essential services providers, homelessness prevention, and rapid re-housing assistance providers; other homeless assistance providers; and mainstream service and housing providers.
- c. 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;
- d. 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;
- e. 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;
- f. 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.

- g. Standards for targeting and providing essential services related to street outreach;
- h. Policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG, including standards regarding length of stay, if any, and safeguards to meet the safety and shelter needs of special populations, *e.g.*, victims of domestic violence, dating violence, sexual assault, and stalking; and individuals and families who have the highest barriers to housing and are likely to be homeless the longest; and
- i. Policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter.

Staff from DCS is working with the ND Continuum of Care and ESG sub-recipients to develop these written standards. Applicants for funding from the 2<sup>nd</sup> 2011 ESG allocation and subsequent allocations will need to certify to the DCS that they have adopted and will consistently apply these written standards prior to being considered eligible for a financial award. The State's ESG Written Standards can be found at: <http://www.communityservices.nd.gov/community/emergency-solutions-grants/>

#### 7. Describe Process for Making Sub-awards

The DCS will solicit applications for the use of ESG funds from the 2<sup>nd</sup> FY 2011 allocation and subsequent ESG allocations through a competitive application process. It is our intent to issue a call for applications for the 2<sup>nd</sup> 2011 ESG by May 15, 2012. Completed applications for the 2<sup>nd</sup> 2011 allocation will be due on or before June 1, 2012. ESG applications must demonstrate a concerted effort to coordinate services with other agencies/programs (as outlined in section B6) and funding sources. The maximum amount of funds an applicant can request from the State's 2<sup>nd</sup> FY2011 allocation is \$40,000. Applicants will be required to document the need for their request. There will be no minimum grant amount.

Due to the demand for the funds, grants will be awarded based upon:

- a. An applicant's certification that it will adopt and apply written standards consistent with 24 CFR 576.400(e), developed in consultation with the ND CoC;
- b. An applicant's demonstrated need for the funding;
- c. An applicant's plan for distribution of the funds in an effective and efficient manner;
- d. An applicant's plan for coordinating with relevant and available targeted homeless services and mainstream resources;
- e. An applicants' plan to address homeless prevention needs that are consistent with its Regional 10-Year Plan to End Chronic Homelessness; and
- f. Applicants' capacity to administer the grant.

A committee of DCS staff, who has knowledge of homeless programs, will review all applications. The DCS review committee may provide grant awards for less than the amount applied or may not fund all of the activities identified in the application based on the demand for grant funds. The review committee may prioritize and fund applications that address homeless prevention needs in their local 10-Year Plan to End Chronic Homelessness.

#### 8. Homeless Participation Requirement

For those recipients who cannot meet the participation requirement in § 576.405(a), the substantial amendment must include a plan that meets the requirements under § 576.405(b).

§ 576.405(a) of the ESG Interim Rule states that - Unless the recipient is a State, the recipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policymaking entity of the recipient, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG). Since the DCS is a state recipient of ESG funds, this requirement does not apply.

The DCS has and will continue to encourage its ESG sub-recipients to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any ESG funds services or assistance that they provide.

#### 9. Performance Standards

The recipient must describe the performance standards for evaluating ESG activities, which must be developed in consultation with the Continuum(s) of Care.

The performance standards for the Emergency shelter, Street Outreach, Homeless Prevention, and Rapid Re-housing components were developed in conjunction with the North Dakota Continuum of Care. The baseline measurements for the system-wide objectives will be developed upon program inception by using data from the HMIS. The ESG components will follow a set of standards that will include short-term outputs and long-term outcomes related to client's accessing permanent housing, increased economic security, and increased access to mainstream services. Current standards include:

- Reduce time spent in shelters (or the number of months an individual or family uses homeless prevention or rapid re-housing assistance)
- Increase the number of persons discharged to permanent housing
- Improve data quality and consumer engagement around the discharge process
- Reduce the number of persons returning to shelters or returning for additional months of homeless prevention or rapid re-housing assistance

- Increase or maintain employment, income or education
- Improve retention in permanent supportive housing
- Increase the number of consumers that achieve success on personally identified objectives in the housing case plan

The DCS & CoC will develop performance standards for ESG components that will compliment and contribute to program performance. The performance standards may continue to evolve over time with increased HMIS data and advancement.

10. Certifications – See Attachment F. An original signed copy of Certifications has been mailed to the Regional HUD office via the US Postal Service.

**C. Written standards required for recipients who are eligible and decide to use part of the second allocation of FY 2011 funds for emergency shelter and street outreach activities**

Due to the limited availability of funds, the DCS in consultation with a taskforce assigned by the North Dakota Continuum of Care determined that no funds from the State’s 2<sup>nd</sup> FY 2011 ESG allocation will be used for emergency shelter or street outreach activities. Therefore this section is not applicable.

**D. Requirements for recipients who plan to use the risk factor under paragraph (1)(iii)(G) of the “at risk of homelessness” definition**

If recipient plans to serve persons “at risk of homelessness,” based on the risk factor “otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness” describe specific characteristics associated with instability and increased risk of homelessness.

In consultation with the CoC, the DCS has decided not to use, nor allow the state’s ESG sub-recipients to use, the risk factor in 24 C.F.R. §576.2, under paragraph (1)(iii)(G) of the “at risk of homelessness” definition: “otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.” The DCS believes that in the implementation of the FY 2011 ESG contracts, sub-recipients will have ample opportunity to identify and serve individuals and families deemed to be at risk of homelessness based on the six other conditions identified in the “at risk of homelessness” definition found at 24 C.F.R. §576.2, specifically that an individual or family: (1) Has moved frequently because of economic reasons; (2) is living in the home of another because of economic hardship; (3) has been notified that their right to occupy their current housing or living situation will be terminated; (4) lives in a hotel or motel; (5) lives in severely overcrowded housing; (6) is exiting an institution.

## **E. Requirements for Optional Changes to the FY 2011 Annual Action Plan**

### **1. Centralized or Coordinated Assessment System**

If the recipient's jurisdiction, or a portion of the recipient's jurisdiction, currently has a centralized or coordinated assessment system and the recipient or sub-recipients utilize the centralized or coordinated assessment system, the recipient should describe the assessment system in the substantial amendment.

The DCS and its ESG sub-recipients do not currently have a centralized or coordinated assessment system in place. The DCS will work with the North Dakota Continuum of Care to develop a centralized or coordinated assessment system once the final Continuum of Care regulations have been issued.

### **2. Monitoring**

If existing monitoring procedures are not sufficient to allow recipients to monitor compliance with the new requirements, HUD encourages recipients to update their monitoring standards and procedures in the process of submitting this substantial amendment. This should address appropriate levels of staffing.

The DCS believes that its existing monitoring process along with the adaptation of monitoring forms from the Homeless Prevention and Rapid Re-Housing program will be sufficient to ensure sub-recipient compliance with the new ESG requirements. The DCS will continue to conduct biennial on-site monitoring of all sub-recipients to ensure that they are in compliance with the new ESG program rules and regulations. The DCS provides ESG funds as a reimbursement of expended eligible costs.

All sub-recipients are required to submit documented expenditures and proof of payments with their cash requests. The DCS also requires a final progress report prior to the final cash draw.

<b>Application for Federal Assistance SF-424</b>		Version 02
<p><b>*1. Type of Submission:</b></p> <p><input type="checkbox"/> Preapplication</p> <p><input checked="" type="checkbox"/> Application</p> <p><input type="checkbox"/> Changed/Corrected Application</p>	<p><b>*2. Type of Application</b>    <i>* If Revision, select appropriate letter(s)</i></p> <p><input checked="" type="checkbox"/> New</p> <p><input type="checkbox"/> Continuation</p> <p><input type="checkbox"/> Revision</p> <p><i>*Other (Specify)</i>  <u>North Dakota's ESG Substantial Amendment to 2012 Consolidated Plan Annual Action Plan</u></p>	
3. Date Received:		4. Applicant Identifier:
5a. Federal Entity Identifier:		*5b. Federal Award Identifier:
<b>State Use Only:</b>		
6. Date Received by State:		7. State Application Identifier:
<b>8. APPLICANT INFORMATION:</b>		
*a. Legal Name: <u>State of North Dakota</u>		
*b. Employer/Taxpayer Identification Number (EIN/TIN): <u>45-0309764</u>		*c. Organizational DUNS: <u>802741843</u>
<b>d. Address:</b>		
*Street 1:	<u>1600 East Century Ave, Suite 2</u>	
Street 2:	<u>PO Box 2057</u>	
*City:	<u>Bismarck</u>	
County:	<u>Burleigh</u>	
*State:	<u>North Dakota</u>	
Province:	_____	
*Country:	<u>United States</u>	
*Zip / Postal Code	<u>58502-2057</u>	
<b>e. Organizational Unit:</b>		
Department Name: <u>Department of Commerce</u>		Division Name: <u>Division of Community Services</u>
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
Prefix: <u>Mr.</u>	*First Name: <u>Tom</u>	
Middle Name:	_____	
*Last Name:	<u>Wirtz</u>	
Suffix:	<u>or Contact Bonnie Malo at 701-328-2476 or at bmalo@nd.gov</u>	
Title:	<u>Program Administrator</u>	
Organizational Affiliation: <u>North Dakota Department of Commerce</u>		
*Telephone Number: <u>701-328-2618</u>		Fax Number: <u>701-328-2308</u>
*Email: <u>twirtz@nd.gov</u>		

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

**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 HUD**

**11. Catalog of Federal Domestic Assistance Number:**

14-231 \_\_\_\_\_

CFDA Title:

Emergency Solutions Grants Program

**\*12 Funding Opportunity Number:**

**Application for Federal Assistance SF-424**

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\*Title:

\_\_\_\_\_

**13. Competition Identification Number:**

\_\_\_\_\_

Title:

\_\_\_\_\_

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

**State of North Dakota**

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

<b>16. Congressional Districts Of:</b>	
*a. Applicant: Statewide	*b. Program/Project:
<b>17. Proposed Project:</b>	
*a. Start Date: 7/01/12	*b. End Date: 6/30/13
<b>18. Estimated Funding (\$):</b>	
*a. Federal	156,147
*b. Applicant	
*c. State	
*d. Local	156,147
*e. Other	
*f. Program Income	
*g. TOTAL	312,294
<b>*19. Is Application Subject to Review By State Under Executive Order 12372 Process?</b>	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on _____	
<input checked="" type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input type="checkbox"/> c. Program is not covered by E. O. 12372	
<b>*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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)	
<input checked="" type="checkbox"/> ** 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	
<b>Authorized Representative:</b>	
Prefix: <u>Mr.</u>	*First Name: <u>Paul</u>
Middle Name: <u>T.</u>	
*Last Name: <u>Govig</u>	
Suffix: _____	
*Title: Director	
*Telephone Number: 701-328-4499	Fax Number: 701-328-2308
* Email: pgovig@nd.gov	
*Signature of Authorized Representative:	*Date Signed:



**\*Applicant Federal Debt Delinquency Explanation**

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

**Attachment B**

<b>FY 2011 Detailed Budget Table – Estimated Funding Levels</b>					
<b>First Allocation</b>	\$277,594.00	<b>FY 2011</b> <b>Emergency Shelter Grants/Emergency Solutions Grants</b> <b>Program Allocations</b>			
<b>Second Allocation</b>	\$156,147.00				
<b>Grant Amount</b>	\$433,741.00				
<b>Total Administration</b>	\$32,530.58				
		<b>First Allocation</b>		<b>Second Allocation</b>	<b>Total Fiscal Year 2011</b>
	<b>Eligible Activities</b>	<b>Activity Amount</b>	<b>Reprogrammed Amount</b>	<b>Activity Amount</b>	<b>Activity Amount</b>
<b>Emergency Shelter Grants Program</b>	Homeless Assistance	<b>\$199,410.20</b>	<b>\$0.00</b>		<b>\$199,410.20</b>
	<i>Rehab/Conversion</i>		\$0.00		\$0.00
	<i>Operations</i>	\$199,410.20	\$0.00		\$199,410.20
	<i>Essential Services</i>		\$0.00		\$0.00
	Homelessness Prevention	<b>\$64,304.10</b>	<b>\$0.00</b>		<b>\$64,304.10</b>
	Administration	<b>\$13,879.70</b>	<b>\$0.00</b>		<b>\$13,879.70</b>
	<b>Emergency Shelter Grants Subtotal</b>	<b>\$277,594.00</b>	<b>\$0.00</b>		<b>\$277,594.00</b>
<b>Emergency Solutions Grants Program</b>	Emergency Shelter**			\$0.00	\$0.00
	<i>Renovation**</i>			\$0.00	\$0.00
	<i>Operation**</i>			\$0.00	\$0.00
	<i>Essential Service**</i>			\$0.00	\$0.00
	<i>URA Assistance**</i>			\$0.00	\$0.00
	Street Outreach - Essential Services**			\$0.00	\$0.00
	HMIS		\$0.00	\$0.00	\$0.00
	<b>Rapid Re-housing</b>		\$0.00	\$78,116.88	\$78,116.88
	<i>Housing Relocation and Stabilization Services</i>		\$0.00	\$0.00	\$0.00
	<i>Tenant-Based Rental Assistance</i>		\$0.00	\$0.00	\$0.00
	<i>Project-Based Rental Assistance</i>		\$0.00	\$0.00	\$0.00
	<b>Homelessness Prevention</b>		\$0.00	\$59,379.24	\$59,379.24
	<i>Housing Relocation and Stabilization Services</i>		\$0.00	\$0.00	\$0.00
	<i>Tenant-Based Rental Assistance</i>		\$0.00	\$0.00	\$0.00
	<i>Project-Based Rental Assistance</i>		\$0.00	\$0.00	\$0.00
	Administration			\$18,650.88	\$18,650.88
	<b>Emergency Shelter - Solutions Grants Subtotals</b>		<b>1<sup>st</sup> Allocation - \$277,594.00</b>	<b>2<sup>nd</sup> Allocation</b>	<b>\$156,147</b>
			<b>Total 2011 ESG Grant Amount:</b>		<b>\$433,741.00</b>

**Attachment C**

<b>North Dakota ESG Declaration of FY 2010 Grant Fund Commitments</b>							
<b>Activity Type:</b>					<b>Obligated Amount:</b>		
Homeless Assistance					\$200,847.36		
Homelessness Prevention					\$62,416.64		
Administrative Activities					\$13,879.70		
<b>Total FY 2010 Award</b>					<b>\$277,143.70</b>		

**Table 1- North Dakota Housing, Homeless and Special Needs  
Housing Needs Source - 2000 CHAS Data Book for  
North Dakota CDBG State Program Housing Needs**

<b>Household Type</b>	<b>Elderly Renter</b>	<b>Small Renter</b>	<b>Large Renter</b>	<b>Other Renter</b>	<b>Total Renter</b>	<b>Owner</b>	<b>Total</b>
<b>0 -30% of MFI</b>	4,277	2,754	740	3,780	11,551	12,944	24,495
% Any housing problem	48.4	64.2	79.5	61	58.3	67.4	63.1
% Cost burden > 30	47.1	59.6	60.7	59.4	55	65.8	60.7
% Cost Burden > 50	28	42.2	35.3	39.5	35.6	42.8	39.4
<b>31 - 50% of MFI</b>	3,565	2,664	696	3,118	10,043	14,531	24,574
% Any housing problem	43.7	41.7	49.1	41	42.7	40.9	41.6
% Cost burden > 30	42.3	37.2	22.1	40.3	38.9	37.9	38.3
% Cost Burden > 50	10.6	5.2	1.1	5.2	6.8	14.6	11.4
<b>51 - 80% of MFI</b>	2,699	4,213	1,262	4,214	12,388	26,417	38,805
% Any housing problem	17.7	8.5	26.4	7.1	11.9	24	20.1
% Cost burden > 30	16.8	4.8	3.5	5.3	7.5	21.5	17
% Cost Burden > 50	4	0.1	0.3	0.4	1.1	5.4	4

**Table 1 Continued - Homeless Continuum of Care: Housing Gap Analysis Chart**

		<b>Current Inventory</b>	<b>Under Development</b>	<b>Unmet Need/ Gap</b>
<b>Individuals</b>				
<b>Example</b>	<b>Emergency Shelter</b>	<b>100</b>	<b>40</b>	<b>26</b>
	Emergency Shelter	363	0	176
<b>Beds</b>	Transitional Housing	96	0	134
	Permanent Supportive Housing	267	13	335
	Total	726	13	645
	Chronically Homeless	70	0	0
<b>Persons in Families with Children</b>				
	Emergency Shelter	234	0	338
<b>Beds</b>	Transitional Housing	97	0	85
	Permanent Supportive Housing	726	13	645
	Total	540	13	605
<b>Continuum of Care: Homeless Population and Subpopulations Chart</b>				

<b>Part 1: Homeless Population</b>	<b>Sheltered</b>		<b>Unsheltered</b>	<b>Total</b>
	<b>Emergency</b>	<b>Transitional</b>		
Number of Families with Children (Family Households)	49	23	0	73
1. Number of Persons in Families with Children	158	67	0	225
2. Number of Single Individuals and Persons in Households without Children	329	211	8	548
<b>(Add lines Numbered 1 &amp; 2 Total Persons)</b>	487	278	8	773

**Attachment D – Continued**

<b>Part 2: Homeless Subpopulations</b>	<b>Sheltered</b>	<b>Unsheltered</b>	<b>Total</b>
a. Chronically Homeless	60	4	70
b. Seriously Mentally Ill	261		
c. Chronic Substance Abuse	308		
d. Veterans	121		
e. Persons with HIV/AIDS	7		
f. Victims of Domestic Violence	185		
g. Unaccompanied Youth (Under 18)	0		
<b>Special Needs (Non-Homeless) Subpopulations</b>			
1. Elderly		*	
2. Frail Elderly		*	
3. Severe Mental Illness		*	
4. Developmentally Disabled		*	
5. Physically Disabled		*	
6. Persons w/Alcohol/Other Drug Addictions		*	
7. Persons w/HIV/AIDS		*	
8. Victims of Domestic Violence		*	
9. Other		*	

\*We are unable to estimate the number of total needs. Table 2A, however, does estimate the total needs for housing for the elderly. The affordable housing goals in the Strategic Plan reflect the need to target the elderly, frail elderly, and persons with disabilities for housing. Since other agencies have programs for these subpopulations and because the CDBG and HOME programs lack sufficient funding to address existing needs for housing, economic development, and public facilities, we do not have plans to address the housing and supportive services needs of these subpopulations separately. According to the ND Department of Health, the needs for persons with HIV/AIDS are being met and they recommended that a “low” priority be assigned.

Table 2A - State Priority Housing/Special Needs/Investment Plan Table

PART 1. PRIORITY HOUSING NEEDS		Priority Level Indicate High, Medium, Low, Checkmark, Yes, No	
Renter		0-30%	Low
	Small Related	31-50%	Medium
		51-80%	High
		0-30%	Low
	Large Related	31-50%	High
		51-80%	Medium
		0-30%	Low
	Elderly	31-50%	Medium
		51-80%	High
		0-30%	Low
	All Other	31-50%	Medium
		51-80%	High
Owner		0-30%	N/A
		31-50%	N/A
		51-80%	N/A
PART 2. PRIORITY SPECIAL NEEDS		Priority Level Indicate High, Medium, Low, Checkmark, Yes, No	
Elderly		*	
Frail Elderly		*	
Severe Mental Illness		*	
Developmentally Disabled		*	
Physically Disabled		*	
Persons w/ Alcohol/Other Drug Addictions		*	
Persons w/HIV/AIDS		*	
Victims of Domestic Violence		*	
Other		*	

\*We are unable to estimate the number of total needs. Table 2A, however, does estimate the total needs for housing for the elderly. The affordable housing goals in the Strategic Plan reflect the need to target the elderly, frail elderly, and persons with disabilities for housing. Since other agencies have programs for these subpopulations and because the CDBG and HOME programs lack sufficient funding to address existing needs for housing, economic development, and public facilities, we do not have plans to address the housing and supportive services needs of these subpopulations separately. According to the ND Department of Health, the needs for persons with HIV/AIDS are being met and they recommended that a “low” priority be assigned.

## North Dakota Emergency Solutions Grant – FY 2011 Substantial Amendment

### 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
-



### 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.

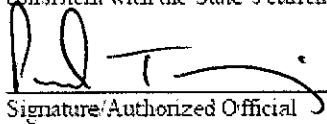
**Essential Services and Operating Costs** – If ESG funds are used for shelter operations or essential services related to street outreach or emergency shelter, the subrecipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, 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

5/9/12  
\_\_\_\_\_  
Date

*Director, Division of Community Services*  
\_\_\_\_\_  
Title

Signature/Authorized Official      Date

\_\_\_\_\_  
Title