



Community Health Partnership Emergency Solutions Grant Program
Written Standards

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Introduction

The Pikes Peak Continuum of Care (PPCoC) has developed the following standards in accordance with 24 CFR 576 of the Code of Federal Regulations. The PPCoC includes nonprofit and for-profit homeless service providers inclusive of health, mental health, and substance abuse providers, local, state and federal government representatives, businesses and corporations, philanthropic organizations and individuals, and persons currently or having formerly experienced homelessness within the PPCoC geographic area. The standards are in accordance with the interim rule for the ESG Program and the final rule for the definition of homelessness both released by the U.S. Department of Housing and Urban Development (HUD) on December 4, 2011. The standards are applicable to all projects that receive Emergency Solutions Grants (ESG) Rapid Re-Housing (RRH) and Homelessness Prevention (HP) funding through the PPCoC and are intended to be the minimum standards that ESG grantees are expected to meet in operating their projects.

The goal of these standards is to merge key elements of the HUD regulations with the processes and priorities of the CoC and guarantee that funding is administered consistently, transparently, and as effectively as possible. The PPCoC will continue to build upon and refine this document as practices evolve, to maintain and improve the following:

- Project compliance with 24 CFR 576 (ESG interim rule) and related applicable guidance.
- Program accountability to individuals and families experiencing homelessness.
- The consistency and transparency of best practices and participants' expectations of and experiences in RRH and HP programs, regardless of the funding stream.
- Model policy guidelines for RRH and HP programs.

The standards detailed in this document encompass the following:

- Standard policies and procedures for evaluating individuals' and families' eligibility for assistance.
- Policies and procedures for coordination among HP assistance providers, RRH assistance providers, other homeless assistance providers, and mainstream service and housing providers.
- Policies and procedures for determining and prioritizing which eligible families and individuals will receive RRH and HP assistance.
- Standards for determining what percentage or amount of rent and utilities costs each program participant must pay while receiving RRH and HP assistance.
- Standards for determining how long a participant will receive rental assistance and how the amount of that assistance will be adjusted over time.
- Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a participant, including the limits, if any, on the rapid re-housing assistance that each participant may receive, such as the maximum amount of such assistance, maximum number of months the participant may receive assistance, or the maximum number of times the participant may receive assistance.

Program Overview

Rapid Re-Housing (RRH) is an intervention designed to help individuals and families exit homelessness quickly by returning to permanent housing without preconditions (including, but not limited to, sobriety, employment, absence of a criminal record, or income). Additionally, the resources and services provided are tailored to the unique needs of the household receiving assistance.

Homelessness Prevention is housing relocation and stabilization services and short-and/or medium-term rental assistance as necessary to prevent an individual or family from becoming literally homeless (Category 1).

Eligibility

The following table outlines the Program Type and what individuals/families would meet the HUD criteria for eligibility based on the defined categories.

Program Type	Eligible Category	Additional Criteria	Recertification
Rapid Re-Housing	Category 1: Literally Homeless	There are no minimum or maximum income limits for ESG funded RRH programs when determining initial eligibility of a household; however, to qualify for continuation of rapid re-housing assistance, as applicant must have an annual income at or below 30% AMI at the time of recertification.	Recertifications must occur at least annually. At the recertification, an organization may decide to extend, decrease, or discontinue providing assistance.
	Category 4: Fleeing/Attempting to flee domestic violence (if the individual/family fleeing is also literally homeless)		
Homelessness Prevention	Category 2: Imminent Risk of Homelessness	HP projects must only serve individuals and families that have an annual income BELOW 30% AMI AND have no other support networks and resources to prevent them from becoming literally homeless. Finally, the assistance must be necessary to help the program participant regain stability in his/her current permanent	Recertifications must occur Every 3 months. At the recertification, an organization may decide to extend, decrease, or discontinue providing assistance.
	Category 3: Homeless Under Other Federal Statutes		
	Category 4: Fleeing/Attempting to flee domestic violence (if the individual/family fleeing is NOT also literally homeless)		

		housing or move into other permanent housing and achieve stability in that housing.	
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When assessing a program participant's needs during the initial evaluation, a case worker must determine the amount and types of assistance the individual or family needs to achieve stability in permanent housing. As part of this assessment, it is important to determine which households will be able to avoid homelessness with limited assistance and which will need deeper levels of support. For effective outcomes, a strong program design will strive to find a balance between providing an appropriate level of financial assistance to achieve successful outcomes while avoiding excessive funding of individual households, which limits the overall number of households that can be served by the program. An effective assessment of each household's history, circumstances, and needs is critical when estimating the amount of assistance a household will need. As part of this assessment, a case worker must develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends. See 24 CFR § 576.401(e)(1)(ii).

Notification of a program participant's changes in income or other circumstances that affect his/her need for assistance is required at recertification only.

Calculating Gross Annual Income

Annual income is the gross amount of income anticipated to be received by a household during the coming year based on the household's circumstances at the time of program intake and assessment. Annual Income determination is consistent with the Housing Choice Voucher definition of annual income found at 24 CFR 5.609. HUD provides an Income Eligibility Calculator at <https://www.hudexchange.info/incomecalculator/>. Please note that the income eligibility calculator is designed to help subrecipients calculate income in accordance with the allowable definition, but it does not verify income.

When determining the annual income of a household to establish eligibility for ESG assistance, subrecipient must count the income of all adults in the household, including nonrelated individuals, within the limitations imposed by 24 CFR 5.609. Not everyone living in the unit is considered a member of the household for the purposes of determining a household's income. Excluded persons include: foster children, foster adults, live-in aides, children of live-in aides and unborn children. A person subject to shared-custody agreement should be counted as household member if the child resides with the household at least 50% of the time.

Income generated by an asset, such as the interest on savings or checking account is considered household income even if the household elects not to receive it. For example, though an applicant may elect to reinvest the interest or dividends from an asset, the interest or dividends are still counted as income anticipated to be received during the coming 12 months. Asset income is discussed in 24 CFR 5.609. Income producing assets include: bank accounts; life

insurance policies; lump sum additions (legal settlement, refund, etc.); personal property held as investments; retirement/pension funds; trusts; assets disposed of for less than fair market value; and stocks; bonds or mutual funds.

Eligibility Documentation and Recordkeeping

Subrecipients must establish written intake procedures that include requirement of written documentation verifying eligibility for program services in accordance with the following preferred order of documentation. Documentation verifying eligibility must be in client files or if kept electronically and available upon request.

Housing Relocation and Stabilization Services

Case Management

Program participants receiving rapid re-housing and homelessness prevention assistance must receive housing stability case management that assists the program participant in ensuring long-term housing stability. Case managers are required to complete a Housing Stabilization Plan (attached in Appendix D) for each ESG program participant. This requirement applies to all ESG program participants regardless of whether they are receiving one-time financial assistance or ongoing assistance and includes the following:

- Meeting with a case manager and developing a plan to assist the program participant to retain permanent housing after the ESG assistance ends (24 CFR 576.401(e)).
- Connecting the program participant to mainstream and other resources.

Connecting program participants to other resources would include assisting them in obtaining appropriate supportive services, as well as connecting them to other federal, state, local, and private benefits and services for which they may be eligible. This includes, but is not limited to, Medicaid, SNAP, WIC, unemployment insurance, SSI/SSDI, services for veterans, and TANF (see 24 CFR § 576.401(d)).

If a subrecipient is providing a one-time payment of utility or rental assistance or arrears assistance, a single case management session may meet the program's requirements so long as the housing plan can be established and the referrals to mainstream resources can be completed during the initial intake meeting.

In developing a plan to assist the program participant to retain permanent housing after the ESG assistance ends, the case manager should take into account all relevant considerations, such as the program participant's current or expected income and expenses, other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area.

Program participants receiving ongoing assistance are required to meet not less than once per month with case managers while they are receiving ESG assistance. Once that assistance ends, they are no longer required to meet with a case manager on a monthly basis. Subrecipients

may choose to have program participants continue to meet for 6 months after assistance ends to ensure that they have achieved housing stability.

For monthly meetings between re-evaluations, meetings should take place in the format most likely to ensure long-term housing stability and may include home visits.

At re-evaluations, in-person meetings are required because program participants must provide documentation regarding eligibility.

As part of the requirement for comprehensive case management for housing stability, all case managers are expected to complete, at a minimum, an in-person or by phone follow up with clients 30 days after exiting the program.

Housing Location Services

Any subrecipient of ESG assistance must provide housing location assistance for clients as a part of its full housing relocation and stabilization services to ESG clients. Subrecipients are expected to have at least one staff member dedicated to finding appropriate housing and developing relationships with affordable housing providers so that ESG clients have access to housing choice through the subrecipient, rather than the expectation that clients must navigate the system on their own.

Additionally, housing location and case management staff are expected to inform landlord on updates to changes in participant share as well as eligibility re-evaluations; this way the landlord is aware of any changes to the amount of financial assistance being provided. Staff must touch base with the landlord and ensure that they have an updated copy of the Rental Assistance Agreement (see Appendix F) and are aware of the changes to the participant rent share.

Eligible costs

Case Management activities assess, arrange, coordinate, and monitor individualized services developed for program participants. Eligible costs include:

- Using coordinated entry (HMIS);
- Conducting initial evaluations including, verifying and documenting eligibility;
- Counseling;
- Developing, securing and coordinating services and obtaining Federal, State, and local benefits;
- Monitoring and evaluating program participant progress;
- Providing information and referrals to other providers;
- Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking; AND
- Developing an individualized housing and service plan, including planning a path to permanent housing.

Financial Assistance

ESG funding must be used as a last resort, be the least amount of assistance needed to stabilize the client and be for the least amount of time possible. ESG funds are not to supplant other available resources to the client nor will ESG funds be used to duplicate a resource provided in the same time period for the same cost.

CHP will not have a minimum amount or percentage that will be applied to client contributions across all service providers. In addition, CHP will not allow providers to create a minimum participation amount for clients upon entry into any homelessness prevention or rapid re-housing program.

Financial assistance 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.

Housing Relocation and Stabilization Financial Assistance

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

Rental Application Fee

ESG can fund applicant fees charged by the landlord to all applicants. Application fees can only be provided for one application at a time; but note that this only limits the number of applications that require application fees. Case managers and housing specialists can and should work with clients and landlords to process as many free applications as possible.

Utility Arrears, Payments and Deposits

ESG funds may pay for up to 12 months utility payments per program participant, per service, during any three-year period and up to six (6) months in utility payments in arrears per service (for a total of 18 months). A partial payment of the utility bill counts as one month. This assistance may only be provided if the program participant or member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water, and sewage.

The amount of utility payments may be increased to 24 months if the client is enrolled in a full or part time training program designed to provide permanent long-term employment and is receiving Rapid Rehousing assistance for 24 months. No program participant shall receive more than 24 months of utility assistance within any 3-year period (24 CFR 576.105(a)(5)).

Cable TV or other similar utilities may not be paid with ESG funds unless a cable fee is charged to all tenants and is required under the lease for occupancy in the unit. The cost would be eligible as rental assistance (24 CFR 576.106(d)(2)).

Utility Deposits. ESG funds may pay for a standard utility deposit required by the utility company for all customers for gas, electric, water, and sewage utility services.

Security Deposits

- Not to exceed an amount equal to 2 months' rent; and
- Limited to one-time assistance within 3 years.
- Deposits may remain with the client if they are stably housed once the subrecipient has completed providing assistance.

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 the limits set above.

Short and Medium Term Rental Assistance

Rent Arrears

A one-time payment for up to 6 months of rent in arrears during any 3-year period, plus any late fees on those arrears.

An arrears payment is only an eligible cost if the arrears are preventing the household from obtaining permanent housing and achieving stability in that housing (Rapid Re-Housing).

Because the goal of the ESG program is to help program participants achieve stability in permanent housing, a household **may not** be assisted with arrears in order to stay in a unit with rent that the household will not be able to sustain. Instead, ESG subrecipients may make a one-time payment of rental arrears on the unaffordable unit and then provide housing relocation and stabilization services and rental assistance to help the individual or family move into other permanent housing that complies with ESG program requirements.

Rental Assistance

Limited to 12 months within a 3-year period. The amount of rental assistance may be increased to 24 months if the client is enrolled in a full or part time training program designed to provide permanent long-term employment.

Rental Agreement and Lease

The landlord must agree that they will not evict the tenant in return for receiving ESG funds (the landlord may have legal right to evict the tenant based on other reasons.) The subrecipient and landlord must execute the ESG Rental Assistance Agreement in Appendix F.

No ESG funds may be disbursed until the case manager receives a legally binding, written lease showing the names of the tenants, the move-in-date, occupancy terms, expiration date and the costs payable by the tenant. All payments must be paid to verified third parties. Under no circumstances may ESG payments be made directly to the client.

Rent Reasonableness Determination

Subrecipient must determine whether the gross rent of particular unit is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, subrecipient must consider 1) the location, quality, size, unit type, and age of the contract unit; and 2) any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease. The unit's gross rent must be comparable to the rent reasonableness rent for the unit to be considered for rental assistance.

Subrecipient must determine the review method(s) they will use to establish the rent reasonableness standards for their area (e.g.; a list of comparable rents can be completed by using a market study of rents charged for units of different sizes or by reviewing advertisements for comparable rental units). To learn how public housing authorities establish rent reasonableness for the Housing Choice Voucher, review Chapter 9 of the HUD Housing Choice Voucher Program Guidebook.

Comparable rents vary over time with market modifications. Rent Reasonableness standards must be reviewed periodically and adjusted to align with these rent market changes.

The Rent Reasonableness review completed for each unit must be documented in the client case file. A sample rent reasonableness form is included in Appendix E.

Fair Market Rent (FMR) Requirement

HUD establishes FMR to determine rent ceilings for HUD-funded rental assistance programs. HUD publishes the FMR schedule annually for 530 metropolitan areas and 2,045 non-metropolitan county areas. The HUD FMR Index can be found [here](#).

Gross rent for units in which ESG provides rental assistance must be the same or less than the FMR for the location.

Coordinated Entry, Assessment, and Services among Providers

In compliance with section 576.400(b) of the ESG Interim Rule, all ESG subrecipients within the PPCoC service area must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to people experiencing homelessness in the PPCoC area to provide a strategic, community-wide system to prevent and end homelessness. The goal is to increase the capacity of coordinated entry systems to prioritize people who most need assistance across the PPCoC.

Coordinated Entry

The PPCoC operates a Coordinated Assessment and Housing Placement System (also known as the Coordinated Entry System) to allocate housing and service resources as effectively as possible in a manner that is easily accessible and limits duplication of services. The PPCoC assistance is prioritized based on vulnerability and severity of service needs to ensure that people who need assistance the most can receive it in a timely manner. With a “no wrong door” approach to housing assistance, the PPCoC aims to establish as many access points as possible for individuals or families in need to be assessed and referred to the appropriate resource.

In compliance with 576.400(d), all subrecipient service providers will:

- **Participate in coordinated entry.**
 - Client entry begins with the subrecipient service provider.
 - Providers administer the Housing Survey (The Vulnerability Index-Service Prioritization Decision Assistance Tool (VI-SPDAT) is the common assessment tool).
 - Survey data entered into HMIS and vulnerability score is generated.
 - A team of service providers meet weekly for case conferencing if a housing resource is available.
 - Client lists pulled from HMIS based upon available housing resources (Different vulnerability scores are tied to different levels of housing resources. Housing resources are submitted by providers with the resource along with the eligibility for the specific resource.)
 - Clients are matched with appropriate available resource.
 - Clients are located and further eligibility for available resource is verified by the subrecipient agency.
 - If clients remain eligible for resource, then they are referred to housing resource.

- **Establish a staff member as a point of contact** for other case managers and members of the PPCoC. The contact should be a position that sees little turnover and is familiar with organizational resources and up to date on current organizational capacity to accept and serve clients, such as a supervisor or manager. This contact should be able to provide information for other housing case managers on what current programs and resources are available to clients entering into the provider system through their organization. This contact will reduce or eliminate the need for clients to seek out additional assistance based on referrals from any ESG recipient agency.

- **Attend all Coordinated Entry HMIS training for case managers. Anyone using Coordinated Entry in HMIS must attend training, and one representative from each organization is required to participate in weekly Coordinated Entry meetings.**

- Please refer to the PPCoC Coordinated Entry Policies and Procedures for more detailed information regarding Coordinated Entry participation for RRH and HP activities.

HMIS Data Collection

All data on persons served and all activities funded with ESG funds must be entered into the PPCoC-approved Housing Management Information System (HMIS). The purpose of the HMIS is to record and store client-level information about the numbers, characteristics, and needs of homeless and at risk of homelessness persons who receive program assistance.

Victim service providers are not to enter data in HMIS; however, they are required to maintain comparable databases of their own choosing or design which provide aggregate information and data consistent with HMIS data collection requirements. Projects serving survivors of domestic violence where the subrecipient is not a victim services provider are required to enter data in HMIS.

Service providers are responsible for submitting consistent, complete, and accurate client data into HMIS. High data quality is essential in understanding system performance and minimizing risk of losing federal funds. An organization's data quality will have a direct effect on scoring and funding of ESG subawards.

Administrative Requirements

Match Requirements

CHP requires subrecipients to make matching contributions in an amount that equals (100%) the amount of ESG funds allocated by CHP.

Matching contributions can be obtained from any source, including any Federal (non-ESG) source, as well as state, local, and private sources. Use of any Federal source must not prohibit those funds from being used as ESG match and not already be matched with ESG funds. Subrecipient must ensure the laws governing any funds used as matching contributions do not prohibit the use of those funds as match.

All sources listed as match must meet these criteria:

- The matching contribution must be made after the date that HUD and CHP sign the ESG Grant Agreement;
- Cash contributions must be expended within the expenditure deadline in 576.203;
- Non-cash contributions must be made within the expenditure deadline in 576.203;
- Contributions used to match a previous ESG grant may not be used to match a subsequent ESG grant;
- Contributions that have been or will be counted as satisfying a match requirement of other federal funds may not be used as match for ESG funding;
- The matching funds must be used for ESG eligible clients and activities; and
- If ESG funds are used to satisfy matching requirements of another federal program, funding from that program cannot be used to satisfy the matching requirements of ESG.

Possible sources of match, other than federal, state or local grants include:

- Cash;
- The value or fair rental value of any donated material or building;
- The value of any lease on a building;
- Any salary paid to staff to carry out the program of the recipient; and
- The value of the time and services contributed by volunteers.

Services provided by individuals must be valued at rates consistent with those ordinarily paid for similar work by subrecipient. If subrecipient does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in the same labor market.

The value of any real property, equipment, goods or services can be used as match provided the costs would be allowable if subrecipient had purchased them. Some non-cash contributions would be considered indirect costs if purchased by subrecipient; match for these contributions may be given only if subrecipient has established a special indirect cost rate for allocating the value of those contributions to individual projects or programs.

Costs paid by program income shall count as match if the costs are eligible ESG costs that supplement subrecipient's ESG program.

Subrecipient must keep records of the source and use of contributions made to satisfy the matching requirement. Records must indicate the fiscal year grant for which each matching contribution is counted, as well as how the value of non-cash contributions was derived. To the extent feasible, volunteer services must be supported by the same methods that subrecipient uses to support the allocation of regular personnel costs.

CHP will provide an ESG Match Form. Match must be reported quarterly at minimum.

(For the specific match requirements, see 24 CFR 576.201.)

Documentation Requirements

Subrecipients must establish and maintain sufficient records to enable the recipient and HUD to determine whether ESG requirements are being met. Recipients and subrecipients must keep documentation showing that ESG grant funds were spent on allowable costs in accordance with the requirements for eligible activities under § 576.101- § 576.108 and the cost principles for state, local, and Indian tribal governments and non-profits found at 2 CFR Part 225 and 2 CFR Part 230, respectively. (24 CFR 576.500(u)). Community Health Partnership, as the recipient, will meet these documentation requirements by obtaining the information through reports from subrecipients or other appropriate methods as designated by Community Health Partnership.

Subrecipients must maintain all the case file records. Subrecipients must maintain records for ALL persons seeking assistance (including those persons that are determined to be ineligible).

For those determined ineligible, the record must include documentation of the reason for that determination. This requirement allows for CHP and its subrecipients to have clear and consistent documentation of all persons who seek and those that receive ESG assistance. At a minimum, records must include the client application for assistance, all documentation collected on the client's homeless or at-risk of homelessness status, and their income (when applicable).

Prior to determining a potential client's eligibility, recipients and subrecipients cannot incur ESG costs (including case management costs) beyond the costs involved in intake and initial evaluation.

For detailed guidance regarding recordkeeping and reporting requirements under the ESG program, subrecipients should review section 576.500 of the ESG Interim Rule.

Failure to keep adequate records of both persons seeking assistance and those that receive assistance could jeopardize future ESG funding to the subrecipients.

Termination, Grievance and Conflict of Interest Policies

The ESG subrecipient must have written denial, termination, and grievance policies and procedures. The policies and procedures should be readily available to program participants either in writing or by posting them in a public space. Copies and explanation of the policies and procedures should be provided directly to any client when denial termination, or other action affects the client's ability to receive assistance. The notice must provide the specific reason(s) for the action and provide a process the applicant can follow to request a review of the decision.

Termination or Denial of Assistance

If the subrecipient is terminating rental assistance to the program participant, they must immediately notify the landlord of the date rental assistance for their tenant will end.

Termination from assistance does not prevent subrecipient from providing further assistance, later, to the same household or individual if they are determined eligible for such assistance.

Grievance and Appeals Process

The ESG subrecipient is required to have an established process for addressing client grievances for decisions, including termination or reduction of benefit, denial of benefit or other grievance. At a minimum, the process must include the following components:

- Informs the participant/applicant of the policy and/or policy must be posted in an area specific by the policy and in general locations in which a client/applicant is expected to be;
- Informs the participant/applicant that they must contest any subrecipient's decision that denies (for any reason) or limits eligibility of participant/applicant and/or terminates or modifies any benefits;

- Allows any aggrieved person a minimum of thirty days within which to request an administrative review;
- Informs the applicant/participant of their right to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the decision;
- Informs Community Health Partnership of the request for administrative review within 10 days of receiving the request;
- Informs the applicant/participant and CHP in writing of the final determination and basis for the decision within ten days of the determination.

Any person or persons designated by the subrecipient can complete the administrative review, other than the person who made or approved the decision under review or a subordinate of this person.

CHP retains the right to require modification of any review or appeal process that does not meet basic principles for notification, instruction, time allowance, impartiality or other necessary component.

Subrecipients must make accommodations for clients who have language or disability barriers that would prevent them from participating in the appeals process.

CHP retains the right to require modification of any review or appeals process that does not meet basic principles for notification, instruction, time allowance, impartiality, and access.

Conflict of Interest

Organizational

The provision of any type or amount of ESG assistance may not be conditioned on an individual's or household's acceptance or occupancy of emergency shelter or housing owned by the subrecipient or an affiliated organization. The subrecipient is prohibited from conducting a participant's intake assessment to determine program eligibility if the participant resides in housing where the subrecipient has ownership interest. The subrecipient would need to find another independent organization that is also an ESG subrecipient to do the intake assessment and ensure that all program participants are eligible even if the subrecipient has a waiver of the conflict of interest requirements. Conflicts of interest waivers regarding rent assistance and rental agreement requirements can only be approved by HUD. If a subrecipient wishes to apply for a waiver, they should contact CHP for guidance in submission of a waiver request, which must be approved by CHP who will then submit to the Colorado Department of Local Affairs (DOLA), Division of Housing (DOH). See 24 CFR 576.404(a).

The subrecipient must keep records to show compliance with ESG program organizational conflicts-of-interest requirements.

Individual

For the procurement of goods and services, the subrecipient must comply with the codes of conduct and conflict of interest requirements under 24 CFR 84.42 (for nonprofits)

Persons for whom the Conflict of Interest requirements apply include any person who is an employee, agent, consultant, officer, or elected or appointed official of the subrecipient agency. No person who exercises or has exercised any functions or responsibilities with respect to activities under the ESG program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.

Fair Housing Requirements

Affirmative Outreach

The ESG subrecipient must communicate and make known that use of ESG funded facilities, assistance and services are available on a nondiscriminatory basis. The subrecipient must develop and implement affirmative outreach written procedures and communication tools and materials to inform persons without regard to race, color, ethnicity, religion, sex, age, national origin, familial status, gender identity or disability, how to obtain access to facilities and services. If it appears the procedures used will not reach persons of any particular race, color, religion, sex, age, national origin, familial status, gender identity or disability who may qualify for those activities and services, the subrecipient must establish additional procedures to ensure those persons are made aware of assistance opportunities.

Reasonable accommodations for persons with disabilities must be available in order to ensure disabled participants have an equal opportunity to utilize housing and receive essential services.

Nondiscrimination

The ESG subrecipient is required to comply with all state and federal statutes relating to nondiscrimination. Any of the following actions based on race, color, national origin, religion, sex, familial status, gender identity or disability are not permitted:

- Refuse to rent housing or provide services;
- Make housing or services unavailable;
- Deny a dwelling or service;
- Set different terms, conditions, or privileges for rental of a dwelling or obtaining services;
- Provide different housing services or facilities or different services;

- Falsely deny that housing is available for inspection or rental or that services are available; and
- Deny anyone access to a facility or service.

Equal Access and Gender Identity

In accordance with updated HUD Equal Access Rule, providers must ensure that their policies do not isolate or segregate clients based upon gender identity. The intent of the Equal Access Rule is to affirm that discrimination based on gender identity is sex discrimination and to prevent the biases of individual clients from creating situations where transgender individuals are isolated or segregated.

HUD requirements also state that:

- providers must place, serve, and accommodate in accordance with the stated gender identity of the individual;
- providers cannot subject individuals to intrusive questioning, ask for anatomical information or documentary, physical, or medical evidence of the individual's gender identity; and
- providers must take reasonable and nondiscriminatory steps to address privacy and safety concerns raised by residents and occupants, (not just transgender and gender non-conforming individuals).

The requirements of the Equal Access Rule apply to grant recipients and subrecipients, as well as to owners, operators, and managers of shelters and other buildings and facilities and providers of services funded in whole or in part by ESG funds.

Family Composition

Any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Further, a recipient or subrecipient receiving funds under the ESG Program cannot discriminate against a group of people presenting as a family based on the composition of the family, the age of any member's family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity.

For detailed guidance on the definition of family and how it applies to recipients and subrecipients of ESG and CoC Program funds please review FAQ #1529 available online here: <https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>

More information about the Equal Access Rule can be found here: <https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>

Habitability Standards

All housing units supported with program funds must meet HUD Habitability Standards as addressed in §576.403 (also see Appendix F and more information in Appendix I). Housing also needs to be compliant with local housing codes relating to occupancy, health, and safety standards and the program must comply with the more stringent of the two.

Permanent Housing

The subrecipient cannot use ESG funds to help a program participant remain in or move into housing that does not meet the minimum habitability standards under §576.403(c). This restriction applies to all activities under the Homelessness Prevention and Rapid Re-housing components.

Minimum habitability standards for permanent housing include requirements for:

- Structure and materials;
- Personal space and security;
- Interior air quality
- Water supply
- Sanitary facilities;
- Heating and cooling operating equipment;
- Natural and electrically produced light;
- Area for food preparation;
- Safe and sanitary facility maintenance; and
- Fire safety/smoke detectors

For households moving into a new unit, the unit must meet habitability standards before the lease is signed and the household moves in. For households already residing in a unit, the unit must meet habitability standards before financial or rental assistance can be provided.

The Shelter and Housing Standards Inspection Checklists can be found in Appendix F.

Lead-Based Paint Requirements

Federal lead-based paint requirements apply anytime federal funds are used for housing assistance and the living space or unit was built prior to 1978. The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M, and R apply to all shelters assisted with ESG funding and all housing occupied by program participants.

Appendix A: Homeless certification by HUD Definition for Homeless

This document is to certify the individual or household named below is currently homeless based on the category checked and required documentation.

ESG Client/Household Name: _____ Date: _____

CHRONICALLY HOMELESS CERTIFICATION

CHRONICALLY HOMELESS: Eligible for Rapid Re-housing assistance.

Individual or family:

Is homeless and resides in a place not meant for human habitation, a safe haven, or in an emergency shelter and has been homeless and residing in such a place for at least 12 months *or* on at least four separate occasions in the last three (3) years where the combined occasions must total at least 12 months; **and**

(ii) Has a head of household with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post-traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability.

NOTE:

- Transitional Housing does not qualify an individual/family for chronic status.
- Veterans receiving Supportive Services for Veteran Families (SSVF) or other grant per-diem programs offered by the Veterans Administration do maintain their Chronic Status.
- ESG Rapid Re-housing is not considered transitional housing.
- Institution stays of less than 90 days do not constitute a break and can be included in the time calculation as long as the individual/family were on the streets, in emergency shelter, or safe haven when they began.
- Stays in “housed” environments that are less than seven (7) consecutive nights do not constitute a break in homelessness.
- A BREAK in homelessness is defined as a stay in housing that lasts at least seven (7) consecutive nights; therefore a client must have at least four (4) separate occasions to qualify under this option.

The following documentation must be provided to certify individual living in a place not meant for human habitation, a safe haven or an emergency shelter:

Option 1:

- An HMIS record or record from a comparable database. If not documented in HMIS for 12 months proceed to Option 2.

Option 2:

- A written observation by an outreach worker of the conditions where the individual was living **or**
- A written referral by another housing or service provider where the individual was living.

Note: One encounter per month, documented breaks in HMIS (stayed with relative for night etc. counts as homeless) is acceptable documentation. Must be documented in client file.

Option 3: For use *only* in remote areas if no third-party certification is available; self-certification cannot be used for more than 25% of households per operating year/agency.

- Self-certification by the individual seeking assistance, which must be accompanied by the intake worker's documentation of the living situation of the individual or family seeking assistance and the steps that were taken to obtain evidence in Steps 1 and 2.

To certify head of household disability, the following documentation must be provided:

- Verification of disability

GENERAL HOMELESS CERTIFICATION

CATEGORY 1: Literally Homeless

Category 1 is eligible for Rapid Re-housing assistance

- Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - (i) Has a primary nighttime residence that is a public or private place not meant for human habitation; **or**
 - (ii) Is living in a 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 and local government programs).

Documentation of one of the following is required to certify homeless status:

- Written observation by the outreach worker; **or**
- Written referral by another housing or service provider; **or**

- Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter.

(iii) **Or** is exiting an institution where (s)he has 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 must include one of the above forms of evidence AND one of the following:

- Discharge paperwork **or** written/oral referral; **or**
- Written record of intake worker's due diligence to obtain above evidence **and** certification by individual that they exited institution.

Categories 2 through 4 receive assistance under Homeless Prevention

CATEGORY 2: Imminent Risk of Homelessness

Individual or family who will imminently lose their primary nighttime residence, provided that:

- (i) Residence will be lost within 14 days of the date of application for homeless assistance;
- (ii) No subsequent residence has been identified; and
- (iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing.

Documentation must include one of the following:

- A court order resulting from an eviction action notifying the individual or family that they must leave; **or**
- For individual and families leaving a hotel or motel—evidence that they lack the financial resources to stay (Form No. 5); **or**
- A documented and verified oral statement.

In addition to one of the above, documentation must include BOTH of the following:

- Certification that no subsequent residence has been identified; **AND**
- Self-certification or other written documentation that the individual or family lacks the financial resources and support necessary to obtain permanent housing.

CATEGORY 3: Homeless under Other Federal Statutes

- Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
- (i) Are defined as homeless under the other listed federal statutes;
 - (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
 - (iii) Have experienced persistent instability as measured by 2 moves or more during the preceding 60 days; **and**
 - (iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers.

Documentation must include all of the following:

- 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**
- Certification of no public housing in the last 60 days; **and**
- Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved 2 or more times in the past 60 days; **and**
- Documentation of special needs **or** 2 or more barriers.

CATEGORY 4: Fleeing/Attempting to Flee Domestic Violence

- Any individual or family who:
- (i) Is fleeing, or is attempting to flee, domestic violence;
 - (ii) Has no other residence; **and**
 - (iii) Lacks the resources or support networks to obtain other permanent housing

Documentation required for victim service providers:

- 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.

Documentation required for non-victim service providers (all of the following):

- Oral statement by the individual or head of household seeking assistance that they are fleeing. 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**
- Certification by the individual or head of household that no subsequent residence has been identified; **and**
- Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

Intake Staff Signature: _____ Date: _____

Appendix B: "But For" Certification

ESG Housing Options and Resources Eligibility

"But For" Certification

Applicant Name: _____

This document is to certify that the above-named applicant or household has explored all re-housing options and all available resources. The case manager also certifies that a comprehensive assessment was completed and that the findings are such that the above-named applicant or household would become or remain homeless **but** for ESG assistance. (See attached assessment)

Client Certification

Under penalty of perjury I, _____ affirm the following statements to be true.

- a. I affirm that I have explored all housing options, (family, friends, public housing, and private housing), and that I have not been able to secure housing.
- b. I affirm that I have accurately reported my family composition and total family income.
- c. I affirm that my household lacks the financial resources and support networks needed to obtain immediate housing (i.e. start-up costs, etc.).
- d. I affirm that I am not receiving financial assistance for the same reason that I am applying for ESG funds.
- e. I affirm that I would become or remain homeless **but** for ESG assistance.

Applicant's Signature

Date:

Case Manager Certification

Under penalty of perjury I, _____ affirm the following statements to be true.

- a. Upon completion of assessment, I affirm that the above-named applicant has proven that they have explored all housing options and have not been successful with securing housing.
- b. Upon completion of assessment, I affirm that the above-named applicant/household lacks the financial resources and support networks needed to obtain immediate housing.
- c. I certify that I have completed a thorough assessment, including alternative housing options, income and asset verifications and homeless verifications, and believe that the above-named applicant or household would become or remain homeless **but** for the ESG assistance.

Case Manager's Signature

Date

Appendix C: Self Declaration of Income

Applicant Name: _____

This is to certify the income status for the above-named individual. Income includes but is not limited to:

- The full amount of gross income earned before taxes and deductions.
- The net income earned from the operation of a business, i.e., total revenue minus business operating expenses. This also includes any withdrawals of cash from the business or profession for your personal use.
- Monthly interest and dividend income credited to an applicant’s bank account and available for use.
- The monthly payment amount received from Social Security, annuities, retirement funds, pensions, disability and other similar types of periodic payments.
- Any monthly payments in lieu of earnings, such as unemployment, disability compensation, SSI, SSDI, and worker's compensation.
- Monthly income from government agencies excluding amounts designated for shelter, and utilities, WIC, food stamps, and childcare.
- Alimony, child support and foster care payments received from organizations or from persons not residing in the dwelling.
- All basic pay, special day and allowances of a member of the Armed Forces excluding special pay for exposure to hostile fire.

Check only one box and complete only that section

I certify, under penalty of perjury, that I currently receive the following income:

Source: _____ Amount: _____ Frequency: _____

Source: _____ Amount: _____ Frequency: _____

Source: _____ Amount: _____ Frequency: _____

HPRP Applicant Signature: _____ Date: _____

I certify, under penalty of perjury, that I do not have any income from any source at this time.

HPRP Applicant Signature: _____ Date: _____

Staff Verification

I understand that third-party verification is the preferred method of certifying income for HPRP assistance. I understand self-declaration is only permitted when I have attempted to but cannot obtain third party verification.

Documentation of attempt made for third-party verification:

Staff Signature: _____ Date: _____

EMERGENCY SOLUTIONS GRANTS PROGRAM

HOUSING STABILIZATION PLAN

Name:	Date of Plan:
	Review Date:
Address:	Program:
Date of Birth:	Rapid Re-Housing _____
Legal Status:	

1. Assistance Received through ESG:

RAPID RE-HOUSING:

Short Term Rental Assistance (up to 3 months)	Yes ____	Amount Received: Duration:
Medium Term Rental Assistance (up to 12 months or exceeding more than 3 months)	Yes ____	Amount Received: Duration:

HOUSING RELOCATION STABILIZATION

Rental Application Fees	Yes _____	Amount Received:
Security Deposits (equal to no more than 2 months)	Yes _____	Amount Received:

Last Month Rent (may be paid at the time the owner is paid security)	Yes _____	Amount Received:
Utility Payments (up to 12 months)	Yes _____	Amount Received:
Moving Cost	Yes _____	Truck Rental Amount: Hiring Moving Company Amount: Temporary Storage Fees Amount (up to 3 months) Amount:

Housing Barriers:

Factors That Threaten Housing Stability:

Program Participant Strengths and Resources:

<u>Objective 1:</u>			
What	Purpose	Person Responsible	Completion/Target Date

<u>Objective 2:</u>			
What	Purpose	Person Responsible	Completion/Target Date

<u>Objective 3:</u>			
What	Purpose	Person Responsible	Completion/Target Date

Objective 4:

What	Purpose	Person Responsible	Completion/Target Date

Service Needs and Referrals:

Employment	Yes ___	Referral agency or program:
Education	Yes ___	Referral agency or program:
Substance Abuse (drug or alcohol)	Yes ___	Referral agency or program:
Childcare services	Yes ___	Referral agency or program:
Other type of service (please specify)	Yes ___	Referral agency or program:

_____ I agree with this Housing Stabilization Plan

Signature: _____ Title: _____

Date: _____

Appendix E: Rent Reasonableness Checklist and Certification

To verify that the rent for the unit you have selected is reasonable, find the address of another unit in the neighborhood that is similar to the unit you have chosen. It must be the same type of unit and have the same number of bedrooms. The rent must be the same or more than the rent for the unit you have selected. Some ideas for places to look for comparable units include the local paper, the owner, your friends, and local real estate agents, and rental websites.

	SELECTED UNIT	UNIT #1	UNIT #2	UNIT #3
ADDRESS OF UNIT:				
TYPE OF UNIT/CONSTRUCTION: (CIRCLE APPLICABLE TYPE)	APT. 1-4 FLOORS APT. 5+FLOORS DUPLEX/TOWNHOUSE MANUFACTURED HOME SINGLE FAMILY OTHER: _____	APT. 1-4 FLOORS APT. 5+FLOORS DUPLEX/TOWNHOUSE MANUFACTURED HOME SINGLE FAMILY OTHER: _____	APT. 1-4 FLOORS APT. 5+FLOORS DUPLEX/TOWNHOUSE MANUFACTURED HOME SINGLE FAMILY OTHER: _____	APT. 1-4 FLOORS APT. 5+FLOORS DUPLEX/TOWNHOUSE MANUFACTURED HOME SINGLE FAMILY OTHER: _____
NUMBER OF BEDROOMS:				
APPROXIMATE SQUARE FOOTAGE:				
GENERAL HOUSING CONDITION:				
LOCATION/ ACCESSIBILITY (I.E., NEAR SCHOOLS, BUS, PARK, ETC.):				

AMENITIES: CIRCLE <u>ALL</u> THAT APPLY	AIR CONDITIONER GARBAGE DISPOSAL DISHWASHER WASHER/DRYER CARPET RECREATIONAL FACILITIES. STORAGE AREAS PARKING MAINTENANCE SERVICE HOUSING SERVICES OTHER: _____	AIR CONDITIONER GARBAGE DISPOSAL DISHWASHER WASHER/DRYER CARPET RECREATIONAL FACILITIES. STORAGE AREAS PARKING MAINTENANCE SERVICE HOUSING SERVICES OTHER: _____	AIR CONDITIONER GARBAGE DISPOSAL DISHWASHER WASHER/DRYER CARPET RECREATIONAL FACILITIES. STORAGE AREAS PARKING MAINTENANCE SERVICE HOUSING SERVICES OTHER: _____	AIR CONDITIONER GARBAGE DISPOSAL DISHWASHER WASHER/DRYER CARPET RECREATIONAL FACILITIES. STORAGE AREAS PARKING MAINTENANCE SERVICE HOUSING SERVICES OTHER: _____
APPROXIMATE YEAR BUILT:				
UTILITIES(TYPE)	YES NO	YES NO	YES NO	YES NO
UNIT RENT UTILITY ALLOWANCE GROSS RENT				
HANDICAP ACCESSIBLE:	YES NO	YES NO	YES NO	YES NO

CERTIFICATION:

A. Comparison with Fair Market Rent

PROPOSED CONTRACT RENT (_____) + UTILITY ALLOWANCE (_____) = PROPOSED GROSS RENT
(_____)

APPLICABLE FAIR MARKET RENT: \$_____

DOES PROPOSED GROSS RENT EXCEED FAIR MARKET RENT? Yes No

B. Rent Reasonableness

Based upon a comparison with rents for comparable units, I have determined that the proposed rent for the unit [] is [] is **not** reasonable.

NAME:	
SIGNATURE:	DATE:
TITLE:	
AGENCY:	

Appendix F: Housing Standards

Minimum Standards for Permanent Housing

Instructions: Place a check mark in the correct column to indicate whether the property is approved or deficient with respect to each standard. The property must meet all standards in order to be approved. A copy of this checklist should be placed in the client file.

Approved	Deficient	<p style="text-align: center;">Standard (24 CFR part 576.403(c))</p>
		<p>1. <i>Structure and materials</i>: The structure is structurally sound to protect the residents from the elements and not pose any threat to the health and safety of the residents.</p>
		<p>2. <i>Space and security</i>: Each resident is provided adequate space and security for themselves and their belongings. Each resident is provided an acceptable place to sleep.</p>
		<p>3. <i>Interior air quality</i>: Each room or space has a natural or mechanical means of ventilation. The interior air is free of pollutants at a level that might threaten or harm the health of residents.</p>
		<p>4. <i>Water Supply</i>: The water supply is free from contamination.</p>
		<p>5. <i>Sanitary Facilities</i>: Residents have access to sufficient sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.</p>
		<p>6. <i>Thermal environment</i>: The housing has any necessary heating/cooling facilities in proper operating condition.</p>
		<p>7. <i>Illumination and electricity</i>: The structure has adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There are sufficient electrical sources to permit the safe use of electrical appliances in the structure.</p>
		<p>8. <i>Food preparation</i>: All food preparation areas contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.</p>
		<p>9. <i>Sanitary condition</i>: The housing is maintained in sanitary condition.</p>
		<p>10. <i>Fire safety</i>:</p> <ul style="list-style-type: none"> a. There is a second means of exiting the building in the event of fire or other emergency. b. The unit includes at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors are located, to the extent practicable, in a hallway adjacent to a bedroom. c. If the unit is occupied by hearing-impaired persons, smoke detectors have an alarm system designed for hearing-impaired persons in each bedroom occupied by a hearing-impaired person. d. The public areas are equipped with a sufficient number, but not less than one for each area, of battery-operated or hard-wired smoke detectors. Public areas include, but are not limited to, laundry rooms, day care centers, hallways, stairwells, and other common areas.
		<p>11. Meets additional recipient/subrecipient standards (if any).</p>

CERTIFICATION STATEMENT

I certify that I have evaluated the property located at the address below to the best of my ability and find the following:

- Property meets all of the above standards.
- Property does not meet all of the above standards.

COMMENTS:

ESG Recipient Name: _____

ESG Subrecipient Name: _____

Program Participant Name: _____

Street Address: _____

Apartment: _____

City: _____ State: _____ Zip: _____

Evaluator Signature: _____ Date of review: _____

Evaluator Name: _____

Approving Official Signature (if applicable): _____ Date: _____

Approving Official Name (if applicable): _____

APPENDIX G: ESG Rental Assistance Agreement

Instructions: This Agreement covers ESG “Tenant-Based” Rental Assistance and must be completed by the ESG subrecipient Agency and Landlord when providing rental assistance under both the homelessness prevention and rapid re-housing components of the ESG Program. **When paying rental arrears only a Rental Assistance Agreement is required as arrears are considered rental assistance.** The Rental Assistance Agreement does not take the place of the lease between the program participant and landlord.

Agency: _____

Program participant: _____

Address of unit being rented: _____

Name of apartment complex if applicable: _____

Landlord name: _____

Landlord address: _____ Phone: _____

When providing tenant-based rental assistance, the Rental Assistance Agreement with the Landlord must terminate and no further rental assistance payments be made if:

- The program participant moves out of the housing unit;
- The lease terminates and is not renewed;
- The program participant becomes ineligible to receive ESG rental assistance.

During the term of the Rental Assistance Agreement, the Landlord must provide the Agency named above 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.

Terms of Agreement: (term of the rental assistance agreement should be for the length of time the Agency anticipates providing assistance). All payments must be made directly to the Landlord.

- The term of this Rental Assistance Agreement begins on _____ and ends on _____.

Security Deposit:

- Agency will pay a Security Deposit to Landlord in the amount of \$_____.

Rental Arrears:

- Agency will pay Rental Arrears to Landlord in the amount of \$_____.
- Number of months of arrears paid: _____

Monthly Rent:

- The monthly rent payable to the Landlord is: \$_____
- Of the monthly rent amount the ESG portion is: \$_____
- **Of the monthly rent amount the program participant portion is \$_____

** (If the program participant is required to pay a portion of the monthly rental amount, the Agency must have written policies and procedures for determining the program participant's portion).

Payment Due Date: (payment due date, grace period, and late payment penalty requirements must be the same as indicated in program participant's lease).

- The payment due date is: _____
- The grace period for payment is: _____

- Late penalty requirements are: _____
(ESG Program funds cannot be used to pay late payment penalty costs).

Signature of Landlord

Date: _____

Signature of Agency's Authorized Representative

Date: _____

Appendix H: Reporting and Recordkeeping Requirements
(24 CFR 576.500)

To serve any participant with ESG rental assistance the program participant must be determined eligible under either the homeless definition or the at-risk of homelessness definition and must meet the eligibility criteria for ESG rapid re-housing or homelessness prevention assistance (24 CFR 576.103 and 104).

<p>Eligibility Criteria for Rapid Re-Housing Assistance</p>	<p>Rapid Re-Housing assistance may only be provided to "program participants who meet the criteria under paragraph (1) of the 'homeless' definition in §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." (24 CFR § 576.104).</p> <p>___ ESG Application Form</p> <p>___ Client referral from Coordinated Entry</p>
<p>Documentation of Homeless Status</p> <p>Order of Priority</p>	<p>Recipients must maintain and follow written intake procedures to determine whether potential program participants meet the homeless definition found in §576.2. These procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status.</p> <p>Therefore, recipients and subrecipients are required to document eligibility at program entry. For ESG homelessness prevention and rapid re-housing assistance, the interim rule establishes the following order of priority for obtaining evidence:</p> <ol style="list-style-type: none"> 1. Third-party documentation, including written and source documentation, and HMIS records; 2. Intake worker observations; 3. Certification from persons seeking assistance. <p>___ Client HMIS ID#: _____</p> <p>___ HMIS Client Consent and Release Authorization Form</p>
<p>Documentation of Homeless Status</p>	<p>___ Written observation by an outreach worker of conditions where client was living;</p> <p>___ Written referral by another housing or service provider; or</p> <p>___ Self-certification</p>

Under paragraph (1)(i) or (ii) of the homeless definition Street or Shelter	
Documentation of Homeless Status Under paragraph (1)(iii) of the homeless definition Exiting an institution	<p>_____ Written observation by an outreach worker of conditions where client was living;</p> <p>_____ Written referral by another housing or service provider; or</p> <p>_____ Self-certification; AND one of the following:</p> <p>_____ Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, that states the beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; or</p> <p>_____ if the evidence above is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence above and a certification by the individual seeking assistance that states that he or she is exiting or has just exited an institution where he or she resided for 90 days or less. (ESG Options and Resource Eligibility Form)</p>
Documentation of Homeless Status Under paragraph 2 of the homeless definition Documentation of At Risk of Homelessness Status Under Category 1, Risk Factor 3 of the at risk of	<p>_____ A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days [21 days for risk factor 3] after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law.¹</p> <p>_____ As a last resort, an oral statement by the individual or head of household may be used to document that an individual or family must leave the housing unit that they own or rent within 14/21 days after the date of their application for homeless assistance. Warning: If in HUD-monitoring it is identified that an oral statement is used to document homeless status for the majority of program participants in the project, then that would be raised as a concern and might result in corrective actions.</p>

¹ Please note that in many circumstances, a 5-day "notice to pay or quit" (or similar notice) from the landlord, is *not* equivalent to a court-ordered eviction notice. The intent of the law and regulation is that the notice provided by the landlord must actually require the tenant to leave the unit, usually enforced by the use of law enforcement (such as a sheriff). The above language from the final rule of the homeless definition is designed to encompass state laws that may use slightly different language; however, the language in any state law must truly be the equivalent of a court-ordered eviction action.

<p>homelessness definition</p>	<p>The oral statement must be recorded and found credible by the intake worker. To be found credible, the oral statement must either be _____ (1) verified by the landlord (or lender, in the case of foreclosure) and documented by a written certification by the landlord/bank or by the intake worker's recording of the oral statement or _____ (2) where the intake worker is unable to contact the landlord/bank, a written certification by the intake worker of his or her due diligence in attempting to obtain the landlord/bank's verification.</p> <p>_____ Certification by the individual or head of household that no subsequent residence has been identified; and</p> <p>_____ Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.</p>
<p>Documentation of Homeless Status Under paragraph 3 of the homeless definition</p> <p>Unaccompanied Youth or homeless family with one or children or youth</p>	<p>_____ For paragraph 3(i): Certification of homeless status by local private nonprofit organization or state or local governmental entity responsible for administering assistance under the applicable Act (for paragraph 3(i)).</p> <p>_____ For paragraph 3(ii):</p> <p>_____ referral by another housing or service provider;</p> <p>_____ Written observation by an outreach worker; or</p> <p>_____ Self-certification</p> <p>_____ For paragraph 3(iii): Certification by the individual or head of household and any available supporting documentation that the individual or family moved two or more times during the 60-day period immediately preceding the date of application for homeless assistance including:</p> <p>_____ recorded statements or records obtained from each owner or renter of housing, provider of shelter or housing, or social worker, case worker, or other appropriate official of a hospital or institution in which the individual or family resided; or</p> <p>_____ if the above statements or records are unobtainable, a written record of the intake worker's due diligence in attempting to obtain these statements or records.</p> <p>_____ individual or family fleeing domestic violence: intake worker may obtain a written certification from the individual or head of household seeking assistance that they were fleeing that situation and that they resided at that address.</p> <p>_____ for paragraph 3(iv): written diagnosis from a professional who is licensed by the state to diagnose and treat that condition; or</p> <p>_____ intake staff recorded observation of disability that within 45 days of date of the application for assistance is confirmed by a professional who is licensed by the state to diagnose and treat that condition.</p>

	<p>_____ employment records, department of correction records, literacy, English proficiency tests, or other reasonable documentation of the conditions required under paragraph 3(iv) of the homeless definition.</p>
<p>Documentation of Homeless Status Under paragraph 4 of the homeless definition Fleeing domestic violence</p>	<p>_____ when receiving shelter or services provided by a victim service provider: then a self-certification is sufficient so long as the individual or household is certifying they are fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking, lacks resources and support networks, and subsequent residence.</p> <p>_____ If the organization is not a victim service provider, the individual may self-certify lack of resources, support network, and subsequent residence, but the intake worker should attempt to verify those conditions as long as doing so does not jeopardize the safety of the individual/family.</p>
<p>Documentation of at risk of homelessness status</p>	<p>_____ Intake certification form</p> <p>_____ Annual income documentation</p> <p>_____ Certification that the program participant has insufficient financial resources and support networks immediately available to attain housing stability and one or more of the at risk conditions.</p> <p>_____ the most reliable evidence available to show that the program participant has insufficient financial resources and support networks immediately available to prevent them from moving to an emergency shelter or a place not meant for human habitation. Acceptable evidence includes the following:</p> <p>_____ source documents (e.g. notice of termination from employment);</p> <p>_____ if source documents are unobtainable, a written statement by the relevant third party (e.g. former employer) or a written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria under paragraph (1)(ii);</p> <p>_____ if source documents and third party verification are unobtainable, a written statement by the recipient's or subrecipient's intake staff describing the efforts taken to obtain the required evidence; and</p> <p>_____ the most reliable evidence available to show that the program participant meets one or more of the at risk conditions. Acceptable evidence includes:</p> <p>_____ source documents that evidence one or more of the conditions (e.g. eviction notice, notice of termination from employment, bank statement);</p> <p>_____ if source documents are unobtainable, a written statement by the relevant third party (e.g. former employer, owner) or written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party that the applicant meets one or more of the criteria under paragraph (1)(iii);</p>

	<p>_____ if source documents and third party verification are unobtainable, a written statement by the recipient’s or subrecipient’s intake staff that the staff person has visited the applicant’s residence and determined that the applicant meets one or more of the at risk conditions or, if a visit is not practicable or relevant to the determination, a written statement by the recipient’s or subrecipient’s intake staff describing the efforts taken to obtain the required evidence; or</p> <p>_____ if the program participant meets the criteria under paragraph (2) or (3) of the “at risk of homelessness” definition, certification of the child or youth’s homeless status by the agency or organization responsible for administering assistance under the applicable Act.</p>
<p>Determination of ineligibility</p>	<p>_____ documentation of the reason for the determination of ineligibility</p>
<p>Annual Income</p>	<p>_____ income evaluation form</p> <p>_____ Income eligibility & Rent Calculation Worksheet</p> <p>_____ source documents for the assets held by the program participant and the income received over the most recent period for which representative data is available before the date of evaluation</p> <p>_____ wage statement</p> <p>_____ unemployment compensation statement</p> <p>_____ public benefits statement</p> <p>_____ bank statement</p> <p>To the extent that source documents are unobtainable:</p> <p>_____ a written statement by the relevant third party or the written certification by the recipient's or</p> <p>_____ subrecipient's intake staff of the oral verification by the relevant third party of the income that the program participant received over the most recent period for which representative data is available; or</p> <p>To the extent that source documents and third party verification are unobtainable:</p> <p>_____ Written certification by the program participant of the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.</p> <p>It is always the judgment of the case worker doing the required intake assessment to evaluate a program participant's specific situation and document that they meet any applicable eligibility criteria, such as lacking other resources or support networks</p>
<p>Program Participant Records</p>	<p>_____ ESG Housing Stabilization Plan</p> <p>_____ evidence of homeless status or at risk of homelessness status, as applicable</p>

	<p>_____ records of services and assistance provided to the program participant</p> <p>_____ records of compliance with applicable requirements for providing services and assistance to that program participant under the program components and eligible activities provisions at section 576.101 through 576.106,</p> <p>_____ records of compliance with the provision on determining eligibility and the amount and type of assistance at 576.401(a) and (b), and</p> <p>_____ records of compliance with the provision on using appropriate assistance and services at 576.401(d) and (e)</p> <p>_____ where applicable, compliance with the termination of assistance requirement in 576.402</p>
Rental assistance agreements and payments	<p>_____ copies of all leases and rental assistance agreements</p> <p>_____ documentation of payments made to owners for the provision of rental assistance</p> <p>_____ supporting documents for these payment, including dates of occupancy by program participants</p>
Utility allowance	<p>_____ records of monthly allowance for utilities (excluding telephones) used to determine compliance with the rent restriction</p>
Shelter and housing standards	<p>Records of compliance with shelter and housing standards in 576.403.</p> <p>___ Lead Based Paint</p> <p>___ ESG Inspection Checklist</p> <p>___ Rent Reasonableness</p>
Services and assistance provided	<p>_____ types of essential services, rental assistance, and housing stabilization and relocation services provided</p> <p>_____ amounts spent on these services</p> <p>_____ records to demonstrate compliance with the maintenance of effort requirement including the following:</p> <p>_____ city budget</p> <p>_____ sources of funding for street outreach and emergency shelter</p>

APPROVED _____ DENIED _____ FOR _____ ESG PROGRAM

REASON: _____

Appendix I: Additional Information

HUD ESG Resources: <https://www.hudexchange.info/esg/>

Other Relevant Federal Regulations

24 CFR Part 5 Subpart F: Section 8 and Public Housing: Occupancy Requirements for Section 8-Based Assistance

24 CFR 91: Consolidated Submissions for Community Planning and Development Programs

24 CFR 121: Homeless Management Information System (HMIS)

24 CFR 576: Emergency Solutions Grant Program

24 CFR 5.609: Annual Income

24 CFR 982: Fair Market Rent and Rent Reasonableness

24 CFR Part 35: Lead-Based Paint

EPA resources: <http://www2.epa.gov/lead>

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

CFRs cited are amended from time to time and can be found at:

<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=%2findex.tpl>

Annual Median Income

<https://www.huduser.gov/portal/datasets/il/il16/>

HMIS Manual

<https://www.hudexchange.info/resources/documents/HMIS-Data-Standards-Manual.pdf>

Personal Responsibility and Work Opportunity Reconciliation Act of 1996

<http://www.gpo.gov/fdsys/pkg/PLAW-104publ193/content-detail.html>

Housing Choice Voucher Guidebook

www.hud.gov/offices/adm/hudclips/guidebooks/7420.10G/7420g09GUID.pdf

Colorado Anti-Discrimination Act (§24.34)

See Parts 5 and 6 for anti-discrimination practices in housing and public accommodations:

<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=2876>

ESG Emergency Shelter and Permanent Housing Standards

<https://files.hudexchange.info/resources/documents/ESG-Emergency-Shelter-and-Permanent-Housing-Standards.pdf>