EMERGENCY SOLUTIONS GRANT GUIDEBOOK

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Guidance for Emergency Solutions Grant
As administered by the Georgia Department of Community Affairs

Table of Contents

INTRODUCTION 4
FAIR HOUSING AND EQUAL OPPORTUNITY 4
LANGUAGE ACCESS PLAN 4
EQUAL ACCESS 5
- Equal Access to Housing Final Rule 5
- Equal Access in Accordance with Gender Identity Final Rule 5

VAWA COMPLIANCE 6
- Emergency Transfer Plan 6
- Notice and Certification to Tenants 7
- Other Requirements 7

FAITH BASED ACTIVITIES 7
COORDINATED ENTRY 8
HOUSING FIRST APPROACH 8
DCA ESG WRITTEN STANDARDS 8
ELIGIBLE ACTIVITIES (PROJECT TYPES) 9
- Emergency Shelter 9
  - Family Separation and Emergency Shelter 11
- Transitional Housing 11
- Rapid Re-Housing 12
- Homelessness Prevention 12
- Street Outreach 12
  - Implementation of Street Outreach 13
- Supportive Services Only 14
- Hotel/Motel Vouchers 14
- Homeless Management Information Systems (HMIS) 15
- Priority Targeted Funding Efforts 15

DEFINITION OF HOMELESS, AT RISK OF HOMELESSNESS, AND CHRONIC HOMELESSNESS 15
- Homeless Definition 15
  - Category 1 – Literally Homeless 15
  - Category 2 – Imminent Risk of Homelessness 15
  - Category 3 – Homeless Under Other Federal Statutes 15
  - Category 4 – Fleeing/Attempting to Flee DV 16
- At Risk of Homelessness Definition 16

Chronic Homelessness Definition 17
DOCUMENTATION AND RECORDKEEPING REQUIREMENTS 17
Housing Status Documentation 17
Preferred Order of Documentation 18
Category 1 Documentation and Certification Requirements 18
Category 2 Documentation and Certification Requirements 19
Category 3 Documentation and Certification Requirements 19
Category 4 Documentation and Certification Requirements 20
At Risk of Homelessness Documentation and Certification Requirements 20
DOCUMENTING PERSONS WITH DISABILITIES 21
INTAKE, ELIGIBILITY ASSESSMENT, AND RE-CERTIFICATION 22
Eligibility Assessment for Emergency Shelter, Transitional Housing, Street Outreach, Supportive Services Only, and Hotel/Motel Vouchers Projects 22
Eligibility Assessment for Rapid Re-Housing and Prevention 22
Income Calculations and Changes 23
Re-Certification Requirements 23
Rapid Re-Housing Re-Certification Requirements 24
Prevention Re-Certification Requirements 24
RENTAL ASSISTANCE REQUIREMENTS 24
Rental Arrears 24
Declining Rental Subsidies 24
Rental Assistance Agreements 25
Late Payments 25
Leases 25
Rent Reasonableness and Fair Market Rent (FMR) 25
Rent Reasonableness 25
Fair Market Rent (FMR) 26
Rental Assistance Use with Other Subsidies 27
FINANCIAL ASSISTANCE REQUIREMENTS 27
Rental Application Fees 27
Security Deposits 27
Last Month's Rent 27
Utility Deposits 27
Utility Payments 27
Moving Costs 28
Financial Assistance Use with Other Subsidies 28
LEAD BASED PAINT DISCLOSURE AND REMEDIATION 28

ENVIRONMENTAL REVIEW 29
SHELTER AND HOUSING STANDARDS 29
Minimum Habitability Standards for Emergency Shelter 29
Minimum Habitability Standards for Rapid Re-Housing and Prevention 30
CASE MANAGEMENT 31
Rapid Re-Housing and Prevention Case Management 31
HOUSING SUPPORT STANDARDS 31
EDUCATION POLICY 32
POLICIES AND PROCEDURES REQUIREMENTS 33
Confidentiality 33
Complaints and Appeals 33
Terminating Assistance 33
HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) 33
Reporting Requirements 34
HMIS and the Reimbursement Process 34
PERFORMANCE STANDARDS AND MEASURES 34
SUB-GRANTEE TRAINING 36
FINANCIAL MANAGEMENT 36
Reimbursement 36
Budget Modification 36
Match 36
MONITORING 37
APPENDIX A: UNIT INSPECTION REQUIREMENTS 38

INTRODUCTION

The Georgia Department of Community Affairs (DCA) Emergency Solutions Grants (ESG) Program provides services to persons experiencing homelessness, and to persons in danger of becoming homeless, throughout the state. To deliver these services, sub-grants are provided local government entities and non-profit organizations utilizing State Housing Trust Fund for the Homeless Commission (HTF) and United States Department of Housing and Urban Development (HUD) ESG funds. This program is principally designed to be the first step in a continuum of assistance to enable homeless individuals and families to move toward independent living and to prevent homelessness.

The DCA ESG guidebook is intended to provide critical information and resources associated with project implementation for DCA ESG sub-grantees. The guidebook is largely a consolidation of standards for ESG set by HUD, DCA, and other entities as applicable. While the guidebook is designed to be a convenient reference document for DCA ESG sub-grantees, it is not an exhaustive review of all regulation and guidance associated with the ESG program. In addition to this guidebook, sub-grantees must also familiarize themselves with federal regulations, state requirements, and any other applicable guidance associated with ESG, as cited in this guidebook and as otherwise applicable. It is incumbent upon the sub-grantee to understand ESG program requirements, as administered by DCA, and to be fully aware of all contents of the executed ESG agreement between DCA and the sub-grantee.

FAIR HOUSING AND EQUAL OPPORTUNITY

The requirements in 24 CFR part 5, subpart A are applicable, including the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a). Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and implementing regulations at 24 CFR part 135 apply, except that homeless individuals have priority over other Section 3 residents in accordance with § 576.405(c).

The sub-grantee must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. If it is unlikely that the procedures that the sub-grantee intends to use to make known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, the sub-grantee must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The sub-recipient must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities.

LANGUAGE ACCESS PLAN

Consistent with Title VI and Executive Order 13166, sub-grantees are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons. An individual's ability to speak, read, write or understand English cannot impede his or her access to programs or activities. The sub-grantee must assess the need for language assistance within its service area by conducting a Four Factor Analysis to understand the languages spoken by LEP persons and how to provide needed language assistance. The Four Factor Analysis must consider:

1. The number or proportion of LEP persons served or encountered in the eligible service population
2. The frequency with which LEP persons come into contact with the program
3. The nature and importance of the program, activity, or service
4. The resources available to execute the program and costs of providing LEP services

Based on the Four Factor Analysis, the sub-grantee must prepare a Language Access Plan (LAP) to include:

a. The name of the individual responsible for coordination of LEP compliance;
b. A training plan on LEP requirements for all staff involved in programs and activities funded by the federal government and awarded by DCA;

c. The languages identified from the Four Factor Analysis;
d. A plan for language services based on language assistance needs identified in the Four Factor Analysis;
e. A schedule for translating and disseminating vital documents; and
f. A policy for updating the Four Factor Analysis and LAP.

Further, the sub-grantee must maintain documents regarding its efforts to comply with LEP requirements, including tracking LEP services provided to eligible persons, provide evidence of compliance with its locally adopted LAP to DCA upon request, review and update its Four Factor Analysis at least every five years, and resolve any findings related to its LEP obligations by taking corrective action. Repeated violations may require other appropriate enforcement mechanisms up to and including referral to HUD or repayment of awarded funds.

EQUAL ACCESS

Equal Access to Housing Final Rule

On February 3, 2012, HUD published a final rule titled "Equal Access to Housing and HUD Programs Regardless of Sexual Orientation or Gender Identity." This rule, known as the "Equal Access Rule," became effective on March 5, 2012. The Equal Access Rule applies to all McKinney-Vento funded housing programs, including ESG. It creates a new regulatory provision that generally prohibits considering a person's marital status, sexual orientation, or gender identity in making eligibility determinations for housing.

In July 2014, HUD published FAQ ID 1529, which addresses the applicability of the term *family* in the Equal Access Rule. The FAQ defines *family* as applicable to the ESG program as follows:

> *Family* includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability. A child who is temporarily away from the home because of placement in foster care is considered a member of the family.
>
> What this means is that 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 or CoC Programs cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), 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.

The FAQ further clarifies that while it is acceptable for a shelter or housing program to limit assistance to households with children, it may not limit assistance to only women with children. Such a shelter or program must also serve the following family types, should they present, in order to be in compliance with the Equal Access Rule:

- Single male head of household with minor child(ren); and
- Any household made up of two or more adults, regardless of sexual orientation, marital status, or gender identity, presenting with minor child(ren).

The emergency shelter or housing program would not be required to serve families composed of only adult members and could deny access to these types of families provided that all adult-only families are treated equally, regardless of sexual orientation, marital status, or gender identity.

Equal Access in Accordance with Gender Identity Final Rule

On September 21, 2016, HUD published a final rule in the Federal Register entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs." Through this final rule, HUD ensures

equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD). This rule builds upon HUD's February 2012 final rule entitled "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity" (2012 Equal Access Rule), which aimed to ensure that HUD's housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. The final rule requires that recipients and subrecipients of CPD funding, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any CPD program to grant equal access to such facilities, and other buildings and facilities, benefits, accommodations and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.

All DCA ESG sub-grantees must comply with requirements of the Equal Access to Housing Final Rule, the Equal Access in Accordance with Gender Identity Final Rule, and any applicable guidance, regardless of whether or not the ESG sub-grantee is a victim service or faith-based provider. Non-compliance may result in termination of ESG funding. The regulation and guidance cited above, as well as further guidance from HUD, may be accessed at the following websites. All DCA ESG recipients are expected to review this material in its entirety.

Equal Access to Housing and Equal Access in Accordance with Gender Identity Final Rules
https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/

FAQ 1529
https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/

VAWA COMPLIANCE

The sub-grantee is required to comply with the Violence Against Women Act (VAWA) Reauthorization of 2013 to include the prohibition against denial or termination of assistance based on the fact the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, per 24 CFR part 5, subpart L and 576.409. If the grantee determines eligibility for or administers rental assistance, the grantee is also expected to satisfy additional VAWA regulatory requirements to include, but not limited to, providing a notification and certification to recipients of rental assistance at specified times, adopting an emergency transfer plan applicable to its program, and protecting confidentiality of victims pursuant to the requirements in 24 CFR part 5, subpart L and 576.409.

Emergency Transfer Plan

Part of the regulations requires that each ESG sub-grantee who provides rental assistance adopt an Emergency Transfer Plan no later than June 14, 2017 based on HUD's model Emergency Transfer Plan. The Emergency Transfer Plan will allow eligible tenants to request and make an internal transfer when a safe unit is immediately available and receive assistance regarding external transfers.

Specifically, the Emergency Transfer Plan must:

- Define participants eligible for an emergency transfer;
- List documentation needed to request an emergency transfer;
- Outline confidentiality protections; and
- Describe how an emergency transfer may occur.

Although HUD's model Plan contains the specific elements that must be adopted by all sub-grantees, sub-grantees have discretion as to other elements that should be included in their plans. HUD has encouraged sub-grantees to include as much specific information applicable to the transfer as possible and reflect the unique requirements or features of their programs. Note that in addition to the minimum requirements listed above, agencies must include language in their Plans as required by their program specific regulations. See 576.409 and 574.604.

The HUD model Emergency Transfer Plan, and other model documents, can be found at the following website:

https://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh

Notice and Certification to Tenants

VAWA compliance also requires agencies to provide two HUD forms entitled "Notice of Occupancy Rights under the Violence Against Women Act" and "Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking" (both attached) to applicants and tenants at each of the following times:

(i) At the time the applicant is denied assistance or admission under a covered housing program;
(ii) At the time the individual is provided assistance or admission under the covered housing program;
(iii) With any notification of eviction or notification of termination of assistance; and
(iv) During the annual recertification or lease renewal process, whichever is applicable, or if there will be no recertification or lease renewal for a tenant during the 12 months following December 16, 2016, then through other means.

Other Requirements

VAWA includes requirements in addition to those listed above with which sub-grantees must familiarize themselves and comply. Further information can be found at the following website:

https://www.hudexchange.info/resource/4718/federal-register-notice-proposed-rule-violence-against-women-act-2013-vawa-2013/

FAITH BASED ACTIVITIES

Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to receive ESG funds. Neither the Federal Government nor a State or local government receiving funds under ESG shall discriminate against an organization on the basis of the organization's religious character or affiliation.

Organizations that are directly funded under the ESG program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under ESG. If an organization conducts these activities, the activities must be offered separately, in time or location, from the programs or services funded under ESG, and participation must be voluntary for program participants.

Any religious organization that receives ESG funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that the religious organization does not use direct ESG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide ESG-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, an ESG-funded religious organization retains its authority over its internal governance, and the organization may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

An organization that receives ESG funds shall not, in providing ESG assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief.

ESG funds may not be used for the rehabilitation of structures to the extent that those structures are used for inherently religious activities. ESG funds may be used for the rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under the ESG program. Where a structure is used for both eligible and inherently religious activities, ESG funds may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds.

Sanctuaries, chapels, or other rooms that an ESG-funded religious congregation uses as its principal place of worship, however, are ineligible for funded improvements under the program. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (*see* 24 CFR parts 84 and 85).

If the recipient or a grantee that is a local government voluntarily contributes its own funds to supplement federally funded activities, the recipient or grantee has the option to segregate the Federal funds or commingle them. However, if the funds are commingled, this section applies to all of the commingled funds.

COORDINATED ENTRY

All ESG sub-grantees located in the Balance of State CoC must use the coordinated assessment system developed by the Balance of State CoC once it is operational. This system will include all homeless subpopulations and involve the use of a standardized assessment tool that will result in referrals to those seeking assistance based upon a uniform decision making process. The system will ensure that those with the greatest needs receive priority for housing and service provision and that no unnecessary barriers exist for individuals to receive assistance. ESG sub-grantees located in a CoC other than the Balance of State must use the coordinated assessment system developed by the CoC(s) in which they are located.

HOUSING FIRST APPROACH

The DCA ESG program prioritizes projects with a low-barriers approach to homeless services and a focus on permanent housing placement as quickly as possible. This is also known as the Housing First approach. Projects committed to the Housing First approach must ensure that they do not screen out any individuals or families for assistance based upon perceived barriers to housing or services. Examples of perceived barriers include, but are not limited to, the following:

- Having too little or no income;
- Current of past substance abuse;
- Having a criminal record (with the exception of state mandated restrictions);
- Having a history of domestic violence.

In addition, assistance may not be terminated to any recipients based upon these barriers. Examples of this include:

- Failure to participate in supportive services and case management activities;
- Failure to make progress on a services plan;
- Loss of income or failure to improve income;
- Being a victim of domestic violence.

DCA ESG WRITTEN STANDARDS

Pursuant to the HEARTH ESG Interim Rule, all ESG recipients are required to develop certain policies and procedures for sub-recipients to use when providing ESG assistance. Following a collaborative development process with the Georgia Balance of State Continuum of Care (CoC), the DCA ESG Entitlement has adopted the Georgia Balance of State Continuum of Care Written Standards. These standards are applicable to all sub-grantees awarded DCA ESG funding to provide assistance, regardless of whether or not the sub-grantee is located within another CoC or ESG entitlement area. I a sub-grantee is located in another CoC or ESG entitlement area with alternate written standards, the sub-grantee may only utilize those standards for DCA ESG projects to the extent that those standards at least meet the requirements of the Georgia Balance of State CoC Written Standards.

While some of the information in this guidebook is based on the Balance of State Written Standards, it is not intended to be a comprehensive review of those standards. All DCA ESG sub-grantees must review the Georgia Balance of State Written Standards in addition to this guidebook.

ELIGIBLE ACTIVITIES (PROJECT TYPES)

All recipients of DCA ESG funds are required to comply with all ESG requirements, including the provision of case management, helping program participants increase income, either via employment assistance or through the acquisition of mainstream benefits, and helping program participants move into and remain in permanent housing. DCA reserves the right to update requirements for all projects at its discretion.

Emergency Shelter

Based on the HEARTH ESG Interim Rule located at 24 CFR § 576, "emergency shelter means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements." DCA funded emergency shelter projects should have low barriers to entry and participation. Shelter stays should be avoided if possible, and when not possible, limited to the shortest time necessary to help participants regain permanent housing. Emergency shelter projects should be closely linked to an array of services in order to accomplish the goal of stable permanent housing. Linked services may include, but are not limited to, rapid re-housing, transitional housing, affordable housing placement, and employment. Linkages should also be made to applicable mainstream programs such as SOAR, food stamps, TANF, etc.

Subject to explicit DCA approval via your Program Participation Agreement, ESG funds may be used for costs of providing essential services to homeless families and individuals in emergency shelters, and costs of operating emergency shelters. Eligible cost items, based on 24 CFR § 576, are described as follows.

1) Case management
   The cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant is eligible. Component services and activities consist of: (A) Using the centralized or coordinated assessment system as required under § 576.400(d); (B) Conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility; (C) Counseling; (D) Developing, securing, and coordinating services and obtaining Federal, State, and local benefits; (E) Monitoring and evaluating program participant progress; (F) Providing information and referrals to other providers; (G) Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking; and (H) Developing an individualized housing and service plan, including planning a path to permanent housing stability.
2) Child care
   The costs of child care for program participants, including providing meals and snacks, and comprehensive and coordinated sets of appropriate developmental activities, are eligible. The children must be under the age of 13, unless they are disabled. Disabled children must be under the age of 18. The child-care center must be licensed by the jurisdiction in which it operates in order for its costs to be eligible.
3) Education services
   When necessary for the program participant to obtain and maintain housing, the costs of improving knowledge and basic educational skills are eligible. Services include instruction or training in consumer education, health education, substance abuse prevention, literacy, English as a Second Language, and General Educational Development (GED). Component services or activities are screening, assessment and testing; individual or group instruction; tutoring; provision of books, supplies and instructional material; counseling; and referral to community resources.
4) Employment assistance and job training
   The costs of employment assistance and job training programs are eligible, including classroom, online, and/or computer instruction; on-the-job instruction; and services that assist individuals in securing employment, acquiring learning skills, and/or increasing earning potential. Learning skills include those skills that can be used to secure and retain a job. Services that assist individuals in securing employment consist of employment screening, assessment, or testing; structured job skills and job-seeking skills; special training and tutoring,

including literacy training and prevocational training; books and instructional material; counseling or job coaching; and referral to community resources.

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

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

7) Life skills training
The costs of teaching critical life management skills that may never have been learned or have been lost during the course of physical or mental illness, domestic violence, substance use, and homelessness are eligible costs. These services must be necessary to assist the program participant to function independently in the community. Component life skills training are budgeting resources, managing money, managing a household, resolving conflict, shopping for food and needed items, improving nutrition, using public transportation, and parenting.

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

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

10) Transportation

Eligible costs consist of the transportation costs of a program participant's travel to and from medical care, employment, child care, or other eligible essential services facilities. These costs include the following: (A) The cost of a program participant's travel on public transportation; (B) If service workers use their own vehicles, mileage allowance for service workers to visit program participants; (C) The cost of purchasing or leasing a vehicle for the recipient or grantee in which staff transports program participants and/or staff serving program participants, and the cost of gas, insurance, taxes, and maintenance for the vehicle; and (D) The travel costs of recipient or grantee staff to accompany or assist program participants to use public transportation.

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

Family Separation and Emergency Shelter

HUD regulations state that all shelters serving families with children under 18 are prohibited from denying access to families based on the age of a child under 18. This requirement has been issued through the HEARTH Act and the ESG Interim Rule. All DCA funded emergency shelters and transitional housing facilities will comply with this requirement. Non-compliance may result in removal of ESG funds. Please see the following for specific information.

HEARTH Act language on family separation:

SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

''(a) IN GENERAL. —… any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

''(b) EXCEPTION. —Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

''(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

''(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured."

ESG Interim Rule language on family separation, located at 24 CFR 576(4)(b):

"*Prohibition against involuntary family separation.* The age, of a child under age 18 must not be used as a basis for denying any family's admission to an emergency shelter that uses Emergency Solutions Grant (ESG) funding or services and provides shelter to families with children under age 18."

Transitional Housing

Transitional housing (TH) is designed to meet more intensive service needs to increase the housing stability of the population served. Transitional housing stays are typically between 90 days and 2 years. With the exception of a longer typical stay, TH programs are generally subject to the same requirements as emergency shelter projects. Providers should link program participants to applicable mainstream programs such as SOAR, food stamps, TANF, etc. with the goal of helping participants secure permanent housing.

Federal ESG funding is not available for transitional housing projects. Beginning in State Fiscal Year (SFY) 2018, state funding will be phased out for transitional housing. This funding is expected to no longer be available after SFY 2018. All TH projects funded for SFY 2018 are required to utilize that funding in moving the TH project towards a rapid re-housing model.

Rapid Re-Housing

Rapid Re-Housing programs are designed to help those who are homeless transition into permanent housing. The primary goal is to stabilize a program participant in permanent housing as quickly as possible and to provide wrap-around services after the family or individual obtains housing. Households receiving DCA ESG rapid re-housing assistance must have an income level at or below 50% AMI. Enrollment in a rapid re-housing project must rely heavily on a case management plan to ensure long term stability for program participants. Providers are expected to implement a case management plan that will increase household incomes and/or increase access to mainstream benefits for program participants. Linkages should also be made to applicable mainstream programs such as SOAR, food stamps, TANF, etc.

Subject to ESG regulations at 24 CFR § 576, ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing. Rapid re-housing assistance must be provided in accordance with the housing relocation and stabilization services requirements in § 576.105, the short- and medium term rental assistance requirements in § 576.106, and the written standards and procedures established under § 576.400.

Homelessness Prevention

Prevention is most efficiently implemented when targeted to those at greatest risk of losing housing. Households receiving this funding must have an income level below 30% AMI and must demonstrate that they do not have sufficient resources or support networks to prevent them from moving to an emergency shelter or other place defined under Category 1 of the homeless definition. Enrollment in a prevention program should typically last around 2-6 months, although enrollments may be longer based on circumstances. Enrollment must rely heavily on a case management plan to ensure long term stability for program participants. Sub-grantees should negotiate with landlords as the first step in resolving eviction crises. Prevention implementations should effectively target households at greatest risk of homelessness and assist participants to increase household incomes during enrollment. Linkages should also be made to applicable mainstream programs such as SOAR, food stamps, TANF, etc.

Subject to ESG regulations, ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the ''homeless'' definition in § 576.2. The costs of homelessness prevention are eligible only to the extent that the assistance is necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing. Prevention assistance must be provided in accordance with the housing relocation and stabilization services requirements in § 576.105, the short- and medium term rental assistance requirements in § 576.106, and the written standards and procedures established under § 576.400.

Street Outreach

ESG funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. The term ''unsheltered homeless people'' is defined as follows by 24 CFR § 576.2(1)(i) –
(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

There are 6 eligible activities for street outreach, defined by 24 CFR § 576.101 as follows:

1) <u>Engagement</u>

The location, identification and relationship building with unsheltered homeless people and the engagement of them for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs. Eligible activities include assessment of needs and eligibility; providing crisis counseling; addressing urgent physical needs, and actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs. Eligible costs include the cell phone costs of outreach workers during the performance of these activities.

2) Case management
The assessment of housing and service needs, and implementing individualized services to meet the needs of the program participant. Eligible services and activities are as follows: using the centralized or coordinated assessment system as required under § 576.400(d); conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility; counseling; developing, securing and coordinating services; obtaining Federal, State, and local benefits; monitoring and evaluating program participant progress; providing information and referrals to other providers; and developing an individualized housing and service plan, including planning a path to permanent housing stability.
3) Emergency health services
Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living. Eligible treatment consists of developing a treatment plan; assisting program participants to understand their health needs; providing directly or obtaining emergency medical treatment; and providing medication and follow-up services.
4) Emergency mental health services
Eligible costs are the direct outpatient treatment by licensed professionals of mental health conditions operating in community-based settings, including streets, parks, and other places where unsheltered people are living. Eligible treatment consists of crisis interventions, the prescription of psychotropic medications, explanation of the use and management of medications, and combinations of therapeutic approaches to address multiple problems.
5) Transportation
The transportation costs of travel by outreach workers, social workers, medical professionals, or other service providers are eligible, provided that this travel takes place during the provision of services eligible under this section. The costs of transporting unsheltered people to emergency shelters or other service facilities are also eligible.
6) Services for special populations
ESG funds may be used to provide services for homeless youth, victim services, and services for people living with HIV/AIDS, so long as the costs of providing these services are eligible under paragraphs (a)(1) through (a)(5) of this section.

Implementation of Street Outreach

DCA anticipates and expects the bulk of all Street Outreach awards to be spent on street based engagement and case management. Should any sub-recipient wish to spend any significant amount of funds on any other eligible activity, they must contact DCA to discuss this and receive written approval from DCA **before** making any decisions. Sub-grantees should note that activities 3 and 4 refer to *emergency* health and *emergency* mental health services, rather than services that may be delivered on a routine basis.

Outreach programs should consider the use of an assessment form that is suited to a street assessment. This should include the options of diversion and placements directly into permanent housing. At this time DCA is not mandating the use of any specific assessment tool, but assessments such as the Vulnerability Index have value in assisting street outreach staff in placing homeless individuals and families. Street outreach projects must comply with any assessment requirements detailed in the applicable written standards adopted by the CoC and/or ESG Entitlement area in which the project operates.

Street outreach should be principally focused to one goal: supporting homeless households in achieving some form of permanent, sustainable housing. While street outreach teams may use incentives to encourage trust and build relationships, or to ensure that homeless households' emergency needs are met, the awards made should not be used to support other programs that seek to alleviate the burden of living on the streets.

Street outreach teams should concentrate their efforts in areas where the homeless are known to sleep at night. Outreach should be conducted at night and during the early morning in order to identify those living and sleeping in places not meant for human habitation, which is the target population for this program.

Outreach teams will have the most comprehensive knowledge of street based individuals/households within the locality. Outreach teams will be responsible for ensuring that a case plan is established for each household that is client centered, realistic and focused towards a goal of permanent housing. Walk-in clients or those with whom initial contact is made outside of street canvassing efforts should not be enrolled into outreach projects.

Where one or more Outreach teams work in the same area, DCA expects that agencies collaborate to provide complimentary services by:

1) Establishing a lead person/agency that will promote an agreed intervention for the individual/family.
2) The agency will lead the case management of the homeless individual until either the individual has been re-housed, or a more appropriate case manager is ready to take over.
3) Other agencies will reinforce this intervention so that agencies are not working against one another.

Outreach teams will be expected to establish close working relationships with other service providers. This will not only include emergency shelters, but other mainstream and housing focused services, such as rapid re-housing. Not every homeless household is expected to need admittance to an emergency shelter and street outreach teams should be prepared to implement a variety of interventions in securing permanent housing.

Supportive Services Only

A supportive services only project is defined by DCA to be a distinct initiative undertaken by a sub-grantee to provide supportive services **directly** to "homeless" persons (see HUD definitions in this manual) living in unsheltered environments or in homeless housing programs. Services must be collaborative and available to a network of identified homeless service agencies in the particular service area. Awards will not be made for services already available in the mainstream. DCA reserves the right to specify which types of services (i.e., SOAR benefits services) will be supported in each ESG competition.

To be eligible for supportive services funding, persons served, or a majority of persons served, must **not** also be housed by another DCA ESG funded project within the same agency. Funding for services programs is provided through state funds rather than federal funds. Linkages should also be made to applicable mainstream programs such as SOAR, food stamps, TANF, etc. DCA awards funds for programs with the overall objective of moving homeless clients into permanent housing.

Hotel/Motel Vouchers

Stand-alone hotel/motel voucher projects are designed to cover costs of providing homeless individuals and families with temporary shelter in hotels and motels for up to thirty (30) days, and associated case management. These projects will only be awarded when sub-grantees have effectively demonstrated that no other appropriate shelter is available to serve the proposed populations. All households in hotel/motel voucher projects must be connected to a permanent housing project with the goal of moving from the hotel/motel to permanent housing within thirty (30) days. Eligible costs include case management salaries, travel costs associated with case management, hotel/motel payments, and transportation costs for moving clients to permanent housing. With the exception of more limited eligible cost items, all HUD regulations applicable to emergency shelter projects are also applicable to hotel/motel voucher projects.

Homeless Management Information Systems (HMIS)

In accordance with 24 CFR § 576.107, HMIS projects are used to supplement efforts made by DCA ESG sub-recipients to provide complete and accurate data in the HMIS, or comparable database for victim service providers, designated by DCA. Eligible costs include software, data entry, limited assistance obtaining HMIS technical assistance and training, and user fees. DCA may limit HMIS awards to specific project types and/or geographic areas, which are subject to change in the application guidelines.

Priority Targeted Funding Efforts

DCA reserves the right to prioritize and incentivize specific project types and/or geographic areas in the DCA ESG application process. Prioritized projects will be designed to address demonstrated homeless need in specific geographic areas of the state. Incentives for these projects may include, but are not limited to, a reduced match requirement for sub-recipients. Projects funded under special incentives will be otherwise subject to all HUD and DCA guidance applicable to other projects funded for the same activities. Sub-grantees with awards for priority incentivized projects should refer to the appropriate project type in this manual for further guidance.

DEFINITION OF HOMELESS, AT RISK OF HOMELESSNESS, AND CHRONIC HOMELESSNESS

Homeless Definition

The HUD homeless definition contains FOUR categories.

Category 1 – Literally Homeless

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;

(ii) Is living in a publically 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); or

(iii) 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

Category 1 clients qualify for emergency shelter, transitional housing, rapid re-housing, and supportive services only projects.

Category 1 clients qualify for street outreach, provided that the individual or family must be living on the streets (or other places not meant for human habitation) and be unwilling or unable to access services in emergency shelter.

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 permanent housing

Category 2 clients qualify for emergency shelter and prevention.

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 two 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

For the purposes of this definition, other federal statutes for defining homelessness include:

- Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a)
- Section 637 of the Head Start Act (42 U.S.C. 9832)
- Section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2)
- Section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)
- Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)
- Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b) **OR**
- Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

Category 3 clients qualify for emergency shelter.

Category 3 clients qualify for prevention, provided that the individual or family must have an annual income below 30% of AMI.

Category 4 – Fleeing/Attempting to Flee DV

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

Category 4 clients qualify for emergency shelter and homelessness prevention.

Category 4 clients qualify for street outreach and rapid re-housing, provided that the individual or family also meets the criteria for Category 1 above.

At Risk of Homelessness Definition

To meet the definition for at risk of homelessness, the individual or family must meet two threshold criteria **and** must exhibit one or more specified risk factors. The two threshold criteria and risk factors are below.

The individual or family must:

(i) Have income below 30 percent of median income for the geographic area; **AND**
(ii) Have insufficient resources immediately available to attain housing stability. *[e.g., family, friends, faith-based or other social networks immediately available]* to prevent them from moving to an emergency shelter or another place described in category 1 of the homeless definition; **AND**
(iii) Meet at least one of the following conditions:
  (A) Has moved frequently because of economic reasons--''2 or more times during the 60 days immediately preceding the application for homelessness prevention assistance.''
  (B) Is living in the home of another because of economic hardship
  (C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application.
  (D) Lives in a hotel or motel; [''and the cost of the hotel or motel is not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations.'']

(E) Lives in severely overcrowded housing; [in a single-room occupancy or efficiency apartment unit in which more than two persons, on average, reside or another type of housing in which there reside more than 1.5 persons per room, as defined by the U.S. Census Bureau.]
(F) Is exiting a publicly funded institution; or system of care, [such as a health-care facility, mental health facility, foster care or other youth facility, or correction program or institution.]
(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness. (Use the characteristics described in your jurisdictions Consolidated Plan).

The DCA Consolidated Plan describes **housing characteristics linked with instability and an increased risk of homelessness in the following way:**

For the purposes of Georgia's Consolidated Plan, the number of households with incomes below 30% of the median family income and who spend more than 50% of their income on housing is used as a proxy for the number of households threatened with homelessness. This proxy matches the statistics indicating that most households, immediately prior to becoming homeless, spend as much as 70% of their income on housing.

Extremely low income households threatened with homelessness require a variety of supportive services to meet their respective needs, including rental/mortgage assistance; security deposit and utility assistance; financial management counseling; landlord-tenant counseling; day care; job counseling; substance abuse counseling; and medical services.

Chronic Homelessness Definition

Chronically homeless means:

A "homeless individual with a disability," as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act, who …

- Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; **AND**
- Has been homeless and living as described above continuously for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described above. Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility; or

An individual who has been residing in an institutional care facility, including jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria above before entering that facility; or

A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets either of the criteria set forth above, including a family whose composition has fluctuated while the head of household has been homeless.

DOCUMENTATION AND RECORDKEEPING REQUIREMENTS

Housing Status Documentation

ESG sub-grantees must establish and follow written intake procedures to ensure program compliance. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless or at-risk of homelessness status. THIRD PARTY SOURCE DOCUMENTS ARE THE PREFERRED METHOD OF VERIFYING AND DOCUMENTING HOUSING STATUS.

Preferred Order of Documentation

Pursuant to 24 CFR 576.500(b), the order of priority for evidence establishing and verifying homeless status is:

1) **Third-party documentation –** source documents or statement provided by an outside party
2) **Staff/Intake worker observation –** documented by ESG staff within the agency
3) **Certification from the person seeking assistance –** ESG staff must certify efforts made to obtain third party documentation before allowing applicant to self-certify

Lack of third party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider.

Category 1 Documentation and Certification Requirements

1) **Third party written:** A written referral or official communication from another housing or service provider
   - Third party written documentation must be on official agency stationery of the third party, and must be signed and dated by an appropriate agency representative.
   - **Alternate requirement:** In the event that written verification cannot be obtained on official agency stationery from another housing or service provider, the appropriate DCA approved form should be used. This form must be signed and dated by an appropriate agency representative.
2) **Staff observation:** Written observations by an intake or outreach worker of the conditions where the individual or family was living
   - Intake staff notes on observations must be recorded in writing on the appropriate DCA approved form, signed, and dated by the intake or outreach worker.
   - A description of efforts made by the staff member to obtain third party documentation must be included.
3) **HMIS Verification of Homelessness**
   - HMIS or the HMIS COMPARABLE DATABASE can be used to verify homelessness by accessing a client record, determining that the ESG applicant is (at the time of application for ESG funds) enrolled in a program for homeless individuals or families, and printing a screen shot of the HMIS or HMIS COMPARABLE DATABASE as evidence for the file. This method will primarily be used by rapid re-housing providers.
4) **Self-Certification:** Certification by the individual or head of household seeking assistance that (s)he was living on the streets or in emergency shelter
   - Self-certification of homelessness must be recorded in writing on the appropriate DCA approved form, signed, and dated by the individual/head of household seeking assistance.
   - A description of efforts made by the staff member to obtain third party documentation and verify homelessness via staff observation must be included.

Category 1 <u>and exiting an institution</u> where (s)he resided for 90 days or less acceptable evidence:

1) Evidence listed above for Category 1, **<u>and</u>** one of the following:
   (A) Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution.
      - All oral statements must be recorded by the intake worker on the appropriate DCA approved form.

   (B) Where the evidence listed above in (A) is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in (A) and a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less.
      - Intake worker due diligence and certification by the individual seeking assistance must be recorded in writing on the appropriate DCA approved form, signed, and dated by the individual exiting the institution.

Category 2 Documentation and Certification Requirements

1) A court order resulting from an eviction action that requires the individual or family to leave their residence **within 14 days** after the date of their application for homeless assistance **OR**
2) The equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law.

For Category 2 applicants whose primary nighttime residence is a hotel or motel room **not** paid for by charitable organizations or federal, state, or local government programs:

(A) Evidence that the individual or family lacks the resources necessary to reside there for **more than 14** days after the date of application for homeless assistance **OR**

(B) An oral statement by the individual or head of household that the owner or renter of the housing in which they currently reside will not allow them to stay for more than **14** days after the date of application for homeless assistance. The intake worker must record the statement and certify that it was found credible.

To be found credible, the oral statement must:

- Be verified by the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance **AND**
- Be documented by a written certification by the owner or renter or by the intake worker's recording of the owner or renter's oral statement.

If the intake worker is unable to contact the owner or renter, documentation must include:

- Written documentation of the intake worker's due diligence in attempting to obtain verification and written certification that the applicant's statement was true and complete; **AND**
- Certification by the individual or head of household that no subsequent residence has been identified; **AND**
- Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.

Category 3 Documentation and Certification Requirements

**Note that ESG projects may only serve Category 3 homeless with explicit permission from DCA. The Category 3 homeless population is expected to be rare in the Balance of State Continuum of Care and State of Georgia ESG Entitlement Area, as most individuals and families will qualify as homeless under one of the other categories.*

1) Certification of homeless status by the local private nonprofit organization or state or local governmental entity responsible for administering assistance under the Runaway and Homeless Youth Act (42 U.S.C. 5701 *et seq.*), the Head Start Act (42 U.S.C. 9831 *et seq.*), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e *et seq.*), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 *et seq.*), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*), as applicable; **AND**
2) Referral by a housing or service provider (third party written), written observation by an outreach worker (staff observation), or certification by the homeless individual or head of household seeking assistance (self certification), showing that the individual or head of household has not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application; **AND**
3) Certification by the individual or head of household and any available supporting documentation that the individual or family moved two or more times during the 60-day period immediately preceding the date of application for homeless assistance, including: recorded statements or records obtained from each owner or renter of housing, provider of shelter or housing, or social worker, case worker, or other appropriate official of a hospital or institution in which the individual or family resided;

Where these statements or records are unobtainable, a written record of the intake worker's due diligence in attempting to obtain these statements or records.

Where a move was due to the individual or family fleeing domestic violence, dating violence, sexual assault, or stalking, then the intake worker may alternatively obtain a written certification from the individual or head of household seeking assistance that they were fleeing that situation and that they resided at that address; **AND**

4) Written diagnosis from a professional who is licensed by the state to diagnose and treat that condition (or intake staff recorded observation of disability that within 45 days of date of the application for assistance is confirmed by a professional who is licensed by the state to diagnose and treat that condition); employment records; department of corrections records; literacy, English proficiency tests; or other reasonable documentation of special needs or 2 or more barriers that would cause reasonable expectation that the individual or family will remain homeless by this definition for an extended period of time.

Category 4 Documentation and Certification Requirements

1) If the individual or family is receiving shelter or services provided by a victim service provider:
   (A) **Self-certification OR staff certification** of homelessness, documented on the appropriate DCA approved form, stating that the individual of head of household seeking assistance is fleeing; has no subsequent residence; and lacks resources.
2) If the individual or family is receiving shelter or services from a non-victim service provider:
   (A) **Self-certification OR staff certification** of homelessness, documented on the appropriate DCA approved form, stating that the individual of head of household seeking assistance is fleeing; has no subsequent residence; and lacks the resources or support networks, *e.g.,* family, friends, faith-based or other social networks, needed to obtain housing.
   - The documentation must certify that the statement is true and complete;
   - Where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening condition must be verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking. The written referral or observation need only include the minimum amount of information necessary to document that the individual or family is fleeing, or attempting to flee domestic violence, dating violence, sexual assault, and stalking.

At Risk of Homelessness Documentation and Certification Requirements

1) In determining the annual income of an individual or family, the recipient or grantee must use the standard for calculating annual income under 24 CFR 5.609. Check guidance for further evidence requirements.
2) Evidence of the second eligibility criterion (lacks sufficient resources to immediately attain housing stability) is:
   (A) **Source documents** - notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears.
   (B) To the extent that source documents are unobtainable, **a written statement by the relevant third party** - (*e.g., former employer, public administrator, relative)* or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of ''at risk of homelessness'' **OR;**
   (C) If source documents and third-party verification are unobtainable, **a written statement by intake staff** describing the efforts taken to obtain the required evidence.
3) Evidence for documenting at least one of the 7 risk factors is:
   (A) **Source documents** - notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears.

(B) To the extent that source documents are unobtainable, **a written statement by the relevant third party** - (*e.g., former employer, public administrator, relative)* or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of ''at risk of homelessness'' **OR;**

(C) If source documents and third-party verification are unobtainable, **a written statement by intake staff** describing the efforts taken to obtain the required evidence.

DOCUMENTING PERSONS WITH DISABILITIES

A *person with disabilities* means a household composed of one or more persons at least one of whom is an adult who has a disability.

1) A person shall be considered to have a disability if he or she has a disability that:
   - (i) Is expected to be long-continuing or of indefinite duration;
   - (ii) Substantially impedes the individual's ability to live independently;
   - (iii) Could be improved by the provision of more suitable housing conditions; and
   - (iv) Is a physical, mental, or emotional impairment, including impairment caused by alcohol or drug abuse, posttraumatic stress disorder, or brain injury.

2) A person will also be considered to have a disability if he or she has a developmental disability, as defined in this section.

3) A person will also be considered to have a disability if he or she has acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).

4) Notwithstanding the preceding provisions of this definition, the term person with disabilities includes, except in the case of the SRO component, two or more persons with disabilities living together, one or more such persons living with another person who is determined to be important to their care or well-being, and the surviving member or members of any household described in the first sentence of this definition who were living, in a unit assisted under this part, with the deceased member of the household at the time of his or her death. (In any event, with respect to the surviving member or members of a household, the right to rental assistance under this part will terminate at the end of the grant period under which the deceased member was a participant.)

Developmental disability means, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002):

1) A severe, chronic disability of an individual that—
   - (i) Is attributable to a mental or physical impairment or combination of mental and physical impairments
   - (ii) Is manifested before the individual attains age 22
   - (iii) Is likely to continue indefinitely
   - (iv) Results in substantial functional limitations in three or more of the following areas of major life activity:
     - (A) Self-care
     - (B) Receptive and expressive language
     - (C) Learning
     - (D) Mobility
     - (E) Self-direction
     - (F) Capacity for independent living
     - (G) Economic self-sufficiency **AND**
   - (v) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

2) An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the criteria described in paragraphs (1)(i) through (v) of the definition of ''developmental disability'' in this section if the individual, without services and supports, has a high probability of meeting those criteria later in life.

Written documentation of disability status includes:

1) Written verification from a professional who is licensed by the state to diagnose and treat that condition, that the disability is expected to be long-continuing or of indefinite duration and that the disability substantially impedes the individual's ability to live independently; **AND**
2) written verification from the Social Security Administration, or the receipt of a disability check (e.g., Social Security Disability Insurance check or Veteran Disability Compensation).

Information on disability status should be obtained in the course of client assessment once the individual is admitted to a project, unless having a disability is an eligibility requirement for entry into the project. Where disability is an eligibility requirement, an intake staff-recorded observation of disability may be used to document disability status as long as the disability is confirmed by the aforementioned evidence within 45 days of the application for assistance.

INTAKE, ELIGIBILITY ASSESSMENT, AND RE-CERTIFICATION

All ESG service applicants must participate in an initial consultation to assess needs and to determine program eligibility. The consultation will include verification of homelessness or at risk of homelessness status, assessment of barriers to housing stability, and collection of all relevant HMIS data elements. The Coordinated Intake/Assessment system selected within each Continuum of Care will determine more specific requirements for the intake process. For more information, see the sections of this guidebook on Coordinated Assessment.

Sub-grantees will complete the following procedures:

- Check HMIS (or THE HMIS COMPARABLE DATABASE) to determine if the applicant is currently receiving assistance from any other federal funding sources. Clients cannot receive funding for duplicate services at the same time. A printed HMIS screen can be used as documentation in the applicant's file.
- Collect the required ESG documentation (evidence to establish and verify the client's housing status; copy of documentation to establish annual income; certification that client has insufficient support networks; etc.) as relevant.
- Case Manager will record required HMIS data in the ClientTrack system (or THE HMIS COMPARABLE DATABASE) for all program participants.
- If client is not eligible for ESG, ESG sub-grantees are required to include documentation regarding reasons for non-eligibility and to identify other appropriate service providers within the Continuum that can more effectively meet the applicant's needs.

Eligibility Assessment for Emergency Shelter, Transitional Housing, Street Outreach, Supportive Services Only, and Hotel/Motel Vouchers Projects

Eligibility for these programs requires a verification of homelessness for the appropriate category of HUD's homeless definition. See previous sections on HUD's homeless definition and documenting housing status. There are no income requirements for emergency shelter, transitional housing, outreach, supportive services only, or hotel/motel voucher sub-grants.

Eligibility Assessment for Rapid Re-Housing and Prevention

Eligibility for these programs requires a verification of homelessness for the appropriate category of HUD's homeless definition. Prevention participants may also qualify with verification of meeting HUD's at risk of homelessness

definition. See previous sections on HUD's homeless and at risk of homelessness definition, and documenting housing status.

Note that while households exiting transitional housing technically do qualify for rapid re-housing assistance, HUD cautions against using ESG rapid re-housing as a way of regularly exiting households from transitional housing to permanent housing. This is because rapid re-housing is a model for helping people move from the streets or shelter to permanent housing, and is not intended for people exiting transitional housing. HUD recommends that this be done on a case-by-case basis, and only when necessary to prevent the program participant from going back to the streets or emergency shelter. DCA rapid re-housing projects may only serve households exiting transitional housing with explicit permission from DCA.

To qualify for DCA Rapid Re-Housing assistance, household income must be **at or below 50 percent** of the Area Median Income (AMI) for the geographic area.

To qualify for DCA Prevention assistance, household income must be **at or below 30 percent** of the Area Median Income (AMI) for the geographic area.

Area Median Income is defined by HUD and updated annually. The most recent guidelines should be used each year. The following site can be accessed to determine AMI:
https://www.huduser.gov/portal/datasets/il.html

Documentation that applicants meet income eligibility guidelines is required for rapid re-housing and prevention. Total household income should include allowable sources from all household members. DCA may make worksheets available to help sub-grantees determine and document eligibility for both project types. Use of the DCA worksheet to document income eligibility is not required, provided that the sub-grantee maintains other suitable documentation of household income calculations.

Income Calculations and Changes

Income calculations are modeled after the requirements for the HOME Investment Partnership program (24 CFR 92.508) and other HUD regulations. Guidance is located at the following website:
https://www.gpo.gov/fdsys/pkg/CFR-2011-title24-vol1/pdf/CFR-2011-title24-vol1-sec92-508.pdf

For information on income inclusions and exclusions, see the following website for guidance:
https://www.hudexchange.info/resource/5180/part-5-section-8-income-inclusions-and-exclusions/

The sub-grantee must require each program participant receiving rapid re-housing or homelessness prevention assistance to notify the sub-grantee regarding changes in the program participant's income or other circumstances (*e.g.,* changes in household composition) that affect the program participant's eligibility for assistance under ESG. When notified of a relevant change, the grantee must re-evaluate the program participant's eligibility, and the amount and types of assistance the program participant needs.

Re-Certification Requirements

Re-Certification determines whether or not an individual or family is still eligible for a project and is required for **all rapid re-housing and prevention** projects. It occurs:

- Every 90 days after the project enrollment date, **AND**
- Annually for those enrolled in the project one (1) year after the initial enrollment date.

Assistance beyond 90 days may not be issued until 90 day re-certification is complete. Assistance beyond one year may not be issued until annual re-certification is complete.

Rapid Re-Housing Re-Certification Requirements

90 day recertification for rapid re-housing includes determination that the household:

1) Is at or below 50% AMI; **AND**
2) Is at risk of returning to homelessness; **AND**
3) Lacks the financial resources and support networks needed to obtain housing or remain in their current housing.

Annual re-certification for rapid re-housing includes determination that the household:

1) Is at or below 30% AMI**; **AND**
2) Is at risk of returning to homelessness; **AND**
3) Lacks the financial resources and support networks needed to obtain housing or remain in their current housing.

****NOTE: FOR *RAPID RE-HOUSING ANNUAL* RE-CERTIFICATIONS, HOUSEHOLDS MUST HAVE AN INCOME *BELOW 30% AMI*. THIS IS REQUIRED BY LAW AND IS DIFFERENT FROM THE ELIGIBILITY AND 90 DAY RE-CERTIFICATION CRITERIA!**

Prevention Re-Certification Requirements

90 day and annual re-certifications for prevention includes determination that the household:

1) Is below 30% AMI; **AND**
2) Remains at-risk of homelessness; **AND**
3) Lacks the financial resources and support networks to remain in their housing.

RENTAL ASSISTANCE REQUIREMENTS

Rental assistance may be provided by rapid re-housing and prevention projects pursuant to 24 CFR § 576.103, § 576.104, and § 576.106, with the following exception. DCA ESG rapid re-housing and prevention projects may only provide tenant-based rental assistance, as defined in 24 CFR § 576.106(h). Project-based rental assistance, as defined in 24 CFR § 576.106(i) is not allowable with DCA ESG funding.

Rental Arrears

ESG funds may be used to make a one-time payment for up to six (6) months or rent in arrears, including any late fees on those arrears. Each month of rent paid in arrears counts as one month of rental assistance for purposes of calculating a participant's total rental assistance received. Note that assistance provided for rental arrears only is still subject to the requirements for rental assistance detailed herein.

Declining Rental Subsidies

DCA ESG sub-grantees must follow the guidance contained in the Georgia Balance of State Written Standards regarding rental subsidies. Pursuant to these standards, DCA ESG sub-grantees must provide a declining rental subsidy to households participating in rapid re-housing and prevention projects. For households with income, a percentage or amount of client contribution may be based on a reasonable percentage of a household's income. Sub-grantees should have a goal of providing a 100% subsidy to participating households for no more than six (6) months, and to provide any amount of subsidy for no longer than 12 months total. Assistance for households with no income or special circumstances may be extended to 18 months, provided that an explanation of special circumstances and an evaluation of household needs are documented in the client file. Under no circumstances may any participant receive more than 24 months of rental assistance during any 3-year period.

Rental subsidy determinations must be evaluated no less than monthly in case management meetings. Case managers will review household budget and determine what, if any, amount of rent the household is responsible for contributing based upon the household's needs and circumstances. The case manager will document the outcome of the subsidy determination in the client file. There are many ways to determine the percentage or amount of rent, utilities, and

additional financial assistance a household can contribute. Individual projects have discretion in determining how the subsidy will be reduced based on income, the needs of the household, and what is in the best interest of the household's housing stability.

Rental Assistance Agreements

Short- and medium-term rental assistance programs require that a project participant and a housing owner have a written lease for the provision of rental assistance. In addition, the HEARTH ESG Interim Rule also requires a rental assistance agreement between the sub-grantee (agency) and the housing owner. A form has been provided for this purpose on the Grantees Only website.

The sub-grantee may make rental assistance payments only to an owner with whom the sub-grantee has entered into a rental assistance agreement. The rental assistance agreement must set forth the terms under which rental assistance will be provided and include the requirements that apply under 24 CFR § 576.106. The rental assistance agreement must provide that, during the term of the agreement, the owner must give the sub-grantee 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.

The rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:

1) The project participant moves out moves out of the housing unit for which the project participant has a lease;
2) The lease terminates and is not renewed; or
3) The project participant becomes ineligible to receive ESG rental assistance.

Late Payments

The sub-grantee must make timely payments to each owner in accordance with the rental assistance agreement. The agency conducting the project is solely responsible for paying late payment penalties that it incurs with non-ESG funds.

Leases

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

Rent Reasonableness and Fair Market Rent (FMR)

Rental assistance cannot be provided for a housing unit unless the total rent for the unit does not exceed the fair market rent established by HUD, as provided under 24 CFR part 888, **and** complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507. These rent restrictions are intended to make sure that program participants can remain in their housing after their ESG assistance ends.

Rent reasonableness and FMR requirements **do not apply** when a program participant receives only housing stabilization and relocation services, as defined in 24 CFR § 576.105. This includes rental application fees, security deposits, an initial payment of last month's rent, utility payments/deposits, and/or moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

Rent Reasonableness

The rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units.

- Rent reasonableness can be determined by accessing www.**georgiahousingsearch.org**, or similar website designated by DCA. Other local resources may be used to obtain information, e.g.: market surveys, classified ads, information from real estate agents.
- Supporting documentation includes a copy of the signed and dated Rent Reasonableness chart.
- The proposed unit must be compared to three (3) other units.

Fair Market Rent (FMR)

Assistance may only be provided if rent does not exceed the FMR established by HUD for the geographic area. FMRs are gross rent estimates. The U.S. Department of Housing and Urban Development (HUD) annually estimates FMRs for 530 metropolitan areas and 2,045 nonmetropolitan county FMR areas. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. By law HUD is required to publish new FMRs at the start of the federal fiscal year, on October 1. Fair Market Rents are updated by HUD every year and can be found online at: https://www.huduser.gov/portal/datasets/fmr.html

For comparison to the FMR, rent must be calculated pursuant to 24 CFR § 576.106(d)(2). When calculating whether or not the rent is at or below the FMR, sub-grantees must add the lease price (amount payable monthly to the landlord) to the utility allowance provided by the appropriate local housing authority. The monthly utility allowance is added only for those utilities that the tenant pays for separately from the monthly lease price (i.e. if range and refrigerator are included in the monthly leasing price, the monthly allowance for those items would not be used in the calculation). The utility allowance does not include telephone, cable or satellite television service, or internet service. If all utilities are included in the monthly lease price, there is no utility allowance. To determine whether or not the proposed unit meets the FMR requirements use this formula:

monthly lease price + utility costs included in rent per PHA schedule = total rent

Example:

- FMR for 2 BR unit in Effingham County = $924
- The proposed 2 bedroom apartment unit in Effingham County has a monthly leasing cost of $800
- The DCA (the HCVP in Effingham is administered by DCA) Utility Allowance for heating, cooking, hot water, electricity, air conditioning, microwave, and refrigerator totals = $83
- It should be noted that this unit is in a larger apartment building with 5 or more units. It uses natural gas for heating, cooking, and hot water. The contract rent payable to the landlord includes water, sewer, and trash service. Otherwise, the Utility Allowance would be higher.
- To calculate total rent, the math works like this: $800 (monthly leasing cost) + $83 (utility allowance) = $883 (total calculated rent). Since the total calculated rent for the proposed unit, $883, is below the FMR, $924, the proposed unit meets the FMR standard and can be reviewed for rent reasonableness.

The Housing Choice Voucher Program "HCVP" (a/k/a "Section 8") is administered by seventeen (17) different housing authorities in Georgia. Sixteen (16) local housing authorities administer programs and have utility schedules for use in those jurisdictions. DCA operates a Balance of State HCVP and publishes a utility schedule for its jurisdiction. Complete information on HCVP implementation in Georgia may be found on the DCA website at:

http://www.dca.ga.gov/housing/RentalAssistance/programs/admin_hcvp.asp

Rental assistance projects located in the DCA HCVP jurisdiction must use the most recently published utility allowance on the DCA website here:

http://www.dca.state.ga.us/housing/housingdevelopment/programs/utility.asp

Rental Assistance Use with Other Subsidies

Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance, or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources. Rental assistance may not be provided to a program participant who has been provided with replacement housing payments under the URA during the period of time covered by the URA payments.

FINANCIAL ASSISTANCE REQUIREMENTS

Financial assistance may be provided by rapid re-housing and prevention projects, pursuant to 24 CFR § 576.105(a). Financial assistance may include rental application fees, security deposits, last month's rent, utility deposits, utility payments, and moving costs. The type, amount, and duration of financial assistance for housing stabilization and/or relocation services will be determined based on the needs of the household. The need for this assistance must be evaluated and documented in the client file.

Rental Application Fees

Rental application fees paid with ESG funds must be the same as the application fee charged by the owner to all applicants for housing.

Security Deposits

ESG may pay for a security deposit that is no more than 2 months' rent.

Last Month's Rent

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

Utility Deposits

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

Utility Payments

ESG funds may be used for utility payments, including up to 6 months of utility payments in arrears per service. A partial payment of a utility bill counts as one month. Each month or arrears paid, per service, counts as one month. This assistance may only be provided if the program participant or a 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. Under no circumstances may any participant receive more than 24 months of utility assistance, per service, during any 3-year period.

Households will receive a declining subsidy for utility payments based on their ability to contribute to utility payments. Utilities subsidy determinations will be evaluated no less than monthly in case management meetings. Case managers will review the household's budget and determine what, if any, amount of utilities the household is responsible for contributing based upon the household's needs and circumstances. The case manager will document the outcome of the subsidy determination in the client file. There are many ways to determine the percentage or amount of rent, utilities, and additional financial assistance a household can contribute. Individual projects have discretion in determining how the subsidy will be reduced based on income, the needs of the household, and what is in the best interest of the household's housing stability.

Moving Costs

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

Financial Assistance Use with Other Subsidies

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 URA, during the period of time covered by the URA payments.

LEAD BASED PAINT DISCLOSURE AND REMEDIATION

Childhood lead poisoning is a major environmental health problem in the United States, especially for low-income families in poor living conditions. If not detected early, children with high levels of lead in their bodies can suffer from damage to the brain and nervous system, behavioral and learning problems (such as hyperactivity), slowed growth, hearing problems, and headaches.

Sub-grantees that receive funds for Emergency Shelter, Homeless Prevention and Rapid Re-Housing MUST comply with 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. Most emergency shelters are exempt, because they fall under the definition of zero-bedroom dwellings, which are exempt under the Title X statute. If the shelter does not qualify for the zero-bedroom exemption, it is covered by the regulation.

A zero-bedroom dwelling is defined in section 35.110 as "any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings." The term "single room occupancy housing" is defined as "housing consisting of zero-bedroom dwelling units that may contain food preparation or sanitary facilities or both." Group homes are exempt if they consist of "rentals of individual rooms in residential dwellings."

If you provide funds for a shelter with units having one or more bedrooms, and that receive assistance for more than 100 days, it is required that you adopt and implement a policy that assures that the child-occupied spaces will be lead safe. If you provide funds for a shelter with zero-bedroom units, or a shelter receiving assistance for up to, but not more than, 100 days, the units are exempt from the regulation, but HUD recommends that you adopt and implement a policy that assures that the child-occupied spaces will be lead safe, when the units are occupied by children of less than 6 years of age.

For homeless prevention and rapid re-housing the rule is that a lead-based paint visual assessment must be completed for all units that meet the three following conditions:

- The household living in the unit is being assisted with ESG financial assistance (rent assistance, utilities assistance, utility/security deposits, or arrears)
- The unit was constructed prior to 1978
- A child under the age of six, or a woman who could become pregnant is or may be living in the unit

In any property meets all of the above three conditions, sub-grantees must carry out appropriate measures per guidance from DCA and HUD.

Emergency Shelter sub-grantees refer to 24 CFR part 35, subpart K of the implementing regulations for guidance on appropriate steps for lead based paint inspection and remediation. Emergency shelter sub-grantees MUST contact DCA immediately if they suspect that they are out of compliance with these regulations.

Homeless prevention and rapid re-housing sub-grantees refer to the lead based paint screening worksheet provided with this guidebook. Contact the local government office or DCA if further assistance is required.

ENVIRONMENTAL REVIEW

All DCA ESG projects must receive an approved environmental review from DCA, pursuant to 24 CFR part 58, before any ESG funds may be committed. This review will be conducted as part of the contracting process when ESG awards are made, except for activities in counties with Coastal Barrier Resource System areas. Counties with Coastal Barrier Resource System areas include Bryan, Camden, Chatham, Glynn, Liberty, and McIntosh. Sub-grantees providing rapid re-housing and/or prevention in any of the Coastal Barrier Resource System counties must receive an approved environmental review from DCA for each unit or location before committing any ESG funds.

Environmental reviews for emergency shelter and transitional housing activities are performed by DCA based on location information provided to DCA. Sub-grantees must notify DCA immediately and request a new environmental review in the event that the location of emergency shelter of transitional housing activities changes from that identified in the executed ESG contract. No ESG funds may be committed to a new service location until an environmental review for that location is approved by DCA.

Environmental reviews may be requested by emailing a completed, DCA approved environmental review request form to ERRequest@dca.ga.gov. This should be done any time a project's physical location changes, and for each rapid re-hosing and/or prevention unit assisted in the Coastal Barrier Resource counties named above.

SHELTER AND HOUSING STANDARDS

Minimum Habitability Standards for Emergency Shelter

Any emergency shelter that receives ESG assistance for shelter operations must meet the following minimum safety, sanitation, and privacy standards. Sub-grantees may also establish standards that exceed or add to these minimum standards. Sub-grantees are responsible for maintaining documentation of compliance with these standards.

1) *Structure and materials*
   The shelter building must be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents.
2) *Access*
   The shelter must be accessible in accordance with Section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; the Fair Housing Act (42 U.S.C. 3601 *et seq.*) and implementing regulations at 24 CFR part 100; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 *et seq.*) and 28 CFR part 35; where applicable.
3) *Space and security*
   Except where the shelter is intended for day use only, the shelter must provide each program participant in the shelter with an acceptable place to sleep and adequate space and security for themselves and their belongings.
4) *Interior air quality*
   Each room or space within the shelter must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.
5) *Water supply*
   The shelter's water supply must be free of contamination.

6) *Sanitary facilities*
   Each program participant in the shelter must have access to sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.
7) *Thermal environment*
   The shelter must have any necessary heating/ cooling facilities in proper operating condition.
8) *Illumination and electricity*
   The shelter must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the shelter.
9) *Food preparation*
   Food preparation areas, if any, must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
10) *Sanitary conditions*
    The shelter must be maintained in a sanitary condition.
11) *Fire safety*
    There must be at least one working smoke detector in each occupied unit of the shelter. Where possible, smoke detectors must be located near sleeping areas. The fire alarm system must be designed for hearing-impaired residents. All public areas of the shelter must have at least one working smoke detector. There must also be a second means of exiting the building in the event of fire or other emergency.

Minimum Habitability Standards for Rapid Re-Housing and Prevention

DCA ESG sub-recipients may not use funds to help a project participant remain or move into housing that does not meet the following minimum habitability standards. Sub-grantees may also establish standards that exceed or add to these minimum standards. No ESG funds may be committed for a unit until compliance with these standards for the unit has been documented. Sub-grantees are responsible for maintaining documentation of compliance with these standards for each unit assisted with ESG funds.

1) *Structure and materials*
   The shelter building must be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents.
2) *Space and Security*
   Each resident must be provided adequate space and security for themselves and their belongings. Each resident must be provided an acceptable place to sleep.
3) *Interior air quality*
   Each room or space must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.
4) *Water supply*
   The water supply must be free of contamination.
5) *Sanitary facilities*
   Residents must 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.
6) *Thermal environment*
   The housing must have any necessary heating/ cooling facilities in proper operating condition.
7) *Illumination and electricity*
   The structure must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the structure.
8) *Food preparation*
   All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
9) *Sanitary conditions*

The housing must be maintained in a sanitary condition.

10) *Fire Safety*
    - (i) There must be a second means of exiting the building in the event of fire or other emergency.
    - (ii) Each unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors must be located, to the extent practicable, in a hallway adjacent to a bedroom. If the unit is occupied by hearing impaired persons, smoke detectors must have an alarm system designed for hearing-impaired persons in each bedroom occupied by a hearing-impaired person.
    - (iii) The public area of all housing must be 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, community rooms, day care centers, hallways, stairwells, and other common areas.

CASE MANAGEMENT

DCA sub-grantees are expected to provide case management to all ESG program participants, including connecting program participants to mainstream and other resources. Sub-grantees should use https://gateway.ga.gov to screen for eligibility and apply for mainstream benefits on behalf of or with program participants.

Sub-grantees must assist each program participant, as needed, to obtain:

1) Appropriate supportive services, including assistance in obtaining permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living; **AND**
2) Other Federal, State, local, and private assistance available to assist the program participant in obtaining housing stability, including:
    - (A) Medicaid (42 CFR chapter IV, subchapter C):
    - (B) Supplemental Nutrition Assistance Program (7 CFR parts 271– 283);
    - (C) Women, Infants and Children (WIC) (7 CFR part 246);
    - (D) Federal-State Unemployment Insurance Program (20 CFR parts 601– 603, 606, 609, 614–617, 625, 640, 650);
    - (E) Social Security Disability Insurance (SSDI) (20 CFR part 404);
    - (F) Supplemental Security Income (SSI) (20 CFR part 416);
    - (G) Child and Adult Care Food Program (42 U.S.C. 1766(t) (7 CFR part 226));
    - (H) Other assistance available under the programs listed in § 576.400(c).

Rapid Re-Housing and Prevention Case Management

Housing stability case management is required of sub-grantees providing homelessness prevention or rapid re-housing assistance. Sub-grantees must:

1) Require that the program participant to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability; **AND**
2) Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking 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.

HOUSING SUPPORT STANDARDS

All recipients of ESG funding must meet DCA standards for housing support services. Utilizing a strengths-based approach to promote housing stability, the standards are guided by a philosophy that values participant (consumer) choice within an atmosphere that promotes respect between staff and participant. The standards will inform processes

within your program such as intake and assessment, service delivery and post discharge follow up. The Housing Support Standards can be found on the DCA website here:
http://www.dca.ga.gov/housing/specialneeds/programs/HousingSupportStandards.asp

EDUCATION POLICY

All sub-grantees are expected to comply with the Georgia Balance of State Education Policy.

Introduction

As part of their work, Homeless providers are required to establish relationships with homeless clients within their community and encourage access to mainstream agencies and organizations. Their long-term goal should be to maximize options for each household allowing them to maintain independence.

For homeless families, working with providers within the Balance of State (BoS) Continuum of Care (CoC), establishing close connections to the local education establishments within the community is a priority. This policy sets out the following premises:

- Agencies should work with education providers to identify homeless families at the earliest possible opportunity, and ensuring that homeless families are aware of their rights and responsibilities under legislation.
- Agencies should consider homeless families' education priorities when placing a family in any form of accommodation. The family should be placed as close to their place of education to avoid disruption.
- Agencies should ensure that they are establishing policies that are consistent with their legal obligations to homeless families.
- An agency must have a member of staff who is designated to be responsible for ensuring that all children access their appropriate education service, either by being enrolled in school or accessing an early education program within the community.

Liaison with Education Providers

The BoS CoC works on a Continuum level to ensure close links with the Education Liaison office. They work closely as part of the State Interagency Homeless Coordination Council. On a local level, the Continuum requires that each agency receiving a Department of Community Affairs Grant liaises with their local education provider to ensure that the schools and other community agencies are aware of the resources available to homeless families. Agencies should also ensure that local education providers are invited to the local Homeless Coalition meetings.

Family Choice

As a Continuum, the DCA will modify the Housing Support Standards to reflect the greater priority of education in its next review. Within the Continuum, agencies should ensure that their assessment covers families' education needs and issues, and any impact that changing schools may have. This particularly concerns the placement of families close to the school any child may be attending. The case management plan must include any needs the assessment has identified, goals to eliminate any challenges and issues, and document any progress made towards achieving the goals. Agencies should make reasonable allowances to ensure that families are able to access all education services such as those that take place in the evenings, such as After School Programs.

Agency Obligations

Agencies need to ensure that any agency protocols or policies do not infringe on the rights of homeless families. This includes a reasonable choice in deciding the school or community education program that children should be enrolled in, and making reasonable accommodations in allowing families to access programs either before or after school. Agencies should not replace schooling for homeless families with their own programs. Any programs an agency provides should be supplemental in nature.

Equal Access rules (see section on Equal Access) prohibits discrimination against families based on the age of any family member. Agencies serving families must serve all families, not just those with younger children.

Agency Representative

Agencies will need to ensure that there is a person who has taken on the responsibility of ensuring that all homeless families understand the implications of this policy, and their decision making rights under it. This must be a "named" person, one who will be able to meet and discuss the issues with homeless families on a regular basis.

This person should maintain regular contact with local school liaison officers, and other community education representatives to ensure that the agency can offer a balanced, immediate service to homeless families.

POLICIES AND PROCEDURES REQUIREMENTS

DCA requires that each sub-grantee establish and consistently apply written policies and procedures for each ESG project administered by the sub-grantee. These policies and procedures must incorporate ESG requirements set forth by HUD, DCA, the Georgia Balance of State CoC Written Standards, and other sources as applicable.

Confidentiality

As part of its written policies and procedures, sub-grantees must develop policies regarding confidentiality pursuant to 24 CFR 576.500(x).

Complaints and Appeals

As part of its written policies and procedures, sub-grantees must develop written policies allowing for submission and remediation of complaints. These policies must allow for an appeals process in which, if a participant disagrees with remediation measures, the participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the remediation measures in question.

Terminating Assistance

As part of its written policies and procedures, sub-grantees must develop policies regarding termination of assistance to participants.

If a program participant violates program requirements, the sub-grantee may terminate the assistance in accordance with a formal process established by the sub-grantee that recognizes the rights of individuals affected. The sub-grantee must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases. Termination does not bar the sub-grantee from providing further assistance at a later date to the same family or individual.

For rapid re-housing and prevention sub-grantees to terminate rental assistance or housing relocation and stabilization services to a project participant, the required formal process, at a minimum, must consist of:

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

HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)

ESG sub-grantees are required to enter data in the HMIS designated by DCA. Victim service providers prohibited from using the HMIS are required to enter information in the HMIS comparable database designated by DCA. DCA sets

specific HMIS policies and procedures for the ESG program. Specific requirements for each project type are included with ESG contracts. Further information may be found on the DCA HMIS website here:

http://www.dca.state.ga.us/housing/specialneeds/programs/hmis.asp

Reporting Requirements

Sub-grantees are required to provide any and all data requested by DCA to complete the Consolidated Annual Performance and Evaluation Report (CAPER). These data will generally be extracted directly from the HMIS by DCA. To facilitate this data collection process, all sub-grantees must ensure that HMIS data is complete and free from errors by the date designated by DCA each year. In general, this date is expected to be on or around July 15. The time period covered by CAPER data collection is consistent with the state fiscal year, July 1 through June 30.

Victim service providers may receive requests for data in a different format if a direct data pull from the HMIS comparable database is not possible. However, DCA generally expects that all CAPER data for victim service providers will be pulled directly from the HMIS comparable database once that implementation is fully functional. The data cleaning deadline and time period for data collection is the same for victim service providers as for other agencies unless otherwise specified by DCA. Further details will be communicated directly to agencies as necessary.

In addition to end-of-year data for CAPER reporting, DCA may periodically request other project data from sub-grantees for purposes of performance monitoring. Sub-grantees are required to comply with all data requests from DCA. Data requests may cover any DCA ESG project activities that are documented within an established record retention period that is compliant with DCA and HUD requirements.

HMIS and the Reimbursement Process

DCA staff will run data quality reports when reimbursement requests are submitted by ESG sub-grantees. Data quality reports will measure the levels of missing data for Universal Data Elements and Program Data Elements, among other quality measures. HMIS data reviewed will include, but is not limited to, demographics, completion of client income and benefits at program enrollment and discharge, and special needs.

Reimbursement requests for programs with unacceptable levels of data quality will be held by DCA until data cleaning is complete and acceptable levels of data quality are apparent in relevant reports from HMIS, or from the HMIS comparable database for victim services providers. In general, acceptable data quality will be defined as no more than a five percent (5%) error rate for any item on the ClientTrack HUD Data Quality Report for all project types except street outreach. Acceptable data quality for street outreach projects will generally be defined as no more than a ten percent (10%) error rate for any item on the ClientTrack HUD Data Quality Report.

PERFORMANCE STANDARDS AND MEASURES

DCA established the primary goal of **reducing the number of unsheltered homeless individuals and families in the Balance of State ESG entitlement**. The information contained below outlines goals, strategies and performance measures to be utilized for all ESG sub-grantees.

Overall Goals

1) Reduce the number of unsheltered individuals and families, as established in the Homeless Point in Time Count, within the BoS ESG Entitlement by 1% each year. This goal will be achieved by placing emphasis on high utilization of emergency shelters and transitional housing beds. This will be measured in HMIS.
   (a) Reduce length of stay for clients in emergency shelters and transitional housing programs in order to provide services to additional households. Length of stay should generally be no longer than 90 days for shelters and 1 year for Transitional Housing. This will be measured in HMIS.

(b) Increase placements into permanent housing for homeless individuals and families from Emergency Shelter and Transitional housing by 5% each year. This will be measured in HMIS.

2) Prevent individuals and families from becoming homeless – either unsheltered or sheltered, by 3% each year. Follow-up contacts will be made at 3 months and 6 months post discharge. This will be measured in HMIS.
3) Increase the percentage of individuals and families remaining in permanent housing for 3 months by 2% each year. This goal will be achieved by increasing income or access to mainstream benefits for program participants while in the ESG program. This will be measured in HMIS.

Performance Standards- these standards are used to evaluate individual program performance when grants are awarded as well as to evaluate the overall performance of the DCA ESG grant.

For each Emergency Shelter program, performance will be measured based on the following standards:

1) An overall bed utilization rate of 80%.
2) The average length of stay of the households served should be no longer than 60 days for those exiting to permanent destinations.
3) An increase in the percentage of discharged households that secure permanent housing at exit by 5% each year.
4) An increase in the percentage of households that increase cash and non-cash income during program enrollment.

For each Transitional Housing program, performance will be measured based on the following standards:

1) An overall bed utilization rate of 80%.
2) The average length of stay for households served should generally be no longer than nine months for those exiting to permanent housing.
3) An increase in the percentage of discharged households that secured permanent housing at exit by 5% each year.
4) An increase in the percentage of households that increase cash and non-cash income during program enrollment.

For each Rapid Re-Housing program, performance will be measured based on the following standards:

1) An increase in the percentage of discharged households that secured permanent housing at program exit by 2% each year.
2) An increase in the percentage of discharged households permanently housed three months after exit.
3) An increase in the percentage of households that increase cash and non-cash income during program enrollment.

For each Homeless Prevention program, performance will be measured based on the following standards:

1) An increase in the percentage of discharged households that maintained permanent housing at program exit by 3% each year.
2) An increase in the percentage of discharged households permanently housed three months after exit.
3) An increase in the percentage of households that increase cash and non-cash income during program enrollment.

For each Street Outreach program, performance will be measured based on the following standards:

1) An increase in the number of contacts with unduplicated individuals made during outreach.
2) An increase in the percentage of households that access emergency shelter or transitional housing.
3) An increase in the percentage of discharged households that access permanent housing.
4) An increase in the percentage of households that increase cash and non-cash income during program enrollment.

Shelters serving the chronically homeless or chemically dependent clients, or shelters with minimal barriers to entry may be held to different standards than other emergency shelters. The same applies for transitional housing and rapid re-housing programs.

SUB-GRANTEE TRAINING

DCA will provide project implementation training for ESG sub-recipients primarily in the first half of the grant year. Implementation trainings are required for all agencies. DCA may also periodically offer trainings on topics such as Rapid Re-Housing, Housing First Case management, Motivational Interviewing, Re-Tooling Transitional Housing, Capacity Building, and more. DCA may also, at its discretion, choose to make any training mandatory for all funded agencies or for a specific subset of funded agencies. Agencies not mandated by DCA to attend a particular training may voluntarily participate if desired, provided that sufficient space and/or training slots are available. Some trainings will be conducted via webinar to help offset travel costs. Information about trainings will be posted on the ESG Grantees Only webpage.

FINANCIAL MANAGEMENT

Reimbursement

DCA ESG sub-grants are operated as reimbursable projects. Sub-grantees must document funds expended on eligible items in accordance with HUD regulation, DCA requirements, and any other applicable guidance. Requests for reimbursement of funds expended may then be submitted to DCA. Upon execution of the DCA ESG contract, sub-grantees will receive instructions and documents from DCA for completing the first reimbursement request. All reimbursements must be submitted in accordance with these instructions, on DCA approved forms, and signed by designated signatories identified in the executed contract.

DCA may, at its discretion, request supporting documentation for any expense submitted for reimbursement. If an expense is deemed ineligible for reimbursement, DCA may disqualify it and remove it from the associated reimbursement request. Furthermore, if any expense is deemed ineligible through the monitoring process after reimbursement has been made, DCA may request that the sub-grantee repay those funds to DCA.

Budget Modification

Subject to written approval from DCA, sub-grantees may transfer funds between approved budget line items during the grant year. Generally, DCA will accept budget modification requests on a quarterly basis during a time period specified by DCA. When an approved time period for budget modifications is approaching, DCA will send instructions to sub-grantees by email.

Match

Unless explicitly specified by DCA, ESG grants must be matched by the sub-grantee at the level of at least 100% of the sub-grant amount. In general, federal (other than ESG), state, local, or private funds may be used to satisfy the requirement that the recipient provide matching contributions to ESG, so long as the following conditions are met:

1. The matching funds are contributed to the ESG program and expended for the sub-recipient's allowable ESG costs.*
2. If the matching funds are from another federal program, there is no specific statutory prohibition on using those funds as match;
3. The matching funds are used in accordance with all requirements that apply to ESG grant funds, except for the expenditure limits in 24 CFR 576.100. This includes requirements such as documentation requirements, eligibility requirements, and eligible costs.
4. The matching funds are expended (that is, the allowable cost is incurred) during the eligible time period of the award, specified in the sub-grantee contract with DCA.

5. The matching funds are expended by the expenditure deadline that applies to the ESG funds being matched;
6. The matching funds have not been and will not be used to match any other Federal program's funds nor any other ESG grant;
7. The recipient does not use ESG funds to meet the other program's matching requirements; and
8. The recipient keeps records of the source and use of the matching funds, including the particular fiscal year ESG grant for which the matching contribution is counted.

***Note: because the matching funds are contributed to the ESG program and expended for the sub-recipient's allowable ESG costs, the following are not allowed to be used as match:**

- SNAP benefits (food stamps), because the funds are being used to cover the program participant's costs;
- Housing Choice Vouchers, because the funds are used to pay the PHA's obligations under its Housing Assistance Payment contract with the owner; and
- The tenant's portion of the rent, because this amount is the tenant's obligation.

MONITORING

Monitoring will be conducted at least bi-annually. DCA staff may conduct monitoring activities off-site, on-site, or both. Based on risk analysis, DCA may schedule desk review and/or site visits at any time deemed necessary. Agencies will be contacted by DCA staff prior to an on-site review to establish a mutually convenient date and time. The purpose of monitoring is to review performance in comparison to stated project goals, review fiscal management and accounting practices, identify areas for improvement, forge a working relationship between DCA and the sub-grantee, and provide technical assistance. Items that will be reviewed include, but are not limited to:

- Client data
- Client eligibility documentation
- Implementation of organizational policies and procedures
- Reimbursements and financial documentation
- Fair Housing and Equal Opportunity (FHEO) compliance
- Language Access Plan compliance
- VAWA compliance
- Equal Access Rule compliance
- Habitability Standards compliance
- Environmental reviews

APPENDIX A: UNIT INSPECTION REQUIREMENTS

ESG Unit Inspection Requirements

About this Tool

The standards for housing unit inspections under the Homelessness Prevention and Rapid Re-Housing Program (ESG) are the housing habitability standards, described in this guidebook. This resource is intended to provide grantees with a summary of HUD's policies related to habitability inspections.

Which units need an inspection?

An on-site inspection is required anytime a program participant is receiving ESG financial assistance and moving into a new unit. (Financial assistance includes rental assistance, security deposit assistance, utility assistance, etc.) A housing unit inspection is *not* required for a program participant served with ESG prevention assistance in a unit in which the participant was already residing. Habitability inspections are also not required for persons receiving services only.

Are habitability standards different from HUD's Housing Quality Standards?

Yes. The Housing Quality Standards (HQS) used for other HUD programs are more stringent than the habitability standards outlined in the ESG Notice. Grantees are not required to use HQS, but may do so if they choose.

Does a certified inspector need to conduct inspections?

No. Unlike HQS inspections, which must be conducted by a certified inspector, habitability standards do *not* require a certified inspector to conduct on-site inspections. For example, units assisted by ESG may be inspected by:

- ESG program staff;
- Staff from or hired by an agency of the grantee's local government; or
- Staff from another subsidy program providing assistance to the unit and also requiring an inspection (e.g., Section 8, HOPWA TBRA), as long as they follow the minimum habitability standards required by ESG.

When do inspections need to be conducted?

Inspections must be conducted upon initial occupancy and then on an annual basis for the term of ESG assistance.

How do I conduct on-site inspections?

Use the *ESG Habitability Standards Checklist* (available on HUD's Homelessness Resource Exchange at http://hudexchange.info) to guide you and/or other program staff conducting the on-site inspection. This checklist should be completed upon initial occupancy and on an annual basis for the term of ESG assistance. Copies of the completed checklists should be included in program participant files for documentation purposes.

Can ESG funds be used to pay for habitability inspections?
Yes, grantees may charge expenses associated with conducting habitability inspections under the Financial Assistance category.

Are the habitability inspections the same as the Lead-Based Paint inspections?

No. Under the Lead-Based Paint Poising Prevention Act of 1973, visual assessments for potential lead-based paint hazards must be conducted for all pre-1978 units in which a child under the age of six will be residing before financial assistance may be provided. Visual assessments must be conducted regardless of whether the program participant is receiving assistance to remain in an existing unit or moving to a new unit. Individuals can become a HUD-certified Visual

Assessor by successfully completing the 20minute online training course on conducting visual assessments on HUD's website (available at: http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm). Note that a HUD-certified Visual Assessor is not equivalent to a Certified Clearance Examiner, whose services may be needed if lead hazards are identified during the visual assessment.