

LOUISIANA HOUSING CORPORATION

LOUISIANA HOUSING AUTHORITY
LOUISIANA HOUSING CORPORATION EMERGENCY
SOLUTIONS GRANTS PROGRAM

May 2019
APPLICATION DEADLINE:
Friday, August 16, 2019 @ 4:00 P.M.

2019

APPLICATION PACKAGE



Louisiana Housing
Corporation

EMERGENCY SOLUTIONS GRANTS PROGRAM

PART A. SOLICITATION for OFFERERS - PROGRAM REQUIREMENTS

I. BACKGROUND

The Emergency Solutions Grants Program (ESGP), originally established by the Homeless Housing Act of 1986 to address homelessness among men, women, and children in the United States, was incorporated in 1987 into subtitle B of Title IV of the Stewart B. McKinney-Vento Homeless Assistance Act (42 U.S.C. §§ 11371-11378). On May 20, 2009, President Obama signed the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, a bill that reauthorized the McKinney-Vento Homeless Assistance programs and substantially revised the Emergency Shelter Grants Program. In its revision, the Emergency Shelter Grants Program was renamed the Emergency Solutions Grants (ESG) program. ESG funds may be used to assist homeless persons and those at risk of becoming homeless. The Emergency Solutions Grant includes the eligible activities of the Emergency Shelter Grant, to which the eligible activities of the Homelessness Prevention and Rapid Re-housing activities have been added.

The State of Louisiana ESGP Fiscal Year 2019 award is \$2,387,677. The current administering agency for the State of Louisiana's funding allocation under this Program is the Louisiana Housing Authority ("LHA" or "Housing Authority") of the Louisiana Housing Corporation (LHC). ESGP regulations provide that the State may not carry on Program activities with its allocated funds but must make all of its grant amounts available to local recipients. Through the establishment of regional allocation pools, in conjunction with a competitive grant award process, funds will be distributed to State recipients to carry out the purposes of the ESG Program. In anticipation of these federal funds, the LHC is inviting cities, parishes and local municipalities and Continua of Care to review this Notice of Funding Availability (NOFA).

Organizations interested in applying for 2019 ESG funds awarded to the State are expected to read and carefully analyze all NOFA and grant requirements prior to submitting an application. The LHC also expects applicants to be fully informed of all regulations applicable to ESG, and if funded, to comply with all applicable regulations. In particular, prior to applying, applicants must be familiar with and knowledgeable of the following regulations and program requirements:

- **ESG Regulations: 24 C.F.R. Part 576** – The ESG rule, published in the Federal Register on April 1, 2012, revises the regulations for the Emergency Shelter Grants program by establishing the regulations for the Emergency Solutions Grants program.
- **HEARTH Homeless Definition Final Rule: 24 C.F.R. Parts 91, 582 and 583** – The final rule, published in the Federal Register on December 5, 2011, provides the homeless definition which applies to the ESG program.

II. DESIGN AND PURPOSE

Emergency Solutions Grants funds can be utilized for the following purposes:

- The rehabilitation or conversion of buildings for use as emergency shelter for the homeless;
- The payment of certain expenses related to operating emergency shelters;

- Street outreach for the homeless;
- Homelessness prevention;
- Rapid re-housing assistance;
- Homeless Management Information System (HMIS);
- Administrative costs.

For details on specific activities allowed under this grant refer to the *Eligible Activities* section.

III. ELIGIBLE APPLICANTS

The State will accept applications for FY19 ESGP funding from units of local government, or one regional collaborative applicant from a Continuum of Care (CoC) Agency. Grantees may distribute all or part of their grant amounts to private nonprofit organizations for use in eligible Program activities. In an effort to target funding assistance to areas of greatest need, eligible applicants are further defined as jurisdictions with a minimum population of 10,000 according to 5-year ACS 2013- 2017 Data. Previous recipients of State awards are eligible to apply, however, expenditure patterns and project performance will be taken into consideration when evaluating such applicant’s ability to implement, and complete program activities in a timely manner.

IV. ELIGIBLE ACTIVITIES

ESG funds may be used for six program components: A. street outreach, B. emergency shelter, C. homelessness prevention, D. rapid re-housing assistance, E. Homeless Management Information System (HMIS), and F. administrative activities. Per 24 CFR 576.100(b), the total amount of an applicant’s budget for street outreach and essential services cannot exceed 60% of their total requested amount. Within a collaborative application, the 60% limit applies to the entire application and not to each partner within the collaborative application. All applicants are required to allocate at least 40% of their award to homeless prevention or rapid re-housing activities.

A. **Street Outreach** – 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.

Eligible Activities include the following:

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

B. **Shelter Operations** – Funds may be used for costs of providing essential services to families and individuals in emergency shelters, renovating buildings to be used as emergency shelter for homeless families and individuals, and operating emergency shelters.

Eligible Activities include the following:

1. Essential Services - ESG funds may be used to provide essential services to individuals and families who are in emergency shelters including case management, child care, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services and transportation.
2. Renovation Activities - Eligible costs include labor, materials, tools and other costs for renovation (including major rehabilitation or conversion of a building into an emergency shelter).
3. 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.
4. Vouchers – Where no appropriate emergency shelter is available for a homeless family or individual, eligible costs may also include hotel or motel vouchers for that family or individual.

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

The following requirements apply to Projects funded through the ESG for Homelessness Prevention:

1. Individuals and households assisted under the homelessness prevention component must have an income at or below (30%) of the area median income, as determined by HUD, with adjustments for smaller and larger families.

2. Persons/families receiving funding under this program must qualify as a homeless or at-risk household as indicated below and further defined in (576.103) and the definitions contained in (576.2).

3. Persons/families eligible for assistance are lacking sufficient resources or support networks, e.g. family, friends, faith-based or other social networks, immediately available to prevent them from moving into an emergency shelter or a primary nighttime residence that is not designed for or ordinarily used as a regular sleeping accommodation for human beings.

4. Homelessness Prevention gives priority to individuals and families who are currently in housing but are at risk of becoming homeless and temporary rent or utility assistance would prevent them from becoming homeless or, who need assistance to move to another unit; and fall into at least one of these secondary risk criteria:

- a. Household has moved 2 or more times due to economic reasons over a 60-day period.
- b. Individual or family is living in a home of another or doubled-up due to economic hardship
- c. Individual or family lives in a hotel or motel not paid for by a government or charitable organization
- d. Household lives in an overcrowded housing unit as defined by the US Census Bureau
- e. Householder is exiting a publicly funded institution or system of care
- f. SRS Involvement with children and youth
- g. Domestic Violence problems

- h. Households experiencing persistent housing instability due to factors such as chronic physical health or mental health conditions, substance addiction, histories of domestic violence or abuse, the presence of a child with disabilities or having two or more barriers to employment

5. The costs of Homelessness Prevention are *only* eligible to the extent that it is necessary to help the program participant regain stability in their current permanent housing or move into other permanent housing and achieve stability in that housing.

6. Homelessness Prevention must be provided in accordance with the ESG housing relocation and stabilization services requirements in 576.105, the short-term and medium-term rental assistance requirements in 576.106 and the written standards and procedures under 576.400 which state [italics added to denote quoted material]:

For Housing Relocation and Stabilization Services, ESG funds may be used to pay housing owners, utility companies and other third parties

- *Rental application fees*
- *Security deposits equal to no more than 2 months' rent*
- *First and Last Month's rent. Total rental assistance to a participant cannot exceed 24 months during any 3-year period including first and last month's rent.*
- *Standard utility deposits*
- *Utility payments. ESG funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears per service. Total utility payment assistance to a participant cannot exceed 24 months during any 3-year period.*
- *Moving Costs such as truck rental or hiring a moving company. Assistance may also include payment of temporary storage fees for up to 3 months.*
- *Service Costs under this category include Housing Search and Placement assistance, Housing Stability Case Management, Mediation Activities, Legal Services necessary to resolve housing issues, and Credit repair/Counseling Services.*

For Homeless Prevention Short-Term and Medium Term Rental Assistance, ESG may provide a program participant with up to 24 months of rental assistance during any 3-year period.

This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance.

- *Short-term rental assistance is assistance for up to 3 months of rent.*
- *Medium-Term rental assistance is assistance for more than 3 months but not more than 24 months of rent.*
- *Payment of rental arrears consists of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.*
- *Rental assistance may be tenant-based or project-based.*
- *All units must meet Fair Market Rent requirements as established by HUD.*
- *A Rental Assistance Agreement must be in place for each unit assisted. The agreement must specify the terms and conditions under which rental assistance will be provided and conditions of the units occupied.*

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

1. Rapid Re-Housing Assistance may be provided to individuals and families lacking a fixed, regular and adequate nighttime residence or any individual or family who is fleeing or attempting to flee domestic violence, assault or other life threatening conditions that relate to violence. (576.104 and 576.2.)

2. Rapid Re-Housing Assistance must be provided in accordance with the ESG housing relocation and stabilization services requirements in (576.105), the short-term and medium-term rental assistance requirements in (576.106) and the written standards and procedures under (576.400) which state [*italics added to denote quoted material*]:

For Rapid Re-Housing Relocation and Stabilization Services, ESG funds may be used to pay housing owners, utility companies and other third parties

- *Rental application fees*
- *Security deposits equal to no more than 2 months' rent*
- *First and Last Month's Rent. Total rental assistance to a participant cannot exceed 24 months during any 3-year period including first and last month's rent.*
- *Standard utility deposits*
- *Utility payments, ESG funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears per service. Total utility payment assistance to a participant cannot exceed 24 months during any 3-year period.*
- *Moving Costs such as truck rental or hiring a moving company. Assistance may also include payment of temporary storage fees for up to 3 months.*
- *Service Costs under this category include Housing Search and Placement assistance, Housing Stability Case Management, Mediation Activities, Legal Services necessary to resolve housing issues, and Credit Repair/Counseling Services.*

For Rapid Re-Housing Short-Term and Medium Term Rental Assistance, ESG may provide a program participant with up to 24 months of rental assistance during any 3-year period.

This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance.

- Short-term rental assistance is assistance for up to 3 months of rent.
- Medium-Term rental assistance is assistance for more than 3 months but not more than 24 months of rent.
- Payment of rental arrears consists of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.
- Rental assistance may be tenant-based or project-based.
- All units must meet Fair Market Rent requirements as established by HUD.
- A Rental Assistance Agreement must be in place for each unit assisted. The Agreement must specify the terms and conditions under which rental assistance will be provided and conditions of the units occupied.

E. **Homeless Management Information System (HMIS)** – ESG funds may be used to pay the costs of contributing to the HMIS designated by the Continuum of Care for the area including, the costs of purchasing hardware, software licenses or equipment, obtaining technical support, completing data entry and analysis, monitoring and reviewing data quality, training, reporting, and coordinating and integrating the system.

F. **Administrative Activities**

A local government grantee may at its option elect to use up to 3.0% of grant funding for costs directly related to administering grant assistance, or may allocate all grant amounts for eligible program activities.

Additional Emergency Solutions Grant Program information, along with detailed eligible activities, can be found at www.hudhre.gov and click on Emergency Solutions Grant Program.

V. ELIGIBLE PARTICIPANTS

There are two eligible target populations identified for ESG funds: persons at risk of homelessness and homeless persons.

At risk of homelessness means:

(1) An individual or family who:

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

- (2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. § 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. § 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. § 14043e– 2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. § 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. § 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. § 1786(b)(15)); or
- (3) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 725(2) of the McKinney- Vento Homeless Assistance Act (42 U.S.C. § 11434a (2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

Homeless means:

- (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
- 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;
 - An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
 - An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- (2) An individual or family who will imminently lose their primary nighttime residence, provided that:
- The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
 - No subsequent residence has been identified; and
 - The individual or family lacks the resources or support networks, *e.g.*, family, friends, faith-based or other social networks, needed to obtain other permanent housing;
- (3) 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:
- (Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. § 5732a), section 637 of the Head Start Act (42 U.S.C. § 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. § 14043e–2), section 330(h) of the Public Health Service Act (42 U.S.C. § 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. § 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. § 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11434a);
 - Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
 - Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

- Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

(4) Any individual or family who:

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

VI. GRANT AMOUNTS

The LHA shall continue use of a geographic allocation formula in the distribution of the State's ESG funding to ensure that each region of the State is allotted a specified minimum of State ESG grant assistance for eligible ESG projects. However, the formula distribution is not a guarantee of funding award. Competing applications for each region's allocated grant amounts will be evaluated according to selection criteria described in Section XIII. The threshold criteria of 75 points must be obtained in order for a region to be awarded the full allocation for its region.

Grant awards shall be for a minimum of \$25,000. Applicable grant maximums are as follows:

- For applicant jurisdictions of less than 49,000 in its population, individual grant awards shall not exceed \$50,000.
- For a jurisdiction of over 49,000 in its population, the maximum grant award shall not exceed the ESG allocation for that jurisdiction's respective region.

Grant specifications, minimum and maximums awards may be revised at LHA's discretion in consideration of individual applicant's needs, total ESG funding requests, and available funding. LHA reserves the right to negotiate the final grant amounts, component projects, and local match with all applicants to ensure judicious use of ESG funds.

VII. DEADLINES FOR USING GRANT AMOUNTS

Each recipient must have its grant amounts obligated within 180 days of the date on which the State made the grant amounts available to the recipient. **Obligated** means that the grant recipient has placed orders, awarded contracts, received services or entered similar transactions that require payment from the grant amount. Grant amounts that a unit of general local government awards to a private nonprofit organization by a written agreement or letter of award requiring payment from the grant amount are considered obligated.

[**Note:** Program rules stipulate that environmental clearance must be completed before ESG funds may be obligated or expended in projects. The grant award is subject to completion of environmental responsibilities within a reasonable time after notification of the grant award.

VIII. LOCAL MATCH REQUIREMENT

Recipients awarded by LHC/ LHA shall be required to secure matching funds in an amount at least equal to its ESGP funding amounts unless exempted for reasons of severe incapacity to provide matching funds based on information submitted in grant applications. Matching funds must derive from sources other than the Program and be provided after the date of the grant award to the recipient. Funds used to match a previous ESG or ESGP grant award may not be used to match a subsequent grant. **A recipient local government may comply with this requirement by providing the matching funds itself, or through supplementary funds or voluntary efforts provided by nonprofit recipients.**

With respect to possible exemption to matching funds requirements, the LHA shall determine whether an applicant may qualify for this benefit under applicable federal provisions based on information submitted in grant applications.

IX. REQUIREMENT TO USE HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)

Congress has directed HUD to improve the collection of data on the extent of homelessness locally and nationally. Communities must collect an array of data including an unduplicated count of homeless persons, analyze their patterns of the use of McKinney-Vento and other assistance, including information on how they enter and exit the homelessness assistance system and assess the effectiveness of that assistance. In addition to data entry requirements outlined in the HMIS data standards, ESG grantees will also need to collect data performance measurement indicators identified in section IIE. All grantees will receive more prescriptive guidance on additional data elements that must be collected in the HMIS during the contracting process.

The Emergency Solutions Grant Program is included in this mandate. HUD, through a Federal Register Notice, has provided the data and technical standards for HMIS. All areas of the State have access to an HMIS through the local Continuum of Care. **All proposed projects/organizations must provide written certification of their participation in HMIS.** Please note that PL 109-162 protects from disclosure any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs involving victims of domestic violence, dating violence, sexual assault, or stalking, and their families.

X. REPORTING REQUIREMENTS

Each recipient will be required to submit:

- (1) Cost reports listing ESGP expenditures by project and eligible activity category, and describing sources and amounts of matching funds, **MUST** be submitted by the 15th of each month for the previous month.

- (2) Periodic performance reports on project activities, individuals served, and other information in such manner and form and at such time as may be required by the U.S. Department of Housing and Urban Development and/or by LHA.
- (3) Quarterly Performance Reports and Annual Reports submitted at the end of each quarter and annually.

XI. SUBMISSION INFORMATION

**Applications for funding to be awarded under the
2019 State Emergency Shelter Grants Program
must be submitted to the Louisiana Housing Corporation no later than
4:00p.m. Central Standard Time, Friday, August 16, 2019.**

An **original and two copies** of each proposal must be submitted and may be mailed or delivered in person or by special delivery to the following address:

Louisiana Housing Authority
Louisiana Housing Corporation
2415 Quail Drive
Baton Rouge, Louisiana 70808
Attn: Aimee LeBlanc, ESG Program Monitor

Proposals must be typed -- double spaced -- on standard 8½" by 11" paper and have consecutively numbered pages. All proposals must be complete. Any incomplete proposals will not be considered for funding.

Any questions or clarification requests pertaining to the content of this ESGP application packet may be directed to Aimee LeBlanc at aleblanc@lhc.la.gov

A Mandatory information session on the State ESG Program and application process will be held for prospective applicants on July 15, 2019 from 9:30 a.m. to noon, at the Louisiana Housing Corporation Building, 2415 Quail Drive, Baton Rouge, Louisiana 70808. Please RSVP to Aimee LeBlanc (225)242-1387 or aleblanc@lhc.la.gov

All eligible governmental units and agencies will be afforded full opportunity to present applications and comments necessary for clarification.

XII. Proposal Material Ownership

All material submitted regarding and in response to this NOFA becomes the property of the State of Louisiana. Selection or rejection of a proposal does not affect this right.

XIII. Proprietary Information

Only information that is in the nature of legitimate trade secrets or non-published financial data may be deemed proprietary or confidential. Any material within a proposal identified as such must be clearly marked in the proposal and will be handled in accordance with the Louisiana Public Records Act, La. R.S. 44.1 *et seq.*, and applicable rules and regulations. Any proposal marked as confidential or proprietary in its entirety may be rejected without further consideration or recourse.

Proposers must be prepared to defend the reasons the material should be held in confidence. If a competing Proposer or other party seeks review or copies of a Proposer's confidential data, the LHA will notify the Proposer of the request. If the Proposer does not want the information disclosed, it must agree to indemnify and hold the LHA harmless against all actions or court proceedings that may ensue (including attorney's fees) which seek to order the LHA to disclose the information. If the Proposer refuses to indemnify and hold the LHA harmless, the LHA may disclose the information.

The LHA reserves the right to make any proposal, including proprietary information contained therein, available to its personnel, the Office of the Governor or other State agencies or organizations, for the sole purpose of assisting the Corporation in its evaluation of the proposal. The LHA shall require said individuals to protect the confidentiality of any specifically identified proprietary information or privileged business information obtained as a result of participation in these evaluations.

XIV. Changes to Proposals

If prior to the deadline for submitting the proposal a Proposer needs to submit changes or addenda to its Proposal, such changes or addenda shall be submitted in writing to the LHA, in a sealed envelope, clearly cross-referencing the relevant proposal section, and signed by an authorized representative of the Proposer. Changes and/or addenda to Proposals shall meet all requirements for Proposals.

XV. Withdrawal of Proposal

A Proposer may withdraw a proposal that has been submitted at any time up to the date and time the proposal is due. To accomplish this, a written request to withdraw the proposal must be signed by the authorized representative of the Proposer and submitted to the ESG Program Coordinator.

XVI. Errors and Omissions in Proposals

The LHA will not be liable for any errors in proposals. The LHA reserves the right to make corrections or amendments due to errors identified in proposals by the State or the proposer. The LHA, at its option, has the right to request clarification or additional information from the proposer.

XVII. Rejection of Proposals

Issuance of this RFP in no way constitutes a commitment by the LHC to award a contract. The LHA reserves the right to accept or reject, in whole or in part, all proposals submitted and to cancel this announcement.

XVIII. Cost of Proposal Preparation

Each Proposal and all information required to be submitted pursuant to the RFP shall be prepared at the sole cost and expense of the proposer. There shall be no claims whatsoever against the LHA, its officers, officials, or employees for reimbursement for the payment of costs of expenses incurred in preparing and submitting a Proposal or for participating in this procurement process.

XIX. Certification of OMB A-133 Compliance

Proposers must provide certification that they are not suspended or debarred from conducting business with government agencies. By signing and submitting any proposal for \$100,000 or more, the Proposer certifies that the represented company, as well as any subcontractors or principals, are not suspended or debarred by the General Services Administration (GSA) in accordance with the requirements in OMB Circular A-133.

A list of suspended or debarred parties can be viewed via the internet at <http://www.epls.gov>.

XX. Code of Ethics

Proposers are responsible for determining that there will be no conflict or violation of the Louisiana Ethics Code (La. R.S. 42:1101, *et seq.*) if their company is awarded the contract. Ethics issues are interpreted by the Louisiana Board of Ethics.

XXI. Rights Reserved by LHA

LHA reserves the right to waive as informality any irregularities in submittals and/or to reject any or all proposals. LHA will not disclose the status of negotiations until the Board of Directors of the Louisiana Housing Corporation has approved to award of a contract for services.

XXII. Non-Negotiable Contract Terms

For those proposers who are selected and enter contracts with the LHA, non-negotiable contract terms shall include but not be limited to proposer's payment of taxes, the non-assignability of contract without express consent of the LHA, audit of records, EEOC and ADA compliance, record retention, content of contract/order of precedence, contract changes, governing law, claims or controversies, and termination based on contingency of appropriation of funds.

XXIII. Indemnification

Any Proposer who is selected and enters into a contract shall indemnify the LHA, LHC, LHC Board of Directors, LHC staff and the State of Louisiana from any and all loss, liability, or expenses (including the cost of defense and attorneys' fees) in connection with any claims or actions brought against any of them that arose directly or indirectly from actions, omissions, or obligations of the Proposer in connection with its contract with the LHA.

XXIV. Payment of Taxes

The Proposer understands and agrees that it is responsible for paying any taxes (including Louisiana or federal income or payroll taxes), or license fees or official fees that may be due as a result of either its receipt of fees or other payments hereunder or its performance in accordance with the terms hereof under its own Federal Tax Identification Number.

XXV. Audit

The Proposer grants to the Office of the Legislative Auditor, Inspector General's Office, the Federal Government, and any other duly authorized agency of the State, where appropriate, the right to inspect and review all books and records pertaining to services rendered under any Contract awarded under this NOFA for a period of five (5) years from the date of the last payment made under any Contract awarded under this NOFA. The Proposer shall comply with federal and/or state laws authorizing an audit of the Proposer's operation as a whole, or of specific program activities. Records shall be made available during normal working hours for this purpose.

XXVI. Non-Discrimination in Employment

The Proposer agrees to abide by the requirements of the following as applicable: Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Act of 1975, and Proposer agrees to abide by the requirements of the Americans with Disabilities Act of 1990. Proposer further agrees not to discriminate in its employment practices, and shall render services under this Contract without regard to race, color, religion, sex, sexual orientation, national origin, political affiliation or disabilities. Any act of discrimination committed by the Contractor, or failure to comply with these statutory obligations when applicable, shall be grounds for contract termination.

XXVII. Contingent Fee Prohibition

The Proposer warrants that it has not employed or retained any person, partnership, corporation or other entity, other than a bona fide employee or agent working for it directly, to solicit or secure a contract under this NOFA, and that it has not paid or agreed to pay any person, partnership, corporation or other entity, other than a bona fide employee or agent, any fee or other consideration contingent in order to secure any contract under this NOFA. For breach or violation of this warranty, the LHA shall have the right to annul any contract awarded under this NOFA without liability for any work performed hereunder and with the right to recover any fees or expenses paid hereunder, or, in its discretion, to deduct from the consideration otherwise payable to the Proposer the full amount of such fee or other consideration paid for such solicitation or lobbying effort.

XXVIII. Governing Law

The laws of the State of Louisiana shall govern the terms of the contract and disputes arising therefore shall be resolved in accordance with the laws of the State of Louisiana. Venue of any action brought with regard to this contract shall be in the Nineteenth Judicial District Court, Parish of East Baton Rouge, State of Louisiana.

XXIX. SELECTION PROCESS

ALL APPLICATIONS WILL BE EVALUATED IN ACCORDANCE WITH THE FOLLOWING CRITERIA:		
Points		Maximum
Criteria I	Organizational Capacity	20
Criteria II	General Narrative/Project Proposal Narrative	30
Criteria III	Approach	20
Criteria IV	Performance Measurement	10
Criteria V	Budget Justification	<u>20</u>
TOTAL POINTS		100

Please note projects must meet the threshold criteria score (75) to be considered for funding

Scoring for Bonus Project

Innovation	25
Project Readiness	25
Performance Measurement	25
Budget Justification	25
Total Points	100

Please note projects must meet the threshold criteria score (75) to be considered for the Rapid Re-housing Bonus Project

Refer to Section II B Program Description for a description of each criterion.

II. PROPOSAL NARRATIVE INSTRUCTIONS

Each applicant must submit a Proposal Narrative which shall consist of a general narrative section on the applicant community which shall not exceed six (6) double spaced pages, as well as individual narrative descriptions for each proposed project consisting of no more than eight (8) double spaced

pages. All information should be concise, objective and quantifiable if possible. The Proposal Narrative must address all of the following items in the order listed.

A. GENERAL NARRATIVE

1. Describe the nature and extent of the unmet need for adequate shelter and related assistance for homeless persons in the applicant's jurisdiction as supported by documentation/information on homelessness in the local area. State the sources of supporting information, for example, actual numbers served by local shelters or other housing programs serving homeless persons as well as numbers of requests for homeless shelter which were not fulfilled, surveys or estimates on homelessness in the local area, inventory of existing shelters, their use and capacity, estimates by applicant and local service providers of additional shelter requirements, reliable surrogates for homelessness data including local unemployment figures, welfare and poverty statistics, housing authority waiting lists, numbers of emergency requests received by churches and local charitable organizations for assistance with housing crisis needs (evictions, foreclosures, etc.). Describe any unique or significant local circumstances which are pertinent to the particular homeless needs evaluated in your area (e.g., economic distress factors, prevalence data on special needs groups). Indicate whether proposed projects have previously been assisted by ESGP funds.
 1. Identify any performance outcomes that are tracked within your CoC that you can apply to the proposed projects set forth.
 2. Describe your local government or CoC's strategic planning goals and objectives. How will ESG funds be used to support those efforts?
 3. Describe in detail how the proposed projects will align with the State's strategic planning goals and objectives.

B. PROJECT PROPOSAL NARRATIVE

This section shall describe the proposed project sponsor's experience in providing services to meet the emergency needs of homeless persons, including current services provided and target groups being assisted, the need, or the severity of a problem that will be addressed by the service to be provided. What are the consequences if the request is not funded? Be sure to substantiate statements when possible and relate to specific objectives of the ESG Program.

1. Describe specific proposed activities and methods for accomplishment, specific target groups to be assisted, and identify potential subcontractor organizations. How will ESG funds be used to provide services? Describe tasks and specific activities to be accomplished during the entire project period. Describe how the proposed services address the need in your community. Provide evidence of the effectiveness of the project's approach; be specific. How will the proposed services be paired with other complimentary services offered in the area to support clients served?
2. Describe in detail how the specific proposed activities will intersect with your CoC's Coordinated Entry System.

3. Explain how homeless clients and/or clients at risk of homelessness will access your service(s) logistically and geographically.
4. Describe how projects funded will collect client information. Indicate how the HMIS mandate will be met.

C. ORGANIZATIONAL CAPACITY

Provide the following narratives and information describing your organizational capacity to conduct this project:

1. Describe management, fiscal and other staff resources to administer and conduct an accountable and responsible project. Identify any staff positions that will be in place. Discuss facilities, equipment, materials, and other physical resources applicable to the project.
2. Provide evidence/documentation of an acceptable and accountable financial management system that minimizes any opportunity for fraud, waste, or mismanagement. Describe project's fiscal management system, which should include fiscal procedures and ability to identify/track ESG and other Federal funds.
3. Provide documentation/information that confirms successful past project performance, or confirms success in initiating, maintaining, and completing similar projects.
4. Describe how you plan to monitor subgrantees for compliance with the regulations and requirements set forth in this NOFA.

D. APPROACH

The Application shall describe how the project will be implemented, operated, and administered and shall address these items.

1. List and describe project activities and the project component (homeless prevention, rapid re-housing, shelter operations, and outreach) that will address the identified need, goals and objectives, target population, and number of people each activity will serve.
2. Describe outreach initiatives that will be implemented to inform potential clients and to ensure that they are made aware of the services to be provided.
3. Describe your work plan and timeline for implementation including milestones to meet program and budget goals from initiation to completion. If applying for homelessness prevention services, provide an explanation of how eligibility and payments are determined and processed. Explain how the organization follows HUD guidelines for providing and documenting homeless prevention services.

E. Performance Measurement

In alignment with the State’s strategic planning goals, the ESGP sets forth the following performance measurement standards for prevention, rapid re-housing, outreach and emergency shelter program components. This information must be captured in HMIS. The state will provide a report template on the required that grantees should submit on a quarterly basis. Additionally, the State will provide guidance to Via Link, the HMIS Administrator for the HMIS implementation in the Louisiana Continuums of Care on how to train grantees to input data to produce the required information.

Please identify which performance standards will apply to each project proposed and the data quality and review standards you will put in place to ensure that the State has a comprehensive performance report for your region.

Performance Measurement Indicators by Program Components			
Outreach	Shelter	Homeless Prevention	Rapid Re-housing
# of persons served in within the period	# of persons in households within the period	# of persons in households within the period	# of persons in households within the period
Gender	Gender	Gender	Gender
Age	Age	Age	Age
# of persons within each special populations or sub-populations	# of persons within each special populations or sub-populations	# of persons within each special populations or sub-populations	# of persons within each special populations or sub-populations
# of persons with disabilities	# of persons with disabilities	# of persons with disabilities	# of persons with disabilities
# of clients engaged	# of clients served within the period	# of households served within the period	# of households served within the period
# of engaged clients that have entered shelter or TH within the period	# of clients served entering TH	# of clients who have received assistance in the past who are once again seeking help (Not applicable in year 1)	# of clients who have received assistance in the past who are once again seeking help (Not applicable in year 1)
# of engaged clients that have entered	# of clients served	# of clients who have received assistance	Length of Stay of Clients exiting the

PSH or RRH within the period	entering PSH or RRH	and subsequently enter emergency shelter	program within the period
# of clients with completed VI SPDATS completed within the period	Length of Stay of Clients exiting the program within the period		# of clients with completed VI SPDATS completed within the period
	# of clients with completed VI SPDATS completed within the period		

F. BUDGET

1. Complete **Project Budget and Summary Budget** “Budget Request” should reflect the portion of the total budget to be funded with ESG funds.
2. Explain and justify **each proposed budget line item** and why ESG funds are required.
3. Identify how the project will be leveraged with other programs and funds and the amount / percentage of leverage for each ESG dollar. If the project is currently being funded by a resource other than ESG, explain why ESG funds are needed.
4. Provide details of any other contributions, grants, donations or awards that your organization receives. Explain if any will support or are anticipated to support this project.
5. Explain other necessary cash and non-cash project budget expenditures not being proposed for ESG funding.
 - a. Identify proposed resources for other cash and non-cash budget expenditures.
 - b. Explain the commitment status of resources (e.g. received grant or contract, or letter of commitment.) and state plans to raise additional funding resources (e.g. fundraising activities).

- c. Identify and explain how other sources of required cash or non-cash resources, not currently committed will be obtained and when.
6. Indicate whether the project is currently or was previously funded by ESG funds. If the project was previously funded by ESG funding, indicate the year and amount of funding and briefly explain how previous funding was utilized, if it was utilized in a timely manner, and what more will be accomplished with the proposed award. Is there a contingency plan in place that is intended to ensure continuity of the program beyond the current ESG funding period? Provide details.

PART B. SOLICITATION OF OFFERERS - APPLICATION INSTRUCTIONS

I. APPLICATION CONTENT AND FORMAT - Checklist

Each grant application shall contain the items listed below in the following order:

- A. **Letter of transmittal, including contact person, telephone number, FAX number and Email address.**
- B. **Standard Form 424**
- C. Proposal Narrative addressing all required content items in the prescribed format
- D. Project Summary for each proposed project
- E. Proposed Budget for each project
- F. Matching Funds Table for each project
- G. If proposal contains renovation, rehabilitation, or conversion activities, a copy of appraisal of property to be affected, if available.
- H. ESGP Applicant Certifications (Exhibit E)
- I. **Proof of advertisement** for project proposals in a medium of general communication such as newspaper, radio, television. This item may be waived for lower populated jurisdictions.
- J. If proposal is submitted from an Entitlement jurisdiction, a certification of consistency with the Housing and Community Development Consolidated Plan for that area
- K. Written documentation from local Continuum of Care collaborative verifying that proposed project is deemed to be an integral, strategic component of the local Continuum of Care resource system for assisting homeless persons to achieve self-sufficiency.
- L. Written statement ensuring projects compliance with the provisions of 24 CFR §576.57(c) relative to lead-based paint poison prevention.
- M. Written certification of participation in a local Homeless Management Information System (HMIS) or applicability of PL 109-162.
- N. Written documentation of Local governments monitoring plan for subrecipients.
- O. Include the most recent Audit for both the applicant and all projects.

Exhibit D

**2019 STATE EMERGENCY SHELTER GRANTS PROGRAM
PROGRAM SPECIFICATIONS**

REGIONAL ALLOCATION FACTORS AND AMOUNTS

FY 2019 ESG grant **funding anticipated to be available** for distribution is \$1,614,630.00

	<u>Allocation</u>	
Region I	New Orleans/Jefferson	\$316,791.00
Region IV	Lafayette	\$244,160.00
Region VI	Alexandria	\$115,792.00
Region VII	Shreveport	\$19,800.00
Region VIII	Monroe	\$170,617.00
Region IX	Covington	\$164,581.00
	Balance of State-Baton Rouge Region	\$246,005.00
	Balance of State- Calcasieu Region	\$125,884.00
	Balance of State-Houma Region	\$111,000.00
	Balance of State –Natchitoches/Sabine Region	\$50,000.00
	Balance of State-Plaquemines/St Bernard Region	\$50,000.00

Regional funding amounts for which applications are not received shall be subject to statewide competitive award to applicants from other regions and/or shall be reallocated among other regions in accordance with formulations consistent with the above factors.

Balance of State-West includes the following parishes: Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Natchitoches, and Sabine.

Balance of State-Southeast includes the following parishes: Ascension, East Baton Rouge, East Feliciana, Iberville, Plaquemine, Pointe Coupee, St. Bernard, West Baton Rouge, West Feliciana.

GRANT AMOUNTS

Grant awards shall be for a **minimum** of \$25,000. Applicable grant maximums for applicants are as follows:

- For applicant jurisdictions of less than 49,000 populations, individual grant awards shall not exceed \$50,000.
- For a jurisdiction of over 49,000 populations, the maximum grant award shall not exceed the ESG allocation for that jurisdiction's respective region.

*Grant specifications, minimum and maximums awards may be revised at LHA's discretion in consideration of individual applicant's needs, total Program funding requests, and available funding. LHA reserves the right to negotiate the final grant amounts, component projects, and local match with all applicants to ensure judicious use of ESG funds. Availability of ESG funding is subject to HUD's approval of the State's *Consolidated Annual Action Plan for Housing and Community Development Programs* for Fiscal Year 2019.

Exhibit E

2019 STATE EMERGENCY SOLUTIONS GRANTS PROGRAM PROGRAM SPECIFICATIONS

PROGRAM PRIORITIES/OBJECTIVES

The following outlines the priorities and objectives for Program funding as set forth in the State's Consolidated Plan for Housing and Community Development Programs.

Priority: To give preference in awarding homeless assistance funds and in endorsing grant proposals to those proposed activities and projects which are designed within the context of a regional or community based "Continuum of Care" collaborative process and which are integral to a local "Continuum of Care" resource system.

Priority: To award homeless assistance funding and endorse grant proposals to projects that prevent or reduce homelessness. The availability of rapid re-housing funding reduces the length of time an individual or family spends in homelessness. The availability of homeless prevention assistance is to prevent an individual or family from losing housing and becoming homeless.

Priority: To align state resources with federal partners, the state established the following priorities for ending homelessness in Louisiana:

- Ending chronic homelessness
- Prevent and end homeless among veterans
- Prevent and end homelessness for families, youth and children: and
- Set a path to ending all types of homeless

CONSOLIDATED PLAN

As set forth in 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) requires state agencies which administer certain HUD programs to incorporate their planning processes into one master plan called the Consolidated Plan. The four state agencies participating in this consolidated planning process and the HUD funded program administered by each agency include the Division of Administration/Office of Community Development - Small Cities Community Development Block Grant Program, the Louisiana Housing Corporation - HOME Affordable Housing Program, the Louisiana Housing Corporation - Emergency Solutions Grants Program, and the Dept. of Health and Hospitals/HIV Program Office - Housing Opportunities for People with AIDS program.

A Consolidated Plan was developed which outlines Louisiana's overall housing and community development needs and a strategy for addressing those needs for fiscal years 2016-2019 and included a one-year action plan for FY 2019 federal funds. The State has submitted to HUD a proposed FY 2019 Consolidated Annual Action Plan describing the intended method of distribution of FY 2018 funds under the four HUD programs. Copies of the proposed Annual Action Plan are available from the LHC, in Baton Rouge, as well as the other participating State agencies. The Plan is also available on the following website: <http://www.doa.louisiana.gov/cdbg/cdbghome>

Exhibit F

ESGP APPLICANT CERTIFICATIONS

The Emergency Solutions Grants Program Recipient certifies that:

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

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

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

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

Matching Funds – The jurisdiction will obtain matching amounts required under 24 CFR 576.201.

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

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

Consolidated Plan – All activities the jurisdiction undertakes with assistance under ESG are consistent with the jurisdiction’s consolidated plan.

Discharge Policy – The jurisdiction will establish and implement, to the maximum extent practicable and where appropriate policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities,

or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature/Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature/Authorized Official

Date

Title

Exhibit G

Regional Continuum of Care Contacts

<p>Region I</p> <p>UNITY for the Homeless</p> <p>2475 Canal Street, Suite 300 New Orleans, LA 70119 Phone: (504) 821-4496, FAX: (504) 821-4704 Contact: Martha J. Kegel, Executive Director mkegel@unitygno.org</p>	<p>Region IV</p> <p>ARCH-The Acadiana Regional Coalition on Homelessness & Housing, Inc.</p> <p>405 St John St. Lafayette, LA 70501 Phone:(337) 967-0995, FAX: (337) 234-0953 Contact: Leigh Rachel arch@archacadiana.org</p>
<p>Region VI</p> <p>Central Louisiana Coalition to Prevent Homelessness</p> <p>Post Office Box 1303 Alexandria, LA 71309 Phone: (318) 443-0500, FAX: Contact: Kendra Gauthier kguathier@cenlahomelesscoalition.org</p>	<p>Region VII</p> <p>HOPE for the Homeless</p> <p>520 Olive Street Shreveport, LA 71104 Phone: (318) 670-4591 Contact: Christa Pazzaglia, Executive Director christa@nwlahope.org</p>
<p>Region VIII</p> <p>Northeast Louisiana Housing and Supportive Services Corporation</p> <p>1515 Jackson St. Monroe, LA 71203 Phone: (318) 807-6200, FAX: (318) 323-1361 Contact: Sarah Johnson sarah@sarahbjohnson.com</p>	<p>Region IX</p> <p>Northlake Continuum of Care Coalition</p> <p>P.O. Box 53 Mandaville, LA 70471 Phone: (985) 549-5373, FAX: (985) 549-5375 amills@northlakehomeless.org</p>
<p>Balance of State-Continuum of Care Louisiana Housing Corporation</p> <p>2415 Quail Drive Baton Rouge, LA 70808 phone: (225) 242-1388 Contact: Gordon Levine glevine@lhc.la.gov</p>	

Other Federal Program Requirements

All applicants are expected to carefully read and analyze the following requirements before completing an application. Applicants selected to become subrecipients will have to comply with the following requirements:

1. Area-wide systems coordination requirements - 24 C.F.R. §576.400

Coordination with other Targeted Homeless Services. - 24 C.F.R. §576.400 (b)

Subrecipients must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to homeless people in the area covered by the Continuum of Care or area over which the services are coordinated to provide a strategic, community-wide system to prevent and end homelessness for that area.

System and Program Coordination with Mainstream resources - 24 C.F.R. §576.400 (c)

Subrecipients must coordinate and integrate, to the maximum extent practicable, ESG funded activities with mainstream housing, health, social services, employment, education, and youth programs for which families and individuals at risk of homelessness and homeless individuals and families may be eligible. Refer to 24 C.F.R. 576.400 (b) for a list of mainstream resources to coordinate ESG activities.

Centralized or Coordinated Assessment - 24 C.F.R. §576.400 (d)

HUD is currently developing requirements for the Continuum of Care to establish a centralized or coordinated assessment system. The minimum requirements for these systems will be published in the upcoming proposed rule for the Continuum of Care program. Although this NOFA does not require ESG subrecipients to use a centralized or coordinated assessment system, subrecipients will be expected to use such a system once the Continuum of Care regulation is published for effect and the Continuum of Care establishes a centralized or coordinated assessment system. A victim service provider may choose not to use the Continuum of Care's centralized or coordinated assessment system. Refer to 24 C.F.R. §576.400 (c) for more details.

2. Written Standards for Providing ESG assistance - 24 C.F.R. §576.400 (e)

Sub recipients must establish and consistently apply within the subrecipient's program, written standards for providing ESG assistance. If an applicant is awarded funds, the selected sub recipient must provide to the LHC a copy of the written standards for providing ESG assistance prior to contract execution. Refer to 24 C.F.R. §576.400(d) for a discussion of the written standards. The standards must include at a minimum:

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

- Policies and procedures for coordination among emergency shelter providers, essential services providers, homelessness prevention, and rapid re-housing assistance providers; other homeless assistance providers; and mainstream service and housing providers listed on 24 C.F.R. §576.400(b) and (c);
- Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and rapid re-housing assistance;
- Standards for determining what percentage or amount of rent and utilities costs each program participant must pay, when applicable, while receiving homelessness prevention or rapid re-housing assistance;
- Standards for determining how long a particular program participant will be provided with rental assistance and whether and how the amount of that assistance will be adjusted over time; and
- Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to be provided to a program participant, including the limits, if any, on the homelessness prevention or rapid re-housing assistance that each program participant may receive, such as the maximum amount of assistance, maximum number of months the program participant may receive assistance; or the maximum number of times the program participant may receive assistance.

3. Participation in HMIS 24 C.F.R. §576.400(f)

Subrecipients will be required to ensure that data on all persons served and all activities provided under ESG are entered into the applicable community-wide HMIS in the area in which those persons and activities are located, or a comparable database, in accordance with HUD's standards on participation, data collection, and reporting under a local HMIS. Subrecipients are required to enter into an agreement with the local HMIS Administrator for reporting.

Victim service providers are prohibited by law from entering information in to the HMIS. Victim service provider or a legal services provider should use a comparable database that collects client-level data over time (*i.e.*, longitudinal data) and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into HMIS or provided to an HMIS administrator.

The comparable database must comply with all current HMIS standards including data information, security, data quality, and processing standards, as established by HUD in its latest HMIS Data Standards guide. Victim Service Providers or Legal Services Providers that are awarded ESG funds must consult with the Continuum of Care and the HMIS administrator for the continuum of care area to ensure that the comparable database uses all the HMIS standards.

4. Evaluation of Program Participant Eligibility and Needs - 24 C.F.R. §576.401

Subrecipients must conduct an initial evaluation to determine the eligibility of each individual or family's eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability into permanent housing. These evaluations must be conducted in accordance with the centralized or coordinated assessment requirements set forth under 24 C.F.R. 576.400(d) and the written standards established under 24 C.F.R. 576.400(e) and all the guidelines outlined on 24 C.F.R. 576.401(a). Subrecipients must re-evaluate the program participant's eligibility and the types and amounts of assistance the program participant needs according to the requirements outlined on 24 C.F.R. 576.401(a). Furthermore, each program participant receiving homelessness prevention or rapid-re-housing assistance is required to meet regularly with a case manager (except where prohibited by Violence Against Women

Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA)) and the assistance provider must develop an individualized plan to help that program participant retain permanent housing after the ESG assistance ends. These requirements are intended to help ensure that the ESG-funded emergency, short-term or medium-term assistance will be effective in helping program participants regain long-term housing stability and avoid relapses into homelessness.

5. Terminating Assistance - 24 C.F.R. §576.402

If a program participant who receives ESG assistance violates program requirements, the subrecipient may terminate the assistance in accordance with a formal process established by the subrecipient that protects the rights of the individuals affected. Therefore, a formal process must be in place. This applies to all forms of ESG assistance. For more information, refer to the guidelines outlined on 24 C.F.R. §576.402.

6. Shelter and Housing Standards - 24 C.F.R. §576.403

Lead Based Paint Act - 24 C.F.R. §576.403(a)

Lead-based paint remediation and disclosure applies to all ESG-funded shelters and all housing occupied by ESG participants. 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 the relevant subparts of the implementing regulations at 24 C.F.R. Part 35, Subparts A, B, H, J, K, M and R apply to activities under this grant program. The subrecipient must also comply with the Lead, Renovation, Repair, and Painting Program Final Rule, 40 C.F.R. Part 745, where applicable.

Minimum Standards for Emergency Shelters and for permanent housing 24 C.F.R. §576.403(b)&(c)

Emergency shelters that receive assistance for shelter operations are required to meet habitability standards. If ESG funds are used to help a program participant remain in or move into permanent housing, that housing must also meet habitability standards. The minimum standard for emergency shelters and permanent housing include standards for structure and material, access, space and security, interior air quality, water supply, sanitary facilities, thermal environment, illumination and electricity, food preparation, sanitary conditions and fire safety. Shelters renovated with ESG funds are also required to meet state or local government safety and sanitation-standards as applicable, and use energy-efficient materials including Energy Star and Water Sense products and appliances. Refer to 24 C.F.R. §576.403 for details on the housing standards.

Access

Shelters receiving ESG funds must also meet the accessibility standards under Section 504 of the Rehabilitation Act of 1973 (5 U.S.C. 794), The Fair Housing Act (42 U.S.C. 3601 et seq.) and Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189; 47 U.S.C. 155, 201, 218 and 255).

A subrecipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. Subrecipients are also required to provide reasonable accommodations for persons with disabilities in order to enable program participants with a disability to have an equal opportunity to participate in the program or activity. Subrecipients that undertake alterations to shelters may be subject to additional accessibility requirements in accordance with 24 C.F.R. Part 8. In certain instances, subrecipients undertaking alterations may be required to ensure that 5 percent of the total sleeping areas, such as 5 percent (or at least one) of the sleeping rooms where a number of sleeping rooms are provided, and 5 percent (or at least one) of the total number of sleeping areas

such as beds, where a number of beds are provided in a room, are accessible for persons with mobility impairments and that an additional 2 percent of the total individual sleeping areas are accessible for persons with visual impairments. The 2010 Americans with Disabilities Act Standards apply and require an additional level of accessibility in certain shelters.

7. Conflicts of Interest - 24 C.F.R. §576.404

Subrecipients will be expected to follow the conflict of interest standards outlined in 24 C.F.R. §576.404 related to the provision of ESG assistance, and procurement of goods and services. All contractors of the subrecipient must comply with these same requirements.

8. Homeless Participation - 24 C.F.R. §576.405

Subrecipients must comply with 24 C.F.R. §576.405, paragraphs (a)(b) and (c).

9. Faith-Based Activities 24 C.F.R. §576.406

Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to receive ESG funds. The State will not 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. When using ESG fund for the rehabilitation of structures, faith-based organizations will be expected to follow the guidelines outlined on 24 C.F.R. §576.406.

10. Economic Opportunities for Low and Very-Low Income and Homeless Persons (Section 3) - 24 C.F.R. §576.407(a)

To the extent that any housing assistance funded through this NOFA is used for housing rehabilitation or housing construction or other public construction, then it is subject to Section 3 of the Housing and Urban Development Act of 1968, and the implementing regulations at 24 C.F.R. Part 135.

11. Affirmative Outreach - 24 C.F.R. §576.407(b)

Subrecipient must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis and must take appropriate steps to ensure effective communication with persons with disabilities. Subrecipients must follow the requirements outlined in 24 C.F.R. §576.407(b).

12. Improving Access to Services for Persons with Limited English Proficiency (LEP) - 24 C.F.R. §576.407(b)

Executive Order 13166 seeks to improve access to federally assisted programs and activities for individuals who, as a result of national origin, are limited in their English proficiency. Organizations obtaining ESG funds shall take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals, regardless of language spoken. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Subrecipients must follow the requirements outlined on 24 C.F.R. §576.407(b). HUD published Final Guidance to Federal Financial Assistance Requirements Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons in the Federal Register on January 22, 2007 (72 F.R. 2732).

13. Uniform Administrative Requirements - 24 C.F.R. §576.407(c)

The requirements of 24 C.F.R. Part 85 apply to subrecipients that are units of general purpose local government, except that 24 C.F.R. §85.24 and §85.42 do not apply, and program income is to be used as match under 24 C.F.R. §85.25(g). The requirements of 24 C.F.R. Part 84 apply to subrecipients that are private nonprofit organizations, except that 24 C.F.R. §84.23 and §84.53 do not apply, and program income is to be used as the nonfederal share under 24 C.F.R. §84.24(b). These regulations include allowable costs and non-Federal audit requirements.

14. Environmental Review Responsibilities - 24 C.F.R. 576.407(d)

Activities are subject to environmental review by HUD under 24 C.F.R. Part 50. The subrecipient shall supply all available, relevant information necessary for HUD to perform for each property any environmental review required by 24 C.F.R. Part 50. The subrecipient also shall carry out mitigating measures required by HUD or select alternate eligible property. HUD may eliminate from consideration any application that would require an Environmental Impact Statement (EIS)

15. Procurement of Recovered Materials - 24 C.F.R. §576.407(f)

Subrecipients and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired in the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

16. Displacement, Relocation, and Acquisition 24 C.F.R. 576.408

Consistent with the other goals and objectives of Emergency Solutions Grant (ESG), the subrecipient must assure that it has taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted under Emergency Solutions Grant (ESG). Subrecipients must follow the requirements in 24 C.F.R. 576.408 related to temporary relocation (not permitted), relocation assistance for displaced persons and real property acquisition requirements, and appeals, and the requirements identified in the LHC's Consolidated Plan. For more information, see the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4201 – 4655) (URA), its implementing regulations at 49 C.F.R. Part 24, Subpart B, and HUD Handbook 1378.

17. Recordkeeping and Reporting Requirements - 24 C.F.R. 576.500

Subrecipients will be required to show compliance with the program's regulations through the appropriate records, including documentation of homeless status, at risk of homelessness status and the program's participants' income. The subrecipient must have policies and procedures to ensure the requirements outlined in 24 C.F.R. 576.500 are met. In addition, sufficient records must be established and maintained for a minimum of five years to enable the LHC and HUD to determine whether ESG requirements are met.

18. Matching Requirements 24 C.F.R. 576.201

ESG subrecipients must match their award amount with an equal or greater amount of resources from other than ESG funds. ESG applicant organizations must demonstrate access to resources that may be used as match after the start date of the grant award. Matching funds used for this ESG project may not be used to match any other project or grant.

Eligible Sources of Matching

Matching contributions may be obtained from any source, including any Federal source other than the ESG program, as well as state, local, and private sources. However, the following requirements apply to matching contributions from a Federal source of funds:

The recipient must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match Emergency Solutions Grant (ESG) funds.

- If ESG funds are used to satisfy the matching requirements of another Federal program, then funding from that program may not be used to satisfy the matching requirements 24 C.F.R. §576.201

Recognition of Matching Contributions

- In order to meet the matching requirement, the matching contributions must meet all requirements that apply to the ESG funds provided by HUD, except for the expenditure limits in 24 C.F.R. §576.100.
- The matching contributions must be provided after the date of the grant award.
- To count toward the required match for the Subrecipient's fiscal year grant, cash contributions must be expended within the expenditure deadline in 24 C.F.R. §576.203, and noncash contributions must be made within the expenditure deadline in 24 C.F.R. 576.203.
- Contributions used to match a previous ESGP or ESG grant may not be used to match a subsequent ESG grant.

- Contributions that have been or will be counted as satisfying a matching requirement of another Federal grant or award may not count as satisfying the matching requirement of this section.

Eligible types of Matching Contributions

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

1) Cash Contributions: Cash expended for allowable costs, as defined in OMB Circulars A-87 (2 C.F.R. Part 225) and A-122 (2 C.F.R. Part 230), of the subrecipient. Examples of cash contributions include private donations or grants from foundations, nonprofits, or local, state, and federal sources. A single grant may serve as the required match.

2) Non-cash contributions. The value of any real property, equipment, goods, or services contributed to the Subrecipient's ESG program, provided that if the subrecipient had to pay for them with grant funds, the costs would have been allowable.

Calculating the amount of noncash contributions.

Some non-cash contributions are real property, equipment, goods, or services that, if the recipient or subrecipient had to pay for them with grant funds, the payments would have been indirect costs. Matching credit for these contributions must be given only if the recipient or subrecipient has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of those contributions.

Costs paid by program income.

Costs paid by program income received during the grant period shall count toward meeting the Subrecipient's matching requirements, provided the costs are eligible ESG costs that supplement the Subrecipient's ESG program.

19. Applicability of OMB Circulars – Subrecipients must follow the policies, guidelines and requirements established in the following OMB circulars:

For Local Governments

- 2 C.F.R. part 225 (OMB Circular A-87): Cost Principles for State, Local and Indian Tribal Governments
- OMB Circular A-102, Common Rule: Uniform Administrative Requirements for Grants and Agreements to State and Local Governments
- OMB Circular A-133: Audits of States, Local Governments and Non-Profit Organizations

20. Single Audit Requirement - OMB Circular A-133

An applicant organization that spends more than \$500,000 in *federal or state funds* during its fiscal year must have a single audit conducted for that year. If a single audit is required for an organization, a portion of the audit cost may be included in the proposed ESG budget.

An applicant organization that *does not exceed* the \$500,000 federal or state fund expenditure threshold is exempt from the single audit requirements. In this case, audit costs may **not** be included in the proposed ESG budget.

An applicant organization must include its most recent complete audit report and if applicable, a management letter as part of the financial documentation for this application. If your agency is not required to have a single audit performed, the application must include the end-of-the-year financial

statements (balance sheet, income statement, and statement of cash flow). For details on financial attachments to include as part of the application, follow instructions in the Application document.

21. Financial Accountability 2 C.F.R. Part 215 (Non-Profits) & OMB Circular A-102 (Local Governments)

Selected awardees will be expected to have a functioning accounting system that provides for each of the following:

- Accurate, current, and complete disclosure of the financial results of each federally sponsored project;
- Records that identify adequately the source and application of funds for federally sponsored activities;
- Effective control over and accountability for all funds, property, and other assets;
- Comparison of outlays with budget amounts;
- Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the use of the funds for program purposes;
- Written procedures for determining the reasonableness, allocability, and allowability of costs;
- Accounting records, including cost accounting records, which are supported by source documentation.