



Emergency Solutions Grants **PROGRAM GUIDE**





**Guidance for the Emergency Solutions Grants Program
As Administered by Tennessee Housing Development Agency**

Contents

INTRODUCTION	5
COORDINATED ENTRY.....	6
LOW BARRIER APPROACH	6
ELIGIBLE ESG COMPONENTS & COSTS.....	7
Emergency Shelter	7
Rapid Re-Housing.....	12
Homelessness Prevention	15
Street Outreach	17
Homeless Management Information System (HMIS) / Data Collection	21
Administration	23
Indirect Costs	25
DEFINITIONS OF HOMELESS, AT RISK OF HOMELESSNESS, AND CHRONIC HOMELESSNESS....	26
Housing Status Definitions	26
“Homeless” Category 1 – “Literally Homeless”	26
“Homeless” Category 2 – “Imminent Risk of Homelessness”	27
“Homeless” Category 3 – “Homeless Under Other Federal Statutes”	27
“Homeless” Category 4 – “Fleeing/Attempting to Flee Domestic Violence”	29
“At Risk of Homelessness” Definition.....	29
Chronic Homelessness Definition	31
DOCUMENTATION AND RECORDKEEPING REQUIREMENTS	33
Housing Status & Income Status Documentation.....	34
Preferred Order of Obtaining Documentation	34
“Homeless” Category 1 “Literally Homeless” Documentation and Certification Requirements.....	35
“Homeless” Category 2 “At Imminent Risk of Homelessness” Documentation and Certification Requirements	37
“Homeless” Category 3 “Homeless Under Other Federal Statutes” Documentation and Certification Requirements	38
“Homeless” Category 4 “Fleeing/Attempting to Flee Domestic Violence” Documentation and Certification Requirements	40
“At Risk of Homelessness” Documentation and Certification Requirements	41
ELIGIBILITY ASSESSMENT AND RE-EVALUATIONS	44
Eligibility Assessment for ESG Programs.....	44



Eligibility Assessment for Emergency Shelter and Street Outreach	45
Eligibility Assessment for Rapid Re-Housing and Prevention	45
Re-Evaluation Requirements for Rapid Re-housing and Prevention	47
CASE MANAGEMENT.....	48
Housing Stability Case Management	48
RENTAL ASSISTANCE REQUIREMENTS AND RESTRICTIONS	49
Short-term and Medium-term Rental Assistance	49
Rental Arrears.....	50
Leases	50
VAWA Lease Addendum & Notices.....	51
Rental Assistance Agreements.....	51
Rent Reasonableness and Fair Market Rent (FMR).....	51
Rental Assistance Use with Other Subsidies	54
FINANCIAL ASSISTANCE REQUIREMENTS AND RESTRICTIONS.....	54
Rental Application Fees	55
Security Deposits.....	55
Last Month's Rent	55
Utility Deposits.....	56
Utility Payments.....	56
Moving Costs	56
Financial Assistance Use with Other Subsidies	56
LEAD-BASED PAINT DISCLOSURE AND REMEDIATION	57
MINIMUM SHELTER AND HOUSING STANDARDS	59
Minimum Standards for Emergency Shelter	59
Minimum Habitability Standards for Rapid Re-Housing and Prevention.....	60
ENVIRONMENTAL REVIEW	62
POLICIES AND PROCEDURES REQUIREMENTS.....	63
Compliance with Non-Discrimination Laws	63
Affirmative Outreach	64
Equal Access for Persons with a Disability.....	65
Equal Access and National Origin (Limited English Proficiency)	66
Equal Access and Sex.....	66
Equal Access Families with Children	68
Violence Against Women Act (VAWA) Compliance.....	69
Emergency Transfer Plan	70



VAWA Notice and Certification to Tenants	70
Other VAWA Requirements	70
VAWA Updates and Changes	70
Faith-Based Activities	71
Conflicts of Interest	72
Confidentiality	72
Complaints and Appeals	72
Terminating Assistance	73
Homeless Participation	74
Required Postings	75
ESG Written Standards	76
REPORTING REQUIREMENTS	76
GRANTEE TRAINING	77
THDA FINANCIAL MANAGEMENT	77
Financial Recordkeeping	77
Reimbursement	77
Late Reimbursement Submissions	78
Travel & Transportation Reimbursement	78
Travel Logs	79
Time Tracking for Employee Compensation	79
Reimbursement for Employee Compensation	80
Grant Start-Up	80
Budget Modification	81
Match	82
Advance Payments	83
Procurement	83
MONITORING	85
GRANT CLOSEOUT	87
APPENDIX B: ESG WRITTEN STANDARDS CHECKLIST	91
APPENDIX C: NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT FORM HUD-5380	95
APPENDIX D: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING FORM HUD 5382	100
APPENDIX E: SAMPLE REASONABLE ACCOMMODATION INFORMATION AND REQUEST FORM	103



INTRODUCTION

The Emergency Solutions Grants (ESG) Program is federally funded through The United States Department of Housing and Urban Development (HUD) and designed to be the first step in a continuum of assistance to enable individuals and families experiencing homelessness to move toward independent living and/or to prevent homelessness. The Tennessee Housing Development Agency (THDA) administers the federally funded Emergency Solutions Grants (ESG) Program on behalf of the State of Tennessee by awarding ESG on a competitive basis to local government entities and nonprofit organizations, known as grantees throughout this document. Grantees of ESG funding will serve non-ESG entitlement communities with eligible ESG components: Street Outreach, Emergency Shelter, Rapid Re-housing, Homelessness Prevention and Data Collection by enhancing the Homeless Management Information System.

This THDA ESG guide is intended to provide critical information and resources associated with program implementation for THDA ESG grantees. The guide is largely a consolidation of ESG standards set by HUD and THDA. While the guide is designed to be a convenient reference document for THDA ESG grantees, it is not an exhaustive review of all ESG program regulations and guidance. In addition to this guide, grantees must also familiarize themselves with federal regulations, state requirements, and any other applicable guidance associated with ESG, as cited in this guide and as otherwise applicable. Grantees of THDA receiving ESG funds are responsible for understanding ESG program requirements, as administered by THDA, and to be fully aware of all contents of the executed ESG agreement between THDA and the grantee. In the event of a discrepancy or ambiguity regarding the Grantee's duties, responsibilities, and performance hereunder, these terms shall govern in order of precedence below:

1. Title 24 Code of Federal Regulations, Part 576, and Part 91 of the Emergency Solutions Grants Program authorized by Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11371-11378) Interim Regulations (the "Federal ESG Regulations").
2. The United States Department of Housing Urban Development ESG Desk Guide for Program and Eligibility Policies and Procedures.



3. The THDA ESG Program Description and the ESG Manual (“the THDA ESG Requirements”).

COORDINATED ENTRY

All ESG grantees must participate in the coordinated assessment system developed by the Continuum of Care (“CoC”) in which services are delivered. This system should 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 should 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.

All ESG Grantees must follow their CoC’s written standards regarding Coordinated Entry participation which include priority of referrals, order in which referrals are taken and coordination with access points and other service providers.

LOW BARRIER APPROACH

THDA encourages projects with a low-barriers approach to homeless services and a focus on permanent housing placement as quickly as possible. This philosophy of care ensures that projects 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 or 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.

ELIGIBLE ESG COMPONENTS & COSTS

Eligible program components under the ESG program include, Emergency Shelter, Rapid Re-housing, Homelessness Prevention, Street Outreach, Homeless Management Information System (HMIS) and for local government grantees, Administration. All grantees of THDA ESG funds are required to comply with all ESG requirements outlined in these sections, including but not limited to 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. THDA reserves the right to update requirements for all projects at its discretion. It is the Grantee's responsibility to ensure that only costs outlined under each component are reimbursed under THDA's ESG program and the limitations of each cost are adhered to. Subject to the cost principles in 2 CFR part 200, subpart E, employee compensation and other overhead costs directly related to carrying out street outreach, emergency shelter, homelessness prevention, rapid re-housing, and HMIS are eligible costs of these eligible program components. Grantees must follow the requirements of reimbursing employee compensation which can be found in "Time Tracking for Employee Compensation" below.

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." THDA-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 to accomplish the goal of stable, permanent housing. Linked services may include, but are not limited to, rapid re-housing,



affordable housing placement, and employment. Linkages should also be made to applicable mainstream programs such as SOAR, Supplemental Nutrition Assistance Program (SNAP), Families First, etc.

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: 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 and obtaining federal, state, and local benefits; monitoring and evaluating program participant progress; providing information and referrals to other providers; providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking; and developing an individualized housing and service plan, including planning a path to permanent housing 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 pre-vocational 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. 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

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. ESG funds may be used



only for these services to the extent that other appropriate legal services are unavailable or inaccessible within the community. 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. Component services or activities may include client intake, preparation of cases for trial, provision of legal advice, representation at hearings, and counseling. 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. 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 includes 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

Eligible costs are the direct outpatient treatment by licensed professionals of mental health conditions. 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. 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. 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

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. 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. 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, childcare, or other eligible essential services facilities. These costs include the following: The cost of a program participant's travel on public transportation; If service workers use their own vehicles, mileage allowance for service workers to visit program participants; The cost of 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 the travel costs of recipient or grantee staff to accompany or assist program participants to use public transportation.

11) 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 (1) through (10) of this section.

12) 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.

Ineligible Emergency Shelter Costs

This is not a comprehensive list of ineligible costs associated with Emergency Shelter. If there are doubts about eligibility of a cost, grantees are responsible for contacting THDA ESG staff prior to expending funding that may be ineligible. Any ineligible cost is subject to repayment to THDA.

- Major rehabilitation or conversion of emergency shelters
- Shelter rent that was not approved by THDA in the Environmental Review process
- Legal services for immigration and citizenship matters and issues relating to mortgages
- Retainer fee arrangements and contingency fee arrangements
- Inpatient detoxification and other inpatient drug or alcohol treatment
- Purchase of a vehicle

Rapid Re-Housing

Rapid Re-Housing programs are designed to help those experiencing homelessness 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. 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, SNAP, Families First, etc.

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. Eligible costs under Rapid Re-housing are as follows:

1. Housing Relocation and Stabilization Services

Housing Relocation and Stabilization Services are broken down into two types: financial assistance costs and services costs.

1. Financial Assistance Costs

Subject to the general conditions under § 576.103 and § 576.104, ESG funds may be used to pay housing owners, utility companies, and other third parties. Grantees are responsible for following all **FINANCIAL ASSISTANCE REQUIREMENTS AND RESTRICTIONS** for the following costs:

- a. Rental application fees
- b. Security deposits
- c. Last month's rent
- d. Utility deposits
- e. Utility payments
- f. Moving costs

2. Services Costs

Subject to the general restrictions under § 576.103 and § 576.104, ESG funds may be used to pay the costs of providing the following services:

- a. Housing search and placement
- b. Housing stability case management
- c. Mediation
- d. Legal services
- e. Credit Repair

2. Short-term and Medium-term Rental Assistance



Subject to the general conditions under § 576.103 and § 576.104, the grantee 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. Grantees are responsible for following all **RENTAL ASSISTANCE REQUIREMENTS AND RESTRICTIONS** for the following costs:

- i. Short-term rental assistance is assistance for up to 3 months of rent.
- ii. Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.
- iii. Rental arrears
- iv. First month's rent

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.

Ineligible Rapid Re-housing Costs

This is not a comprehensive list of ineligible costs associated with rapid re-housing. If there are doubts about the eligibility of a cost, grantees are responsible for contacting THDA ESG staff prior to expending funding that may be ineligible. Any ineligible cost is subject to repayment to THDA.

- Hotel/motel to prevent the client from entering an emergency shelter
- Internet costs for client as part of utilities not included in base rent
- Legal services for immigration and citizenship matters and issues relating to mortgages
- Legal Retainer fee arrangements and contingency fee arrangements
- Child care
- Rental and/or financial assistance where the unit does not meet FMR, Rent Reasonableness, Habitability Standards and/or any other requirements as necessary
- Payments of past debts and past rental arrears that have been sent to a collection agency



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. Grantees should negotiate with the program participant's landlord as the first step in resolving eviction crises. Prevention implementations should effectively target households at greatest risk of homelessness and assist participants in increasing household incomes during enrollment. Linkages should also be made to applicable mainstream programs such as SOAR, SNAP, Families First, etc.

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. Eligible costs under Homelessness Prevention are as follows:

1. **Housing Relocation and Stabilization Services**

These costs are broken down into two types: financial assistance and services costs.

- i. **Financial Assistance Costs**

Subject to the general conditions under § 576.103 and § 576.104, ESG funds may be used to pay housing owners, utility companies, and other third parties. Grantees are responsible for following all **FINANCIAL ASSISTANCE REQUIREMENTS AND RESTRICTIONS**



for the following costs:

- a. Rental application fees
- b. Security deposits
- c. Last month's rent
- d. Utility deposits
- e. Utility payments
- f. Moving costs

ii. Services Costs

Subject to the general restrictions under § 576.103 and § 576.104, ESG funds may be used to pay the costs of providing the following services

- a. Housing search and placement
- b. Housing stability case management
- c. Mediation
- d. Legal services
- e. Credit Repair

2. Short-term and Medium-term Rental Assistance

Subject to the general conditions under § 576.103 and § 576.104, the grantee 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. Grantees are responsible for following all **RENTAL ASSISTANCE REQUIREMENTS AND RESTRICTIONS** for the following costs:

- i. Short-term rental assistance is assistance for up to 3 months of rent.
- ii. Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.
- iii. Rental arrears



iv. First month's rent

Homelessness 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.

Ineligible Homelessness Prevention Costs

This is not a comprehensive list of ineligible costs associated with homelessness prevention. If there are doubts about the eligibility of a cost, grantees are responsible for contacting THDA ESG staff prior to expending funding that may be ineligible. Any ineligible cost is subject to repayment to THDA.

- Hotel/motel to prevent the client from entering an emergency shelter
- Internet costs for client as part of utilities not included in base rent
- Legal services for immigration and citizenship matters and issues relating to mortgages
- Legal Retainer fee arrangements and contingency fee arrangements
- Child care
- Rental and/or financial assistance where the unit does not meet FMR, Rent Reasonableness, Habitability Standards and/or any other requirements as necessary
- Mortgage payments
- Payments of past debts and past rental arrears that have been sent to a collection agency

Street Outreach

ESG funds may be used for costs of providing essential services necessary to reach out to “persons experiencing unsheltered homelessness”*; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility based care to those who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility.

*The term “persons experiencing unsheltered homelessness” is defined as -

“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.”

The eligible activities for street outreach, defined by 24 CFR § 576.101, as follows:

1) Engagement

The location, identification, engagement and relationship-building with persons experiencing unsheltered homelessness 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, 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, 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 persons experiencing unsheltered homelessness 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 persons experiencing unsheltered homelessness 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 persons experiencing unsheltered homelessness to emergency shelters or other service facilities are also eligible. The cost of a program participant's travel on public transportation.

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 (1) through (5) of this section.

Ineligible Street Outreach Costs

This is not a comprehensive list of ineligible costs associated with street outreach. If there are doubts about eligibility of a cost, grantees are responsible for contacting THDA ESG staff prior to expending funds that may be ineligible. Any ineligible cost is subject to repayment to THDA.

- Any cost towards a participant who is not experiencing unsheltered homelessness
- Hotel and motel costs
- Inpatient health and/or inpatient mental health services
- Fuel, insurance and maintenance for clients' vehicles



- Food for shelter participants
- Outreach events that do not solely serve persons experiencing unsheltered homelessness
- Any services provided in a facility
- Purchase of vehicles

Implementation of Street Outreach

THDA anticipates and expects the bulk of all Street Outreach awards to be spent on street-based engagement, case management and transportation costs. It is crucial that Grantees have an efficient way of documenting an employee's time spent on ESG activities that can directly be linked back to eligible clients and services performed. For Grantees reimbursing for transportation costs, see [TRAVEL AND TRANSPORTATION REIMBURSEMENT](#), to ensure all requirements are met. Grantees should note that activities 3 and 4 above, refer to *emergency* health and *emergency* mental health services delivered in a non-facility setting, 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. Street outreach projects must comply with any assessment requirements detailed in the applicable written standards adopted by the CoC in which the project operates.

Street outreach should be principally focused on 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 focus should be to move individuals and families into temporary or permanent housing.

Street outreach teams should concentrate their efforts in areas where the homeless are known to sleep at night. Conducting outreach at night and during the early morning hours can be beneficial in identifying 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 those experiencing unsheltered homelessness 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, THDA expects that agencies collaborate to provide complimentary services by:

- 1) Establishing a lead person/agency that will promote an agreed upon 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, including not only emergency shelters, but also 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 to secure permanent housing.

Homeless Management Information System (HMIS) / Data Collection

All grantees, except victim service providers and legal service providers, must use the designated HMIS for the CoC in which assistance is provided. Victim service providers and legal service providers must utilize a comparable database, which collects client-level data over time. A comparable database must comply with HMIS Data and Technical Standards, adopt HMIS project naming conventions, and aggregate unduplicated client-level data for CSV-ESG CAPER reports. All grantees assume full responsibility for THDA's [REPORTING REQUIREMENTS](#).

In accordance with 24 CFR 576.107, ESG funds may be used to supplement efforts made by ESG



grantees to provide complete and accurate data in the Homeless Management Information System (HMIS) of the Continuum of Care, or comparable database for victim service providers. Eligible activities of HMIS as defined by 24 CFR 576.107 are as follows:

1. Costs of contributing data to the HMIS designated by the Continuum of Care for the area:
 - i. Purchasing or leasing computer hardware;
 - ii. Purchasing software or software licenses;
 - iii. Purchasing or leasing equipment, including telephones, fax machines, and furniture;
 - iv. Obtaining technical support;
 - v. Leasing office space (must have prior approval from THDA);
 - vi. Paying charges for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS;
 - vii. Paying salaries for operating HMIS, including:
 - a. Completing data entry;
 - b. Monitoring and reviewing data quality;
 - c. Completing data analysis;
 - d. Reporting to the HMIS Lead;
 - e. Training staff on using the HMIS or comparable database; and
 - f. Implementing and complying with HMIS requirements;
 - viii. Paying costs of staff to travel to and attend HUD-sponsored and HUD-approved training on HMIS and programs authorized by Title IV of the McKinney-Vento Homeless Assistance Act;
 - ix. Paying staff travel costs to conduct intake; and
 - x. Paying participation fees charged by the HMIS Lead, if the recipient or subrecipient is not the HMIS Lead.
2. If the grantee is the HMIS lead agency, as designated by the Continuum of Care in the most recent fiscal year Continuum of Care Homeless Assistance Grants Competition, it may also use ESG funds to pay the costs of:
 - i. Hosting and maintaining HMIS software or data;
 - ii. Backing up, recovering, or repairing HMIS software or data;



- iii. Upgrading, customizing, and enhancing the HMIS;
 - iv. Integrating and warehousing data, including development of a data warehouse for use in aggregating data from subrecipients using multiple software systems;
 - v. Administering the system;
 - vi. Reporting to providers, the Continuum of Care, and HUD; and
 - vii. Conducting training on using the system or a comparable database, including traveling to the training.
3. If the grantee is a victim services provider or a legal services provider, it may use ESG funds to establish and operate 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 or provided to an HMIS.

Ineligible HMIS Costs

This is not a comprehensive list of ineligible costs associated with HMIS. If there are doubts about the eligibility of a cost, grantees are responsible for contacting THDA ESG staff prior to expending funding that may be ineligible. Any ineligible cost is subject to repayment to THDA.

- Salaries for staff who are providing direct services under an ESG component. Rather those salaries should be charged directly under the appropriate ESG component which direct services are provided under.
- Travel costs for non HUD-sponsored trainings

Administration

Administration funds are not available to nonprofit grantees and will only be made available to local governments. The grantee may use its ESG grant for the payment of administrative costs related to the planning and execution of ESG activities. This does not include staff and overhead costs directly related to carrying out street outreach, emergency shelter, homelessness prevention, rapid re-housing, and HMIS because these activities are eligible costs under these program components. Eligible administrative costs include:



- 1) Costs of overall program management, coordination, monitoring, and evaluation. These costs include, but are not limited to, necessary expenditures for the following:
 - i. Salaries, wages, and related costs of the recipient's staff, the staff of subrecipients, or other staff engaged in program administration. In charging costs to this category, the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose *primary* responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes *any* program administration assignments. The recipient may use only one of these methods for each fiscal year grant. Program administration assignments include the following:
 - a. Preparing program budgets and schedules, and amendments to those budgets and schedules;
 - b. Developing systems for assuring compliance with program requirements;
 - c. Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities;
 - d. Monitoring program activities for progress and compliance with program requirements;
 - e. Preparing reports and other documents directly related to the program for submission to HUD;
 - f. Coordinating the resolution of audit and monitoring findings;
 - g. Evaluating program results against stated objectives; and
 - h. Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraph (1)(i)(a) through (g) of this section.
 - ii. Travel costs incurred for monitoring of subrecipients;
 - iii. Administrative services performed under third-party contracts or agreements, including general legal services, accounting services, and audit services; and
 - iv. Other costs for goods and services required for administration of the program, including rental or purchase of equipment, insurance, utilities, office supplies, and rental and



maintenance (but not purchase) of office space.

- 2) Costs of providing training on ESG requirements and attending HUD-sponsored ESG trainings.
- 3) Costs of carrying out the environmental review responsibilities under 24 CFR 576.407.

Ineligible Administration Costs

This is not a comprehensive list of ineligible costs associated with administration. If there are doubts about eligibility of a cost, grantees are responsible for contacting THDA ESG staff prior to expending funding that may be ineligible. Any ineligible cost is subject to repayment to THDA.

- Salaries for staff who are providing direct services under an ESG component. Rather those salaries should be charged directly under the appropriate ESG component which direct services are provided under.
- Travel costs for trainings that are not HUD-sponsored.
- Costs of goods and services used by other programs and/or grants should be divided according to the grantee's cost allocation plan.

Indirect Costs

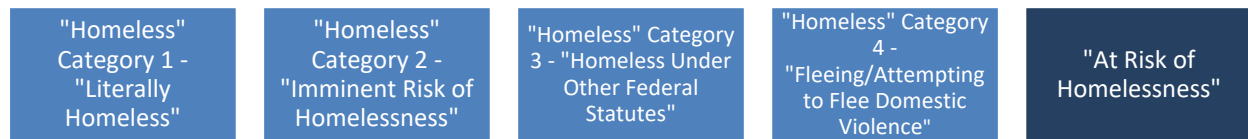
Grantees may request reimbursement for indirect costs. Prior to funding of awards, the Grantee must submit to the State a copy of the indirect cost rate approved by the cognizant federal agency or the cognizant state agency, as applicable. The Grantee will be reimbursed for indirect costs in accordance with the approved indirect cost rate and amounts and limitations specified in the Grant Budget. Once the Grantee makes an election and treats a given cost as direct or indirect, it must apply that treatment consistently and may not change during the grant period. Any changes in the approved indirect cost rate must have prior approval of the cognizant federal agency or the cognizant state agency, as applicable. If the indirect cost rate is provisional during the grant period, once the rate becomes final, the Grantee agrees to remit any overpayment of funds to the State, and subject to the availability of funds the State agrees to remit any underpayment to the Grantee.



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

Housing Status Definitions

As cited in 24 CFR 576.2, eligible participants to be served with ESG funds must fall within either one of the four “Homeless” definitions *or* the “At Risk of Homelessness” definition. A Program Participant’s housing status determines what eligible ESG component they can receive services under.



“Homeless” Category 1 – “Literally Homeless”

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;
- (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, and local government programs);
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

ESG Components Eligible under “Homeless” Category 1

- Emergency Shelter
- Rapid Re-housing
- Street Outreach provided that the individual or family is living on the streets (or other places not meant for human habitation) & be unwilling or unable to access services in an



emergency shelter.

Grantees must ensure that proper documentation is recorded and kept for each eligible program participant receiving ESG services. See [DOCUMENTATION AND RECORDKEEPING REQUIREMENTS](#) and [ELIGIBILITY ASSESSMENT AND RE-EVALUATIONS](#) sections for detailed information.

“Homeless” 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

ESG Components Eligible under “Homeless” Category 2

- Emergency Shelter
- Homelessness Prevention provided that the program participants also have Area Median Income below 30 percent. Note: “Extremely Low Income (ELI) families” limits do NOT apply to the ESG participants. If ESG grantees were to use the ELI standard, some applicants for ESG assistance might be falsely determined to be eligible for homelessness prevention assistance.

Grantees must ensure that proper documentation is recorded and kept for each eligible program participant receiving ESG services. See [DOCUMENTATION AND RECORDKEEPING REQUIREMENTS](#) and [ELIGIBILITY ASSESSMENT AND RE-EVALUATIONS](#) sections for detailed information.

“Homeless” 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.

ESG Components Eligible under “Homeless” Category 3

- Emergency Shelter
- Homelessness Prevention provided that the program participants also have Area Median Income below 30 percent. Note: “Extremely Low Income (ELI) families” limits do NOT apply to the ESG participants. If ESG grantees were to use the ELI standard, some applicants for ESG assistance might be falsely determined to be eligible for homelessness prevention assistance.

Grantees must ensure that proper documentation is recorded and kept for each eligible program participant receiving ESG services. See [DOCUMENTATION AND RECORDKEEPING REQUIREMENTS](#) and [ELIGIBILITY ASSESSMENT AND RE-EVALUATIONS](#) sections for detailed information.

**“Homeless” Category 4 – “Fleeing/Attempting to Flee Domestic Violence”**

Any individual or family who:

- (i) Is experiencing trauma or a lack of safety related to, or fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related 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;
- (ii) Has no other residence; and
- (iii) Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

ESG Components Eligible under “Homeless” Category 4

- Emergency Shelter
- Street Outreach provided that the individual or family also meets the criteria for Category 1 above and is experiencing unsheltered homelessness.
- Rapid Re-housing provided that the individual or family lives in an emergency shelter or other place described in paragraph (i) of the “homeless” definition above.
- Homelessness Prevention provided that the program participants also have Area Median Income below 30 percent. Note: “Extremely Low Income (ELI) families” limits do NOT apply to the ESG participants. If ESG grantees were to use the ELI standard, some applicants for ESG assistance might be falsely determined to be eligible for homelessness prevention assistance.

Grantees must ensure that proper documentation is recorded and kept for each eligible program participant receiving ESG services. See [DOCUMENTATION AND RECORDKEEPING REQUIREMENTS](#) and [ELIGIBILITY ASSESSMENT AND RE-EVALUATIONS](#) sections for detailed information.

“At Risk of Homelessness” Definition

There are three paragraphs of “at risk of homelessness” that an individual or family may qualify under. To meet the definition for “at risk of homelessness” under paragraph 1, the individual or



family must meet two threshold criteria **and** must exhibit one or more specified risk factors below. Qualifications for paragraphs 2 and 3 do not outline an income requirement, however regulatory guidance requires that all Homelessness Prevention participants have AMI below 30% at project entry.

1. 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 (i) of the homeless definition; **AND**
- (iii) Meet at least one of the following specified risk factors:
 - (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 jurisdiction’s Consolidated Plan).



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.

ESG Components Eligible under “At Risk of Homelessness”

- Homelessness Prevention provided that the program participants also have Area Median Income below 30 percent. Note: “Extremely Low Income (ELI) families” limits do NOT apply to the ESG participants. If ESG grantees were to use the ELI standard, some applicants for ESG assistance might be falsely determined to be eligible for homelessness prevention assistance.

Grantees must ensure that proper documentation is recorded and kept for each eligible program participant receiving ESG services. See [DOCUMENTATION AND RECORDKEEPING REQUIREMENTS](#) and [ELIGIBILITY ASSESSMENT AND RE-EVALUATIONS](#) sections for detailed information.

Chronic Homelessness Definition

Some CoCs prioritize serving individuals and families who meet the “Chronic Homelessness” definition. Meeting the definition for Chronic Homelessness does not automatically deem the participant eligible for ESG. The participant must meet one of the other 4 “homeless” definitions. HUD’s definition of “Chronic homelessness” 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.

For purposes of determining whether a person is “chronically homeless,” the term “homeless individual with a disability” means an individual who is homeless (as defined in section 103 of the McKinney-Vento Homelessness Assistance Act, as amended by the HEARTH Act) and 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 an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;
- v. is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or
- vi. is the disease of acquired immunodeficiency syndrome or any condition arising from



the etiologic agency for acquired immunodeficiency syndrome.

DOCUMENTATION AND RECORDKEEPING REQUIREMENTS

It is the responsibility of the grantee to maintain adequate documentation to show full compliance with ESG regulations. This includes keeping well-maintained books, records, and documents of the Grantee and any approved subcontractor, insofar as they relate to work performed or money received under THDA's ESG program. The grantee must remain in accordance with applicable Tennessee law for a period that is five (5) full years from the date of the final payment of expenditures, and shall be subject to audit at any reasonable time and upon reasonable notice by THDA, HUD, the Comptroller of the Treasury, or their duly appointed representatives.

The Grantee shall comply with the uniform administrative requirements of 24 CFR Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Award, and the requirements of 24 CFR 576.407.

The Grantee shall comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Estate Property Acquisition Policies Act of 1970, as amended, implementing regulations at 49 CFR, Part 24 and the requirements of 24 CFR 576.59.

Individual client files should be maintained for each ESG client receiving services which include **but are not limited to** requirements outlined in the following sections of this guide:

- Housing Status and Income Status Documentation
- Preferred Order of Documentation
- Intake, Eligibility and Re-Evaluations
- Case Management
- Rental Assistance Requirements and Restrictions
- Financial Assistance Requirements and Restrictions
- Lead-Based Paint Visual Assessment
- Minimum Habitability Standards for Rapid Re-Housing and Prevention units



- Applicants who were deemed ineligible must also have a record outlining the reasoning of ineligibility and what referrals were made to help the applicant receive assistance.

Housing Status & Income Status Documentation

ESG grantees must establish and follow written intake procedures to ensure program compliance with determining housing status of every ESG program participant. The procedures require collecting the necessary documentation at intake of the evidence relied upon to establish and verify all four “homeless” definitions or “at risk of homelessness” definition. Grantees must also establish and follow written intake procedures to ensure program compliance with determining income status of every ESG participant applying for Homelessness Prevention. The procedures must require collecting the necessary documentation at intake of the evidence relied upon to establish and verify the participant is below 30% AMI using the standard for calculating annual income under 24 CFR 5.609. Grantee’s Policies and Procedures must include and follow the order of obtaining documentation below.

Preferred Order of Obtaining Documentation

Pursuant to 24 CFR 576.500, the order of priority for evidence establishing and verifying housing status and income is as follows:

- 1) **Source documentation** – source documents from a third-party confirming the applicant’s housing and/or income status.
- 2) **Written Statement from relevant third-party representative** – a statement confirming housing status, assets and/or income or written certification from the grantee’s intake staff confirming they spoke with a third-party representative.
- 3) **Certification from the person seeking assistance** – ESG staff must certify efforts made to obtain third party documentation before allowing applicant to self-certify housing status and/or the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.



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.

“Homeless” Category 1 “Literally Homeless” Documentation and Certification Requirements

Category 1 Paragraphs (i) or (ii) need the following:

- 1) Evidence of where the individual or household is living meets the criteria in the definition.
 - A. In an instance where participants in Category 1 (i) and (ii) are seeking assistance with Emergency Shelter and/or Street Outreach projects the “Preferred Order of Obtaining Documentation” is waived to prevent an individual or family from being immediately admitted and receiving services. Any one of following documentation types is accepted.
 1. A written observation by an outreach worker of the conditions where the individual or family was living, or
 2. A written referral by another housing or service provider, or
 3. A certification by the individual or head of household seeking assistance, or
 4. 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.
 - B. In an instance where participants in Category 1 (i) and (ii) are seeking assistance with Rapid Re-housing projects the “Preferred Order of Obtaining Documentation” must be followed accordingly:
 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.

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, 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, 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 Paragraph (iii) where (s)he resided in an emergency shelter or place not meant for human habitation and is exiting an institution where he or she resided for 90 days or less need the following:

- 1) Evidence of living situation listed above for Category 1:
 - A. A written observation by an outreach worker of the conditions where the individual or family was living, or
 - B. A written referral by another housing or service provider, or



- C. A certification by the individual or head of household seeking assistance, or
- D. 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.
- 2) **And** one of the following:
- (A) **Source documents** of 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.
- (B) Where the evidence above is not obtainable, **a written record of the intake worker's due diligence in attempting to obtain the source document 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, signed, and dated by the individual exiting the institution.

"Homeless" Category 2 "At Imminent Risk of Homelessness" Documentation and Certification Requirements

- 1) Evidence that the individual or household will imminently lose their housing within 14 days of assistance as proven by the following:
- (A) **Source documentation** - 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 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 documentation must



include: 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

- (B) If source documentation is unavailable, **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
- 2) Certification by the individual or head of household that no subsequent residence has been identified **AND**
- 3) Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.

"Homeless" Category 3 "Homeless Under Other Federal Statutes" Documentation and Certification Requirements

The Category 3 homeless population is expected to be rare as most individuals and families will



qualify as “homeless” under one of the other categories. Criteria 1-4 must be met and documented:

- 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 two 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.

“Homeless” Category 4 “Fleeing/Attempting to Flee Domestic Violence” Documentation and Certification Requirements

Since participants in Category 4 are fleeing domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence, the “order of obtaining documentation” is waived to protect an individual or family’s confidentiality and quickly be admitted to ESG services. Documentation must be obtained accordingly:

- 1) If the individual or family is receiving shelter or services provided by a victim service provider:
 - (A) **Self-certification from the head of household OR staff certification from the head of household** stating that the individual or head of household seeking assistance is fleeing, that the family has no subsequent residence and also lacks resources and support networks (e.g., family, friends, faith-based or other social networks) necessary to obtain other housing.
- 2) If the individual or family is receiving shelter or services from a non-victim service provider:
 - (A) **Self-certification from the head of household OR staff certification from the head of household** stating that the individual or head of household seeking assistance is fleeing, that the family has no subsequent residence and also lacks resources and support networks (e.g., family, friends, faith-based or other social networks) necessary to obtain other housing. The documentation must certify that the statement is true and complete;
AND
 - (B) 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) The following must be obtained if the participant is eligible under paragraph (1) of the “at-risk of homelessness definition”.
 - (A) Evidence that individual or household has an annual income below 30 percent of median family income (AMI) for the area, as determined by HUD. In determining the annual income of an individual or family, the grantee must use the standard for calculating annual income under 24 CFR 5.609. Check guidance for further evidence requirements. All supporting documentation must be gathered in the preferred order that is listed below.
 - i) **Income evaluation form** containing the minimum requirements specified by HUD and completed by the grantee. THDA has a sample form that grantees may use. **AND**
 - ii) **Supporting documentation** gathered with the preferred method of obtaining documentation:
 - **Source documents** for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation (*e.g.*, wage statement, unemployment compensation statement, public benefits statement, bank statement). **OR**
 - To the extent that source documents are unobtainable, **a written statement by relevant third party** (*e.g.*, employer, government benefits administrator) **or the written certification by grantee’s intake staff** of the oral verification by the relevant



third party of the income the program participant received over the most recent period for which representative data is available. **OR**

- To the extent that source documents and third party verification are unobtainable, **the written certification by the program participant** of the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.

(B) Evidence that the individual or household lacks sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place not meant for human habitation:

- i) **The program participant's certification on a form** specified by HUD that the program participant has insufficient financial resources and support networks; *e.g.*, family, friends, faith-based or other social networks, immediately available to attain housing stability and meets one or more of the conditions under paragraph (1)(iii) of the definition of “at risk of homelessness”. THDA has provided a sample form for this for optional use. **AND**
- ii) **Supporting documentation** to show that the program participant 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. Documentation must be gathered with the preferred method of obtaining documentation:
 - **Source documents** - notice of termination from employment, unemployment compensation statement, bank statement, health care bill showing arrears, utility bill showing arrears. **OR**;
 - 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**;

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

(C) Evidence that the individual or household meets at least one of the seven conditions outlined in the “At-Risk of Homelessness” definition:

- **Source documents** – eviction notice, notice of termination from employment, unemployment compensation statement, bank statement
 - To the extent that source documents are unobtainable, **a written statement by the relevant third party** - (e.g., former employer, owner, primary leaseholder, public administrator, relative, hotel or motel manager) 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**
 - If the above are unobtainable, **a written statement by intake staff** that the staff person has visited the applicant's residence and determined that the applicant meets one or more of the criteria of the definition or, if a visit is not practicable or relevant to the determination, a written statement by the recipient's or subrecipient's intake staff describing the efforts taken to obtain the required evidence.
- 2) If the program participant meets the criteria under paragraph (2) or (3) of the “at risk of homelessness” definition, certification of the child or youth's homeless status by the agency or organization responsible for administering assistance under the 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.



ELIGIBILITY ASSESSMENT AND RE-EVALUATIONS

Eligibility Assessment for ESG Programs

All ESG service applicants must participate in an initial eligibility assessment to understand needs and to determine program eligibility. The eligibility assessment will include verification of homelessness or at risk of homelessness status, income when applicable, 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 manual on [COORDINATED ENTRY](#).

Grantees will complete the following procedures at a minimum:

- 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 to show enrollment and other services they may be receiving.
- Collect the required ESG documentation to show the client is eligible (evidence to establish and verify the client's housing status; copy of documentation to establish annual income, as applicable; certification that client has insufficient support networks; etc.) as relevant.
- Case Manager will record the required HMIS data (or THE HMIS COMPARABLE DATABASE) for all program participants.
- **If client is not eligible for ESG**, ESG 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 and Street Outreach

Housing Status

Eligibility for these programs requires a verification of homelessness of any 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 and Street Outreach participants. Street Outreach and Emergency Shelter participants are not required to provide documentation of homelessness past self-certification of their circumstances.

Eligibility Assessment for Rapid Re-Housing and Prevention

Housing Status

Eligibility for rapid re-housing requires a verification of homelessness under Category 1 or Category 4 and live in an emergency shelter or other place described in paragraph (1) of the "homeless" definition. Homelessness prevention participants may qualify with verification of meeting HUD's "at risk of homelessness" definition or who meet the criteria in Category 2, Category 3, or Category 4 of the "homeless" definition and have an annual income of 30 percent AMI. See previous sections on HUD's homeless and "at risk of homelessness" definitions and how to document 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.

Income Eligibility

For Rapid Re-housing applicants, there is no income requirement at project entry. For Homelessness Prevention, at project entry there must be documentation that applicants meet



the income eligibility guidelines of an annual income below 30 percent Area Median Income (AMI). Total household income should include allowable sources from all adult household members. Calculating annual income must be followed under 24 CFR 5.609. 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. Make sure the appropriate year is selected and you review the spreadsheet under “Data for Emergency Solutions Grant (ESG)”:
[HTTPS://WWW.HUDUSER.GOV/PORTAL/DATASETS/IL.HTML#DATA_2025](https://www.huduser.gov/portal/datasets/il.html#data_2025)

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/](https://www.hudexchange.info/resource/5180/part-5-section-8-income-inclusions-and-exclusions/)

Grantees are encouraged to use the [CPD INCOME ELIGIBILITY CALCULATOR](#) to calculate household income.

The following documentation of annual income must be maintained and kept in the client file:

- (1) **Income evaluation form** containing the minimum requirements specified by HUD and completed by the Grantee; **AND**
- (2) **Supporting documentation** of income obtained in the preferred order:
 - (A) **Source documents** for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation (e.g., wage statement, unemployment compensation statement, public benefits statement, bank statement);
 - (B) To the extent that source documents are unobtainable, **a written statement by the relevant third party** (e.g., employer, government benefits administrator) **or the written certification by the grantee’s intake staff** of the oral verification by the relevant third party of the income the program participant received over the most recent period for which representative data is available; or
 - (C) To the extent that source documents and third-party verification are unobtainable, **the written certification by the program participant** of the amount of income the program



participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.

Re-Evaluation Requirements for Rapid Re-housing and Prevention

Re-evaluation 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:

- Not less than once annually for those enrolled in rapid re-housing projects. Must be dated no more than one (1) year after the initial enrollment date. Agencies may adopt a more frequent re-evaluation schedule; they are required to outline the schedule in their written standards and follow it consistently.
- Not less than once every three months for those enrolled in prevention projects starting on initial enrollment date.

Re-evaluations must determine that the individual or household meet these criteria:

- 1) Does not have an annual income that exceeds 30 percent of median family income for the area (AMI), as determined by HUD; and
- 2) Lacks the sufficient resources and support networks needed to retain housing without ESG assistance

Grantee must outline in their Policies and Procedures if they will require each program participant receiving rapid re-housing or homelessness prevention assistance to notify the 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.

**CASE MANAGEMENT**

THDA grantees are expected to provide case management to all ESG program participants, including connecting program participants to mainstream and other resources. Grantees should 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).

Housing Stability Case Management

Rapid re-housing and prevention programs must ensure that Housing Stability Case Management is conducted with participants at least once a month and 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.

For rapid re-housing, this assistance cannot exceed 30 days during the period the program



participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing. If a program participant needs more than 30 days of housing stability case management assistance while they are sleeping in an emergency shelter or on the street (or other place not meant for human habitation), it must be charged either to Emergency Shelter: essential services, Street Outreach: case management, or another funding source to cover case management expenses as appropriate, rather than ESG rapid re-housing. If case management does exceed 30 days and the participant has not found housing, the grantee should use ESG emergency shelter, ESG street outreach funds. The 30 days starts from the date of initial assessment.

RENTAL ASSISTANCE REQUIREMENTS AND RESTRICTIONS

Rental Assistance includes short-term (1-3 months) and medium-term (4-24 months) rental assistance and rental arrears. Rental assistance may be provided by rapid re-housing and prevention projects with the following provisions and requirements followed and documented. ESG rapid re-housing and prevention projects may only provide tenant-based rental assistance, as defined in 24 CFR § 576.106(h). In addition to the below provisions, Minimum Habitability Standards and Lead Based Paint Visual Assessment form must also be completed and documented for all units receiving rental assistance, except for arrears where the tenant is no longer residing. More information on these items can be found in [MINIMUM HABITABILITY STANDARDS FOR RAPID RE-HOUSING AND PREVENTION](#) and [LEAD-BASED PAINT DISCLOSURE AND REMEDIATION](#). All rental assistance costs for a participant must be recorded in their individual client file. If client file documentation is not collected, the rental assistance costs paid will be deemed ineligible and the grantee risks re-payment of the reimbursement back to THDA. It is the grantee's sole responsibility to understand and collect all requirements for the client files.

Short-term and Medium-term Rental Assistance

ESG funds may be used to provide short-term and medium-term rental assistance to eligible participants and households who demonstrate this need to obtain housing stability. Grantees may provide a program participant with a maximum of 24 months of rental assistance during any



3-year period. Grantees must specify in their written standards how long a particular program participant will be provided with rental assistance and, if applicable, how the amount of that assistance will be adjusted over time. Grantees must also determine and include any cost-sharing requirements that participants must follow while enrolled in the ESG program.

Rental Arrears

ESG funds may be used to make a one-time payment for up to six (6) months of rent in arrears, including any court costs and late fees on those arrears, as long as payment of those arrears and/or fees will enable an eligible program participant to remain housed or become re-housed. Each month or partial month of rent paid in arrears counts as one month of rental assistance for purposes of calculating a participant's maximum 24-month ESG rental assistance allowed in a three-year period. Under the ESG Program Interim Rule, ESG funds may NOT be used for the payment or modification of a program participant's past debt (24 CFR 576.105(b)(5)). If the rental arrears have been turned over to a collection agency, those costs would be considered the payment of a debt and would not be an eligible ESG cost.

The "one-time" restriction pertains to the frequency with which the **household** may receive rental arrears assistance; It does **not** apply per program enrollment, per landlord, or as a lifetime limitation. Under the ESG Program Interim Rule, this means that once a household receives a one-time payment of rent in arrears that household could not receive additional rental arrears assistance for a 3-year period. The proof of arrears and payment must be kept in client file.

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. 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 program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks. The lease must be between the owner and the program participant. A copy of the lease must be kept in the client file.



VAWA Lease Addendum & Notices

Each lease executed on or after *December 16, 2016* must include a lease provision or incorporate a lease addendum that includes all requirements that apply to tenants, the owner or lease under 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), as supplemented by 24 CFR 576.409, including the prohibited bases for eviction and restrictions on construing lease terms under 24 CFR 5.2005(b) and (c). If the housing is not assisted under another “covered housing program,” as defined in 24 CFR 5.2003, the lease provision or lease addendum may be written to expire at the end of the rental assistance period. The VAWA Lease Addendum must be signed by landlord and client and a copy must be kept in the client file. When providing Rental Assistance, grantees must also give “Notice of Occupancy Rights under the Violence Against Women Act Form HUD-5380” found in Appendix C and “Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking Form HUD-5382” found in Appendix D to clients at set times in the ESG program. See [VAWA NOTICE AND CERTIFICATION TO TENANTS](#) for more details.

Rental Assistance Agreements

Rental assistance payments can only be provided to an owner with whom the grantee has entered into a rental assistance agreement with the owner or landlord. The rental assistance agreement must set forth the terms under which rental assistance will be provided. 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 must provide that, during the term of the agreement, the owner must give the 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 grantee must make timely payments to each owner in accordance with the rental assistance agreement. The grantee is solely responsible for paying late payment penalties that it incurs with non-ESG funds. A copy of the signed rental assistance agreement must be kept in the client file.

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. Documentation that units meet rent reasonableness and FMR must be kept in the client file.

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 and documented by accessing the [Rent Reasonableness Form](#) on our website.
- 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 form.
- The proposed unit must be compared to three (3) other units. To the maximum extent possible, consider location of the units, quality, size unit type, age of the unit, any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.
- For purposes of calculating rent under this section, the rent shall equal the sum of the total monthly rent for the unit, any fees required for occupancy under the lease (other



than late fees and pet fees) and, if the tenant pays separately for utilities, the monthly allowance for utilities (excluding telephone) established by the public housing authority for the area in which the housing is located.

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: [HUD Fair Market Rents](#)

For comparison to the FMR, rent must be calculated pursuant to 24 CFR § 576.106(d)(2). When calculating if the rent is at or below the FMR, 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 the proposed unit meets the FMR requirements, use this formula:

$$\text{Monthly lease price} + \text{utility costs included in rent per PHA schedule} = \text{Total rent}$$

Example:

- FMR for 2 BR unit in Wilson County = \$1,103
- The proposed 2 bedroom apartment unit in Wilson County has a monthly leasing cost of \$800
- The THDA Utility Allowance for heating, cooking, hot water, electricity, air conditioning, microwave, and refrigerator totals = \$82



- 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) + \$82 (utility allowance) = \$882 (total calculated rent). Since the total calculated rent for the proposed unit, \$883, is below the FMR, \$1,103, the proposed unit meets the FMR standard and can be reviewed for rent reasonableness.

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 Uniform Relocation Act (URA) during the period of time covered by the URA payments.

Grantees must include in their policies and procedures how they will check that participants are not receiving other subsidies when applying for ESG assistance. This will include a procedure of how to record this in the client's file. Grantees are expected to exercise due diligence when paying rental assistance to ensure that participants who are receiving ESG funding do not have another subsidy by reviewing the lease and contacting the landlord or property manager.

FINANCIAL ASSISTANCE REQUIREMENTS AND RESTRICTIONS

Financial assistance may be provided by rapid re-housing and prevention projects, following these requirements and restrictions. 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 recorded and evidence of payment of the following costs must be documented in the client file. If client file documentation is not collected, the financial assistance costs paid will be deemed ineligible and the grantee risks re-payment of the reimbursement back to THDA. It is the grantee's sole responsibility to understand and collect all requirements for the client files. In addition to the provisions below, Minimum Habitability Standards and Lead Based Paint Visual Assessment form must also be completed and documented for all units receiving rental assistance. More information on these items can be found in [MINIMUM HABITABILITY STANDARDS FOR RAPID RE-HOUSING AND PREVENTION](#) and [LEAD-BASED PAINT DISCLOSURE AND REMEDIATION](#). All rental assistance costs for a participant must be recorded in their individual client file.

Grantees must also determine in their written standards any cost sharing requirements that participants must follow while enrolled in the ESG program as well as any limits for assistance such as the maximum amount of assistance, the maximum number of months the participant receives assistance or the maximum number of times the participant may enter the ESG program.

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. Pet deposits are not an eligible ESG cost.

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 three-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. If the utilities have been turned over to a collection agency, those costs would be considered the payment of a debt and would not be an eligible ESG cost.

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 are not eligible. Moving costs are only eligible under prevention and rapid re-housing projects.

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.



Grantees must include in their policies and procedures how they will check that participants are not receiving the same type of assistance from another program or subsidy when applying for ESG assistance. This will include a procedure of how to record this in the client's file. Grantees are expected to exercise due diligence when paying financial assistance to ensure that participants who are receiving ESG funding do not have another subsidy by checking HMIS, reviewing the lease and contacting the landlord or property manager.

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.

Grantees that receive funds for Emergency Shelter, Homelessness Prevention, or 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 homelessness prevention and rapid re-housing, the rule is that a lead-based paint visual assessment must be completed for all units that meet each of 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), **AND**
- The unit was constructed prior to 1978, **AND**
- A child under the age of six, or a woman who could become pregnant, is or may be living in the unit
- The program participant plans to continue residing in the unit

For all homelessness prevention and rapid re-housing participants receiving financial assistance and rental assistance, there must be a “ESG Lead-Based Paint Visual Assessment” form completed by grantee staff in the participant’s file which addresses whether or not the unit needs a physical LBP visual assessment based on the above conditions. The [THDA LBP VISUAL ASSESSMENT FORM](#) can be found on the THDA website.

In any property meeting all of the above four conditions, grantees must carry out appropriate measures per guidance from THDA and HUD, starting with a Lead-Based Paint Visual Assessment. If the unit fails the lead-based paint visual assessment, and the landlord will not provide the appropriate step for remediation, then ESG rental and financial assistance (rent, assistance, utilities assistance, utility/security deposits, or arrears, etc.) cannot be provided for the unit.

In the case where ESG assistance is paying for the arrears of a unit where the participant no longer resides, Lead-Based Paint Visual Assessment requirements do not apply.



Emergency Shelter 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 grantees MUST contact THDA immediately if they suspect that they are out of compliance with these regulations.

MINIMUM SHELTER AND HOUSING STANDARDS

Minimum Standards for Emergency Shelter

Any emergency shelter that receives ESG assistance for shelter operations must meet the following minimum safety, sanitation, and privacy standards provided in §576.403(b). Grantees may also establish standards that exceed or add to these minimum standards. Grantees are responsible for maintaining documentation of compliance with these standards. Grantees must keep record of their completed “Minimum Standards for Emergency Shelters” checklist for every shelter location in their recordkeeping files for the ESG program year. If any property does not meet **all** of the standards, remediation is necessary prior to ESG funds being spent at that location.

1) **Structure and materials**

The shelter building must be structurally sound to protect residents from the elements and not pose any threat to the 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

THDA ESG grantees may not use funds to help a project participant remain or move into housing



that does not meet the following minimum habitability standards. Grantees may also establish standards that exceed or add to these minimum standards. ESG funds may not be committed for a unit until compliance with these standards for the unit has been documented. Grantees are responsible for maintaining documentation of compliance with these standards for each unit assisted with ESG funds. Additionally, compliance with these habitability standards must be made by the grantee or by a contracted third-party of the grantee. Program participants MAY NOT conduct an inspection of a unit that they will occupy.

1) Structure and materials

The shelter building must be structurally sound to protect residents from the elements and not pose any threat to the 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

There must be a second means of exiting the building in the event of fire or other emergency. 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. 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.

ENVIRONMENTAL REVIEW

All THDA ESG projects must receive an approved environmental review from THDA, pursuant to 24 CFR part 58, before any ESG funds may be committed. THDA will conduct Environmental Reviews on behalf of nonprofits in the competitive application as part of the contracting process when ESG awards are made. All Set-Aside Local Governments are responsible for conducting Environmental Reviews on behalf of their subrecipients.

Environmental reviews for ESG activities are performed by THDA based on agency location information and eligible costs to be spent under ESG. Grantees must notify THDA immediately and request a new environmental review if the project location 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 THDA. If a new Environmental Review needs to be conducted, acceptance is at the discretion of THDA. Additionally, ESG funds may only be expended for activities on or after the date of THDA's Environmental Review Record



clearance determination.

Requests must be made any time a physical location changes. Environmental reviews may be requested by emailing esg@thda.org.

POLICIES AND PROCEDURES REQUIREMENTS

THDA requires that each grantee establish and consistently apply written policies and procedures for each ESG funded activity. These policies and procedures must incorporate ESG requirements set forth by HUD and THDA as outlined in this section. Any changes in Policies and Procedures must always have the grantee's Board of Directors' approval and certification of approval in the grantee's recordkeeping documentation for the grant year.

Compliance with Non-Discrimination Laws

The grant must be conducted and administered in conformity with all applicable Federal and state nondiscrimination laws and implementing regulations, including those listed at 24 CFR §§ 5.105(a) and 5.106. Non-discrimination requirements or references include:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1
- The Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 *et seq*
- The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8
 - All applicable provisions of the Americans with Disabilities Act (Title 42, United States Code Sections 12101–12213) and implementing regulations at Title 28, CFR, Part 35 (States and local government grantees) and Part 36 (public accommodations and requirements for certain types of short-term housing



assistance).

- The Tennessee Human Rights & Disability Act (§ Tennessee Code Annotated, Title 4, Chapter 21) as applicable

Non-Discrimination Required Training and Reporting

Grantees should ensure new employees with responsibilities for ESG grant activities complete Title VI and Fair Housing non-discrimination training during onboarding. ESG grantees must ensure a responsible official or Title VI/non-discrimination coordinator completes an annual “THDA Title VI/Non-discrimination in Services training” program. Grantees also must complete a Non-Discrimination in Services Self Survey and submit to THDA annually on or before July 30th to support THDA’s state and Federal compliance monitoring and reports.

Affirmative Outreach

Grantees must make known that use of the facilities, assistance, and services are available to all on a non-discriminatory basis. If it is unlikely that the procedures that the 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 grantee must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. Grantee should post HUD’s Equal Housing Opportunity poster in a visible location, such as a public area within a shelter, and/or on the grantee’s website.

ESG grantees must incorporate non-discrimination assurances and Equal Employment Opportunity clauses into their contracts with service providers and contractors. Grantees should actively inform a diverse array of business owners, including minority- and female-owned businesses, about ESG-funded contract opportunities. To accomplish this, grantees may access the State of Tennessee, Department of General Services online directory, [Diverse Business Enterprise Directory \(GO-DBE\)](#), during procurement. The purpose of the directory is to help Tennessee small businesses, including minority, women, persons with disabilities, and service-



disabled veteran-owned businesses to compete successfully in State procurement and contracting activities.

Equal Access for Persons with a Disability

ESG grantees must ensure that their programs and activities are as readily accessible to and usable by individuals with disabilities as they are for persons without a disability. Individuals with a disability are defined as persons with a physical or mental impairment, having a history of, or who are regarded as having a physical or mental impairment, which substantially limits one or more major life activities. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness.

To ensure equal access to persons with a disability, ESG grantees must:

- Consider requests for a reasonable accommodation when requested by an eligible person with a disability. A reasonable accommodation is a change or adjustment to a program, policy, or environment that enables a person with a disability to have equal access to a federally funded program, activity or service. A reasonable accommodation must be effective but not fundamentally alter the nature of the program or impose an undue financial or administrative burden on the grantee. To this end, ESG grantees must maintain a written reasonable accommodation policy on how they will ensure that the applicants and beneficiaries are aware of how to request an accommodation and their practices when intaking and reviewing accommodation requests. Grantees must identify a specific person in their Policies and Procedures Manual who is responsible for intaking and processing reasonable accommodation requests within a reasonable timeframe (defined within the policy but not to exceed 30 days). For more specific guidance on best practices for considering Reasonable Accommodation requests, see the HUD and Department of Justice Joint Statement on the Fair Housing Act and Reasonable



Accommodation:

https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf. A sample reasonable accommodation request form is included in Appendix E.

- Ensure that all shelter locations are ADA compliant. If ADA compliance is not possible at that facility, the grantee must provide alternative compliant accommodation.
- Take appropriate steps to ensure effective communication with persons with disabilities, such as by providing auxiliary aids or services, such as sign language interpreters for deaf and hard-of-hearing individuals needed.
- THDA encourages grantees to ensure public facing digital content, such as program materials or applications accessed through an agency website or online portal, are accessible based upon applicable ADA requirements.
- Administer ESG programs or activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

Equal Access and National Origin (Limited English Proficiency)

The grantee must take reasonable steps to ensure meaningful access to the ESG program by limited English proficiency individuals in accordance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 (Fair Housing Act). Individual grantees must determine the most appropriate source and method of ensuring meaningful access. Common examples of language access are: Over the Phone Interpretation, machine language or formal translation of email communication, documents, etc.

Equal Access and Sex

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 requiring eligibility determinations for housing to be made without regard to actual or perceived sexual orientation, gender identity, or marital status. Inquiries related to an applicant or occupant's sex



must be for the limited purpose of determining placement in temporary, emergency shelters with shared bedrooms or bathrooms, or for determining the number of bedrooms to which a household may be entitled. Further, the regulation clarifies: With respect to permissible inquiries where the accommodations provided to an individual involve shared sleeping or bathing areas, lawful inquiries as to sex would be permitted primarily for emergency shelters and like facilities that involve no application process to obtain housing, but rather involve immediate provision of temporary, short-term shelter for homeless individuals.

The 2012 Equal Access Rule also revises the definition of “family” for HUD-assisted or -insured 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 (i.e. marriage) or other factors, such as sexual orientation or gender identity, are considered to be a family and must be served together as such. Further, a grantee receiving funds under the ESG program 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.

On September 21, 2016, HUD updated the Equal Access Rule through a final rule in the Federal Register, titled “Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs.” The 2016 Equal Access rule updated guidance to ensure that individuals in HUD funded housing and shelters could receive equal access in accordance with their gender identity. The 2016 rule, in effect, allowed individuals to self-identify their gender without regard to biological sex. On February 7, 2025, HUD issued a directive halting federal enforcement of the 2016 rule based on Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.” HUD has started the process to rescind the 2016 rule, but has not issued any formal regulatory amendments, guidance, or rulemaking. Thus, the rule remains legally in effect.

Equal Access Families with Children

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 THDA-funded emergency shelters will comply with this requirement. Non-compliance may result in removal of ESG funds. Please see the following for specific 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.”

Violence Against Women Act (VAWA) Compliance

The 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 24 CFR 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**

All ESG Grantees providing rental assistance are required to develop and implement an emergency transfer plan. As all ESG Grantees are considered “covered housing providers” according to 24 CFR 576.409(b) and VAWA requirements under 25 CFR part 5, subpart L, and where each ESG grantee exists within the covered area of a Tennessee Continuum of Care, the ESG Grantee must at least adopt the emergency transfer plan of the applicable Continuum of Care in accordance with 24 CFR Section 576.409(d) (e).

VAWA Notice and Certification to Tenants

VAWA compliance also requires agencies to provide two HUD forms, titled “Notice of Occupancy Rights under the Violence Against Women Act Form HUD-5380” found in Appendix C and “Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking Form HUD-5382” found in Appendix D 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.

Both forms will need to be edited by Grantees before providing them to program participants.

Other VAWA Requirements

VAWA includes requirements in addition to those listed above with which grantees must familiarize themselves and comply. Further information can be found at [HUD's VAWA Website](#).

VAWA Updates and Changes

Any and all legal requirements and changes to VAWA should be followed.

VAWA 2022 Notice can be found at -



[HTTPS://WWW.HUD.GOV/SITES/DFILES/FHEO/DOCUMENTS/FHEO-2023-01-%20FHEO%20VAWA%20NOTICE.PDF](https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO-2023-01-%20FHEO%20VAWA%20Notice.pdf)

Guidance letter to CoC program recipients summarizing changes can be found at -
[HTTPS://WWW.HUD.GOV/SITES/DFILES/MAIN/DOCUMENTS/VAWA_LETTER_COC_ESG_GRANTEES.PDF](https://www.hud.gov/sites/dfiles/main/documents/vawa_letter_coc_esg_grantees.pdf)

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.

In providing program services funded in whole or in part with ESG funds, organizations may not discriminate against current or prospective program participants/beneficiaries on the basis of religion, a religious belief, refusal to hold a religious belief, or refusal to attend or participate in



a religious practice. Program participants also cannot be terminated from an ESG-funded program based on nonparticipation in religious activities. ESG-funded activities must be open to all who are eligible for them, whether or not they are members of a particular church, denomination, or religion. If that is a local government voluntarily contributes its own funds to supplement federally-funded activities, the Set-Aside has the option to segregate the federal funds or commingle them. However, if the funds are commingled, this section applies to all the commingled funds.

Conflicts of Interest

Each Grantee also must adopt a conflict-of-interest policy in accordance with 24 CFR 576.404 which prohibits any employee, persons with decision making positions or having information about decisions made by an organization, from obtaining a personal or financial interest or benefit from the organization's activity, including through contracts, subcontracts, or agreements.

Confidentiality

As part of its written policies and procedures, grantees must develop policies regarding confidentiality pursuant to 24 CFR 576.500(x). The grantee shall comply with obligations under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Health Information Technology for Economic and Clinical Health ("HITECH") Act and any other relevant laws and regulations regarding privacy (collectively the "Privacy Rules").

Complaints and Appeals

As part of its written policies and procedures, 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.



For complaints that allege discriminatory conduct, particularly where the claim may be covered by Title VI (race, color, national origin), grantees must report the complaint to THDA within 10 days of receipt so that THDA may comply with State regulations on reporting and investigating these complaints.

Terminating Assistance

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

If a program participant violates program requirements, the grantee may terminate the assistance in accordance with a formal process established by the grantee that recognizes the rights of individuals affected. The 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 grantee from providing further assistance at a later date to the same family or individual.

Such policies and procedures must be submitted and approved by THDA. This process, at a minimum, must consist of:

- 1) Providing the program participant with a written copy of the program rules and the termination process before the participant beneficiary begins to receive assistance;
- 2) Written notice to the program participant containing a clear statement of the reasons for termination; and
- 3) A review of the decision by a staff person of the Grantee who was not involved in the decision to terminate (or a subordinate of that person).

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.

During either review process, the Grantee shall provide effective communication and accessibility for individuals with disabilities, including the provision of reasonable accommodations and meaningful access to persons with Limited English Proficiency.

In addition, assistance may not be terminated for the following reasons:

- 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.

Homeless Participation

The Grantee shall ensure that at least one homeless or formerly homeless individual participates in a policy-making function within the organization in accordance with 24 CFR 576.405.

The grantee must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policy-making entity of the grantee, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG).

If the recipient is unable to meet requirement above, it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG). The plan must be included in the annual action plan



required under 24 CFR 91.220.

To the maximum extent practicable, the grantee must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG. This involvement may include employment or volunteer services.

Required Postings

All grantees are required to hang the following postings in their facilities in a place that program participants can easily observe:

- HUD Fair Housing Poster
- Equal Employment Opportunity
- The grantee's grievance policy with appeals process
- LEP Limited English Proficiency
- Comptroller's Fraud, Waste and Abuse sign following the additional provisions under the "Public Accountability" section below.

Public Accountability

Grantee must agree to establish a system through which recipients of services may present grievances about the operation of the service program. The Grantee shall also display in a prominent place, located near the passageway through which the public enters in order to receive Grant supported services, a sign at least eleven inches (11") in height and seventeen inches (17") in width stating:

NOTICE: THIS AGENCY IS A RECIPIENT OF TAXPAYER FUNDING. IF YOU OBSERVE AN AGENCY DIRECTOR OR EMPLOYEE ENGAGING IN ANY ACTIVITY WHICH YOU CONSIDER TO BE ILLEGAL, IMPROPER, OR WASTEFUL, PLEASE CALL THE STATE COMPTROLLER'S TOLL-FREE HOTLINE: 1-800-232-5454.

The sign shall be on the form prescribed by the Comptroller of the Treasury. The Grantor State



Agency shall obtain copies of the sign from the Comptroller of the Treasury, and upon request from the Grantee, provide Grantee with any necessary signs.

ESG Written Standards

Pursuant to the HEARTH ESG Interim Rule, all ESG grantees are required to develop ESG written standards as an extension of the grantee's policies and procedures for grantees to use when providing ESG assistance. Grantees must establish and consistently apply written standards for providing ESG assistance. Standards must be established for each area covered by the grantee, including the area over which the services are coordinated and provided to program participants. The grantee's written standards must be consistent with the written standards established by the Continuum of Care covered by the area. Written standards must be submitted to the grantee's Board of Directors, THDA and the CoC Lead Agency for approval. At a minimum, a grantee's written standards must include policy covering all items in the "ESG Written Standards Checklist" as outlined in Appendix B.

REPORTING REQUIREMENTS

Grantees are required to provide data requested by THDA to complete any and all reporting requirements including the Consolidated Annual Performance and Evaluation Report (CAPER). Sage HMIS Reporting Repository (Sage) is the online portal where grantees can directly upload HMIS-generated project reports. Grantees are required to submit a separate Comma Separated Value (CSV) file for each ESG-funded HMIS project. More information about SAGE can be found at this link - [HTTPS://WWW.HUDEXCHANGE.INFO/PROGRAMS/SAGE/](https://www.huexchange.info/programs/sage/)

To facilitate this data collection process, all grantees must ensure that HMIS data is complete and free from errors by the date designated by THDA and HUD 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 provide data in a different format if a direct data pull from the HMIS-comparable database is not possible. However, THDA generally expects that all CAPER data for victim service providers will be pulled directly from the HMIS-comparable database. The data



cleaning deadline and time period for data collection is the same for victim service providers as for other grantees unless otherwise specified by THDA. Further details will be communicated directly to grantees as necessary.

GRANTEE TRAINING

THDA will provide project implementation training for ESG grantees primarily at the start of the grant period. Implementation trainings are required for all awarded agencies. THDA may also periodically offer trainings on specific topics related to implementation of relevant ESG activities. THDA 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 THDA to attend a particular training may voluntarily participate if desired, provided that sufficient space and/or training slots are available. Some training will be conducted via webinar to help offset travel costs.

THDA FINANCIAL MANAGEMENT

Financial Recordkeeping

Grantees must keep documentation showing that ESG grant funds were spent on allowable costs in accordance with the requirements under each ESG component, financial management in 2 CFR 200.302, and the cost principles in 2 CFR part 200, subpart E. Costs must be allowable (2 CFR 200.403), reasonable (2 CFR 200.404) and allocable (2 CFR 200.405) as described in 2 CFR part 200, subpart E. Financial records must be kept for a minimum of 5 years after the expenditure of all funds from the grant under which the program participant was served.

Reimbursement

THDA ESG grant award operates on a reimbursement basis. Grantees must expend funds on eligible items in accordance with HUD regulation, THDA requirements, and any other applicable guidance. Then, requests for reimbursement of funds expended are submitted to THDA through the designated grants management system as chosen by THDA. Upon execution of the THDA ESG contract, grantees will receive instructions and documents from THDA for completing the first reimbursement request. All reimbursements must be submitted in accordance with these



instructions, on THDA approved forms, and signed by designated signatories identified in the executed contract. Costs paid before the start of the grant term will not be reimbursed. Any bills with costs incurred prior to the start date must be prorated, if applicable. THDA shall have no obligation for goods or services provided by the Grantee prior to the Effective Date of the grant contract.

THDA may, at its discretion, request supporting documentation for any expense submitted for reimbursement. If an expense is deemed ineligible for reimbursement, THDA may deny 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, THDA may request that the grantee repay those funds to THDA or will reduce future payment requests by the identified ineligible costs.

Late Reimbursement Submissions

Except for the final invoice, all invoices shall be presented to THDA within ninety (90) days after the end of the calendar month in which the subject costs were incurred or services were rendered by the Grantee. An invoice submitted more than ninety (90) days after such date will not be paid. THDA will not deem such Grantee costs to be allowable and reimbursable unless, at the sole discretion of THDA, the failure to submit a timely invoice is warranted. The Grantee must submit a special, written request for reimbursement with any such untimely invoice. The request must detail the reason the invoice is untimely as well as the Grantee's plan for submitting future invoices as required, and it shall be signed by the same person who authorized the grant contract: an Executive Director, Mayor or Board Chair as applicable. THDA will review the request and make a determination whether or not the late submission will be accepted.

Travel & Transportation Reimbursement

Under HMIS and Administration activities, costs of travel for HUD-sponsored and HUD-approved training may be reimbursed. Other than local mileage, grantees must receive prior authorization from THDA before spending ESG funding for HUD-sponsored conferences or out of state travel.



Reimbursement for travel, meals, or lodging shall be subject to amounts and limitations specified in the "State Comprehensive Travel Regulations," as they are amended from time to time, and shall be contingent upon and limited by the Grant Budget funding for said reimbursement.

Travel Logs

Grantees are allowed to reimburse transportation costs for grantee-owned or grantee-leased vehicles' fuel and routine maintenance under Street Outreach, Emergency Shelter, Rapid Re-housing and Homelessness Prevention components. Grantees are required to keep a record of the vehicles designated for use under ESG funding including make, model and year. Each vehicle must have a travel log recording the date & time of the trip, starting point, final destination, purpose which specifies the client or project, mileage and odometer readings. Travel logs must document that vehicles are being used for ESG related activities. Grantees must establish policies and procedures to support the use of travel logs.

Time Tracking for Employee Compensation

All Grantees must establish this policy for tracking time spent on ESG activities in order to reimburse for employee compensation. The purpose of this policy is to establish consistent and compliant requirements for tracking employee time worked and allocating personnel costs charged to the HUD Emergency Solutions Grants (ESG) program. This guidance ensures that employee compensation is accurately documented, allowable, allocable, and reasonable in accordance with ESG federal regulations, 2 CFR Part 200 Uniform Guidance and common HUD monitoring guidance. This policy applies to all ESG employees, including full-time, part-time and temporary staff whose salaries or wages are charged in whole or in part to ESG funds. All time spent on ESG eligible activities must be tracked accordingly:

- Employee must complete timesheets reflecting actual ESG hours worked per activity. Timesheets must clearly allocate time by notating "ESG" as well as the ESG component on the timesheet for those hours worked.
- Include brief descriptions of daily activities compensated under ESG
- Detailed Timesheets must be signed by employees to certify for accuracy. Then,



supervisors must review to ensure that the activities align with the job duties and program eligibility requirements. Supervisors must sign and date all timesheets.

- Any corrections on timesheets must be clearly marked, dated and initialed by supervisor.

Budget estimates (meaning, estimates determined before the services are performed) alone do not qualify as support for charges to Federal awards.

Reimbursement for Employee Compensation

Employee compensation and fringe benefits such as holiday, vacation, sick leave, social security and employee insurance are all allowable reimbursement costs under ESG. However, all compensation and fringe benefits must be directly related to carrying out activities eligible under an ESG component. Compensation and other payroll costs may only be charged to ESG based on approved time sheets for actual hours worked under ESG eligible activities. Any employee compensation that is not properly tracked using the methodology outlined above will not be reimbursed under ESG.

Grant Start-Up

Grantees that are awarded an ESG grant will need to participate in the grant set up process before being eligible for reimbursement. Failure to submit the required forms may hold up the reimbursement process until all documentation has been received and approved.

The following items are required for grant start up:

- Emergency Solutions Grants Contract must be signed and dated via DocuSign. THDA's Legal Department sends the contracts to the designated signatory and they must be returned in a timely manner.
- Notice of Audit Report Form. If your agency meets the requirement to complete the audit report form. Please complete an email to TN Comptroller at cpo.auditnotice@tn.gov. Do not submit this form to THDA.
- The most recent version of the Grantee's Supplier Direct Deposit Form and W-9.
- Parent-Child Information Form. Please complete and email this form to



cpo.auditnotice@tn.gov. Do not submit this form to THDA.

- Grantee Remittance Advice. Complete and email to esg@thda.org
- Complete Grantee profile in THDA's designated grants management system which includes uploading all necessary documentation and information to be approved by THDA's ESG team:
 1. Executed ESG contract signed by both parties
 2. Most recent W-9 (address on the W-9 must match the address on your Supplier Direct Deposit Form)
 3. Agency's Policies and Procedures - which include all required ESG Written Standards for the ESG program
 4. Board Resolution for Policies and Procedures - this is a certification signed by the agency's Board of Directors that the most recent Policies and Procedures and Written Standards were approved
 5. Fill out the Financial Information section (address must match W-9 and Supplier Direct Deposit Form)
 6. Fill out the information of your Title VI/Nondiscrimination Coordinator
 7. Fill out your Authorized Signatures to certify reimbursement requests. An agency will need at least two Authorized Signees and one Authorizing Individual. The Authorizing Individual must be an Executive Director or Board Chair who grants permissions of the Authorized Signees to certify reimbursement requests throughout the grant period.

Budget Modification

Grantees may transfer funds between approved budget activities during the grant year, provided that any increase is off-set by an equal reduction of other line-item amount(s) such that the net result of variances shall not increase the total grant contract amount. Budget modifications must be submitted in THDA's grants management system and are subject to THDA approval. Any increase in the grant budget's grand total amount shall require an amendment to the grant contract.

**Match**

Unless explicitly specified by THDA, ESG grants must be matched by the grantee at the level of at least 100% of the 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 grantee'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 grantee contract with THDA.
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 grantee'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.

Advance Payments

Advance Payments will be considered on a case-by-case basis. Please contact THDA staff at ESG@thda.org for more information.

Procurement

Each ESG Grantee must have an appropriate procurement procedure in place. The procedure must also address the requirements in the **AFFIRMATIVE OUTREACH** section above. At a minimum, three telephone bids must be obtained for any equipment or furniture purchases to be charged totally or in part to ESG. The grantee must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 2 CFR part 200, subpart D.

State Interest in Equipment

The Grantee shall take legal title to all equipment purchased totally or in part with funds provided with ESG funds, subject to the State's equitable interest therein, to the extent of its pro rata share, based upon the State's contribution to the purchase price. The term "equipment", as defined in CFR 200.1, shall include any article of nonexpendable, tangible, personal property having a useful life of more than one year and an acquisition cost which equals or exceeds ten thousand dollars (\$10,000.00). Grantees must obtain prior approval from THDA before purchasing any equipment.

The Grantee agrees to be responsible for the accountability, maintenance, management, and inventory of all property purchased totally or in part with funds provided with ESG funds. The Grantee shall tag all equipment with an identification number which is cross referenced to the equipment on an inventory control report. The Grantee must compare the results of the inventory with the inventory control report and investigate any differences. The Grantee must then adjust the inventory control report to reflect the results of the physical inventory and



subsequent investigation.

Equipment Tracking

The Grantee shall maintain a perpetual inventory system for all equipment purchased with ESG funds and shall submit an inventory control report which must include, at a minimum, the following:

- i. Description of the equipment;
- ii. Manufacturer's serial number or other identification number, when applicable;
- iii. Acquisition date, cost, and check number;
- iv. Fund source, State Grant number, or other applicable fund source identification;
- v. Percentage of state funds applied to the purchase;
- vi. Location within the Grantee's operations where the equipment is used;
- vii. Condition of the property or disposition date if Grantee no longer has possession;
- viii. Depreciation method, if applicable; and
- ix. Monthly depreciation amount, if applicable.

The Grantee shall inventory equipment annually. The Grantee shall submit its inventory control report of all equipment purchased with ESG funding within thirty (30) days of the grant term. This inventory control report must contain, at a minimum, the requirements specified above for inventory control. The Grantee shall notify the State, in writing, of any equipment loss describing the reasons for the loss. Should the equipment be destroyed, lost, or stolen, the Grantee shall be responsible to the State for the pro rata amount of the residual value at the time of loss based upon the State's original contribution to the purchase price.

Supply Tracking

As defined in 2 CFR 200.1, a "supply" is all tangible property other than those described in the "equipment" definition. Supplies have acquisition cost of less than \$10,000. As a best practice, it's recommended that the Grantee maintain record of itemized receipts/invoices and proof of purchases for all supplies purchased with ESG funds.

We encourage tagging and labeling all "computing devices", as defined in 2 CFR 200.1, purchased



with ESG funds as well as recording the manufacturer's serial number or other identification number on the record of itemized receipt/invoice and proof of purchase.

MONITORING

Monitoring will be conducted on an annual basis for a random selection of grantees based on current and/or prior grant performance. THDA staff may perform monitoring activities off-site, on-site, or both. THDA may schedule desk reviews and/or site visits at any time deemed necessary. Agencies will be contacted by THDA staff prior to an on-site inspection to schedule the inspection 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 THDA and the grantee, and provide technical assistance. Items that will be reviewed include, but are not limited to:

- Client data
- Coordinated Entry Participation
- Implementation of organizational policies and procedures
- Reimbursements, Fringe Benefits, and Match documentation
- Fair Housing and Equal Opportunity (FHEO) compliance
- VAWA compliance
- Equal Access Rule compliance
- Emergency Shelter Habitability Standards compliance
- Permanent Housing Habitability Standards compliance
- Fair Market Rent and Rent Reasonableness compliance
- Environmental reviews
- Lead-Based Paint Disclosures
- HMIS/Comparable System

Monitoring Procedure

1. Notification of Monitoring – Grantees will be given notification of a monitoring review two weeks prior to the start of monitoring and the Entrance Conference. The Grantee's



deadline for submitting ESG client list will be included in the notification.

2. Draw Reimbursement Review – THDA staff will review all reimbursements to ensure compliance with ESG regulations
3. Entrance Conference – THDA staff and grantee staff will meet to discuss the following:
 - a. Review monitoring process
 - b. Discuss any questions regarding the draw requests
 - c. Request additional documents if needed
 - d. THDA staff will provide the list of client files to be reviewed and grantee must submit files to THDA within 24 hours.
4. Client File Review – THDA staff reviews client files in accordance with ESG CFR 576, THDA's Program Guide and agency's contract to confirm compliance in recordkeeping
5. On-site inspection of emergency shelters to ensure minimum shelter habitability requirements
6. Exit Conference – Review any findings, concerns, or observations with THDA staff and grantee staff
7. Monitoring Letter – Will be sent from THDA following Exit Conference outlining the findings, concerns and/or observations of the monitoring
8. Agency responds to monitoring letter within 30 days of the date of the letter with a Corrective Action Plan
9. Corrective Action Plan, when necessary is reviewed by THDA within 30 days

When items of noncompliance are found, they are assigned one of three classifications: Findings, Concerns or Observations. Findings and Concerns require a response and a Corrective Action Plan. When noncompliance is found, agencies are given the opportunity to submit documentation that demonstrates that compliance was continuously maintained for further review. Observations do not require a response.

THDA's ESG Compliance Team can be reached at CPCCompliance@thda.org.

**Repayment of Funds**

A payment by the State shall not be construed as acceptance of any part of the work or service provided or as approval of any amount as an allowable cost. If any ineligible costs are found to have been reimbursed by THDA during a monitoring review, the grantee may be subject of repayment of those funds to THDA.

GRANT CLOSEOUT

ESG grantees must submit final reimbursements, as well as a grant disbursement reconciliation report within forty-five (45) days of the Grant Contract end date, in form and substance acceptable to THDA. Any costs or services with services dates inside the ESG program contract year but paid after the end of the contract end date may be reimbursed to THDA within 45 days. THDA will not reimburse for the payment of any invoice submitted after the grant disbursement reconciliation report. ESG grantees failure to provide a final grant disbursement reconciliation report to THDA as required may result in the grantee being deemed ineligible for reimbursement pursuant to the ESG grantee contract. ESG reimbursable expenditures and revenue collections are NOT carried forward.



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, as described in this manual. 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 rental assistance. A housing unit inspection is *required* for a program participant served with ESG prevention assistance in a unit in which the participant was already residing if they intend to stay in that housing. 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.

Under no circumstances may an inspection be conducted by a program participant.

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 Poisoning 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 20-minute online training course on conducting visual assessments on HUD's website found here - <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. Under no circumstances may a program participant complete the Visual Assessment.

**APPENDIX B: ESG WRITTEN STANDARDS CHECKLIST**

To access this form on our website, [click here](#).

Emergency Solutions Grant Program Written Standards Checklist

The U.S. Department of Housing and Urban Development requires subrecipients to develop and implement Written Standards for programs provided through the Emergency Solutions Grant Program. The following guidelines must be followed when developing these Standards. Standards for emergency shelter programs will be different than Standards for homeless prevention and rapid re-housing programs so agencies must ensure that the Standards developed are appropriate for programs offered. Agencies are encouraged to use [THDA's ESG Guide](#) as a reference for their written standards. ESG Subrecipients under THDA must certify that the ESG Applicant has written standards that comply with the requirements of [24 CFR 576.400](#) including, but not limited to the following as applicable for the services provided.

All Program Components Require	Mark if implemented
Standards include the area of service where assistance is to be offered.	☐
Standards include all type(s) of assistance that will be offered through the ESG program. Describe all ESG program components, essential services and eligible costs your agency will provide under Emergency Shelter, Street Outreach, Rapid Re-housing and/or Homelessness Prevention.	☐
Standards shall include HUD definitions of homeless and at-risk of homelessness, as defined in 24 CFR 576.2 .	☐
Standards summarize the procedure in place that defines how program participants will be evaluated for eligibility of assistance under the ESG program. Written procedures <u>must establish this order of priority for obtaining evidence</u> as 1) Third-party documentation, 2) Intake worker observations, and 3) Certification from the person seeking assistance third. However, 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. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides or changes of the dates on which entries are made. (Note: DV shelters must follow the requirements of the Violence Against Women Act and the Family Violence Prevention and Services Act which prohibits agencies from making its shelter or housing conditional on the participant's acceptance of service)	☐



Standards include procedures describing the 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 in your service area. Explain how your agency will participate in Coordinated Entry.	☐
Standards describe the formal termination process established by the agency that recognizes the rights of individuals affected. The agency 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. As best practice, procedures should include that program participants should receive a written copy the program rules and termination process before the participant begins to receive assistance.	☐
Standards include steps used to ensure clients receiving ESG assistance are provided all applicable HMIS releases, forms, client complaint process, etc. as required by HMIS regulations. Standards include summaries regarding the requirement that clients served and activities provided with ESG funds will be entered into HMIS (or comparable database if a DV shelter), the timeframe for data to be entered, and the process for ensuring confidentiality of client records.	☐
Street Outreach/Emergency Shelter	Mark if implemented
Standards include a summary of how agency staff will target and provide services related to street outreach.	☐
Standards include 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	☐
Standards include assessing, prioritizing, and reassessing individuals and families' needs for essential services related to emergency shelter.	☐
Homeless Prevention & Rapid Re-housing	Mark if implemented
Standards include a process for determining and prioritizing which eligible families and individuals will receive homeless prevention and/or rapid re-housing assistance. Refer to the homelessness definitions, as defined in 24 CFR 576.2 , that are eligible for each ESG activity. These policies must include the emergency transfer priority required under 24 CFR 576.409 .	☐
Standards for determining what percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention or rapid re-housing assistance.	☐



Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a program participant, including the limits, if any, on the homelessness prevention or rapid re-housing assistance that each program participant may receive, such as the maximum amount of assistance, maximum number of months the program participant receive assistance; or the maximum number of times the program participant may receive assistance. Lengths of time must not exceed 24-months in a 3-year period.	☐
Other than a one-time payment of arrears, agencies must enact procedures to ensure that program participants are not receiving any other subsidies prior to rental assistance payments being made.	☐
Standards include how agency staff will document compliance with FMR and rent reasonableness standards for the service area, lead based paint inspections, and housing inspections. Included shall be procedures to verify and document the age of the units built before 1978 may contain lead-based paint.	☐
Standards include steps for determining how long a program participants will be provided rental assistance. Include whether or not (and how) the amount of that assistance will be adjusted over time.	☐
Standards include Housing Stability Case Management requirements as meeting with participants at least once a month and 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.	☐
For rapid rehousing, this assistance cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing.	☐
Standards include requirements that clients will be re-evaluated for program eligibility and the types and amounts of assistance the program participant needs. This re-evaluation process shall be conducted not less than once every 3 months for program participants receiving homelessness prevention assistance and not less than once annually for program participants receiving rapid re-housing assistance. Requirements of eligibility include, income limits shall not exceed 30% of AMI & the participants still lack the resources and support networks necessary to retain housing.	☐



Standards may require each program participant receiving homelessness prevention or rapid re-housing assistance to notify the agency regarding changes in the program participant's income or other circumstances (e.g., changes in household composition) that affect the program participant's need for assistance under ESG. When notified of a relevant change, the agency must re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs.	☐
If the program participant receives rental assistance or housing relocation and stabilization services, the Standards shall include the formal process for terminating a program participant that includes: 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 participant is given the opportunity to present written or oral objections before a person other than the person who made or approved the termination decision; and 3) prompt written notice of the final decision to the program participant. Included shall be language stating that termination under this section does not bar the participant from providing further assistance at a later date to the same family or individual.	☐

I certify that the Written Standards developed for the Emergency Solutions Grant Program (ESG) follow guidelines reflected above and the regulations under 24 CFR Part 576. Enclosed is a copy of the Written Standards that will be used by all agency staff who will participate in the ESG program.

Printed name of Agency Director

Date

Signature of Agency Director



APPENDIX C: NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT FORM HUD-5380

This form will need to be edited by Grantees before providing it to program participants.

To access this form on HUD's VAWA website. [Click here.](#)

NOTICE OF OCCUPANCY RIGHTS UNDER THE
VIOLENCE AGAINST WOMEN ACT
HUD-5380: Housing Rights for Victims

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Expires 1/31/2028

Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking

When should I receive this form? A covered housing provider must provide a copy of the Notice of Occupancy Rights Under The Violence Against Women Act (Form HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382) when you are admitted as a tenant, when you receive an eviction or termination notice and prior to termination of tenancy, or when you are denied as an applicant. A covered housing provider may provide these forms at additional times.

What is the Violence Against Women Act ("VAWA")? This notice describes protections that may apply to you as an applicant or a tenant under a housing program covered by a federal law called the Violence Against Women Act ("VAWA"). VAWA provides housing protections for victims of domestic violence, dating violence, sexual assault or stalking. VAWA protections must be in leases and other program documents, as applicable. VAWA protections may be raised at any time. You do not need to know the type or name of the program you are participating in or applying to in order to seek VAWA protections.

What if I require this information in a language other than English? To read this information in Spanish or another language, please contact

or go to

You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

What do the words in this notice mean?

- ° *VAWA violence/abuse* means one or more incidents of domestic violence, dating violence, sexual assault, or stalking.
- ° *Victim* means any victim of *VAWA violence/abuse*.
- ° *Affiliated person* means the tenant's spouse, parent, sibling, or child; or any individual, tenant, or lawful occupant living in the tenant's household; or anyone for whom the tenant acts as parent/guardian.
- ° *Covered housing program*¹ includes the following HUD programs:
 - Public Housing
 - Tenant-based vouchers (TBV, also known as Housing Choice Vouchers or HCV) and Project-based Vouchers (PBV) Section 8 programs
 - Section 8 Project-Based Rental Assistance (PBRA)
 - Section 8 Moderate Rehabilitation Single Room Occupancy
 - Section 202 Supportive Housing for the Elderly
 - Section 811 Supportive Housing for Persons with Disabilities
 - Section 221(d)(3)/(d)(5) Multifamily Rental Housing
 - Section 236 Multifamily Rental Housing
 - Housing Opportunities for Persons With AIDS (HOPWA) program
 - HOME Investment Partnerships (HOME) program
 - The Housing Trust Fund
 - Emergency Solutions Grants (ESG) program
 - Continuum of Care program
 - Rural Housing Stability Assistance program
- ° *Covered housing provider* means the individual or entity under a covered housing program that is responsible for providing or overseeing the VAWA protection in a specific situation. The covered housing provider may be a public housing agency, project sponsor, housing owner, mortgagor, housing manager, State or local government, public agency, or a nonprofit or for-profit organization as the lessor.

¹ For information about non-HUD covered housing programs under VAWA, see Interagency Statement on the Violence Against Women Act's Housing Provisions at <https://www.hud.gov/sites/dfiles/PA/documents/InteragencyVAWAHousingStmnt092024.pdf>.
Page 1 of 5



NOTICE OF OCCUPANCY RIGHTS UNDER
THE VIOLENCE AGAINST WOMEN ACT
HUD-5380: Rights for Survivors

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Expires 1/31/2028

What if I am an applicant under a program covered by VAWA? You can't be denied housing, housing assistance, or homeless assistance covered by VAWA just because you (or a household member) are or were a victim or just because of problems you (or a household member) had as a direct result of being or having been a victim. For example, if you have a poor rental or credit history or a criminal record, and that history or record is the direct result of you being a victim of VAWA abuse/violence, that history or record cannot be used as a reason to deny you housing or homeless assistance covered by VAWA.

What if I am a tenant under a program covered by VAWA? You cannot lose housing, housing assistance, or homeless assistance covered by VAWA or be evicted just because you (or a household member) are or were a victim of VAWA violence/abuse. You also cannot lose housing, housing assistance, or homeless assistance covered by VAWA or be evicted just because of problems that you (or a household member) have as a direct result of being or having been a victim. For example, if you are a victim of VAWA abuse/violence that directly results in repeated noise complaints and damage to the property, neither the noise complaints nor property damage can be used as a reason for evicting you from housing covered by VAWA. You also cannot be evicted or removed from housing, housing assistance, or homeless assistance covered by VAWA because of someone else's criminal actions that are directly related to VAWA abuse/violence against you, a household member, or another affiliated person.

How can tenants request an emergency transfer? Victims of VAWA violence/abuse have the right to request an emergency transfer from their current unit to another unit for safety reasons related to the VAWA violence/abuse. An emergency transfer cannot be guaranteed, but you can request an emergency transfer when:

1. You (or a household member) are a victim of VAWA violence/abuse;
2. You expressly request the emergency transfer; **AND**
3. **EITHER**
 - a. you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) stay in the same dwelling unit; **OR**
 - b. if you (or a household member) are a victim of sexual assault, either you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) were to stay in the unit, or the sexual assault occurred on the premises and you request an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

You can request an emergency transfer even if you are not lease compliant, for example if you owe rent. If you request an emergency transfer, your request, the information you provided to make the request, and your new unit's location must be kept strictly confidential by the covered housing provider. The covered housing provider is required to maintain a VAWA emergency transfer plan and make it available to you upon request. To request an emergency transfer or to read the covered housing provider's VAWA emergency transfer plan,

. The VAWA emergency transfer plan includes information about what the covered housing provider does to make sure your address and other relevant information are not disclosed to your perpetrator.

Can the perpetrator be evicted or removed from my lease? Depending on your specific situation, your covered housing provider may be able to divide the lease to evict just the perpetrator. This is called "lease bifurcation."

What happens if the lease bifurcation ends up removing the perpetrator who was the only tenant who qualified for the housing or assistance? In this situation, the covered housing provider must provide you and other remaining household members an opportunity to establish eligibility or to find other housing. If you cannot or don't want to establish eligibility, then the covered housing provider must give you a reasonable time to move or establish eligibility for another covered housing program. This amount of time varies, depending on the covered housing program involved. The table below shows the reasonable time provided under each covered housing programs with HUD. Timeframes for covered housing programs operated by other agencies are determined by those agencies.



NOTICE OF OCCUPANCY RIGHTS UNDER
THE VIOLENCE AGAINST WOMEN ACT
HUD-5380: Rights for Survivors

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Expires 1/31/2028

Covered Housing Program(s)	Reasonable Time for Remaining Household Members to Continue to Receive Assistance, Establish Eligibility, or Move.
HOME and Housing Trust Fund, Continuum of Care Program (except for permanent supportive housing), ESG program, Section 221(d)(3) Program, Section 221(d)(5) Program, Rural Housing Stability Assistance Program	Because these programs do not provide housing or assistance based on just one person's status or characteristics, the remaining tenant(s), or family member(s) in the CoC program, can keep receiving assistance or living in the assisted housing as applicable.
Permanent supportive housing funded by the Continuum of Care Program	The remaining household member(s) can receive rental assistance until expiration of the lease that is in effect when the qualifying member is evicted.
Housing Choice Voucher, Project-based Voucher, and Public Housing programs (for Special Purpose Vouchers (e.g., HUD-VASH, FUP, FYI, etc.), see also program specific guidance)	If the person removed was the only tenant who established eligible citizenship/immigration status, the remaining household member(s) must be given 30 calendar days from the date of the lease bifurcation to establish program eligibility or find alternative housing. For HUD-VASH, if the veteran is removed, the remaining family member(s) can keep receiving assistance or living in the assisted housing as applicable. If the veteran was the only tenant who established eligible citizenship/immigration status, the remaining household member(s) must be given 30 calendar days to establish program eligibility or find alternative housing.
Section 202/811 PRAC and SPRAC	The remaining household member(s) must be given 90 calendar days from the date of the lease bifurcation or until the lease expires, whichever is first, to establish program eligibility or find alternative housing.
Section 202/8	The remaining household member(s) must be given 90 calendar days from the date of the lease bifurcation or when the lease expires, whichever is first, to establish program eligibility or find alternative housing. If the person removed was the only tenant who established eligible citizenship/immigration status, the remaining household member(s) must be given 30 calendar days from the date of the lease bifurcation to establish program eligibility or find alternative housing.
Section 236 (including RAP); Project-based Section 8 and Mod Rehab/SRO	The remaining household member(s) must be given 30 calendar days from the date of the lease bifurcation to establish program eligibility or find alternative housing.
HOPWA	The remaining household member(s) must be given no less than 90 calendar days, and not more than one year, from the date of the lease bifurcation to establish program eligibility or find alternative housing. The date is set by the HOPWA Grantee or Project Sponsor.



NOTICE OF OCCUPANCY RIGHTS UNDER
THE VIOLENCE AGAINST WOMEN ACT
HUD-5380: Rights for Survivors

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Expires 1/31/2028

Are there any reasons that I can be evicted or lose assistance? VAWA does not prevent you from being evicted or losing assistance for a lease violation, program violation, or violation of other requirements that are not due to the VAWA violence/abuse committed against you or an affiliated person. However, a covered housing provider cannot be stricter with you than with other tenants, just because you or an affiliated person experienced VAWA abuse/violence. VAWA also will not prevent eviction, termination, or removal if other tenants or housing staff are shown to be in immediate, physical danger that could lead to serious bodily harm or death if you are not evicted or removed from assistance. **But only if no other action can be taken to reduce or eliminate the threat** should a covered housing provider evict you or end your assistance, if the VAWA abuse/violence happens to you or an affiliated person. A covered housing provider must provide a copy of the Notice of Occupancy Rights Under The Violence Against Women Act (Form HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382) when you receive an eviction or termination notice and prior to termination of tenancy.

What do I need to document that I am a victim of VAWA abuse/violence? If you ask for VAWA protection, the covered housing provider may request documentation showing that you (or a household member) are a victim. **BUT** the covered housing provider must make this request in writing and must give you at least 14 business days (weekends and holidays do not count) to respond, and you are free to choose any one of the following:

1. A self-certification form (for example, Form HUD 5382), which the covered housing provider must give you along with this notice. Either you can fill out the form or someone else can complete it for you;
2. A statement from a victim/survivor service provider, attorney, mental health professional or medical professional who has helped you address incidents of VAWA violence/abuse. The professional must state "under penalty of perjury" that he/she/they believes that the incidents of VAWA violence/abuse are real and covered by VAWA. Both you and the professional must sign the statement;
3. A police, administrative, or court record (such as a protective order) that shows you (or a household member) were a victim of VAWA violence/abuse; OR
4. If allowed by your covered housing provider, any other statement or evidence provided by you.

It is your choice which documentation to provide and the covered housing provider must accept any one of the above as documentation. The covered housing provider is prohibited from seeking additional documentation of victim status or requiring more than one of these types of documentation, unless the covered housing provider receives conflicting information about the VAWA violence/abuse.

If you do not provide one of these types of documentation by the deadline, the covered housing provider does not have to provide the VAWA protections you requested. If the documentation received by the covered housing provider contains conflicting information about the VAWA violence/abuse, the covered housing provider may require you to provide additional documentation from the list above, but the covered housing provider must give you another 30 calendar days to do so.

Will my information be kept confidential? If you share information with a covered housing provider about why you need VAWA protections, the covered housing provider must keep the information you share strictly confidential. This information should be securely and separately kept from your other tenant files. No one who works for your covered housing provider will have access to this information, unless there is a reason that specifically calls for them to access this information, your covered housing provider explicitly authorizes their access for that reason, and that authorization is consistent with applicable law.

Your information **will not be disclosed** to anyone else or put in a database shared with anyone else, except in the following situations:

1. If you give the covered housing provider written permission to share the information for a limited time;
2. If the covered housing provider needs to use that information in an eviction proceeding or hearing; or
3. If other applicable law requires the covered housing provider to share the information.



NOTICE OF OCCUPANCY RIGHTS UNDER
THE VIOLENCE AGAINST WOMEN ACT
HUD-5380: Rights for Survivors

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Expires 1/31/2028

How do other laws apply? VAWA does not limit the covered housing provider's duty to honor court orders about access to or control of the property, or civil protection orders issued to protect a victim of VAWA abuse/violence. Additionally, VAWA does not limit the covered housing provider's duty to comply with a court order with respect to the distribution or possession of property among household members during a family break up. The covered housing provider must follow all applicable fair housing and civil rights requirements.

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. To request a reasonable accommodation, please contact

. Your covered housing provider must also ensure effective communication with individuals with disabilities.

Have your protections under VAWA been denied? If you believe that the covered housing provider has violated these rights, you may seek help by contacting

. You can also find additional information on filing VAWA complaints at <https://www.hud.gov/VAWA> and https://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA. To file a VAWA complaint, visit <https://www.hud.gov/fairhousing/fileacomplaint>.

Need further help?

- For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>.
- To talk with a housing advocate, contact

Public reporting burden for this collection of information is estimated to range from 45 to 90 minutes per each covered housing provider's response, depending on the program. This includes time to print and distribute the form. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410. This notice is required for covered housing programs under section 41411 of VAWA and 24 CFR 5.2003. Covered housing providers must give this notice to applicants and tenants to inform them of the VAWA protections as specified in section 41411(d)(2). This is a model notice, and no information is being collected. A Federal agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

**APPENDIX D: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING FORM HUD 5382**

This form will need to be edited by Grantees before providing it to program participants.

To access this form on HUD's VAWA website. [Click here.](#)

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Exp. 1/31/2028

**CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

Confidentiality Note: Any personal information you share in this form will be maintained by your covered housing provider according to the confidentiality provisions below.

Purpose of Form: If you are a tenant of or applicant for housing assisted under a covered housing program, or if you are applying for or receiving transitional housing or rental assistance under a covered housing program, and ask for protection under the Violence Against Women Act ("VAWA"), you may use this form to comply with a covered housing provider's request for written documentation of your status as a "victim". This form is accompanied by a "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380.

VAWA protects individuals and families regardless of a victim's age, sex, or marital status.

You are not expected and cannot be asked or required to claim, document, or prove victim status or VAWA violence/abuse other than as stated in "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380.

This form is one of your available options for responding to a covered housing provider's written request for documentation of victim status or the incident(s) of VAWA violence/abuse. If you choose, you may submit one of the types of third-party documentation described in Form HUD-5380, in the section titled, "What do I need to document that I am a victim?". Your covered housing provider must give you at least 14 business days (weekends and holidays do not count) to respond to their written request for this documentation.

Will my information be kept confidential? Whenever you ask for or about VAWA protections, your covered housing provider must keep any information you provide about the VAWA violence/abuse or the fact you (or a household member) are a victim, including the information on this form, strictly confidential. This information should be securely and separately kept from your other tenant files. This information can only be accessed by an employee/agent of your covered housing provider if (1) access is required for a specific reason, (2) your covered housing provider explicitly authorizes that person's access for that reason, and (3) the authorization complies with applicable law. This information will not be given to anyone else or put in a database shared with anyone else, unless your covered housing provider (1) gets your written permission to do so for a limited time, (2) is required to do so as part of an eviction or termination hearing, or (3) is required to do so by law.

In addition, your covered housing provider must keep your address strictly confidential to ensure that it is not disclosed to a person who committed or threatened to commit VAWA violence/abuse against you (or a household member).

What if I require this information in a language other than English? To read this in Spanish or another language, please contact _____

or go to _____

_____. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. Your covered housing provider must also ensure effective communication with individuals with disabilities.



Need further help? For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>. To speak with a housing advocate, contact [REDACTED].

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Name(s) of victim(s): [REDACTED]

2. Your name (if different from victim's): [REDACTED]

3. Name(s) of other member(s) of the household: [REDACTED]

4. Name of the perpetrator (if known and can be safely disclosed): [REDACTED]

5. What is the safest and most secure way to contact you? (You may choose more than one.)

If any contact information changes or is no longer a safe contact method, notify your covered housing provider.

☐ Phone Phone Number: [REDACTED]

Safe to receive a voicemail: ☐ Yes ☐ No

☐ E-mail E-mail Address: [REDACTED]

Safe to receive an email: ☐ Yes ☐ No

☐ Mail Mailing Address: [REDACTED]

Safe to receive mail from your housing provider: ☐ Yes ☐ No

☐ Other Please List: [REDACTED]

6. Anything else your housing provider should know to safely communicate with you?

[REDACTED]

**Applicable definitions of domestic violence, dating violence, sexual assault, or stalking:**

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who lives with or has lived with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Spouse or intimate partner of the victim includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Dating violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; **and**
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others or
- (2) Suffer substantial emotional distress.

Certification of Applicant or Tenant: By signing below, I am certifying that the information provided on this form is true and correct to the best of my knowledge and recollection, and that one or more members of my household is or has been a victim of domestic violence, dating violence, sexual assault, or stalking as described in the applicable definitions above.

**Signature****Date**

Public Reporting Burden for this collection of information is estimated to average 20 minutes per response. This includes the time for collecting, reviewing, and reporting. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. Housing providers in programs covered by VAWA may request certification that the applicant or tenant is a victim of VAWA violence/abuse. A Federal agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

**APPENDIX E: SAMPLE REASONABLE ACCOMMODATION INFORMATION AND REQUEST FORM****REASONABLE ACCOMMODATION INFORMATION AND REQUEST FORM****[SAMPLE DOCUMENT, EMERGENCY SOLUTIONS GRANT PROGRAM]****What is a request for a reasonable accommodation?**

It is a request for a reasonable change to a rule, policy, practice, or service to help a person with a disability-related need to have equal access to a program or activity.

A person's requested accommodation must be:

- (1) Connected to the person's disability-related needs, and
- (2) Necessary to afford an equal opportunity to access the services or benefits offered by the program, and
- (3) Possible to implement without undue burden or cost.

To request a reasonable accommodation, complete all the questions below and return the information to: _____ [INSERT AGENCY CONTACT NAME AND ADDRESS]

Section 1: Contact Information

Name of Person with Disabling Condition(s): _____

Contact information for person requesting reasonable accommodation (provide all that apply):

Email address: _____ Phone number: _____

Address where you receive mail, such as a PO Box:

Communication preference (phone call, email, mail): _____

Section 2: Reasonable Accommodation Request

As a result of a disability, I am requesting the following reasonable accommodation(s) on behalf of myself or as a legal representative to the individual listed above so that I/he/she may successfully participate in the Emergency Solutions Grant (ESG) program:



Please explain why the request for Reasonable Accommodation is necessary :

Section 3: Authorization and Release of Information:

I, the individual with the disabling condition(s) or their legal representative, do hereby certify that the information contained herein is true and complete, and I authorize and release _____ [insert agency name] to certify that the claimed disabling condition(s) substantially limit(s) (to a large degree) a major life activity such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking, as defined by the Fair Housing Act (Title VIII of the Civil Rights Act of 1968 at 42 U.S.C. 3601-3619) and the accommodation requested is necessary to successfully participate in the Emergency Solutions Grant program.

I understand there must be an identifiable relationship between the requested accommodation and the disabling condition(s). In order to certify this information, I authorize _____ to contact the following physician or health care professional (licensed psychologist, licensed nurse practitioner, rehabilitation professional, non-medical service agency whose function is to provide services to the disabled, or other licensed health professional) who is familiar with the disabling condition(s) and its relationship to the requested accommodation.

**Section 4: Contact Information for Health Care Provider**

Name of Doctor or Health Care Provider: _____

Medical Facility (if applicable): _____

Title of Health Care Provider: _____

Address (inc. city, state, zip): _____

Phone: _____ Email/Fax (required): _____

Section 5: Signatures

I understand that the information obtained by _____ [INSERT AGENCY NAME] will be kept completely confidential and used solely to make a determination on my reasonable accommodation request.

Signature of person with the disabling condition
or their legal representative

Date

Note: If anyone other than the person with the disabling condition(s) is signing, except for a guardian signing for a minor, the legal representative MUST provide documentation that gives them the legal right to sign on behalf of the person with the disabling condition(s).