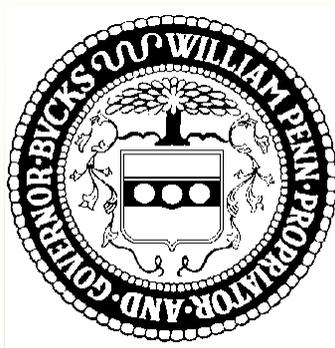


**BUCKS COUNTY
EMERGENCY SOLUTIONS GRANT
ESG MANUAL**



DATE: April 2020



COUNTY OF BUCKS

HOUSING SERVICES DEPARTMENT

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Dear Emergency Solutions Grant Sub-recipients,

The mission of the Bucks County Division of Housing and Human Services is “supporting and strengthening individual and family wellness through community connections, collaboration, integration, innovation, and responsible stewardship of resources”. This Emergency Solutions Grant (ESG) Manual will help us advance our work toward achieving this mission on behalf of our homeless or at-risk of homelessness population by providing necessary operational guidelines and a strong framework for our efforts.

ESG funds enable Bucks County to bring to its residents programs such as Street Outreach, Emergency Shelter, Homelessness Prevention and Rapid Rehousing that engage homeless individuals and families and support the achievement of their personal goals. Through the implementation of these programs and the many community connections we have established, we expect to see sustainable changes in people’s lives and overall positive outcomes in our community along with individual achievement.

As Theodore Roosevelt once said, “This country will not be a good place to live for any of us to live in unless we make it a good place for all of us to live in”. With these words as a reminder, we look forward to the implementation of ESG programs with our community partners, residents, key stakeholders and our colleagues in Bucks County Government.

Jeffrey S. Fields, Director

Bucks County Housing Services Department



EQUAL HOUSING OPPORTUNITY

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Introduction

The amount of the Emergency Solutions Grant (ESG) allocation received from the U.S. Department of Housing and Urban Development (HUD) can vary each year and is awarded to jurisdictions via an annual Award Notice. In order to identify the unmet needs of the homeless and at-risk of homelessness in Bucks County, agencies applying for an ESG allocation are asked to submit Requests for Funding that are supported by data showing: 1) need for the program; 2) evidence of homeless or at-risk of homelessness population within the community; 3) a plan that summarizes how funds will be used to address the unmet needs of their community; and 4) evidence that the applicant has collaborated with the local Continuum of Care (CoC) and that activities selected will help the CoC to meet its goals to address and end homelessness. Preference is given to applicants whose programs will help to meet priorities identified by HUD, the County of Bucks, and the local Continuum of Care. Programs that will provide access to permanent rapid re-housing of homeless individuals and families, defined as a Critical Need Priority by HUD, are preferred.

ESG Programs and services must be provided in compliance with ESG regulations. This manual does not replace the regulations contained in 24 CFR Part 576, and subsequent amendments, or any other applicable Federal, State and local laws, ordinances and regulations pertaining to the Emergency Solutions Grants Program. Rather, it highlights and emphasizes grant requirements. Sub-recipients must always refer to the regulations and the grant agreement in determining what is allowable and necessary under the ESG program.

The Emergency Solutions Grants Program is administered by the Bucks County Housing Services Department. Questions pertaining to the administration of the program may be directed to Deborah Kirkner, who may be contacted as follows:

Deborah Kirkner
Bucks County Housing Services Department
1260 Almshouse Road, Doylestown, PA 18901
215-348-3840
dakirkner@buckscounty.org

The ESG Policy Manual will be available as an electronic document located on both the Bucks County Housing Services Department website (www.buckscounty.org) and the Bucks County Continuum of Care website (www.hcocbc.com). A hard copy will also be available for review at the Housing Services Department, 1st Floor, 1260 Almshouse Road, Doylestown, PA 18901.

The ESG Policy Manual is a living document. The County shall issue an ESG Program Bulletin when needed to inform sub-recipients of changes to policies and procedures. These Bulletins are to be shared with program staff and maintained in the ESG Policies and Procedures Manual provided to sub-recipients at grant award.

As policies or procedures are modified, these revisions will be updated in the ESG Policy Manual.

Summary and Overview

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) amended the McKinney-Vento Homeless Assistance Act, revised the Emergency Shelter Grants Program and renamed it the Emergency Solutions Grants (ESG) program. The change in the program's name, from Emergency Shelter Grants to Emergency Solutions Grants, reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

The HEARTH Act provides grantees with the programmatic framework to maximize communitywide planning and strategic use of resources, and to improve coordination and integration with mainstream services to increase efficiency, including services funded by other programs targeted to homeless people. It also codifies into law the Continuum of Care planning process, a longstanding part of HUD's application process to assist homeless persons by providing greater coordination in responding to their needs. In Bucks County, the Housing Services Department is the recipient, receiving funds directly from HUD. The County then passes this funding to community service partners as sub-recipients to implement programs for homeless households. The County also receives ESG funds through DCED, and the Housing Services Department is the Lead Agency for the Continuum of Care (CoC).

ESG Program Overview and Objectives

The Continuum of Care model is based on the understanding that homelessness is not caused by simply a lack of shelter, but involves a variety of underlying needs. The fundamental components of a Continuum of Care System are:

- Outreach and assessment to identify homeless person's needs;
- Immediate shelter as a safe, decent alternative to the streets;
- Transitional housing with appropriate supportive services;
- Permanent housing or permanent supportive housing for the disabled homeless

ESG is a formula grant allocated according to population and other demographic factors to eligible jurisdictions nationwide. The ESG program provides funding to: (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents; (5) rapidly re-house homeless individuals and families, and (6) prevent individuals/families from becoming homeless.

The ESG program is designed as the first step in the continuum of assistance to prevent homelessness and to enable the homeless population to move steadily toward independent living. Its purpose is to provide homelessness prevention assistance to households who would otherwise become homeless and to provide assistance to rapidly re-house persons who are homeless as defined by HUD. HUD expects that these resources will be targeted and prioritized to serve households that are most in

need of this temporary assistance and are most likely to achieve stable housing, whether subsidized or unsubsidized, outside of ESG after the program concludes.

The ESG is focused on housing for homeless and at-risk households. It provides temporary financial assistance and housing relocation and stabilization services to individuals and families who are homeless or would be homeless *but for* this assistance. The funds under this program are intended to target two populations of persons facing housing instability: 1) individuals and families who are currently in housing but are at imminent risk of becoming homeless and need temporary rent or utility assistance to prevent them from becoming homeless or assistance to move to another unit (prevention), and 2) individuals and families who are experiencing homelessness (residing in emergency or transitional shelters or on the street) and need temporary assistance in order to obtain housing and retain it (rapid re-housing).

The ESG is NOT a mortgage assistance program. ESG funds are only eligible to help program participants—whether they are renters or homeowners about to become homeless—pay for utilities, moving costs, security deposits and rent in a new unit, storage fees, and other financial costs or services. ESG funds are not eligible to pay for any mortgage costs or legal or other fees associated with retaining a homeowner’s housing.

Eligible activities are intentionally focused on housing— either financial assistance to help pay for housing, or services designed to keep people in housing or to find housing. Generally, the intent of ESG assistance is to rapidly transition program participants to stability, either through their own means or through public assistance, as appropriate. ESG assistance is not intended to provide long-term support for program participants, nor will it be able to address all of the financial and supportive services needs of households that affect housing stability. Assistance should be focused on housing stabilization, linking program participants to community resources and mainstream benefits, and helping them develop a plan for preventing future housing instability.

All households receiving any form of ESG assistance are to have initial assessment and case management. Monthly case management follow-up is required to ensure that the household remains housed and addresses barriers that led to the housing crisis. Individuals with apparent or diagnosed disabilities, e.g. serious mental illness or co-occurring disorders, should be served from time of emergency through time of stability by separate service providers who will engage with these individuals, provide case management, and oversee support services with a goal of permanent housing and an adequate support network. The development of an individualized Housing Case Plan is an integral part of the Bucks County ESG program. Individuals and families served in this initiative will be those who have the most likelihood of becoming stabilized and who would otherwise tend to use the largest percentage of emergency shelter and other emergency resources.

ESG funds may be used for five specific program components, and administrative activities (cannot exceed 7.5% of the recipient's fiscal year grant from HUD and 3.75% of the recipient's fiscal year grant from DCED):

- Street Outreach
- Emergency Shelter
- Homelessness Prevention
- Rapid Re-housing Assistance
- HMIS

Systems Coordination

The Bucks County Housing Services Department (hereafter, known as HSD) is the recipient of ESG funds for Bucks County. It has been approved by HUD to assume financial responsibility and has entered into a grant agreement with HUD to administer assistance under this pact. The sub-recipient is either a unit of general purpose local government or private nonprofit organization to which HSD makes available ESG funds.

ESG requires area-wide systems coordination. These requirements include:

Consultation with Continuums of Care. The County consults with the Housing Continuum of Care of Bucks County to determine how to allocate ESG funds each program year; develops the performance standards for, and evaluates the outcomes of, projects and activities assisted by ESG funds; and develops funding, policies, and procedures for the administration and operation of the HMIS, a mandated CoC function. HSD, lead agency for the CoC, is the Bucks County entitlement for ESG funded programs, allocating ESG funding for rapid re-housing and for operations at three emergency shelters. All ESG funded projects are consistent with the goals identified in the 2015-19 Consolidated Plan. The CoC provides input into ESG project approval. Monitoring, performance measurement and outcomes assessment are joint activities between HSD and CoC. Jurisdiction level PIT data is shared with all CoC and ESG recipients as a baseline to assess homelessness and systems outcomes. The sub-recipient is required to actively participate in the Continuum of Care of Bucks County.

Coordination with other targeted homeless services. The County maintains relationships with numerous community service providers. It solicits input on goals, activities and focus areas, and encourages participation in the CoC. The County and the sub-recipient shall coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to homeless people in the area covered by the Continuum of Care to provide a strategic, community-wide system to prevent and end homelessness for that area. These programs include:

- Shelter Plus Care
- Supportive Housing Program
- Section 8 Moderate Rehabilitation Program for Single Room Occupancy for Homeless Individuals
- HUD - Veterans Affairs Supportive Housing (HUD-VASH)
- Education for Homeless Children and Youth Grants for State and Local Activities (Title VII-B, McKinney-Vento Homeless Assistance Act)
- Grants for the Benefit of Homeless Individuals (section 506, Public Health Services Act)
- Healthcare for the Homeless
- Programs for Runaway and Homeless Youth (Runaway and Homeless Youth Act)
- Projects for Assistance in Transition from Homelessness (part C, title V, Public Health Service Act)
- Services in Supportive Housing Grants (section 520A, Public Health Service Act)
- Emergency Food and Shelter Program (title III, McKinney-Vento Homeless Assistance Act)

- Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (section 40299, Violent Crime Control and Law Enforcement Act)
- Homeless Veterans Reintegration Program (section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act)
- Domiciliary Care for Homeless Veterans Program
- VA Homeless Providers Grant and Per Diem Program
- Health Care for Homeless Veterans Program
- Homeless Veterans Dental Program
- Supportive Services for Veteran Families Program
- Veteran Justice Outreach Initiative

System and program coordination with mainstream resources. The County and the sub-recipient shall coordinate and integrate, to the maximum extent practicable, ESG-funded activities with mainstream housing, health, social services, employment, education, and youth programs for which families and individuals at risk of homelessness and homeless individuals and families may be eligible. Examples of these programs include:

- Public housing programs assisted under section 9 of the U.S. Housing Act of 1937
- Housing programs receiving tenant-based or project-based assistance (section 8, U.S. Housing Act of 1937)
- Supportive Housing for Persons with Disabilities (Section 811)
- HOME Investment Partnerships Program
- Temporary Assistance for Needy Families (TANF)
- Health Center Program
- State Children's Health Insurance Program
- Head Start
- Mental Health and Substance Abuse Block Grants
- Services funded under the Workforce Investment Act

Coordinated Entry. The Bucks County Housing Link is PA-511 Bristol/Bensalem/Bucks County Continuum of Care's (CoC) designated coordinated entry system. The Bucks County Housing Services Department serves as the CoC Lead Agency and manages the CoC's Homeless Management Information System (HMIS), the unified data system used for coordinated entry. All ESG and CoC funded projects within the CoC must receive all project referrals through the coordinated entry system. Non ESG and CoC funded projects are encouraged to participate and serve the CoC's target population and follow community priorities. A victim service provider may choose not to use the Continuum of Care's centralized intake/coordinated assessment system. However, a comparable data collection and reporting system is required. Persons calling the Bucks County Housing Link Call Center receive a brief screening to determine basic eligibility, level of need, and appropriate referral to next step assessment.

Written standards for providing ESG assistance.

1. Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under ESG

- ESG funds can be used to support Rapid Re-housing (RRH), Emergency Shelter, Homelessness Prevention and Street Outreach.
- Priority is given to funding that supports securing housing options for homeless households and to support the expansion of rapid re-housing
- Persons calling the Bucks County Housing Link Call Center receive a brief screening to determine basic eligibility, level of need, and appropriate referral to next step assessment.
- Individuals/families, who meet the HUD criteria for the following definitions, are eligible for Rapid Re-housing assistance. These are:
 - Homeless Category 1: Literally homeless;
 - Homeless Category 4: Fleeing/attempting to flee DV as long as they are also literally homeless.
- Individuals/families, who meet the HUD criteria for the following definitions, are eligible for Homelessness Prevention. These are;
 - At Risk of Homelessness;
 - Homeless Category 2: Imminently at-risk of homelessness;
 - Homeless Category 3: Homeless under any other federal statute (unaccompanied children and youth or families with children or youth who meet the Runaway and Homeless Youth Act definition or Documentation for school district certification of homeless)
 - Homeless Category 4: Fleeing/attempting to flee DV (as long as they are not literally homeless as they would then qualify for rapid re-housing)
- Documentation is required at time of intake to verify homeless status. The order of priority for obtaining evidence is 1) third party documentation; 2) worker observation; and 3) certification from the person seeking assistance.
- Additional details related to the HUD definition of Homeless and At Risk of Homelessness and applicability of these definitions are found in the section on Record Keeping and Reporting Requirements (Homeless status and At Risk of homelessness status) on pages 59-68 and in Appendix (HUD Homeless Definitions) of this Manual.
- For Rapid Re-housing, an income assessment is not required at initial evaluation. At time of re-evaluation, total household income must be below 30% of Fair Market Rent for the area.
- For Homelessness Prevention, total household income must be below 30% of Fair Market Rent for the area at initial assessment and at time of re-evaluation. Clients must provide documentation of household income, including documentation of unemployment.

2. Standards for targeting and providing essential services related to street outreach

Targeting

Street outreach serves all individuals/families who meet HUD Category 1 and 4 of HUD's homeless definition. Although the homeless population itself is a vulnerable population, street outreach activities should target those who are extremely vulnerable including youth, chronically homeless persons, and person with mental health or medical fragility.

Street outreach will target their services based on two sources:

- All clients that identify as Category 1 – Literally Homeless at the Housing Link Call Center will be referred to Street Outreach to meet in person to provide supportive services and complete homeless verification. Persons verified homeless may be referred to the Coordinated Entry’s By-Name list for shelter and other housing services as appropriate.
- In addition, street outreach is required to weekly canvass the geographical area of Bucks County, including known locations, to target services to those that have not or are unable to connect with the coordinated entry system.

Essential Services

ESG funds under the Street Outreach program component may be used to provide services for [homeless](#) youth, victim services, and services for people living with HIV/AIDS, so long as the costs are for provision of those services are - engagement, case management, emergency health services, emergency mental health services, and/or transportation. The term *victim services* means services that assist [program participants](#) who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

3. Policies and Procedures for coordination among emergency shelter providers, essential service providers, homeless prevention, and rapid rehousing assistance providers; other homeless assistance providers; and mainstream service and housing.

The County of Bucks requires all ESG and CoC funded programs participate in the Bucks County Housing Link coordinated entry system. Coordinated entry uses a common housing assessment tool, the VI-SPDAT, to ensure that all homeless individuals are referred to the appropriate housing interventions. Coordinated entry will be used for each housing intervention supported by ESG and all ESG recipients are fully integrated into the system referral process.

Agency Representatives

Each agency has at minimum one designated coordinated entry representative. This representative is responsible for the following HMIS procedures:

- Receiving electronic email notifications from the HMIS system for new service referrals.
- Accepting/rejecting referrals into their program
- Ensuring that prioritization and case conferencing is used when accepting households into services.
- Recording related coordinated intake notes into HMIS for household as needed.
- Electronic referral to Housing Locator services as appropriate, and including all required documentation as outline in the Housing Locator HMIS guidance.

Training

All housing service provider case managers and/or designated representatives must participate in all coordinated entry, HMIS, and other general trainings through the CoC as designated by the County of Bucks Housing Services Department. This will allow staff to be fully updated and trained within the HMIS system, as well as allow for focused case management training on maintaining stable housing and ensuring connection to mainstream resources for households.

Case Conferencing

The County of Bucks Housing Services Department expects all ESG sub-recipients to participate in monthly and/or biweekly case conferencing within the CoC. Case conferencing will include representatives from street outreach, emergency shelter, rapid rehousing, homeless prevention, and supportive housing providers. This allows standardized and consistent communication among service providers when prioritizing and selecting households for program entry. The Housing Services Department will facilitate the case conferencing meetings and track attendance to ensure full participation.

Coordinating with mainstream providers

The County of Bucks Housing Services Department requires every agency that is funded through ESG will coordinate with and access mainstream and other targeted homeless resources. This includes attendance of agency representatives at CoC general meetings and Direct Service Coalition meetings where mainstream providers are present for collaboration and information sharing. The County of Bucks Housing Services Department will evaluate performance of each provider based on performance metrics of ESG sub-recipients including increases in employment and non-employment income, connection to benefits, and exits to housing stability.

4. Policies and procedures for determining and prioritizing which eligible individuals and families will receive homelessness prevention assistance and which eligible families and individuals will receive rapid re-housing assistance.

Homeless Prevention Determination and Prioritization

All targeted individuals and families described below have to first meet the minimum HUD requirements for eligibility to homeless prevention.

All eligible households must be referred through the Bucks County Housing Link coordinated entry system. Eligible households will be screened for key data and assessed using the Prevention VI-SPDAT tool in HMIS.

Households that are at greatest risk of becoming homeless with a Prevention VI-SPDAT score of 12+ will be prioritized for prevention services. Prioritization among this subset will be as follows;

- Families with young children including currently pregnant individuals
- Families/individuals with a history of homelessness
- Families/individuals with medical frailty

Rapid Rehousing Determination and Prioritization

All targeted individuals and families described below have to first meet the minimum HUD requirements for eligibility to rapid rehousing.

All eligible households must be referred through the Bucks County Housing Link coordinated entry system. Eligible households will be verified as Category 1- Homeless as outlined above. Households will be screened for key data and assessed using the VI-SPDAT tool in HMIS.

Assessed households will be placed on the By-Name list and prioritized for rapid rehousing services based on the following prioritization:

- Verified unsheltered homeless with VI-SPDAT score 6+
 - Families with children including pregnant individuals
 - Families/individuals with medical frailty
 - Families/Individuals actively fleeing domestic violence
 - Families/Individuals where head of household is a transition age youth

- Families/individuals with the longest length of time unsheltered homeless
- Sheltered homeless with VI-SDPAT score 6+
 - Families with children including pregnant individuals
 - Families/individuals with medical frailty
 - Families/individuals actively fleeing domestic violence
 - Families/Individuals where head of household is a transition age youth
 - Families/individuals with the longest length of time homeless

5. 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

Admission

Shelter programs accept clients from the CoC’s By-Name List using a combination of factors and priorities including bed/room availability and community priorities.

Diversion/Housing Planning

Shelter staff utilizes diversion tactics whenever possible with households seeking shelter assistance. This can include problem-solving conversations to help households self-resolve before having to enter the shelter.

Referrals to other services

The shelter conducts a VI-SPDAT with clients that are determined through shelter case management and assessment to need additional housing supports and refer them to the Priority List for case conferencing. Shelter case managers are expected to work with clients from day one to obtain necessary minimum documentation needed to rent an apartment in order to more rapidly rehouse those needing housing supports.

Discharge and Length of Stay

Shelter residents are assigned a standard 60 day discharge date at time of intake. Extensions are granted by the case management supervisor and can be for two weeks at a time. Extensions are granted after the case manager and case management supervisor participate in a case conference. The residents’ participation in case management, income, and housing plans are all considered when reviewing for extension.

Safety and Shelter Needs

Emergency shelters must have internal procedures regarding addressing safety needs of special populations including:

- Maintaining confidentiality for victims of domestic violence
- Promoting a zero tolerance policy towards violence and tracking in the event of an incident
- Maintaining minimum of two staff present for security and safety
- Including safeguards such as locked doors with approved access, cameras in common areas, and appropriate staff training

6. Policies and procedures for assessing, prioritizing, and reassessing individuals’ and families’ needs for essential services related to emergency shelter

Emergency shelters will prioritize individuals/families that:

- Cannot be diverted; and
- Are street homeless; and

- Are in priority populations including families with young children, medical frailty, actively fleeing domestic violence, or transition age youth

Emergency shelter staff will use a standardized intake form and record all required data elements into HMIS for the household. Staff then will use the SPDAT score as a case management tool to help determine household needs. These SPDAT responses will guide case management and help determine household need for essential services.

Households will be reassessed for service and shelter needs at minimum biweekly, which includes;

- Review of the household's service plan and progress to date
- Revising service plan to better address household needs as appropriate
- Case conferencing with appropriate service providers

7. Standards for determining the share of rent and utility costs that program participants must pay, if any, while receiving homelessness prevention or rapid re-housing assistance

- Rental assistance cannot be provided for a unit unless the rent for that unit is at or below the current Fair Market Rent (FMR) limit, established by HUD;
- 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 unassisted units;
- The rental unit must meet Minimum Habitability Standards including conformity with Lead Based Paint disclosure and remediation;
- No rental assistance may be made to an individual or family that is receiving rental assistance from another public source for the same time period;
- Rental assistance may not be provided to a participant who is currently receiving replacement housing payments under Uniform Relocation Assistance.

8. Standards for determining how long a particular program participant will receive rental assistance and whether and how the amount of that assistance will be adjusted over time.

- Short-term rental assistance is assistance for up to 3 months of rent;
- Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent;
- Payment of rental arrears may consist of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears;
- The maximum amount of rental assistance provided, and an individual or family's level of responsibility for rent payments, over time, shall be determined by the ESG sub-recipient and shall be reflective of the individual's or family's need for rental assistance and the level of financial resources available to the ESG sub-recipient.

- Re-evaluation of program participant eligibility will occur: not less than once every 3 months for those receiving homelessness prevention assistance, and not less than once annually for program participants receiving rapid re-housing;
- Program participants must report whenever there is a change in their income and if there is alteration in household composition;
- Rental assistance will end if and when other subsidy begins, such as Section 8 Housing Choice Voucher, public housing, or project based rental subsidy.
- Guidance from the Housing Continuum of Care-Bucks County, through its general membership meetings and the HCoC-BC executive committee, and the Housing Services Department, HCoC-BC Lead Agency, will establish, evaluate and modify rental assistance parameters based on data such as community need, outcomes and available funding within the HUD guidelines.

9. 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 may receive assistance, or the maximum number of times the program participants may receive assistance.

- ESG sub-recipients 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.
- Rental assistance will terminate when the program participant moves out of the housing unit for which the program participant has a lease, the lease terminates and is not renewed, or the program participant becomes ineligible for ESG assistance.
- Sub-recipients can set their own limits if:
 - Proposed ESG Program design meets Housing Services Department (HSD) approval;
 - Assistance does not exceed ESG Program requirements;
 - Housing stability outcomes are consistently achieved

Participation in HMIS. The County requires that data on all persons served and all activities assisted under ESG by sub-recipients are entered into the County’s HMIS in accordance with HUD’s standards on participation, data collection, and reporting. If the sub-recipient is a victim service provider or a legal services provider, it shall use a comparable database that collects client-level data over time (i.e., longitudinal data) and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into HMIS.

Street Outreach Component

ESG funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing or critical services; and provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing or an appropriate health facility. For purposes of this section, the term “unsheltered homeless people” means individuals and families who lack regular and adequate nighttime residence, meaning:

- Primary nighttime residence is public or private and not meant for human habitation;
- Is living in a public or privately operated shelter (congregate shelters, transitional housing and hotels/motels are paid for by charitable organizations or federal, state and local government);
- Is exiting an institution where he/she has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering institution.

All essential services as defined by HUD shall be provided as appropriate for program participants’ needs.

Engagement. The eligible costs and requirements for essential services for street outreach consist of those necessary for client engagement. These include activities to locate, identify, and build relationships with unsheltered homeless people and engage them for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs. These activities consist of making an initial assessment of needs and eligibility; providing crisis counseling; addressing urgent physical needs, such as providing meals, blankets, clothes or toiletries; and actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs, including emergency shelter, transitional housing, community-based services, permanent supportive housing, and rapid re-housing programs. Eligible costs include the cell phone costs of outreach workers during the performance of these activities.

Case management. The cost of assessing housing and service needs, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant. Eligible services and activities are as follows: using the centralized entry assessment system as required by HUD; conducting the initial evaluation required to determine the eligibility of each individual’s or family’s eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing in accordance with the written standards as set forth. This may also include 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.

Emergency health services. Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living.

ESG funds may be used only for these services to the extent that other appropriate health services are inaccessible or unavailable within the area. 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 emergency medical treatment; and providing medication and follow-up services.

Emergency mental health services. Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living. ESG funds may be used only for these services to the extent that other appropriate health services are inaccessible or unavailable within the area. 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. Eligible treatment consists of crisis interventions, the prescription of psychotropic medications, explanation about the use and management of medications, and combinations of therapeutic approaches to address multiple problems.

Transportation. The transportation costs of travel by outreach workers, social workers, medical professionals, or other service providers are eligible, provided that this travel takes place during the provision of services eligible under this section. The costs of transporting unsheltered people to emergency shelters or other service facilities are also eligible. 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 purchasing or leasing a vehicle for the sub-recipient 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 the sub-recipient staff to accompany or assist program participants to use public transportation.

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 are for provision of those services noted above - engagement, case management, emergency health services, emergency mental health services, and/or transportation. The term *victim services* means services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

There is a minimum period of use of funds. Where the sub-recipient uses ESG funds solely for essential services, it must provide those services to homeless individuals and families for at least the period during which ESG funds are provided. The sub-recipient does not need to limit these services to a particular site, so long as the site serves the same type of persons originally served with the assistance (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or serves homeless persons in the same area where the sub-recipient originally provided the services.

ESG funds cannot be used to replace funds the County provided for street outreach and emergency shelter services during the immediately preceding 12-month period, unless HUD determines that the County is in a severe financial deficit.

Emergency Shelter Component

ESG funds may be used for costs of providing essential services to homeless individuals and families in emergency shelters, renovating buildings to be used as emergency shelter for homeless individuals and families, and operating emergency shelters. A transitional facility will only be eligible to receive ESG funds for these costs if 1) its primary purpose is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and 2) it does not require occupants to sign leases or occupancy agreements.

Essential services. ESG funds may be used to provide essential services to individuals and families who are in an emergency shelter, as follows:

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 a centralized or coordinated assessment system as required by HUD
- Conducting the initial evaluation required, 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.

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.

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.

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. The cost of providing reasonable stipends to program participants in employment assistance and job training programs is an eligible cost. Learning skills include those skills that can be used to secure and retain a job, including the acquisition of vocational licenses and/or certificates. Services that assist individuals in securing employment consist of employment screening, assessment, or testing; structured job skills and job-seeking skills; special training and tutoring, including literacy training and prevocational training; books and instructional material; counseling or job coaching; and referral to community resources.

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

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 of Pennsylvania, 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.
- Emergency Solutions Grant (ESG) funds may be used only for these services to the extent that other appropriate legal services are unavailable or inaccessible within the community.
- 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, appeal of veterans and public benefit claim denials, and the resolution of outstanding criminal warrants.
- 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 sub-recipient is a legal services provider and performs the services itself, the eligible costs are the sub-recipient'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.

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

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.

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.

Transportation. Eligible costs consist of the transportation costs of a program participant's travel to and from medical care, employment, child care, or other eligible essential services facilities. These costs include the following:

- 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 purchasing or leasing a vehicle for the recipient or sub-recipient 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 sub-recipient staff to accompany or assist program participants to use public transportation.

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 *Essential Services* above. The term victim services means services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

Ineligible essential services activities:

- Salary of case management supervisor when not working directly on participant issues/clients;
- Advocacy, planning and organizational capacity building;
- Staff recruitment or training, including conferences;
- Transportation costs not directly associated with service delivery

Renovation. Eligible costs include labor, materials, tools, and other costs for renovation (including major rehabilitation of an emergency shelter or conversion of a building into an emergency shelter). The emergency shelter must be owned by a government entity or private nonprofit organization.

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 Operational Costs.

- Recruitment or on-going training staff
- Depreciation
- Costs associated with the organization rather than the shelter program (advertisements, pamphlets about organization, survey, etc.)
- Staff training, entertainment, conferences, or retreats
- Public relations or fund raising

- Bad debts/late fees
- Mortgage payments
- Financial Audits
- Vehicle maintenance or fuel

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.

Minimum period of use.

Renovated buildings. Each building renovated with ESG funds must be maintained as a shelter for homeless individuals and families for not less than a period of 3 or 10 years, depending on the type of renovation and the value of the building. The “value of the building” is the reasonable monetary value assigned to the building, such as the value assigned by an independent real estate appraiser. The minimum use period must begin on the date the building is first occupied by a homeless individual or family after the completed renovation. A minimum period of use of 10 years, required for major rehabilitation and conversion, must be enforced by a recorded deed or use restriction.

- Major rehabilitation. If the rehabilitation cost of an emergency shelter exceeds 75 percent of the value of the building before rehabilitation, the minimum period of use is 10 years.
- Conversion. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the minimum period of use is 10 years.
- Renovation other than major rehabilitation or conversion. In all other cases where ESG funds are used for renovation, the minimum period of use is 3 years.

Essential services and shelter operations. Where the sub-recipient uses ESG funds solely for essential services or shelter operations, the sub-recipient must provide services or shelter to homeless individuals and families at least for the period during which the ESG funds are provided. The sub-recipient does not need to limit these services or shelter to a particular site or structure, so long as the site or structure serves the same type of persons originally served with the assistance (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or serves homeless persons in the same area where the sub-recipient originally provided the services or shelter.

ESG funds cannot be used to replace funds the County provided for street outreach and emergency shelter services during the immediately preceding 12-month period, unless HUD determines that the County is in a severe financial deficit.

Homelessness Prevention Component

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 category (1) of the HUD “homeless” definition. This is an individual or family who lacks regular and adequate nighttime residence, meaning:

- Primary nighttime residence is public or private and not meant for human habitation;
- Is living in a public or privately operated shelter (congregate shelters, transitional housing and hotels/motels are paid for by charitable organizations or Federal, State and local government);
- Is exiting an institution where he/she has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering institution.

This assistance, referred to as homelessness prevention, may be provided to individuals and families who meet the criteria under the “at risk of homelessness” definition, or who meet the criteria in paragraph (2), (3), or (4) of the “homeless” definition. This is an individual or family who will imminently lose their primary nighttime residence, provided that:

- An individual or family who will imminently lose their primary nighttime residence, provided that:
 - Residence will be lost within 14 days of the date of application for homeless assistance;
 - No subsequent residence has been identified; and
 - The individual or family lacks the resources or support networks needed to obtain other permanent housing.
- Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
 - Are defined homeless under the listed Federal statutes;
 - Have no lease, ownership interest or occupancy agreement in permanent housing for 60 days prior to the homeless assistance application;
 - Have experienced persistent instability as measured by two (2) moves or more during the preceding 60 days; and
 - Can be expected to continue such status for an extended period due to special needs and barriers.
- Any individual or family who:
 - Is fleeing, or is attempting to flee domestic violence;
 - Has no other residence; and
 - Lacks the resources or support networks to obtain other permanent housing.

Homeless Prevention projects can only serve individuals and families that have an annual income at 30% or below of median family income (AMI) for the area, as determined by HUD. The costs of homelessness prevention are only eligible 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. Homelessness prevention must be provided in accordance with the housing relocation and stabilization services requirements, the short-term and medium-term rental assistance requirements, and the written standards and procedures described in the written standards for providing ESG assistance section of this Manual.

Mobile Home Lot Rent. Paying for rent on which a mobile home (also known as a manufactured home) is located, or for arrears of this rent, is eligible for rental assistance under the ESG Homelessness Prevention component. All other program requirements pertaining to rental assistance still apply, including habitability standards, rent reasonableness, and Fair Market Rent (FMR). Some communities have FMRs for manufactured home spaces. If there are no FMRs for manufactured home spaces in the sub-recipient's area, the FMR requirement does not apply in this limited situation. However, that ESG rental assistance may only be used if the client is determined to be eligible for ESG.

Rapid Re-housing Assistance Component

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. This assistance, referred to as rapid re-housing assistance, may be provided to program participants who meet the criteria under paragraph (1) of the "homeless" definition. This is an individual or family who lacks regular and adequate nighttime residence, meaning:

- Primary nighttime residence is public or private and not meant for human habitation;
- Is living in a public or privately operated shelter (congregate shelters, transitional housing and hotels/motels are paid for by charitable organizations or Federal, State and local government);
- Is exiting an institution where he/she has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering institution.

or

Who meet the criteria under paragraph (4) of the "homeless" definition which is:
Any individual or family who:

- Is fleeing, or is attempting to flee domestic violence;
- Has no other residence; and
- Lacks the resources or support networks to obtain other permanent housing.
- And lives in an emergency shelter or other place described in paragraph (1) of the homeless definition.

The rapid re-housing assistance must be provided in accordance with the housing relocation and stabilization services requirements, the short-term and medium-term rental assistance requirements,

and the written standards and procedures described in the written standards for providing ESG assistance section of this Manual.

Section 1: Housing Relocation and Stabilization Services

Financial assistance costs. ESG funds may be used to pay housing owners, utility companies, and other third parties for the following costs:

- *Rental application fees.* ESG funds may pay for the rental housing application fee that is charged by the owner to all applicants.
- *Security deposits.* ESG funds may pay for a security deposit that is equal to no more than 2 months' rent.
- *Last month's rent.* If necessary to obtain housing for a program participant, the last month's rent may be paid from ESG funds to the owner of that housing at the time the owner is paid the security deposit and the first month's rent. This assistance must not exceed one month's rent and must be included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any 3-year period.
- *Utility deposits.* ESG funds may pay for a standard utility deposit required by the utility company for all customers for the utilities listed in this section.
- *Utility payments.* ESG funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. A partial payment of a utility bill 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. No program participant shall receive more than 24 months of utility assistance within any 3-year period.
- *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 3 months, provided that the fees are accrued after the date the program participant begins receiving assistance and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.
- If a program participant receiving short- or medium-term rental assistance meets the conditions for an emergency transfer, ESG funds may be used to pay amounts owed for breaking a lease to effect an emergency transfer. These costs are not subject to the 24-month limit on rental assistance.

Services costs. ESG funds may be used to pay the costs of providing the following services:

- *Housing search and placement.* Services or activities necessary to assist program participants in locating, obtaining, and retaining suitable permanent housing, include the following:
 - Assessment of housing barriers, needs, and preferences;
 - Development of an action plan for locating housing;
 - Housing search;
 - Outreach to and negotiation with owners;

- Assistance with submitting rental applications and understanding leases;
- Assessment of housing for compliance with Emergency Solutions Grant (ESG) requirements for habitability, lead-based paint, and rent reasonableness;
- Assistance with obtaining utilities and making moving arrangements; and
- Tenant counseling.

Housing stability case management. ESG funds may be used to pay cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining 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. Component services and activities consist of:

- Using the coordinated entry system as required to evaluate individuals and families applying for or receiving homelessness prevention or rapid re- housing assistance;
- Conducting the initial evaluation required, including verifying and documenting eligibility, for individuals and families applying for homelessness prevention or rapid re-housing assistance;
- 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;
- Developing an individualized housing and service plan, including planning a path to permanent housing stability; and
- Conducting required re-evaluations.

Mediation. ESG funds may pay for mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.

Legal services. ESG funds may pay for legal services, except that the eligible subject matters also include landlord/tenant matters, and the services must be necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides.

Credit repair. ESG funds may pay for credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems. This assistance does not include the payment or modification of a debt.

Maximum amounts and periods of assistance. The sub-recipient may set a maximum dollar amount that a program participant may receive for each type of financial assistance under the financial

assistance costs categories of this section. The sub-recipient may also set a maximum period for which a program participant may receive any of the types of assistance or services under this section. However, except for housing stability case management, the total period for which any program participant may receive the services as listed in the service costs section above must not exceed 24 months during any 3-year period. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family.

Use with other subsidies. Financial assistance under this restriction cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the Uniform Relocation Act (URA), during the period of time covered by the URA payments.

Housing counseling. Housing counseling is independent, expert advice customized to the need of the program participants to address the program participants' housing barriers and to help achieve their housing goals. It must include the following processes: Intake; financial and housing affordability analysis; an action plan, except for reverse mortgage counseling; and a reasonable effort to have follow-up communication with the program participant when possible.

Section 2: Short-Term and Medium-Term Rental Assistance

General provisions. The sub-recipient may provide a program participant with up to 24 months of rental assistance during any 3-year period. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance.

- Short-term rental assistance is assistance for up to 3 months of rent.
- Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.
- Payment of rental arrears consists of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.
- Rental assistance may be tenant-based or project-based, as set forth later in this section.

Discretion to set caps and conditions. Subject to the requirements of this section, the sub-recipient may set a maximum amount or percentage of rental assistance that a program participant may receive, a maximum number of months that a program participant may receive rental assistance, or a maximum number of times that a program participant may receive rental assistance. The sub-recipient may also require program participants to share in the costs of rent.

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.

Rent restrictions.

- Rental assistance cannot be provided unless the rent does not exceed the Fair Market Rent established by HUD, and complies with HUD's standard of rent reasonableness;
- 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.

Rental assistance agreement. The sub-recipient may make rental assistance payments only to an owner with whom the sub-recipient has entered into a rental assistance agreement. The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements that apply under this section. The rental assistance agreement must provide that, during the term of the agreement, the owner must give the sub-recipient 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.

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

Lease. Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. Where the assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the 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.

Section 3: Tenant-based rental assistance. (TBRA)

A program participant who receives tenant-based rental assistance may select a housing unit in which to live and may move to another unit or building and continue to receive rental assistance, as long as the program participant continues to meet the program requirements.

The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:

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

Project-based rental assistance. If the sub-recipient identifies a permanent housing unit that meets ESG requirements and becomes available before a program participant is identified to lease the unit, the

sub-recipient may enter into a rental assistance agreement with the owner to reserve the unit and subsidize its rent in accordance with the following requirements:

- The rental assistance agreement may cover one or more permanent housing units in the same building. Each unit covered by the rental assistance agreement (“assisted unit”) may only be occupied by program participants.
- The sub-recipient may pay up to 100 percent of the first month's rent, provided that a program participant signs a lease and moves into the unit before the end of the month for which the first month's rent is paid. The rent paid before a program participant moves into the unit must not exceed the rent to be charged under the program participant's lease and must be included when determining that program participant's total rental assistance.
- The sub-recipient may make monthly rental assistance payments only for each whole or partial month an assisted unit is leased to a program participant. When a program participant moves out of an assisted unit, the sub-recipient may pay the next month's rent, *i.e.*, the first month's rent for a new program participant.
- The program participant's lease must not condition the term of occupancy to the provision of rental assistance payments. If the program participant is determined ineligible or reaches the maximum number of months over which rental assistance can be provided, the sub-recipient must suspend or terminate the rental assistance payments for the unit. If the payments are suspended, the individual or family may remain in the assisted unit as permitted under the lease, and the sub-recipient may resume payments if the individual or family again becomes eligible and needs further rental assistance. If the payments are terminated, the rental assistance may be transferred to another available unit in the same building, provided that the other unit meets all ESG requirements.
- The rental assistance agreement must have an initial term of one year. When a new program participant moves into an assisted unit, the term of the rental assistance agreement may be extended to cover the initial term of the program participant's lease. If the program participant's lease is renewed, the rental assistance agreement may be renewed or extended, as needed, up to the maximum number of months for which the program participant remains eligible. However, under no circumstances may the sub-recipient commit ESG funds to be expended beyond the expenditure deadline or commit funds for a future ESG grant before the grant is awarded.

Changes in household composition. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family.

HMIS Component

The Homeless Management Information System (“HMIS”) is a secure, confidential electronic data collection system used to determine the nature and extent of homelessness. The HMIS system is used to report to HUD on an annual basis and to aid in local and statewide policy and planning.

The sub-recipient is required to participate in the Bucks County Homeless Management Information System (HMIS) and activities funded under this section must comply with HUD's standards on participation, data collection, and reporting under a local HMIS. The sub-recipient shall maintain adequate documentation of homelessness status to determine the eligibility of persons served by HUD’s homelessness assistance programs. A copy of the documentation shall be maintained in the client files.

The sub-recipient is required to participate in the annual Point-In-Time (PIT) count in collaboration with the Continuum of Care by submitting data upon request, and/or in accordance with HUD regulations on exceptions to data entry/sharing.

If the sub-recipient is a victim services provider or a legal services provider, it may use ESG funds to establish and operate a separate, comparable database that collects client-level data over time (i.e., longitudinal data) and generates unduplicated aggregate reports based on the data. The data provided will be in compliance with the Violence Against Women’s Act. Information entered into a comparable database must not be entered directly into or provided to an HMIS.

Eligible costs.

The County or sub-recipient may use ESG funds to pay the costs of contributing data to the HMIS designated by the Continuum of Care for the area, including the costs of:

- Purchasing or leasing computer hardware;
- Purchasing software or software licenses;
- Purchasing or leasing equipment, including telephones, fax machines, and furniture;
- Obtaining technical support;
- Leasing office space;
- Paying charges for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS;
- Paying salaries for operating HMIS, including:
 - Completing data entry;
 - Monitoring and reviewing data quality;
 - Completing data analysis;
 - Reporting to the HMIS Lead;
 - Training staff on using the HMIS or comparable database; and
 - Implementing and complying with HMIS requirements;
- 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;
- Paying staff travel costs to conduct intake; and
- Paying participation fees charged by the HMIS Lead

The County may also use ESG funds to pay the costs of:

- Hosting and maintaining HMIS software or data;
- Backing up, recovering, or repairing HMIS software or data;
- Upgrading, customizing, and enhancing the HMIS;
- Integrating and warehousing data, including development of a data warehouse for use in aggregating data from sub-recipients using multiple software systems;
- Administering the system;
- Reporting to providers, the Continuum of Care, and HUD; and
- Conducting training on using the system or a comparable database, including traveling to the training.

The sub-recipient is expected to be familiar with, and adhere to, the current version of the County ESG HMIS Program Manual. A more detailed explanation of the Bucks County HMIS policies and procedures can be found in the HMIS Manual located in the Bucks County Housing Services Department.

The sub-recipient will be required to meet the following minimum standards for HMIS/ESG data collection and reporting:

- Sub-recipient staff must enter into a HMIS Agency Participation Agreement and attend User training as required.

All sub-recipient staff who participate in ESG eligible activities must have regular and convenient access to a computer with a high speed Internet connection.

All sub-recipient staff who participate in ESG eligible activities must have a unique assigned user name and password that they can access regularly during work hours. Each such user must sign a System User Agreement prior to receipt of their log in and password.

The sub-recipient is required to enter data into HMIS on a regular and consistent basis, which is defined as data entry within 5 days from the time of intake and discharge.* The County will regularly monitor HMIS usage to verify consistent data entry for sub-recipients and users.

*Failure to enter data on a regular and consistent basis may result in the termination of the ESG agreement.

Ineligible ESG Activities

ESG funds cannot be used to expand the number of beds in an existing shelter, to supplant existing mainstream resources or for mortgage payments. Payments can only be made to third parties, such as landlords; payments cannot be made to program participants. In addition, an assisted property may not be owned by the County, sub-recipient or the parent, subsidiary or affiliated organization of the sub-recipient.

ESG funds cannot be used for:

- Foreclosure prevention;

- Rental assistance for rent to own/lease to purchase;
- Prevention assistance to those currently holding a Section 8 voucher;
- Assistance (pay security deposits and/or utility deposits) to those living in subsidized housing with the exception for a new voucher holder;
- Assist a household with their rent if they have a project-based voucher;
- Set aside money for individual(s) who may be at risk of losing their job;
- Assist the homeless or those at risk of becoming homeless to expunge and/or pardon their criminal records or for reentry advocacy to help offenders get jobs;
- Rent bills from a previous address;
- Utilities and/or rent for tenants renting a unit owned by a family member;
- Mortgage payments or mortgage refinancing costs to make housing affordable;
- Rental assistance payments on behalf of eligible individuals or families for the same period of time and for the same cost types that are being provided through another Federal, State or local housing subsidy program.

Fair Market Rent and Rent Reasonableness

Fair Market Rents (FMRs) are applicable under ESG. HUD prohibits rental assistance from being provided for a housing unit unless the total rent for the unit does not exceed the fair market rent established by HUD, and complies with HUD's standard of rent reasonableness. These rent restrictions are intended to make sure that program participants can remain in their housing after their ESG assistance ends.

Rent reasonableness is determined on a case-by-case basis. Rent reasonableness should be determined by considering the following:

- The reasonableness in relation to rents being charged for comparable unassisted units, taking into account the location, size, type, quality, amenities, management, and maintenance of each unit.
- The rent should not be in excess of rents currently being charged by the same owner for comparable unassisted units. This comparison can include units advertised for rent as well as those actual rents charged.

The sub-recipient must determine and document rent reasonableness for all units for which ESG rental assistance (including arrears) and/or security deposit assistance is being provided. The requirement applies whether homelessness prevention assistance or rapid re-housing assistance is provided (i.e. when participants are moving into units and when there is a current lease in place).

If the rent for the unit does not meet the rent reasonableness standard, then ESG funds may not be used to assist the household in that unit. Further, ESG funds cannot be used to pay the rent up to the rent reasonable standard, while the tenant pays the remainder. However, an eligible household could receive ESG assistance to relocate to another unit that does comply with rent reasonableness standards, and is ultimately more affordable to the household.

The HUD standard of "rent reasonableness" includes rental payments, rental arrears, and security deposits. It is up to the County to determine exactly which documentation it will require in order to ensure that the rent reasonableness standard is met. The sub-recipient may choose to use the "Rent Reasonableness Checklist and Certification" template found at:

- <https://www.hudexchange.info/> or
- Under the appendix section of this document.

Shelter and Housing Standards (Habitability)

Housing Quality Standards (HQS) used for other HUD programs are different than the minimum standards for permanent housing and emergency shelter assisted with ESG funds. While in most respects HQS is more stringent and detailed than the ESG minimum standards for permanent housing and emergency shelter, the ESG standards for fire safety are more specific. The differences between the standards for permanent housing and emergency shelters, and comparison to HQS standards is found in the Appendix.

Lead-based paint remediation and disclosure. The Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992 and HUD Lead-Based Paint Hazard implementing regulations apply to all shelters assisted under ESG program and all housing occupied by program participants. (See section on Lead-Based Paint Requirements).

Minimum standards for emergency shelters. Any building for which Emergency Solutions Grant (ESG) funds are used for conversion, major rehabilitation, or other renovation, must meet state or local government safety and sanitation standards, as applicable, and the following minimum safety, sanitation, and privacy standards. Any emergency shelter that receives assistance for shelter operations must also meet the following minimum safety, sanitation, and privacy standards. The County may also establish standards that exceed or add to these minimum standards.

- *Structure and materials.* The shelter building must be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents. Any renovation (including major rehabilitation and conversion) carried out with ESG assistance must use Energy Star and WaterSense products and appliances.
- *Access.* The shelter must be accessible in accordance with Section 504 of the Rehabilitation Act and HUD implementing regulations on nondiscrimination based on handicap in federally assisted programs; the Fair Housing Act; and Title II of the Americans with Disabilities Act, where applicable.
- *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 him/herself and his/her belongings.
- *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.
- *Water supply.* The shelter's water supply must be free of contamination.
- *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.
- *Thermal environment.* The shelter must have any necessary heating/ cooling facilities in proper operating condition.
- *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.
- *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.
- *Sanitary conditions.* The shelter must be maintained in a sanitary condition.
- *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 standards for emergency shelter operations. The shelter must be inspected on-site to ensure that it meets the minimum standards before ESG funds are provided for shelter operations. The shelter must meet all standards for the entire period during which ESG funds are provided for operating the emergency shelter. If the shelter fails to meet the minimum standards, ESG funds (under either shelter operations or renovation) may be used to bring it up to the minimum standards. If the shelter continues to receive ESG shelter operating funds over a period of time, then a periodic, on-site inspection must be conducted each time the shelter receives funds. If the County or sub-recipient moves the shelter to a new site or structure, that new site or structure must meet all emergency shelter standards for the remaining period that ESG funds are used for operating expenses.

Accessibility. Reasonable accommodations for persons with disabilities must be made in order to enable program participants with a disability to have an equal opportunity to participate in the program or activities. If undertaking shelter alterations, the specific requirements of nondiscrimination on the basis of disability in HUD federally assisted programs and activities must be met.

Renovation. Any building for which ESG funds are used for conversion, major rehabilitation, or other renovation must meet the minimum safety, sanitation and privacy standards required by HUD and any State or local government safety and sanitation standards, as applicable. An inspection to ensure that the building meets all of the minimum standards must be completed when the renovation is complete and before the shelter is occupied. The shelter shall follow the minimum standards for as long as the minimum period of use requirement is in place for the facility (10 years for major rehabilitation and conversion, or 3 years for other renovation).

The sub-recipient shall maintain documentation of compliance with the minimum standards for Emergency Shelter activities in the program's records. The documentation must be available during monitoring by the County.

Exceptions to minimum standards requirements.

- The minimum standards for emergency shelters apply only when ESG funds are used for shelter operations and conversion, major rehabilitation, or other renovation.
- Essential services provided under the Street Outreach and Emergency Shelter components (described previously in manual) do not trigger either the minimum standards for emergency shelter or the minimum standards for permanent housing. This is because there is no unit to inspect; these services are provided for persons who are sleeping in emergency shelters or 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 minimum standards do not apply to an emergency shelter receiving ESG funds only for HMIS costs.

Minimum standards for permanent housing. The sub-recipient cannot use ESG funds to help a program participant remain or move into housing that does not meet the minimum habitability standards provided in this paragraph. The County may also establish standards that exceed or add to these minimum standards.

- *Structure and materials.* The structures must be structurally sound to protect residents from the elements and not pose any threat to the health and safety of the residents.
- *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.
- *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.
- *Water supply.* The water supply must be free from contamination.
- *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.
- *Thermal environment.* The housing must have any necessary heating/cooling facilities in proper operating condition.
- *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.
- *Food preparation.* All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
- *Sanitary conditions.* The housing must be maintained in a sanitary condition.
- *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 areas 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.

This restriction applies to all activities under the Homelessness Prevention and Rapid Re-housing components, including rental assistance and housing relocation and stabilization services. In addition:

- If an eligible household needs homelessness prevention assistance to remain in its existing unit, the assistance can only be provided if that unit meets the minimum standards.
- If an eligible household needs homelessness prevention or rapid re-housing assistance to move to a new unit, the assistance can only be provided if the new unit meets the minimum standards. The unit the household is leaving does not need to be inspected.
- The housing must also comply with any other standards established by the County that exceed or add to these minimum standards.

- The same standards apply regardless of the amount of ESG funds involved (e.g. security deposit, utility payment or moving assistance only). For one-time assistance, the unit for which assistance is being provided must meet the minimum standards for permanent housing at the time the assistance is provided (e.g. when the rental arrears payment is made).

The sub-recipient must document compliance with the ESG habitability standards for homelessness prevention or rapid re-housing activities in the program participant's file. The documentation must be available during monitoring by the County.

Homelessness Prevention.

When ESG Rental Assistance and/or Housing Relocation and Stabilization Services are provided under the Homelessness Prevention component to help a program participant remain in or move into permanent housing, the ESG minimum habitability standards apply to either the current unit (if the program participant is staying in place) or to a new unit (if the program participant is moving). Even if only a minimal amount of Housing Relocation and Stabilization Services assistance—such as utility arrears/payments (Financial Assistance) or housing stability case management (Services)—is provided under the Homelessness Prevention component to assist a program participant to stay in their unit, the habitability standards apply to the unit and must be documented in the program participant's file.

Rapid Re-housing.

When ESG Rental Assistance and/or Housing Relocation and Stabilization Services are provided under the Rapid Re-housing component to help a program participant move into a new permanent housing unit, the habitability standards apply to the unit into which they are moving and must be documented in the program participant's file. If Rapid Re-housing services are being provided before a unit has been identified, no habitability inspection is required until there is a unit to inspect. If assistance with arrears for a prior unit is needed as part of the rapid rehousing assistance, no habitability inspection is required for the old unit on which the arrears are owed, so long as the program participant will be rapidly re-housed in a different unit.

Inspections. Inspections to determine that emergency shelters and permanent housing meet the ESG minimum standards do not need to be evaluated by a certified inspector. In general, ESG inspections may be conducted by 1) ESG sub-recipient staff; 2) Staff hired by a sub-recipient, such as a city department that is designated to conduct inspections, or a contractor hired for that task; or 3) Staff from another subsidy program that is providing assistance and also requires an inspection (e.g., Section 8, Public Housing).

However, the inspection must determine whether all aspects of the ESG minimum habitability standards have been met for the particular unit assisted with ESG funds; simply conducting an HQS inspection, a city housing code inspection, a sampling of units in a particular development, or another type of housing quality assessment is insufficient.

The sub-recipient must document compliance with the ESG permanent housing and emergency shelter standards, as applicable, and this documentation must include inspection reports, as required. Reports from the initial and follow-up inspections are to be retained and shall note what action will be taken if the sub-recipient has reason to believe the shelter or housing unit might not pass another inspection.

The ESG Minimum Standards for Emergency Shelter and Permanent Housing: Checklists is located in this manual's appendix.

Charging inspection expenses.

The sub-recipient may charge expenses associated with conducting emergency shelter and permanent housing inspections to the ESG grant. Inspection costs may be charged in different ways depending on the situation.

- Charge to the Emergency Shelter component:
 - As an emergency shelter renovation cost if the sub-recipient pays for an inspection of its own shelter after completing a renovation to ensure the shelter meets the standards after the renovation.
 - As a shelter operations cost if the sub-recipient pays for an inspection of its own shelter while it is receiving and using funds for shelter operations.
- Charge to the Rapid Re-housing or Homelessness Prevention component:
 - As a housing search and placement cost if the sub-recipient is helping a program a participant remains in or moves into a particular housing unit and inspects that housing unit to comply with the minimum standards for permanent housing.
- Charge as an Administrative Cost:
 - If the County is inspecting a shelter run by a sub-recipient to ensure the shelter complies with the minimum standards for emergency shelter (e.g. as a part of a monitoring review).
 - If the County is inspecting permanent housing occupied by program participants to ensure the sub-recipient has complied with the minimum standards for permanent housing (e.g. as a part of a monitoring review).

Lead-Based Paint Requirements

Lead-based paint remediation and disclosure. The Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992 and HUD Lead-Based Paint Hazard implementing regulations apply to all shelters assisted under ESG program and all housing occupied by program participants.

“Lead-based paint hazards” have been defined in the Residential Lead-Based Paint Hazard Reduction Act of 1992, commonly referred to as “Title X,” as any of six conditions which can present lead exposures sufficient to cause adverse health effects. These include:

- lead-contaminated dust;
- deteriorated lead-based paint;
- intact lead-based paint on friction surfaces;
- intact lead-based paint on impact surfaces;
- intact lead-based paint on chewable surfaces accessible to young children; and
- lead contaminated bare soil.

For the long- term transitional housing, HSD requires all sub-recipients to participate in

educating the public on the hazards of lead poisoning. The EPA Lead brochures must be distributed to all households receiving long-term rental assistance. Documentation of this brochure must be maintained in each client file.

Essential (Support) Services and Operations.

For eligible ESG housing properties that receive federal assistance for essential supportive services or operations, a number of lead-based paint requirements apply. The sub-recipient should conduct the following activities:

- Visual assessment of all painted surfaces to identify deteriorated surfaces;
- Complete paint stabilization of all deteriorated surfaces.
- Incorporate ongoing lead-based paint maintenance activities into the regular building maintenance operations; and
- Notification as described above.

Long-term Rental Assistance.

If there will be a child under the age of 6 residing in the unit receiving ESG long-term housing, the sub-recipient must conduct a visual assessment for the presence of lead-based paint. Sub-recipients cannot provide long-term rental assistance to any unit with lead-based paint hazards present.

Lead Hazard Evaluation.

The interior and exterior surfaces and common areas of the rental property must be visually assessed to identify deteriorated paints. Note: A visual assessment is not considered an evaluation that requires a notification of lead hazard evaluation, since the assessment does not evaluate lead-based paint and/or lead hazards.

If the visual assessment reveals deteriorated paint, the sub-recipient shall notify the owner of the unit with inspection results. The owner is required to have the deteriorated paint tested for lead based paint or to assume the presence of lead based paint in its stabilization activities.

Sub-recipient staff should instruct the owner to conduct paint stabilization before the unit is occupied to control possible lead-based paint hazards.

Owners must correct the deteriorated paint identified during the visual assessment process using safe work practices in order to participate in the long-term rental assistance program.

The sub-recipient's records shall contain documentation of all lead assessment, stabilization and clearance activities.

Lead Hazards Reduction (See Appendix for additional considerations/instructions)

Environmental review responsibilities.

Any provision of ESG funds to the project is conditioned on the County's determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review. All

parties are prohibited from undertaking or committing any funds to physical or choice-limiting actions. Physical or choice-limiting actions include entering into contracts (including conditional contracts) for property acquisition, demolition, movement, rehabilitation, conversion, repair or construction prior to the environmental clearance. The violation of this provision may result in the denial of any funds under this agreement.

Activities under this part are subject to environmental review as specified in HUD's Protection and Enhancement of Environmental Quality standards. The sub-recipient shall supply all available, relevant information necessary for the County to perform for each property any environmental review required. The sub-recipient also shall carry out mitigating measures required by the County or select alternate eligible property. The County may eliminate from consideration any application that would require an Environmental Impact Statement (EIS).

The sub-recipient, or any contractor of the sub-recipient, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under this part, or commit or expend HUD or local funds for eligible activities under this part, until the County has performed an environmental review and the sub-recipient has received County approval of the property.

Davis-Bacon Act. The provisions of the Davis-Bacon Act do not apply to the ESG program.

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

Evaluation of Program Participant Eligibility and Needs

Evaluations.

The sub-recipient must conduct an initial evaluation to determine the eligibility of each individual or family's eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing. These evaluations must be conducted in accordance with the centralized or coordinated assessment requirements set forth and the written standards established under the HEARTH Act.

Re-evaluations for homelessness prevention and rapid re-housing assistance.

- The sub-recipient must re-evaluate the program participant's eligibility and the types and amounts of assistance the program participant needs 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. At a minimum, each re-evaluation of eligibility must establish that:
 - The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and
 - The program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance.
- The sub-recipient shall require each program participant/family receiving homelessness prevention or rapid re-housing assistance to notify the sub-recipient regarding changes in their income or other circumstances (*e.g.*, changes in household composition). When notified of a change/changes, the sub-recipient must reevaluate to determine need or a lack of resources putting housing stability at risk, and to assess progress toward self-sufficiency.

Annual income.

When determining the annual income of an individual or family, the sub-recipient must use the standard for calculating annual income (all amounts, monetary or not) which:

- Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- Are amounts derived (during the 12-month period) from assets to which any member of the family has access.

Annual income includes, but is not limited to:

- The full amount, before any payroll deductions of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or

profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

- Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in operation of a business profession as described above. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
- The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as described in the subsequent section of exempt annual income);
- Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as described in the subsequent section of exempt annual income);
- Welfare assistance payments – welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments: 1) Qualify as assistance under the TANF program and 2) Are not otherwise described in the subsequent section of exempt annual income. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of: 1) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus 2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated shall be the amount resulting from one application of the percentage.
- Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;
- All regular pay, special pay and allowances of a member of the Armed Forces (except as described in the subsequent section of exempt annual income);
- For Section 8 programs only and as provided in restrictions on assistance to students enrolled in an institution of higher education, (and those in Section 8 with protection as students enrolled in an institution of higher education), any financial assistance, in excess of amounts received for

tuition and other required fees and charges, that an individual receives under the Higher Education Act of 1985, from private sources, or from an institution of higher education, shall be considered income to that individual, except that financial assistance is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, “financial assistance” does not include loan proceeds for the purpose of determining income.

Annual income does not include the following:

- Income from employment of children (including foster children) under the age of 18 years;
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- Lump-sum additions to family assets such as inheritances, insurance payments (including payments under health and accident insurance and worker’s compensation), capital gains and settlement for personal or property losses;
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- Income of a live-in aide;
- The full amount of student financial assistance paid directly to the student or to the educational institution, except as described in the previous section of annual income inclusions);
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- Amounts received under training programs funded by HUD;
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of supplemental security income eligibility and benefits because they are set-aside for use under a Plan to Attain Self-Sufficiency (PASS);
- Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
- Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the project. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time;
- Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as a resident management staff person. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
- Temporary, nonrecurring, or sporadic income (including gifts);

- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);
- Adoption assistance payments in excess of \$480 per adopted child;
- Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump-sum amount or in prospective monthly amounts;
- Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;

Determining Income & Calculating Rent

The following is a list of income sources that qualify for exclusion:

- The value of the allotment provided to an eligible household under the Food Stamp Act of 1977;
- Payments to Volunteers under the Domestic Volunteer Services Act of 1973, and employment through AmeriCorps, Volunteers in Service to America [VISTA], Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions;
- Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes;
- Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program;
- Payments received under programs funded in whole or in part under the Job Training Partnership Act; effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998, e.g., employment and training programs for Native Americans and migrant and seasonal farm workers, Job Corps, veterans employment programs, state job training programs, career intern programs, AmeriCorps;
- The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court and the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands;
- Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs;
- Payments received from programs funded under Title V of the Older Americans Act of 1985, e.g., Green Thumb, Senior Aides, Older American Community Service Employment Program;

- Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent*-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- The value of any child care provided or arranged, or any amount received as payment for such care or reimbursement for costs incurred for such care under the Child Care and Development Block Grant Act of 1990;
- Earned income tax credit (EITC) refund payments received on or after January 1, 1991, including advanced earned income credit payments;
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990;

Key points of ESG program income limits

- *Extremely Low Income vs. Area Median Income Limits* - The "Extremely Low Income (ELI) families" limits do NOT apply to the ESG program. ESG does not use the ELI measure to establish income limits but instead uses the 30% of Area Median Income (AMI) income limits. Please use the 30 percent AMI tables. If ESG sub-recipients were to use the ELI standard, some applicants for ESG assistance might be falsely determined to be eligible for homelessness prevention assistance, when actually their incomes were over 30 percent AMI.
Under the ESG program, income eligibility is based on the HUD income limits in effect at the time of income verification. Income eligibility is not based on HUD income limits that correspond with the grant year under which the ESG funds were awarded.
- *Rapid Re-Housing Income Requirements* -For program participants receiving ESG "Rapid Re-Housing" assistance, an income assessment is not required at initial evaluation. At re-evaluation - which must take place not less than once annually for rapid re-housing - the participant's household must have an annual income that does not exceed 30 percent of median family income for the area, as determined by HUD.
- *Homelessness Prevention Income Requirements* - The ESG Program interim rule limits eligibility for homelessness prevention assistance to individuals and families with incomes below 30 percent of AMI at intake and incomes that do not exceed 30 percent of AMI at re-evaluations, which must take place not less than once every 3 months.

Connecting program participants to mainstream and other resources.

The sub-recipient must assist each program participant, as needed, to obtain:

- 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
- Other federal, state, local, and private assistance available to assist the program participant in obtaining housing stability, including:
 - Medicaid;
 - Supplemental Nutrition Assistance Program;
 - Women, Infants and Children (WIC);
 - Federal-State Unemployment Insurance Program;

- Social Security Disability Insurance;
- Supplemental Security Income;
- Child and Adult Care Food Program;
- Other targeted homeless services

Housing stability case management.

While providing homelessness prevention or rapid rehousing assistance to a program participant, the sub-recipient must:

- Require the program participant to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability; and
- 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.

The sub-recipient is exempt from the requirement if the Violence Against Women Act of 1994 or the Family Violence Prevention and Services Act prohibits that sub-recipient from making its shelter or housing conditional on the participant’s acceptance of services.

The sub-recipient must have a policy and process in place for what staff does to address suspicion of fraud by program participants or when mismanagement by sub-recipient staff is suspected. The intake process must include documentation that a statement of ramifications and consequences of dishonesty has been provided to the program participant.

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and/or Human Trafficking

The Bucks County CoC is concerned about the safety of the tenants of the housing programs that are funded by CoC Program grant funds, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking, and/or Human Trafficking.

In accordance with the Violence Against Women Act (VAWA), Bucks County CoC homeless assistance programs providing housing services must allow tenants who are victims of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking to request an emergency transfer from the tenant’s current unit to another unit. This requirement applies to programs receiving CoC, Emergency Solutions Grant (ESG) and HOME Program funding.

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of a housing program to honor such a request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, stalking and/or human trafficking, and on whether the housing provider has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy. The plan is attached to this manual and identifies tenants who are eligible for an emergency transfer, the

documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by HUD, which is the Federal agency that oversees VAWA compliance of Bucks County's CoC, ESG and HOME funded programs.

Participation of People with Lived Experiences of Homelessness

- The County 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 County which makes policies and decisions regarding any facilities, services, or other assistance that receive funding under ESG.
- If the County is unable to meet the requirement under the above paragraph, it must 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 ESG.
- To the maximum extent practicable, the County or sub-recipient must involve homeless individuals and families through employment or volunteering in project activities such as construction, renovation, maintenance and general operations of facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG.

Affirmatively Furthering Fair Housing

Under the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing and to inform all persons assisted of their rights under the Fair Housing Act. The sub-recipient has a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. The sub-recipient must make known that use of the facilities, assistance, and services are available to all on a non-discriminatory basis. Protected classes include race, color, national origin, religion, sex, disability and familial status. Additionally, the Equal Access to Housing in HUD Programs-Regardless of Sexual Orientation or Gender Identity rule prohibits discrimination based on sexual orientation, gender identity and marital status in their programs. The sub-recipient must ensure that LGBTQ persons have equal access to HUD funded services.

Examples of affirmatively furthering fair housing include: (1) marketing the program to all eligible persons, including persons with disabilities and persons with limited English proficiency; (2) making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities; (3) providing fair housing counseling services or referrals to fair housing agencies; (4) informing participants of how to file a housing discrimination complaint, including providing the toll-free number for the Housing Discrimination Hotline: 1-800-669-9777; and (5) recruiting landlords and service providers in areas that expand housing choice to program participants.

Civil Rights /Accessibility

All sub-recipients of federal funds are required to maintain compliance with civil rights and fair housing

laws.

The Fair Housing Act states that it is illegal to discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin in the sale or rental of housing or residential lots; advertising the sale or rental of housing; the financing of housing; the provision of real estate brokerage services; and the appraisal of housing.

Fair Housing legislation is clear in regard to discriminatory practices and penalties. The law does not intend to prohibit property owners, managers, and administrators from valid inquiries into an applicant's ability to meet lease requirements and/or program eligibility requirements as set forth in Federal or State programs. However, there are certain areas that owners, managers, and administrators must clearly understand in regard to legitimate questions and disallowed inquiries. These are discussed below:

- Independent Living - An owner, manager, or administrator should not attempt to assess whether an applicant is capable of independent living but only whether the applicant meets essential eligibility requirements. If an applicant requires supportive services but does not ask that they be provided, the need for supportive services should not be considered a factor in determining eligibility. If the provision of supportive services is part of the housing program, then these services should be provided in a non-discriminatory manner. However, no provider is required to take any action which would fundamentally alter the nature of the program in order to accommodate the disability of an applicant or tenant.
- Restriction of Children/Handicapped in Housing: Evacuation Safely - There can be no restriction as to where persons may reside in housing with the exception of Federal or management priorities for certain adapted or accessible units. Accepting or rejecting applicants on the basis of the ability to evacuate safely is not allowed.
- Legal and Illegal Questions - The Fair Housing Law clearly defines legal and illegal questions for all applicants of all housing in the United States. It is unlawful to make an inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is sold, rented or made available, or any person associated with that person, has a handicap or to make inquiry as to the nature or severity of a handicap of such a person.

However, the following inquiries can be made, provided these inquiries are made to all applicants, whether or not they have handicaps:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy;
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with handicaps or to persons with a particular type of handicap;
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with handicaps or to persons with a particular type of handicap;
- Inquiry to determine whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance;

- Inquiry to determine whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

A manager or owner is never required to make available a dwelling to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.

Sub-recipient Required Actions.

ESG sub-recipients are required to make ESG funded facilities and services available to all on a nondiscriminatory basis, and publicize this fact. The procedures that a sub-recipient uses to convey the availability of such facilities and services should reach persons with handicaps, or persons of any particular race, color, religion, sex, age, familial status or national origin within their service area who may qualify for them.

If not, the sub-recipient must establish additional procedures that will ensure that these persons are made aware of the facilities and services. The sub-recipient must adopt procedures to disseminate information to anyone who is interested regarding the existence and location of handicap accessible services or facilities.

The ESG sub-recipient is required to post a Fair Housing Opportunity poster and Handicap accessibility poster if applicable. If a shelter cannot provide handicap accessibility services, then they must provide a procedure to refer individuals to accessible services or facilities.

Civil Rights Laws.

Introduction

The civil rights laws, regulations, and executive orders are designed to protect individuals from discrimination on the basis of race, national origin, religion, color, sex, and age and handicap status. These laws, regulations, and executive orders, as they apply to the ESG program, protect individuals from discrimination in housing, the use of public facilities and services, benefits created by ESG projects, and employment and business opportunities.

The following is a summary of the regulations.

Title VI - Civil Rights Act of 1964

Title VI provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. It directs each federal department or agency that extends financial assistance to any program or activity through grants, loans, or contracts, except contracts of insurance or guaranty, to issue rules or regulations to be approved by the President to carry out the purposes of the Title. Title VI authorizes the termination or the refusal to grant or continue federal assistance under any program or activity involving a recipient receiving an express finding of a failure to comply, but only after due notice, an opportunity for a hearing, and a determination that compliance cannot be secured by voluntary means.

Title VII – Civil Rights Act of 1964 (as amended)

This provision prohibits discrimination in employment on the basis of sex.

Title VIII – Civil Rights Act of 1968

Title VIII prohibits blockbusting, or discrimination in the sale or rental of dwellings, the financing of housing, or advertising. Title VIII makes it unlawful to deny any person access to, membership, or participation in any multiple listing service or real estate brokers' organization for discriminatory reasons. The law is applicable in stages and ultimately applies to all dwellings except those which are specifically exempt. Title VIII generally does not apply to the sale or rental of a single family house by a private individual owner who does not own more than three such single-family houses at any one time. After December 31, 1969, the sale or rental of any such single-family home is exempted from the application of Title VIII only if it is sold or rented without the use of a broker and without discriminatory advertising. The act does not apply to rooms or units in dwellings containing living quarters occupied by not more than four families living independently of each other and the owner occupies one of such quarters as his or her residence.

Also exempted is the sale or rental of dwellings owned or operated by religious organizations, for other than a commercial purpose, to persons of the same religion unless membership in such religion is restricted on account of race, color or national origin. Neither does Title VIII prohibit a private club, not open to the public and providing lodging which it owns or operates for other than commercial purposes, from limiting rental or occupancy to its members.

Section 3: Housing and Urban Development Act of 1968

To the greatest extent feasible, training and employment opportunities shall be made available to low-income residents of project areas and that contracts be awarded to small businesses located within the project area or owned in substantial part by project area residents.

Section 109: Housing and Urban Development Act of 1974

No person in the United States shall on the ground of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part under this title.

Section 504: Rehabilitation Act of 1974

No otherwise qualified handicapped individual in the United States, as defined in Section 7(6), shall, solely by reason of this handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Age Discrimination Act of 1975

The Act provides that no person in the United States on the basis of age shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Executive Order 11063

Provides that no person on the basis of race, color, religion, sex or national origin, shall be discriminated against in:

- Housing (and related facilities) provided with federal assistance.

- Lending practices, with respect to residential property, when such practices are connected with loans insured or guaranteed by the federal government.

Executive Order 11246, as amended by Executive Order 11375

Provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in any phase of employment during the performance of federal or federally assisted construction contracts in excess of \$25,000.

Executive Order 12138: Women Business Enterprise Policy

For purposes of this Order, affirmative action may include, but is not limited to, creating or supporting new programs responsive to the special needs of women business enterprises, establishing incentives to promote business or business-related opportunities for women business enterprises, collecting and disseminating information in the support of women business enterprises and ensuring to women business enterprises knowledge of any ready access to business-related services and resources. In implementing this Order, an agency undertakes to use or to require compliance with numerical set-asides or similar measures. It shall state the purpose of such measure and the measure shall be designed on the basis of pertinent factual findings of discrimination against women's business enterprise and the need for such measure.

Minority and Women Business Participation

Minority-owned and women-owned business enterprises (MBE/WBE's) shall have the maximum feasible opportunity to participate in the performance of contracts under federal grant programs. Award recipients shall exercise their "best efforts" to ensure that MBE/WBE's are given the opportunity to participate in ESG-funded contracts, including contracts for services, supplies and construction activities.

A minority- or women-owned business enterprise is defined for this program as a business which has been established for at least one year and is 51% owned, operated and controlled by minorities or women. Corporation or partnerships formed merely to qualify as an MBE or WBE for purposes of this program will not be considered minority or women-owned business enterprises.

Non-Discrimination and Equal Opportunity Requirement

The sub-recipient must comply with all applicable fair housing and civil rights requirements. In addition, the sub-recipient must make known that ESG rental assistance and services are available to all on a nondiscriminatory basis and ensure that all citizens have equal access to information about ESG and equal access to the financial assistance and services provided under this program. This means that each sub-recipient must take reasonable steps to ensure meaningful access to programs to persons with limited English Proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964. This may mean providing language assistance or ensuring that program information is available in the appropriate languages for the geographic area served by the jurisdiction and that limited English proficient persons have meaningful access to ESG assistance.

In addition, all notices and communications shall be provided in a manner that is effective for persons with hearing, visual and other communication related disabilities consistent with Section 504 of the Rehabilitation Act of 1973. If the procedures that the sub-recipient intends to use to make known the availability of the rental assistance and services are unlikely to reach persons of any particular race, color, religion, sex, age, national origin, familial status or disability who may qualify for such rental assistance and services, the sub-recipient must establish additional procedures that will ensure that such persons are made aware of the rental assistance and services.

Confidentiality

The County and the sub-recipient will each develop and implement written procedures to ensure:

- All records containing personally identifying information (as defined in HUD’s standards for participation, data collection, and reporting in a local HMIS) of any individual or family who applies for and/or receives ESG assistance will be kept secure and confidential;
- The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter; and
- The address or location of any housing of a program participant will not be made public, except as provided under pre-existing privacy policies of the County and the sub-recipient. These policies shall be consistent with state and local laws regarding privacy and obligations of confidentiality.

The confidentiality procedures of the sub-recipients must be in writing and must be maintained in accordance with this section.

Additionally, a release of information must be collected for each recipient receiving services through an ESG funded shelter program.

Conflict of Interest/Codes of Conduct

The provision of any type or amount of ESG assistance may not be conditioned on an individual’s or family’s acceptance or occupancy of emergency shelter or housing owned by the County, the sub-recipient, or a parent or subsidiary of the sub-recipient. Additionally, no sub-recipient may, with respect to individuals or families occupying housing owned by the sub-recipient, or any parent or subsidiary of the sub-recipient carry out the initial evaluation or administer homelessness prevention assistance under the HEARTH Act.

For the procurement of goods and services, the County and the sub-recipient must comply with the codes of conduct and conflict of interest requirements for governments and for private nonprofit organizations. For all other transactions and activities, the following restrictions apply:

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

The conflict-of interest provisions apply to any person who is an employee, agent, consultant, officer or elected/appointed official of the County or the sub-recipient.

Upon the written request of the County, HUD may grant an exception to the provisions of this subsection on a case-by-case basis, taking into account the cumulative effects of criteria, provided that the County has satisfactorily met the threshold requirements. HUD will consider an exception only after the County has provided the following documentation:

- The County or the sub-recipient, if a government, discloses the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- An opinion of the County's attorney that the interest for which the exception is sought would not violate state or local law.

Factors to be considered for exceptions. HUD must conclude that the exception will serve to further the purposes of the ESG program and the effective/efficient administration of the County's or the sub-recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

- Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- Whether an opportunity was provided for open competitive bidding or negotiation;
- Whether the affected person has withdrawn from his or her functions, responsibilities or the decision-making process with respect to the specific activity in question. A copy of the minutes from a public meeting denoting that the affected person has publicly disclosed the conflict of interest and has stated that he/she has withdrawn from functions or responsibilities with respect to the assisted activity in question shall be submitted to HSD to document that this condition has been met;
- Whether the interest or benefit was present before the affected person was in the position of conflict as described above;
- Whether undue hardship results to the County, the sub-recipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict; and
- Any other relevant considerations

Contractors: All contractors of the County or the sub-recipient must comply with the same requirements that apply to the sub-recipient under this section.

Drug-Free Workplace Requirements

The Drug-Free Workplace Act of 1988 and HUD's implementing regulations apply to ESG. The sub-recipient is required to adhere to the Drug-Free Workplace Certification as a part of the contracting process. This requires that the sub-recipient post and enforce Drug-Free Workplace standards, specifically including a prohibition on the use of ESG monies for any alcohol or drug related expense (except for the assessment and referral of eligible participants for whom such alcohol or drug use constitutes a barrier to stable housing.)

Lobbying and Disclosure Requirements

The disclosure requirements and prohibitions of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 apply to ESG. Applicants must disclose, using Standard Form LLL, *Disclosure of Lobbying Activities*, any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific grants or contracts.

Faith-Based Activities

A sub-recipient that is 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.

A sub-recipients that is 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 will retain 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.

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

ESG funds may not be used for the rehabilitation of structures to the extent that those structures are used for inherently religious activities. ESG funds may be used for the rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under the ESG program. Where a structure is used for both eligible and inherently religious activities, ESG funds may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds. Sanctuaries, chapels, or other rooms that an ESG-funded religious congregation uses as its principal place of worship, however, are ineligible for funded improvements under the program. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition.

If the sub-recipient is a local government and voluntarily contributes its own funds to supplement federally funded activities, the sub-recipient has the option to either segregate the Federal funds or co-mingle them.

Termination of Assistance and Grievance Process

To terminate rental assistance or housing relocation and stabilization services to a program participant, the minimum required formal process must consist of a written notice to the program participant containing a clear statement of the reasons for termination, a review of the decision, and a prompt written notice of the final decision to the program participant. The review of the decision must give the program participant 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. The sub-recipient may resume assistance to a family or individual whose assistance has been terminated.

Program participants receiving rental assistance or housing relocation and stabilization services

If a program participant violates program requirements, the sub-recipient may terminate the assistance in accordance with a formal process established by the sub-recipient that recognizes the rights of individuals affected. The sub-recipient 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.

To terminate rental assistance or housing relocation and stabilization services to a program participant, the required formal process, at a minimum, must consist of:

- Written notice to the program participant containing a clear statement of the reasons for termination;
- 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
- Prompt written notice of the final decision to the program participant.

Ability to provide further assistance

Termination under this section does not bar sub-recipient from providing further assistance at a later date to the same family or individual.

The sub-recipient shall have a written termination policy which is given to program participants upon

program entry. Each sub-recipient must also have written procedures for planned discharges and unplanned discharges of program participants.

Displacement, Relocation, and Acquisition

Minimizing displacement. Consistent with the other goals and objectives of the Emergency Solutions Grant (ESG), the sub-recipient must assure that it has taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted under the Emergency Solutions Grant (ESG).

Temporary relocation not permitted. No tenant-occupant of housing (a dwelling unit) that is converted into an emergency shelter may be required to relocate temporarily for a project assisted with ESG funds, or be required to move to another unit in the same building/complex. When a tenant moves for a project assisted with ESG funds under conditions that trigger the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), the tenant should be treated as permanently displaced and offered assistance and payments consistent with rules for relocation assistance for displaced persons.

Relocation assistance for displaced persons.

In general. A displaced person must be advised of his or her rights under the Fair Housing Act. Whenever possible, minority persons shall be given reasonable opportunities to relocate to comparable and suitable decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require providing a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling. Replacement dwellings must also contain the accessibility features needed by displaced persons with disabilities.

Displaced Person - the term “displaced person” means any person (family, individual, business, nonprofit organization, or farm, including any corporation, partnership, or association) that moves from real property, or moves personal property from real property, permanently, as a direct result of acquisition, rehabilitation, or demolition for a project assisted under the ESG program. This includes any permanent, involuntary move for an assisted project, including any permanent move from the real property that is made:

- After the owner (or person in control of the site) issues a notice to move permanently from the property or refuses to renew an expiring lease, if the move occurs on or after:
 - The date of the submission by the sub-recipient of an application for assistance to the County that is later approved and funded if the sub-recipient has site control as evidenced by a deed, sales contract, or option contract to acquire the property; or
 - The date on which the sub-recipient selects the applicable site, if the sub-recipient does not have site control at the time of the application, provided that the sub-recipient eventually obtains control over the site;
- Before the date described in the paragraph above, if the recipient or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the project; or

- By a tenant-occupant of a dwelling unit and the tenant moves after execution of the agreement covering the acquisition, rehabilitation, or demolition of the property for the project.

A person does NOT qualify as a displaced person if:

- The person has been evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement; violation of applicable federal, state or local law, or other good cause; and the County determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance.
- The person moved into the property after the submission of the application but, before signing a lease and commencing occupancy, was provided written notice of the project, its possible impact on the person (*e.g.*, the person may be displaced), and the fact that the person would not qualify as a “displaced person” (or for any assistance under this section) as a result of the project;
- The person is ineligible, or HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.
- The following is a nonexclusive listing of persons who do not qualify as displaced persons under this part:
 - The person who has occupied the property for the purpose of obtaining assistance under the Uniform Act;
 - The person is not required to relocate permanently as a direct result of a project. Such determination shall be made by the sub-recipient in accordance with any guidelines established by the Federal Agency funding the project;
 - An owner-occupant who moves as a result of an acquisition of real property, or as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or federally-assisted project is subject to this part.);
 - The person whom the sub-recipient determines is not displaced as a direct result of a partial acquisition;
 - The person who, after receiving a notice of relocation eligibility, is notified in writing that he or she will not be displaced for a project. Such written notification shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility;
 - An owner-occupant who conveys his or her property, after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the sub-recipient will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to the regulations in this part;
 - A person who retains the right of use and occupancy of the real property for life following its acquisition by the sub-recipient;
 - An owner who retains the right of use and occupancy of the real property for a fixed

term after its acquisition by the Department of the Interior under Public Law 93-477, Appropriations for National Park System, or Public Law 93-303, Land and Water Conservation Fund.

- The person is determined to be in unlawful occupancy prior to or after the initiation of negotiations, or a person who has been evicted for cause, under applicable law. However, advisory assistance may be provided to unlawful occupants at the option of the sub-recipient in order to facilitate the project;
- The person is not lawfully present in the United States and has been determined to be ineligible for relocation assistance; or
- Tenants required to move as a result of the sale of their dwelling to a person using down payment assistance provided under the American Dream Down Payment Initiative (ADDI) authorized by section 102 of the American Dream Down Payment Act.

The sub-recipient may, at any time, request that the County determine whether a displacement is or would be covered by this rule.

Initiation of negotiations. For purposes of determining the type of replacement housing payment assistance to be provided to a displaced person pursuant to this section:

- If the displacement is the direct result of privately undertaken rehabilitation, demolition, or acquisition of the real property, “initiation of negotiations” means the execution of the agreement between the County and the sub-recipient or the agreement between the sub-recipient, as applicable, and the person owning or controlling the property;
- If site control is only evidenced by an option contract to acquire the property, the “initiation of negotiations” does not become effective until the execution of a written agreement that creates a legally enforceable commitment to proceed with the purchase, such as a sales contract.

Real property acquisition requirements. The acquisition of real property, whether funded privately or publicly, for a project assisted with Emergency Solutions Grant (ESG) funds is subject to the Uniform Relocation Act and federal government-wide regulations.

Appeals. A person who disagrees with the sub-recipient’s determination concerning whether the person qualifies as a displaced person, or the amount of relocation assistance for which the person may be eligible, may file a written appeal of that determination with the County. A low-income person who disagrees with the County’s determination may submit a written request for review of that determination by the appropriate HUD field office.

Administrative Costs

The County may use up to 7.5% of its Federal ESG grant and 3.75% of its State ESG grant for the payment of administrative costs related to the planning and execution of ESG activities. The Bucks County Housing Services Department may share its funds for administrative funds with its sub-recipients. Eligible administrative costs include:

General management, oversight, and coordination: Costs of overall program management, coordination, monitoring, and evaluation. These costs include, but are not limited to, necessary expenditures for the following:

- Salaries, wages, and related costs of the County's staff, the staff of the sub-recipient, or other staff engaged in program administration. In charging costs to this category, the County 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 County may use only one of these methods for each fiscal year grant. Program administration assignments include the following:
 - Preparing program budgets and schedules, and amendments to those budgets and schedules;
 - Developing systems for assuring compliance with program requirements;
 - Developing interagency agreements and agreements with sub recipients and contractors to carry out program activities;
 - Monitoring program activities for progress and compliance with program requirements;
 - Preparing reports and other documents directly related to the program for submission to HUD;
 - Coordinating the resolution of audit and monitoring findings;
 - Evaluating program results against stated objectives; and
 - Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described above.
- Travel costs incurred for monitoring of sub-recipients;
- Administrative services performed under third-party contracts or agreements, including general legal services, accounting services, and audit services; and
- 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.

Training on ESG requirements. Costs of providing training on ESG requirements and attending HUD sponsored ESG trainings.

Consolidated Plan (responsibility of the Housing Services Department). Costs of preparing and amending the ESG and homelessness-related sections of the consolidated plan in accordance with ESG requirements and consolidated plan submission requirements.

Environmental review (responsibility of the Housing Services Department). Costs of carrying out the environmental review responsibilities.

Obligation, Expenditure, and Payment Requirements

The County's and the sub-recipient's obligation, expenditure and payment requirements are determined by the ESG funding source – Federal or State.

County

For Federal ESG funding, within 180 days after the date that HUD signs the grant agreement with the County, the County will obligate the grant amount, except the amount for its administrative costs. This requirement will be met by an agreement with a sub-recipient to carry out an eligible activity

The County must draw down and expend funds from each year's grant not less than once during each quarter of the County's program year for Federal ESG funds and monthly for State ESG funds. All of the County's grant must be expended for eligible activity costs within 24 months after the date HUD signs the grant agreement with the County.

The County must pay each sub-recipient for allowable costs within 30 days after receiving the sub-recipient's complete payment request.

Sub-Recipient

When receiving Federal ESG funding, sub-recipient payment requests are due to the Bucks County Housing Services Department (HSD) at least quarterly, and by the 15th of the month following expenses incurred or at the end of the quarter. A balance of unspent funds at the end of the contract period may be withdrawn from the project account by the County. Disbursement of funds under the terms of the contract is contingent on invoices, documentation, outcomes and supporting reports, that meet the County's financial, administrative, reporting and outcomes policies, practices and requirements as approved by the Housing Services Department.

For the sub-recipient that receives DCED ESG funding, payment requests are due to the Bucks County Housing Services Department (HSD) monthly. The sub-recipient will submit expenditure payments totaling at least 50% of the total grant award within nine (9) months of the award. A balance of unspent funds at the end of the contract period may be withdrawn from the project account by the County. Disbursement of funds under the terms of the contract is contingent on invoices, documentation, outcomes and supporting reports that meet the County's financial, administrative, reporting and outcomes policies, practices and requirements as approved by the Housing Services Department.

Match

The sub-recipient shall provide matching funds equal to the amount of the ESG grant. Matching contributions may be obtained from any source, including any Federal source other than the ESG program, as well as state, local and private sources. The following requirements apply to matching contributions from a federal source of funds:

- The sub-recipient must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match ESG funds.
- If ESG funds are used to satisfy the matching requirements of another Federal program, then funding from that program may not be used to satisfy the matching requirements under this section.
- The same contributions used to match a previous ESG grant may not be used to match a subsequent ESG grant.
- Contributions that have been or will be counted as satisfying a matching requirement of another Federal grant or award may not count as satisfying the matching requirement of this section.

The matching funds may include other grants or case contributions to the ESG grant project; the value of any donated material or building; the value of any lease on a building; any salary paid to staff of the sub-recipient in carrying out the ESG Program; and the time and services contributed by volunteers to carry out the ESG program, determined at the rate of \$5/hour. Calculating the amount of noncash contributions is contingent upon the following:

- To determine the value of any donated material or building, or of any lease, the sub-recipient must use a method reasonably calculated to establish the fair market value.
- Services provided by individuals must be valued at rates consistent with those ordinarily paid for similar work in the sub-recipient's organization. If the sub-recipient does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in the same labor market. Some noncash contributions are real property, equipment, goods, or services that, if the sub-recipient had to pay for them with grant funds, the payments would have been indirect costs. Matching credit for these contributions must be given only if the sub-recipient has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of those contributions.

Costs paid by program income shall count toward meeting the sub-recipient's matching requirements, provided the costs are ESG eligible costs that supplement the sub-recipient's ESG.

Match funds must be available/provided within the time period of the contract. The sub-recipient shall provide full documentation and proof of the amounts used to meet this requirement including a match summary with each invoice. The match summary must include the match source and must be equal to or greater than the invoice amount.

The County may choose to provide matching funds to ESG sub-recipients.

Budget Modifications

At some point during the program year, the sub-recipient may need to reallocate funds budgeted among their approved activities.

Budget modification requests are reviewed by the Housing Services Department to determine if the sub-recipient has administered the grant in a timely and responsible manner, if the proposed modification presents challenges in meeting federal or state regulatory/policy requirements, or if the request in any way changes the factors involved in the initial evaluation of the proposal for funds.

A budget modification request to HSD must be in letter format and submitted with an original signature of the sub-recipient's Chief Executive Officer or Executive Director. The letter must explain the circumstances and rationale for the requested budget change. Once submitted, HSD will review the request and notify the sub-recipient of approval or denial in letter format via email. If approved, the letter may be accompanied with an amended award agreement, which must then be printed, signed and returned to HSD by mail. The exact process is dependent upon the nature and scope of the budget modification request.

Procurement Procedures

The Code of Federal Regulations establishes standards and guidelines for the procurement of supplies, equipment, construction and services to ensure that they are obtained as economically as possible through an open and competitive process, and that contracts are managed with good administrative practices and sound business judgment. The regulations include:

- Standards that prohibit conflict of interest;
- Procedures for open competition with consistent technical solicitations;
- Affirmative efforts to hire minority- and women-owned enterprises;
- Maintenance of selection documentation; and
- Contract administration system that provides sufficient monitoring.

Purchases of services from contractors or vendors by the nonprofit sub-recipient with ESG funds are subject to regulations in 24 CFR, Part 84, (the HUD Uniform Administrative Requirements for Federal Grants and Agreements Awarded to Institution of Higher Education, Hospitals and Other Non-Profit Organizations) while purchases by public agencies with ESG grant funds are subject to the regulations in 24 CFR, Part 85 (Uniform Administrative Rules for Federal Grants and Cooperative Agreements and Sub-awards to State, local and Indian tribal governments).

The guidelines on procurement are summarized as follows:

- The sub-recipient is allowed to use its own procurement procedures as long as those procedures conform to the provisions of the regulations;
- The sub-recipient must maintain a system to handle disputes, protests and other matters arising out of its contracts; maintain a code of conduct to prevent conflicts of interest (personal, financial, and organizational); and use solicitations which are clear and accurately describe the materials, products or services being procured;

- The sub-recipient must use some form of cost or price analysis in connection with each of its procurements. It must be able to justify procurements awarded on a non-competitive basis and justify the awarding of procurements by bid on the basis of other than the lowest bid.
- The sub-recipient must initiate positive efforts to use small and minority-owned businesses to the maximum extent possible; include all applicable contract provisions in contracts; and not use the cost-plus-percentage of cost contracts.

Indirect Costs

ESG grant funds may be used to pay indirect costs in accordance with HUD Cost Principles. Indirect costs may be allocated to each eligible activity in the program components and eligible activities sections of this manual.

HUD Cost Principles to be met by the sub-recipient, a non-Federal entity (a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a recipient or sub-recipient), include:

- The sub-recipient has responsibility for the efficient and effective administration of the ESG award through the application of sound management practices.
- The sub-recipient has responsibility for administering ESG funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.
- In recognition of its own unique combination of staff, facilities, and experience, the sub-recipient has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the ESG award.
- The application of these cost principles should require no significant changes in the internal accounting policies and practices of the sub-recipient. However, the accounting practices of the sub-recipient must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the ESG award.
- In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the sub-recipient is applying these cost accounting principles on a consistent basis during its review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the sub-recipient, the reasonableness and equity of such treatments should be fully considered.
- If the sub-recipient educates and engages students in research, the dual role of students as both trainees and employees contributing to the completion of ESG funds for research must be recognized in the application of these principles.
- The sub-recipient may not earn or keep any profit resulting from Federal financial assistance, unless expressly authorized by the terms and conditions of the ESG award.

The indirect costs charged to an activity must be added to the direct costs charged for that activity when determining the total costs to be used when invoicing for grant expenses.

Uniform Administrative Requirements

The policies, guidelines and requirements of OMB Uniform Administrative Requirements, 2 CFR Part 200 shall be followed in connection with ESG Program activities carried out by the sub-recipient.

Record Keeping and Reporting Requirements

Homeless status. The County's intake procedures to ensure compliance with the HUD homeless definition and provide evidence of verification of homeless status must be followed by recipients of ESG funds.

Procedures for Homeless Status Verification at Intake

For participants that qualify as homeless under paragraph (1) (i) of the HUD homeless definition:

- All participants that identify as homeless under paragraph (1) (i) of the HUD homeless definition at the Housing Link Call Center will be referred to Street Outreach for homeless verification prior to being referred for emergency shelter and other housing services or interventions as appropriate.
- Street outreach referrals will be made to partner agencies that provide street outreach services as appropriate based on homeless subpopulation. This allows homeless persons to engage with street outreach workers that have expertise and training in their specific subpopulation.
- Street outreach will receive an automated email notification of a new referral in HMIS. Street outreach will accept the referral and make contact with client within 48 hours. Street outreach will complete coordinated intake notes in HMIS regarding referral and progress in verification. Once verified, street outreach will complete a standard homeless assessment for verification in HMIS. Street outreach will then complete the referral process to the By-Name list via HMIS for emergency shelter and/or rapid rehousing services. Emergency shelter and rapid rehousing providers will obtain the homeless verification document in HMIS from the participant's record and keep in their paper file.

For participants that qualify as homeless under paragraph (1) (ii) of the HUD homeless definition:

- All participants that qualify as homeless under paragraph (1) (ii) of the HUD homeless definition must receive a written referral by the housing or service provider where the participant is currently residing in a homeless program. For participants that are actively enrolled in emergency shelter, the shelter provider will complete a standard letter stating that the participant is actively enrolled in their program.
- Shelter case managers are then able to refer via HMIS the shelter participant to rapid rehousing services.
- Shelter case managers will provide a signed copy of the letter to the rapid rehousing provider to keep in their paper file for documentation once participant is enrolled in rapid rehousing.

For participants that qualify as homeless under paragraph (1) (iii) of the HUD homeless definition:

- All participants that qualify as homeless under paragraph (1) (iii) of the HUD homeless definition must meet one of the following forms of evidence:
 - Homeless verification completed by street outreach
 - Written referral by another housing or service provider
 - Certification by the individual or head of household seeking assistance stating that s(he) was living on the streets or in shelter
- In addition to meeting one of the above forms of evidence, participants must also have one of the following forms of evidence for exiting an institution:
 - Discharge paperwork or written/oral referral, or
 - Written record of intake worker's due diligence to obtain above evidence and certification by individual that they exited institution
- ESG program case managers must keep copies of the above forms in their paper file for documentation once participant is enrolled in their program.

For participants that qualify as Imminent Risk of Homelessness under paragraph (2) (iii) of the HUD homeless definition:

- All participants that qualify as homeless under paragraph (2) of the HUD homeless definition at coordinated entry will be referred to coordinated assessment for an eligibility screening.
- In order to meet eligibility, participant must provide one of the following forms of evidence:
 - A Court order resulting from an eviction action notifying the individual or family that they must leave; or
 - For individuals and families leaving a hotel or motel – evidence that they lack the financial resources to stay; or
 - A documented and verified oral statement completed at coordinated assessment
- In addition to meeting one of the above forms of evidence, participants must also provide:
 - Certification that no subsequent residence has been identified; and
 - Self-certification or other written documentation that the individual lacks the financial resources and support necessary to obtain permanent housing.
- ESG program case managers must keep copies of the above forms in their paper file for documentation once participant is enrolled in their program.

For participants that qualify as Homeless under paragraph (4) of the HUD homeless definition:

Victim Service Providers:

- Individuals or head of households that are seeking assistance and qualify as homeless under paragraph (4) of the HUD homeless definition at coordinated entry will have full assessment completed, including VI-SPDAT, and immediately placed onto By-Name List for shelter and other housing services or head of households must provide an oral statement which states the following:
 - They are fleeing;
 - They have no subsequent residence; and
 - They lack resources
- Statement must be documented by a self-certification or a certification by the intake worker.

- ESG funded victim service providers must keep copies of the above forms in their paper file for documentation once participant is enrolled in their program.

Non-Victim Service Providers:

- Individuals or head of households that are seeking assistance and qualify as homeless under paragraph (4) of the HUD homeless definition at coordinated entry will have full assessment completed, including VI-SPDAT, and immediately placed onto By-Name List for shelter and other housing services
- Individual or head of households must provide an oral statement stating that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and
- Certification by the individual or head of household that no subsequent residence has been identified; and
- Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.
- ESG funded victim service providers must keep copies of the above forms in their paper file for documentation once participant is enrolled in their program.

Homeless Verification preference:

- Third party verification documentation is the first preference for verifying participant homelessness. In the event that third party documentation is not available through hardcopy verification forms or HMIS records, intake worker observations are second preference as an acceptable form of evidence. This could occur for emergency homeless shelter admissions that do not complete the standard street outreach verification from coordinated entry.
- Intake worker should complete and sign the standard intake worker observation form and keep in the participant's program file.
- Third preference is participant self-certification of homelessness. In all instances, third party and intake worker observation forms should be attempted for each enrolled program participant. In the event that this is not possible, the participant must complete and sign the standard self-certification form for homelessness and be kept in the participant's file. This could occur for emergency homeless shelter admissions that do not complete the standard street outreach verification from coordinated entry. Participant should complete and sign the standard self-certification form and keep in the participant's program file.

Determinations of ineligibility. For each individual and family determined ineligible to receive Emergency Solutions Grant (ESG) assistance, the record must include documentation of the reason for that determination.

Annual income. For each program participant who receives homelessness prevention assistance, or who receives rapid re-housing assistance longer than one year, the following documentation of annual income must be kept in the participant's program file:

- Income evaluation form containing the minimum requirements specified by HUD and completed by the sub-recipient; and

- 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);
- 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 sub-recipient'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;
- 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

Rental assistance agreements and payments. The County requires copies of all leases and rental assistance agreements for the provision of rental assistance, documentation of payments made to owners for the provision of rental assistance, and supporting documentation for these payments, including dates of occupancy by program participants.

Landlord MOU. Records must include an executed MOU or rental Agreement between the landlord and the sub-recipient agency. The Agreement must be executed prior to payment of any rental assistance.

Utility allowance. The records must document the monthly allowance for utilities (excluding telephone) used to determine compliance with the rent restriction.

Relocation. The records must include documentation of compliance with the displacement, relocation, and acquisition requirements.

Shelter and housing standards. The records must include documentation of compliance with ESG shelter and housing standards, including inspection reports.

Emergency shelter facilities. The County shall keep records of the amount and type of assistance provided to its emergency shelter. As applicable, the County's records must also include documentation of the value of the building before the rehabilitation of an existing emergency shelter or after the conversion of a building into an emergency shelter and copies of the recorded deed or use restrictions.

Services and assistance provided. The County requires records of the types of essential services, rental assistance, and housing stabilization and relocation services provided under the County's ESG program and the amounts spent on these services and assistance. The County and the sub-recipient that is a unit of general purpose local government must keep records to demonstrate compliance with the maintenance of effort requirement, including records of the unit of the general purpose local government's annual budgets and sources of funding for street outreach and emergency shelter services.

Coordination with Bucks County Continuum of Care and other programs. The County requires sub-recipients comply with the requirements for consulting with the Continuum of Care and coordinating

and integrating ESG assistance with programs targeted toward homeless people and mainstream service and assistance programs. The sub-recipient's required attendance at CoC meetings and the CoC's record of meeting minutes will be documented by the CoC Executive Committee.

HMIS. The County requires participation in HMIS or a comparable database by all projects of the sub-recipient.

Matching. The County requires records of the source and use of contributions made to satisfy the matching requirement. The records must indicate the particular fiscal year grant for which each matching contribution is counted. The records must show how the value placed on third-party, noncash contributions was derived. To the extent feasible, volunteer services must be supported by the same methods used to support the allocation of regular personnel costs.

Conflicts of interest. The sub-recipient must keep records to show compliance with the organizational conflicts-of-interest requirements, a copy of the personal conflicts of interest policy or codes of conduct developed and implemented to comply with the requirements, and records supporting exceptions to the personal conflicts of interest prohibitions.

Homeless participation. The sub-recipient must document its compliance with the homeless participation requirements.

Faith-based activities. The sub-recipient must document its compliance with the faith-based activities requirements.

Financial records.

- The sub-recipient must retain supporting documentation for all costs charged to the ESG grant.
- The sub-recipient must keep documentation showing that ESG grant funds were spent on allowable costs in accordance with the requirements for eligible activities
- The sub-recipient must retain records of the receipt and use of program income.
- The sub-recipient must keep documentation of compliance with the expenditure limits and the expenditure deadline.

Sub-recipient and contractors.

- The County must retain copies of all solicitations of and agreements with the sub-recipient, records of all payment requests by and dates of payments made to the sub-recipient, and documentation of all monitoring and sanctions of the sub-recipient, as applicable.
- The County and the sub-recipient must retain copies of all procurement contracts and documentation of compliance with the procurement requirements.
- The County must ensure that the sub-recipient complies with the recordkeeping requirements specified by the County and HUD notice or regulations.

Confidentiality.

The County requires procedures to ensure:

- All records containing personally identifying information (as defined in HUD's standards for participation, data collection, and reporting in a local HMIS) of any individual or family who applies for and/or receives ESG assistance will be kept secure and confidential;
- The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter; and
- The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the sub-recipient and consistent with state and local laws regarding privacy and obligations of confidentiality.

Other Federal requirements. The sub-recipient must document its compliance with the Federal requirements, as applicable, including:

- Records demonstrating compliance with the nondiscrimination and equal opportunity requirements, including data concerning race, ethnicity, disability status, sex, and family characteristics of persons and households who are applicants for, or program participants in, any program or activity funded in whole or in part with ESG funds and the affirmative outreach requirements.
- Records demonstrating compliance with the uniform administrative requirements.
- Records demonstrating compliance with the environmental review requirements, including flood insurance requirements.
- Certifications and disclosure forms required under the lobbying and disclosure requirements.

Period of record retention. All records pertaining to each fiscal year of ESG funds will be retained for the greater of 5 years or the period specified below. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

Access to records.

- *Federal government rights.* HUD, the HUD Office of the Inspector General, and the Comptroller General of the United States, or any of their authorized representatives, must have the right of access to all books, documents, papers, or other records of the County and the sub-recipient that are pertinent to the ESG grant, in order to make audits, examinations, excerpts, and transcripts. These rights of access are not limited to the required retention period but last as long as the records are retained.
- *Public rights.* The County must provide citizens, public agencies, and other interested parties with reasonable access (consistent with state and local laws regarding privacy and obligations of confidentiality and the confidentiality requirements in this part) to records regarding any uses of ESG funds the County received during the preceding 5 years.
- *Reports.* The sub-recipient must collect and report data on its use of ESG funds as required by

the County. The County must collect and report data on its use of ESG funds in the Integrated Disbursement and Information System (IDIS) and other reporting systems, as specified by the County.

Monitoring

The County will monitor the ESG sub-recipient at least annually. Monitoring may consist of desk audits and/or on-site visits for record review, as appropriate. A new sub-recipient will be monitored within the first year of its grant agreement with Bucks County Housing Services Department (HSD). Additionally, HSD staff are available throughout the program year to conduct interim monitoring to help a new sub-recipient or agency with new staff to ensure their continued compliance with the ESG program.

The sub-recipient is expected to make available all participant level, financial and program records for periodic review on a schedule to be established by HSD. In addition, the sub-recipient will maintain participant files in compliance with the standards set by HSD. Inclusive in the file there must be:

- All records as required by HUD to demonstrate and document homelessness
- ESG Homeless Prevention and Rapid Re-Housing Client File Checklist, as appropriate;

The financial reporting must be accurate at all times indicating from which grant monies are being requested, inclusive of the year of the grant and keeping track of when that money was expended. Program compliance and HMIS usage and data integrity will also be subject to regular and random monitoring by HSD staff. In addition to monitoring by HSD staff, the sub-recipient shall make available copies of all such records if requested by the County. The sub-recipient shall furnish the County with such information and periodic reports as the County may request including, but not limited to: invoices, timesheets, cancelled checks and other documents supporting expenditures charged to the ESG grant. Monitoring of the sub-recipient may also be conducted by the local HUD Office of Community Planning and Development, HUD's Office of Special Needs Assistance Programs, HUD's Office of Inspector General, HUD's Office of Fair Housing and Equal Opportunity, or another federal agency to determine whether the sub-recipient complied with the requirements of this program.

Upon completion of the review, HSD will send a letter detailing all concerns and findings discovered during the monitoring visit. The letter will be sent within 45 days of the monitoring visit unless an investigation of findings requires more time. If there are findings or concerns discovered, the letter will request the agency to submit a Plan of Corrective Action within a certain period of time.

Record Retention

All records pertaining to each fiscal year of ESG funds must be retained for the greater of 5 years or the period specified below. Copies made by scanning, photocopying, or similar methods may be substituted for the original records.

- Documentation of each program participant's qualification as an individual or family at risk of homelessness or as a homeless individual or family and other participant records must be retained for five (5) years after the expenditure of all funds from the grant under which the

- program participant was served;
 - Where ESG funds used for the renovation of an emergency shelter involve costs charged to the ESG grant that exceed 75% of the value of the building before renovation, records must be retained until ten (10) years after the date that ESG funds are first obligated for the renovation; and
- Where ESG funds are used to convert a building into an emergency shelter and the costs charged to the ESG grant for the conversion exceed 75% of the value of the building after conversion, records must be retained until ten (10) years after the date that ESG funds are first obligated for the conversion.
- Enforcement

Performance reviews. HUD will review the performance of the County in carrying out its responsibilities under this part whenever determined necessary by HUD, but at least annually. In conducting performance reviews, HUD will rely primarily on information obtained from the records and reports from the County and, when appropriate, the sub-recipient, as well as information from onsite monitoring, audit reports, and information from IDIS and HMIS. Where applicable, HUD may also consider relevant information pertaining to the County’s performance gained from other sources, including citizen comments, complaint determinations, and litigation. Reviews to determine compliance with specific requirements of this part will be conducted as necessary, with or without prior notice to the recipient.

If HUD determines preliminarily that the County or the sub-recipient has not complied with an ESG program requirement, HUD will give the County notice of this determination and an opportunity to demonstrate, within the time prescribed by HUD and on the basis of substantial facts and data that the recipient has complied with Emergency Solutions Grant (ESG) requirements. HUD may change the method of payment to require the County to obtain HUD’s prior approval each time the County draws down Emergency Solutions Grant (ESG) funds. To obtain prior approval, the County may be required to manually submit its payment requests and supporting documentation to HUD in order to show that the funds to be drawn down will be expended on eligible activities in accordance with all ESG program requirements.

If the County fails to demonstrate to HUD’s satisfaction that the activities were carried out in compliance with ESG program requirements, HUD may take one or more of the remedial actions or sanction. They are designed to prevent a continuation of the deficiency; mitigate, to the extent possible, its adverse effects or consequences; and prevent its recurrence.

- Submit and comply with proposals for action to correct, mitigate, and prevent noncompliance with ESG requirements by:
 - Prepare and follow a schedule of actions for carrying out activities affected by the noncompliance, including schedules, timetables, and milestones necessary to implement the affected activities;
 - Establish and follow a management plan that assigns responsibilities for carrying out the remedial actions;

- Cancel or revise activities likely to be affected by the noncompliance, before expending ESG funds for the activities;
 - Reprogram ESG funds that have not yet been expended from affected activities to other eligible activities;
 - Suspend disbursement of ESG funds for some or all activities;
 - Reduce or terminate the remaining grant of the sub-recipient and reallocating those funds to other sub-recipients; and
 - Make matching contributions before or as draws are made from the County's ESG grant.
- HUD may change the method of payment to a reimbursement basis.
 - HUD may suspend payments to the extent HUD deems it necessary to preclude the further expenditure of funds for affected activities.
 - HUD may remove the County from participation in reallocations of funds.
 - HUD may deny matching credit for all or part of the cost of the affected activities and require the County to make further matching contributions to make up for the contribution determined to be ineligible.
 - HUD may require the County to reimburse its line of credit in an amount equal to the funds used for the affected activities.
 - HUD may reduce or terminate the remaining grant of the County and reallocate those funds to other recipients.
 - HUD may condition a future grant.
 - HUD may take other remedies that are legally available.

County sanctions. If the County determines that the sub-recipient is not complying with an ESG program requirement or its sub- grant agreement, the County must take appropriate action. It must either reallocate those funds to other sub-recipients or reprogram the funds for other activities to be carried out by the County as soon as practicable. The County must amend its Consolidated Plan in accordance with its citizen participation plan if funds become available and are reallocated or reprogrammed under this section. The reallocated or reprogrammed funds must be used by the expenditure deadline.

APPENDIX

DEFINITIONS

Activity — Actions by sub-recipients using ESG dollars or match dollars to serve persons who are homeless or at risk of becoming homeless. ESG funds and match can only be used for activities deemed eligible by the State and HUD. Activities that are ineligible for ESG funds must be paid with other non-ESG sources.

Administration Activities — Federally-approved planning and grant execution of ESG activities which include: 1) General Management, oversight and coordination; 2) Training on ESG requirements; and, 3) Consolidated Plan

Applicant — Any unit of general local government or public/private non-profit organization submitting the necessary paperwork to be considered for funding as an ESG service provider.

APR — Annual Performance Report

Area Median Income (AMI) — The income amount of the household for whom half of the community has more income and half of the community has less. The figure is calculated by HUD annually and is used to qualify families and individuals for a variety of HUD programs. The total gross income of all persons 18 years of age or older living in a household assisted with ESG funds must be below 30% AMI upon entry into the program. The AMI limit is the total income allowed by HUD, based on household size and geographic area.

Assessment — A deeper level of inquiry into the actual problem and the client’s strengths and needs related to solving the problem. Assessment helps with service-matching and provides the information needed to determine the expected type, intensity and duration of assistance a client or household might receive.

At-risk of Homelessness — An individual or family who has income below 30% of Area Median Income for the area, as defined by HUD, and who does not have sufficient resources or support networks immediately available to prevent them from moving into an emergency shelter or other place described in the “homeless” definition. The individual or family demonstrates one of the following conditions: (A) Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance; OR (B) Is living in the home of another because of economic hardship; OR (C) Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; OR (D) Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local

government programs for low-income individuals; OR (E) Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; OR (F) Is exiting a publicly funded institution or system of care; OR (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved Con Plan. Also at risk of homelessness is a child or youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under another Federal statute. An unaccompanied youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) or that child or youth if living with him or her is also considered at risk of homelessness.

Audit – The County and its ESG sub-recipients fall under the requirements of the Single Audit Act and the Office of Management and Budget (OMB) Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). The audit procedures enable HUD and the County to document whether the sub-recipient of ESG funds has complied with laws, regulations, and the provisions of contracts or grant agreements applicable to HUD's and its ESG program regulations.

Audit Trail – A complete record of expenditures including all requests for purchases, who and how the purchase was approved, source of funds used for the expense, date of acquisition and costs. A sub-recipient's most recent and complete single audit is required at time of signing of the ESG contract with the County.

Authorized Signature – The signature of an executive officer, agency director, or other responsible employee designated by the County/sub-recipient as an "Authorized Person" on the Request for Funds Authorization form.

Case Management – The method of providing services whereby a sub-recipient staff person assesses the needs of the client and the client's family, when appropriate, and arranges, coordinates, monitors, evaluates and advocates for an array of multiple services to meet the specific client's complex needs. Documentation of the case management process must be maintained in ESG program participation files.

Chronically Homeless - (Revised as of January 4, 2016) A "homeless individual with a disability" as defined in the HEARTH ACT, who lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and has been homeless continuously for at least 12 months or on at least 4 separate occasions in the last 3 years where the combined occasions must total at least 12 months. Occasions must be separated by a break* in homelessness of at least 7 consecutive nights of not living in a place not meant for human habitation, a safe haven, or in an emergency shelter; 2) An individual who has been residing in an institutional care facility for fewer than 90 days and met all of the criteria above, before entering that facility; or 3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in (1) or (2) above, including a family whose composition has fluctuated while the head of household has been homeless. For this definition, persons must have been homeless in a place not meant for human habitation, in an

emergency shelter, or in a safe haven immediately prior to being defined as a chronically homeless person. In addition, persons must have a third party documented diagnoses of one or more of the following conditions: Substance abuse disorder, serious mental illness, developmental disability, post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability *Stays in institution of fewer than 90 days does NOT constitute a break and count toward total time homeless.

Confidentiality Policy – Procedures adopted by each sub-recipient to ensure all records containing personal identifying information on any program participant is kept secure and confidential. It must also include procedures to ensure that the address or location of any domestic violence, dating violence, sexual assault, or stalking shelter not be made public. Finally the address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy.

Conflict of Interest - The County and sub-recipients must keep records to show compliance with the conflicts-of-interest requirements in the ESG manual, a copy of the personal conflicts of interest policy or codes of conduct developed and implemented to comply with the HUD requirements, and records supporting exceptions to the personal conflicts of interest prohibitions. Sub-recipient conflict of interest policies must also include instructions to agency staff that may be in the situation of needing assistance themselves, or providing assistance to close friends or family members, to ensure that ESG funds are not used inappropriately.

Consolidated Plan – A plan for the use of HUD funds prepared, and approved, in accordance with 24 CFR Part 91.

Continuum of Care (CoC) – A group composed of representatives of relevant organizations, which generally includes nonprofit homeless providers; victim service providers; faith-based organizations; governments; businesses; advocates; public housing agencies; school districts; social services providers; mental health agencies; hospitals; universities; affordable housing developers; law enforcement; organizations that serve homeless and formerly homeless veterans, and homeless or formerly homeless persons that are organized to plan for and provide a system of outreach, engagement, and assessment; emergency shelter; rapid re-housing; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless persons and persons at risk of homelessness for a specific geographic area.

Conversion – The change in use of a building to an emergency shelter for the homeless, where the cost of conversion and any rehabilitation costs exceed 75% of the value of the building after conversion. Any building converted to an emergency shelter that is assisted with ESG funds must meet local government safety and sanitation standards, and must be maintained as a shelter for the homeless for not less than a 10-year period.

Coordinated Entry - Coordinated entry, also known as coordinated assessment or coordinated intake, is a requirement for all HUD Continuums of Care (CoCs) as established by the HEARTH Act. It affords more efficient homeless assistance systems by: 1) Helping people move through the system faster (by

reducing the amount of time people spend moving from program to program before finding the right match); 2) Reducing new entries into homelessness (by consistently offering prevention and diversion resources upfront, reducing the number of people entering the system unnecessarily); and 3) Improving data collection and quality and providing accurate information on what kind of assistance consumers need.

Critical Need Priority – HUD has identified rapid re-housing assistance as a Critical Need Priority since this activity targets those individuals and families living on the streets or in emergency shelters. Effective rapid re-housing programs help people transition out of the homeless assistance system as quickly as possible, decreasing the number of persons who are homeless within a community.

Developmental Disability – Defined in Section 102 of the Developmental Disability Assistance and Bill of Rights Act of 2000, and means a severe, chronic disability that is attributable to a mental or physical impairment or combination, and is manifested before age 22, and is likely to continue indefinitely. It must result in substantial limitations in 3 or more major life activities (self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency) AND reflects need for special services or individualized support, or other form of assistance this is lifelong or extended duration.

Disabling Condition – Defined by HUD as a diagnostic substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including co-occurrence of two or more of these conditions. A disabling condition limits an individual's ability to work or perform one or more activities of daily living.

Displaced Person – A lower-income person who, in connection with an activity assisted under any homeless prevention program, permanently moves from real property or permanently moves personal property from real property as a direct result of the demolition or conversion of a lower-income dwelling funded with federal funds.

Emergency Shelter – 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.

Emergency Solutions Grant Program – A HUD funded program as described in 24 CFR 576

Essential Services - Essential services related to emergency shelter and street outreach are the same as the eligible costs for supportive housing under the Continuum of Care program. This consistency across these three sets of services is intended to improve understanding of the programs' requirements, facilitate coordination, and maximize efficiency. ESG activities which address the immediate needs of the homeless through street outreach and emergency shelters, which enable homeless persons to become more independent and to secure permanent housing, are considered eligible, essential services activities.

Fair Market Rent – Means the rents published in the Federal Register annually by HUD

Faith-Based Organizations – An organization affiliated with or sponsored by a church or other religious organization.

Families – Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the followings: (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or (2) A group of persons residing together, and such group includes, but is not limited to (a) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family); (b) An elderly family; (c) A near-elderly family; (d) A disabled family; (e) A displaced family; and (f) The remaining member of a tenant family.

Grantee – The direct recipient of grant funds. In the ESG program, the County is the “grantee” responsible to HUD for proper execution of the grant program through sub-contracted providers of homeless services.

Gross Income – Total income of the household that must be calculated in order to determine eligibility for the program. It must include all eligible income of every adult who is 18 years of age or older living in the household, even if not a family member.

Habitability Standards – Standards as defined by HUD and for which ESG funds cannot be used to provide financial assistance unless the unit where the program participant resides passes such standards. If a program participant is expected to apply for assistance through the Housing Choice Voucher program, the unit must pass the inspections requirements of that program so the unit will be eligible for assistance in the future.

HMIS –Homeless Management Information System means the information system designated by the Continuum of Care to comply with the HMIS requirements prescribed by HUD. Recipients of ESG funds are required to participate in the HMIS system.

HMIS Lead Agency – The entity designated by the Continuum of Care to operate the HMIS on its behalf.

Homeless – Four (4) categories, as defined under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) and this Manual

Homeless Prevention – A program targeted to individuals and families at risk of homelessness. Specifically, this includes those that meet the criteria under the “at risk of homelessness” definition at 576.2, as well as those who meet the criteria in Category 2, 3, and 4 of the “homeless definition and have an annual income below 30% of family median income for the area.

Housing First – An approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements. Supportive services are offered to maximize housing

stability and prevent returns to homelessness as opposed to addressing predetermined treatment goals prior to permanent housing entry.

Housing Locator – Assists individuals and families who will be participating in housing assistance and other social service programs and activities in identifying safe and affordable **housing** in a timely manner.

Housing Plan for Program Participants – A housing plan must be completed for all individuals that receive an assessment and will be a participant in an ESG facility or program. The Housing Plan is intended to be a guide for both the household and the sub-recipient.

Housing Quality Standards (HQS) - HQS define "standard housing" and establish the minimum criteria for the health and safety of program participants. Current HQS regulations consist of 13 key aspects of housing quality, performance requirements, and acceptability criteria to meet each performance requirement. HQS includes requirements for all housing types, including single and multi-family dwelling units, as well as specific requirements for special housing types such as manufactured homes, congregate housing, single room occupancy, shared housing, and group residences.

Housing Services Department - The department which is the administrator of the ESG funds to Bucks County for the U.S. Department of Housing and Urban Development.

Housing Status – Clients must be either homeless or at risk of homelessness in order to receive assistance with the ESG program and documentation of housing status **MUST** be contained in each program participant’s case file. Case managers must verify and document the status in accord with requirements set forth in the Bucks County ESG Manual; clients must certify in writing their housing status.

HUD – The U.S. Department of Housing and Urban Development

Income Inclusions – Types of income to be counted

Income Exclusions – Types of income that are not to be counted as income

Intake – The general process between the client’s first point of contact and the decision whether or not to admit the client to a program. The intake process can include screening, assessment, referral and verification. Intake may/may not result in program admission.

Integrated Disbursement and Information System (IDIS) – The financial system through which ESG sub-recipients must draw down funds. ESG sub-recipients will not enter any performance or program participant data into IDIS.

In-Kind – Donated volunteer services or goods including staff time, shelter rent, shelter facilities, or supplies of the same kind eligible under program guidelines.

Internal Controls – The combination of policies, procedures, personnel, defined responsibilities and records that allow an organization to maintain adequate oversight and control of its finances.

Lead-Based Paint – Paint or other surface coatings that contain lead equal to or greater than 1.0 mg/cm² or 0.5 percent by weight. Surface coatings include paint, shellac, varnish, or any other coating, including wallpaper that covers painted surfaces. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as Title X, to protect families from exposure to lead from paint, dust, and soil. Section 1018 of this law directed HUD and EPA to require the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of most housing built before 1978. If constructed before 1978, Lead-Based Paint regulations apply and an inspection of the property must be conducted and recorded in the program participant’s file.

LEP – Limited English Proficiency persons include anyone who does not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

Lobbying Policy – a concerted effort designed to achieve some result, typically from government authorities and elected officials. It can include the outreach to legislative members, public actions (e.g. mass demonstrations), or combinations of both public and private actions (e.g. encouraging constituents to contact their legislative representative).

Local government – Bucks County Government

Major Rehabilitation – Rehabilitation that involves costs in excess of 75% of the value of the building before rehabilitation. Buildings assisted at this level must be maintained as a homeless shelter for not less than a 10-year period.

Memorandum of understanding - a bilateral or multilateral agreement between two or more parties. It expresses a convergence of will between the parties, indicating an intended common line of action. It is often used in cases where parties either do not imply a legal commitment or in situations where the parties cannot create a legally enforceable agreement.

Performance Standards – The standards set by HUD, Bucks County Continuum of Care, and the County which will be used to gauge the ongoing success of the ESG program. All sub-recipients will be expected to meet or exceed these standards.

Permanent Housing – Community-based housing without a designated length of stay, and includes both Permanent Supportive Housing and Rapid Re-housing.

Permanent Supportive Housing – Permanent housing in which supportive services are provided to assist homeless persons with a disability to live independently. Provides long-term (longer than 24 months) housing assistance with support services for which homelessness is a primary requirement for program eligibility.

Physical, Mental or Emotional Impairment – Expected to be long-continuing or of indefinite duration; substantially impedes the person’s ability to live independently, and could be improved by more suitable housing.

Privacy Policy – A policy created by the County and each sub-recipient that covers the processing of personal information for clients participating in the ESG program, including data entered into HMIS. The Policy must be in writing and included as a part of the sub-recipient policies and procedures. Sub-recipient staff must be aware of the policy, as evidenced by their signature they have received a copy, with the original executed copy maintained in the ESG program file.

Private Non-Profit Organization – A secular or religious organization described in Section 501© of the Internal Revenue Code of 1954 which is (a) exempt from taxation under Subtitle A, Title 26 of the Code, (b) has an accounting system and voluntary board, and (c) practices nondiscrimination in the provision of assistance.

Procurement – The act or process of obtaining goods and services that ensures the best possible cost to the federal program, while meeting the needs of the County or a sub-recipient.

Project Sponsor – Any agency sponsoring an ESG funded project and holding a formal grant agreement with the County for a designated contract period.

Rapid Re-housing – Housing relocation and stabilization services and short- 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. Assistance may be provided for up to 24 months during any 3-year period, and may include rental arrears for up to six months, to eligible persons who qualify as homeless under Category 1 and 4 of the “homeless” definition.

Recipient – Any state, territory, metropolitan city, or urban county, or in the case of reallocation, any unit of general purpose local government, approved by HUD to assume financial responsibility and which enters into a grant agreement with HUD to administer Emergency Solutions Grant (ESG). For the purpose of this manual, the Recipient is the County of Bucks.

Referral – referring a client to a particular program for possible help, without any obligation on the part of the receiving program to actually offer or provide the help.

Rehabilitation – Labor, materials, tools and other costs of improving buildings, other than minor or routine repairs. Buildings assisted at this level (other than major rehabilitation) must be maintained as a homeless shelter for not less than a 3-year period.

Relocation – The act of moving a person who has been displaced due to actions or activities funded through the ESG program.

Renovation – Rehabilitation that involves costs of 75% or less of the value of the building before rehabilitation. Buildings assisted at this level must be maintained as a homeless shelter for not less than a 3-year period.

Rent Reasonableness – A process conducted by the recipient or sub-recipient to determine if the rent charge for the unit receiving rental assistance is reasonable in relation to rents being charged for comparable unassisted units, taking into account the location, size, type, quality, amenities, facilities, and management and maintenance of each unit. Reasonable rent must not exceed rents currently being charge by for comparable unassisted units.

Safe Haven – For the purpose of defining chronically homeless, supportive housing that means the following: (1) serves hard to reach homeless persons with severe mental illness who came from the streets and have been unwilling or unable to participate in supportive services; (2) provides 24-hour residence for eligible persons for an unspecified period; (3) has an overnight capacity limited to 25 or fewer persons; and (4) provides low-demand services and referrals for the residents.

Screening – a first-level decision about whether the client is eligible for a program and/or would have a priority for those services. Screening determines who receive services.

Service Prioritization Decision Assistance Tool (SPDAT) – an evidence-informed assessment tool for Frontline workers at agencies that work with homeless clients to prioritize which of those clients should receive assistance first. It is an in-depth assessment that relies on the assessor’s ability to interpret responses and corroborate those with evidence.

Single Audit – The Single Audit is a rigorous, organization-wide audit or examination of an entity that expends \$500,000 or more of Federal assistance (commonly known as Federal funds, Federal grants, or Federal awards) received for its operations. Usually performed annually, the Single Audit’s objective is to provide assurance to the federal government as to the management and use of such funds by recipients and sub-recipients such as states, cities, counties, and non-profit organizations. The audit is typically performed by an independent certified public accountant (CPA) and encompasses both financial and compliance components.

Street Outreach – The act of reaching out to unsheltered homeless people; connecting them with emergency shelter, housing or critical services; and provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility.

Sub-recipient – Any private nonprofit organization or unit of general local government to which the County provides funds to carry out the eligible activities under the grant and which is accountable to the County for the use of the funds provided.

Subsidized Housing – Any housing programs funded by Federal, State or local government in which rent is based on the tenant’s income. Those programs pay a portion/all of program participant’s rent based on his/her income.

Strength-based Practice – The relationship between the case manager and the program participant is one of advocacy and collaboration. The individual’s/family’s strengths are identified. The therapist/case manager works with the individual/family to achieve short- and long-term goals, helping

he/she/them access the necessary services. This cooperative relationship may address counseling, education, employment, housing, and life skills goals.

- 1) It assesses the inherent strengths of an individual or family, and then builds on them
- 2) It uses peoples' personal strengths to aid in recovery and empowerment
- 3) It reframes personal perception to find good even in the worst situation

Why use it? It is an empowering alternative to traditional therapies which typically describe individual/family functioning in terms of psychiatric diagnoses or deficits. It avoids the use of stigmatizing language or terminology which individuals and families use on themselves and eventually identify with, accept and feel helpless to change. It is at odds with the 'victim identity' which is inherently self-defeating. It: 1) fosters hope by focusing on what is or has been historically successful for the person, thereby exposing precedent successes as the groundwork for realistic expectations; 2) inventories (often for the first time) the positive building blocks that already exist in the individual's/family's environment that can serve as the foundation for growth and change; 3) reduces the power and authority barrier between the person and therapist/case manager by promoting the person to the level of expert in regards to what has worked, what does not work, and what might work in their situation; 4) reduces the power and authority barrier between therapist/case manager by placing the therapist/case manager in the role of partner or guide; and 5) gives individuals and families more investment in any process where they feel they are an integral part.

Targeting - The process of determining the population to whom assistance will be directed. The targeting process can occur at both the system and the program levels.

Transitional Housing – A project that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living. The housing is short-term, typically less than/within 24 months. In addition to providing safe housing for those in need, other services are available to help participants become self-sufficient.

Unsheltered Homeless – Individuals and families who qualify as homeless under Category 1(i) of the "homeless" definition.

Utility Allowance – Obtained from the Bucks County Housing Authority (PHA), utility allowances are used in place of actual utility costs to calculate a household's total housing expense. High housing costs can result in program participant's paying a large percentage of their income for housing and utilities, which may lead to difficulty maintaining housing stability. The utility allowance is required when determining the rent reasonableness of a unit when using ESG funds for rental assistance.

Value of the Building – The monetary value assigned to a building by an independent real estate appraiser, or as otherwise reasonably established by the County.

Verification – The gathering and review of information to substantiate the crisis situation and support program eligibility and priority determinations.

Veterans Administration Supportive Housing - The HUD-Veterans Affairs Supportive Housing (HUD-VASH) program combines Housing Choice Voucher (HCV) rental assistance for homeless Veterans with

case management and clinical services provided by the Department of Veterans Affairs (VA). VA provides these services for participating Veterans at VA medical centers (VAMCs) and community-based outreach clinics.

Victim Service Provider – A private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, human trafficking or stalking. This term includes rape crisis centers, battered women’s shelters, domestic violence transitional housing programs, safe houses and other programs.

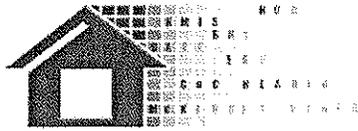
Written Standards – Standards that define eligibility criteria for assistance to be provided to program participants at the sub-recipient level. Standards provide applicants and sub-recipient staff a clear understanding of what is required in order to participate in the ESG program.

Youth – A person less than 25 years of age so as to adequately and appropriately address the unique needs of transition-aged youth, including youth exiting foster care systems to become stable in permanent housing.



Homeless Definition

CRITERIA FOR DEFINING HOMELESS	Category 1	Literally Homeless	<p>(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:</p> <ul style="list-style-type: none"> (i) Has a primary nighttime residence that is a public or private place not meant for human habitation; (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); <u>or</u> (iii) Is exiting an institution where (s)he has resided for 90 days or less <u>and</u> who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution
	Category 2	Imminent Risk of Homelessness	<p>(2) Individual or family who will imminently lose their primary nighttime residence, provided that:</p> <ul style="list-style-type: none"> (i) Residence will be lost within 14 days of the date of application for homeless assistance; (ii) No subsequent residence has been identified; <u>and</u> (iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing
	Category 3	Homeless under other Federal statutes	<p>(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:</p> <ul style="list-style-type: none"> (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 in the preceding 60 days; <u>and</u> (iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers
	Category 4	Fleeing/ Attempting to Flee DV	<p>(4) Any individual or family who:</p> <ul style="list-style-type: none"> (i) Is fleeing, or is attempting to flee, domestic violence; (ii) Has no other residence; <u>and</u> (iii) Lacks the resources or support networks to obtain other permanent housing



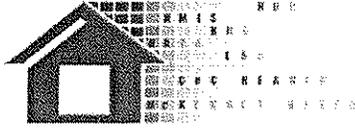
Homeless Definition

ELIGIBILITY BY COMPONENT (Emergency Solutions Grants Program)	Street Outreach	<p>Individuals defined as Homeless under the following categories are eligible for assistance in SO:</p> <ul style="list-style-type: none"> • Category 1 – Literally Homeless • Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1) <p>SO projects have the following additional limitations on eligibility within Category 1:</p> <ul style="list-style-type: none"> • Individuals and families must be living on the streets (or other places not meant for human habitation) and be unwilling or unable to access services in emergency shelter
	Emergency Shelter	<p>Individuals and Families defined as Homeless under the following categories are eligible for assistance in ES projects:</p> <ul style="list-style-type: none"> • Category 1 – Literally Homeless • Category 2 – Imminent Risk of Homeless • Category 3 – Homeless Under Other Federal Statutes • Category 4 – Fleeing/Attempting to Flee DV
	Rapid Re-housing	<p>Individuals defined as Homeless under the following categories are eligible for assistance in RRH projects:</p> <ul style="list-style-type: none"> • Category 1 – Literally Homeless • Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1)
	Homelessness Prevention	<p>Individuals and Families defined as Homeless under the following categories are eligible for assistance in HP projects:</p> <ul style="list-style-type: none"> • Category 2 – Imminent Risk of Homeless • Category 3 – Homeless Under Other Federal Statutes • Category 4 – Fleeing/Attempting to Flee DV <p>Individuals and Families who are defined as At Risk of Homelessness are eligible for assistance in HP projects.</p> <p>HP projects have the following additional limitations on eligibility with homeless and at risk of homeless:</p> <ul style="list-style-type: none"> • Must only serve individuals and families that have an annual income <u>below</u> 30% of AMI



At Risk of Homelessness

CRITERIA FOR DEFINING AT RISK OF HOMELESSNESS	Category 1	Individuals and Families	<p>An individual or family who:</p> <ul style="list-style-type: none"> (i) Has an annual income below <u>30%</u> of median family income for the area; <u>AND</u> (ii) Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the "homeless" definition; <u>AND</u> (iii) Meets one of the following conditions: <ul style="list-style-type: none"> (A) Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance; <u>OR</u> (B) Is living in the home of another because of economic hardship; <u>OR</u> (C) Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; <u>OR</u> (D) Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; <u>OR</u> (E) Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; <u>OR</u> (F) Is exiting a publicly funded institution or system of care; <u>OR</u> (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved Con Plan
	Category 2	Unaccompanied Children and Youth	A child or youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under another Federal statute
	Category 3	Families with Children and Youth	An unaccompanied youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) or that child or youth if living with him or her.



Homeless Definition

RECORDKEEPING REQUIREMENTS



RECORDKEEPING REQUIREMENTS	Category 1	Literally Homeless	<ul style="list-style-type: none"> • Written observation by the outreach worker; <u>or</u> • Written referral by another housing or service provider; <u>or</u> • Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter; • For individuals exiting an institution—one of the forms of evidence above <u>and</u>: <ul style="list-style-type: none"> ○ discharge paperwork <u>or</u> written/oral referral, <u>or</u> ○ written record of intake worker's due diligence to obtain above evidence <u>and</u> certification by individual that they exited institution
	Category 2	Imminent Risk of Homelessness	<ul style="list-style-type: none"> • A court order resulting from an eviction action notifying the individual or family that they must leave; <u>or</u> • For individual and families leaving a hotel or motel—evidence that they lack the financial resources to stay; <u>or</u> • A documented and verified oral statement; <u>and</u> • Certification that no subsequent residence has been identified; <u>and</u> • Self-certification or other written documentation that the individual lack the financial resources and support necessary to obtain permanent housing
	Category 3	Homeless under other Federal statutes	<ul style="list-style-type: none"> • Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; <u>and</u> • Certification of no PH in last 60 days; <u>and</u> • Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; <u>and</u> • Documentation of special needs <u>or</u> 2 or more barriers
	Category 4	Fleeing/ Attempting to Flee DV	<ul style="list-style-type: none"> • <i>For victim service providers:</i> <ul style="list-style-type: none"> ○ An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification or a certification by the intake worker. • <i>For non-victim service providers:</i> <ul style="list-style-type: none"> ○ Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; <u>and</u> ○ Certification by the individual or head of household that no subsequent residence has been identified; <u>and</u> ○ Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.



Emergency Solutions Grants (ESG) Program Components Quick Reference

Emergency Solutions Grants (ESG) funds can be used to provide a wide range of services and supports under the five program **components**: Street Outreach, Emergency Shelter, Rapid Re-housing, Homelessness Prevention, and HMIS. Each component is described in the tables below, accompanied by a list of corresponding ESG activities and eligible costs. Note: Administration is not a component, it is considered an activity.* **Always refer to the program regulations at 24 CFR Part 576 for complete information about all eligible costs and program requirements.**

Component: Street Outreach. These activities are designed to meet the immediate needs of unsheltered homeless people by connecting them with emergency shelter, housing, and/or critical health services. § 576.101	
Activity type: Essential Services	
<u>Eligible costs:</u>	
<ul style="list-style-type: none"> • Engagement • Case Management • Emergency Health Services 	<ul style="list-style-type: none"> • Emergency Mental Health Services • Transportation • Services for Special Populations

Component: Emergency Shelter. These activities are designed to increase the quantity and quality of temporary shelters provided to homeless people, through the renovation of existing shelters or conversion of buildings to shelters, paying for the operating costs of shelters, and providing essential services. § 576.102			
Activity types:			
Essential Services	Renovation (also includes Major Rehab and Conversion)	Shelter Operations	Assistance Required Under the Uniform Relocation and Real Property Acquisition Act of 1970 (URA)
<u>Eligible costs:</u> <ul style="list-style-type: none"> • Case management • Child Care • Education Services • Employment Assistance and Job Training • Outpatient Health Services • Legal Services • Life Skills Training • Mental Health Services • Substance Abuse Treatment Services • Transportation • Services for Special Populations 	<u>Eligible costs:</u> <ul style="list-style-type: none"> • Labor • Materials • Tools • Other costs for renovation (including rehab or conversion) 	<u>Eligible costs:</u> <ul style="list-style-type: none"> • Maintenance • Rent • Security • Fuel • Equipment • Insurance • Utilities • Food • Furnishings • Supplies necessary for shelter operation • Hotel/Motel Vouchers 	<u>Eligible costs:</u> <ul style="list-style-type: none"> • Relocation payments • Other assistance to displaced persons

Component: Rapid Re-Housing. These activities are designed to move homeless people quickly to permanent housing through housing relocation and stabilization services and short- and/or medium-term rental assistance. § 576.104

Activity types:

Rental Assistance**	Housing Relocation and Stabilization Services	
	Financial Assistance	Services Costs
<p><u>Eligible costs:</u></p> <ul style="list-style-type: none"> • Short-term rental assistance • Medium-term rental assistance • Rental arrears <p>**Rental assistance can be project-based or tenant-based.</p>	<p><u>Eligible costs:</u></p> <ul style="list-style-type: none"> • Rental Application Fees • Security Deposits • Last Month's Rent • Utility Deposits • Utility Payments • Moving Costs 	<p><u>Eligible costs:</u></p> <ul style="list-style-type: none"> • Housing Search and Placement • Housing Stability Case Management • Mediation • Legal Services • Credit Repair

Component: Homelessness Prevention. These activities are designed to prevent an individual or family from moving into an emergency shelter or living in a public or private place not meant for human through housing relocation and stabilization services and short- and/or medium-term rental assistance. § 576.103

Activity types:

Rental Assistance**	Housing Relocation and Stabilization Services	
	Financial Assistance	Services Costs
<p><u>Eligible costs:</u></p> <ul style="list-style-type: none"> • Short-term rental assistance • Medium-term rental assistance • Rental arrears <p>**Rental assistance can be project-based or tenant-based.</p>	<p><u>Eligible costs:</u></p> <ul style="list-style-type: none"> • Rental Application Fees • Security Deposits • Last Month's Rent • Utility Deposits • Utility Payments • Moving Costs 	<p><u>Eligible costs:</u></p> <ul style="list-style-type: none"> • Housing Search and Placement • Housing Stability Case Management • Mediation • Legal Services • Credit Repair

HMIS Component. These activities are designed to fund ESG recipients' and subrecipients' participation in the HMIS collection and analyses of data on individuals and families who are homeless and at-risk of homelessness. § 576.107

Activity type: HMIS

Eligible costs:

- Contributing data to the HMIS designated by the CoC for the area;
- HMIS Lead (as designated by the CoC) costs for managing the HMIS system;
- Victim services or legal services provider costs to establish and operate a comparable database.

***Administrative Activities. § 576.108**

Eligible costs are broadly categorized as follows:

- General management, oversight, and coordination
- Training on ESG requirements
- Consolidated Plan
- Environmental review

APPENDIX

ESG Minimum Habitability Standards for Emergency Shelters and Permanent Housing: Checklists

The Emergency Solutions Grants (ESG) Program Interim Rule establishes different habitability standards for emergency shelters and for permanent housing (the Rapid Re-housing and Homelessness Prevention components).

- **Emergency Shelter Standards.**
 - Emergency shelters that receive ESG funds for renovation or shelter operations must meet the minimum standards for safety, sanitation, and privacy provided in §576.403(b).
 - In addition, emergency shelters that receive ESG funds for renovation (conversion, major rehabilitation, or other renovation) also must meet state or local government safety and sanitation standards, as applicable.
- **Permanent Housing Standards.** The sub-recipient cannot use ESG funds to help a program participant remain in or move into housing that does not meet the minimum habitability standards under §576.403(c). This restriction applies to all activities under the Homelessness Prevention and Rapid Re-housing components.

Sub-recipients must document compliance with the applicable standards. Note that these checklists do not cover the requirements to comply with the Lead-Based Paint requirements at §576.403(a). For more discussion about how and when the standards apply, see *ESG Minimum Standards for Emergency Shelters and Permanent Housing*, located at <http://OneCPD.info/esg>.

Minimum Standards for Emergency Shelters

Instructions: Place a check mark in the correct column to indicate whether the property is approved or deficient with respect to each standard. A copy of this checklist should be placed in the shelter's files.

Approved	Deficient	Standard (24 CFR part 576.403(b))
		<p>1. <i>Structure and materials:</i></p> <ul style="list-style-type: none"> a. The shelter building is structurally sound to protect the residents from the elements and not pose any threat to the health and safety of the residents. b. Any renovation (including major rehabilitation and conversion) carried out with ESG assistance uses Energy Star and WaterSense products and appliances.
		<p>2. <i>Access.</i> Where applicable, the shelter is accessible in accordance with:</p> <ul style="list-style-type: none"> a. Section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; b. The Fair Housing Act (42 U.S.C. 3601 et seq.) and implementing regulations at 24 CFR part 100; and c. Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and 28 CFR part 35.
		<p>3. <i>Space and security:</i> Except where the shelter is intended for day use only, the shelter provides each program participant in the shelter with an acceptable place to sleep and adequate space and security for themselves and their belongings.</p>
		<p>4. <i>Interior air quality:</i> Each room or space within the shelter has a natural or mechanical means of ventilation. The interior air is free of pollutants at a level that might threaten or harm the health of residents.</p>
		<p>5. <i>Water Supply:</i> The shelter's water supply is free of contamination.</p>
		<p>6. <i>Sanitary Facilities:</i> Each program participant in the shelter has access to sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.</p>
		<p>7. <i>Thermal environment:</i> The shelter has any necessary heating/cooling facilities in proper operating condition.</p>
		<p>8. <i>Illumination and electricity:</i></p> <ul style="list-style-type: none"> a. The shelter has adequate natural or artificial illumination to permit normal indoor activities and support health and safety. b. There are sufficient electrical sources to permit the safe use of electrical appliances in the shelter.
		<p>9. <i>Food preparation:</i> Food preparation areas, if any, contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.</p>
		<p>10. <i>Sanitary conditions:</i> The shelter is maintained in a sanitary condition.</p>

		<p>11. <i>Fire safety:</i></p> <ul style="list-style-type: none"> a. There is at least one working smoke detector in each occupied unit of the shelter. Where possible, smoke detectors are located near sleeping areas. b. All public areas of the shelter have at least one working smoke detector. c. The fire alarm system is designed for hearing-impaired residents. d. There is a second means of exiting the building in the event of fire or other emergency.
		12. If ESG funds were used for renovation or conversion, the shelter meets state or local government safety and sanitation standards, as applicable.
		13. Meets additional County/sub-recipient standards (if any).

CERTIFICATION STATEMENT

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

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

COMMENTS:

ESG Recipient Name: _____

ESG Subrecipient Name (if applicable): _____

Emergency Shelter Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Evaluator Signature: _____ Date of review: _____

Evaluator Name: _____

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

Approving Official Name (if applicable): _____

Minimum Standards for Permanent Housing

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

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

**Bucks County, Department of Housing
Policy Manual
Emergency Solutions Grant**

CERTIFICATION STATEMENT

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

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

COMMENTS:

ESG Recipient Name: _____

ESG Subrecipient Name: _____

Program Participant Name: _____

Street Address: _____

Apartment: _____

City: _____ State: _____ Zip: _____

Evaluator Signature: _____ Date of review: _____

Evaluator Name: _____

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

**Bucks County, Department of Housing
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Approving Official Name (if applicable): _____

DRAFT

Lead Hazards Reduction

At the completion of any paint stabilization, the owner must sign the Lead Certification 8.11 of the HQS inspection form or a form with equivalent language. This section instructs the owner to provide certification to the administering agency if any correction of defective paint occurs at the unit.

Training/Supervision. Workers performing paint stabilization must be trained in accordance with OSHA regulations. In addition, they must meet one of the following:

- Supervision by a certified abatement supervisor;
- Successful completion of an accredited abatement supervisor course;
- Successful completion of an accredited lead-based paint abatement worker course;
- Successful completion of the Lead-Based Paint Maintenance Training Program developed by the National Environmental Training Association for EPA and HUD;
- Successful completion of the Remodeler's and Renovator's Lead-Based Paint Training Program developed by HUD and the National Association of the Remodeling Industry; or
- Successful completion of an equivalent course approved by HUD.

Safe Work Practices. The owner must use safe work practices when conducting paint stabilization. Safe work practices include safe work methods, occupant protection, worksite preparation, and cleanup.

- **Occupant Protection.** Work should be performed in a vacant unit if possible. If residents must remain inside the dwelling during work, a barrier to the room where stabilization is taking place should be erected and residents should not be allowed to enter the work area until clearance has been completed.
- **Worksite Preparation.** The worksite should be contained using plastic sheeting extending five feet beyond the perimeter of the treated area in all directions on the floor. Ventilation systems should be turned off until work is complete.
- **Cleanup.** After paint stabilization is complete, the worksite should be cleaned to remove all lead-based paint dust. Cleanup must be accomplished by wet washing surfaces with a lead specific detergent or its equivalent. Other cleaning devices, such as vacuum cleaners with HEPA filters, can be used during cleanup. Waste and debris must be disposed of in sealed containers in accordance with Federal and state waste disposal requirements. Use of a HEPA vacuum is recommended.

Exemptions to Safe Work Practices. Safe work practices are not required when treated areas are tested and found to be free of lead-based paint, or if the surface area being treated is smaller than a total of 2 square feet per room or 10 percent of the total surface area of interior components, such as window sills.

Occupant Protection. Property owners should protect residents and their personal belongings from exposure to lead-contaminated dust and debris during paint stabilization.

- Personal belongings should be relocated to an area outside the treatment area or covered with an impermeable covering with all seams and edges taped shut.
- Residents may need to be temporarily relocated during treatment if they are exposed to lead-based paint hazards.
- **Worksite Preparation.** The sub-recipient should instruct the owner to control the spread of dust and debris at the worksite. This preparation should ensure that leaded dust, lead-based paint chips and other debris are contained within the worksite until they can be safely removed. Protective measures

include sealing off vents and doorways with poly sheeting; covering floors and furniture with poly sheeting and wrapping debris in poly before disposal.

Cleanup. After paint stabilization is complete, the worksite should be cleaned to remove lead-based paint dust. Cleanup must be accomplished by wet washing surfaces a lead-specific detergent or its equivalent. Vacuum cleaners with HEPA filters should be used during cleanup. Waste and debris must be disposed in sealed containers in accordance with Federal and state disposal requirements.

Clearance

- Clearance must take place following paint stabilization. Clearance helps to ensure that lead-based paint hazards are controlled and the unit is safe for habitation.
- Paint stabilization and other lead hazard reduction efforts are considered complete when clearance is conducted. Clearance must be performed to ensure that lead-based paint hazards have been controlled.
 - Clearance consists of a visual examination, collection of dust samples, and laboratory analysis of the samples for lead.
 - Clearance is performed after lead hazard reduction and clean-up are complete.

Clearance Examiner. The administering agency is responsible for hiring a certified professional to conduct the clearance. This professional may be a certified risk assessor, lead-based paint inspector, or clearance technician. The clearance examiner must be independent from the individual or entity who conducted the paint stabilization or other lead hazard reduction, unless they are employees of the administering agency. Note: If agency employees are used, the same individual who conducted paint stabilization is not permitted to conduct clearance.

Clearance Report. Prior to closing, and within 15 calendar days of the completion of the lead hazard reduction activities, the tenant must be notified of the clearance examination. The administering agency should ensure that the report is prepared and sent to the tenant. This report should include:

- Beginning and ending dates of the lead hazard reduction activities.
- Name and address of the firm conducting lead hazard reduction activities and the name of the supervisor assigned to the lead hazard reduction activities.
- The name, address and signature of each person conducting clearance sampling, the date of the clearance testing, and the certification number for each certified risk assessor or inspector who conducted sampling.
- The results of clearance testing and the name of each laboratory that conducted the analyses and the identification number of the laboratory.
- A detailed written description of the lead hazard reduction activities including methods used, location of rooms where activity occurred, and any suggested monitoring.

Notify Tenants. The owner must provide a notice to tenants describing the results of the clearance examination. The sub-recipient should instruct the owner to notify tenants of clearance results.

Staff Training. As a result of the new cleanup and clearance requirements, the administering agency will need to evaluate their program design and incorporate these new requirements.

- All program staff should have a basic understanding of the proper clearance procedures;

- Staff conducting the clearance examination must complete one of the acceptable training courses listed under paint stabilization; and
- Program staff should understand the components of the clearance report and understand the procedures for notifying the buyer of the results.

Documentation for administrative costs includes timesheets or a log of hours spent working on ESG administrative activities. Administrative fees *do not include* the costs of issuing financial assistance, case management staff activities, HMIS data input, cost of conducting housing inspections, and other operating costs directly related to serving the target populations. These costs should be included under one of the other eligible activity categories.

Bucks County Continuum of Care Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and/or Human Trafficking

Emergency Transfers

The Bucks County Continuum of Care (CoC) is concerned about the safety of the tenants of the housing programs that are funded by CoC Program grant funds, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking, and/or Human Trafficking.

In accordance with the Violence Against Women Act (VAWA),¹ Bucks County CoC homeless assistance programs providing housing services must allow tenants who are victims of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking to request an emergency transfer from the tenant's current unit to another unit. This requirement applies to programs receiving CoC, Emergency Solutions Grant (ESG) and HOME Program funding.

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of a housing program to honor such a request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, stalking and/or human trafficking, and on whether the housing provider has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by HUD, which is the Federal agency that oversees VAWA compliance of Bucks County's CoC, ESG and HOME funded programs.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

¹ Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking, regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify their housing program case manager and submit a written request for a transfer to that housing program. The housing program must provide reasonable accommodations to this policy for individuals with disabilities.

The tenant's request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the housing provider's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90- calendar-day period preceding the tenant's request for an emergency transfer.

The housing program will use HUD forms 5382 and 5383 (attached) to document requests for an emergency transfer and to document incidents.

Confidentiality

The housing program will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the housing program written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about the housing program's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking.

Emergency Transfer Timing and Availability

The housing program cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. However, the housing program, will act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, stalking and/or human trafficking to another unit, subject to availability and safety of a unit. The housing program will prioritize the provision of housing search and placement of the tenant once the request is approved.

If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree

to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. The housing program may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

At the tenant's request, the housing program will also assist tenants in contacting local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking that are attached to this plan.

Non-transferring Family Members/Tenants

When an emergency transfer is requested, non-transferring family members/tenants receiving rental assistance from the housing program who meet all CoC, ESG and HOME program eligibility criteria will retain their original homeless status and may continue receiving rental assistance.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Tenants who are or have been victims of human trafficking seeking help may visit the online National Human Trafficking Hotline at <https://humantraffickinghotline.org/state/pennsylvania> or by calling 1-888-373-7888 (TTY: 711).

Attachment A: HUD Form 5383 - Emergency Transfer Request

Attachment B: HUD Form 5382 - Certification

Attachment C: Bucks County organizations offering assistance to victims of domestic violence, dating violence, sexual assault, stalking and/or human trafficking

Attachment D: Notice of Occupancy Rights for Tenants

Attachment E: Lease Addendum (for all Landlords to include in all Leases)

Attachment F: Sample Rental Agreement (for all Rapid Rehousing rentals)

Bucks County Continuum of Care
Certification for Victims of Domestic Violence, Dating Violence, Sexual Assault,
Stalking, and/or Human Trafficking

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing program, your housing program may request you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, stalking and/or human trafficking.

In response to this request, you or someone on your behalf may complete this form and submit it to your housing program case manager, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing program, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing program asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, stalking and/or human trafficking. Your housing program may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing program does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing program concerning the incident(s) of domestic violence, dating violence, sexual assault, stalking and/or human trafficking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing program are not to have access to these details unless to grant or deny VAWA protections to you, and

such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

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

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s): _____ _____ _____ _____
--

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing program to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, stalking and/or human trafficking. The information is subject to the confidentiality requirements of VAWA. This 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.

Bucks County Continuum of Care
Emergency Transfer Request for Victims of Domestic Violence, Dating Violence,
Sexual Assault, Stalking, and/or Human Trafficking

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking and/or human trafficking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing program's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

(2) You expressly request the emergency transfer. Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future, or

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing program case manager if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts

Confidentiality: All information provided to your housing program concerning the incident(s) of domestic violence, dating violence, sexual assault, stalking and/or human trafficking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing program are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's) _____

3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed): _____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

**Bucks County Continuum of Care
List of Organizations Providing Assistance to Victims of Domestic Violence,
Dating Violence, Sexual Assault, Stalking, and/or Human Trafficking**

Organization Name	Contact Information
A Woman's Place	1-800-220-8116 24-Hour Hotline www.awomansplace.org
NOVA (Network of Victim Assistance)	1-800-675-6900 24-Hour Hotline www.novabucks.org
Worthwhile Wear	215-997-2587 TheWell@WorthwhileWear.org www.worthwhilewear.org
Valley Youth House – Synergy Project	215-990-3962 www.valleyyouthhouse.org
Bucks County Housing Link	1-800-810-4434

**Bucks County Continuum of Care
Notice of Occupancy Rights under the Violence Against Women Act¹ (VAWA)**

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, stalking and/or human trafficking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.² The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees VAWA compliance of Bucks County's CoC, ESG and HOME funded programs.

This notice explains your rights under VAWA. HUD-approved certification form (Attachment B: HUD Form 5382 Certification) is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking, and that you wish to use your rights under VAWA.

Protections for Applicants

If you otherwise qualify for assistance under Bucks County CoC housing program(s) you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, stalking and/or human trafficking.

Protections for Tenants

If you are receiving assistance under Bucks County CoC housing program(s) you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, stalking and/or human trafficking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, stalking and/or human trafficking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under Bucks County CoC housing programs solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, stalking and/or human trafficking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

¹ Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Moving to Another Unit

Upon your request, the housing program may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, housing provider may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, stalking and/or human trafficking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, stalking and/or human trafficking, your housing provider may ask you for such documentation, as described in the documentation section below.

(2) You expressly request the emergency transfer. Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

The housing program will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, stalking and/or human trafficking and the location of any move by such victims and their families.

The housing program's emergency transfer plan provides further information on emergency transfers, and the housing program must make a copy of its emergency transfer plan available to you if you request it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The housing program can ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, stalking and/or human trafficking. Such request from housing program must be in writing, and housing program must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. Housing program may, but does not have to, extend the deadline for the submission of documentation upon your request. You can provide one of the following to housing program as documentation. It is your choice which of the following to submit if housing program asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, stalking and/or human trafficking.

- A complete HUD-approved certification form given to you by the housing program with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, stalking and/or human trafficking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, stalking and/or human trafficking are grounds for protection.
- Any other statement or evidence that the housing program has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, the housing program does not have to provide you with the protections contained in this notice.

If the housing program receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), the housing program has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation

where there is conflicting evidence, the housing program does not have to provide you with the protections contained in this notice.

Confidentiality

The housing program must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

The housing program must not allow any individual administering assistance or other services on behalf of the housing program (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

The housing program must not enter your information into any shared database or disclose your information to any other entity or individual. Housing program, however, may disclose the information provided if:

- You give written permission to housing program to release the information on a time limited basis.
- Housing program needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires the housing program or your landlord to release the information.

VAWA does not limit the housing program's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, stalking, and/or human trafficking committed against you. However, the housing program cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, stalking and/or human trafficking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if the housing program can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- Would occur within an immediate time frame, and
- Could result in death or serious bodily harm to other tenants or those who work on the property.

If the housing program can demonstrate the above, housing program should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, stalking and/or human trafficking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, stalking, and/or human trafficking under other Federal laws, as well as under State and local laws.

Non-Compliance with the Requirements of This Notice

You may report a covered housing program's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Bucks County Housing Services Department, 215-345-3840 or the HUD Philadelphia Regional Office, 215-656-0500.

For Additional Information

You may view a copy of HUD's final VAWA rule at

<https://www.govinfo.gov/content/pkg/FR-2016-11-16/pdf/2016-25888.pdf>

Additionally, the housing program must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact your housing program case manager or administrator.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Tenants who are or have been victims of human trafficking seeking help may visit the online National Human Trafficking Hotline at <https://humantraffickinghotline.org/state/pennsylvania> or by calling 1-888-373-7888 (TTY: 711).

**Bucks County Continuum of Care
LEASE ADDENDUM
VIOLENCE AGAINST WOMEN ACT (VAWA)**

TENANT	LANDLORD	UNIT NO. & ADDRESS
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This lease addendum adds the following paragraphs to the Lease between the above referenced Tenant and Landlord.

Purpose of the Addendum

The lease for the above referenced unit is being amended to include the provisions of the Violence Against Women Act (VAWA).

Conflicts with Other Provisions of the Lease

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

Term of the Lease Addendum

The effective date of this Lease Addendum is _____. This Lease Addendum shall continue to be in effect until the Lease is terminated.

VAWA Protections

1. The Landlord may not consider incidents of domestic violence, dating violence, stalking and/or human trafficking as serious or repeated violations of the lease or other "good cause" for termination of assistance, tenancy or occupancy rights of the victim of abuse.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse.
3. The Landlord may request in writing that the victim, or a family member on the victim's behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

Tenant

Date

Landlord

Date

**Bucks County Continuum of Care
Attachment F: Sample Rental/Landlord Agreement**

Bucks County CoC

The following must be printed on Housing Program (Agency) letterhead

Date _____

Tenant Name(s): _____

Address: _____
(Full address including apartment and/or lot #)

The above tenant(s) pays a monthly rent of \$_____ which is due on the _____ day of each month. A late fee of \$_____ is accrued if the rent is not received by the _____ day of each month.

I, _____, landlord, state that the above information is correct and that my signature below indicates that I am in agreement to accept Rapid Re-housing Program funding beginning on _____. I, the landlord, understand any additional fees charged to the tenant's account will be communicated in writing to the

(Agency Name)

In the event that assistance is to end, _____ will provide written communication to the landlord regarding when the assistance will end. Should the tenant become responsible for a portion of the rent _____
(Agency Name)

will provide written communication to the landlord regarding the tenant's rent portion and _____'s portion.
(Agency Name)

Sincerely,

Landlord Signature

Check payable to

Address where check should be mailed

Phone Number and Fax Number

The Violence Against Women Act ("VAWA") protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, stalking and/or human trafficking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, stalking and/or human trafficking, regardless of sex, gender identity, or sexual orientation. Landlords/Owners must comply with these protections and must include a Lease Addendum provided by the housing program. Bucks County's Continuum of Care (CoC) has implemented an Emergency Transfer Plan (ETP) in compliance with HUD and VAWA. A copy of the ETP is available upon request.

Resources

ESG: Emergency Solutions Grants Program – HUD Exchange
<https://www.hudexchange.info/programs/esg/>

HUD Exchange: SNAPS-Shots – ESG Resource Links
<https://www.hudexchange.info/resource/2893/snaps-shots/>

ESG Income Limits
<https://www.hudexchange.info/resource/5079/esg-income-limits/>

HUD ESG Monitoring Tool

Note: Chapter 28, Exhibits 28-1 through 28-10 are specific to and will be used for monitoring ESG projects by HSD – both Federal and State.

https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/6509.2

The Official Site of Bucks County, Pennsylvania
<http://www.buckscounty.org/>

Housing Continuum of Care of Bucks County, Pennsylvania
www.hcocbc.com/