

**HOMELESS CONTINUUM OF CARE OF STARK
COUNTY BOARD MEETING
Tuesday, November 10, 2020
at 9:30am Zoom Meeting Minutes**

Members Present

Danelle Lightner
Lisa Warden
Steve Inchak
Rollin Seward
Kim Kroh
Julie Sparks
Cathy Jennings
Shannon McMahon Williams
Shirene Starn-Tapyrik
Beverly Lewis
Marty Chumney
Lynne Dragomier
Allison Esber
JoAnn Breedlove
Maria Heege

Members No Present

Captain John Gabbard

SHNI

Marcie Bragg
Melissa Terrell

Guest

Natalie McCleskey, ICAN Housing
Scott Schnyders, Refuge of Hope

I. Welcome and Introductions

At 9:31 a.m., Marcie Bragg, Board Chair, called the meeting to order and welcomed everyone to the Zoom meeting. Marcie welcomed guests Natalie McCleskey (ICAN Housing) and Scott Schnyders (Refuge of Hope) and thanked them for joining the Board meeting to discuss the Emergency Solution Grant CARES Act (ESG-CV) policies. Marcie thanked Natalie and Scott for their work as Coordinated Entry System Committee (CES) co-chairs. Marcie also welcomed Allison Esber to the Board. Allison will complete John Aller's the three year term that is set to expire on December 31, 2020; Allison will be presented on the Homeless Continuum of Care of Stark County (HCCSC) slate of candidates for 2021.

II. Review and Approval of October 2020 Meeting Minutes

Motion: Marcie requested a motion to approve the October 2020 Homeless Continuum of Care of Stark County Board meeting minutes as presented. Shirene Starn-Tapyrik motioned to approve. Shannon McMahon Williams seconded the motion and it was carried by all members present. Allison Esber abstained due to being a new Board member.

III. Conflict of Interest Policy

Marcie distributed the conflict of interest policy agreement to Board members via email prior to the meeting. The conflict of interest policy agreement is required to be reviewed and signed by each Board member on an annual basis. Marcie requested that Board members sign the conflict of interest policy agreement and return to her by email or postal service to the Goodwill Community Campus.

IV. Review and Approval of Coordinated Entry Policies

- a. Emergency Solutions Grant CARES Act (ESG-CV) Eligibility and Prioritization (*See Attachment 1*)
 - i. Natalie McCleskey and Scott Schnyders led the Board through the ESG-CV Eligibility and Prioritization policy discussion. This policy includes eligibility, prioritization and standards for administering assistance for the Round 1 Homelessness Prevention and Emergency Shelter component types. The Round 2 ESG-CV Rapid Rehousing (RRH) policies for eligibility, prioritization and standards for administering assistance are still being drafted by a small

workgroup. The ESG-CV policies for eligibility and prioritization align, as much as possible, with the previously approved Ohio Housing Finance Agency (OHFA) policies. In the second section under the Homeless Prevention (HP) project, there is a note regarding the eligibility of HP assistance through an eviction moratoria. The ESG-CV policy includes a hyperlink to the Department of Housing and Urban Development (HUD) guidance; the guidance is also located on the starkcountyhomeless.org website. The HP component type does not require a full Service Prioritization Decision Assessment Tool (SPDAT) to be completed; any participant seeking HP assistance will undergo a Homeless Navigation pre-screen prior to a referral to an ESG-CV HP project.

Discussion: The Board discussed the eligible uses of Legal Services. Through the HCCSC COVID Task Force Calls, there has been initial conversations with Legal Aid regarding a referral process for services. Although this process is not operational at this time, there is the potential for a referral system between Legal Aid, Homeless Navigation and project providers. There was also discussion around the Housing NOW for Homeless Families project referral process and how Lisa Warden and Homeless Navigation were able to streamline a process for Canton City School families to be assessed and referred for assistance. Lisa reported that this referral process has connected families with assistance who otherwise would have not known how to access it.

- b. Emergency Solutions Grant CARES Act Recordkeeping (*See Attachment 2*)
 - i. The Stark Housing Network, Inc. (SHNI) led the Board through the Emergency Solutions Grant CARES Act (ESG-CV) Recordkeeping policy. The ESG-CV Recordkeeping policy reflects the previously approved OHFA recordkeeping policy. ESG-CV sub-recipients will be required to submit monthly status reports including cumulative data to the City of Canton and SHNI for review and monitoring purposes. The City of Canton will be required to submit quarterly reports to HUD and sub-recipient submission of status reports and data reports will assist with accurate and timely data reporting.

Motion: Marcie requested a motion to approve the Emergency Solutions Grant CARES Act (ESG-CV) Eligibility, Prioritization and Standards for Administering Assistance and Emergency Solutions Grant CARES Act (ESG-CV) Recordkeeping policies as presented. Maria Heege motioned to approve. Cathy Jennings seconded the motion and it was carried by all members present. Shirene Starn-Tapyrik and Julie Sparks abstained from voting; both Shirene and Julie received an ESG-CV allocation.

- c. Continuum of Care Recordkeeping Requirements (*See Attachment 3*)
 - i. The SHNI led the Board through the Continuum of Care (CoC) Recordkeeping Requirements policy. The policy is a reflection of the CoC Code of Regulations (CFR). The policy also includes the requirement of data entry into the Homeless Management Information System (HMIS) as outlined in Coordinated Entry policies.

Discussion: A Board member pointed out that a sentence in the policy does not seem complete. The SHNI will review the CoC CFR and provide an updated copy of the policy for Board approval.

- d. Emergency Solutions Grant Annual Recordkeeping (*See Attachment 4*)
 - i. The SHNI led the Board through the Emergency Solutions Grant (ESG) annual Recordkeeping policy. The policy is a reflection of the ESG Code of Regulations (CFR). The policy also includes the requirement of data entry into the Homeless Management Information System (HMIS) as outlined in Coordinated Entry policies.

Motion: Marcie requested a motion to approve the F.12 Emergency Solutions Grant Recordkeeping policy as presented and requested an email vote to approve the Continuum of Care Recordkeeping policy as amended. Rollin Seward motioned for approval. Beverly Lewis seconded the motion and it was carried by all members present. Shirene Starn-Tapyrik, Julie Sparks and Cathy Jennings abstained from voting due to their agencies potential to apply for funding in the ESG annual competition.

Marcie thanked Natalie and Scott for their dedication and commitment to the system.

At the time of 10:22am, both Natalie and Scott exited the meeting.

V. Review and Approval of FY2021 Emergency Solutions Grant Application Documents

Shannon McMahon Williams, Recipient Approval and Evaluation Committee (RAEC) chair and HCCSC Board member, provided the Board with an update on the FY2021 Emergency Solutions Grant Application Documents and process. The City of Canton is required to collaborate with the CoC on ESG competition processes and documents. A small group including Shannon, the SHNI, Renee Biggums and Tammy Hajdu (Renee’s replacement) of the City of Canton met to review and revise ESG competition documents. The ESG competition documents were presented to, and are being recommended by, the RAEC for HCCSC Board approval to forward to the City of Canton for final approval. The City of Canton typically receives around \$210,000 (the City of Canton will have an admin set aside) that is available to projects. The System Performance Committee (SPC) will review eligible ESG project component types and make a recommendation for ESG funding priorities for HCCSC Board approval in December.

a. Application

i. The SHNI led the Board through the ESG application revisions. Many revisions were to update information such as dates and hyperlinks. There was one larger revision to the application which included a small section for an agency to provide information on ESG-CV allocations(s), project type awarded, and how much ESG-CV funding has been spent to date. Although a significant amount of funding is not expected to be expended by the ESG (annual) application deadline, tracking the agencies project type and funding expenditures will assist with assuring that the City of Canton is on track to meet HUD requirements for utilizing funding. Another revision to the application was to include language around a designee for monitoring purposes; currently the SHNI along with the City of Canton conducts monitoring of ESG projects. Shannon commented that the “Additional Documents” requirements were discussed with RAEC members and the City of Canton (Renee and Tammy); the City has made adjustments to the required documents for other funding competitions and there may be an opportunity for providers to submit only documents deemed necessary to meet HUD requirements. The HCCSC Board will approve the ESG competition documents with the understanding that the City of Canton has the final approval of ESG competition documents and “Additional Documents” required. If there are any recommendations by the City of Canton to remove any “Additional Documents”, the Board will be updated.

b. Application Guidance

i. The SHNI led the Board through the ESG application guidance revisions. Many revisions were to update information such as dates and hyperlinks. One large revision to the ESG Application Guidance was the inclusion of Tammy Hajdu as the contact person for questions about and submission of the ESG applications.

c. Scoring Form

i. The SHNI led the Board through the ESG application scoring form. Many revisions were to update information such as dates. There was one revision to the scoring form that included language for additional sources of information to be applicable when scoring applicants; additional sources of information would include status reports or documentation submitted to the City of Canton and/or designee.

Motion: Marcie requested a motion to approve the 2021 Emergency Solutions Grant Application, Application Guidance and Scoring Form as presented. Lynne Dragomier motioned for approval. Danelle Lightner seconded the motion and it was carried by all members present. Shirene Starn-Tapyrik, Julie Sparks, Allison Esber and Cathy Jennings abstained from voting due to their agencies potential to apply for funding in the ESG annual competition.

Marcie thanked Shannon and the City of Canton for their collaboration.

VI. Old Business

N/A

VII. New Business

- a. Monday, November 16th, at 2pm, will be the annual HCCSC Members' meeting.
- b. Cathy Jennings discussed the YWCA's continuation on the HCCSC Board after Cathy's retirement. The new CEO should be publically announced soon.
- c. The 2021 HCCSC Board Members' slate of candidates will be discussed with the Members' on November 16th.
- d. Shirene provided an update on Alliance for Children and Family's (ACF) Risk Mitigation Fund application. Shirene reported that ACF was selected for funding with an anticipated start date of December 1st. ACF has a Memorandum of Understanding on hand, but the funding has not been released yet. ACF anticipates approximately \$18,000 in funding.

VIII. Adjournment New Business

With no further business to be discussed, at 10:57am the meeting adjourned.

**Homeless Continuum of Care of Stark County (HCCSC)
Emergency Solutions CARES Act COVID19 (ESG-CV)**

Policies Governing Eligibility and Prioritization to Receive Assistance and Standards for Administering Assistance

Purpose: Congress has provided \$4 billion for HUD's ESG program for local governments to prevent, prepare for, and respond to coronavirus among individuals and families who are homeless, receiving homeless assistance, or are at risk of becoming homeless. The Homeless Continuum of Care of Stark County (HCCSC) has established emergency shelter and homeless prevention Policies Governing Eligibility and Prioritization to Receive Assistance and Standards for Administering Assistance for this funding opportunity that expires on September 30, 2022.

Section - I. Eligibility and Prioritization for Emergency Shelter Projects Receiving ESG-CV Funds

1. Eligibility for emergency shelter. To be eligible for emergency shelter offered by participating agencies, individuals and families must:
 - a) Be present in Stark County when requesting shelter;
 - b) Be a current or former resident of the City of Canton if referred to a shelter outside the City of Canton
 - c) Lack other nighttime shelter meant for human habitation, apart from a motel or hotel room paid for by a charitable organization or by a federal, state, or local government program for low-income individuals.¹

2. Prioritization for emergency shelter. The following rules will be followed in prioritizing households for emergency shelter:
 - a. Chronically Homeless. Chronically homeless individuals and families will be prioritized for shelter before those who are not chronically homeless.

 - b. Families with Minor Children. Families with minor children will be prioritized for available units at all family shelters.

 - c. Acuity of Need Among the chronically homeless as well as among those who are not chronically homeless, individuals and families with higher acuity of need will be served on a first-come, first-serve basis.

 - d. Veterans. Households with veterans will be served before households with equal acuity of need.

Section - II. Eligibility, Eligible Uses of Funds and Prioritization for Homeless Prevention Projects Receiving ESG-CV Funds

** Projects receiving ESG-CV funds for Homeless Prevention must adhere to HUD's Homeless System Response: ESG Homelessness Prevention Eligibility During Eviction Moratoria. Please see HUD guidance on the Starkcountyhomeless.org website. This applies to any applicable local, state or federal eviction moratoria.*

1. Eligibility for homeless prevention. To be eligible for ESG-CV homelessness prevention services operated by participating agencies, individuals and families must:
 - a) Be residents of Stark County with 75% funding targeted towards the residents of the City of Canton;
 - b) Be ineligible for system diversion;
 - c) Meet Homeless Navigation Pre-Screen eligibility;
 - d) Have an annual income at or below 50% AMI²

¹ <https://www.hud.gov/sites/dfiles/CPD/documents/CPD-COVID-19-Waiver-3-Final-Clean.pdf> * An individual may qualify as homeless under paragraph (1)(iii) the homeless definition in 24 CFR 576.2 so long as he or she is exiting an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. This waiver is in effect until March 31, 2021.

² an individual or family who has an annual income that does not exceed the [Very Low-Income Limit of the area](#), as established for

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- e) Be able to regain stability in their current permanent housing or move into other permanent housing and achieve stability in that housing;
- f) At risk of homelessness,

AND meets one of the following conditions:

- a) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
- b) Is living in the home of another because of economic hardship;
- c) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
- d) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
- e) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
- f) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); 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 consolidated plan;
 - (i) OR who meet the criteria in paragraph (2), (3), or (4) of the "homeless" definition in §576.2 9–(2) at imminent risk – within 14 days, (3) Unaccompanied youth under 25 years of age, or families with children and youth, who meet the homeless definition under other federal acts, or (4) fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking.

2. Eligible uses for homeless prevention response ESG-CV costs³

- a) Rental assistance for limit of 24 months in a three year period ^{-4*}HP extended for 6 months for households who reach max assistance from annual ESG between 1/21/2020 and 3/01/2021⁵
 - i. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance. (1) Short-term rental assistance is assistance for up to 3 months of rent.(2) Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.(3) 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.⁶
- b) Rental application fees
- c) Utility security deposits and payments (including arrears)
- d) Landlord incentives (incentives amount must not exceed three times the rent charged for the unit: signing bonuses equal to up to 2 months of rent; security deposits equal to up to 3 months of rent; paying the cost to repair damages incurred by the program participant not covered by the security deposit or that are

HUD's Section 8 and Public Housing programs at www.huduser.gov/portal/datasets/il.html

³ Recommended Uses for ESG CARES Act Costs based on guidance included in The Department of Housing and Urban Development's CARES Act Eligibility and Recommended Uses for States and Local Jurisdictions

⁴<https://www.govinfo.gov/content/pkg/CFR-2018-title24-vol3/xml/CFR-2018-title24-vol3-part576.xml#seqnum576.106>

⁵https://files.hudexchange.info/resources/documents/COVID-19-Homeless-System-Response-Grants-Management-ESG-CV-Notice-Summary.pdf?utm_source=HUD+Exchange+Mailing+List&utm_campaign=4feca7d25f-SNAPS-COVID-19-Digest-10-2-2020&utm_medium=email&utm_term=0_f32b935a5f-4feca7d25f-19411181

⁶<https://www.govinfo.gov/content/pkg/CFR-2018-title24-vol3/xml/CFR-2018-title24-vol3-part576.xml#seqnum576.106>

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incurred while the program participant is still residing in the unit; and, paying the costs of extra cleaning or maintenance of a program participant's unit or appliances)⁷

- e) Housing search and placement
- f) Housing stability case management
- g) Landlord-tenant mediation
- h) Legal services must be necessary to obtain or retain Housing.
 - i. To be eligible under the ESG program, legal services established in 24 CFR 576.102(a)(1)(vi) and 24 CFR 576.105(b)(4) must be necessary to help program participants obtain housing or keep a program participant from losing housing where they currently reside.⁸
- i) Volunteer incentives
- j) Motels/hotels for isolation and/or social distancing⁹
 - i. Renting hotel or motel room directly or through a hotel or motel voucher;
 - ii. Cleaning of hotel or motel rooms used by program participants;
 - iii. Repairs for damage caused by program participants above normal wear and tear of the room
- k) Personal protective equipment for participants and staff
- l) Transportation to healthcare facilities and medical care coordination
- m) Hazard pay for staff providing services (e.g., outpatient health or mental health, housing navigators) and/or staff in proximity to persons with coronavirus or working in locations with a high likelihood of contracting coronavirus
- n) Credit repair

3. Prioritization for homeless prevention. The following rules will be followed in prioritizing households for prevention services:

- a) Prioritization for households with risk factors for contracting COVID-19. Households in which any member has two of the following risks factors (underlying medical condition(s), is 60 years of age or older and/or is a pregnant woman) will be prioritized before households with one risk factor. Household that have one risk factor (underlying medical condition(s), is 60 years of age or older or is a pregnant woman) will be prioritized before households with no risk factors.
- b) Prioritization for households with extremely low income. Households that have an annual income at or below 30% AMI will be prioritized before households with income between 31% and 50% AMI.
- c) Prioritization based on susceptibility to homelessness. Households who lack a fixed, regular and adequate nighttime residence will be prioritized before lease holder households.

4. Requirement to exhaust other resources. Before providing prevention services to any household, prevention staff must determine whether they have exhausted other options available to them.

⁷ Notice: CPD-20-08 Waivers and Alternative Requirements for the Emergency Solutions Grants (ESG) Program Under the CARES Act

⁸ Notice: CPD-20-08 Waivers and Alternative Requirements for the Emergency Solutions Grants (ESG) Program Under the CARES Act

⁹ https://files.hudexchange.info/resources/documents/COVID-19-Homeless-System-Response-Grants-Management-ESG-CV-Notice-Summary.pdf?utm_source=HUD+Exchange+Mailing+List&utm_campaign=4feca7d25f-SNAPS-COVID-19-Digest-10-2-2020&utm_medium=email&utm_term=0_f32b935a5f-4feca7d25f-19411181

Homeless Continuum of Care of Stark County (HCCSC)
Emergency Solution Grant CARES Act (ESG-CV)
Standards for Sub-Recipient Recordkeeping Requirements

Purpose: Congress has provided \$4 billion for HUD’s ESG program for local governments to prevent, prepare for, and respond to coronavirus among individuals and families who are homeless, receiving homeless assistance, or are at risk of becoming homeless. The Homeless Continuum of Care of Stark County (HCCSC) has established recordkeeping policies for this funding opportunity that expires on September 30, 2022.

Section - I. Recordkeeping Requirements for ESG-CV Sub-grantee Projects

A. In General. Every sub-grantee of ESG-CV grant funds must establish and maintain standard operating procedures for ensuring that those funds are used in accordance with the requirements of the Department of Housing and Urban Development (HUD) ESG-CV Program Recipients and Sub-recipients Notice: CPD-20-08 (when applicable), Emergency Solution Grant Code of Regulations § 576.400, and the HCCSC’s Emergency Solutions Grant CARES Act (ESG-CV) Policies Governing Eligibility and Prioritization to Receive Assistance and Standards for Administering. Sub-recipients must maintain sufficient records in accordance with HUD and the City of Canton requirements and enable the City of Canton, Grantor, and the Collaborative Applicant, Stark Housing Network, Inc. (SHNI), access to these records.

1. Records, Access, and Maintenance

i. Sub-grantee must:

- a. Establish and maintain for at least five (5) years¹ from the expiration or termination of grant agreement such records as are required by Grantor and/or the SHNI, including but not limited to, financial reports, intake and participant information, and all other relevant information.
- b. Provide records required by Grantor and/or the SHNI with respect to any questioned costs and/or audit disallowances. Litigation or dispute between Grantor and Sub-grantee shall be maintained for the time needed for the resolution of said question and that in the event of early termination of the grant agreement, or if for any other reason Grantor and/or the SHNI shall require a review of the records related to the Project, Sub-grantee shall, at its own cost and expense, segregate all such records related to the Project from its other records of operation.
- c. Provide ESG Monthly Status Report to the Grantor and the SHNI, starting one month after receipt of funding. Reporting will continue to be due on the 15th of every month until the month following the exhaustion of funds.
- d. Provide a Consolidated Annual Performance and Evaluation Report (CAPER) generated from the Homeless Management Information System (HMIS), starting one month after receipt of funding. CAPER’s will be cumulative including all data from project start date up to the date of the monthly submission. Reporting will continue to be due on the 15th of every month until the month following the exhaustion of funds.
- e. Submit to Grantor and SHNI a Final Performance Report within 60 days of the end of the term of the grant agreement. This status report should be accompanied by an APR generated from the HMIS to include the full term of funding allocation.

¹ [ESG Code of Regulations](#)

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- f. Requirement to Upload to HMIS all Documents Proving Eligibility. As reflected in Section V.B. of the HCCSC's Coordinated Entry Guide, before admitting clients, an HCCSC project must confirm and document their eligibility for the project, including their homeless or chronically homeless status and, if applicable, their disability and their income. In addition, the project must upload into HMIS any documentation providing evidence of eligibility if it has not been uploaded already.

B. Standard ESG-CV Operating Procedure Policies

1. Sub-grantee must abide by the following operating polices:
 - i. Coordination with Continuum(s) of Care and other programs. The sub-recipients must be in compliance with the requirements of ESG Code of Regulations § 576.400 for consulting with the Continuum(s) of Care and coordinating and integrating ESG-CV assistance with programs targeted toward homeless people and mainstream service and assistance programs.
 - ii. Acceptance into ESG-CV Project. Projects will accept referrals from Coordinated Entry and verify applicant eligibility.
 - iii. Intake Process. Sub-grantee will complete the intake process including eligibility documentation requirements, income verification, Fair Market Rent calculation or Rent Reasonableness form, Homeowner and Duplication of Benefits Affidavit, Duplication of Benefits Worksheet, Subrogation and Assignment Agreement, any forms that may be utilized (ex. zero-income self-certification), and if applicable, participant verification of receipt of any agency project guidelines and/or policies (ex. receipt of HMIS Release of Information and Cause for Termination Statement).
 - iv. ESG-CV Assistance Calculation. Sub-grantees will abide by a Universal Procedure established to determine the amount of assistance that the project will provide to participants including how much rental assistance will be provided and the length of assistance, based on the individualized assessment of the participant and potential negotiations with the landlord. Procedures must align with Department of Housing and Urban Development (HUD) ESG-CV Program Recipients and Sub-recipients Notice: CPD-20-08, the Grantor's participant assistance expectations², Emergency Solution Grant Code of Regulations, and the HCCSC's Emergency Solutions Grant CARES Act (ESG-CV) Policies Governing Eligibility and Prioritization to Receive Assistance and Standards for Administering.
 - v. Tracking ESG-CV Participants Assistance. Sub-grantee must track assistance and funds provided to participants via the Homeless Management Information System (HMIS) and include tracking verification documentation in participant file.

² *Assistance cap set by the City of Canton is no more than \$6,000 for the length of assistance. Duplication of Benefits Worksheet must be completed to determine assistance amount; participants cannot receive duplicative services for the same timeframe.

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- vi. **Prioritization of Eligible ESG-CV Participants.** Agencies will take referrals from the Prioritization List. Agencies will document updates to the Prioritization List in a timely manner.
- vii. **Homeless Status³.** The sub-recipient must follow intake procedures to ensure compliance with the homeless definition in ESG Code of Regulations § 576.2. Sub-recipients must document at intake evidence relied upon to establish and verify homeless status. The procedures must comply with the order of priority for obtaining evidence as third-party documentation (HUD first choice), intake worker observations (HUD second choice), and certification from the person seeking assistance (HUD third choice). However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter or being immediately admitted to shelter or receiving services provided by a victim service provider. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides or changes of the dates on which entries are made.
- viii. **Participant File Confidentiality.** Sub-recipient will follow the HCCSC’s System Privacy & Security Policies.
- ix. **Conflict of Interest.** The sub-recipients must be in compliance with the organizational conflicts-of-interest requirements in ESG Code of Regulations § 576.404(a), a copy of the personal conflicts of interest policy or codes of conduct developed and implemented to comply with the requirements in § 576.404(b), and records supporting exceptions to the personal conflicts of interest prohibitions. Additionally, if a referral is for a household being served in another program of a sub-grantee, that household may not be assisted with ESG-CV assistance from the same sub-grantee. However, the referred household may still be served with ESG-CV assistance by another sub-grantee administering the ESG-CV program, exceptions for households in emergency shelter funded by ESG-CV resources.
- x. **Participant Termination.** Sub-grantees’ may terminate a participant from the program under the following circumstances:
 - a. Fraud
 - b. Failure to report income within the specified timeframe (ten days)
 - c. Failure to make contact with sub-grantee for thirty (30) days
 - d. Violent or Threatening behavior towards staff
 - e. Head of Household has deceased and there is no co-applicant
 - f. Failure to comply with participant and provider established financial assistance plan
- xi. **Other Federal requirements.** The sub-recipients must comply with the Federal requirements in § 576.407 and § 576.409, as applicable, including:

³ <https://www.govinfo.gov/content/pkg/CFR-2018-title24-vol3/xml/CFR-2018-title24-vol3-part576.xml#seqnum576.500>

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- a. Compliance with the nondiscrimination and equal opportunity requirements under § 576.407(a) and the affirmative outreach requirements in § 576.407(b), including:
 - (i) 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-CV funds; and
 - (ii) Documentation required under 24 CFR 5.168 in regard to the recipient's Assessment of Fair Housing and the certification that the recipient will affirmatively further fair housing. (Recipient requirement)
 - b. Compliance with the uniform administrative requirements in 2 CFR part 200.
 - c. Compliance with the environmental review requirements, including flood insurance requirements. (Recipient requirement)
 - d. Certifications and disclosure forms required under the lobbying and disclosure requirements in 24 CFR part 87.
 - e. Data on emergency transfers requested under § 576.409, pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests.
- xii. Allowable Costs. The sub-recipients must keep documentation showing that ESG grant funds were spent on allowable costs in accordance with the requirements for eligible activities under “§§ 576.101 through 576.109, financial management in 2 CFR 200.302, and the cost principles in 2 CFR part 200, subpart E.
 - xiii. Program Income. The sub-recipients must retain records of the receipt and use of program income.
 - xiv. Procurement. The sub-recipient must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 2 CFR part 200, subpart D.

Section – II Recordkeeping Requirements for ESG-CV- Project Participant Required Documents

A. ESG-CV Participant Required Documentation

1. Homeless Status (when applicable). Documentation at intake of the evidence relied upon to establish and verify homeless status. Acceptable forms of documentation include evidence as third-party documentation (HUD first choice), intake worker observations (HUD second choice), and certification from the person seeking assistance (HUD third choice). However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, being immediately admitted to shelter or receiving services provided by a victim service provider. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries,

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including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides or changes of the dates on which entries are made.

2. Eligibility Documentation. Every sub-grantee of ESG-CV grant funds must establish and maintain eligibility documentation in a participant file to ensure that those funds are used in accordance with the requirements of HUD's ESG-CV Program Recipients and Sub-recipients Notice: CPD-20-08, the City of Canton assistance expectations, and the HCCSC's ESG-CV Policies Governing Eligibility and Prioritization to Receive Assistance and Standards for Administering Assistance.
3. Intake. Sub-grantee will document the intake process including eligibility documentation requirements, income verification, Fair Market Rent calculation or Rent Reasonableness form, Homeowner and Duplication of Benefits Affidavit, Duplication of Benefits Worksheet, Subrogation and Assignment Agreement, any forms that may be utilized (ex. zero-income self-certification), and if applicable, participant verification of receipt of any agency project guidelines and/or policies (ex. receipt of HMIS Release of Information and Cause for Termination Statement)
4. Determinations of Ineligibility. For each individual and family determined ineligible to receive ESG-CV assistance, the participant file must include documentation of the reason for that determination.
5. Duplication of Benefits. Participants must complete a Duplication of Benefits Worksheet and sign a Homeowner and Duplication of Benefits Affidavit and Subrogation and Assignment Agreement as provided by the City of Canton. Completed Duplication of Benefits Worksheet and participant signed Homeowner and Duplication of Benefits Affidavit and Subrogation and Assignment Agreement must be included in participant file.
6. HMIS Release of Information. The Participant Informed Consent and Release of Information Authorization form must be signed by each Participant seen in person whose data is to be entered into the HMIS. Verbal consent must be obtained in situations where the Participant is not seen in person, such as telephone intakes, registrations, and assessments. Participant refusal to sign the consent or verbally agree to data sharing will prevent individual data from being shared. The non-identifying data will still be used in aggregate reports. The HMIS Release of Information should be documented for applicants, co-applicant and any person in the household who is 18 years of age or older.
7. Identification. Participant acceptable identification documentation includes copy of government issued proof of citizenship (birth certificate, social security card, driver's license, state issued identification card, and in some cases a passport) indicating that the participant is a resident of Stark County; geographical area must be included in the documentation. Identification documentation (birth certificate, social security card and government issued proof of citizenship) must be included in participant file for the applicant, and when applicable, the co-applicant. Identification documentation (birth certificate and social security card) must be included in participant file for any household members under 18 years of age.
8. HMIS Intake and Exit Forms. HMIS intake and exit printout must be included in participant file.
9. Household Composition. Household Composition and family-status of all members in household must be included in file. Acceptable forms of documentation include, but are not limited to, the HMIS intake printout.

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10. Household Demographics. Documentation including date of birth, age, race, ethnicity, income, geographic origination information for all household members must be included in file. Acceptable forms of documentation include, but are not limited to, the HMIS intake printout.
11. Rental Assistance Agreements and Payments. The participant files must include 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 must be included in file.
12. COVID19 Health and/or Income Hardship (when applicable). Verification of a decline in wages, unemployment, or health impact acceptable documentation includes the following: participant pay-stubs backdating from the date requesting assistance; letter from employer; unemployment letter and/or verification that unemployment has been applied for; zero-income self-certification form signed by participant.
13. Rent Reasonableness Eligibility. Rental assistance cannot be provided unless the rent does not exceed the Fair Market Rent established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507. Rent Reasonableness documentation must be included in file.
14. Imminent Risk (At-Risk) or Imminent Eviction. Acceptable forms of documentation includes the following:
 - i. A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law;
 - a. For individuals and families whose primary nighttime residence is a hotel or motel room not paid for by charitable organizations or federal, state, or local government programs for low-income individuals, evidence that the individual or family lacks the resources necessary to reside there for more than 14 days after the date of application for homeless assistance; or
 - ii. An oral statement by the individual or head of household that the owner or renter of the housing in which they currently reside will not allow them to stay for more than 14 days after the date of application for homeless assistance. The intake worker must record the statement and certify that it was found credible. To be found credible, the oral statement must either:
 - a. Be verified by the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance and documented by a written certification by the owner or renter or by the intake worker's recording of the owner or renter's oral statement; or

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- b. If the intake worker is unable to contact the owner or renter, be documented by a written certification by the intake worker of his or her due diligence in attempting to obtain the owner or renter's verification and the written certification by the individual or head of household seeking assistance that his or her statement was true and complete; (a) Certification by the individual or head of household that no subsequent residence has been identified; and (b) Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.
15. Annual income. For each program participant who receives homelessness prevention assistance, longer than one year, the following documentation of annual income must be maintained:
 - i. Income evaluation form containing the minimum requirements specified by HUD and completed by the sub-recipient; and
 - ii. 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);
 - iii. 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; or
 - iv. To the extent that source documents and third party verification are unobtainable, the written certification by the program participant of the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.
16. Tracking ESG-CV Participants Assistance. Services and assistance provided to program participant, including, as applicable, the security deposit, rental assistance, rental application fees, and utility payments made on behalf of the program participant. Utility allowance; the records must document the monthly allowance for utilities (excluding telephone) used to determine compliance with the rent restriction.
17. Housing Quality Standards (HQS) Inspections (when applicable). HQS documentation of inspections must be included in the participant file. HQS documentation of unit that did not pass inspection must be included in the file and HQS documentation of the unit that completed another inspection that passed must be included in file. When applicable, the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), apply to all shelters assisted under ESG program and all housing occupied by program participants. Lead-based paint inspection is included in HUD HQS form.
18. Re-evaluations for Homelessness Prevention Assistance. Re-evaluation eligibility verification must be included in participant file. Sub-recipients providing homelessness prevention assistance to re-evaluate the program participant's eligibility, and the types and amounts of assistance the program participant needs.
The required frequency of re-evaluations for homelessness prevention assistance under section 576.401(b)

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*is waived for up to 2-years beginning on April 2, 2020, so long as the recipient or sub-recipient conducts the required re-evaluations not less than once every 6 months.*⁴

19. Utility Documentation. Documentation of utility account, how arrears are preventing participant from obtaining housing, and late payment notice from utility must be included in file.
20. Participant Termination. Sub-grantee's must document any project terminations and include this documentation in participant file.
21. Communication.
 - i. Sub-recipients will document the agency's attempts to contact applicants for assistance and document applicants' failure to respond to the agency. Agencies have the ability to move on after two attempts within three business days from the first day on contact.
 - ii. Sub-recipients will document a participant's termination and include any form of communication in participant file.
 - iii. Sub-recipients will document any communication and/or negotiations with landlords or property owner. Documentation must include any agreed upon resolutions.
 - iv. Documentation of project communication with the participant must be include in file (ex. written communication or documented oral communication that resulted in an outcome and/or resolution).
 - v. Documentation of mediation, including any resolutions, must be included in file.
 - vi. Documentation of project communication with utility companies must be include in file (ex. written communication or documented oral communication that resulted in an outcome and/or resolution).

⁴ Availability of Waivers of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 - <https://www.hudexchange.info/resource/6007/availability-of-waivers-of-community-cpd-grant-program-and-consolidated-plan-requirements-to-prevent-the-spread-of-covid19-and-mitigate-economic-impacts-caused-by-covid19/>

Policy F. 10 – Recipient and Sub-Recipient Recordkeeping Requirements
Receiving Continuum of Care (CoC)
Department of Housing and Urban Development (HUD) Funding

I. Recordkeeping Requirements Under 24 CFR 578.103¹

- A. In General. Every recipient and sub-recipient of Continuum of Care (CoC) grant funds must establish and maintain standard operating procedures for ensuring that those funds are used in accordance with the requirements of 24 CFR Part 578 and must maintain sufficient records to enable HCCSC’s Collaborative Applicant and HUD to determine whether the recipient and its sub-recipients are meeting the requirements of 24 CFR Part 578.
- B. Specific Recordkeeping Requirements. In particular, recipients and sub-recipients of CoC grant funds must establish and maintain the records specified in 24 CFR 578.103 (incorporated herein as attachment Recordkeeping Requirements Under 24 CFR 578.103) as necessary to prove the eligibility of participants in CoC-funded programs, the services provided to those participants, and compliance with other federal requirements.

II. Requirement to Upload to HMIS all Documents Proving Eligibility

As reflected in Section V.B. of the HCCSC’s *Coordinated Entry Guide*, before admitting clients, an HCCSC project must confirm and document their eligibility for the project, including their homeless or chronically homeless status and, if applicable, their disability and their income. In addition, the project must upload into HMIS any documentation providing evidence of eligibility if it has not been uploaded already.

¹ <https://www.govinfo.gov/content/pkg/CFR-2017-title24-vol3/xml/CFR-2017-title24-vol3-part578.xml#seqnum578.103>

Recordkeeping Requirements Under 24 CFR 578.103

- (a) *In general.* The recipient and its subrecipients must establish and maintain standard operating procedures for ensuring that Continuum of Care program funds are used in accordance with the requirements of this part and must establish and maintain sufficient records to enable HUD to determine whether the recipient and its subrecipients are meeting the requirements of this part, including:
- (1) *Continuum of Care records.* Each collaborative applicant must keep the following documentation related to establishing and operating a Continuum of Care:
 - (i) Evidence that the Board selected by the Continuum of Care meets the requirements of § 578.5(b);
 - (ii) Evidence that the Continuum has been established and operated as set forth in subpart B of this part, including published agendas and meeting minutes, an approved Governance Charter that is reviewed and updated annually, a written process for selecting a board that is reviewed and updated at least once every 5 years, evidence required for designating a single HMIS for the Continuum, and monitoring reports of recipients and subrecipients;
 - (iii) Evidence that the Continuum has prepared the application for funds as set forth in § 578.9, including the designation of the eligible applicant to be the collaborative applicant.
 - (2) *Unified funding agency records.* UFAs that requested grant amendments from HUD, as set forth in § 578.105, must keep evidence that the Continuum. This evidence may include minutes of meetings at which the grant amendment was discussed and approved.
 - (3) *Homeless status.* Acceptable evidence of the homeless as status is set forth in 24 CFR 576.500(b).
 - (4) *Chronically homeless status.* The recipient must maintain and follow written intake procedures to ensure compliance with the chronically homeless definition in § 578.3. The procedures must require documentation at intake of the evidence relied upon to establish and verify chronically homeless status. The procedures must establish the order of priority for obtaining evidence as third-party documentation first, intake worker observations second, and certification from the person seeking assistance third. Records contained in an HMIS, or comparable database used by victim service or legal service providers, are acceptable evidence of third-party documentation and intake worker observations if the HMIS, or comparable database, retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made, and if the HMIS prevents overrides or changes of the dates on which entries are made.

(i) For paragraph (1) of the “Chronically homeless” definition in § 578.3, evidence that the individual is a “homeless individual with a disability” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)) must include:

(A) Evidence of homeless status as set forth in paragraph (a)(3) of this section;
and

(B) Evidence of a disability. In addition to the documentation required under paragraph (a)(4)(i)(A) of this section, the procedures must require documentation at intake of the evidence relied upon to establish and verify the disability of the person applying for homeless assistance. The recipient must keep these records for 5 years after the end of the grant term. Acceptable evidence of the disability includes:

(1) Written verification of the disability from a professional licensed by the state to diagnose and treat the disability and his or her certification that the disability is expected to be long-continuing or of indefinite duration and substantially impedes the individual's ability to live independently;

(2) Written verification from the Social Security Administration;

(3) The receipt of a disability check (*e.g.*, Social Security Disability Insurance check or Veteran Disability Compensation);

(4) Intake staff-recorded observation of disability that, no later than 45 days from the application for assistance, is confirmed and accompanied by evidence in paragraph (a)(4)(i)(B)(1), (2), (3), or

(5) Other documentation approved by HUD.

(ii) For paragraph (1)(i) of the “Chronically homeless” definition in § 578.3, evidence that the individual lives in a place not meant for human habitation, a safe haven, or an emergency shelter, which includes:

(A) An HMIS record or record from a comparable database;

(B) A written observation by an outreach worker of the conditions where the individual was living;

(C) A written referral by another housing or service provider; or

- (D) Where evidence in paragraphs (a)(4)(ii)(A) through (C) of this section cannot be obtained, a certification by the individual seeking assistance, which must be accompanied by the intake worker's documentation of the living situation of the individual or family seeking assistance and the steps taken to obtain evidence in paragraphs (a)(4)(ii)(A) through (C).
- (iii) For paragraph (1)(ii) of the "Chronically homeless" definition in § 578.3, evidence must include a combination of the evidence described in paragraphs (a)(4)(ii)(A) through (D) of this section, subject to the following conditions:
- (A) Third-party documentation of a single encounter with a homeless service provider on a single day within 1 month is sufficient to consider an individual as homeless and living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter for the entire calendar month (e.g., an encounter on May 5, 2015, counts for May 1—May 31, 2015), unless there is evidence that there have been at least 7 consecutive nights not living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter during that month (e.g., evidence in HMIS of a stay in transitional housing);
 - (B) Each break in homelessness of at least 7 consecutive nights not living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter between separate occasions must be documented with the evidence described in paragraphs (a)(4)(ii)(A) through (D) of this section;
 - (C) Evidence of stays in institutional care facilities fewer than 90 days included in the total of at least 12 months of living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter must include the evidence in paragraphs (a)(4)(iv)(A) through (B) of this section and evidence described in paragraphs (a)(4)(ii)(A) through (D) of this section that the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately prior to entering the institutional care facility; and

- (D) For at least 75 percent of the chronically homeless individuals and families assisted by a recipient in a project during an operating year, no more than 3 months of living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter may be documented using the evidence in paragraph (a)(4)(ii)(D) of this section for each assisted chronically homeless individual or family. This limitation does not apply to documentation of breaks in homelessness between separate occasions, which may be documented entirely based on a self-report by the individual seeking assistance.
- (iv) If an individual qualifies as chronically homeless under paragraph (2) of the “Chronically homeless” definition in § 578.3 because he or she has been residing in an institutional care facility for fewer than 90 days and met all of the criteria in paragraph (1) of the definition, before entering that facility, evidence must include the following:
 - (A) Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institutional care facility stating the beginning and end dates of the time residing in the institutional care facility. All oral statements must be recorded by the intake worker; or
 - (B) Where the evidence in paragraph (a)(4)(iv)(A) of this section is not obtainable, a written record of the intake worker’s due diligence in attempting to obtain the evidence described in paragraph (a)(4)(iv)(A) and a certification by the individual seeking assistance that states that he or she is exiting or has just exited an institutional care facility where he or she resided for fewer than 90 days; and
 - (C) Evidence as set forth in paragraphs (a)(4)(i) through (iii) of this section that the individual met the criteria in paragraph (1) of the definition for “Chronically homeless” in § 578.3, immediately prior to entry into the institutional care facility.

(v) If a family qualifies as chronically homeless under paragraph (3) of the “Chronically homeless” definition in § 578.3, evidence must include the evidence as set forth in paragraphs (a)(4)(i) through (iv) of this section that the adult head of household (or if there is no adult in the family, a minor head of household) met all of the criteria in paragraph (1) or (2) of the definition.

(5) *At risk of homelessness status.* For those recipients and subrecipients that serve persons at risk of homelessness, the recipient or subrecipient must keep records that establish “at risk of homelessness” status of each individual or family who receives Continuum of Care homelessness prevention assistance. Acceptable evidence is found in 24 CFR 576.500(c).

(6) *Moves for victims of domestic violence, dating violence, sexual assault, and stalking.*

(i) For each program participant who moved to a different Continuum of Care due to imminent threat of further domestic violence, dating violence, sexual assault, or stalking under § 578.51(c)(3), each recipient or subrecipient of assistance under this part must retain:

(A) Documentation of the original incidence of domestic violence, dating violence, sexual assault, or stalking, only if the original violence is not already documented in the program participant’s case file. This may be written observation of the housing or service provider; 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 the victim has sought assistance; medical or dental records; court records or law enforcement records; or written certification by the program participant to whom the violence occurred or by the head of household.

(B) Documentation of the reasonable belief of imminent threat of further domestic violence, dating violence, or sexual assault or stalking, which would include threats from a third-party, such as a friend or family member of the perpetrator of the violence. This may be written observation by the housing or service provider; 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 the victim has sought assistance; current restraining order; recent court order or other court records; 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; or a written certification by the program participant to whom the violence occurred or the head of household.

(ii) Data on emergency transfers requested under 24 CFR 5.2005(e) and § 578.99, pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests.

(7) *Annual income.* For each program participant who receives housing assistance where rent or an occupancy charge is paid by the program participant, the recipient or subrecipient must keep the following documentation of annual income:

- (i) Income evaluation form specified by HUD and completed by the recipient or subrecipient; and
- (ii) Source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement) for the assets held by the program participant and income received before the date of the evaluation;
- (iii) 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 recipient's or subrecipient's intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period; or
- (iv) To the extent that source documents and third-party verification are unobtainable, the written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.

(8) *Program participant records.* In addition to evidence of "homeless" status or "at-risk-of-homelessness" status, as applicable, the recipient or subrecipient must keep records for each program participant that document:

- (i) The services and assistance provided to that program participant, including evidence that the recipient or subrecipient has conducted an annual assessment of services for those program participants that remain in the program for more than a year and adjusted the service package accordingly, and including case management services as provided in § 578.37(a)(1)(ii)(F); and
- (ii) Where applicable, compliance with the termination of assistance requirement in § 578.91.

(9) *Housing standards.* The recipient or subrecipient must retain documentation of compliance with the housing standards in § 578.75(b), including inspection reports.

(10) *Services provided.* The recipient or subrecipient must document the types of supportive services provided under the recipient's program and the amounts spent on those services. The recipient or subrecipient must keep record that these records were reviewed at least annually and that the service package offered to program participants was adjusted as necessary.

(11) *Match.* The recipient must keep records of the source and use of contributions made to satisfy the match requirement in § 578.73. The records must indicate the grant and fiscal year for which each matching contribution is counted. The records must show how the value placed on third party in-kind contributions was derived. To the extent feasible, volunteer services must be supported by the same methods that the organization uses to support the allocation of regular personnel costs.

(12) *Conflicts of interest.* The recipient and its subrecipients must keep records to show compliance with the organizational conflict-of-interest requirements in § 578.95(c), the Continuum of Care board conflict-of-interest requirements in § 578.95(b), the other conflict requirements in § 578.95(d), a copy of the personal conflict-of-interest policy developed and implemented to comply with the requirements in § 578.95, and records supporting exceptions to the personal conflict-of-interest prohibitions.

(13) *Homeless participation.* The recipient or subrecipient must document its compliance with the homeless participation requirements under § 578.75(g).

(14) *Faith-based activities.* The recipient and its subrecipients must document their compliance with the faith-based activities requirements under § 578.87(b).

(15) *Affirmatively Furthering Fair Housing.* Recipients and subrecipients must maintain copies of their marketing, outreach, and other materials used to inform eligible persons of the program to document compliance with the requirements in § 578.93(c).

(16) *Other federal requirements.* The recipient and its subrecipients must document their compliance with the federal requirements in § 578.99, as applicable.

(17) *Subrecipients and contractors.*

(i) The recipient must retain copies of all solicitations of and agreements with subrecipients, records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients, as applicable.

(ii) The recipient must retain documentation of monitoring subrecipients, including any monitoring findings and corrective actions required.

(iii) The recipient and its subrecipients must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 2 CFR part 200, subpart D.

(18) *Other records specified by HUD.* The recipient and subrecipients must keep other records specified by HUD.

(b) **Confidentiality.** In addition to meeting the specific confidentiality and security requirements for HMIS data, the recipient and its subrecipients must develop and implement written procedures to ensure:

(1) All records containing protected identifying information of any individual or family who applies for and/or receives Continuum of Care assistance will be kept secure and confidential;

(2) The address or location of any family violence project assisted with Continuum of Care funds will not be made public, except with written authorization of the person responsible for the operation of the project; and

Commented [MB1]: Should this section be "b"? The section above begins with "i"? I have the same questions for the remainder of the policy.

- (3) 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 recipient or subrecipient and consistent with State and local laws regarding privacy and obligations of confidentiality;
- (c) *Period of record retention.* All records pertaining to Continuum of Care funds must 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.
- (1) Documentation of each program participant's qualification as a family or individual at risk of homelessness or as a homeless family or individual and other program participant records must be retained for 5 years after the expenditure of all funds from the grant under which the program participant was served; and
 - (2) Where Continuum of Care funds are used for the acquisition, new construction, or rehabilitation of a project site, records must be retained until 15 years after the date that the project site is first occupied, or used, by program participants.
- (d) *Access to records.*
- (1) Federal Government rights. Notwithstanding the confidentiality procedures established under paragraph (b) of this section, 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 recipient and its subrecipients that are pertinent to the Continuum of Care 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.
 - (2) *Public rights.* The recipient must provide citizens, public agencies, and other interested parties with reasonable access to records regarding any uses of Continuum of Care funds the recipient received during the preceding 5 years, consistent with State and local laws regarding privacy and obligations of confidentiality and confidentiality requirements in this part.
- (e) *Reports.* In addition to the reporting requirements in 2 CFR part 200, subpart D, the recipient must collect and report data on its use of Continuum of Care funds in an Annual Performance Report (APR), as well as in any additional reports as and when required by HUD. Projects receiving grant funds only for acquisition, rehabilitation, or new construction must submit APRs for 15 years from the date of initial occupancy or the date of initial service provision, unless HUD provides an exception under § 578.81(e).

[77 FR 45442, July 31, 2012, as amended at 80 FR 75804, Dec. 4, 2015; 80 FR 75940, Dec. 7, 2015; 80 FR 80258, Dec. 24, 2015; 81 FR 80811, Nov. 16, 2016]

**Policy F. 12 – Recipient and Sub-Recipient Recordkeeping Requirements
Receiving Emergency Solutions Grant (ESG) Funding**

I. Recordkeeping Requirements Under Title 24 PART § 576.500 - EMERGENCY SOLUTIONS GRANTS PROGRAM¹

- A. In general. The recipient must have policies and procedures to ensure the requirements of this part are met, including those required by 2 CFR part 200 and must maintain sufficient records to enable HCCSC’s Collaborative Applicant and HUD to determine whether the recipient and its sub-recipients are meeting the requirements of 2 CFR part 200.
- B. Specific Recordkeeping Requirements. In particular, recipients and sub-recipients of ESG grant funds must establish and maintain the records specified in Title 24 PART § 576.500, including those required by 2 CFR part 200, (incorporated herein as Recordkeeping Requirements Under Title 24 PART § 576.500) as necessary to prove the eligibility of participants in ESG-funded programs, the services provided to those participants, and compliance with other federal requirements.

II. Requirement to Upload to HMIS all Documents Proving Eligibility

As reflected in Section V.B. of the HCCSC’s Coordinated Entry Guide, before admitting clients, an HCCSC project must confirm and document their eligibility for the project, including their homeless or chronically homeless status and, if applicable, their disability and their income. In addition, the project must upload into HMIS any documentation providing evidence of eligibility if it has not been uploaded already.

¹ <https://www.govinfo.gov/content/pkg/CFR-2018-title24-vol3/xml/CFR-2018-title24-vol3-part576.xml#seqnum576.500>

Recordkeeping Requirements Under Title 24 PART § 576.500

(a) *In general.* The recipient must have policies and procedures to ensure the requirements of this part are met, including those required by 2 CFR part 200. The policies and procedures must be established in writing and implemented by the recipient and its subrecipients to ensure that ESG funds are used in accordance with the requirements. In addition, sufficient records must be established and maintained to enable the recipient and HUD to determine whether ESG requirements are being met.

(b) *Homeless status.* The recipient must maintain and follow written intake procedures to ensure compliance with the homeless definition in § 576.2. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status. The procedures must establish the order of priority for obtaining evidence as third-party documentation first, intake worker observations second, and certification from the person seeking assistance third. However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides or changes of the dates on which entries are made.

- (1) If the individual or family qualifies as homeless under paragraph (1)(i) or (ii) of the homeless definition in § 576.2, acceptable evidence includes a written observation by an outreach worker of the conditions where the individual or family was living, a written referral by another housing or service provider, or a certification by the individual or head of household seeking assistance.
- (2) If the individual qualifies as homeless under paragraph (1)(iii) of the homeless definition in § 576.2, because he or she resided in an emergency shelter or place not meant for human habitation and is exiting an institution where he or she resided for 90 days or less, acceptable evidence includes the evidence described in paragraph (b)(1) of this section and one of the following:
 - (i) Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; or
 - (ii) Where the evidence in paragraph (b)(2)(i) of this section is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in paragraph (b)(2)(i) and a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less.

- (3) If the individual or family qualifies as homeless under paragraph (2) of the homeless definition in § 576.2, because the individual or family will imminently lose their housing, the evidence must include:
- (i)(A) A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law;
 - (B) For individuals and families whose primary nighttime residence is a hotel or motel room not paid for by charitable organizations or federal, state, or local government programs for low-income individuals, evidence that the individual or family lacks the resources necessary to reside there for more than 14 days after the date of application for homeless assistance; or
 - (C) An oral statement by the individual or head of household that the owner or renter of the housing in which they currently reside will not allow them to stay for more than 14 days after the date of application for homeless assistance. The intake worker must record the statement and certify that it was found credible. To be found credible, the oral statement must either: (I) be verified by the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance and documented by a written certification by the owner or renter or by the intake worker's recording of the owner or renter's oral statement; or (II) if the intake worker is unable to contact the owner or renter, be documented by a written certification by the intake worker of his or her due diligence in attempting to obtain the owner or renter's verification and the written certification by the individual or head of household seeking assistance that his or her statement was true and complete;
- (ii) — ~~(iii)~~ Certification by the individual or head of household that no subsequent residence has been identified; and
 - (iii) — ~~(iii)~~ Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.
- (4) If the individual or family qualifies as homeless under paragraph (3) of the homeless definition in § 576.2, because the individual or family does not otherwise qualify as homeless under the homeless definition but is an unaccompanied youth under 25 years of age, or homeless family with one or more children or youth, and is defined as homeless under another Federal statute or section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), the evidence must include:

~~_____~~ (i) For paragraph (3)(i) of the homeless definition in § 576.2, certification of ~~_____~~ homeless status by the local private nonprofit organization or state or local ~~_____~~ governmental entity responsible for administering assistance under the ~~_____~~ Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), the Head Start Act ~~_____~~ (42 U.S.C. 9831 et seq.), subtitle N of the Violence Against Women Act of 1994 ~~_____~~ (42 U.S.C. 14043e et seq.), section 330 of the Public Health Service Act (42 ~~_____~~ U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), ~~_____~~ section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), or subtitle B of ~~_____~~ title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et ~~_____~~ seq.), as applicable;

~~(ii)-(iii)~~ For paragraph (3)(ii) of the homeless definition in § 576.2, referral by a ~~_____~~ housing or service provider, written observation by an outreach worker, or ~~_____~~ certification by the homeless individual or head of household seeking ~~_____~~ assistance;

~~(iii)-(iii)~~ For paragraph (3)(iii) of the homeless definition in § 576.2, certification by ~~_____~~ the individual or head of household and any available supporting ~~_____~~ documentation that the individual or family moved two or more times ~~_____~~ during the 60-day period immediately preceding the date of application for ~~_____~~ homeless assistance, including: recorded statements or records obtained ~~_____~~ from each owner or renter of housing, provider of shelter or housing, or ~~_____~~ social worker, case worker, or other appropriate official of a hospital or ~~_____~~ institution in which the individual or family resided; or, where these ~~_____~~ statements or records are unobtainable, a written record of the intake ~~_____~~ worker's due diligence in attempting to obtain these statements or records. ~~_____~~ Where a move was due to the individual or family fleeing domestic violence, ~~_____~~ dating violence, sexual assault, or stalking, then the intake worker may ~~_____~~ alternatively obtain a written certification from the individual or head of ~~_____~~ household seeking assistance that they were fleeing that situation and that ~~_____~~ they resided at that address; and

~~(iv)-(iv)~~ For paragraph (3)(iv) of the homeless definition in § 576.2, written diagnosis ~~_____~~ from a professional who is licensed by the state to diagnose and treat that ~~_____~~ condition (or intake staff-recorded observation of disability that within 45 ~~_____~~ days of date of the application for assistance is confirmed by a professional ~~_____~~ who is licensed by the state to diagnose and treat that condition); ~~_____~~ employment records; department of corrections records; literacy, English ~~_____~~ proficiency tests; or other reasonable documentation of the conditions ~~_____~~ required under paragraph (3)(iv) of the homeless definition.



(5) If the individual or family qualifies under paragraph (4) of the homeless definition in § 576.2, because the individual or family is fleeing domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence, then acceptable evidence includes an oral statement by the individual or head of household seeking assistance that they are fleeing that situation, that no subsequent residence has been identified and that they lack the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other housing. If the individual or family is receiving shelter or services provided by a victim service provider, the oral statement must be documented by either a certification by the individual or head of household; or a certification by the intake worker. Otherwise, the oral statement that the individual or head of household seeking assistance has not identified a subsequent residence and lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain housing must be documented by a certification by the individual or head of household that the oral statement is true and complete, and, where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening condition must be verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking. The written referral or observation need only include the minimum amount of information necessary to document that the individual or family is fleeing, or attempting to flee domestic violence, dating violence, sexual assault, and stalking.

(c) *At risk of homelessness status.* For each individual or family who receives Emergency Solutions Grant (ESG) homelessness prevention assistance, the records must include the evidence relied upon to establish and verify the individual or family's "at risk of homelessness" status. This evidence must include an intake and certification form that meets HUD specifications and is completed by the recipient or subrecipient. The evidence must also include:

- (1) If the program participant meets the criteria under paragraph (1) of the "at risk of homelessness" definition in § 576.2:
 - (i) The documentation specified under this section for determining annual income;
 - (ii) The program participant's certification on a form specified by HUD that the program participant has insufficient financial resources and support networks; e.g., family, friends, faith-based or other social networks, immediately available to attain housing stability and meets one or more of the conditions under paragraph (1)(iii) of the definition of "at risk of homelessness" in § 576.2;
 - (iii) The most reliable evidence available to show that the program participant does not have sufficient resources or support networks; e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an

~~_~~ emergency shelter or another place described in paragraph (1) of the “homeless”
~~_~~ definition. Acceptable evidence includes:

- (A) Source documents (e.g., notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears);
- (B) To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., former employer, public administrator, relative) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria under paragraph (1)(ii) of the definition of “at risk of homelessness” in § 576.2; or
- (C) To the extent that source documents and third-party verification are unobtainable, a written statement by the recipient's or subrecipient's intake staff describing the efforts taken to obtain the required evidence; and

~~(iv)~~ ~~(iv)~~ The most reliable evidence available to show that the program participant meets one or more of the conditions under paragraph (1)(iii) of the definition of “at risk of homelessness” in § 576.2.
Acceptable evidence includes:

- ~~(A)~~ ~~(A)~~ Source documents that evidence one or more of the conditions under paragraph (1)(iii) of the definition (e.g., eviction notice, notice of termination from employment, bank statement);
- ~~(B)~~ ~~(B)~~ To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., former employer, owner, primary leaseholder, public administrator, hotel or motel manager) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party that the applicant meets one or more of the criteria under paragraph (1)(iii) of the definition of “at risk of homelessness”; or
- ~~(C)~~ ~~(C)~~ To the extent that source documents and third-party verification are unobtainable, a written statement by the recipient's or subrecipient's intake staff that the staff person has visited the applicant's residence and determined that the applicant meets one or more of the criteria under paragraph (1)(iii) of the definition or, if a visit is not practicable or relevant to the determination, a written statement by the recipient's or subrecipient's intake staff describing the efforts taken to obtain the required evidence; or

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_(2) If the program participant meets the criteria under paragraph (2) or (3) of the “at risk of homelessness” definition in § 576.2, certification of the child or youth's homeless status by the agency or organization responsible for administering assistance under the Runaway _____ and _____ Homeless Youth Act (42 U.S.C. 5701 et seq.), the Head Start Act (42 U.S.C. 9831 et _____ seq.), _____ subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.), _____ section 330 _____ of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of _____ 2008 (7 U.S.C. _____ 2011 et seq.), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) or _____ subtitle B of _____ title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et _____ seq.), as _____ applicable.

(d) *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.

(e) *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 maintained:

- (1) Income evaluation form containing the minimum requirements specified by HUD and completed by the recipient or subrecipient; and
- (2) 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);
- (3) 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 recipient's or subrecipient's intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period for which representative data is available; or
- (4) To the extent that source documents and third party verification are unobtainable, the written certification by the program participant of the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.

(f) *Program participant records.* In addition to evidence of homeless status or “at risk of homelessness” status, as applicable, records must be kept for each program participant that document:

- (1) The services and assistance provided to that program participant, including, as applicable, the security deposit, rental assistance, and utility payments made on behalf of the program participant;

(2) Compliance with the applicable requirements for providing services and assistance to that program participant under the program components and eligible activities provisions at § 576.101 through § 576.106, the provision on determining eligibility and amount and type of assistance at § 576.401(a) and (b), and the provision on using appropriate assistance and services at § 576.401(d) and (e); and

(3) Where applicable, compliance with the termination of assistance requirement in § 576.402.

(g) *Centralized or coordinated assessment systems and procedures.* The recipient and its subrecipients must keep documentation evidencing the use of, and written intake procedures for, the centralized or coordinated assessment system(s) developed by the Continuum of Care(s) in accordance with the requirements established by HUD.

(h) *Rental assistance agreements and payments.* The records must include 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.

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

(j) *Shelter and housing standards.* The records must include documentation of compliance with the shelter and housing standards in § 576.403, including inspection reports.

(k) *Emergency shelter facilities.* The recipient must keep records of the emergency shelters assisted under the ESG program, including the amount and type of assistance provided to each emergency shelter. As applicable, the recipient'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.

(l) *Services and assistance provided.* The recipient must keep records of the types of essential services, rental assistance, and housing stabilization and relocation services provided under the recipient's program and the amounts spent on these services and assistance. The recipient and its subrecipients that are units 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.

(m) *Coordination with Continuum(s) of Care and other programs.* The recipient and its subrecipients must document their compliance with the requirements of § 576.400 for consulting with the Continuum(s) of Care and coordinating and integrating ESG assistance with programs targeted toward homeless people and mainstream service and assistance programs.

(n) *HMIS.* The recipient must keep records of the participation in HMIS or a comparable database by all projects of the recipient and its subrecipients.

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(o) *Matching*. The recipient must keep records of the source and use of contributions made to satisfy the matching requirement in § 576.201. 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 that the organization uses to support the allocation of regular personnel costs.

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(p) *Conflicts of interest*. The recipient and its subrecipients must keep records to show compliance with the organizational conflicts-of-interest requirements in § 576.404(a), a copy of the personal conflicts of interest policy or codes of conduct developed and implemented to comply with the requirements in § 576.404(b), and records supporting exceptions to the personal conflicts of interest prohibitions.

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(q) *Homeless participation*. The recipient must document its compliance with the homeless participation requirements under § 576.405.

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(r) *Faith-based activities*. The recipient and its subrecipients must document their compliance with the faith-based activities requirements under § 576.406.

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(s) *Other Federal requirements*. The recipient and its subrecipients must document their compliance with the Federal requirements in § 576.407 and § 576.409, as applicable, including:

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- (1) Records demonstrating compliance with the nondiscrimination and equal opportunity requirements under § 576.407(a) and the affirmative outreach requirements in § 576.407(b), including:
 - (i) 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
 - (ii) Documentation required under 24 CFR 5.168 in regard to the recipient's Assessment of Fair Housing and the certification that the recipient will affirmatively further fair housing.
- (2) Records demonstrating compliance with the uniform administrative requirements in 2 CFR part 200.
- (3) Records demonstrating compliance with the environmental review requirements, including flood insurance requirements.
- (4) Certifications and disclosure forms required under the lobbying and disclosure requirements in 24 CFR part 87.
- (5) Data on emergency transfers requested under § 576.409, pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests.

(t) *Relocation*. The records must include documentation of compliance with the displacement, relocation, and acquisition requirements in § 576.408.

(u) Financial records.

- (1) The recipient must retain supporting documentation for all costs charged to the ESG grant.
- (2) The recipient and its subrecipients must keep documentation showing that ESG grant funds were spent on allowable costs in accordance with the requirements for eligible activities under “§§ 576.101 through 576.109, financial management in 2 CFR 200.302, and the cost principles in 2 CFR part 200, subpart E.
- (3) The recipient and its subrecipients must retain records of the receipt and use of program income.
- (4) The recipient must keep documentation of compliance with the expenditure limits in § 576.100 and the expenditure deadline in § 576.203.

(v) Subrecipients and contractors.

- (1) The recipient must retain copies of all solicitations of and agreements with subrecipients, records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients, as applicable. If the recipient is a State, the recipient must keep records of each recapture and distribution of recaptured funds under § 576.501.
- (2) The recipient and its subrecipients must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 2 CFR part 200, subpart D.
- (3) The recipient must ensure that its subrecipients comply with the recordkeeping requirements specified by the recipient and HUD notice or regulations.

(w) Other records specified by HUD. The recipient must keep other records specified by HUD.

(x) Confidentiality.

- (1) The recipient and its subrecipients must develop and implement written procedures to ensure:
 - (i) 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;
 - (ii) 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
 - (iii) 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 recipient or subrecipient and consistent with state and local laws regarding privacy and obligations of confidentiality.

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- (2) The confidentiality procedures of the recipient and its subrecipients must be in writing and must be maintained in accordance with this section.

(y) *Period of 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 microfilming, photocopying, or similar methods may be substituted for the original records.

- (1) Documentation of each program participant's qualification as a family or individual at risk of homelessness or as a homeless family or individual and other program participant records must be retained for 5 years after the expenditure of all funds from the grant under which the program participant was served;
- (2) Where ESG funds are used for the renovation of an emergency shelter involves costs charged to the ESG grant that exceed 75 percent of the value of the building before renovation, records must be retained until 10 years after the date that ESG funds are first obligated for the renovation; and
- (3) 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 percent of the value of the building after conversion, records must be retained until 10 years after the date that ESG funds are first obligated for the conversion.

(z) *Access to records.*

- (1) Federal Government rights. Notwithstanding the confidentiality procedures established under paragraph (x) of this section, the recipient and its subrecipients must comply with the requirements for access to records in 2 CFR 200.336.
- (2) Public rights. The recipient 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 recipient received during the preceding 5 years.

(aa) Reports. The recipient 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 HUD. The recipient must also comply with the reporting requirements in 2 CFR part 200 and 24 CFR part 91 and the reporting requirements under the Federal Funding Accountability and Transparency Act of 2006, (31 U.S.C. 6101 note), which are set forth in appendix A to 2 CFR part 170.

[76 FR 75974, Dec. 5, 2011, as amended at 80 FR 42368, July 16, 2015; 80 FR 75939, Dec. 7, 2015; 81 FR 80809, Nov. 16, 2016]