

# EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM

[ written standards ]

# [ contents ]

## [ 5 ] Introduction

- [ 5 ] Background
- [ 5 ] Program Overview
- [ 5 ] Program Eligibility by Homeless Status

## [ 7 ] Standards Applicable to All Programs

- [ 7 ] Coordination of Services
- [ 7 ] Coordination with Other Targeted Homeless Services
- [ 8 ] Other Federal, State, Local, and Private Assistance
- [ 8 ] Homeless Management Information System
- [ 9 ] Nondiscrimination / Equal Opportunity / Affirmative Outreach
- [ 9 ] Faith-Based Activities
- [ 10 ] Environmental Review
- [ 10 ] Termination Policies
- [ 11 ] Grievance Policy

## [ 12 ] Street Outreach Standards

- [ 12 ] Target Population
- [ 12 ] Universal Assessment
- [ 12 ] HMIS
- [ 12 ] Coordinated Entry System (CES)

## [ 14 ] Emergency Shelter Standards

- [ 14 ] Eligible Participants
- [ 14 ] Recordkeeping Requirements
- [ 14 ] HMIS
- [ 14 ] Coordinated Entry System (CES)
- [ 15 ] Prohibition Against Involuntary Family Separation
- [ 15 ] Safety & Security
- [ 15 ] Minimum Period of Use
- [ 15 ] Maintenance of Effort

## [ 16 ] Homeless Prevention & Rapid Re-Housing Standards

- [ 16 ] Eligible Participants
- [ 16 ] Continued Eligibility
- [ 16 ] Prioritization
- [ 17 ] Case Management
- [ 18 ] Rental Assistance
- [ 21 ] Housing Relocation & Stabilization Services
- [ 21 ] Recordkeeping Requirements

# [ appendices ]

## **[ 24 ] Appendix A: Eligible Activities by ESG Component**

- [ 24 ] Street Outreach Component
- [ 26 ] Emergency Shelter Component
- [ 31 ] Homelessness Prevention Component
- [ 31 ] Rapid Re-Housing Assistance Component
- [ 31 ] Housing Relocation & Stabilization Services - Financial Assistance Costs
- [ 32 ] Housing Relocation & Stabilization Services - Stabilization Services
- [ 34 ] Short-Term and Medium-Term Rental Assistance
- [ 34 ] HMIS Component
- [ 36 ] Administrative Activities

## **[ 38 ] Appendix B: HUD Definition of Homeless**

## **[ 39 ] Appendix C: HUD Definition for At-Risk of Homelessness**

## **[ 40 ] Appendix D: HMIS Forms**

- [ 41 ] HMIS Organizational Agreement
- [ 44 ] HMIS Privacy Notice
- [ 45 ] HMIS Privacy Policy
- [ 49 ] HMIS User Agreement

## **[ 51 ] Appendix E: Intake & Assessment Forms**

- [ 52 ] Sample Emergency Shelter Sign-In Sheet
- [ 53 ] HP Eligibility Evaluation Form (At-Risk Status)
- [ 55 ] HP Eligibility Evaluation Form (Homeless Status)
- [ 56 ] HP Re-Evaluation of Eligibility Form
- [ 57 ] RRH Household Eligibility Evaluation
- [ 58 ] Written Third Party Verification of Homeless Status
- [ 59 ] Observation of Homeless Status by Outreach Worker
- [ 60 ] Oral Third-Party Verification of Homeless Status
- [ 61 ] Self-Declaration of Homeless Status
- [ 62 ] ESG Income Eligibility Worksheet
- [ 64 ] ESG Written Third Party Verification of Income
- [ 65 ] ESG Oral Third Party Verification of Income
- [ 66 ] ESG Self Declaration of Income

**[ 67 ] Appendix F: Property Related Forms**

- [ 68 ]** ESG Rental Assistance Agreement
- [ 69 ]** ESG Habitability Standards Checklist
- [ 70 ]** Understanding the Lead-Based Paint Requirements: Guidance for ESG Grantees
- [ 76 ]** ESG Lead-Based Paint Document Checklist
- [ 77 ]** ESG Lead Screening Worksheet
- [ 80 ]** ESG Lead-Based Paint Visual Assessment Certification Template
- [ 81 ]** ESG Lead-Based Paint Property Owner Certification Form
- [ 82 ]** LA County Fair Market Rent Guidelines
- [ 83 ]** Rent Reasonableness Checklist & Certification

# [ Introduction ]

In accordance with Title 24 of the Code of Federal Regulations (24 CFR) 91.220(l)(4)(i) and 576.400(e) (1), the City of Pasadena (City) and the Pasadena Continuum of Care (CoC) have developed the following written standards for the provision and prioritization of Emergency Solutions Grant (ESG) funding. The following standards are intended as basic, minimum standards to which individual ESG applicants and/or subrecipients can add additional and more stringent standards applicable only to their own projects. These required standards help to ensure that the ESG program is administered fairly and methodically. The City and the Pasadena CoC will continue to build upon and refine this document.

## **BACKGROUND**

The City of Pasadena is awarded ESG funds annually from the Department of Housing and Urban Development (HUD) as part of the Annual Action Plan Process. These funds are designed to identify sheltered and unsheltered homeless persons, as well as those at risk of homelessness, and provide the services necessary to help those persons quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness.

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) significantly amended the McKinney-Vento Homeless Assistance Act, including major revisions to the Emergency Shelter Grants program, which was renamed the Emergency Solutions Grants program. The HEARTH Act, and implementation of the applicable federal regulations by HUD, incorporated many of the lessons learned from the implementation of the Homelessness Prevention and Rapid Re-Housing Recovery Act Program (HPRP) into the new ESG program, including placing a stronger emphasis on rapid re-housing assistance.

## **PROGRAM OVERVIEW**

The ESG program allows the City to set priorities based on the individualized needs of the community. These standards serve to outline the specific guidelines and priorities that will be used by the City in awarding and administering ESG funding. Currently, eligible program components that are prioritized under the City's ESG program are street outreach, emergency shelter, homelessness prevention and rapid re-housing (including housing relocation and stabilization services as well as short-term and medium-term rental assistance), HMIS, and administrative costs. Applications for indirect costs will not be considered at this time. The City and Pasadena CoC may revise ESG component priority in subsequent years.

## **PROGRAM ELIGIBILITY BY HOMELESS STATUS**

Exhibit 1 details participant eligibility for ESG-funded program component according to HUD's definition of homelessness and at-risk of homelessness. For complete definitions, see Appendix B & C.

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## Exhibit 1: Program Eligibility by Homeless Status

### Street Outreach (SO)

Street Outreach services shall target unsheltered homeless individuals and families, meaning those with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

### Rapid Re-Housing (RRH)

Individuals and families eligible for RRH projects include those who meet the following definitions:

#### Homeless Category 1

Literally Homeless

#### Homeless Category 4

Fleeing/Attempting to Flee DV (if the individual or family is also literally homeless)

### Emergency Shelter (ES)

Individuals and families eligible for ES assistance include those who meet the following definitions:

#### Homeless Category 1

Literally Homeless

#### Homeless Category 2

Imminent Risk of Homelessness

#### Homeless Category 3

Homeless Under Other Federal Statutes

#### Homeless Category 4

Fleeing/Attempting to Flee DV

### Homelessness Prevention (HP)

Individuals and families eligible for HP projects include those who meet the following definitions:

#### Homeless Category 2

Imminent Risk of Homelessness

#### Homeless Category 3

Homeless Under Other Federal Statutes

#### Homeless Category 4

Fleeing/Attempting to Flee DV

#### At-Risk of Homelessness

All categories

Additionally, HP projects must only serve individuals and families that have an annual income below 30% of the median family income for the area.

# [ Standards Applicable to All Programs ]

The following standards are intended as basic, minimum standards that apply to all ESG subrecipient programs. In addition to these standards, ESG subrecipients apply the written standards for their funded program component.

## **COORDINATION OF SERVICES**

To help ensure homeless households receive immediate housing and minimize barriers to housing access, all subrecipients will be required to enter and/or receive referrals through Pasadena's Coordinated Entry System (CES). CES is a CoC-wide process for facilitating access for all resources designated for homeless individuals and families. This system ensures that every homeless individual or family is known by name, provides assistance based on the individual or family's unique needs, and matches them to the most appropriate service strategy or housing intervention. In doing so, CES ensures system coordination among emergency shelters, essential service providers, homelessness prevention providers, rapid re-housing providers, other homeless assistance providers, and mainstream service and housing providers.

## **COORDINATION WITH OTHER TARGETED HOMELESS SERVICES**

ESG funded programs must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to homeless people in the Pasadena CoC. These programs include:

- Continuum of Care Program (24 CFR 578)
- Section 8 Moderate Rehabilitation Program for Single Room Occupancy Program for Homeless Individuals (24 CFR 882)
- HUD–Veterans Affairs Supportive Housing (HUD–VASH) (division K, title II, Consolidated Appropriations Act, 2008, Pub. L. 110-161 (2007), 73 FR 25026 (May 6, 2008))
- Education for Homeless Children and Youth Grants for State and Local Activities (title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.))
- Grants for the Benefit of Homeless Individuals (section 506 of the Public Health Services Act (42 U.S.C. 290aa- 5))
- Healthcare for the Homeless (42 CFR part 51c)
- Programs for Runaway and Homeless Youth (Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.))
- Projects for Assistance in Transition from Homelessness (part C of title V of the Public Health Service Act (42 U.S.C. 290cc-21 et seq.))
- Services in Supportive Housing Grants (section 520A of the Public Health Service Act)
- Emergency Food and Shelter Program (title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.))
- Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating

Violence, and Stalking Program (section 40299 of the Violent Crime Control and Law Enforcement Act (42 U.S.C. 13975))

- Homeless Veterans Reintegration Program (section 5(a)(1)) of the Homeless Veterans Comprehensive Assistance Act (38 U.S.C. 2021)
- Domiciliary Care for Homeless Veterans Program (38 U.S.C. 2043)
- VA Homeless Providers Grant and Per Diem Program (38 CFR part 61)
- Health Care for Homeless Veterans Program (38 U.S.C. 2031)
- Homeless Veterans Dental Program (38 U.S.C. 2062)
- Supportive Services for Veteran Families Program (38 CFR part 62)
- Veteran Justice Outreach Initiative (38 U.S.C. 2031)

### **OTHER FEDERAL, STATE, LOCAL, AND PRIVATE ASSISTANCE**

ESG funded programs must assist each program participant, as needed, to obtain other Federal, State, local, and private assistance available to assist the program participant in obtaining housing stability, including:

- Medicaid
- Supplemental Nutrition Assistance Program
- Women, Infants and Children (WIC)
- Federal-State Unemployment Insurance Program
- Social Security Disability Insurance
- Supplemental Security Income (SSI)
- Child and Adult Care Food Program
- Public housing programs
- Housing programs receiving tenant-based or project-based assistance
- Supportive Housing for Persons with Disabilities
- HOME Investment Partnerships Program
- Temporary Assistance for Needy Families (TANF)
- Health Center Program
- State Children's Health Insurance Program
- Mental Health and Substance Abuse Block Grants
- Services funded under the Workforce Investment Act

### **HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)**

All ESG-funded programs are required to enter clients in the Homeless Management Information System (HMIS) at first contact. Only programs that are specifically forbidden by other statutes or regulations (e.g., domestic violence victim service providers) may not participate. All HMIS-participating agencies must collect and maintain common data fields as determined by the HMIS Administrator and HMIS

Committee, considering all relevant regulations. This helps to ensure coordination between service providers through the Coordinated Entry System (CES) while avoiding duplication of services and client data, and provides an opportunity to document homelessness.

### **Confidentiality of Records**

All ESG-funded programs must uphold all privacy protection standards established by the LA/OC HMIS Collaborative Policies and Procedure and relevant federal and State of California (“State”) confidentiality laws and regulations that protect client records. Confidential client records may only be released with the client’s or the client’s guardian’s consent, unless otherwise provided for in the pertinent laws and regulations.

### **Verbal Explanation**

Prior to every client’s initial assessment, ESG-funded programs must provide a verbal explanation that the client’s information will be entered into an electronic database that stores client information and an explanation of the HMIS Client Consent to Release Information form terms. Clients should also be informed that they may be removed from the database at any time in writing or by completing a Client Revocation of Consent to Provide and Disclose Information form.

### **Written Consent**

After being provided a verbal explanation, each client who agrees to have his or her personal protected information (PPI) entered into the LA/OC HMIS must sign the HMIS Client Consent to Release Information form (Appendix D). Exception: verbal consent to enter PPI into the LA/OC HMIS may be obtained during a phone screening, outreach, or diversion, provided that this Organization obtains the client’s written consent at the next available opportunity. Households that do not sign the consent are entered into HMIS using only an identifier number.

### **Postings**

All ESG-funded programs must post the Notice Regarding Collection of Personal Information at each intake desk or comparable location.

### **Privacy Notice**

A copy of the Privacy Notice must be provided upon a client’s request. If the ESG-funded program maintains a website, a link to the Privacy Notice must also be on the website.

## **NONDISCRIMINATION / EQUAL OPPORTUNITY / AFFIRMATIVE OUTREACH**

Minimum standards shall comply with the requirements for nondiscrimination, equal opportunity and affirmative outreach identified in §576.407 and 578.93 (a-b).

## **FAITH-BASED ACTIVITIES**

Minimum standards for faith-based activities (24 CFR 576.406) are:

- Providers receiving ESG funding shall not engage in inherently religious activities as part of the ESG-funded programs or services. Such activities must be offered separately from ESG-funded programs and services and participation must be voluntary.

- A religious organization receiving ESG funding retains independence from government and may continue with its mission provided that ESG funds are not used to support inherently religious activities. An ESG-funded organization retains its authority over its internal governance.
- An organization receiving ESG funding shall not discriminate against a participant or prospective participant based on religion or religious beliefs.
- ESG funding shall not be used for the rehabilitation of structures used specifically for religious activities, but may be used for rehabilitating structures that are used for ESG eligible activities.

## **ENVIRONMENTAL REVIEW**

Before any funds are committed, the City of Pasadena will conduct an environmental review of all ESG-funded grantee project site(s) to demonstrate there are no hazardous materials present that could affect the health and safety of the occupants. Environmental reviews will be conducted by the City of Pasadena and are acceptable for a 5-year time period. The costs of carrying out environmental review responsibilities are an eligible use of administrative funds. All ESG activities are subject to environmental review under HUD’s environmental regulations in 24 CFR part 58.

The subrecipient, or any contractor of the subrecipient, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for an ESG project, or commit or expend HUD or local funds for ESG eligible activities, until an environmental review under 24 CFR part 58 has been performed and the recipient has received HUD approval of the property.

## **TERMINATION POLICIES**

If a program participant violates program requirements (i.e. fails to meet with a Case Manager on a monthly basis) or no longer meets minimum eligibility requirements for program assistance (i.e. income change), the subrecipient may terminate assistance. To terminate assistance, the minimum required formal process must consist of:

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

Termination does not bar the subrecipient from providing further assistance at a later date to the same family or individual.

## **GRIEVANCE POLICY**

Each ESG funded organization shall have a grievance procedure and shall implement the procedure when applicable. It is the policy of the Pasadena CoC to provide all ESG-funded programs with a fair and efficient process to present and resolve complaints and grievances. In the case of complaints about programs, it must be clear that the Pasadena CoC is not an official oversight entity but does have

considerable influence.

A first-person written and/or documented complaint will be considered a grievance. A verbal, second-hand or hearsay complaint will be considered a complaint. The person making the grievance or complaint will be asked if they have adhered to grievance procedures provided by the organization they are making the grievance or complaint about.

If the person making the grievance or complaint has not gone through the grievance procedure provided by the organization, the Pasadena CoC will recommend that the person do so and document that recommendation.

If the resolution provided by that organization was not satisfactory to the complainant, he/she may put the grievance or complaint in writing and submit it to the Board Chair of the Pasadena CoC. If there is a conflict apparent with reporting problems to the Board Chair, reports can be made to the Co-Chair. If the complainant does not want his/her name attached to the complaint, his/her anonymity will be protected. If the complainant is unwilling to put the concern in writing, the Board Chair or another Pasadena CoC member will document what has been said.

Each situation will be treated seriously and with sensitivity, and will be documented for the record with date, time, program name, and nature of the complaint, as well as with any action taken towards resolution. All complaints or grievances involving vulnerable adults or children will be immediately turned over to the appropriate authorities.

Once a complaint or grievance has been submitted, the Board Chair or Co-Chair will approach the problem program's representative, explain the complaint or grievance, and ask for a response to the charge(s). Responses will be documented. It will be up to the Board Chair or the Co-Chair to decide if the matter needs to be discussed by the Pasadena CoC Board.

If a program received three complaints, the Pasadena CoC Board will review the situation and recommend action. The Executive Director of the program being reviewed will be asked to respond to the Pasadena CoC Board.

# [ Street Outreach Standards ]

Street Outreach should be principally focused to one goal: that of supporting persons experiencing homelessness in achieving some form of permanent, sustainable housing. While Street Outreach teams may use incentives to encourage trust and build relationships, or to ensure that homeless households' emergency needs are met, the awards made should be used with permanent housing as the end goal rather than simply seeking to alleviate the burden of living on the streets.

ESG street outreach funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility.

Individuals and families shall be offered the following eligible Street Outreach activities, as needed and appropriate: engagement, case management, emergency health and mental health, transportation services (24 576.101).

## **TARGET POPULATION**

Providers of Street Outreach services shall target unsheltered homeless individuals and families, meaning those with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

## **UNIVERSAL ASSESSMENT**

All individuals and families served through street outreach programs will be assessed using a comprehensive, universal assessment tool called the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT) in order to make an informed and objective decision on the level of need of each family and streamline eligibility determinations.

## **HMIS**

All CoC and ESG-funded Street Outreach programs are required to enter clients in the Homeless Management Information System (HMIS) at first contact per the ESG and CoC Interim Rule (24 CFR 576 and 578). This helps to ensure coordination between service providers through the Coordinated Entry System (CES) while avoiding duplication of services and client data, and provides an opportunity to document homelessness.

## **CES**

To help ensure homeless households receive immediate housing and minimize barriers to housing access, all individuals and families assessed through street outreach will be entered into through Pasadena's Coordinated Entry System (CES) through HMIS. CES is a CoC-wide process for facilitating access for all

resources designated for homeless individuals and families. This system ensures that every homeless individual or family is known by name, provides assistance based on the individual or family's unique needs, and matches them to the most appropriate service strategy or housing intervention. In doing so, CES ensures the Pasadena Partnership's limited resources are allocated to achieve the most effective results.

# [ Emergency Shelter Standards ]

ESG funds may be used for costs of providing essential services to homeless families and individuals in emergency shelters, renovating buildings to be used as emergency shelter for homeless families and individuals, and operating emergency shelters. An emergency shelter is any facility with the primary purpose of providing temporary shelter for the homeless in general or for a specific population of the homeless. Emergency shelters do not require occupants to sign leases or occupancy agreements.

Shelter stays should be avoided, if possible, and when not possible, limited to the shortest time necessary to help participants regain permanent housing. Households should only be referred to ESG-funded emergency shelters after exhausting all available options for diversion. Emergency shelter programs should be closely linked to Pasadena's Coordinated Entry System (CES) to ensure clients are referred to the most appropriate housing resources including, but not limited to, rapid re-housing and permanent supportive housing. Linkages should also be made to applicable mainstream resources.

## **ELIGIBLE PARTICIPANTS**

ESG-funded emergency shelter programs serve households that meet the definition of "homeless" as defined by HUD at 24 CFR 576.2. Households served by ESG-funded emergency shelters lack a fixed, regular, and adequate nighttime residence; cannot be served by other programs or resources; and have no other options for overnight shelter.

## **RECORDKEEPING REQUIREMENTS**

For shelters where program participants may stay only one night and must leave in the morning, documentation must be obtained each night. If program participants may stay more than one night, then documentation must be obtained on the first night the household stays in the shelter.

Subrecipients operating emergency shelters can document homeless status through a certification by the individual or head of household as the primary method of establishing homeless eligibility. One method of meeting this standard would be to require households to complete a sign-in sheet, with a statement at the top informing the individual or head of household that by signing, they certify that they are homeless (see Appendix E for Sample Emergency Shelter Sign-in Sheet).

Under no circumstances must the lack of third-party documentation 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.

## **HMIS**

All individuals and families seeking emergency shelter must be entered into HMIS. Only the uniform data elements are required, however, at entry.

## **CES**

ESG-funded emergency shelters are highly encouraged to assess clients using the VI-SPDAT for

appropriate permanent housing placement through the Coordinated Entry System (CES). If shelters cannot assess clients due to lack of shelter resources, shelters should refer clients to one of the CES assessment sites or a street outreach team and explain to clients the process of accessing housing programs.

### **PROHIBITION AGAINST INVOLUNTARY FAMILY SEPARATION**

Any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Further, any shelter receiving funds under the ESG Programs, including faith-based organizations, cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g. adults and children or just adults), the age of any member's family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity. Further, The age and gender of a child under age 18 must not be used as a basis for denying any family's admission to any shelter receiving Emergency Solutions Grant (ESG) funding.

### **SAFETY AND SECURITY**

Emergency Shelter programs must create policies and procedures that provide a safe environment for shelter guests and staff; policies and procedures may vary depending on the shelter population being served.

### **MINIMUM PERIOD OF USE**

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

### **MAINTENANCE OF EFFORT**

The maintenance of effort requirements under 24 CFR 576.101(c), which apply to the use of ESG funds for essential services related to street outreach, also apply for the use of such funds for essential services related to emergency shelter.

# [ Homelessness Prevention & Rapid Re-Housing Standards ]

Homelessness Prevention (HP) assistance includes housing relocation and stabilization services and/or short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the homeless definition in 24 CFR 576. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing.

Rapid Re-Housing (RRH) assistance includes housing relocation and stabilization services and short- and/or medium-term rental assistance to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing. All subrecipients are required to receive referrals through Pasadena's Coordinated Entry System (CES).

## ELIGIBLE PARTICIPANTS

### Homelessness Prevention

Individuals or families who meet the HUD criteria for the following definitions, are eligible for Homelessness Prevention assistance:

- **At risk of Homelessness**
- **Homeless Category 2:** Imminently at-risk of homelessness
- **Homeless Category 3:** Homeless under other federal statute
- **Homeless Category 4:** Feeling/attempting to flee DV (as long as the individual or family fleeing or attempting to flee DV are not also homeless. If the individual or family is literally homeless, they would qualify for RRH instead.

Additionally, individuals or families must have a total household income below 30 percent of the median family income for the area, as determined by HUD. Clients must provide documentation of household income, including documentation of unemployment or no income.

### Rapid Re-Housing

Individuals or families who meet the HUD criteria for the following definitions are eligible for Rapid Re-Housing assistance:

- **Homeless Category 1:** Literally homeless
- **Homeless Category 4:** Fleeing/attempting to flee DV (as long as the individual or family fleeing or attempting to flee DC is also literally homeless)

## CONTINUED ELIGIBILITY

At a minimum, subrecipients should re-evaluate program participant's eligibility and the types and

amounts of assistance the program participant needs not less than every three months for homelessness prevention participants and once annually for the rapid re-housing program participants. To continue to receive assistance, a program participant's re-evaluation must demonstrate eligibility based on:

- **Lack of Resources and Support Networks.** The program participant's household must continue to lack sufficient resources and support networks to retain housing without ESG program assistance as evidenced by the attached Intake and Assessment Forms (Appendix E).
- **Income.** In addition, both HP & RRH re-evaluation must demonstrate that the program participant household's annual income is less than or equal to 30 percent of the Area Median Income (AMI) as evidenced by the ESG Income Worksheet and relevant verification/declaration form (Appendix E).

Subrecipients may also require program participants to notify them regarding changes in their income or other circumstances that affect their need for assistance (e.g. changes in household composition, stability, or support). When notified of any change, subrecipients must re-evaluate eligibility and the amounts and types of assistance the participant needs.

## PRIORITIZATION

### Homeless Prevention

Homeless prevention programs should target households at greatest risk of homelessness and assist participants to increase household incomes during enrollment.

### Rapid Re-Housing

ESG rapid re-housing assistance targets and prioritizes homeless families who are most in need of this temporary assistance and are most likely to achieve and maintain stable housing, whether subsidized or unsubsidized, after the program concludes. Depending on need, families are connected to either short-term or medium-term rental assistance.

### Short-Term Rental Assistance

Short-term rental assistance (up to 3 months) programs target families with low to moderate barriers to securing and retaining permanent housing. These families require minimal service intervention and limited financial assistance to secure and stabilize in permanent housing.

### Medium-Term Rental Assistance

Medium-term rental assistance (4-24 months) is targeted towards families who experience moderate to high barriers to securing and retaining housing. These families have multiple barriers to housing that require longer periods of time to resolve and may require more intensive service interventions.

## CASE MANAGEMENT

Homelessness Prevention and Rapid Re-Housing program participants must meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability. Additional case management will be provided on a case-by-case basis based on demonstrated need. Case managers should help to develop a plan to assist the program participant in retaining permanent housing after the assistance ends, taking into account all relevant considerations, such as the program participant's

current or expected income and expenses, other public or private assistance for which the program participant will be eligible and likely to receive, and the relative affordability of available housing in the Pasadena area.

Case management assistance may not exceed 30 days during the period in which the program participant is seeking permanent housing and may not exceed 24 months during the period in which the program participant is living in permanent housing.

## **RENTAL ASSISTANCE**

Subrecipients may provide program participants with up to 24 months of tenant-based or project-based rental assistance during any 3-year period. Assistance may include any combination of short-term rental assistance (up to 3 months) and medium-term rental assistance (more than 3 months but less than 24 months). Applicants can return for rental assistance if they have received less than 24 months of rent during any 3-year period on a case-by-case basis as a result of extenuating circumstances (e.g. illness, death, divorce). In addition, program participants may receive funds for security deposits in an amount not to exceed two (2) months of rent.

Program participants receiving rental assistance may move to another unit or building and continue to receive rental assistance, as long as (s)he continues to meet the program requirements. Rental assistance cannot be provided to a program participant who is already receiving rental assistance, or living in a housing unit receiving rental assistance or operating assistance through other Federal, State, or local sources.

Program participants who have complied with all program requirements during their residence and who have been a victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believe they are imminently threatened by harm from further domestic violence, dating violence, 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), if they remain in the assisted unit, and are able to document the violence and basis for their belief, may retain the rental assistance and move to a different Continuum of Care geographic area if they move out of the assisted unit to protect their health and safety. See recordkeeping requirements to ensure proper documentation of imminent threat of harm.

### **Amount of Rental Assistance**

It is expected that the level of assistance will be based on the goal of providing only what is necessary for each household to achieve housing stability in the long-term. As such, Case Managers will determine the amount of rental assistance, which should not exceed the following guidelines:

- Subrecipients may provide up to 100% of the cost of rent to program participants
- The maximum share of rent a program participant may pay is 100%

### **Gradual Declining Subsidy**

Subrecipients will institute tapering or “stepped-down” rental assistance structure so families will be confident that they can assume full responsibility of the monthly contracted rent, monthly utility costs, and other essential household costs at the end of the rental assistance period. The maximum subsidy for this graduated rate will be as follows:

Participants can receive a maximum of 24 months rental assistance in a three-year period.

<b>MONTHS 1-3</b> <b>100%</b> of the contracted rent	<b>MONTHS 4-9</b> <b>75%</b> of the contracted rent	<b>MONTHS 10-24</b> <b>50%</b> of the contracted rent
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### **Maximum Participant Portion of Rent**

The key to rental assistance is ensuring long-term housing stability for the client, both for the duration of the program and upon exit. Thus, the purpose is to place participants into housing that will be sustainable in the long-term. As such, Pasadena ESG program participants may pay no more than 60% of their income towards rent. In addition, case managers are expected to work with clients to review family budgets and ensure families can maintain their housing upon completion of the program.

### **Fair Market Rent**

Household rent for participants receiving ESG-funded rental assistance must not exceed the Fair Market Rent established by HUD. Current FMR and guidelines for calculating rent are provided in Appendix E (Property Related Forms: Los Angeles County Fair Market Rent Guidelines).

FMR requirements do not apply when a program participant receives only financial assistance or services under HUD's Housing Stabilization and Relocation Services. This includes rental application fees, security deposits, an initial payment of "last month's rent," utility payments/deposits, and/or moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

### **Rent Reasonableness**

For participants receiving rental assistance, household rent must comply with HUD's standard of rent reasonableness meaning that the rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units. These rent restrictions are intended to help ensure that program participants can remain in their housing after their assistance ends. The Rent Reasonableness Checklist and Certification form in Appendix C (property related forms) may be used to ensure this guideline has been met.

As with FMR, rent reasonableness requirements do not apply when a program participant receives only financial assistance or services under HUD's ESG Housing Stabilization and Relocation Services.

### **Habitability Standards**

Housing for all ESG program participants receiving rental assistance must meet HUD minimum habitability standards for permanent housing. Subrecipients must document compliance with this standard by signing and completing a Habitability Standards Checklist before the participant signs the lease and before the subrecipient provides any ESG rental assistance or services specific to the unit (checklist provided in Appendix C: Property Related Forms). In addition, subrecipients must inspect all units at least annually to ensure that the units continue to meet habitability standards.

## **Lead-Based Paint Requirements**

All HUD-funded programs with housing programs occupied by program participants are required to incorporate lead-based paint remediation and disclosure requirements. Generally, these provisions require the recipient to screen for, disclose the existence of, and take reasonable precautions regarding the presence of lead-based paint in leased or assisted units constructed prior to 1978.

ESG-funded programs are required to incorporate 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. 4851-4846), and 24 CFR part 35, subparts A, B, H, J, K, M, and R in the unit. To assist with meeting this guideline, several worksheets and forms have been included in Appendix C (Property Related Forms).

## **Lease Agreement**

Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit. The program participant must be the tenant on a lease for a term of at least one year that is renewable and terminable only for cause. The lease must be renewable for terms that are a minimum of one month long.

## **Rental Assistance Agreement**

In addition to a lease between the program participant and the owner, the ESG interim rule also requires a rental assistance agreement between the subrecipient and the housing owner. The subrecipient may make rental assistance payments only to an owner with whom the subrecipient has entered into a rental assistance agreement. A Rental Assistance Agreement form has been provided for this purpose in Appendix C (Property Related Forms).

The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements of ESG assistance. In addition, the rental assistance agreement must provide that, during the term of the agreement, the owner gives the subrecipient a copy of any notice to the program participant to vacate the housing unit, or any complaint used under state or local law to commence an eviction against the program participant. Finally, the rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:

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

## **Rent Payments**

Program participants receiving rental assistance funds pay their portion of rent directly to the landlord. The difference between the total rent and the amount paid by the program participant is then paid by the subrecipient. Subrecipients can never cover the cost of the program participant's rent if the program participant fails to pay his or her portion of rent.

Subrecipients must make timely payments to each owner in accordance with the rental assistance agreement. All rent payments must go directly to a third-party (directly to landlord). Subrecipients are solely responsible for paying late payment penalties that are incurred with non-ESG funds.

## HOUSING RELOCATION AND STABILIZATION SERVICES

Case managers will assist each program participant, as needed, to obtain appropriate supportive services, including assistance in obtaining permanent housing, medical and mental health treatment, counseling, and other services essential for achieving independent living.

### Service Type, Amount and Duration

Grant funds may be used to pay for eligible supportive services that address the specific needs of program participants as outlined in Appendix A. HP & RRH participants may not receive supportive services for more than 24 months within any 3-year period.

### Use with Other Subsidies

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

## RECORDKEEPING REQUIREMENTS

Subrecipients must establish and follow written intake procedures to ensure compliance with HUD's definition of homelessness and recordkeeping requirements. Appendix E includes relevant intake and assessment forms to assist in the documentation process.

### Evidence of At-Risk of Homelessness Status

To ensure each of the three conditions for at-risk of homelessness status have been met (see Appendix C) and verified through the recordkeeping requirements detailed below, the Pasadena CoC has established a Certification of At-Risk of Homeless Status form. This form is intended to be used as a cover sheet for staff to certify at-risk homeless status and must be completed prior to program entry (see Appendix E or [www.pasadenapartnership.org](http://www.pasadenapartnership.org)).

The Pasadena CoC order of priority for establishing at-risk of homelessness status is:

- 1 Source Documents.** Notice of termination from employment, unemployment compensation statement, bank statement, health care bill showing arrears, utility bill showing arrears.
- 2 Third Party Documentation.** To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g. former employer, public administrator, relative) or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of "at risk of homelessness" or
- 3 Staff/Intake Worker Observation.** If source documents and third-party verification are unobtainable, a written statement by intake staff describing the efforts taken to obtain the required evidence (Observation of Homeless Status form, Appendix E).

### Evidence of Homeless Status

To ensure each of the conditions for homelessness status have been met (see Appendix E) and verified through the recordkeeping requirements detailed below, the Pasadena CoC has established a Certification

of Homeless Status form. This form is intended to be used as a cover sheet for staff to certify homeless status and must be completed prior to program entry (see Appendix E or [www.pasadenapartnership.org](http://www.pasadenapartnership.org)).

The Pasadena CoC order of priority for establishing homeless status is:

- 1 Third-party documentation.** Source documents provided by an outside source (Written Third Party Verification of Homeless Status form or Oral Third Party Verification of Homeless Status form); or 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.
- 2 Staff/Intake worker observations.** Documented by subrecipient staff (Observation of Homeless Status form, Appendix E)
- 3 Certification from the person seeking assistance.** Subrecipient staff must certify efforts made to obtain third party documentation before allowing applicant to self-certify (Self-Declaration of Homeless Status form, Appendix E)

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.

### **Individuals Residing in an Institution**

For individuals residing in an institution (including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility) for fewer than 90 days, acceptable evidence includes:

**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 that demonstrates the person resided there for less than 90 days. All oral statements must be recorded by the intake worker (Oral Third-Party Verification of Homeless Status form or Written Referral form, Appendix E); or

**Certification from the person seeking assistance.** Where the evidence above is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in the paragraph above and a certification by the individual seeking assistance that states that they are exiting or have just exited an institution where they resided for less than 90 days (Self-Declaration of Homeless Status form, Appendix E); and

**Evidence of literally homeless status prior to entry.** Evidence that the individual was homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter, and was chronically homeless prior to entry into the institutional care facility (as defined in paragraph (1) of 25 CFR 578.3) (acceptable documentation listed above).

### **Annual Income**

Annual income may be documented using the ESG Income Worksheet and relevant documentation forms (Appendix E). HP sub-recipients must demonstrate that the program participant household's annual income is less than or equal to 30 percent of the Area Median Income (AMI) at program entry. RRH participants must demonstrate at annual re-evaluation that the household's annual income is less than or equal to 30 percent of the Area Median Income (AMI).

The following represents the order of preference for providing documentation of income:

- 1 Source Documents.** 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).
- 2 Third Party Verification.** A written statement by the relevant third party (e.g. employer, government benefits administrator, see Appendix E, Written Third Party Verification of Income form) or the written certification by the 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 (see Appendix B, Third Party Verification of Income form).
- 3 Self-Certification.** If source documents and third-party verification are unobtainable, a 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 (see Appendix , Self-Declaration of Income form).

# [ Appendix A: Eligible Activities by ESG Component ]

## Street Outreach Component

### Engagement

Unsheltered persons are engaged for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs.

Eligible engagement activities include:

- Making an initial assessment of needs and eligibility using the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT)
- Providing crisis counseling
- Addressing urgent physical needs, such as providing meals, blankets, clothes or toiletries;
- Actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs, including emergency shelter, transitional housing, community-based services, permanent supportive housing, and rapid re-housing programs.

Eligible costs include the cell phone costs of outreach workers during the performance of these activities.

### Case Management

Case management includes assessing housing and service needs, arranging, coordinating and monitoring the delivery of individualized services to meet the needs of the program participant.

Eligible services and activities are as follows:

- Using the Pasadena Coordinated Entry System (CES)
- Conducting the initial VI-SPDAT
- Verifying and documenting program eligibility
- Counseling
- Developing, securing and coordinating services
- Obtaining Federal, State, and local benefits
- Monitoring and evaluating program participant progress
- Providing information and referrals to other providers
- Developing an individualized housing and service plan, including planning a path to permanent housing stability.

### Emergency Health Services

Emergency health services include direct outpatient treatment of medical conditions and are provided by licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living. ESG funds may be used only for these services to the extent that other appropriate health services are inaccessible or unavailable within the area.

Eligible treatment consists of:

- Assessing a program participant's health problems and developing a treatment plan
- Assisting program participants to understand their health needs
- Providing directly or assisting program participants to obtain appropriate emergency medical treatment
- Providing medication and follow-up services

### Emergency Mental Health Services

Emergency mental health services are direct outpatient treatment by licensed professionals of mental health conditions operating in community-based settings, including streets, parks, and other places where unsheltered people are living. Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances.

ESG funds may be used only for these services to the extent that other appropriate mental health services are inaccessible or unavailable within the community.

Eligible treatment consists of:

- Crisis interventions
- The prescription of psychotropic medications
- Explanation about the use and management of medications
- Combinations of therapeutic approaches to address multiple problems

### Transportation

Transportation includes travel by outreach workers, social workers, medical professionals, or other service providers are eligible, provided that this travel takes place during the provision of eligible Street Outreach activities. The costs of transporting unsheltered people to emergency shelters or other service families are also eligible.

Eligible transportation costs include:

- The cost of a program participant's travel on public transportation
- If service workers use their own vehicles, mileage allowance for service workers to visit program participants
- The cost of purchasing or leasing a vehicle for the recipient or subrecipient which staff transports

program participants and/or staff serving program participants, and the cost of gas, insurance, taxes, and maintenance for the vehicle

- The travel costs of recipient or subrecipient staff to accompany or assist program participants to use public transportation

### **Services for Special Populations**

Services for special populations include services for homeless youth, victim services, and services for people living with HIV/AIDS, so long as the costs of providing these services are one of the above eligible Street Outreach activities. The term victim services means services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

## **Emergency Shelter Component**

ESG funds may be used for costs of providing essential services to homeless families and individuals in emergency shelters, renovating buildings to be used as emergency shelter for homeless families and individuals, and operating emergency shelters.

### **Case Management**

Case management includes assessing housing and service needs, arranging, coordinating and monitoring the delivery of individualized services to meet the needs of the program participant.

Eligible services and activities are as follows:

- Using the Pasadena Coordinated Entry System (CES)
- Conducting the initial VI-SPDAT
- Verifying and documenting program eligibility
- Counseling
- Developing, securing and coordinating services
- Obtaining Federal, State, and local benefits
- Monitoring and evaluating program participant progress
- Providing information and referrals to other providers
- Developing an individualized housing and service plan, including planning a path to permanent housing stability

### Child Care

Child care includes the costs of providing meals and snacks and comprehensive and coordinated sets of appropriate developmental activities. Children must be under the age of 13, unless they are disabled. Disabled children must be under the age of 18. In addition, the child-care center must be licensed by the jurisdiction in which it operates in order for its costs to be eligible.

### Education Services

When necessary for the program participant to obtain and maintain housing, the costs of improving knowledge and basic educational skills are eligible. Services include instruction or training in consumer education, health education, substance abuse prevention, literacy, English as a Second Language, and General Educational Development (GED).

Component services or activities include:

- Screening
- Assessment and testing
- Individual or group instruction
- Tutoring
- The provision of books, supplies, and instructional material
- Counseling
- Referral to community resources

### Employment Assistance and Job Training

Employment assistance and job training includes:

Classroom, online, and/or computer instruction

On-the-job instruction

Services that assist individuals in securing employment including:

- Employment screening, assessment or testing
- Structured job skills and job-seeking skills
- Special training and tutoring, including literacy training and prevocational training
- Books and instructional material
- Counseling or job coaching
- Referral to community resources
- Acquiring learning skills that can be used to secure and retain a job, including the acquisition of vocational licenses and/or certificates
- Increasing earning potential.
- Reasonable stipends to program participants in employment assistance and job training

### Outpatient Health Services

Outpatient health services include the direct outpatient treatment of medical conditions that are provided by licensed medical professionals. ESG funds may be used only for these services to the extent that other appropriate health services are unavailable within the community.

Eligible treatment consists of:

- Assessing a program participant's health problems and developing a treatment plan
- Assisting program participants to understand their health needs
- Providing directly or assisting program participants to obtain appropriate medical treatment, preventative care, and health maintenance services, including emergency medical services
- Providing medication and follow-up services
- Providing preventative and non-cosmetic dental care

### Legal Services

Legal services include the hourly fees for legal advice and representation by attorneys licensed and in good standing with the bar association of the State in which the services are provided, and by person(s) under the supervision of the licensed attorney, regarding matters that interfere with the program participant's ability to obtain and retain housing. Emergency Solutions Grant (ESG) funds may be used only for these services to the extent that other appropriate legal services are unavailable or inaccessible within the community.

Eligible subject matters are:

Child support

- Guardianship
- Paternity
- Emancipation
- Legal separation
- Orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking,
- Appeal of veterans and public benefit claim denials
- The resolution of outstanding criminal warrants

Component services or activities may include:

- Client intake
- Preparation of cases for trial
- Provision of legal advice
- Representation at hearings
- Counseling

Fees based on the actual service performed (i.e., fee for service) are also eligible, but only if the cost would be less than the cost of hourly fees. Filing fees and other necessary court costs are also eligible. If the subrecipient is a legal services provider and performs the services itself, the eligible costs are the subrecipient's employees' salaries and other costs necessary to perform the services.

Legal services for immigration and citizenship matters and issues relating to mortgages are ineligible costs. Retainer fee arrangements and contingency fee arrangements are ineligible costs.

### **Life Skills Training**

Life skills training includes the costs of teaching critical life management skills that may never have been learned or have been lost during the course of physical or mental illness, domestic violence, substance use, and homelessness. These services must be necessary to assist the program participant to function independently in the community.

Component life skills training are:

- Budgeting resources
- Managing money
- Managing a household
- Resolving conflict
- Shopping for food and needed items
- Improving nutrition
- Using public transportation
- Parenting

### **Mental Health Services**

Mental health services include the direct outpatient treatment by licensed professionals of mental health conditions. ESG funds may only be used for these services to the extent that other appropriate mental health services are unavailable or inaccessible within the community. Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances. Problem areas may include family and marital relationships, parent-child problems, or symptom management.

Eligible treatment consists of:

- Crisis interventions
- Individual, family, or group therapy sessions
- The prescription of psychotropic medications or explanations about the use and management of medications
- Combinations of therapeutic approaches to address multiple problems.

### Substance Abuse Treatment

Substance abuse treatment services are designed to prevent, reduce, eliminate, or deter relapse of substance abuse or addictive behaviors and are provided by licensed or certified professionals. ESG funds may only be used for these services to the extent that other appropriate substance abuse treatment services are unavailable or inaccessible within the community.

Eligible treatment consists of:

- Client intake and assessment
- Outpatient treatment for up to 30 days.

Group and individual counseling and drug testing are eligible costs. Inpatient detoxification and other inpatient drug or alcohol treatment are not eligible costs.

### Transportation

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

- The cost of a program participant's travel on public transportation
- If service workers use their own vehicles, mileage allowance for service workers to visit program participants
- The cost of purchasing or leasing a vehicle for the recipient or subrecipient in which staff transports program participants and/or staff serving program participants, and the cost of gas, insurance, taxes, and maintenance for the vehicle
- The travel costs of recipient or subrecipient staff to accompany or assist program participants to use public transportation.

### Services for Special Populations

ESG funds may be used to provide services for homeless youth, victim services, and services for people living with HIV/AIDS, so long as the costs of providing these services are one of the eligible Emergency Shelter essential services listed above. The term victim services means services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

### Shelter Operations

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

### Homelessness Prevention Component

Homelessness Prevention (HP) assistance includes housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the “homeless definition in 24 CFR 576. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant’s current permanent housing or move into other permanent housing and achieve stability in that housing.

### Rapid Re-Housing Assistance Component

Rapid re-housing assistance includes housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing.

### Housing Relocation and Stabilization Services – Financial Assistance Costs

Subject to the general conditions under the Homelessness Prevention Component (24 CFR 576.103) and the Rapid Re-Housing Assistance Component (24 CFR 576.104), ESG funds may be used to pay housing owners, utility companies, and other third parties for the following costs:

#### Rental Application Fees

ESG funds may pay for the rental housing application fee that is charged by the owner to all applicants.

#### Security Deposits

ESG funds may pay for a security deposit that is equal to no more than 2 months’ rent.

#### Last Month’s Rent

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

### Utility Deposits

ESG funds may pay for a standard utility deposit required by the utility company for all customers for the utilities listed below (under utility payments)

### Utility Payments

ESG funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. A partial payment of a utility bill counts as one month. This assistance may only be provided if the program participant or a member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water, and sewage. No program participant shall receive more than 24 months of utility assistance within any 3-year period.

### Moving Costs

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

## Housing Relocation and Stabilization Services – Stabilization Services

### Housing Search & Placement Services

Assist participants in locating, obtaining, and retaining suitable permanent housing, including:

- Housing search
- Tenant counseling
- Understanding leases
- Arranging for utilities
- Making moving arrangements
- Assessment of housing barriers, needs and preferences
- Development of an action plan for locating housing
- Outreach to and negotiation with owners
- Assessment of housing for compliance with ESG requirements for habitability, lead-based paint, and rent reasonableness
- Assistance with submitting rental applications

### Housing Stability Case Management

Assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing by, for example:

- Conducting the initial VI-SPDAT or F-VI-SPDAT assessment, including verifying and documenting eligibility
- Using the Coordinated Entry System (CES)
- Counseling
- Developing, securing, and coordinating services
- Obtaining Federal, State, and local benefits
- Monitoring and evaluating program participant progress
- Providing information and referrals to other providers
- Developing an individualized housing and service plan, including planning a path to permanent housing stability
- Conducting re-evaluations

### Mediation

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

### Legal Services

Costs of resolving a legal problem that prohibits a program participant from obtaining or retaining permanent housing. Legal services or activities include client intake, preparation of cases for trial, provision of legal advice, representation at hearings, and counseling. Filing fees and other necessary court costs are also eligible. Legal services are subject to the following provisions:

**Eligible Billing Arrangements.** ESG funds may be used only for legal advice from and representation by licensed attorneys and by person(s) under the supervision of licensed attorneys.

Costs may be based on:

- Hourly fees
- Fees based on the actual service performed (i.e. fee for service) but only if the cost would be less than the cost of hourly fees

**Ineligible Billing Arrangements.** Funds must not be used for legal advice and representation purchased through retainer fee arrangements or contingency fee arrangements.

**Eligible Subject Matters.** Landlord/tenant matters; child support; guardianship; paternity; emancipation; legal separation; orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking; appeal of veterans and public benefit claim

denials; resolution of outstanding criminal warrants

**Ineligible Subject Matters.** Legal services related to immigration and citizenship matters or related to mortgages.

### Credit Repair

Credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems.

## Short-Term and Medium-Term Rental Assistance

Subject to the general conditions under 24 CFR 576.103 and 24 CFR 576.104, the recipient or subrecipient may provide a program participant with up to 24 months of rental assistance during any 3-year period. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this assistance. Rental assistance may be tenant-based or project-based.

### Short-Term Rental Assistance

Short-term rental assistance is assistance for up to 3 months of rent.

### Medium-Term Rental Assistance

Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.

### Rental Arrears

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.

## HMIS Component

The HMIS component includes the costs of contributing data to the LA/OC HMIS. Activities funded under the HMIS component must comply with HUD's standards on participation, data collection, and reporting under a local HMIS.

Eligible costs include:

- Purchasing or leasing hardware
- Purchasing software or software licenses

- Purchasing or leasing equipment, including telephones, fax machines, and furniture
- Obtaining technical support
- Leasing office space
- Paying charges for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS
- Paying salaries for operating HMIS, including:
  - Completing data entry
  - Monitoring and reviewing data quality
  - Completing data analysis
  - Reporting to the HMIS Lead
  - Training staff on using the HMIS or comparable database; and
  - Implementing and complying with HMIS requirements
- Paying costs of staff to travel to and attend HUD-sponsored and HUD-approved training on HMIS and programs authorized by Title IV of the McKinney-Vento Homeless Assistance Act
- Paying staff travel costs to conduct intake
- Paying participation fees charged by the HMIS Lead, if the recipient or subrecipient is not the HMIS Lead. The HMIS Lead is the entity designated by the Continuum of Care to operate the area's HMIS

If the recipient is the HMIS lead agency, it may also use ESG funds to pay the costs of:

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

If the subrecipient is a victim services provider or a legal services provider, it may use ESG funds to establish and operate a comparable database that collects client-level data over time (i.e., longitudinal data) and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into or provided to an HMIS.

## Administrative Activities

Recipients may use up to 7.5 percent of its ESG grant for the payment of administrative costs related to the planning and execution of ESG activities. As the recipient, the City of Pasadena may share its funds for administrative costs with its subrecipients.

Administrative activities do not include staff and overhead costs directly related to carrying out activities eligible under 576.101 through 576.107, because those costs are eligible as part of those activities. Below are the eligible administrative costs.

### General Management, Oversight and Coordination

The costs of overall program management, coordination, monitoring, and evaluation are eligible administrative activities. These costs include, but are not limited to, necessary expenditures for the following:

### Salaries, Wages, and Related Costs

Salaries, wages, and related costs of the recipient's staff, the staff of subrecipients, or other staff engaged in program administration. In charging costs to this category, the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose primary responsibilities with regard to the program involve program administration assignment, or the pro rata share of the salary, wages, and related costs of each person whose job includes any program administration assignments. The recipient may use only one of these methods for each fiscal year grant. Program administration assignments include the following:

- Preparing program budgets and schedules, and amendments to those budgets and schedules
- Developing systems for assuring compliance with program requirements
- Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities
- Monitoring program activities for progress and compliance with program requirements
- Preparing reports and other documents directly related to the program for submission to HUD
- Coordinating the resolution of audit and monitoring findings
- Evaluating program results against stated objectives
- Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described above

Also eligible are travel costs incurred for monitoring of subrecipients as well as administrative services performed under third-party contracts or agreements (including general legal services, accounting services, and audit services) and other costs for goods and services required for administration of the program (including rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space).

### **Training on ESG Requirements**

Eligible costs include those of providing training on ESG requirements and attending HUD-sponsored ESG trainings.

### **Consolidated Plan**

Eligible costs include those of preparing and amending the ESG and homelessness-related sections of the consolidated plan in accordance with ESG requirements and 24 CFR Part 91.

### **Environmental Review**

Eligible costs include those of carrying out the environmental review responsibilities under 24 CFR 576.407.

## [ Appendix B: HUD Definition for Homeless ]

### Category 1: Literally Homeless

Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- Has a primary nighttime residence that is a public or private place not meant for human habitation; or
- Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or
- Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

### Category 2: Imminent Risk of Homelessness

Individual or family who will imminently lose their primary nighttime residence, provided that:

- Residence will be lost within 14 days of the date of application for homeless assistance
- No subsequent residence has been identified; and
- The individual or family lacks the resources or support networks needed to obtain other permanent housing

### Category 3: Homeless Under other Federal Statutes

Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- Are defined as homeless under the other listed federal statutes;
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application
- Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and
- Can be expected to continue in such status for an extended period of time due to special needs or barriers

### Category 4: Fleeing/Attempting to Flee DV

Any individual or family who:

- Is fleeing, or attempting to flee, domestic violence;
- Has no other residence; and
- Lacks the resources or support networks to obtain other permanent housing

# [ Appendix C: HUD Definition for At Risk of Homelessness ]

## Category 1: Individuals and Families

An individual or family who:

- 1 Has an annual income below 30% of the median family income for the area; and
- 2 Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; and
- 3 Meets one or more of the following risk factors:
  - Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance; or
  - Is living in the home of another because of economic hardship; or
  - Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; or
  - Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; or
  - Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; or
  - Is exiting a publicly funded institution or system of care; or
  - Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in Pasadena’s approved Con Plan

## Category 2: Unaccompanied Children and Youth

A child or youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under another Federal Statute.

## Category 3: Families with Children and Youth

An unaccompanied youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) or that child or youth if living with him or her.

## [ Appendix D: HMIS Forms ]

## GREATER LOS ANGELES & ORANGE COUNTY HOMELESS MANAGEMENT INFORMATION SYSTEM (LA/OC HMIS)

### PARTICIPATING ORGANIZATION AGREEMENT

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#### I. Purpose

The HMIS is a HUD-mandated information technology system that is designed to capture client-level information over time, on the characteristics and service needs of homeless persons. Client data is maintained on a central server, which will contain all client information in an encrypted state. HMIS integrates data from all homeless service providers and organizations in the community and captures basic descriptive information on every person served. Participation in LA/OC HMIS allows organizations to share information with other participating organizations to create a more coordinated and effective delivery system.

The LA/OC HMIS is the secured electronic database for the Greater Los Angeles and Orange Counties and is a valuable resource for local communities. The LA/OC HMIS Collaborative consists of four separate Continuums of Care (CoC). The continuums are: Los Angeles City and County; Santa Ana/Anaheim/Orange County; Glendale; and Pasadena.

The LA/OC HMIS Collaborative's goal is to provide a comprehensive case management system to advance the provision of quality services for homeless persons, improve data collection, and promote more responsive policies to end homelessness in the Greater Los Angeles and Orange Counties.

#### II. Agreement and Understanding

This Agreement authorizes this Participating Organization (Organization) to designate HMIS Users (User). A User is a staff person entrusted to enter Protected Personal Information (PPI) into the LA/OC HMIS, on behalf of this Organization. In order to allow a User to access the LA/OC HMIS, a User Agreement must be signed by the User, the HMIS Administrator, and this Organization's Authorized Representative.

#### III. Confidentiality and Informed Consent

**Confidentiality:** This Organization must require all Users to abide by its organization's policies and procedures; uphold all privacy protection standards established by the LA/OC HMIS Collaborative Policies and Procedures; and comply with all relevant federal and State of California confidentiality laws and regulations that protect client records. Except where otherwise provided for by law, this Organization shall ensure that confidential client records are released with the client's written consent.

**Written Consent:** To obtain written consent, prior to each client's assessment, each client must be informed that the client's information will be entered into an electronic database called HMIS. The terms of the *Consent to Share Protected Personal Information* form must also be explained to each client. Clients who agree to have their PPI entered into the LA/OC HMIS must sign the *Consent to Share Protected Personal Information* form.

**Verbal Consent:** Verbal consent to enter PPI into the LA/OC HMIS may be obtained during circumstances such as phone screenings, street outreach, or community access center sign-ins. Each client must be informed that his or her information will be entered into the HMIS database. The terms of the *Consent to Share Protected Personal Information* form must also be explained to each client. The client's written consent must be obtained once the client appears for his or her initial assessment.

#### IV. Client's Rights

The client has a right to receive a copy of this notice at the time of request.

Each client has the right to receive the following, no later than five (5) business days of a written request:

Version 1.5

Page 1 of 3

Modified 10/21/2015

- A correction of inaccurate or incomplete PPI
- A copy of his or her consent form
- A copy of his or her HMIS records
- A current list of participating organizations that have access to HMIS data

#### V. Data Use

This Organization must protect HMIS data by ensuring that:

- A link to the Privacy Notice is accessed from the Organization's website.
- LA/OC HMIS is not accessible to unauthorized users
- LA/OC HMIS is only accessed by computers approved by the Organization
- HMIS Users are trained regarding user responsibilities and conduct
- HMIS Users sign and comply with the *LA/OC HMIS User Agreement*
- HMIS Users forward a copy of a client's *Revocation of Consent* to the HMIS Administrator within 24 hours of receipt.

#### VI. Responsibilities

This Organization is responsible to ensure that:

- The *Notice Regarding Collection of Personal Information* is posted at each intake desk or comparable location.
- HMIS Users do not misuse the system
- Clients are notified if a breach of their PPI is discovered
- Any HMIS User who finds a possible security lapse on the system is obligated to immediately report it to the HMIS System Administrator.
- A signed copy of the *Consent to Share Protected Personal Information* is retained for a period of seven (7) years after the PPI was created or last changed.

#### VII. System Use

Computer equipment and services provided by a CoC are intended only for LA/OC HMIS-related activities. Prohibited uses include, but are not limited to: malicious or illegal activities; unauthorized access; the creation, sending and/or storing of fraudulent, threatening, harassing, or obscene messages; inappropriate mass mailing (spamming, flooding, bombing); denial of service attacks; and the creation or intentional distribution of computer viruses, worms, and/or Trojan horses.

**Equipment, if applicable:** All CoC-provided computer equipment including, but not limited to, printers, scanners, laptops and monitors, were provided through grant funds from HUD. The maintenance and upgrades of these devices are subject to the requirements and funding limitations of the HUD grant. Maintenance and/or upgrade costs to equipment, incurred after the HUD grant funds have been exhausted, become the sole responsibility of this Organization.

**Software, Licenses, and/or Services, if applicable:** CoC-provided services to each organization may include, but are not limited to, purchasing and installing Anti-Virus Software and licenses, Firewall software and licenses, Windows software updates and High-Speed Internet Connections. The software and/or services are provided for HMIS purposes through HUD grant funds. The maintenance, upgrades and license purchases are subject to the requirements and funding limitations of the HUD grant. Additional maintenance, upgrades and license purchases, incurred after the grant funds have been exhausted, become the sole responsibility of this Organization.

#### VIII. Rights and Privileges

LA/OC HMIS data is stored in one central database and is owned by the LA/OC HMIS Collaborative. The LA/OC HMIS Collaborative reserves all rights to the HMIS data. Use of the LA/OC HMIS equipment, software, licenses, and/or services is a privilege and is assigned and managed by each HMIS Administrator.

**IX . Copyright**

The LA/OC HMIS and other CoC-provided software are protected by copyright and are not to be copied, except as permitted by law or by contract with the owner of the copyright. The number and distribution of copies of any CoC-provided software are at the sole discretion of the HMIS Administrator.

**X. Violations**

Any violations or suspected violations of any of the terms and conditions of this agreement, the HMIS User Agreement, and/or the HMIS Policies and Procedures, must be immediately and confidentially reported to the HMIS Administrator and the Executive Director or other authorized representative of this Organization.

**XI. Term**

This Participating Organization Agreement becomes effective on the date of final execution and shall remain in effect unless terminated pursuant to paragraph XI. Termination, below.

**XII. Amendment and Termination**

- The LA/OC CoC reserves the right to amend this agreement by providing a 3-day notice to this Organization.
- Either party has the right to terminate this agreement, with or without cause, by providing a 3-day written notice to the other party.
- If this agreement is terminated, this Organization shall no longer have access to HMIS or any information therein. The remaining LA/OC HMIS participating organizations shall retain the right to use all client data previously entered by this Organization, subject to any restrictions requested by the client.

All organizations that sign this agreement and are granted access to the LA/OC HMIS agree to abide by LA/OC’s HMIS Collaborative Policies and Procedures. The signature of the Executive Director or other authorized representative of this Organization indicates acceptance of all terms and conditions set forth in this agreement.

This Agreement is executed between the CoC and the Participating Organization. Upon final execution, this Organization will be given access to the LA/OC HMIS.

\_\_\_\_\_  
Organization Name

\_\_\_\_\_  
CoC Name

\_\_\_\_\_  
Organization Administrator/Authorized Representative  
(Print Name)

\_\_\_\_\_  
HMIS Administrator Name (Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature

**GREATER LOS ANGELES & ORANGE COUNTY  
HOMELESS MANAGEMENT INFORMATION SYSTEM  
(LA /OC HMIS)**

**PRIVACY NOTICE**

This agency collects information about people who ask about our homeless services. When we meet with you, we will ask you for information about you and your family. We will put the information you give us into a computer program called the Los Angeles/Orange County Homeless Management Information System (or LA/OC HMIS).

We collect personal information directly from you for reasons that are discussed in our Privacy Policy Statement. We may be required to collect some personal information by law or by organizations that give us money to operate this program. Other personal information that we collect is important to run our programs, to improve services for homeless persons, and to better understand the needs of homeless persons. We only collect information that we consider to be appropriate.

In order to coordinate services, we share your information with other organizations that use the LA/OC HMIS system. These organizations are required to have privacy policies in place in order to protect your personal information. You can refuse to answer any question at any time. You will never be denied help because you didn't answer a question, unless we need that answer to know if you are eligible for a service.

The collection and use of all personal information is guided by strict standards of confidentiality as outlined in our Privacy Policy Statement. A copy of our agency's Privacy Policy Statement is available upon request for your review.

**Last updated: 9/20/16**

# HMIS PRIVACY POLICY

[ Greater Los Angeles & Orange County  
Homeless Management Information System  
(LA/OC HMIS) ]

This privacy notice explains under what circumstances we may share and disclose your information from the LA/OC HMIS. This notice also explains your rights regarding your confidential information. Please read it carefully.

Pasadena Partnership to End Homelessness

## [ HMIS Privacy Policy ]

This agency collects and shares information about individuals who access our services. The information is confidentially stored in a local electronic database called the Greater Los Angeles/Orange County Homeless Management Information System (LA/OC HMIS). The LA/OC HMIS securely records information (data) about persons accessing housing and homeless services within the Los Angeles and Orange Counties.

We ask for your permission to share confidential personal information that we collect about you and your family. This confidential information is referred to as Protected Personal Information (PPI). We are required to protect the privacy of your PPI by complying with the privacy practices described in this Privacy Notice.

### **WHY WE COLLECT AND SHARE INFORMATION**

The information we collect and share in the HMIS helps us to efficiently coordinate the most effective services for you and your family. It allows us to complete one universal intake per person; better understand homelessness in your community; and assess the types of resources needed in your local area.

By collecting your information for HMIS, we are able to generate statistical reports requested by the Department of Housing and Urban Development (HUD).

### **The Type of Information we Collect and Share in the HMIS**

We collect and share both PPI and general information obtained during your intake and assessment, which may include but is not limited to:

- Name and contact information
- Social security number
- Birthdate
- Demographic information such as gender and race/ethnicity
- History of homelessness and housing (including current housing status and where and when services have been accessed)
- Self-reported medical history including any mental health and substance abuse issues
- Case notes and services
- Case manager's contact information
- Income sources and amounts; and non-cash benefits
- Veteran status
- Disability status
- Household composition

- Emergency contact information
- Domestic violence history
- Photo (optional)

## **HOW YOUR PERSONAL INFORMATION IS PROTECTED IN THE HMIS**

Your information is protected by passwords and encryption technology. Each HMIS user and participating organization must sign an agreement to maintain the security and privacy of your information. Each HMIS user or participating organization that violates the agreement may have access rights terminated and may be subject to further penalties.

### **How PPI May Be Shared and Disclosed**

Unless restricted by other laws, the information we collect can be shared and disclosed under the following circumstances:

- To provide or coordinate services
- For payment or reimbursement of services for the participating organization
- For administrative purposes, including but not limited to HMIS Administrator(s) and developer(s), and for legal, audit personnel, and oversight and management functions
- For creating de-identified PPI
- When required by law or for law enforcement purposes
- To prevent a serious threat to health or safety
- As authorized by law, for victims of abuse, neglect, or domestic violence
- For academic research purposes
- Other uses and disclosures of your PPI can be made with your written consent

## **PROVIDING YOUR CONSENT FOR SHARING PPI IN THE HMIS**

If you choose to share your PPI in the LA/OC HMIS, we must have your written consent. Exception: In a situation where we are gathering PPI from you during a phone screening, street outreach, or community access center sign-in, your verbal consent can be used to share your information in HMIS. If we obtain your verbal consent, you will be requested to provide written consent during your initial assessment. If you do not appear for your initial assessment, your information will remain in HMIS until you revoke your consent in writing.

You have the right to receive services even if you do not consent to share your PPI in the LA/OC HMIS.

### **How to Revoke Your Consent for Sharing Information in the HMIS**

You may revoke your consent at any time. Your revocation must be provided either in writing or by completing the Revocation of Consent form. Upon receipt of your revocation, we will remove your PPI from the shared HMIS database and prevent further PPI from being added. The PPI that you previously authorized to be shared cannot be entirely removed from the HMIS database and will remain accessible to the limited number of organization(s) that provided you with direct services.

## **YOUR RIGHTS TO YOUR INFORMATION IN THE HMIS**

You have the right to receive the following, no later than five (5) business days of your written request:

- A correction of inaccurate or incomplete PPI
- A copy of your consent form
- A copy of the LA/OC HMIS Privacy Notice
- A copy of your HMIS records
- A current list of participating organizations that have access to your HMIS data

You can exercise these rights by making a written request to this organization.

## **YOUR PRIVACY RIGHTS REGARDING YOUR INFORMATION IN THE HMIS**

If you believe your privacy rights have been violated, you may send a written grievance to this organization. You will not be retaliated against for filing a grievance. If your grievance is not resolved to your satisfaction, you may send a written grievance appeal to your CoC Lead.

## **AMENDMENTS TO THIS PRIVACY NOTICE**

The policies in this notice may be amended at any time. These amendments may affect information obtained by this organization before the date of the change. Amendments regarding use or disclosure of PPI will apply to information (data) previously entered in HMIS, unless otherwise stated. All amendments to this privacy notice must be consistent with the requirements of the federal HMIS privacy standards. This organization must keep permanent documentation of all privacy notice amendments.

## GREATER LOS ANGELES & ORANGE COUNTY HOMELESS MANAGEMENT INFORMATION SYSTEM (LA/OC HMIS) USER AGREEMENT

---

### I. Purpose

The LA/OC HMIS is the secured electronic database for the Greater Los Angeles and Orange Counties and is a valuable resource for local communities. The LA/OC HMIS Collaborative consists of four separate Continuums of Care (CoC). The continuums are: Los Angeles City and County; Santa Ana/Anaheim/Orange County; Glendale; and Pasadena.

The LA/OC HMIS Collaborative's goal is to provide a comprehensive case management system to advance the provision of quality services for homeless persons, improve data collection, and promote more responsive policies to end homelessness in the Greater Los Angeles and Orange Counties.

### II. Agreement and Understanding

This Agreement authorizes you, an HMIS User (User), to enter Protected Personal Information (PPI) into the LA/OC HMIS, as authorized by your organization and the CoC HMIS Administrator. You must complete the necessary training(s) prior to receiving a unique HMIS User Identification (User ID) and password.

### II. Client Confidentiality and Informed Consent

**Confidentiality:** This User must abide by its organization's policies and procedures; uphold all privacy protection standards established by the LA/OC HMIS Collaborative Policies and Procedures; and comply with all relevant federal and State of California confidentiality laws and regulations that protect client records.

**Written Consent:** To obtain written consent, prior to each client's assessment, Users must inform each client that the client's information will be entered into an electronic database called HMIS. Users must also explain the terms of the *Consent to Share Protected Personal Information* form. Each client who agrees to have his or her PPI entered into the LA/OC HMIS must sign the *Consent to Share Protected Personal Information* form.

**Verbal Consent:** Verbal consent to enter PPI into the LA/OC HMIS may be obtained during circumstances such as phone screenings, street outreach, or community access center sign-ins. Users must inform each client that the client's information will be entered into the HMIS database. Users must also explain the terms of the *Consent to Share Protected Personal Information* form. The client's written consent must be obtained once the client appears for his or her initial assessment.

### III. Client Rights

- A client may not be denied services for failure to provide consent for LA/OC HMIS data collection.
- A client has the right to inspect, copy, and request changes in their LA/OC HMIS records.
- A client's consent may be revoked by that client at any time through a written notice or by completing the Revocation of Consent form.
- A copy of the Privacy Notice must be provided at the time the client requests.
- Each client has the right to receive the following, no later than five (5) business days of a written request:
  - A correction of inaccurate or incomplete PPI
  - A copy of his or her consent form;
  - A copy of his or her HMIS records; and

- A current list of participating organizations that have access to HMIS data.

**IV. User Responsibilities and Conduct**

I understand and agree that:

- I have an ethical and a legal obligation to ensure that the data I collect and enter into HMIS is accurate and does not misrepresent the client’s information.
- I will not reveal or release PPI to unauthorized organizations, individuals or entities.
- I will use the data within the HMIS only for the purposes of homeless service delivery.
- I am not permitted to access the HMIS from any computer that has not been designated or approved by my organization.
- I will never use the HMIS to perform an illegal or malicious act.
- I will not attempt to increase the level of access to which I am authorized, or attempt to deprive other HMIS Users of access to the HMIS.
- My HMIS User ID and password shall be kept secure and will not be shared.
- I will refrain from leaving my computer unattended while logged into the system.
- I will protect and store client information printed from HMIS in a secure location.
- I will dispose of PPI printed from HMIS, when it is no longer needed, in a manner that maintains client confidentiality.
- If I suspect or encounter a security breach, I will immediately notify my organization’s HMIS administrator.
- If my relationship with my organization changes or terminates, any client information that I entered into or obtained from the HMIS must remain confidential.
- Discriminatory comments based on race, color, religion, national origin, ancestry, handicap, age, sex and sexual orientation are not permitted in the HMIS. Profanity and offensive language are also not permitted in the HMIS.
- PPI that is transmitted electronically must be password protected to maintain confidentiality.
- I will comply with my organization’s policies and procedures and the LA/OC HMIS Collaborative Policies and Procedures in my use of HMIS. Please contact your HMIS Administrator for the Policies and Procedures.
- Any violation of this User Agreement is grounds for immediate suspension or revocation of my access to the HMIS.

My signature below confirms my agreement to comply with all the provisions of this Greater Los Angeles and Orange County HMIS User Agreement.

\_\_\_\_\_  
Organization Name

\_\_\_\_\_  
Organization Administrator/Authorized Representative  
(Print Name)

\_\_\_\_\_  
User First and Last Name (Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature

**DO NOT WRITE IN THIS SECTION. (FOR HMIS ADMINISTRATOR STAFF ONLY.)**

HMIS Staff Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Date of Training: \_\_\_\_\_ Trainer: \_\_\_\_\_  
 HMIS User ID: \_\_\_\_\_ Date User ID Issued: \_\_\_\_\_

# [ Appendix E: Intake & Assessment Forms ]

Date: \_\_\_ / \_\_\_ / \_\_\_

Page \_\_\_ of \_\_\_

# Pasadena Bad Weather Shelter

2015/16

By signing this document, you are certifying that you are currently homeless.

	File #	New/Ret	Gender	Print Name	Signature
1		N R	M F		
2		N R	M F		
3		N R	M F		
4		N R	M F		
5		N R	M F		
6		N R	M F		
7		N R	M F		
8		N R	M F		
9		N R	M F		
10		N R	M F		
11		N R	M F		
12		N R	M F		
13		N R	M F		
14		N R	M F		
15		N R	M F		
16		N R	M F		
17		N R	M F		
18		N R	M F		
19		N R	M F		
20		N R	M F		
21		N R	M F		
22		N R	M F		
23		N R	M F		
24		N R	M F		
25		N R	M F		
26		N R	M F		
27		N R	M F		
28		N R	M F		

Intake Staff: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Page \_\_\_ of \_\_\_

## Homelessness Prevention Eligibility Evaluation Form (At-Risk of Homelessness Status)

This checklist may be used to evaluate ESG Homeless Prevention program eligibility for persons who meet HUD's At-Risk of Homelessness definition and have income at or below 30% AML. Please complete all 3 sections and attach evidence demonstrating household eligibility.

**Applicant Name:**

### SECTION 1: AT-RISK OF HOMELESSNESS CERTIFICATION (complete one category)

#### Category 1: Individuals and Families

Must meet one (1) of the following risk factors and lack sufficient resources or support networks to prevent homelessness

##### Risk 1: Persistent Housing Instability

Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance

##### Documentation of Risk 1:

Housing history (may include HIMS records, referral from housing/service provider, letter from tenant/owner, or Written Third Party Certification); and

Documentation of economic reasons (may include notice of termination, healthcare bills indicating arrears, utility bills indicating arrears, etc.)

##### Risk 2: Living in the home of another person

Is living in the home of another because of economic hardship

##### Documentation of Risk 2:

Housing history (may include letter from tenant/owner or Written Third Party Certification); and

Documentation of economic reasons (may include notice of termination, healthcare bills indicating arrears, utility bills indicating arrears, etc.)

##### Risk 3: Housing Loss Within 21 Days

Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance

##### Documentation of Risk 3:

If tenant/homeowner: eviction notice, court order to leave within 21 days; or

If living with another (doubled up): eviction letter from tenant/homeowner

##### Risk 4: Living in Hotel or Motel

Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals

##### Documentation of Risk 4:

Letter from hotel/motel manager, Written Third Party Certification, or Intake Observation Form

Documentation that costs were not covered by charitable organization or government program

##### Risk 5: Living in Severely Over-Crowded Housing as Defined by the US Census Bureau

Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than 1½ persons per room

##### Documentation of Risk 5:

Lease, details from Tax Assessor's Office, Written Third Party Certification, or Intake Observation Form indicating the number of rooms in the unit and number of individuals living in the unit

##### Risk 6: Exiting Institution

Is exiting a publicly funded institution or system of care (such as a healthcare facility, mental health facility, foster care or other youth facility, or correction program)

##### Documentation of Risk 6:

Discharge paperwork, Written Third Party Certification, or referral letter from institution

##### Risk 7: Living in Housing Otherwise Associated with Instability

Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness as identified in Pasadena's approved Con Plan

##### Documentation of Risk 7:

Self-certification or other written documentation (including Written Third Party Certification) describing the circumstances and that the individual or family lacks the financial resources and support networks to obtain other permanent housing

#### Category 2: Unaccompanied Children and Youth

Individuals or families who fall under the HUD Category 2 definition of at-risk of homelessness are children or youth who do not qualify as homeless under the homeless definition, but qualify as homeless under another Federal statute

Unaccompanied child or youth is defined as homeless under the other listed federal statutes

##### Evidence

Verification of Homeless Status must be provided by agency administering Federal Program:

Written Third Party Certification of Homeless Status Form

#### Category 3: Families with Children and Youth

Individuals or families who fall under the HUD Category 3 definition of at-risk of homelessness are unaccompanied youth who do not qualify as homeless under the federal definition, but qualify as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) of that child or youth if living with him or her.

Family with child or youth qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act

##### Evidence

Verification of Homeless Status must be provided by agency administering Federal Program and must include:

Written Third Party Certification of At-Risk of Homeless Status Form; and

Confirmation that the family/guardian is residing with children/youth

**SECTION 2: INCOME CERTIFICATION**

The individual or family has an income below 30 percent of the Los Angeles County median family income

**Evidence**

ESG Income Worksheet and relevant documentation forms

**SECTION 3: STAFF CERTIFICATION**

By signing below, I certify that to the best of my knowledge, the program participant named above:

- Meets all of the requirements to receive homelessness prevention assistance (meets HUD definition of At-Risk of Homelessness AND has an income at or below 30% AMI.
- DOES NOT meet the requirements to receive homelessness prevention assistance

I further certify all of the following: (1) to the best of my knowledge and ability, all of the information used in making this eligibility determination is true and complete. (2) I am not related to the program participant through family, business or other personal ties. (3) To the best of my knowledge, neither I nor anyone related to me has received or will receive any financial benefit for this eligibility determination. (4) I understand that fraud is investigated by the Department of Housing and Urban Development, Office of Inspector General, and may be punished under Federal laws. (5) I understand that if any of these certifications is found to be false, I will be subject to criminal, civil and administrative penalties and sanctions.

**Staff Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Homelessness Prevention Eligibility Evaluation Form (Homeless Status)

This checklist may be used to evaluate ESG Homeless Prevention program eligibility for persons who meet HUD's Category 2, 3, or 4 definition of homelessness at entry and have income at or below 30% AMI. Please complete all three sections and attach the required evidence demonstrating the household is eligible for the program.

**Applicant Name:** \_\_\_\_\_

### SECTION 1: HOMELESS STATUS CERTIFICATION (complete one category)

#### Category 2: Imminent Risk of Homelessness

Individuals or families who fall under the HUD Category 2 definition of homelessness will lose their primary nighttime residence, provided that (must meet all three conditions):

- Residence will be lost within 14 days of the date of application for homeless prevention assistance; and
- No subsequent residence has been identified; and
- The individual or family lacks the resources or support networks needed to obtain other permanent housing

#### Evidence

One of the following forms of documentation must be used to certify HUD Category 2 homeless status:

- A court order resulting from an eviction action notifying the individual or family that they must leave; or
- For individuals and families leaving a hotel or motel – evidence that they lack the financial resources to stay; or
- A completed Self-Certification of Homeless Status form that verifies no subsequent residence has been identified and that the individual or family lacks the financial resources and support necessary to obtain permanent housing.

#### Category 3: Homeless under other Federal Statutes

Individuals or families who fall under the HUD Category 3 definition of homelessness are unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition but who (must meet all four conditions):

- Are defined as homeless under the other listed federal statutes; and
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless prevention assistance application; and
- Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and
- Can be expected to continue in such status for an extended period of time due to special needs or barriers

#### Evidence

All of the following forms of documentation must be used to certify HUD Category 3 homeless status:

- Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; and
- A completed Self-Certification of Homeless Status form and any available supporting documentation, that the individual or family has had no PH in the last 60 days and has moved two or more times during that time; and
- Documentation of special needs or 2 or more barriers

#### Category 4: Fleeing / Attempting to Flee DV

Individuals or families who fall under the HUD Category 4 definition of homelessness (must meet all three conditions):

- Are fleeing or attempting to flee domestic violence; and
- Have no other residence; and
- Lack the resources or support networks to obtain other permanent housing

#### Evidence

Evidence of HUD Category 4 homeless status must include all of the following:

- Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified
- A completed Self-Certification of Homeless Status form documenting that no subsequent residence has been identified and that the individual or family lacks the financial resources and support networks to obtain other permanent housing

### SECTION 2: INCOME CERTIFICATION

- The individual or family has an income below 30 percent of the Los Angeles County median family income

#### Evidence

- ESG Income Worksheet and relevant documentation forms

### SECTION 3: STAFF CERTIFICATION

By signing below, I certify that to the best of my knowledge, the program participant named above:

- Meets all of the requirements to receive homelessness prevention assistance (meets HUD Category 2, 3, or 4 definition of Homelessness AND has an income at or below 30% AMI.
- DOES NOT meet the requirements to receive homelessness prevention assistance

I further certify all of the following: (1) to the best of my knowledge and ability, all of the information used in making this eligibility determination is true and complete. (2) I am not related to the program participant through family, business or other personal ties. (3) To the best of my knowledge, neither I nor anyone related to me has received or will receive any financial benefit for this eligibility determination. (4) I understand that fraud is investigated by the Department of Housing and Urban Development, Office of Inspector General, and may be punished under Federal laws. (5) I understand that if any of these certifications is found to be false, I will be subject to criminal, civil and administrative penalties and sanctions.

**Staff Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



Updated 10/12/16

## RRH Household Eligibility Evaluation Form

Grantees may use this worksheet to evaluate program eligibility at entry and annual re-evaluation. At the end of each evaluation, the case manager must attach the evidence to this form demonstrating the household is still eligible for the program. It is not acceptable to re-attach the evidence from previous eligibility decisions.

<b>Applicant Name:</b> _____	
<b>Program Information:</b>	
<input type="checkbox"/> Initial eligibility evaluation (must demonstrate homeless status and need) <input type="checkbox"/> CoC-RRH re-evaluation (must demonstrate continued need and lack of resources) <input type="checkbox"/> ESG-RRH re-evaluation (must have a household income at or below 30% AMI and demonstrate lack of resources)	
Date of entry into program: _____	Case Manager: _____
Number of months household has received assistance: _____	(Re-)Certification Date: _____
<b>Homeless Status</b>	
Please enter the household's current housing status AND attach the appropriate documentation. Eligible documentation (in order of preference) is as follows: HMIS records, written referral, outreach worker observation, or self-declaration of homeless status):	
<input type="checkbox"/> Literally homeless <input type="checkbox"/> Fleeing/attempting to flee domestic violence <input type="checkbox"/> Coming from the streets or emergency shelter	Documentation List: 1. _____ 2. _____
<b>Household Information:</b>	
Please list the member(s) of this household—to be eligible for RRH, a household must have minor-aged children:	
Adult(s): 1. _____ 2. _____ 3. _____ 4. _____ 5. _____	Children (under 18): 1. _____ 2. _____ 3. _____ 4. _____ 5. _____
<b>Income</b> (ESG Annual Re-Evaluation Only)	
Please update the household's current income status reflected in the ESG Income Eligibility Worksheet AND attach the appropriate documentation. Eligible documentation (in order of preference) is as follows: source documents (such as wage statement, unemployment compensation statement, public benefits statement, or bank statement), third party verification (written or oral) or self-certification.	
<input type="checkbox"/> Household income meets AMI requirements for program <input type="checkbox"/> Household income does not meet AMI requirements for program	Documentation List: 1. _____ 2. _____ 3. _____
<b>Need</b>	
F-VI-SPDAT Scores between 4 and 7 are recommended for Rapid Re-Housing. Scores that are below 4 are not recommended for the program but should be referred to diversion or homeless prevention assistance.	
<input type="checkbox"/> Recommended for rapid re-housing <input type="checkbox"/> NOT recommended for rapid re-housing	
<b>Resources</b>	
For clients who are receiving ongoing financial assistance, staff must document their inability to pay for the item BUT FOR the assistance (example: bank/savings statements, medical bills, etc).	
<input type="checkbox"/> Household HAS NO other housing options, financial resources, or support networks identified. <input type="checkbox"/> Household HAS other housing options, financial resources, or support networks identified.	Documentation List: _____ _____
<b>Staff Certification</b>	
By signing below, I certify that to the best of my knowledge, the program participant named above:	
<input type="checkbox"/> Meets all of the requirements to receive rapid re-housing assistance <input type="checkbox"/> DOES NOT meet the requirements to receive rapid re-housing assistance	
I further certify all of the following: (1) to the best of my knowledge and ability, all of the information used in making this eligibility determination is true and complete. (2) I am not related to the program participant through family, business or other personal ties. (3) To the best of my knowledge, neither I nor anyone related to me has received or will receive any financial benefit for this eligibility determination. (4) I understand that fraud is investigated by the Department of Housing and Urban Development, Office of Inspector General, and may be punished under Federal laws. (5) I understand that if any of these certifications is found to be false, I will be subject to criminal, civil and administrative penalties and sanctions.	
Staff Signature: _____	Date: _____

## Written Third Party Verification of Homeless Status

This document may be used by housing and service providers (such as emergency shelters, institutional care facilities, police officers, business owners, etc.) to document the housing status of a homeless applicant.

<b>Applicant Name:</b>			
<b>Applicant/Tenant Release Authorization:</b>			
I hereby authorize release to _____ the specific information requested below. <small>(name of organization)</small>			
Signature of Applicant: _____		Date: _____	
<b>Verifying Agency or Person:</b>			
Agency Name: _____		Contact Name: _____	
Agency Address: _____		Telephone: _____	
<b>Facility Type:</b>			
This facility is classified as one of the following types of institutions:			
<input type="checkbox"/> Emergency shelter			
<input type="checkbox"/> Transitional housing			
<input type="checkbox"/> Institutional care facility (e.g. a jail, substance abuse or mental health treatment facility, hospital, or other similar facility; stay must be less than 90 days)			
<input type="checkbox"/> Other (describe): _____			
<b>Dates of Stay:</b>			
I certify that the applicant above resided at our facility for the following time period(s) of time within the last (3) years:			
Location of Stay	Begin Date	End Date	Number of Days
Total Days			
<b>Prior Residence:</b>			
I further certify that immediately prior to entering this facility the person named above was residing at/in: _____			
<b>Verifying Agency/Person Certification</b>			
I certify that the timeline documented above is true and accurate.			
Name: _____		Signature: _____	
Title: _____		Date: _____	

## Observation of Homeless Status by Outreach Worker or Intake Staff

This document may be used by outreach workers to certify that the below named individual or household is currently homeless based on the check mark, other indicated information, and signature indicating their current living situation.

<p><b>Applicant Name</b></p>
<p><b>Family Type</b></p> <p><input type="checkbox"/> Individual</p> <p><input type="checkbox"/> Family with an adult head of household (or if there is no adult in the family, a minor head of household), including a family whose composition has fluctuated while the head of household has been homeless</p> <p>Number of persons in the household: _____</p>
<p><b>Living Situation</b></p> <p>The person(s) named above is/are currently living in a public or private place not designed for, or ordinarily used as a regular sleeping accommodation, including a car, park, abandoned building, streets/sidewalks or bus station.</p> <p>Description of current living situation: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p><b>Duration of Homelessness</b></p> <p>The person(s) named has been observed living in the above living situation during the following time period:</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p><b>Outreach Worker Certification</b></p> <p>I certify that the above applicant was observed as homeless and living in a place not designed for, or ordinarily used as a regular sleeping accommodation.</p> <p>Name: _____ Signature: _____</p> <p>Title: _____ Date: _____</p> <p>Agency Name: _____ Phone: _____</p> <p>Address: _____ City, State, Zip: _____</p>

## Oral Third Party Verification of Homeless Status

<b>Applicant Name:</b>
<b>Applicant/Tenant Release Authorization:</b> I hereby authorize release to: _____ the specific information requested below. <div style="text-align: center; font-size: small;">(name of organization)</div> Signature of Applicant: _____ Date: _____
<b>Oral Verification</b> Oral verification was made on _____ through a conversation with _____ <div style="text-align: center; font-size: small;">(date) (relevant third-party representative)</div> Verification was provided: <input type="checkbox"/> Over the phone <input type="checkbox"/> In person The following information was provided regarding the applicant's homeless status and victim status: _____ _____ _____ _____
<b>Staff/Intake worker Observation Verification</b> I have observed the following conditions which serve as evidence related to the applicant's housing status, victim status and available resources. Due to the following factors I certify this applicant's eligibility for assistance. _____ _____ _____ _____
<b>Efforts to Obtain Third Party Verification</b> I understand that obtaining written third party verification of eligibility or risk factors is the preferred method of certifying eligibility for an individual who is applying for assistance, but cannot meet this standard. I made the following efforts to obtain written third party verification: _____ _____ _____
<b>Staff Certification</b> I understand that securing third party documentation is the preferred method of certifying homelessness or risk for homelessness for an individual who is applying for assistance, but cannot obtain source documents. Above, I am providing details of oral third party verification of eligibility or risk factors and certifying all statements to be true, accurate and complete. Name: _____ Title/Position: _____ Staff Signature: _____ Date: _____



## ESG Income Eligibility Worksheet

To be eligible for ESG Homeless Prevention assistance or remain eligible for ESG Rapid Re-Housing assistance, households must be at or below 30% of the Area Median Income (and meet other eligibility requirements). Grantees may use this worksheet to determine whether an applicant household meets the ESG income eligibility threshold for rapid re-housing at annual re-evaluation. Be sure to complete all three sections of the worksheet and include a copy in the ESG participant case file.

If evaluating continued eligibility, be sure to include updated documentation for each income source. It is not acceptable to re-attach the evidence from previous eligibility decisions.

### PROGRAM INFORMATION

Case Manager: \_\_\_\_\_  
Date of Entry into Program: \_\_\_\_\_

Participant Name: \_\_\_\_\_  
Date of Assessment: \_\_\_\_\_

### SECTION 1: FAMILY INFORMATION

Member #	Household Member Name	Age of Household Member
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
Total Number of Household Members (Household Size)		
30% of Area Median Income (AMI) for Household Size		\$

### SECTION 2: ELIGIBILITY CERTIFICATION

By signing below, I certify that to the best of my knowledge, the program participant named above:

- Has an income at or below 30% AMI as evidenced by the Income Evaluation Worksheet (Section 3)  
 DOES NOT have an income at or below 30% AMI

I further certify all of the following: (1) to the best of my knowledge and ability, all of the information used in making this eligibility determination is true and complete. (2) I am not related to the program participant through family, business or other personal ties. (3) To the best of my knowledge, neither I nor anyone related to me has received or will receive any financial benefit for this eligibility determination. (4) I understand that fraud is investigated by the Department of Housing and Urban Development, Office of Inspector General, and may be punished under Federal laws. (5) I understand that if any of these certifications is found to be false, I will be subject to criminal, civil and administrative penalties and sanctions.

Staff Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**SECTION 3: INCOME ELIGIBILITY WORKSHEET (for ADULT household members only)**

Member #	Income Source	Current Gross Income	Payments / Year (#)	Annual Gross Income	Documentation Type
	Earned Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Earned Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Earned Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Self-Employment/Business Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Self-Employment/Business Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Interest & Dividend Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Interest & Dividend Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Pension/Retirement Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Pension/Retirement Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Unemployment & Disability Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Unemployment & Disability Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	TANF/Public Assistance	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	TANF/Public Assistance	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Alimony, Child Support & Foster Care Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Alimony, Child Support & Foster Care Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Armed Forces Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Armed Forces Income	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Other (specify):	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
	Other (specify):	\$		\$	<input type="checkbox"/> Source Documents <input type="checkbox"/> 3 <sup>rd</sup> Party <input type="checkbox"/> Self-Declaration
<b>Total Annual Gross Income from all sources</b>					
<b>30% of Area Median Income for Household Size</b>					<b>\$</b>
<b>Is the household at or below 30% of the Area Median Income?</b>					

## Written Third Party Verification of Income

This document is to certify the income received by the below named individual for purposes of participating in the ESG program. This information will be used only to determine the eligibility status and level of household benefit. Complete only the applicable section (employment income or payments and/or benefits).

### Applicant Release:

I hereby authorize the release of the following employment or payment and/or benefit information.

Applicant Name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Employment Income

The person(s) named above is/are currently living in a public or private place not designed for, or ordinarily used as a regular sleeping accommodation, including a car, park, abandoned building, streets/sidewalks or bus station.

The person named above is employed by \_\_\_\_\_ since \_\_\_\_\_. He/she is paid \$\_\_\_\_\_ on a \_\_\_\_\_ basis and is currently working an average of \_\_\_\_\_ hours per \_\_\_\_\_.

Please specify any additional compensation: \_\_\_\_\_

Probability of continued employment: \_\_\_\_\_

Authorized Employer Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

### Payment and/or Benefit Income

Complete one form for each distinct source of income for each adult member of household and attach supporting evidence to this form in case file.

Type of Payment or Benefit:

Social Security/SSI

Pension/Retirement

TANF

Public Assistance

Unemployment Compensation

Workers Compensation

Alimony Payments

Foster Care Payments

Child Support Payments

Armed Forces Income

Other (please specify): \_\_\_\_\_

Payments or benefits in the amount of \$\_\_\_\_\_ are paid on a \_\_\_\_\_ basis. The expected duration of the payments or benefits is: \_\_\_\_\_.

Authorized Payment Source Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

### Please return this form to:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Title: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

## Oral Third Party Verification of Income

Income (need name of employer, client name, pay amount and frequency, average hours worked per week, amount of any additional compensation)

<b>Applicant Name</b>	
<b>Third Party Verifier Information</b>	
Name: _____	Position/Title: _____
Agency Name: _____	Phone: _____
Address: _____	City, State, Zip: _____
<b>Verification Type</b>	
<input type="checkbox"/> Over the phone <input type="checkbox"/> In person	
<b>Income Information</b>	
Pay Amount _____	Pay frequency _____
Average hours worked per week _____	Amount of any additional compensation _____
<b>Additional Details</b>	
Please provide any additional details discussed about the client's income.	
_____	
_____	
<b>Efforts to Obtain Third Party Verification</b>	
I understand that obtaining third party verification of eligibility or risk factors is the preferred method of certifying eligibility for an individual who is applying for assistance, but cannot meet this standard. I made the following efforts to obtain third party verification:	
_____	
_____	
_____	
<b>Staff Certification</b>	
I understand that securing written third party documentation is the preferred method of certifying homelessness or risk for homelessness for an individual who is applying for assistance, but cannot obtain source documents. Above, I am providing details of oral third party verification of eligibility or risk factors and certifying all statements to be true, accurate and complete.	
Name _____	Title/Position: _____
Staff Signature _____	Date: _____

## Self-Declaration of Income

This is to certify the income status for the above named individual. Income includes but is not limited to:

- The full amount of gross income earned before taxes and deductions
- The net income earned from the operation of a business, i.e., total revenue minus business operating expenses. This includes any withdrawals of cash from the business or profession for your personal use.
- Monthly interest and dividend income credited to an applicant's bank account and available for use.
- The monthly payment amount received from Social Security, annuities, retirement funds, pensions, disability and other similar types of periodic payments.
- Any monthly payments in lieu of earnings, such as unemployment, disability compensation, SSI, SSDI, and worker's compensation.
- Monthly income from government agencies excluding amounts designated for shelter, utilities, WIC, food stamps, and childcare.
- Alimony, child support and foster care payments received from organizations or from persons not residing in the dwelling.
- All basic pay, special day and allowances of a member of the Armed Forces excluding special pay for exposure to hostile fire.

**Staff Verification must be completed**

<p><b>Applicant Name:</b></p> <p>_____</p>
<p><input type="checkbox"/> <b>I certify, under penalty of perjury, that I currently receive the following income:</b></p> <p>Source: _____ Amount: _____ Frequency: _____</p> <p>Source: _____ Amount: _____ Frequency: _____</p> <p>Source: _____ Amount: _____ Frequency: _____</p>
<p><input type="checkbox"/> <b>I certify, under penalty of perjury, that I do not have any income from any source at this time.</b></p>
<p><b>Applicant Verification</b></p> <p>I understand that the information on this form will be used to determine income eligibility. I do not possess acceptable verification of current annual income and request that this form serve as sufficient certification. I understand that false, misleading or incomplete information may result in the termination of assistance.</p> <p>Applicant Signature: _____ Date: _____</p>
<p><b>Staff Verification</b></p> <p>I understand that third-party verification is the preferred method of certifying income for assistance. I understand self declaration is only permitted when I have attempted to but cannot obtain third-party verification.</p> <p>Documentation of attempt made for thid-party verification:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Staff Signature: _____ Date: _____</p>

[ Appendix C: Property Related Forms ]

## ESG Rental Assistance Agreement

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An Emergency Solutions Grant (ESG) from the U.S. Department of Housing and Urban Development (HUD) was provided to the Pasadena Partnership to End Homelessness (Pasadena CoC) and sub-awarded to the following non-profit agency: \_\_\_\_\_.

Through this agreement rental assistance is being provided to the following individual: \_\_\_\_\_  
(program participant)

For the following address (including unit #): \_\_\_\_\_

Name of apartment complex, if applicable: \_\_\_\_\_

Monthly rent for the unit is \$ \_\_\_\_\_. Payment is due on the \_\_\_\_\_ day of the month every month. Payments received after the \_\_\_\_\_ day of the month will be penalized with a late fee in the amount of \$ \_\_\_\_\_.

Term of Agreement (dates): \_\_\_\_\_

*During the term of the agreement, the owner/landlord must give the agency named above a copy of any notice to the program participant (tenant) to vacate the housing unit, or any complaint used under state or local law to commence an eviction action against the program participant (24 CFR 576.106(e)).*

*The rental assistance agreement will terminate and no further rental assistance payments may be made if:*

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

Name of landlord/owner (print): \_\_\_\_\_

Landlord/owner signature: \_\_\_\_\_

Name of Agency Representative (print): \_\_\_\_\_

Representative Signature: \_\_\_\_\_

Please note: The rental assistance agreement does not take the place of the lease, or vice versa.

## ESG Habitability Standards Checklist

The standards for housing unit inspections under Emergency Shelter Grants (ESG) are the housing habitability standards. Inspections must be conducted upon initial occupancy and then on an annual basis for the term of ESG assistance.

The habitability standards are different from the Housing Quality Standards (HQS) which are more stringent. In contrast to HQD inspections, the habitability standards do not require a certified inspector. As such, ESG program staff may conduct the inspections using this checklist to document compliance.

### Instructions

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

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

### Staff Certification

I certify that I am not a HUD certified inspector and I have evaluated the property located at the address below to the best of my ability and find the following:

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

Therefore, I make the following determination

- Property is approved  
 Property is not approved

**Documentation of attempt made for third-party verification:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ESG Program Name: \_\_\_\_\_ Program Participant Name: \_\_\_\_\_

Unit Address: \_\_\_\_\_

Evaluator's Name: \_\_\_\_\_ Evaluator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Understanding the Lead-Based Paint Requirements: Guidance for ESG Grantees

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## About this Resource

Childhood lead poisoning is a major environmental health problem in the United States, especially for low-income families in poor living conditions. If not detected early, children with high levels of lead in their bodies can suffer from damage to the brain and nervous system, behavioral and learning problems (such as hyperactivity), slowed growth, hearing problems, and headaches. To prevent lead-poisoning in young children, ESG grantees must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Parts A, B, M, and R. This document summarizes the lead-based paint requirements and provides guidance for carrying out each step.

## Section 1: Overview of Requirements and Applicability Under ESG

The lead-based paint requirements exist to protect vulnerable families from potential health hazards. To prevent lead-poisoning in young children, ESG grantees must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Parts A, B, H, J, K, M, and R. As agencies that provide assistance to and advocate on behalf of disadvantaged populations, it is important to understand that the lead rule is a tool that helps you ensure the safety and well-being of your clients. This guidance was developed to assist grantees in understanding how the lead-based paint regulations apply to ESG. Please refer to the regulations for additional information.

Under ESG, the rule is that a lead-based paint visual assessment must be completed for all units that meet all of the three following conditions:

- The household living in the unit is being assisted with ESG financial assistance (rent assistance, utilities assistance, utility/security deposits, or arrears); and
- The unit was constructed prior to 1978; and
- A child under the age of six is or will be living in the unit.

Under ESG, the lead requirements apply regardless of whether a household is remaining in an existing unit or moving to a new unit. The visual assessment must be completed prior to ESG assistance being provided, and annually thereafter.

Grantees (ESG program staff) are responsible for ensuring that property owners and managers meet the lead-based paint requirements. It may be helpful for grantees to think about the requirements in two categories:

### 1. Disclosure requirements

Disclosure requirements are triggered for ALL properties constructed prior to 1978. These requirements require that lessors (property owners or managers) provide tenants with:

- HUD's disclosure form for rental properties disclosing the presence of known and unknown lead-based paint; and
- A copy of the "Protect Your Family from Lead in the Home" pamphlet.

Both the disclosure form and pamphlet are available at:

<http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>

As explained, this requirement actually relates to property owners/managers, but sharing this information with your clients (or ensuring they have received it) is an easy thing to do and will make your job easier. ESG assessments are an important opportunity to educate clients about the potential hazards related to lead and their rights as tenants. Informed tenants are more likely to watch for potential problems in their home and proactively work with landlords to address any issues.

### 2. The Visual Assessment and Beyond

As explained in the ESG Notice, visual assessments for ESG funded units are only triggered under certain circumstances<sup>1</sup>:

- The leased property was constructed before 1978; and
- A child under the age of six will be living in the unit occupied by the household receiving ESG assistance.

Depending on the results of the visual assessment, additional steps may be required before assistance can be provided for that unit. In Section 2, this guidance will take a step-by-step look at what happens during and after the visual assessment.

### Exceptions to the Rule

There are certain exceptions to the rule. Visual assessments by ESG staff are **not** triggered under the following circumstances:

- It is a zero-bedroom or SRO-sized unit;
- X-ray or laboratory testing of all painted surfaces by certified personnel has been conducted in accordance with HUD regulations and the unit is officially certified to not contain lead-based paint;
- The property has had all lead-based paint identified and removed in accordance with HUD regulations;
- The client is receiving Federal assistance from another program, where the unit has already undergone a visual assessment within the past 12 months – e.g., if the client has a Section 8 voucher and is receiving ESG assistance for a security deposit or arrears (note, in such cases, ESG staff are required to obtain documentation that a visual assessment has been conducted from the agency administering the other form of assistance for the ESG case file); **or**
- It meets any of the other exemptions described in 24 CFR Part 35.115(a). If any of the conditions outlined above are met, ESG program staff simply need to document the condition by completing the *ESG Lead Screening Worksheet* (attached and also available on the HUD HRE) and placing a copy in the case file.

(Note: While grantees are required to document compliance with the lead rule, they are not required to use this particular screening worksheet or any of the other templates mentioned in this paper. These tools were developed as samples to assist grantees who may be looking for resources to use in their local programs.) Remember, regardless of these exceptions, all properties are still subject to the disclosure requirements.

## Section 2: A Step-by-Step Guide to Compliance

As explained above, the lead-based paint regulations require certain responses to potential lead-based hazards. Some activities must be conducted by ESG program staff while others are generally conducted by property owners/managers. Regardless of who is the responsible party, ESG program staff should work closely with assisted households and property owners/manager to ensure that the activities described below have been conducted prior to approval of ESG assistance for that unit.

Program staff should consider sharing the following documents available on Homelessness Resource Exchange at [www.hudhre.info](http://www.hudhre.info) with property owners/managers as well as residents to outline responsibilities and provide additional guidance:

- Instructions for Property Owners Template
- Instructions for Residents Template

### ESG Program Staff Responsibilities

The following information outlines the steps that should be taken by ESG program staff:

#### 1. Determine whether lead-based paint requirements are triggered

Prior to providing a household with ESG assistance, program staff must first determine whether lead-based paint requirements are triggered. To do this, they must determine whether the unit was built prior to 1978 and a child under the age of six is or will be residing in the unit. Program staff should complete the *ESG Lead Screening Worksheet* for the case file and document any exemptions.

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<sup>1</sup> Note that visual assessments are sometimes called inspections – though the terms should not be used interchangeably because they imply different levels of rigor, as explained later in this guidance. These requirements may be different for other HUD programs.

If any exemptions are met, then lead-based paint requirements are not triggered and no further action is needed. A copy of the *ESG Lead Screening Worksheet* has been provided and can also be found on the Homelessness Resource Exchange at [www.hudhre.info](http://www.hudhre.info).

### **Determining the Age of the Unit**

Program staff should use formal public records, such as tax assessment records, to establish the age of a unit. These records are typically maintained by the state or county and will include the year built or age of the property. In most areas, these records are available online. If you are uncertain where to find this information, a quick internet search should help you locate the data you need. In the search field, try combining your county name with one of the following phrases:

- "property tax records"
- "property tax database"
- "real property sales"

For example, if you enter "DC property tax records," the first search result is a public database that can be used to determine the age of a property located within the District of Columbia. Once you have found it, remember to bookmark the page for future reference!

Remember to print out a copy of the screenshot for the case file. If you have trouble finding this information online, contact your local Office of Tax and Revenue for assistance. If not available online, the information is public and can be requested from the local authorities. (Note, the taxing authority and the assessment entity may be separate governmental entities and office names vary by locality.)

## **2. Inform ESG client and property owner of the lead-based paint requirements and schedule visual assessment**

Families living in poverty face many challenges, such as poor living conditions and exposure to toxins such as lead-based paint. Since annual visual assessments are an ESG requirement, program staff should use the opportunity to educate families with young children about the dangers of lead-based paint. Program staff should ensure that clients know what to look for within their home (or as they are searching for a new unit).

Similarly, program staff should ensure that property owners/managers understand their responsibilities with regard to lead-based paint hazards so that they are also doing routine assessments to identify and repair deteriorated paint. Because HUD prohibits grantees from making payments directly to clients, program staff will have to be in touch with property owners/landlords to discuss payment and conditions related to payment, including lead-based paint requirements.

Because assistance cannot be provided until the visual assessment has been completed and the unit cleared, it is important for ESG staff to schedule the visual assessment as quickly as possible. The case manager should complete the screening worksheet (discussed above) upon determining household eligibility for ESG assistance and schedule the assessment immediately.

If subsequent conversations with the property owner reveal that the property meets an exception, than the assessment can be cancelled. However, it's better to get the assessment scheduled right away since lengthy delays could result in the loss of the unit (e.g., if the tenant is in arrears).

## **3. Conduct visual assessment**

A visual assessment must be conducted prior to providing ESG financial assistance to the unit, and on an annual basis thereafter (as long as assistance is provided). Visual assessments must be conducted by a HUD-Certified Visual Assessor. It is important to note that a HUD-Certified Visual Assessor is not equivalent to a Certified Clearance Examiner.

Anyone may become a HUD-Certified Visual Assessor by successfully completing a 20-minute online training on HUD's website at: <http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

The training teaches individuals how to identify deteriorated paint and how deteriorated paint must be treated. Grantees may choose to have their program staff complete the visual assessments, or they may procure services from a contractor. When determining how your agency will conduct the assessments, a primary consideration should be the availability of the staff/contractor to schedule and complete the assessments quickly. If program staff are being used to complete the visual assessments, your agency may find it helpful (i.e., less disruptive and more efficient) to identify specific days or blocks of time for completing visual assessments.

Note that if ESG financial assistance is being used to help a client move into a new unit, an inspection must also be conducted to ensure the unit meets the minimum habitability standards outlined on the ESG Notice.<sup>2</sup> In cases where both a lead-based paint visual assessment and a habitability inspection are required, the most efficient and cost effective solution would be to have the same individual complete both at the same time. Note that the cost of conducting visual assessments and habitability inspections are an eligible ESG expense under the Financial Assistance category.

**4. Identify risks and compare to “de minimis” level**

During a visual assessment, the assessor must determine the level of any identified problems with paint surfaces and compare it to the “de minimis” level.<sup>3</sup> Under the Lead act, the de minimis level is as follows:

- 20 square feet on exterior surfaces;
- 2 square feet in any one interior room or space; or
- 10 percent of the total surface area on an interior or exterior component with a small surface area, like window sills, baseboards, and trim.

All deteriorated paint identified during the visual assessment must be repaired. However, if the area of paint to be stabilized exceeds the de minimis level, the use of lead safe work practices and clearance is required. If deteriorating paint exists but the area of paint to be stabilized does not exceed this level, then safe work practices and clearance are not required. If deteriorating paint is not identified, the unit can be cleared for assistance. Staff should document the level of identified problems with paint surfaces using the *ESG Lead Screening Worksheet (attached)*.

**5. Make assistance determination**

If a visual assessment reveals problems with paint surfaces, program staff cannot approve the unit for assistance until the deteriorating paint has been repaired. At this point, program staff must make a decision: work with the property owner/manager to complete needed paint stabilization activities and clearance, work with the household to locate a different (lead-safe) unit, or refer the client to a different program if ESG assistance cannot be provided. Which option the grantee chooses will depend on a number of variables.

The following are some questions to consider when making this decision:

- Is ESG assistance being used to help the participant obtain a new unit or retain an existing unit? If the grantee is helping a household obtain new housing, there may be more flexibility with regard to the timeframe (i.e., there may be a few weeks between identification of the unit and the move-in date). Staff should conduct the visual assessment prior to the participant signing the lease so they can help negotiate any needed repairs.
- If ESG assistance is being used for prevention assistance, how much time is there to save the housing situation, and what is the relationship with the landlord? For participants that are housed but at imminent risk of homelessness (e.g., because they are several months behind on their rent), there may not be much time. If the landlord has already initiated eviction proceedings, he or she may or may not be willing to work with the household. Thus, it's important to contact the landlord directly and assess the situation.
- How appropriate is the current unit for the household? If the existing unit is not particularly suitable for the household – either because of cost, size, location, or some other reason – it may make more sense to focus on relocating the household.
- What is the condition of the local housing market? How expensive/difficult would it be to relocate the participant to a new unit? In contrast, how difficult would it be for the landlord to fill the unit if it was vacated? (Depending on the situation, you may have more or less leverage.)
- Are resources available to assist with the paint stabilization? ESG cannot be used for stabilization, so if the landlord is unwilling or unable to make the needed repairs, is there any other agency/program that can assist?

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<sup>2</sup> The minimum standards for housing unit inspections are the housing habitability standards described in Appendix C of the ESG Notice. These standards apply only when a program participant is receiving financial assistance and moving into a new unit. The habitability standards are different from the Housing Quality Standards (HQS) used for other HUD programs. In contrast to HQS inspections, the habitability standards do not require a certified inspector. For example, ESG project staff or staff hired by an agency of the grantee's local government can conduct the habitability inspection.

<sup>3</sup> De minimis is a Latin expression that, in the risk assessment world, refers to a level of risk that is too minimal to cause concern.

**6. Confirm all identified deteriorated paint has been stabilized.**

Program staff should work with property owners/managers to ensure that all deteriorated paint identified during the visual assessment has been stabilized. If the area of paint to be stabilized does not exceed the de minimus level, a clearance exam is not required. In these cases, the ESG program staff should confirm that the identified deteriorated paint has been repaired and document the case file.

If the area of paint to be stabilized exceeds the de minimus level, program staff should ensure that the clearance inspection is conducted by an independent certified lead professional. (A certified lead professional may go by various titles, including a certified paint inspector, risk assessor, or sampling/clearance technician.) Note, the clearance inspection cannot be conducted by the same firm that is repairing the deteriorated paint. Local community development, housing, or health departments are often able to provide this testing. As noted above, ESG funds cannot be used for the repair/stabilization of lead-based paint hazards.

However, one clearance inspection is considered an eligible ESG expense (under the Financial Assistance category). If the unit does not pass the initial clearance inspection, ESG funds may not be used to pay for additional inspections.

Program staff should also consider having the property owner/manager certify that all paint stabilization activities have been completed and ongoing maintenance will be conducted by filling out the *ESG Lead-Based Paint Property Owner Certification Form* (attached).

**Locating a Certified Lead Professional**

To locate a certified lead professional in your area:

- Call your state government (health department, lead poison prevention program, or housing authority)
- Call the National Lead Information Center at 1-800-424-LEAD (5323)
- Go to the US Environmental Protection Agency website at <http://cfpub.epa.gov/flpp/> and click on "certified abatement/inspection firms."

**Response to a child with elevated blood leads levels**

In cases where it is brought to the attention of program staff that a child under the age of six living in a ESG-assisted unit is found to have elevated blood lead levels, the response process established at 24 CFR 35.1225 takes effect, which includes a risk assessment and interim controls and information exchange with the health department.

**Conduct ongoing lead-based paint monitoring**

Program staff must conduct a visual assessment of the stability of painted surfaces on an annual basis during the assistance period.

**Property Owner/Manager Responsibilities**

The following information outlines the responsibilities of a property owner/manager:

**1. Distribution of pamphlets and disclosure notice to occupants**

For ALL units built prior to 1978, property owners/managers are required to provide lessees (tenants signing the lease) with:

- A copy of the "Protect Your Family from Lead in the Home" pamphlet; AND
- HUD's disclosure form for rental properties

Program staff dealing with rental properties built prior to 1978 should ensure property owners/managers provide these documents to tenants. Program staff, in addition to owners/managers, may also choose to provide disclosure notices to the lessee (tenant signing the lease) on the potential existence of lead-based paint. Both the disclosure form and pamphlet are available at:

<http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>

**2. Perform paint stabilization**

If a visual assessment reveals problems with paint surfaces, the property owner will be notified of the need for paint stabilization and assistance cannot be approved until corrective actions have been taken and the unit has achieved clearance (as appropriate per the identified de minimis level).

It is the responsibility of any property owner participating in the program to:

- Protect the residents and their belongings
- Repair the paint
- Conduct cleanup
- Address other lead-based paint-related concerns
- Obtain clearance (if deteriorated surface is more than the de minimis)

Failure by the property owner to fulfill their responsibilities on their own or with the assistance of the program prohibits the program from assisting a tenant in that unit.

### 3. Use safe work practices.

If the area is larger than the de minimis level, safe work practices must be used. Examples of safe work practices include:

- Wet sanding or wet scraping;
- Protection of the worksite to keep lead dust from leaving the worksite or getting onto the resident's belongings; and
- Cleaning of the worksite with HEPA vacuuming and detergents.

If the area is smaller than the de minimis level, safe work practices do not have to be used. It is recommended, however, that all practices include:

- Surface preparation to minimize the amount of dust released (wet sanding or scraping is still recommended to minimize the release of dust); and
- Cleanup using conventional cleaning methods

### 4. Obtain clearance

Property owners/managers must ensure that all deteriorated paint identified during the visual assessment has been stabilized. If the area of paint to be stabilized does not exceed the de minimis level, a clearance exam is not required. In these cases, the ESG program staff should confirm that the identified deteriorated paint has been repaired and document this in the case file.

If the area of paint to be stabilized exceeds the de minimus level, clearance by an independent, certified lead professional, such as a certified paint inspector, risk assessor, or sampling/clearance technician, is required. The clearance inspection cannot be conducted by the same firm that is repairing the deteriorated paint. Local community development, housing, or health departments are often able to provide this testing.

It is the property owners/managers' responsibility to obtain clearance. However, they may work closely with ESG program staff throughout this process. Specifically, ESG program staff can pay for the first clearance inspection using ESG funds. If the unit does not pass the initial clearance inspection, ESG funds may not be used to pay for additional inspections.

### 5. Provide Notice of Lead Hazard Reduction to tenants.

Within 15 days of completion of the Lead Hazard Reduction activities, including paint stabilization, the property owner/manager must provide a Notice of Lead Hazard Reduction to tenants or post the notice in a common area where the tenants will see it. If applicable, the notice must contain the clearance results.

### 6. Conduct ongoing lead-based paint maintenance.

The property owner/manager should assess the stability of painted surfaces periodically to ensure there are no lead-based paint hazards in the assisted unit, repairing any deteriorating paint as soon as it is identified.

## Section 3: Resources

Training opportunities, training curricula and materials, information on the Lead Safe Housing Rule, and other documents can be accessed at:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/training](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/training).

For more information on the Federal training and certification program for lead professionals, contact the National Lead Information Center (NLIC) at: <http://www.epa.gov/lead/pubs/nlic.htm> or 1-800-424-LEAD to speak with an information specialist.

The Lead Safe Housing Rule can be accessed at:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/enforcement/lshr](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/lshr)

## ESG Lead-Based Paint Document Checklist

The following checklist provides ESG grantees with an overview of common documents that can be used to verify compliance with the Lead-Based Paint Poisoning Prevention Act. Note that this checklist does not cover all of the documentation that providers would want to include in all instances. For example, additional documentation may be required if the property is found to meet exemptions listed under Part 2 of the Lead Screening Worksheet.

✓ Document Name	Purpose
<input type="checkbox"/> Application	Documents age of children
<input type="checkbox"/> Screenshot of property record from online tax database	Documents age of property
<input type="checkbox"/> Lead-Screening Worksheet	Documents exemptions (additional documentation will vary based on exemptions)
<input type="checkbox"/> Lead-Based Paint Visual Assessment Certification	Documents that a visual assessment was conducted and problems with paint surfaces were not identified
<input type="checkbox"/> Lead-Based Paint Property Owner Certification (if applicable)	Documents owner certification that any identified problems with paint surfaces have been repaired and that safe work practices were followed, as applicable
<input type="checkbox"/> Clearance Report (if applicable)	Documents that unit passed clearance
<input type="checkbox"/> Documentation of ongoing maintenance activities: <ul style="list-style-type: none"> <li>• Visual Assessment Certification Forms</li> <li>• Clearance report from each maintenance job involving painted surfaces above the de minimis threshold</li> <li>• Notice of lead hazard reduction for each maintenance job involving painted surfaces</li> </ul>	Documents that a visual assessment is performed at least annually during the assistance period and that any deteriorated paint was appropriately addressed (including clearance and notice of lead hazard reduction)
<input type="checkbox"/> Documentation of response to EIBLL child: <ul style="list-style-type: none"> <li>• Copies of risk assessment</li> <li>• Abatement or clearance report</li> <li>• Relocation documents</li> <li>• Correspondence with health department</li> </ul>	Documents that if an EIBLL child was identified in the unit, the situation was addressed in accordance with the Lead Safe Housing Rule

## ESG Lead Screening Worksheet

The *Lead Screening Worksheet* is intended to guide grantees through the lead-based paint inspection process to ensure compliance with the rule. ESG staff can use this worksheet to document any exemptions that may apply, whether any potential hazards have been identified, and if safe work practices and clearance are required and used. A copy of the completed worksheet along with any additional documentation should be kept in each program participant's case file. Please see the *ESG Lead-Based Paint Requirements Summary* for additional information.

### Instructions

To prevent lead-poisoning in young children, ESG grantees must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Parts A, B, M, and R. Under certain circumstances, a visual assessment of the unit is not required. This screening worksheet will help program staff determine whether a unit is subject to a visual assessment, and if so, how to proceed. A copy of the completed worksheet along with any related documentation should be kept in each program participant's file.

Note: ALL pre-1978 properties are subject to the disclosure requirements outlined in 24 CFR 35, Parts A, regardless of whether they are exempt from the visual assessment requirements.

### Basic Information

Participant Name: \_\_\_\_\_  
 Unit Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 ESG Program Staff: \_\_\_\_\_

### Part 1: Determine whether the unit is subject to a visual assessment

If the answer to one or both of the following questions is 'no,' a visual assessment is not triggered for this unit and no further action is required at this time. Place this screening worksheet and related documentation in the program participant's file.

If the answer to both of these questions is 'yes,' then a visual assessment is triggered for this unit and program staff should continue to Part 2.

1. Was the leased property constructed before 1978?

Yes  No

2. Will a child under the age of six be living in the unit occupied by the household receiving ESG assistance?

Yes  No

### Part 2: Document Additional Exemptions

If the answer to any of the following questions is "yes," the property is exempt from the visual assessment requirement and no further action is needed at this point. Place this screening sheet and supporting documentation for each exemption in the program participant's file.

If the answer to all of these questions is "no," then continue to Part 3 to determine whether deteriorated paint is present.

1. Is it a zero-bedroom or SRO-sized unit?

Yes  No

2. Has x-ray or laboratory testing of all painted surfaces by certified personnel been conducted in accordance with HUD regulations and the unit is officially certified to not contain lead-based paint?

Yes  No

3. Has the property had all lead-based paint identified and removed in accordance with HUD regulations?

Yes     No

4. Is the client receiving Federal assistance from another program, where the unit has already undergone (and passed) a visual assessment within the past 12 months (e.g. if the client has a Section 8 voucher and is receiving ESG assistance for a security deposit or arrears)?

Yes (obtain documentation for the case file)     No

5. Does the property meet any of the other exemptions described in 24 CFR Part 35.115(a)?

Yes (Please describe the exemption and provide appropriate documentation of the exemption)

No

**Part 3: Determine the Presence of Deteriorated Paint**

To determine whether there are any identified problems with paint surfaces, program staff should conduct a visual assessment prior to providing ESG financial assistance to the unit as outlined in the following training on HUD's website at: <http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

If no problems with paint surfaces are identified during the visual assessment, then no further action is required at this time. Place this screening sheet and certification form (attached) in the program participant's file.

If any problems with paint surfaces are identified during the visual assessment, then continue to Part 4 to determine whether safe work practices and clearance are required.

1. Has a visual assessment of the unit been conducted?

Yes     No

2. Were any problems with paint surfaced identified in the unit during the visual assessment?

Yes     No (Complete attachment – Lead-Based Paint Visual Assessment)

**Part 4: Document the Level of Identified Problems**

All deteriorated paint identified during the visual assessment must be repaired prior to clearing the unit for assistance. However, if the area of paint to be stabilized exceeds the de minimis levels (defined below), the use of lead safe work practices and clearance is required.

If deteriorating paint exists but the area of paint to be stabilized does not exceed these levels, then the paint must be repaired prior to clearing the unit for assistance, but safe work practices and clearance are not required.

1. Does the area of paint to be stabilized exceed any of the de minimis levels below?

20 square feet on exterior surfaces:

Yes     No

2 square feet in any one interior room or space:

Yes     No

10 percent of the total surface area on an interior or exterior component with a small surface area, like window sills, baseboards, and trim:

Yes     No

If any of the above are "yes," then safe work practices and clearance are required prior to entering the unit for assistance.

**Part 5: Confirm all Identified Deteriorated Paint Has Been Stabilized**

Program staff should work with property owners/managers to ensure that all deteriorated paint identified during the visual assessment has been stabilized. If the area of paint to be stabilized does not exceed the de minimis

level, safe work practices and a clearance exam are not required (though safe work practices are always recommended). In these cases, the ESG program staff should confirm that the identified deteriorated paint has been repaired by conducting a follow-up assessment.

If the area of paint to be stabilized exceeds the de minimis level, program staff should ensure that the clearance inspection is conducted by an independent certified lead professional. A certified lead professional may go by various titles, including a certified paint inspector, risk assessor, or sampling/clearance technician.

Note: the clearance inspection cannot be conducted by the same firm that is repairing the deteriorated paint.

1. Has a follow-up visual assessment of the unit been conducted?  
 Yes                       No
  
2. Have all identified problems with the paint surfaces been repaired?  
 Yes                       No
  
3. Were all identified problems with paint surfaces repaired using safe work practices?  
 Yes                       No  
 Not Applicable – the area of paint to be stabilized did not exceed the de minimis levels
  
4. Was a clearance exam conducted by an independent, certified lead professional?  
 Yes                       No  
 Not Applicable – the area of paint to be stabilized did not exceed the de minimis levels
  
5. Did the unit pass the clearance exam?  
 Yes                       No  
 Not Applicable – the area of paint to be stabilized did not exceed the de minimis levels  
Note: A copy of the clearance report should be placed in the program participant's file.

## ESG Lead-Based Paint Visual Assessment Certification Template

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I, \_\_\_\_\_ certify the following:  
(print name)

I have completed HUD's online visual assessment training and am a HUD-certified visual assessor.

I conducted a visual assessment at \_\_\_\_\_ on \_\_\_\_\_.  
(property address and unit number) (date of assessment)

No problems with paint surfaces were identified in the unit or in the building's common areas.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(client name)

\_\_\_\_\_  
(case number)

## ESG Lead-Based Paint Property Owner Certification Form

The ESG Lead-Based Paint Property Owner Certification Form is a tool program staff can use to have property owners/managers certify that all paint stabilization activities have been completed in accordance with guidelines when formal clearance is not required (or as additional documentation when formal clearance is required). A copy of the completed form along with any additional documentation (i.e., a copy of the clearance report) should be kept in each program participant's file.

### Instructions

To prevent lead-poisoning in young children, the ESG program must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Parts A, B, M, and R. If a visual assessment reveals problems with paint surfaces, property owners/managers must repair all identified problems with paint surfaces in accordance with the guidelines of 24 CFR 35, Parts A, B, M, and R, prior to a unit receiving ESG assistance. Property owners/managers should complete this form to certify that all identified problems with paint surfaces have been repaired/stabilized in accordance with the guidelines.

1. Have all identified problems with paint surfaced been repaired?  
 Yes                       No
  
2. Have all identified problems with paint surfaces been repaired using safe work practices?  
 Yes                       No  
 Not Applicable – the area of paint to be stabilized did not exceed the de minimis levels
  
3. Was a clearance exam conducted by an independent, certified lead professional?  
 Yes                       No  
 Not Applicable – the area of paint to be stabilized did not exceed the de minimis levels
  
4. Did the unit pass the clearance exam?  
 Yes                       No  
 Not Applicable – the area of paint to be stabilized did not exceed the de minimis levels

Name of Tenant:	_____		
Unit Address:	_____		
City:	State:	Zip:	
Name of Property Owner/Manager:	_____		
Property Owner/Manager Signature:	_____	_____	
Name of ESG Program Staff:	_____		
ESG Program Staff Signature:	_____	Date:	_____

## CoC Housing Quality Standards Inspection Guidelines

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The U.S. Department of Housing and Urban Development (HUD) has developed Housing Quality Standards (HQS) that define the minimum health and safety regulations that must be met in housing for which rental assistance payments are made with CoC program funds.

### **Initial Inspection**

Before any assistance may be provided on behalf of a program participant, the grantee must physically inspect each unit using the HQS Long Form (52580-a) to assure that the unit meets HQS. Assistance will not be provided for units that fail to meet HQS, unless the owner corrects any deficiencies within 30 days from the date of the initial inspection and the grantee verifies that all deficiencies have been corrected.

### **Annual**

Grantees must also inspect all units at least annually during the grant period to ensure that the units continue to meet HQS (annual must be started within 365 days of the last inspection). The HQS short form 52580 can be utilized on subsequent annual inspections.

## Los Angeles County Fair Market Rent Guidelines

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### Calculating the Gross Rent Amount for FMR Standard

The gross rent of a unit that is being tested by the FMR standard is the:

Total contract rent amount of the unit

+

Any fees required for occupancy under the lease (excluding late fees and pet fees)

+

Monthly utility allowance\* (excluding telephone) established by local PHA

*\*Note: The monthly utility allowance is added only for those utilities that the tenant pays for separately (for more information on utility allowances established by the local public housing agency (PHA), see 24 CFR 982.517). The utility allowance does not include telephone, cable or satellite television service, and internet service. If all utilities are included in the rent, there is not utility allowance.*

### Los Angeles County Fair Market Rent (FY 2016)

FMRs for each fiscal year can be found by visiting HUD's website at: [www.huduser.org/portal/datasets/fmr.html](http://www.huduser.org/portal/datasets/fmr.html).

Unit Bedrooms	Final FY 2016 FMR
Efficiency	\$947
1-Bedroom	\$1,154
2-Bedroom	\$1,490
3-Bedroom	\$2,009
4-Bedroom	\$2,227

## Rent Reasonableness Checklist & Certification

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

<b>Gross Rent Calculation</b>				
Proposed Contract Rent + Utility Allowance = Proposed Gross Rent				
<b>Comparable Units</b>				
	<b>Proposed Unit</b>	<b>Unit #1</b>	<b>Unit #2</b>	<b>Unit #3</b>
<b>Address</b>				
<b>Number of Bedrooms</b>				
<b>Square Feet</b>				
<b>Type of Unit/Construction</b>				
<b>Housing Condition</b>				
<b>Location/Accessibility</b>				
<b>Amenities:</b>				
<b>Unit:</b>				
<b>Site:</b>				
<b>Neighborhood:</b>				
<b>Age in Years</b>				
<b>Utilities (type)</b>				
<b>Unit Rent</b>				
<b>Utility Allowance</b>				
<b>Gross Rent</b>				
<b>Handicap Accessible?</b>				
<b>Staff Certification</b>				
Based upon a comparison with rents for comparable units, I have determined that the proposed rent for the unit:				
<input type="checkbox"/> is reasonable				
<input type="checkbox"/> is not reasonable.				
<b>Name:</b> _____ <b>Signature:</b> _____ <b>Date:</b> _____				