



Sonoma County Community Development Commission

Sonoma County Community Development Commission Emergency Solutions Grants Program

The HEARTH Act of 2009 established funding through HUD to support specialized housing services for persons experiencing homelessness. This program intends to provide safe, decent, and sanitary housing for individuals experiencing homelessness, as well as connect those individuals with the supportive services they need to improve their situation and maintain permanent housing. The Emergency Solutions Grant (ESG) program is established by subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, which authorizes the Department of Housing and Urban Development (HUD) to effectively expand ESG's eligible activities from traditional homeless shelter and outreach services to include rapid rehousing and targeted homeless prevention. The HEARTH Act also codifies into law the Continuum of Care planning process, a longstanding part of HUD's application process to assist homeless persons by providing greater coordination in responding to their needs. The ESG program objective is to assist individuals and families experiencing homelessness or who are at risk of homelessness to regain stability through services provided under eligible activities.

As HUD recipient and State subrecipient for ESG, the Sonoma County Community Development Commission (SCCDC), administers these funds for the County of Sonoma. SCCDC delegates the implementation to subrecipients; however, as the HUD recipient and State subrecipient for ESG, the SCCDC is responsible for ensuring that subrecipients carry out activities in compliance with all applicable requirements. Subrecipients are responsible for making sure that compliance with program requirements occur and is documented at all applicable levels.

This Policies and Procedures Manual will provide guidance to subrecipient agencies in utilizing the waiver provisions described in the HUD memorandum issued on March 31, 2020: https://www.hud.gov/sites/dfiles/CPD/documents/COVID-19_Mega_Waiver_03-31-2020.pdf and the HUD memorandum issued on May 22, 2020: https://www.hud.gov/sites/dfiles/CPD/documents/Additional_Waivers_for_CPD_Grant_Programs_to_Prevent_COVID-19_Spread_and_Mitigate_COVID-19_Economic_Impacts.pdf

These memorandums explain the availability of waivers of specific regulatory requirements associated with several CPD grants programs to prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19. These memorandums include program-specific waivers for the Emergency Solutions Grant Program.

To utilize the waivers, the SCCDC must update its program records to include written documentation of specific conditions that justify the use of the waivers, consistent with the justifications and applicability of the provision listed in the memorandums.

Subrecipients may use the waivers described in the memorandums and as detailed below to assist in affected ESG program beneficiaries and ESG program eligible households to prevent the

spread of COVID-19 and to mitigate the against the economic impact caused by COVID-19 for eligible households. All provisions not explicitly waived remain in full effect.

The SCCDC is requiring all subrecipients seeking to use the waivers to submit a request to Stephanie.Hershberger@sonoma-county.org, specifying which waivers they wish to utilize. Additionally, subrecipients must update their policies and procedures to include the specified waivers

Subrecipients are expected to update their program records accordingly to include written documentation of the specific conditions that justified the use of the waiver consistent with the justifications and applicability provided for each waiver flexibility in the memorandum.

ESG Mega Waivers and Recordkeeping Requirements

1. Re-evaluations for Homelessness Prevention Assistance

Requirement: Homelessness prevention assistance is subject to re-evaluation of each program participant's eligibility need for assistance not less than once every three (3) months.

Citation: 24 CFR 576.401(b)

Explanation: The ESG regulations at 24 CFR 576.401(b) requires subrecipients providing homelessness prevention assistance to re-evaluate the program participant's eligibility, and the types and amounts of assistance the program participant needs not less than once every three (3) months.

Justification: Waiving re-evaluation requirement for homelessness prevention assistance, as specified below, is necessary to help program participants remain stable in housing during the economic uncertainty caused by COVID-19.

Applicability: The required frequency of re-evaluations for homelessness prevention assistance under section 576.401(b) is waived for up to 2-years beginning on March 31, 2020, **so long as the subrecipient conducts the required re-evaluations not less than once every six (6) months.**

Expiration: This waiver will expire on March 31, 2022

Subrecipients must maintain:

1. emergency Recordkeeping policies and procedures;
2. participant files must contain a note of this waiver, and;
3. documentation demonstrating compliance with the 6-month re-evaluation requirement.

2. Housing Stability Case Management

Requirement: Program participants receiving homelessness prevention or rapid re-housing assistance must meet with a case manager not less than once per month, unless certain statutory prohibitions apply.

Citation: 24 CFR 576.401(e)

Explanation: Under 24 CFR 576.401(e), subrecipients must require program participants to meet with a case manager, not less than once per month to assist them in ensuring long-term housing stability, unless the Violence Against Women Act of 1994, or Family Violence Prevention and Services Act prohibits the subrecipient from making its housing conditional on the participant's acceptance of services.

Justification: Staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID-19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below, will allow subrecipients to provide case management on an as-needed basis and reduce the possible spread and harm of COVID-19.

Applicability: The required frequency of case management meetings for homelessness prevention or rapid re-housing assistance under section 576.401(e) is waived for 3-months from the memorandum dated May 22, 2020.

Expiration: This waiver will expire on August 22, 2020.

Subrecipients must maintain:

1. Emergency Recordkeeping policies and procedures
2. Participant files must contain a note of this waiver

3. Restriction of Rental Assistance to Units with Rent at or Below FMR

Requirement: Restriction of rental assistance to units with rent at or below FMR.

Citation: 24 CFR 576.106(d)(1)

Explanation: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR Part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.

Justification: Quickly moving people into permanent housing is especially critical in preventing the spread of COVID-19. Waiving the limit on rental assistance to rents that are equal to or less than the FMR, established by HUD, will assist subrecipients in more quickly locating additional units to house individuals and families experiencing homelessness.

Applicability: The FMR restriction is waived for any individual or family receiving Rapid Re-housing or Homelessness Prevention assistance who executes a lease for a unit during the six (6) month period beginning on March 31, 2020. The ESG subrecipient must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard.

Expiration: This waiver will expire on September 31, 2020.

Subrecipients must maintain:

1. Emergency Recordkeeping policies and procedures;
2. A copy of the lease clearly displaying the date of execution;
3. Participant files must contain a note of this waiver and its application to the participant's lease;
4. A completed rent reasonableness comparison.

Resources:

https://www.hud.gov/sites/dfiles/CPD/documents/COVID-19_Mega_Waiver_03-31-2020.pdf

https://www.hud.gov/sites/dfiles/CPD/documents/Additional_Waivers_for_CPD_Grant_Programs_to_Prevent_COVID-19_Spread_and_Mitigate_COVID-19_Economic_Impacts.pdf

<https://www.hud.gov/sites/dfiles/CPD/documents/Availability-of-Waivers-of-CPD-Grant-Program-and-Consolidated-Plan-Requirements-to-Prevent-the-Spread-of-COVID-19-and-Mitigate-Economic-Impacts-Caused-by-COVID-19.pdf>

<https://files.hudexchange.info/course-content/covid-19-planning-response-office-hours-mega-waiver-and-cares-act/COVID-19-Planning-Response-Office-Hours-Mega-Waiver-and-CARES-Act-Slides.pdf>