



**EMERGENCY SHELTER OPERATIONS  
 NOTICE OF FUNDING AVAILABILITY (NOFA) AND  
 GRANT APPLICATION GUIDELINES**

*Please review the Grant Application Guidelines prior to starting the application process.*

**\*CALENDAR OF EVENTS:**

Grant Technical Assistance Workshop (MANDATORY) ..... Wednesday, January 27, 2021, at 2:00 p.m.

Workshop will be held virtually via Zoom:

Join Zoom Meeting

<https://www.zoom.us/webinar/98243024950?occurrence=160825590000>

Join by phone: 1 669-900-9128

Meeting ID: 963 1992 2589

Passcode: 0jdSNi

**Applications Submittal Deadline ..... Monday, February 8, 2021, by 10:00 a.m.**

Panel Presentations ..... February 11-12, 2021  
 (Scheduled on a first come first serve basis.)

Noticing of Application Ranking ..... February 2021

Final Award Approved by Stanislaus County Board of Supervisors ..... February 2021

Grantee Award Training ..... February 2021

Agreement Executions ..... February 2021

***\*All dates on timeline are subject to change.***

The following are the Grant Application Guidelines for CA-ESG CV2 Emergency Shelter Operations Stanislaus Community Systems of Care allocated funds:

**FUNDING INFORMATION**

**STATE CA-ESG CV2 PROGRAM**

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The CARES Act identified additional funding for the Emergency Solutions Grant (ESG) program to be utilized to prevent, prepare for, and respond to coronavirus among individuals and families who are experiencing homelessness or receiving homelessness assistance; and to support additional homelessness assistance and homeless prevention activities to mitigate the impact created by the Coronavirus (COVID-19) pandemic.

The County’s Planning and Community Development Department serves as the Administrative Entity (AE) for the Stanislaus Community System of Care (CSOC), federally recognized as the local

Turlock/Modesto/Stanislaus County Continuum of Care (CoC), for the purpose of receiving ESG funding allocated to the CoC from the California Department of Housing and Community Development (HCD). On October 2, 2020, HCD released a Notice of Funding Availability (NOFA) allocating \$22,767,898 in CA-ESG CV2 funding to the CoC. The funding is eligible for use throughout the entire CoC service area; which encompasses all of Stanislaus County.

On January 15, 2021 the CoC approved the proposed tiers for the funding system that will be utilized for the CA-ESG CV2 Emergency Shelter Operations funding that was approved on December 17, 2020, the CSOC accepted the recommendation of the AE to proceed with Option One – A Two Phase Approach, as outlined in the December 17, 2020 CSOC Memo available online at: [https://csocstan.com/wp-content/uploads/2020/12/2020-12-17\\_CSOC\\_Staff-Reprot\\_CA-ESG-CV2.pdf](https://csocstan.com/wp-content/uploads/2020/12/2020-12-17_CSOC_Staff-Reprot_CA-ESG-CV2.pdf)

Option One directs the AE to proceed with the development of NOFAs in phases, phase one and phase two, as summarized below:

- Phase One allows for up to \$10 million in Emergency Shelter funding to be awarded to existing eligible emergency shelters for shelter operation costs; and the awarding of the \$2.2 million allocated for Street Outreach.
- Phase Two allows for the remaining \$6.9 million in Emergency Shelter funding to be used for development and operations of satellite shelters; and the awarding of \$500,000 in funding for Rapid Re-housing (RRH).

This NOFA is solely for the purpose of providing the guidelines for the Emergency Shelter Operations funding related to the Phase One option referenced above.

In addition to meeting basic CA-ESG CV2 program eligibility, applications for funding MUST demonstrate:

- A documentable connection between the COVID-19 impact on client needs and the applicant's service delivery.
- How the applicants service model or delivery has had to expand or be modified as a result of COVID-19.
- Controls to avoid any duplication of benefits by assurance, through a Duplication of Benefits Analysis, that the applicant is not receiving financial assistance from other sources for the expenses listed in the application AND demonstrating the ability to determine a client's needs are not met from other funding sources. (See [HUD's guidance on Duplication of Benefits](#) regulations.)

The awarded funding will be made available as reimbursement grants; unless other allowances are made available by the AE. Eligible expenses directly related to COVID-19 may be reimbursed from the start of the pandemic, no earlier than April 1, 2020 through January 31, 2022\*.

***\*Final deadline subject to change pending final executed agreement between HCD and the AE.***

## **GRANT TECHNICAL WORKSHOP**

A Grant Technical Assistance Workshop (via Zoom), will be held on **January 27, 2021, at 2:00 p.m.**, see meeting link information above, and participation in the workshop is **MANDATORY**<sup>1</sup> for eligibility to submit a grant application(s). The workshop is provided to help answer any questions applicants may have about the application, application process, and program requirements. **Applications are due Monday, February 8, 2021, by 10:00 a.m.**; any applications submitted after this date and time will not be considered for funding approval. See the "Application Reminders" section of these guidelines for additional submittal information.

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<sup>1</sup> An exception may be granted by the AE if requested by an eligible shelter operator in advance of the workshop and the operator can demonstrate that due to conditions outside their control they are unable to attend the workshop. Any agency granted an exception will be required to watch a recording of the workshop and to consult with staff within 72 hours of the workshop having been conducted.

## **CA-ESG CV2 FUNDING OVERVIEW**

The source of HCD's CA-ESG CV2 funding is sourced from federal ESG CARES Act funding. The federal ESG program is governed by 24 Code of Federal Regulations (CFR), Parts 91 and 576. HUD's ESG Program information is available online: <https://www.hudexchange.info/programs/esg/>.

As a reminder, the AE's program regulations are aligned with HUD's ESG regulations. For a reference of approved activities, providers should refer to the ESG Quick Reference Guide available online at: <https://files.hudexchange.info/resources/documents/ESG-Program-Components-Quick-Reference.pdf>.

Notable elements regarding the use of CA-ESG CV2 funding include:

- Resources may only be used to cover allowable costs that are associated with preventing, preparing for, and responding to COVID-19.
- These funds are exempt from the ESG match requirements.
- No funds may be used to require people experiencing homelessness to receive treatment or any other prerequisite activity as a condition for receiving shelter, housing, or other services.

The CA-ESG program is governed by 25 California Code of Regulations, Section 8400 et seq ("State Regulations"). State regulations can be found online at: <http://hcd.ca.gov/grants-funding/active-funding/esg.shtml>

## **ADVANCING RACIAL EQUITY AND INCLUSION**

HCD's CA-ESG CV2 NOFA directs that awarded agencies should prioritize the advancement of racial equity and inclusion at all levels of the homeless response system. Applicants will need to demonstrate how they will provide for and improve access to services, services provision, and outcomes among disproportionately underrepresented populations.

Funded agencies cannot simply rely on delivering a standardized set of services to address equity and inclusion. Funded agencies are responsible for examining their data, ensuring all eligible persons are receiving equitable supportive services with dignity, respect, and compassion regardless of their circumstances, abilities, or identity. Funded agencies must respond to disproportionality in access to services, service provision and outcomes and should at a minimum begin to address the concerns of the disproportionately impacted communities and those with lived experience of homelessness in a meaningful and sustainable way to create effective approaches to assist in reducing and ending homelessness.

## **ENVIRONMENTAL REVIEW**

Use of all funding is required to comply with the National Environmental Policy Act (NEPA) to limit the potential environmental impacts of a project. Activities funded under the ESG Program are subject to the environmental review regulations at 24 Code of Federal Regulations part 58 before any expenditure of funding occurs.

AE staff will conduct environmental reviews and process documents with HCD and HUD as needed.

## **HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) AND COORDINATED ENTRY (CE)**

Any emergency shelter operator awarded funding will be required to use the CSOC's Collaborative Applicant (AE) HMIS database. Emergency shelter operators serving victims of domestic violence or providing legal services are required to enter data into a "comparable database" in accordance with HUD's standards on participation, data collection, and reporting. Comparable database must be able to collect client-level data over time and generate unduplicated aggregate reports based on the data. In addition, record sharing is required.

Any emergency shelter operator awarded funding will be required to participate in the ongoing development and coordination of the CE process established by the CSOC, the local CoC, as set forth in 24 CFR 578.7 (a)(8) to evaluate individuals and families applying for services.

Missed deadlines and missing information in HMIS will result in a delay in funding reimbursement. CA-ESG CV2 funding will only be reimbursed for eligible activities occurring during a period of time when the emergency shelter operator has been actively reporting HMIS data.

## **LOW BARRIER ASSISTANCE**

Per HUD guidance, individuals and families assisted with these funds “must not be required to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services for which these funds are used, notwithstanding 24 CFR 576.401(e).”

## **APPLICATION ELIGIBILITY AND FUNDING LIMITS**

This NOFA makes available \$10M in funding based on a three-tiered funding format that takes into consideration the service levels of the existing emergency shelters in the CoC service area. The tiered funding levels recognize that all eligible emergency shelters provide overnight shelter and some level of program services and case management; however, some shelters may have additional costs from providing day programs, and the allowance for partners to be sheltered together. These additional accommodations contribute to both the cost of operating the shelter and the benefit provided to the community in addressing COVID-19.

The three-tiered system outlined below demonstrates how the initial maximum funding opportunity for each of the eligible emergency shelters was determined based on the level of services provided by each shelter. The three tiers are as follows:

**Tier 1** – The shelter must operate overnight and must provide some level of both program services and case management.

**Tier 2** – Includes all tier one requirements, plus the shelter must provide a day program with 24-hour access to the shelter facility and services.

**Tier 3** – Includes all tier one and two requirements, plus the shelter must allow partners to shelter together.

Within each tier, a per bed daily funding value has been assigned for the purpose of determining the maximum funding each emergency shelter is eligible to initially receive. While a maximum funding amount has been identified for application purposes, only actual costs, supported by AE approved documentation, will be eligible for reimbursement. The per bed funding values in Table 1 are intended to serve as guidance for shelter providers for cost reasonableness and do not supersede OMB Uniform Guidance <https://www.grants.gov/web/grants/learn-grants/grant-policies/omb-uniform-guidance-2014.html> or HCD eligible expense guidance. All reimbursement requests will need to be connected to a daily bed use and shall not exceed the shelters identified tier funding level.

The tiered emergency shelter operation per bed daily funding values are reflected in the following table:

<b>Table 1: Tiered Emergency Shelter Operations Funding</b>				
		<b>Daily Funding Values (Per Bed)</b>		
<b>Service Level</b>	<b>Criteria</b>	<b>Tier 1 \$30.00</b>	<b>Tier 2 \$40.00</b>	<b>Tier 3 \$50.00</b>
Overnight Shelter		X	X	X
Program Services	Training, referrals, transportation	X	X	X
Case Management	One on one client assistance	X	X	X
Day Program Included	24 hour access to facility	Not Provided	X	X
Partners	Couples allowed to shelter together	Not Provided	Not Provided	X

Based on the service levels identified for each shelter, the reported average number of beds available/individuals housed during the COVID-19 pandemic, and the number of days the shelter will be in operation between April 1, 2020 and January 31, 2022, the following maximum funding amounts has been identified for each shelter if the shelter is found to be eligible:

<b>Non-Profit/Agency Name</b>	<b>Emergency Shelter Name</b>	<b>Max Funding Amount</b>
Cambridge Academies	Host House	\$395,522
Cambridge Academies	Naomi's House	\$282,858
Center for Human Services	Hutton House Youth Shelter	\$92,289
Center for Human Services	Youth Low Barrier Shelter	\$140,231
Family Promise of Greater Modesto	Shelter apartments and motels	\$461,443
Haven Women's Center of Stanislaus	Haven Shelter	\$652,612
Modesto Gospel Mission	Modesto Gospel Mission	Not Participating
The Salvation Army - Modesto Corps	Berberian Emergency Shelter	\$2,663,183
The Salvation Army - Modesto Corps	ACES Low Barrier Shelter	\$3,197,138
Turlock Gospel Mission	Turlock Gospel Mission	\$1,450,248
Turning Point Community Programs	Garden Gate Respite	\$110,746
We Care Program - Turlock	We Care Emergency Shelter	\$553,731
<b>Total Allocation: (Rounded to Nearest Dollar)</b>		<b>\$10,000,000</b>

There are currently twelve (12) emergency shelters that meet HUD emergency shelter standards known to be operating within Stanislaus County. The Modesto Gospel Mission has notified the AE and the CSOC that it has no interest in seeking CA-ESG CV2 funding. Two of the shelters listed above, CHS – Low Barrier Shelter and Naomi's Housing, are still under development, but expected to be operational during the funding period. Maximum funding amounts for the two shelters under development have been prorated based on the expected start of operations. The AE reserves the right to adjust maximum funding amounts if additional shelters are identified and determined to meet HUD standards and have the staffing capacity to effectively administer HUD funds during the NOFA process. The maximum funding amounts may also be adjusted if during the application process it is determined that information used to determine the tiered funding values was incorrect or incomplete.

Eligible shelters may request funding in excess of the above funding amounts, however, any awards beyond the maximum funding amounts will be limited to any balance of the maximum funding amounts not requested by an eligible shelter and will be awarded based on ranking scores established by the Grant Review Panel.

All funding awards will be subject to two-month expenditure reviews and funding may be reallocated to other emergency shelters meeting the expenditure requirements, and with the capacity to expend the funding, based on the ranking scores established by the Grant Review Panel.

All emergency shelter operators applying for funding must demonstrate to the Grant Review Panel that they: provide services in a manner that ensures all eligible persons receive equitable services with dignity, respect and compassion regardless of circumstances, ability, or identity; provide on-site bilingual Spanish speaking staff or access to translation services for other languages; and actively participate in the Coordinated Entry System and meet all HMIS data collection and reporting criteria.

Stanislaus County, as the AE for the CA-ESG CV2 funding, reserves the right to utilize the Grant Review Panel's ranking scores for awarding future CARES funding received by Stanislaus County.

## GRANT REVIEW PANEL AND SCORING CRITERIA

The Grant Review Panel will be comprised of one (1) representative from Stanislaus County, one (1) city representative from each of the nine (9) Stanislaus County cities, and one (1) representative from the CSOC. All applications allow the AE to verify eligibility, confirm that the request for funding is COVID-19 related, and to ensure that the proposed budget for use of the requested funding meets all program requirements. The AE's findings will be provided to the Grant Review Panel which will make any needed adjustments to the maximum funding amounts allowed and rank the applications. The Grant Review Panel will rank applications based on the scoring criteria outlined below. The Tiered Funding System and ranking scores will be used to determine funding award recommendations. Final funding amounts may also depend on eligible budget requests, eligible scope of services in compliance with state and federal program regulations, past program performance, the area and populations served, and funding availability.

**Scoring Criteria:** Below is a summary of the basic scoring criteria to be used by the Grant Review Panel to evaluate each application:

- ❖ **Capacity & Experience** – Does the agency have experience administering federal or state ESG funding? Does the Agency have the capacity to readily utilize and expend funding? Funding prioritization will be provided to agencies with successful experience in administering federal or state ESG funding and with the proven capacity to expend funding.  
*(Maximum Points Available: 30 Points)*
- ❖ **Addressing the Need/Extent of the Problem** – Does the agency need the funding to prevent, prepare for, and respond to the COVID-19 pandemic? Do awarding of funds support the equitable distribution of CA-ESG CV2 funds throughout Stanislaus County? Does the shelter provide the required bilingual staff and translation services? Does the shelter place barriers to folks needing to access services? Funding prioritization will be given to low barrier shelters with consideration given to ensuring the equitable distribution of funds throughout Stanislaus County.  
*(Maximum Points Available: 30 Points)*
- ❖ **Financials** – Does the shelter have the funding, including the requested CA-ESG CV2 funding, to sustain operations for a minimum of two years? Is the application budget complete and reflective of a sustainable operation? Is the CA-ESG CV2 funding supplemental and what is the agency's capacity to leverage funds from other sources?  
*(Maximum Points Available: 30 Points)*
- ❖ **Performance & Risk Assessment** – How will use of the CA-ESG CV2 funding be implemented? Has the agency had any issues with expending all their past or current awarded funding? Are there any serious performance issues in past grants awarded to the agency? Is the agency an active participant in coordinated entry and does the agency have the experience and capacity to input data into HMIS? The AE will provide the Grant Review Panel with agency performance data collected from programs funded by local government agencies, including, not limited to cities and County.  
*(Maximum Points Available: 30 Points)*
- ❖ **Racial Equity Assessment and Efforts** – This section evaluates the agency's current and proposed efforts to address the needs of the underserved communities throughout Stanislaus County. Exhibit P will be reviewed and evaluated on how the agency will assess racial equity within

their agency and the services they provide in the community. Scoring will consider how the agency will provide for and improve access to services, services provision, and outcomes among disproportionately underrepresented populations.  
(Maximum Points Available: 30 Points)

- ❖ **Grant Submittal** – This section is a combination of the application submitted and the presentation by the applicant. Is the application clear and accurate? Does the presentation align with the submitted application? Did the presentation clear up any concerns or questions regarding the application?  
(Maximum Points Available: 20 Points)

As reflected in the maximum points available, prioritization will be given to applicants with successful experience in administering ESG funding and a proven capacity to expend funding; and to low barrier shelters with consideration given to ensure that available funding gets equitably distributed throughout Stanislaus County.

It is anticipated that the Grant Review Panel will request a presentation from all of the applicants. Presentations to the Grant Review Panel will be conducted via Zoom as a video conference. Presentation instructions, including any limits on the number of applicant representatives allowed to participate, will be provided prior to the presentations. Time slots for the presentations will be offered according to the order that applications were initially submitted.

## **REQUIREMENTS FOR AGENCIES AWARDED FUNDING**

Agencies awarded CA-ESG CV2 funding must follow these program requirements:

**Pre-Award Workshop:** Agencies will be required to attend a pre-award workshop to assist them in compliance with program regulations and requirements. Agencies will be instructed on how to submit reports and Request for Funds (RFFs) forms to the AE.

**Documents Needed:** Funded agencies will be required to execute an Agreement with the AE and provide the required insurance certificates and endorsements prior to the signing of a contract. Agencies are required to provide a copy of its Personnel Policies, Affirmative Action Plan, Drug-Free Workplace Policy, and other required documents before entering into an Agreement to ensure compliance with HCD.

**Reporting and Records:** The AE, HUD, and/or HCD shall have access to program records. Agencies will be required to obtain and provide individual client data including, but not limited to: ethnicity, income, disability, race, female head of household, clients 62 years and older and accomplishment data. Quarterly and year-end performance reports are required. Grant files and individual client files must be maintained for a minimum of four (4) years after the program has ended.

**Request for Funds Form:** Invoicing for funds is required at a minimum on a monthly basis. A Request for Funds (RFF) form that includes a Detailed Expense Report Attachment will be provided by AE staff. Funds are provided on a reimbursement basis and supporting documentation must be approved by AE staff prior to payment.

**Monitoring and Technical Assistance:** The program will be monitored by AE staff for compliance with the AE, HUD, and/or HCD requirements and regulations. HUD and/or HCD staff may also monitor the program for compliance. Program requirements including performance, accomplishments, eligibility, and expenditures will be included in monitoring desk and site reviews. The AE will provide technical assistance as needed, or requested, to assist with the project progress and success. If the agency is not following the program requirements and regulations, funding may be terminated, and funding reimbursement required.

**Budget:** The budget form must specifically detail the “Total Requested Amount” of the grant proposal and **NOT** the entire agency’s program budget or the agency’s entire budget. Agencies will be required to follow

application budget line item amounts when requesting funds. Ensure that line items are feasible and give the agency flexibility in program expenditures.

**Fiscal Management:** Agencies must comply with federal uniform administrative requirements regarding fiscal management including: financial reporting, record keeping, accounting systems, payment procedures, procurement of goods and services, conflict of interest, and audit requirements. Non-profit organizations must administer programs in compliance with OMB Uniform Guidance set forth in 2 CFR Part 200.

Costs must be necessary and reasonable for proper and efficient performance and administration of the grant. Costs must be adequately documented.

**Eligible Expenses Include but Are Not Limited to:** Funds may be used to pay for labor, supplies, and materials as well as to operate and/or maintain the portion of a facility in which the public service is located. This includes the lease of a facility, equipment, and other property needed for the public service. Costs incurred for telephone services, local and long-distance telephone calls, postage, messenger, electronic or computer transmittal services and the like are allowable.

- ❖ **Salaries:** Salary and fringe benefits (fringe is limited to 20% of total salary costs) in the form of regular compensation paid to employees during periods of authorized absences from the job, such as vacation leave, sick leave, military leave, and the like, are allowable, provided such costs are absorbed by all agency activities in proportion to the relative amount of time or effort actually devoted to each. Time sheets will be required to document expenses for staff and allowable time should be adjusted by the staff percentages of time allocated on the project as listed in the application. **Paid Time-off (PTO), Overtime, and Bonuses are NOT allowable expenses.**

**Ineligible Expenses Include but Are Not Limited to:** Funds may not be used to pay for food/meals for staff, fund raising, entertainment, alcoholic beverages, deposits on equipment, incentives to clients (e.g., gift cards, raffle prizes, holiday gifts, prizes for social activities), and late fees or penalties. Below are some examples of ineligible expenses, taken from HCD Guidelines:

- ❖ **Promotion of Agency:** Costs of advertising and public relations designed solely to promote the non-profit agency including costs of promotional items and memorabilia, including models, gifts, and souvenirs, are not allowed.
- ❖ **Contributions or Donations:** Contributions or donations, including cash, property, and services, made by the agency, regardless of the recipient, are unallowable.
- ❖ **Entertainment Costs:** Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable.
- ❖ **Fundraising:** Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are unallowable.
- ❖ **Goods or Services for Personal Use:** Costs of goods or services for personal use of the organization's employees are unallowable.

**Indirect Costs:** Pursuant to OMB requirements, non-profit organizations receiving CA-ESG CV2 funds may charge an indirect cost allocation to their grant. The indirect cost allocation may not exceed 10% of the allowable direct costs under the program activity unless a higher list for the indirect cost allocation has been approved by the applicable federal agency pursuant to OMB requirements.

**HMIS:** Participation in the CSOC's HMIS is required.

## APPLICATIONS ARE ALSO REQUIRED TO MEET THE FOLLOWING PROGRAM REQUIREMENTS

**Site Control:** Agency must provide proof of site control of location(s) where they will be providing services.

**Termination of Assistance Procedures:** Agency must provide a copy of its Termination Procedures. An awarded agency is required to establish a formal process for the termination of assistance to a participant. This process must recognize the individual's right to a hearing.

**Case Management:** Agency must provide evidence that they have appropriate staffing and that direct case management services are provided to clients in order to be able to receive reimbursement for case management staff salaries. A housing plan that includes budgeting is required to be included in a client's file along with all other required program documentation.

**Centralized or Coordinated Assessment System:** Awarded agencies are required to use a centralized or coordinated assessment system, as required by HUD and/or HCD, to assess the eligibility and needs of each individual or family who seeks homeless assistance or homelessness prevention assistance.

**Client Data:** The agency is required to obtain, update, and maintain individual client files documenting program eligibility and statistical data including, but not limited to, income eligibility verification, U.S. Census Bureau race and ethnicity breakdowns, disability, female head of household, and clients 62 years of age and older.

Here is the link the HUD's Glossary of Service Types for further explanation of services and what they entail: <https://www.hud.gov/sites/documents/92456-GLOSSARY.PDF>.

**Shelter Facility Requirements:** The term "Emergency Shelter" is defined by HUD as any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless – 24 CFR 91.5; Subpart A General.

Whenever ESG funds are used under the Emergency Shelter component for shelter operations, the building must meet the minimum standards for safety, sanitation, and privacy provided in §576.403(b). These standards include:

**Structure and Materials:** The shelter building must be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents. Any renovation (including major rehabilitation and conversion) carried out with ESG assistance must use Energy Star and WaterSense products and appliances.

**Access:** The shelter must be accessible in accordance with Section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; the Fair Housing Act (42 U.S.C. 3601 et seq.) and implementing regulations at 24 CFR part 100; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and 28 CFR part 35; where applicable.

**Space and Security:** Except where the shelter is intended for day use only, the shelter must provide each program participant in the shelter with an acceptable place to sleep and adequate space and security for themselves and their belongings.

**Interior Air Quality:** Each room or space within the shelter must have a natural or mechanical means of ventilation. The interior air must be free of pollutants.

**Water Supply:** The shelter's water supply must be free of contamination.

**Sanitary Facilities:** Each program participant in the shelter must have access to sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.

**Thermal Environment:** The shelter must have any necessary heating/cooling facilities in proper operating condition.

**Illumination and Electricity:** The shelter must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the shelter.

**Food Preparation:** Food preparation areas, if any, must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.

**Sanitary Conditions:** The shelter must be maintained in a sanitary condition.

**Fire Safety:** There must be at least one working smoke detector in each occupied unit of the shelter. Where possible, smoke detectors must be located near sleeping areas. The fire alarm system must be designed for hearing-impaired residents. All public areas of the shelter must have at least one working smoke detector. There must also be a second means of exiting the building in the event of fire or other emergency.

In addition to the above habitability standards, §576.403(a) Lead-based paint remediation and disclosure are required. The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M, and R apply to all shelters assisted under ESG program and all housing occupied by program participants.

## **EQUAL ACCESS TO HOUSING REGARDLESS OF SEXUAL ORIENTATION OR GENDER IDENTITY**

On February 3, 2012, HUD published a final rule in the Federal Register entitled, "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity". This rule became effective March 5, 2012 and was amended in September 2016 with 24 CFR 5.106. The rule provides a regulatory provision that prohibits considering a person's marital status, sexual orientation, or gender identity in making homeless housing assistance available. Refer to: <https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/> for more information.

Gender identity is defined as the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents. Awarded agencies are required to establish equal access on gender identity policies (in line with federal rules and the requirements in this document) for:

### **Program Admissions**

1. Occupancy
2. Operating policies and procedures (including privacy and security policies)

### **Specifically, ESG Funded Activities Are Required To:**

1. Make housing available without regard to actual or perceived sexual orientation, gender identity, or marital status.
2. Equal access to facilities, buildings, benefits, accommodations, and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.
3. Prohibit any requirements for individuals to prove gender identity (including documentation, identification, intrusive questioning on person's anatomy or medical history, etc.
4. Prohibit consideration of a participant or potential participant's entry into a program because his or her appearance or behavior does not conform to gender stereotypes.
5. Prohibit any segregation of transgender participants (e.g. transgender- only shelter or space), unless the transgender participant requests an accommodation (like a more private space) and the facility can accommodate the request.
6. Base discharges, service restrictions, and warnings following any incidents involving transgender participants ONLY on the individual's behavior, not gender identity.
7. Have a zero tolerance for harassment of transgender residents:
  - a. Staff shall recognize that harassment based on gender identity is discriminatory behavior and will be treated as such.
  - b. All unacceptable behavior including, but not limited to harassment, abuse, assault, discrimination, intimidation, threats, violence and many other forms against transgender residents will be dealt with based on the program's behavior policies. Due to the high incidence of harassment of transgender people, concerns about the safety of a transgender resident will be taken with utmost seriousness.
8. Permit any participants expressing concern to use bathrooms and dressing areas at a separate time from others in the facility.
9. Work (to the extent feasible) with the layout of any shelter facilities to provide for privacy in bathrooms and dressing areas.
10. Ensure that policies do not isolate or segregate participants based upon gender identity.
11. Take reasonable steps to address any safety or privacy concerns expressed by participants. This may include:
  - a. Responding to the requests of the participant expressing concern through the addition of a privacy partition or curtain.
  - b. Provision to use a nearby private restroom or office.
  - c. Separate changing schedule.
12. Provide staff (including full-time, part-time and volunteer) and contractors with ongoing training on the rules in this document and the needs, concerns, and realities of transgender people seeking services.
13. Best practices suggest that when the subrecipient is uncertain of the participant's sex or gender identity, the subrecipient simply informs the participant or potential participant that the subrecipient provides shelter based on the gender with which the individual identifies.

14. There are some resources available to subrecipients on implementing the Equal Access Rule, including:

- a. Equal Access for Transgender People: Supporting Inclusive Housing and Shelters
- b. Equal Access Self-Assessment for Shelters and Projects
- c. Equal Access Expectation: Training Scenarios for Use with Project Staff

### **Involuntary Family Separation:**

If a HUD-assisted shelter serves any families with children, it must serve all types of families with children. The definition of family under the Equal Access Rule at 24 CFR 5.403 applies to ESG, which does not limit a "family" to women with children. Additional guidance on the definition of 'family' and how it applies to subrecipients of ESG and CoC Program funds may be reviewed in the CoC FAQ 1529: <https://www.hudexchange.info/news/hud-releases-new-faqs-on-the-coc-program-and-the-applicability-of-e2809cfamilye2809d-in-equal-access-rule-on-recipients-of-esg-and-coc-program-funding/>.

In addition, the "involuntary family separation" requirement found in Section 576.102(b) of the ESG Program interim rule applies to all shelters that receive ESG Program funding. This section of the interim rule requires that "the age of a child under 18 must not be used as a basis for denying any family's admission to an emergency shelter that uses ESG funding or services and provides shelter to families with children under the age of 18." The intent of the involuntary family separation provision in the ESG interim rule is to allow families with children to remain in shelter together if they choose.

Together, these policies prohibit HUD-assisted emergency shelters that serve any children from denying assistance to or separating members of a family with children, based on gender or age. Just as a shelter cannot separate teenage boys from their families, it cannot separate out or deny assistance to adult men that present as a part of the family (e.g. fathers, uncles, the mother's boyfriend, etc.) since that has the end result of separating children from members of the family. Although we recognize that this may bring challenges, this is the law.

Accommodating Families: If a HUD-assisted shelter has private rooms in which a family can stay together, then the family must be able to stay in a room together if they choose. In all cases (whether or not it's a congregate-style shelter), all families must be treated the same. For example:

1. If the standard practice is to put down mats in a conference room for everyone who is considered "overflow" (beyond the capacity of the shelter beds), then it can shelter a family together in that space.
2. If the standard practice is to place a family in its own room, it would be acceptable to leave a bed empty to accommodate the family, (e.g. a family of four could stay in a unit with 5 beds, and the fifth bed could be open). In this example, HUD would not expect a subrecipient to fill the 5th bed with an individual that is not a member of the family, so long as the subrecipient documented the reasons for having open beds.

### **Single Sex Shelters:**

HUD-assisted single-sex shelter is acceptable only under limited conditions in which the facilities meet both of the following requirements:

1. The shelter must be for individuals only. A shelter that accepts families with children cannot be single sex. An example of this might be a shelter that serves single women only (women not in families, without children under 18), and

2. The shelter must not be considered a "dwelling unit" and it must consist of a single structure with shared bedrooms or bathing facilities. This policy, which applies to ESG, is stated most clearly in the CoC interim rule, at section 578.93: "The housing may be limited to one sex where such housing consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex."

If the facility is not permitted under the HUD standards to operate as single sex, then the project must serve people of any gender who are eligible. That means that a facility serving any families with children must serve all families with children and may not discriminate against specific families because of the gender of the head of household or child(ren).

## **EMERGENCY SHELTER ELIGIBLE COSTS**

Eligible Activities Include- The costs of maintenance, rent, security, fuel, equipment, insurance, utilities, food, furnishings, supplies necessary for the operation of the emergency shelter, and, when no appropriate emergency shelter is available, for hotel or motel vouchers for homeless families or individuals. See below for further definition.

Indirect Costs - Expenses for oversight and coordination of proposed program will be limited to 10% of the overall awarded amount.

Eligible activities as per 24 CFR 576.102, for shelter facilities include the following:

Operation of a Homeless Shelter - Costs of maintenance including:

- Minor or routine repairs,
- Rent,
- Food,
- Security,
- Fuel,
- Equipment,
- Telephone/cell phone service,
- Internet expense,
- Furnishings,
- Office supplies,
- Insurance- Utilities; and,
- Other supplies necessary for the operation of the shelter(s).

### **Essential Services Provided at Shelter Facility**

Case Management - The cost of assessing, arranging, coordinating and monitoring the delivery of individualized services to meet the needs of the program participant.

Component services and activities consist of:

- Using the centralized or coordinated assessment system developed by the local Continuum of Care as mandated by program regulations,
- Conducting the initial evaluation,
- Counseling,
- Developing, securing, and coordinating services and obtaining Federal, state and local benefits,
- Monitoring and evaluating program participant progress,
- Providing information and referrals to other programs,
- Providing ongoing risk assessment and safety planning with domestic violence, dating violence, sexual assault and stalking victims; and,

- Developing an individualized housing and service plan, including planning a path to permanent housing stability.

Child Care - The cost of childcare for program participants, including providing meals and snacks, and comprehensive and coordinated sets of appropriate developmental activities are eligible. Children must be under the age of 13 unless they are disabled. Disabled children must be under the age of 18. The child-care center must be licensed by the jurisdiction in which it operates.

Education Services - When necessary for program participants 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 (ESL) and GED. Component services of activities are screening, assessment and testing, individual or group instruction, tutoring, provision of books, supplies, and instructional material, counseling and referral to community resources.

Employment Assistance and Job Training - The costs of employment assistance and job training programs are eligible. Services will assist the individuals in securing employment, acquiring learning skills, and/or increasing earning potential. Cost of providing reasonable stipends to program participants in employment assistance and job training programs. Learning skills including those skills that can be used to secure and retain a job, including the acquisition of vocational licenses and/or certificates.

Eligible types include:

- Classroom instruction,
- Online instruction,
- Computer instruction; and,
- On the job instruction.

Specific 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; and,
- Referral to community resources.

Outpatient Health Services - Costs for direct outpatient treatment of medical conditions provided by licensed medical professionals. Funds may be used only for these services to the extent that other appropriate health services are unavailable within a community.

Eligible treatment consists of:

- Assessing a program participant's health problems,
- Developing a treatment plan,
- Assisting participants to understand health needs,
- Providing directly or assisting participants to obtain appropriate medical treatment,
- Preventive medical care,

- Health maintenance service, including emergency medical services,
- Providing medications and follow-up services; and,
- Providing preventive and non-cosmetic dental care.

Legal Services - Legal services MUST be necessary to resolve a legal problem that prevents a participant from obtaining or maintaining permanent housing.

Eligible subject matters include:

- Child support, guardianship, paternity, emancipation, and legal separation,
- Orders of protection,
- Other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking,
- Appeal of veterans and public benefit claim denials; and,
- Resolution of outstanding criminal warrants.

Eligible costs include hourly fees for legal advice and representation by attorneys. Fees based on the actual service performed (i.e. fee for service) can only be supported with ESG funds if the cost is less than the hourly fee. Other eligible costs may include participant intake, preparation of cases for trial, provisions of legal advice, representation at hearings, counseling, filing fees, and other necessary court costs. Subrecipient's employees' salaries and other costs necessary to perform the services are eligible, if the subrecipient is a legal services subrecipient and performs the services itself.

Life Skills Training - 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, DV, substance abuse, and homelessness are eligible costs. These services must be necessary to assist the program participant to function independently. Component life skills training are budgeting resources, managing money, managing a household, resolving conflict, shopping for food and needed items, improving nutrition, using public transportation and parenting.

Mental Health Services - Costs include direct outpatient treatment by licensed professionals of mental health conditions. 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 process to personal, family, situational or occupational problems to bring about positive resolution of the problem or improved functioning or circumstances.

Problem areas may include:

- Family and marital relationships,
- Parent-child problems; and,
- Symptom management.

Eligible treatment consists of crisis intervention, therapy sessions, prescription of psychotropic medications, or explanations about the use and management of medications, and combinations of therapeutic approaches to address multiple problems.

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

Eligible treatment consists of:

- Participant intake and assessment,
- Outpatient treatment for up to 30 days; and,
- Group and individual counseling and drug testing.

**Note: Inpatient detoxification and other inpatient drug or alcohol treatments are INELIGIBLE.**

Transportation - Costs consist of the transportation costs of a program participant's travel to and from medical care, employment, childcare, or other eligible essential services facilities.

These costs include the following:

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

**Note: Funds may not be used to provide fuel vouchers, bus tickets, or other transportation activities unless it directly involves participation in other ESG-funded activities.**

Within the ESG eligible categories, agencies may also apply for funds for infectious disease preparedness according to the [Eligible ESG Program Costs for Infectious Disease Preparedness](#) guidelines.

Examples of COVID-19 response preparedness expenses include:

- Supplies - Cleaning supplies such as bleach, disinfectant wipes, scrubbers, mops; Protective equipment such as masks, disposable gloves; Program participant needs such as bed linens, towels, hand sanitizer, soap, tissue packets, food, medicine, etc.,
- Furnishings - Cots, room dividers,
- Equipment - Washers, dryers, portable handwashing stations,
- Transportation – Necessary for program participant travel to and from medical care, service providers, etc.; and,
- Expanding Staffing and Capacity – Hiring additional staff to support infectious disease preparedness, increased caseloads, etc.

For a complete list of eligible expenses view the [U.S. Department of Housing and Community Development California Emergency Solutions Grants Program \(ESG\) Eligible Expense Guide](#).

## **APPLICATION REMINDERS**

**Please Note:** CA-ESG CV2 funding must be used to prevent, prepare for, and respond to COVID-19. Applicants must demonstrate that they will avoid funding duplication (Stafford Act) as required by the CARES Act. All proposals must comply with applicable ESG and CARES Act regulations, programmatic requirements, and the applicant must have the capacity to undertake and comply with all federal and state regulations.

**No more than one (1) application per eligible shelter will be accepted.**

**Application requests for funding may exceed the maximum funding amounts listed in this NOFA; however, any funding in excess of the listed maximum funding amount will be dependent on available funding and the applications ranking score.**

Partial funding may be awarded, pending consultation with the applicant to verify that the emergency shelter operations may be successfully undertaken with partial funding.

All sections of the application must be filled out and all applicable exhibits, as identified in the "Required Document (Exhibits) Checklist" must be included or the application will be considered incomplete. The

budget must be filled out and signed, on the forms provided (“See attached” will not replace the budget form or any sections of the application). If an exhibit does not apply, please include a page labeled with the exhibit letter along with a description of why that particular exhibit does not apply.

**Co-Applicants:** If a non-profit is going to submit an application for a program that is going to be implemented by a co-applicant, a non-profit must be the applicant, and the program or activity must be reflected within the overall financial management reports for the non-profit. It must be clearly stated who is the lead applicant and a Memorandum of Understanding (MOU) must be in place defining the roles and responsibilities of each applicant. A copy of the MOU must be provided to Stanislaus County upon request. If recommended for funding and no MOU is provided, then the application will be deemed ineligible. If awarded, the lead applicant must be responsible for all costs incurred by the program and reporting requirements.

**Due Date of Application:** All applications are due no later than **Monday, February 8, 2021, by 10:00 a.m.** to Stanislaus County’s Department of Planning and Community Development via email to [Planning@stancounty.com](mailto:Planning@stancounty.com). Submitted applications must be in PDF format and include exhibits, and all required documentation to be deemed complete. **In the email subject line include the grant program and the agency name (Ex., CA-ESG CARES CV2 AGENCY NAME).**

Proposals submitted with the forms altered will be disqualified. Faxed applications will not be accepted in lieu of emailed copies. Please make sure that all scanned documents are legible, and exhibits are clearly marked. Illegible and unmarked exhibits will be considered missing and the application will be deemed incomplete.

**Late Applications:** Late applications will not be accepted. Any applications received after the deadline will not be considered for funding.

**If you have any questions or concerns, please contact the AE at: [planning@stancounty.com](mailto:planning@stancounty.com) or call 209-525-6330.**