



Supportive Services Administrative Manual

HOME-ARP



Community Housing and Grants Management Division
2624 Vermont Ave | PO Box 1535 | Bismarck, ND 58502-1535
800-292-8621 or 701-328-8080 | 800-435-8590 (Espanol) | 711 (TTY)
www.ndhousing.nd.gov • hfahomelessprograms@nd.gov



Date	Description of Changes
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PREFACE

This purpose of this Administrative Manual is to assist North Dakota HOME Investment Partnerships Program-American Rescue Plan (HOME-ARP) Supportive Services Program subrecipients in implementing their respective grants and in complying with federal rules and regulations associated with all federal funds as communicated by the U.S. Treasury and the Federal Office of Management and Budget. These rules and regulations pertain to administrative and financial management responsibilities.

This Administrative Manual serves as a required guide for proper use and accountability of federal funds. Should questions arise, subrecipients should immediately contact the North Dakota Housing Finance Agency (NDHFA). It is the responsibility of each subrecipient to assure that all provisions of this manual, federal rules and regulations, and Financial Award are complied with, and that proper and efficient grant administrative practices are performed.

HOME AMERICAN RESCUE PLAN BACKGROUND

On March 11, 2021, President Biden signed American Rescue Plan (ARP) into law, which provides over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, state and local governments, individuals, and businesses. To address the need for homelessness assistance and supportive services, Congress appropriated \$5 billion in ARP funds to be administered through HOME to perform four activities that must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations.

These activities include: (1) development and support of affordable housing, (2) tenant-based rental assistance (TBRA), (3) provision of supportive services; and (4) acquisition and development of non-congregate shelter units.

The program described in this notice is for the use of the \$5 billion in ARP funds is the HOME-American Rescue Plan or "HOME-ARP." ARP defines qualifying individuals or families as those that are (1) homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C. 11302(a)) ("McKinney-Vento"); (2) at risk of homelessness, as defined in section 401 of McKinney-Vento; (3) fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking; (4) part of other populations where providing supportive services or assistance would prevent a family's homelessness or would serve those with the greatest risk of housing instability; or (5) veterans and families that include a veteran family member that meet the criteria in one of (1)-(4) above. ARP authorized HUD to allocate HOME-ARP funds to states, units of general local government, insular areas, and consortia of units of general local government that qualified for an allocation of HOME funds in Fiscal Year (FY) 2021, pursuant to section 217 of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (42 U.S.C. 12701 et seq.) ("NAHA"). On April 8, 2021, HUD allocated HOME-ARP funds to 651 grantees using the HOME formula established at 24 CFR 92.50 and 92.60 DEFINITIONS: (24 CFR 576.2)

Recipient means any state, territory, metropolitan city, or urban county, or in the case of reallocation, any unit of general-purpose local government that is approved by HUD to assume financial responsibility and enters into a grant agreement with HUD to administer assistance under this part. NDHFA is the recipient of the state of North Dakota Emergency Solutions Grant (ESG) funds.

Subrecipient means a unit of general-purpose local government or private nonprofit organization to which a recipient makes available ESG funds. NDHFA as a state recipient subgrants ESG funds (except for funds for administrative costs) to subrecipient organizations. Funds are also distributed to the Institute for Community Alliances (ICA) as the North Dakota Continuum of Care (CoC) selected Homeless Management Information System (HMIS) Lead Agency.

Private nonprofit organization means a private nonprofit organization that is a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1986 and which is exempt from taxation under subtitle A of the Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance. A private nonprofit organization does not include a governmental organization, such as a public housing agency or housing finance agency.

QUALIFYING POPULATIONS – DEFINED

A. Homeless, as defined in 24 CFR 91.5 Homeless (1), (2), or (3):

1. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - a. An individual or family 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.
 - b. An individual or family living in a supervised 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, or local government programs for low-income individuals).
 - c. An individual who is exiting an institution where he or she 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.
2. An individual or family who will imminently lose their primary nighttime residence, provided that:
 - a. The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance.
 - b. No subsequent residence has been identified.
 - c. The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing.
3. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
 - a. Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).
 - b. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance.
 - c. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance.
 - d. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

B. At risk of homelessness, as defined in 24 CFR 91.5 At risk of homelessness:

1. An individual or family who:
 - a. Has an annual income below 30 percent of median family income for the area, as determined by HUD.
 - b. Does not have sufficient resources or support networks, e.g., family, friends, faith based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition in this section.
 - c. Meets one of the following conditions:
 - i. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance.
 - ii. Is living in the home of another because of economic hardship.
 - iii. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance.
 - iv. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, state, or local government programs for low-income individuals.
 - v. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau.
 - vi. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution).
 - vii. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.
2. A child or youth who does not qualify as homeless under this section, but qualifies as homeless under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(l) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(l)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)).
3. A child or youth who does not qualify as homeless under this section but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

C. Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined by HUD.

For HOME-ARP, this population includes any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This population includes cases where an individual or family reasonably believes that there is a threat of imminent harm from further violence due to dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return or remain within the same dwelling unit. In the case of sexual assault, this also includes cases where an individual reasonably believes there is a threat of imminent harm from further violence if the individual remains within the same dwelling unit that the individual is currently occupying, or the sexual assault occurred on the premises during the 90-day period preceding the date of the request for transfer.

1. **Domestic Violence**, which is defined in 24 CFR 5.2003 includes felony or misdemeanor crimes of violence committed by:
 - a. A current or former spouse or intimate partner of the victim (the term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship).
 - b. A person with whom the victim shares a child in common.
 - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
 - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving HOME-ARP funds.
 - e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
2. **Dating Violence** which is defined in 24 CFR 5.2003 means violence committed by a person:
 - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.
3. **Sexual Assault** which is defined in 24 CFR 5.2003 means any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.
4. **Stalking** which is defined in 24 CFR 5.2003 means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for the person’s individual safety or the safety of others.
 - b. Suffer substantial emotional distress.
5. **Human Trafficking** includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7102).

These are defined as:

- a. Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.
- b. Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

D. Other Populations where providing supportive services or assistance under section 212(a) of NAHA (42 U.S.C. 12742(a)) would prevent the family’s homelessness or would serve those with the greatest risk of housing instability. HUD defines these populations as individuals and households who do not qualify under any of the populations above but meet one of the following criteria:

1. **Other Families Requiring Services or Housing Assistance to Prevent Homelessness** is defined as households (i.e., individuals and families) who have previously been qualified as homeless as defined in 24 CFR 91.5, are currently housed due to temporary or emergency assistance, including financial assistance, services, temporary rental assistance or some type of other assistance to allow the household to be housed, and who need additional housing assistance or supportive services to avoid a return to homelessness.
2. **At Greatest Risk of Housing Instability** is defined as household who meets either paragraph (i) or (ii) below:
 - a. Has annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e., is paying more than 50% of monthly household income toward housing costs).
 - b. Has annual income that is less than or equal to 50% of the area median income, as determined by HUD, AND meets one of the following conditions from paragraph.
 - c. Of the “At risk of homelessness” definition established at 24 CFR 91.5:
 - i. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance.
 - ii. Is living in the home of another because of economic hardship.
 - iii. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance.
 - iv. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, state, or local government programs for low-income individuals.
 - v. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau.
 - vi. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution).
 - vii. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

Veterans and Families that include a Veteran Family Member that meet the criteria for one of the qualifying populations described above are eligible to receive HOME-ARP assistance.

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SECTION 1: GENERAL ADMINISTRATION

1.01 Commitment of Funds/Financial Award

The HUD approved HOME-ARP Allocation Plan set aside \$2,603,964 for Supportive Services activities. NDHFA must commit the funds by September 30, 2025, and fully expend the grant by September 30, 2030. NDHFA intends to meet this requirement by awarding the HOME-ARP Supportive Services funds to subrecipient organizations through a competitive grant process. The subrecipient will use the funds to directly carry out Supportive Services activities. The Supportive Services scope of work includes:

- Work with eligible qualifying population (QP) households who are experience homelessness, at risk of homelessness or housing instability to maintain housing.
- Provide housing stability case management services to assigned households utilizing a strength-based approach that is rooted in Housing First, harm reduction and trauma-informed care methodologies.
- Assist participants in developing and attaining goals related to education, vocational training, employment, and/or other meaningful daily activities that improve overall well-being.
- Broker, advocate, and assist in navigating eligibility requirements for service access amongst community resources.
- Collaborate with community partners in housing programs and supportive service organizations.
- Identify resources that may be available to make necessary environmental modifications to promote continued independent living.

The financial awards to the subrecipient agencies will cover a 24-month period with renewals allowable based on consistent expenditures. The grant will follow a fiscal year July 1 – June 30. Final reimbursement requests for each year must be submitted by June 20. The first fiscal year will not start until the date of financial award.

Grant Agreement Checklist

The following checklist is provided as an overall guide for the implementation of your approved HOME-ARP Supportive Services. The checklist is general in nature, which means that some items may or may not be applicable based on the type of grant awarded. In addition to this checklist, some sections of the manual contain specific checklists for your use. This checklist is provided so that you can ensure certain actions have been taken and should be used as a reference to specific sections of this administrative manual. If you are unsure about any aspect of grant implementation procedures, please contact NDHFA for guidance before proceeding.

Action		Yes	N/A
1	Receive letter from NDHFA	☐	☐
2	Receive Financial Award	☐	☐
3	Sign and return Financial Award within 30 days of receipt	☐	☐
4	Attend grant administration training (as needed)	☐	☐
5	Submit ACH Authorization form to NDHFA	☐	☐
6	Establish required grant files	☐	☐
7	Establish a checking account	☐	☐
8	Establish accounting system	☐	☐
9	Comply with special conditions on Financial Award	☐	☐
10	Develop schedule for submitting semi-annual and final reports	☐	☐

1.02 Establishing Program Written Standards and Procedures Manual

HOME-ARP requires that each subrecipient establish and consistently apply policies and procedures for the Supportive Services program. The ND CoC in partnership with NDHFA has adopted the Written Standards for ESG and CoC Programs (Written Standards). North Dakota Homeless Grant (NDHG) program applicants are also required to adopt the Written Standards. NDHFA expects HOME-ARP Supportive Services programs to incorporate applicable written standards policies where possible. In addition to the Written Standards, HOME-ARP subrecipients will be required to adopt program operations policies and procedures. **A review of the written procedures is required prior to processing the first program reimbursement request.** During monitoring visits, NDHFA will review the subrecipient's policies and look for evidence the agencies are adhering to the policies and procedures.

Operations policies include written policies and procedures that are program specific to the operations of each component the subrecipient will undertake. These policies and procedures are in addition to the Written Standards and are not a personnel manual or employee handbook, but some procedures may overlap.

The program operations manual must address all the HOME-ARP program elements below. Subrecipients should have one manual for HOME-ARP program activities; **this document should not contain information on other grants, programs, or operations.**

Required Policies:

- A. Standard policies and procedures for evaluating eligibility.
- B. Policies and procedures for coordination among emergency shelter providers, essential services providers, homelessness prevention, and rapid rehousing assistance providers; other homeless assistance providers; and mainstream service and housing providers (see §576.400(b) and (c) for a list of programs with which HOME-ARP Supportive Services activities must be coordinated and integrated to the maximum extent practicable).
- C. Participation in HMIS or CoC-approved comparable database. The subrecipients must ensure that data on all persons served, and all activities assisted under HOME-ARP Supportive Services are entered into the HMIS. If the subrecipient is a victim service provider, a CoC-approved comparable database, must be used to collect client- level data over time (i.e., longitudinal data) and generate unduplicated aggregate reports based on the data.
- D. Housing First: HUD continues to encourage CoCs and providers to implement and strengthen Housing First. This is the commitment to end homelessness and is the most effective approach to ending chronic homelessness. Housing First offers individuals and families experiencing homelessness immediate access to permanent affordable or supportive housing. This model of housing assistance prioritizes rapid placement and stabilization in permanent housing that does not have service participation requirements or preconditions (such as sobriety or a minimum income threshold).
- E. Low-Barrier: A minimum number of expectations are placed on people who wish to enter the program.
- F. Fair Housing Policy: This must include the following language. Flyers or posters do not constitute a policy.

It is illegal to discriminate in the sale or rental of housing, including against individuals seeking a mortgage or housing assistance, or in other housing-related activities. The Fair Housing Act prohibits this discrimination because of race, color, national origin, religion, sex, familial status, and disability. A variety of other federal civil rights laws, including Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, prohibit discrimination in housing and community development programs and activities, particularly those that are assisted with HUD funding. These civil rights laws include obligations such as taking reasonable steps to ensure meaningful access to their programs and activities for persons with limited English proficiency (LEP) and taking appropriate steps to ensure effective communication with individuals with disabilities through the provision of appropriate auxiliary aids and services. Various federal

fair housing and civil rights laws require HUD and its program participants to affirmatively further the purposes of the Fair Housing Act.

- G. **Anti-Discrimination Policy:** This must ensure equal participation opportunity in homeless programs, without discrimination or harassment based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, genetic information, or any other characteristic protected. Flyers or posters do not constitute a policy.

It is illegal to discriminate in the sale or rental of housing, including against individuals seeking a mortgage or housing assistance, or in other housing-related activities. The Fair Housing Act prohibits this discrimination because of race, color, national origin, religion, sex, familial status, and disability.

- H. **Termination of Assistance Policy:** If a program participant violates program requirements, their HOME-ARP assistance may be terminated in accordance with a formal process established by the subrecipient, that recognizes the rights of the individuals affected and allows for due process. The termination of assistance policy must include a clearly outlined grievance and appeals process. This must include with who, how, and when the appeal can be filed. **The termination policy may not bar the participant from receiving future assistance at a later date.**

The termination of assistance policy must include at minimum:

1. Providing the program participant with a written copy of the program rules and the termination process before the participant begins to receive assistance.
 2. Written notice to the program participant containing a clear statement of the reasons for termination.
 3. 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.
 4. Prompt written notice of the final decision to the program participant.
- I. **Confidentiality:** The subrecipient must have written procedures to ensure all records containing personal identifying information (as defined in HUD's standards for participation, data collection, and reporting in a local HMIS and 24 CFR 576.500) of any individual or family who applies for and/or receives HOME-ARP assistance will be kept secure and confidential.
- J. **Organization Program Description:** Program overview, including the program design, intake procedures, the assistance time limit, program eligibility and the specific population served.
- K. **Housing Quality Standards:** Subrecipients are required to ensure that housing occupied by a household receiving HOME-ARP financial assistance or rental assistance complies with all housing quality standards required in [24 CFR 982.401](#) (or a successor inspection standard issued by HUD). See section 8.06 for program requirements. Policy must require an inspection on any unit that a participant will be receiving HOME-ARP financial assistance such as rental assistance, security deposit, last month's deposit, utility deposit, or moving costs. Subrecipients must certify that the unit has passed the inspection before any HOME-ARP funds may be released. In addition, periodic inspections at least biennially (every two years) during assistance occupancy is required to ensure that the unit continues to meet standards.

Below is a table of contents for the subrecipient HOME-ARP Supportive Services Programs Operations Manual. All the items listed in the table of contents must be included for each funded component.

1.03 Overall Organization HOME-ARP Program Design

- Organization mission
- Housing focus policy (Housing First/low barrier policies)
- Fair Housing policy (Affirmatively Furthering Fair Housing policy)

- Anti-discrimination policy
- Equal access policy
- VAWA policy
- Appeals, grievance policy and process
- Termination of assistance policy
- Confidentiality policy
- Record keeping

1.04 Program Policies

- Program design or overview (type of assistance offered)
- Intake procedures
- Selection procedures first-come, first-service
- Wait list policy
- Policy for maximum assistance amount and/or maximum period of assistance.
- Participant eligibility requirements
- Specific populations served
- Case management expectations
- Procedures for determining rental assistance including determination of participant share
- Program rules for participants

1.05 Record Keeping

Record Retention (24 CFR 576.500 (y))

All records pertaining to HOME-ARP funds must be retained for the greater of 5 years or the period specified below. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

Documentation of each program participant's qualification qualifying population other program participant records must be retained for 5 years after the expenditure of all funds from the grant under which the program participant was served.

Establishing Project Files

Availability

The filing system you establish should be easy to use and provide a historic account of the subrecipient's activities for examination and review by the General Accounting Office, NDHFA, auditors, and subrecipient staff. HOME-ARP records are subject to the Freedom of Information Act and relevant state laws regarding public availability.

Timing and Location

The file system should be established on a program-year basis. This may result in duplication of files but will tie documentation to a given fiscal year and grant. Files should, to the extent possible, be maintained in a central location.

Major File Categories

The following list identifies major file categories which should be established in order to permit efficient grants management practices, and to permit an orderly review and audit of all records.

Administrative File Minimum Requirements**Grant Application**

- Copy of application/business plan
- Correspondence concerning the application

Financial Award

- Notice of Award from NDHFA
- Financial Award
- Related correspondence
- Amendments

Financial Management and Accounting records

- ACH authorization form
- Request for Funds form
- Source documentation of all funds (invoices, payrolls, etc.)
- Canceled checks, deposit slips, bank statements, etc.
- Related correspondence

Participant File Requirements

- Staff Evaluation of Eligibility ([SFN 62383](#)) indicates based on staff eligibility determination what assistance the program participant received.
- Qualifying Population Certification ([SFN 62530](#)) and supporting documentations.
- Release of Information - This form must be signed by each household member aged 18 or older with a copy in file.
- Intake and Assessment form- The agency will conduct a comprehensive housing assessment with the household.
- When QP Certification requires income eligibility, each file must contain CPD Income Calculator Worksheet and supporting income documentation (pay stubs, etc.). All sources of household income (for all adult members) must be verified and documented at intake and every three months to determine program eligibility.
- Self-Certification ([SFN 60319](#))- Must be completed if required verifications/other documents cannot be provided and self-certification is the only way to verify information to determine program eligibility.
- Lease - A lease is required for households receiving financial assistance such as rental assistance, security deposits, rental arrearages and utility payments/deposits.
- Rental Assistance Agreement ([SFN 62097](#)).
- Housing Plan (case notes)- A Housing Plan must be completed for all individuals who receive a housing assessment and are determined eligible for services.
- Rent Reasonableness Checklist and Certification ([SFN 59386](#)).

- Housing Quality Standards Inspection Checklist ([HUD-52580-A](#)) All units must meet Habitability Standards before financial assistance can be provided such as rental assistance, security deposits, rental arrearages and utility payments/deposits. Effective October 1, 2025, NSPIRE will replace Housing Quality Standards and habitability standards. More information forthcoming when HUD has finalized NSPIRE.
- Lead-Based Paint Disclosure.
- Lead Screening Worksheet ([SFN 62378](#)) required for all participant files where rapid rehousing or homeless prevention is provided. It may lead you to an exemption or a visual assessment is required.

Monitoring File

- Monitoring letter from NDHFA
- Subrecipient responses to NDHFA monitoring findings
- Relevant correspondence

Grant Close-out

- Subrecipient final report
- Close-out letter from NDHFA

Financial Audit

- Relevant correspondence
- Final audit
- Documentation of clear audit findings

General Correspondence

- Correspondence, incoming and outgoing, that does not fall into any other category.

Records Retention

HOME-ARP records and files must be retained for a period of five years after the submission of the final financial status report or until all audit findings are resolved, whichever is longer.

1.06 Homeless Management Information System (HMIS)

Homeless Management Information System (HMIS) is the information system designated by the CoC to comply with HUD's data collection, management, and reporting standards and used to collect client-level data and data on the provision of housing and services to individuals and families experiencing homelessness and persons at-risk of homelessness. The ICA serves as the HMIS Lead Agency for ND CoC and manages HMIS on ND CoC's behalf. HMIS participation is required for subrecipients. Victim service providers cannot, and legal services organizations may choose to not, participate in HMIS. Providers that do not participate in HMIS **are required to use a CoC-approved comparable database that produces unduplicated, aggregate reports instead.**

1.07 Data Quality and Reporting

A. Data Quality

The ND CoC Data Quality Management Plan provides the policies and procedures to ensure the data integrity of the ND HMIS. This ensures the ND HMIS is administered in compliance with the CoC Program Interim Rule and in conformance with HMIS data standards and related HUD notices. This plan provides actionable, measurable steps to address data quality within HMIS. All ESG and NDHG subrecipients must adhere to the management plan and follow HMIS Policies and Procedures.

Agencies provide the following levels of data accuracy and timeliness to ensure data integrity in HMIS:

B. Reporting

HOME-ARP requires NDHFA to submit quarterly accomplishment data for Supportive Services activities. Subrecipients are required to collect data on the following elements and report to NDHFA quarterly:

1. Total households served.
2. Total new households: This is the number of households who were served in this quarter but who were not served in the previous quarter.
3. Number of households served that were defined as homeless.
4. Veteran status: A household with any Veteran member.
5. Hispanic status: The number of Hispanic households served.
6. Race: (The sum of the sub-categories below must be equal to or less than the "Total")
 - a. White
 - b. Black
 - c. Asian
 - d. American Indian/Alaskan Native
 - e. Native Hawaiian/Pacific Islander
 - f. Other/multi-racial
7. Household size.
8. Household type
 - a. Single, non-elderly
 - b. Elderly
 - c. Single parent
 - d. Two parents
 - e. Other

C. Data Quality Compliance for Domestic Violence (DV) Service Providers

HOME-ARP subrecipients who are domestic violence service providers and are providing supportive service assistance to victims of domestic violence should not use HMIS but must use a CoC-approved comparable database to record client data. DV providers are expected to comply with the same data quality standards as agencies who are not serving victims of domestic violence.

D. Referral Method

HOME-ARP subrecipients are required to serve all four qualifying populations on a first-come, first-served basis. The subrecipient may, if necessary due to an oversubscription, establish supportive services wait list and select eligible households in chronological order.

1.08 Objectives and Goals**Objectives for the HOME-ARP Supportive Services program**

- Engage individuals and families experiencing homelessness who are living on the street or in places not meant for human habitation.
- Re-house individuals and families experiencing homelessness.

- Prevent families and individuals from becoming homeless.

Overall Goals

- Reduce the number of unsheltered individuals and families.
- Reduce length of stay for clients in emergency shelters. Length of stay should generally be no longer than 90 days for shelters.
- Increase placements into permanent housing for individuals and families experiencing homelessness from emergency shelter.
- Prevent individuals and families from becoming homeless – either unsheltered or sheltered.
- Increase the percentage of individuals and families remaining in permanent housing.
- Increase income or access to mainstream benefits for program participants while in the HOME-ARP program.

Performance Measurements

HOME-ARP Supportive Services was designed to support CoC, ESG, and NDHG performance standards. Through subrecipients NDHFA is hopeful that the HOME-ARP supportive service awards will result in measurable and meaningful measurements. The following are goals of the program. Using HMIS, the results of these measurements will be made available through HOME-ARP APR reporting.

- Emergency Shelter
 - 25% or less of clients will return to homelessness.
- Street Outreach
 - 25% of clients will return to homelessness.
- Homeless Prevention
 - 75% of clients will maintain permanent housing for six months.
 - 75% of clients will access permanent housing destinations.
- Rapid Re-Housing
 - 10% or less will return to homelessness.
 - 80% or more of all clients will exit to permanent housing destinations.
 - 25% or more of adult participants will increase income from employment or other sources.

1.09 Grant Administration-Financial Management System

The financial management section has been written to help grant administrators understand and implement financial management systems that comply with the HOME-ARP program. The procedures address the reporting and financial management requirements of 2 CFR Part 200 Uniform Guidance and requirements by NDHFA. The OMB Circular referenced above can be found at www.whitehouse.gov/omb/information-for-agencies/circulars/. HOME-ARP subrecipients must ensure the requirements under 24 CFR 576 and applicable policies listed in 2 CFR part 200 are met.

2CFR 200 Subpart D – Post Federal Award Requirements Financial Management

The financial management system of each subrecipient must provide for the following (see also §§200.333 Retention requirements for records, 200.334 Requests for transfer of records, 200.335 Methods for collection, transmission, and storage of information, 200.336 Access to records, and 200.337 Restrictions on public access to records):

A. Internal Controls

Subrecipients must establish and maintain effective internal control over the federal and state award that provides reasonable assurance that the non-federal entity is managing the federal or state award in compliance with federal and state statutes, regulations, and the terms and conditions of the financial award. These internal controls should comply with “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of sponsoring Organizations of the Treadway Commission (COSO).

Subrecipients are required to comply with all HOME requirements as required in – 24 CFR 92 and CPD-21-10 Requirements for the Use of Funds in the HOME-ARP Program Section VI.D. Supportive Services including the provisions of case management, helping program participants increase income, either via employment assistance or through the acquisition of mainstream benefits, and helping program participants move into and stay in permanent housing.

The following are subsections to financial management:

1. Cash Depositories
2. Request for Funds
3. Financial Accounting Standards
4. Standards of Allowability and Allocability of Grant Funds
5. Budget Revisions

B. Cash Depositories: Establishing a HOME-ARP Bank Account - Requirements

1. Once the subrecipient has received its executed Financial Award, arrangements can be made to establish a non-interest-bearing bank account to receive and expend funds. HOME-ARP accounts should be either separate account from other programs or the subrecipient must have a GL accounting system that accounts HOME-ARP in separate GL account.
2. The funds must be deposited in a bank with adequate Federal Deposit Insurance Corporation (FDIC) insurance coverage. Funds drawn and deposited in excess of the FDIC coverage must be collaterally secured. FDIC insurance coverage is limited to \$250,000, which means that any request or any combination of requests that will cause the total amount of federal funds being paid to the subrecipient to exceed \$250,000, will require the account receiving funds to be collaterally secured. A statement from the bank verifying the required security should be attached to all requests that would exceed FDIC coverage.
3. The designated depository (bank) should be aware that the HOME-ARP funds will be transmitted directly from NDHFA to the bank in the form of an Automated Clearing House (ACH) transfer.
4. New subrecipients must complete and submit an ACH Authorization form (SFN 52477) setting up automatic transfers to the subrecipients account and for identifying those subrecipient officers authorized to request funds from NDHFA. The ACH Authorization Form will also be used when the subrecipient needs to revise or update its officers authorized to sign its Request for Funds form.
5. Consistent with the national goal of expanding the opportunities for minority business enterprises, subrecipients are encouraged to use minority banks (a bank which is owned at least 50 percent by minority members).

C. Request for Funds - Cash Management Requirements

All subrecipients must have an ACH Authorization form (SFN 52477) submitted and approved. Up to two individuals may have designated authority to request HOME-ARP funds. Only one signature is required on requests.

All requests for reimbursement must be made using the Request for Funds ([SFN 62558](#)) and must be accompanied by the following documents.

1. Reimbursement Request Summary ([SFN 62560](#)). The reimbursement request summary should detail each expense including to which component the expense is to be billed.
2. Source documentation to support the expense including proof of cost incurred and proof of payment.

Requests for reimbursement must be submitted at least quarterly and are due by the 7th business day of the following quarter. Payments will generally be processed by the 20th of the month. It is preferable to have reimbursement requests prepared monthly to expediate the review.

All requests must be submitted electronically either by email or fax to: hfahomelessprograms@nd.gov or 701-328-8090.

Subrecipients who are not current on quarterly accomplishment reporting will not be eligible to be reimbursed for requests until reporting is current.

Grant Advance Payment- Cash Advances - Cash advance requests are not permitted.

D. Financial Accounting Standards - Requirements

Subrecipients of HOME-ARP funds must maintain a financial accounting system which is compliant with various federal guidelines and provides accurate information, traceable transactions, and accountability of funds. The subrecipient must ensure the following:

1. Accurate, current, and complete disclosure of the financial status of each approved activity. The Financial Award includes a budget attachment which describes each approved HOME-ARP activity, and the dollar amount authorized for each specific activity. As HOME-ARP subrecipient, your accounting records must be established to identify expenditures according to each approved activity. The accounting records should be kept current and must include approved amendments by NDHFA. A separate accounting system need not be established to account for HOME-ARP financial activity if the subrecipient's existing system is adaptable to meet the above stated requirements.
2. Effective control over and accountability for all funds, property, and other assets. To ensure adequate internal control, checks must have multiple signatures, appropriate bonding must be secured, and proper segregation of grant management duties and responsibilities must be maintained.
3. Accounting records must be supported by source documentation. Original invoices, purchase orders, and payroll records must support each payment and be on file and retained for five years from the submission date of the final financial status report or until all audit findings are resolved, whichever is longer, to verify all HOME-ARP expenditures. Payments must not be made without the invoice physically on hand.
4. Salary: All employees paid in whole or in part from HOME-ARP funds must prepare a time sheet which indicates the hours worked on the HOME-ARP project for each pay period. The time sheet should be inclusive of all programs to which an employee devotes time. The amount to be distributed as HOME-ARP payroll charges during a particular period will be based on the time sheet and hourly payroll cost of the employee. Employee time must be billable to a **specific** grant component. This component must be an eligible activity under the signed financial award and grant agreement. Employees are required to use the NDHFA Timesheet Report ([SFN 62561](#)) to report time. Organizations who have an internal timekeeping system may request a waiver to use the NDHFA Timesheet report. This waiver must be requested in writing.

5. A minimum of three accounting documents are suggested for recording HOME-ARP transactions:
- Cash Receipts Journal: This journal is maintained to record the receipt of all funds (local, state, federal) used for program activities. The record must include the date funds are received, the amount of funds received, and the activity to which the funds are transferred.
 - Cash Disbursements Journal: This journal must be maintained to record all checks issued for payment of program costs. The record must include the date of payment, the payee, check number, amount, and the account from which the disbursement was made.
 - General Ledger: This journal must be maintained to summarize cash receipts and disbursements on a subaccount basis. All entries of the General Ledger must be made from the Cash Receipts and Cash Disbursements Journal.

Checklist

- ☐ Necessary accounting journals and ledgers are established and maintained on a current basis.
- ☐ Accounting system is established to meet financial reporting requirements (budgets in accounting records, current cash balances, etc.)
- ☐ Funds are being disbursed upon receipt and excess cash balances are not being held by the subrecipient.
- ☐ All employees paid with HOME-ARP funds are maintaining time sheets and time can be tracked by grant and component.
- ☐ All payments are supported by source documentation.

E. Standards for Allowability and Allocability of Grant Funds

Subrecipients will be responsible for determining the types of costs which can be charged to a grant in accordance with HOME-ARP Supportive Services and requirements established by NDHFA. Costs are incurred within the effective "Budget/Project Period" as stipulated in Part I of the Financial Award.

All qualifying households are eligible to receive supportive services subrecipients must document eligible costs for an individual in a qualifying population as McKinney-Vento Supportive Services or homeless preventions services. If a qualifying population is homeless, then the person is eligible to receive services under McKinney-Vento if a person is housed and the supportive services are intended to help the program participant regain stability then the person is eligible for homeless prevention services. Subrecipients will document whether the individual is receiving McKinney-Vento or Homeless Prevention using the Staff Determination of Eligibility form ([SFN 62383](#)).

F. Ineligible Expenses

Housing Counseling services are not eligible under this HOME-ARP program. Subrecipients will not be reimbursed for expenses not allowable under Homeless Prevention Component 24 CFR Part 576. In addition, the following fees which are not specifically defined in CFR will be deemed ineligible.

- Late fees or reinstatement fees charged to the subrecipient for late payments on accounts.
- Invoice fees- fee charged to subrecipient for paper statements.
- Renter's insurance.

G. Budget Revisions

The financial budget as found in the Financial Award is the approved budget for your HOME-ARP program funds. Subrecipients may only expend and be reimbursed for expenditures based on the approved budget and only for approved component activities.

All amendment requests must be submitted on Request for Amendment form (SFN 52679).

H. Audits

HOME-ARP subrecipients must comply with the requirements of 2 CFR Part 200 Audits of states, local governments, and non-profit organizations. Audit disclosure forms will be sent annually to subrecipients. These must be completed and returned to NDHFA.

I. Procurement Methods and Contracts

This section describes the rules and procedures that must be followed when purchasing supplies, equipment, construction, and services in whole or in part with HOME-ARP funds. These requirements are established to ensure that materials and services are obtained efficiently and economically and in compliance with the provisions of applicable federal law and executive orders. The objectives of these regulations are to assure that:

1. Unnecessary or duplicate purchases are not made.
2. Favorable prices for goods and services are obtained without sacrificing needed quality.
3. Purchases are made based on maximum open and free competition whenever possible.
4. National goals such as equal employment opportunity, stimulation of small and minority-owned businesses, and fair labor standards are encouraged through government purchases.

The requirements of procurement methods and contracts are delineated in Part 85.36 and Part 84.40-84.48 of Title 24 of the Code of Federal Regulations. A thorough working knowledge of Part 85 requirements is imperative to assure proper grants management.

SECTION 2: KEY REGULATORY REQUIREMENTS**2.01 HOME-ARP Supportive Services**

HOME-ARP funds may be used to provide a broad range of supportive services that were adapted from eligible homelessness preventions services under the ESG Regulations at 24 CFR 576.106, 24 CFR 576.103, 24 CFR 576.105 and 24 CFR 576.106.

2.02 Centralized Coordinated Entry (24 CFR 573.400)

Coordinated Entry is a centralized or coordinated process designed to coordinate program participant intake, assessment, and provision of referrals to programs. The Coordinated Access, Referral, Entry, and Stabilization (CARES) System is the coordinated entry and homeless response system for North Dakota and West Central Minnesota CoCs. HOME-ARP subrecipients must participate in CARES, by using the tools provided to assess needs of individuals being served but are not required to serve based on referrals.

2.03 Confidentiality

HOME-ARP will follow ESG confidentiality requirements. Subrecipients must develop and implement written procedures to ensure:

- A. All records containing personal identifying information (as defined in HUD's standards for participation, data collection, and reporting in a local HMIS) of any individual or family who applies for and/or receives HOME-ARP assistance will be kept secure and confidential.

- B. The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the HOME-ARP will not be made public, except with written authorization of the person responsible for the operation of the shelter.
- C. The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the subrecipient and consistent with state and local laws regarding privacy and obligations of confidentiality.

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

2.05 Duplication of Benefits

Prohibition Against Duplication of Benefits. Section 312 (42 U.S.C. 5155) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.) prohibits duplication of benefits for programs that provide financial assistance to people or entities suffering losses because of a major disaster or emergency. Duplication of benefits occurs when federal financial assistance is provided to a person or entity through a program to address losses resulting from a federally declared emergency or disaster, and the person or entity has received (or would receive, by acting reasonably to obtain available assistance) financial assistance for the same costs from any other source (including insurance), and the total amount received exceeds the total need for those costs. Subrecipients must establish and maintain adequate procedures to prevent any duplication of benefits.

2.06 VAWA Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (24 CFR 92.359)

The core statutory protections of VAWA that prohibit denial or termination of assistance or eviction solely because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking applied upon enactment of VAWA 2013 on March 7, 2013. Subrecipients that provide rental assistance must ensure that VAWA requirements are incorporated into rental assistance agreements and leases. All program eligibility and termination decisions must be made within VAWA regulatory requirements.

When providing rental assistance, HOME-ARP subrecipients must provide participants with the HUD Notice of VAWA Occupancy Rights form (HUD-5380), and VAWA Certification of Domestic Violence self-certification form (HUD 5382), ensure the lease includes VAWA lease protections or incorporates the protections in a VAWA lease addendum (HUD Form 91067), and allow participants to make emergency transfers when elements of VAWA apply (HUD Form 5381). Additionally, all subrecipients must have a VAWA Emergency Transfer Plan. All HUD sample forms, and additional guidance is available at <https://www.ndhousing.nd.gov/vawa>.

VAWA Emergency Transfer Plan (24 CFR 92.359 (g))

All agencies providing HOME-ARP rent assistance must develop an Emergency Transfer Plan as described in 24 CFR 92.359 (g) and in accordance with 24 CFR 5.2005(e)(7).

HOME-ARP subrecipients may adopt the HUD Model Emergency Transfer Plan (HUD Form 5381) as a safe harbor. Otherwise, the Emergency Transfer Plan must include the following:

For families living in units receiving project-based rental assistance (assisted units), the required policies must provide that if a program participant qualifies for an emergency transfer, but a safe unit is not immediately available for an internal emergency transfer, that program staff make efforts to work with other programs to identify a safe external transfer.

For families receiving tenant-based rental assistance, the required policies must specify what will happen with respect to the non- transferring family member(s), if the family separates to affect an emergency transfer.

2.07 Nondiscrimination and Equal Opportunity (24 CFR 5.105(a))

Civil Rights Overview

This section presents summaries of the key regulations and requirements of civil rights, fair housing, and equal opportunity laws applicable to the administration of the HOME-ARP program.

The civil rights laws, related laws, and regulations are designed to protect individuals from discrimination on the basis of:

- Race
- National Origin
- Religion
- Color
- Sex
- Age
- Disability

As they apply to the HOME-ARP program, these laws protect individuals from discrimination in:

- Housing
- Benefits created by HOME-ARP projects
- Employment
- Business Opportunities

Population groups specifically protected by provisions of these laws include:

- Minorities (specifically - Blacks, Hispanics, Asians and Pacific Islanders, American Indians and Alaskan Natives)
- Women
- Groups distinguished by age
- Persons with Disabilities
- Family Status

The applicable laws and regulations provide for:

- Nondiscrimination
- Equal Opportunity
- Affirmative Action (to reduce past discrimination)

Definitions, Acronyms or Terminology

Please reference these terms for explanation of names, acronyms, and phrases used in this section.

- Contractor - An entity selected in accordance with the procurement requirements at 24 CFR 85.36. In accordance with 24 CFR 85.36 (c), such procurement actions must be conducted in a manner that provides for free and open competition.
- New Hires (as it relates to payrolls) - Full-time employees for permanent, temporary, or seasonal employment opportunities.

- Low-Income Person - Persons or families whose total household incomes do not exceed 80% of the median income for the area.
- Very Low-Income Person - Persons or families whose total household incomes do not exceed 50% of the median income for the area.
- Section 3 – please consult with NDHFA for further documentation.

Civil Rights Requirements – Laws and Statutes

Civil Rights laws applicable to HOME-ARP programs are set forth in the statutes and Executive Orders which follow:

Statute/Executive Order	Description
Title VI of the Civil Rights Act of 1964	No person shall be excluded from participation, denied program benefits, or subjected to discrimination on the basis of: • Race, Color, or National Origin
Section 3 of the Housing and Urban Development Act of 1968, as amended	To the greatest extent feasible, employment and other economic opportunities, should be directed to: • Low- and very low-income persons, and business concerns which provide economic opportunities to low- and very low-income persons.
Title VIII of the Civil Rights Acts of 1968, as amended (Fair Housing Act)	Prohibits discrimination in housing on the basis of: • Race, Color, Religion, Sex, or National Origin Also requires HUD to administer its programs in a manner that affirmatively furthers fair housing
Section 504 of the Rehabilitation Act of 1973 – as amended	No otherwise qualified individual shall, solely, by reason of his or her handicap be: • Excluded from participation (including employment) • Denied program benefits • Subjected to discrimination
Section 109 of the Housing and Urban Development Act of 1974, as amended	Under any program or activity funded in whole or in part under Title I or Title II of the act (regardless of contract's dollar value), no person shall be excluded from participation (including employment), denied program benefits, or subjected to discrimination on the basis of: • Race, Color, National Origin, or Sex
Executive Order 11063	No person shall, on the basis of race, color, religion, sex or national origin be discriminated against in: • Housing (and related facilities) provided with federal assistance. • Lending practices with respect to residential practices when such practices are connected with loans insured or guaranteed by the federal government.
Executive Order 11246, as amended	No person shall be discriminated against, on the basis of race, color, religion, sex or national origin in any phase of employment during the performance of federal or federally assisted construction contracts in the excess of \$10,000.

Equal access to HUD- assisted or Insured Housing- §5.105(a)(2)(i-ii)	Requires equal access to housing in HUD programs, regardless of sexual orientation, gender identity, or marital status.
Human Rights Acts of North Dakota	Prohibits discrimination on the basis of race, color, religion, sex, national origin, age, presence of any mental or physical disability, status with regard to marriage or public assistance; and protects individuals from discrimination in employment, public accommodations, housing, state, and local government services, and credit transactions.

Strategies and Procedures

This section presents strategies and procedures for complying with various civil rights, equal opportunity and affirmative action laws, regulations and requirements outlined in the preceding section of this chapter.

As a HOME-ARP grant subrecipient you must assure that all HOME-ARP funded activities undertaken as part of your program are conducted in a manner which will not cause discrimination based on race, creed, color, national origin, religion, sex, disability, or age.

The information that follows can be used in whole or in applicable part to assure conformity with the required civil rights laws and regulations and assist in affirmative action policies.

- Nondiscrimination, Equal Opportunity, and Affirmative Action in Employment
- Maintain employment data that indicates staff composition by race, sex, disabled status, and national origin.
- Develop or review existing personnel policies to assure compliance with nondiscrimination and equal opportunity requirements.
- Advertise as an equal opportunity employer.
- Publish an annual statement of nondiscrimination and/or include such statement in any publicity on the HOME-ARP program.
- Develop a network of information points that serve minority, elderly, women, disabled and ethnic groups, in addition to newspaper/public service channels.
- Utilize information points throughout the community to advertise employment opportunities.
- Develop or implement an Affirmative Action Plan.
- Develop a Section 3 plan.
- Display Equal Opportunity posters prominently.
- Take affirmative action to overcome the effect of past discrimination.
- Nondiscrimination, Equal Opportunity, and Affirmative Action in Contracting
- Advertise as an equal opportunity employer in bid solicitations.
- Solicit bids from minority, women, and locally owned businesses.
- Maintain a list of locally owned businesses that were awarded contracts.
- Require a Section 3 clause in all contracts.
- Inform contractors of equal opportunity requirements at pre-construction conference.
- Require contractor to submit monthly utilization reports.

- Monitor contractor compliance at work sites.
- Nondiscrimination, Equal Opportunity, and Affirmative Action in Housing
- Information concerning housing services and activities should be disseminated through agencies and organizations which routinely provide services to protected groups.
- Contract documents used by subrecipients and lending institutions participating in local programs should be reviewed and revised, if necessary, to eliminate any discriminatory intent or practice.
- Criteria for selecting recipients of housing assistance should be evaluated for any discriminatory effect.

Examples Fair Housing Activities:

- Publicize that the subrecipient will assist persons experiencing discrimination in housing.
- Development and adoption of a fair housing policy with identification of methods of enforcement.
- Provision of housing counseling services which assist minorities and women seeking housing outside areas of concentration.
- Work with local real estate brokers to formulate a Voluntary Area-wide Marketing Agreement.
- Work with local banks to post "equal lending opportunity" advertisements.
- Use "equal housing opportunity" slogan and logo on city letterhead.
- Sponsor fair housing seminars and campaigns.
- Work with minority and women leaders in the area to promote housing development and increase minority and female participation.
- Assist local housing developers in developing outreach programs to attract minorities and females.
- Review zoning ordinances and comprehensive plans to ensure they promote inclusive communities, development of assisted housing in areas of opportunity.
- Create a local housing authority.
- Publicly advertise the city as a "fair housing city."
- Adopt a code enforcement ordinance which will compel landlords to keep their units in safe and sanitary condition.
- Beneficiaries
- Identify the needs of low- to moderate-income persons, minorities, and women.
- Develop and maintain a data base for the project area which includes information about population characteristics, i.e., sex, race, age, head of household, etc.
- Maintain data on direct and indirect beneficiaries of the project which include the above characteristics.

2.08 Equal Access (24 CFR 5.106)

Equal access in accordance with the individual's gender identity in community planning and development programs.

- A. Applicability. This section applies to assistance provided under Community Planning and Development (CPD) programs, including assistance under the following CPD programs: HOME Investment Partnerships program (24 CFR part 92), Housing Trust Fund program (24 CFR part 93), Community Development Block Grant program (24 CFR part 570), Housing Opportunities for Persons With AIDS program (24 CFR part 574), Emergency Solutions Grants program (24 CFR part 576), Continuum of Care program (24 CFR part 578), or

Rural Housing Stability Assistance Program (24 CFR part 579). The requirements of this section apply to recipients and subrecipients, as well as to owners, operators, and managers of shelters and other buildings and facilities and providers of services funded in whole or in part by any CPD program.

- B. Equal access in accordance with gender identity. The admissions, occupancy, and operating policies and procedures of recipients, subrecipients, owners, operators, managers, and providers identified in paragraph (a) of this section, including policies and procedures to protect privacy, health, safety, and security, shall be established, or amended, as necessary, and administered in a nondiscriminatory manner to ensure that:
 - 1. Equal access to CPD programs, shelters, other buildings and facilities, benefits, services, and accommodations is provided to an individual in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.
 - 2. An individual is placed, served, and accommodated in accordance with the gender identity of the individual.
 - 3. An individual is not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of the individual's gender identity.
 - 4. Eligibility determinations are made, and assisted housing is made available in CPD programs as required by § 5.105(a)(2).
- C. Placement and accommodation in temporary, emergency shelters and other buildings and facilities with shared sleeping quarters or shared bathing facilities:
 - 1. Placement and accommodation. Placement and accommodation of an individual in temporary, emergency shelters and other buildings and facilities with physical limitations or configurations that require, and are permitted to have, shared sleeping quarters or shared bathing facilities shall be made in accordance with the individual's gender identity.
 - 2. Post-admission accommodations. A recipient, subrecipient, owner, operator, manager, or provider must take nondiscriminatory steps that may be necessary and appropriate to address privacy concerns raised by residents or occupants and as needed, update its admissions, occupancy, and operating policies and procedures in accordance with section (B).
- D. Documentation and record retention. Providers shall document and maintain records of compliance with the requirements in section (B) for a period of 5 years.

2.10 Fair Housing

The Federal Fair Housing Law provides that “...no person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions including lenders, builders, and homeowners’ insurance companies” (24 CFR 100.5).

Fair Housing and Equal Opportunity (FHEO) Office’s mission is to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities. They provide enforcement, administration, and promote public understanding of fair housing policy and law. www.hud.gov/program_offices/fair_housing_equal_opp.

Subrecipients must agree to administer all programs and activities related to housing and community development in a manner to affirmatively further the policies of the Fair Housing Act (42 U.S.C.3608(e)(5)); (E.O.12259(1-202)); (24 CFR 570.601). This means promoting and publicizing Fair Housing laws as explained below. Subrecipients must also agree to develop and maintain records of the efforts taken to assure fair housing.

Fair housing laws, provisions and regulations apply to the community as a whole – not just to HUD-supported housing projects – and they are an essential part of the community's HUD responsibilities.

- A. Under the Fair Housing Act, the following actions are illegal when taken based on race, color, national origin, sex, religion, familial status, or disability:
1. Refusing to sell, rent, negotiate, or otherwise make housing unavailable.
 2. Falsely stating that housing is unavailable.
 3. Providing different services or facilities.
 4. Imposing different terms and conditions (including qualifications, fees, pricing, rules, etc.).
 5. Advertising or making statements that express a limitation or preference.
 6. Steering, exclusionary zoning, blockbusting, or redlining.
 7. Retaliating against anyone exercising her/his rights under the Fair Housing Act (includes intimidation and coercion).
 8. Refusing to provide a reasonable accommodation or modification for someone with a disability.
- B. Affirmatively Furthering Fair Housing 24 CFR 92.351
1. Analysis of Impediments to Fair Housing Choice (AI) -- In exchange for federal funds, jurisdictions are required to submit certification of affirmatively furthering fair housing to the U.S. Department of Housing and Urban Development (HUD). This certification has three required elements:
 - a. Complete an Analysis of Impediments to Fair Housing Choice (AI).
 - b. Take actions to overcome the effects of any impediments identified.
 - c. Maintain records reflecting the actions taken in response to the analysis.
 2. HUD provides a definition of impediments to fair housing choice as:
 - a. Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices.
 - b. Any actions, omissions, or decisions that have the effect of restricting housing choices or the availability of housing choices based on race, color, religion, sex, disability, familial status, or national origin.

An Analysis of Impediments to Fair Housing Choice (AI) has been conducted for the state of North Dakota. The final document was issued on April 3, 2020 and is available on NDHFA's website at: <https://www.ndhousing.nd.gov/sites/www/files/documents/Plans/AnalysisofImpedimentstoFairHousingChoice.pdf>.

The AI identified several private and public sector impediments to fair housing choice. Private sector impediments that were assigned a severity ranking of medium or high included discriminatory terms and conditions in rental and home purchase markets, refusal to rent, failure to make reasonable accommodations, preferential statements in advertising, and the issuance of predatory type home loans. Public sector impediments include inadequate fair housing outreach and education, lack of sufficient fair housing testing and enforcement, and NIMBYism.

HOME-ARP subrecipients are required to affirmatively further fair housing in their community in soliciting renters, determining eligibility, and in the conduct of all transactions.

- C. Data and Documentation. The HOME-ARP subrecipient must document the steps it has taken to promote fair housing and keep these records in the HOME-ARP Civil Rights file.

When developing a fair housing/affirmative marketing program, it is very important that the subrecipient documents all the actions taken -- as well as the results of those actions. If these efforts are not documented, NDHFA will be unable to demonstrate to HUD that subrecipients are meeting their fair housing obligations.

HOME-ARP subrecipients with housing projects will assess affirmative marketing efforts of owners by comparing predetermined occupancy goals (based on the area from which potential tenants will come) to actual occupancy data the owner is required to maintain. Outreach efforts on the part of the owner will also be evaluated by reviewing marketing efforts (HUD Form 935-2A).

D. Resources

High Plains Fair Housing Center, located in Grand Forks, ND, is a private, non-profit organization dedicated to the reduction and eradication of housing discrimination in the state:

High Plains Fair Housing Center Michelle Rydz, Executive Director
PO Box 5222, Grand Forks, ND 58206
701-203-1077, Toll Free 866-380-2738
www.highplainsfhc.org

E. Housing Complaints

The Human Rights Division of the Department of Labor and Human Rights is responsible for enforcing the North Dakota Human Rights Act (N.D.C.C. Chapter 14- 02.4) and the North Dakota Housing Discrimination Act (N.D.C.C. Chapter 14-02.5).

This responsibility includes investigating complaints alleging discriminatory practices, educating the public about human rights laws, and studying the nature and extent of discrimination in North Dakota.

Complaints must be referred directly to:

North Dakota Department of Labor Human Rights Division
600 E. Boulevard Ave., Dept. 406
Bismarck, ND 58505-0340
Phone - (701) 328-2660 locally or 1-800-582-8032 toll free in ND
TTY - 711
Spanish Users 1-800-435-8590
Fax - (701) 328-2031
E-mail - humanrights@nd.gov website – www.nd.gov/humanrights

The name(s) of complainants and the name(s) of the respondent(s) must not be disclosed to any entity other than the ND Department of Labor. NDHFA should, however, be notified that a complaint has been registered.

To learn more about the complaint process, use the following link: www.nd.gov/labor/printable-brochures.

2.11 Section 504

Compliance with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 754) requires that local subrecipients shall operate each program or activity receiving federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with physical disabilities.

Section 504 provides that "No otherwise qualified individual with physical disabilities in the United States shall, solely by reason of his physical disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance".

Citizen Participation

Subrecipients must make affirmative efforts to involve racial and ethnic minorities, people with disabilities, and female headed households in the citizen participation process. North Dakota Citizen Participation Plan: <https://www.ndhousing.nd.gov/development/consolidated-plan>.

Limited English Proficiency

- HOME-ARP subrecipients have an obligation under Title VI to reduce language barriers that can preclude meaningful access by person with limited English proficiency (LEP) to programs, services, and activities.
- Written translations of vital documents must be provided for each LEP language group totaling 1,000 persons or 5% of the population.

Section 504 Non-Discrimination Notice

- Subrecipients must provide a Section 504 non-discrimination notice within printed informational materials the subrecipient makes available to participants, beneficiaries, applicants, and employees.
- Must include the name and contact number of the Section 504 Coordinator.
- A sample notice can be found in the NDHFA Emergency Solutions Grant Section 504 Guidance and Plan.

Physical Accessibility

- In new multifamily housing projects, a minimum of five percent of the total dwelling units or at least one unit, whichever is greater, must be made accessible for persons with mobility impairments [24 CFR § 8.22(b)].
- An additional two percent (or at least one unit, whichever is greater) must be made accessible for persons with hearing or vision impairments [24 CFR § 8.22(b)].

Program Accessibility

- A subrecipient must operate each housing and non-housing program or activity receiving federal assistance so that the program or activity is readily accessible to and usable by individuals with handicaps, when viewed in its entirety.
- A subrecipient is not necessarily required to make each of its existing facilities accessible to and usable by individuals with handicaps.
- Reasonable Accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use areas.
- The requested accommodation must be reasonable.
- Does not impose an undue financial and administrative burden on the housing provider.
- Does not fundamentally alter the nature of the housing provider's operations.
- The determination of undue financial and administrative burden is made on a case-by- case basis.
- Section 504 requires subrecipients to provide and pay for reasonable accommodations that involve structural modifications to units or public and common areas.

Equal Access Rule

HUD's Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Rule became effective on March 3, 2012.

- Housing assisted by HUD shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status (24 CFR Section 5.015(a)(2)).
- Clarification of "family" definition to include persons regardless of actual or perceived sexual orientation, gender identity, or marital status.

- Prohibits inquiries of an applicant or occupant's sexual orientation or gender identity for the purpose of determining eligibility or otherwise making housing available.
- Prohibits FHA-approved lenders from basic eligibility determinations for FHA- insured loans on actual or perceived sexual orientation or gender identity.

Requirements for All Subrecipients

To comply with Section 504, the following actions must be initiated:

- Each HOME-ARP subrecipient financial award includes an assurance to NDHFA that the HOME-ARP Program will be operated in compliance with Section 504 requirements (24 CFR 8.50(a)). This assurance obligates the subrecipient for the period during which federal financial assistance is extended.
- Each subrecipient shall review NDHFA's 504 Guidance and Plan and complete a self-evaluation (SFN 62340) of current policies and practices with respect to communications, employment, and program/physical accessibility to determine whether, in whole or in part, they do not or may not meet the requirements of being accessible to individuals with disabilities. The self-evaluation is required to be completed before the first request for funds is processed.
- The self-evaluation shall designate all buildings and structures as "new" or "existing" depending on whether the building was constructed or altered after July 1988 (24 CFR 8.51(a)). The self-evaluation shall determine whether buildings and structures that house programs and services for the public can be approached, entered, and used by persons with disabilities. At minimum the following items should be addressed in the self-evaluation: Parking – Spaces, Curbs, Ramps, Routes and Pathways - Slopes, Levels, Ramps, Notices, Entrance Ways - Widths and Heights, Interiors - Door Grasp, Pressure, Pathways, Elevators, Service - Counter Heights, Notices, and Auxiliary Services - Telephones, Restrooms, and Drinking Fountains.
- Each subrecipient shall modify any policies and practices that do not meet the requirements for program accessibility (24 CFR 8.51). Because compliance with 504 does not necessarily require a subrecipient to make each of its existing facilities accessible to and usable by individuals with handicaps, or require a subrecipient to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or cause undue financial and administrative burdens, a subrecipient may comply with the requirements of this section in its programs and activities receiving federal financial assistance through such means as relocation of programs, assignment of aids to beneficiaries, home visits, or any other method that results in making its program or activity accessible to individuals with handicaps. A subrecipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section (24 CFR 8.21(i)).
- Each subrecipient must ensure that members of the population eligible to be served or likely to be impacted directly by a federally assisted program who have visual or hearing impairments are provided with the information necessary to understand and participate in the program. Methods for ensuring participation include, but are not limited to, qualified sign language and oral interpreters, readers, or the use of taped and Braille materials.
- Each subrecipient must maintain data for NDHFA showing the extent to which individuals with disabilities are beneficiaries of federally assisted programs.

Other Section 504 Requirements, as applicable.

If structural changes to non-housing facilities will be undertaken to achieve program accessibility (see notes below), a subrecipient shall develop a transition plan with the assistance of interested persons, including handicapped individuals or organizations representing handicapped individuals, for those areas which cannot be made accessible administratively (24 CFR 8.21 (4)).

The construction activities identified in the transition plan must have been/must be completed within three years of completion of the self-evaluation that was before the final request for funds for any grant award made after July 1988 (24 CFR 8.21(c) 3 - see above). The transition plan must be made available for public inspection, and, at a minimum, it shall:

- Identify all physical obstacles that limit the accessibility of programs and activities to individuals with disabilities.
- Describe in detail the method to be used in making the facility accessible.
- Set forth a schedule for completion of the modifications. If the schedule exceeds one year, then you must identify the actions to be taken during each year of the transition period.
- Identify the individual responsible for implementation of the plan.
- Identify the persons or groups with whose assistance the plan was prepared.

NOTE: Unless the grant subrecipient has recently acquired a facility constructed prior to 1988, that will house programs and services available to the public, and intends to make physical alterations to this facility, the three-year construction period for meeting the accessibility requirement for existing facilities under this regulation will have expired.

NOTE: New non-housing facilities (designed, constructed, or altered after July 11, 1988) shall be designed and constructed to be readily accessible to and usable by individuals with handicaps (24 CFR 8.32).

If the subrecipient employs fifteen or more persons:

- A responsible employee must be designated to coordinate the community's efforts to comply with Section 504.
- The subrecipient must adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to housing covered by this part.
- The subrecipient shall publish a statement of compliance to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the grantee that it does not discriminate based on handicap in violation of this part. The notification shall state, where appropriate, that the subrecipient does not discriminate in admission or access to, or treatment or employment in, its federally assisted programs and activities. The notification shall also include an identification of the responsible employee designated above.
- A subrecipient shall make the initial notification required by this paragraph within 90 days of receipt of the executed contract with NDHFA. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in subrecipients' publications, and distribution of memoranda or other written communications.
- The subrecipient must maintain a file, make available for public inspection, and provide to the responsible civil rights official, upon request: (1) a list of the interested persons consulted; (2) a description of areas examined in the self-evaluation and any problems identified; and (3) a description of any modifications made and of any remedial steps taken.
- The regulation requires that you must have available a TDD or equally effective method for communicating with hearing impaired persons. North Dakota has an approved relay service which may be utilized. To utilize the relay system, the subrecipient must have a policy indicating the use of the relay

system by the subrecipient and publish the telephone numbers in the newspaper. The numbers are: 711 (Voice or TTY), 800-435-8590 (Spanish).

- If you have been the subrecipient of prior ESG funds and have a completed self-evaluation and if applicable, a transition plan, as mentioned above, the 3-year period for completing the construction activities specified in a transition plan for most subrecipients has expired. For “existing” buildings and facilities that house programs and services for the public and are not accessible you must have adopted policies and/or modified practices to achieve accessibility. Prior subrecipients should prepare a summary of their past compliance activities.

2.12 Minority Outreach (24 92.351(b))

The recipient or subrecipient must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. If it is unlikely that the procedures the recipient or subrecipient intends to use to make known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, the recipient or subrecipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The recipient and its subrecipients must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, recipients and subrecipients are also required to take reasonable steps to ensure meaningful access to programs and activities for LEP persons.

2.14 Environmental Review (24 CFR 92.352)

The environmental review must be completed before any HOME-ARP program funds are expended (including costs incurred that will be reimbursed with HOME-ARP funding). Activities under the HOME-ARP Supportive Services fall under the category as defined at 24 CFR 58.35(b) and are categorically excluded, not subject to the federal laws and authorities at 24 CFR 58.5 (CENST) or exempt from review under NEPA. An RE may complete a single CENST review categorized under 24 CFR 58.35(b) for their supportive services program or their HOME-ARP TBRA program where participants choose their own unit and are not restricted to units within a pre-determined specific project site or sites. There is no need to complete reviews for every unit selected by participants.

2.15 Lead Based Paint Subpart M – Tenant Based Rental Assistance

Subrecipients MUST comply with 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. Most emergency shelters are exempt, because they fall under the definition of zero-bedroom dwellings, which are exempt under the Title X statute. If the shelter does not qualify for the zero-bedroom exemption, it is covered by the regulation.

A zero-bedroom dwelling is defined in section 35.110 as “any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rental of individual rooms in residential dwellings.” The term *single room occupancy housing* is defined as “housing consisting of zero-bedroom dwelling units that may contain food preparation or sanitary facilities or both.” Group homes are exempt if they consist of “rental of individual rooms in residential dwellings.”

Subrecipients are encouraged to review the Lead Safe Housing Rule (LSHR) Toolkit Subpart M for Tenant Based Rental Assistance and Subpart K for Shelter Leasing Activities. www.hudexchange.info/programs/lead-based-paint/lshr-toolkit/subpart-m/implement/ to ensure appropriate implementation of requirements related to providing rental assistance to program participants.

Participant Communication

For any unit where assistance will be funded by HOME-ARP, program participants must receive a copy of the disclosure form and acknowledgement of receipt of the pamphlet Protect Your Family from Lead in Your Home. See Communicating with Tenants section for both the disclosure and pamphlet.

<https://www.hudexchange.info/programs/lead-based-paint/lshr-toolkit/subpart-m/implement/>

A lead-based paint visual assessment must be completed for all units that meet the three following conditions:

- The household living in the unit is being assisted with ESG financial assistance (rent assistance, utility assistance, utility/security deposits, or arrears).
- The unit was constructed prior to 1978.
- A child under the age of six, or a woman who could become pregnant is or may be living in the unit.

Use form [SFN 62378](#) to record compliance with lead-based paint. It must be in each participant file. If visual assessment is required, follow instructions on Visual Assessment ([SFN 62379](#)).

Communication with Public Health Department

HOME-ARP subrecipients using funds for rental assistance will have to communicate with the public health department on a quarterly basis to coordinate which units have or may have a child with an EBLL.

www.hudexchange.info/programs/lead-based-paint/lshr-toolkit/subpart-m/implement/

Visual Assessments (SFN 62379)

Staff who perform unit inspections will be required to visually assess the unit for lead based paint. Staff are required complete the HUD Lead Based Paint visual assessment training tool

apps.hud.gov/offices/lead/training/visualassessment/h00101.htm. A copy of the certificate is required to be on file.

Visual Assessment Record Log

Subrecipients should use a visual assessment log to record all visual assessments completed and outcomes of assessment. www.hudexchange.info/resource/6312/lshr-visual-assessment-findings-and-resolution-record/

Repair Work and Ongoing Maintenance

When a unit requires paint stabilization subrecipients need to have records including:

- Third Party Clearance Report
- Documents pertaining to disturbance of paint and Lead Hazard Reduction:
 - Copy of the pre-renovation form with acknowledgment of receipt of EPA pamphlet "Renovate Right."
 - Documentation of the paint stabilization work performed on property such as a scope of work or work write up.
 - Documentation that the work was performed by a trained and certified (EPA or state) Renovator using safe work practices.
 - Documentation that the work incorporated occupant protection and, if warranted, temporary relocation (if occupied).
 - Documentation indicating relocation is not required.
- If TBRA will assist for more than 1 year, records must include documents pertaining to ongoing maintenance:

- Records that show an annual visual assessment, such as a unit inspection report. See toolkit forms: Visual Assessment Findings and Resolution Record.
- Records that show deteriorated paint was repaired and notices provided above using safe work practices and occupant protection and include a Notice of Evaluation and Clearance report as relevant.
- Clearance report.
- Notice of Lead Hazard Reduction.
- Notice by the owner to the tenant asking occupants to report deteriorated paint.

SECTION 3: HOME-ARP SUPPORTIVE SERVICES ELIGIBLE PROGRAM ACTIVITIES

There are three categories specifically included as Supportive Services under HOME-ARP two of which are allowable for subrecipients.

- McKinney-Vento Supportive Services: McKinney-Vento Supportive Services under HOME-ARP are adapted from the services listed in section 401(29) of McKinney Vento.
- Homelessness Prevention Services: HOME-ARP Homelessness Prevention Services are adapted from eligible homelessness prevention services under the regulations at 24 CFR 576.102, 24 CFR 576.103, 24 CFR 576.105, and 24 CFR 576.106, and are revised, supplemented, and streamlined in Section VI.D.4.c.i of CPD Implementation Notice.

If a person is homeless, then the person is eligible to be provided the supportive services as McKinney-Vento Supportive Services for the costs allowable. If a person is housed and the supportive services are intended to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing to achieve stability in that housing, then the person is eligible for homelessness prevention services for the costs allowable.

Linkages should also be made to applicable mainstream programs such as SOAR, TANF, etc. Homelessness prevention funds may be used to provide housing relocation and stabilization services and short-to medium-term rental assistance. Assistance must be necessary to help the program participant regain stability in their current permanent housing or obtain other permanent housing.

HOME-ARP Supportive Services combine and adapt supportive service concepts and eligible activities from the ESG and CoC regulations and follow 24 CFR 578.53. Homelessness prevention services follow ESG regulations under 24 CFR 576.103, 24 CFR 576.105, and 24 CFR 576.106.

Supportive Services must address the special needs of the qualifying population participant being served. Services must be necessary to assist program participants to obtain and maintain housing. An assessment of the service needs must be conducted and reevaluated annually. Services must be adjusted accordingly.

3.01 Eligible Costs for McKinney Vento Supportive Services and Homelessness Prevention Services

NDHFA will limit the allowable eligible costs for supportive services allowed under the McKinney-Vento Supportive Services and Homeless Prevention Services to the following activities:

- A. **Housing search and counseling services:** Costs of assisting eligible program participants to locate, obtain, and retain suitable housing are eligible. Services are:
 1. Development of an action plan for locating housing
 2. Housing search

3. Tenant counseling
4. Securing utilities
5. Making moving arrangements
6. Outreach to and negotiation with owners
7. Assistance submitting rental applications and understanding leases
8. Assessment of housing for compliance with HOME-ARP requirements for financial assistance for short-term and medium-term rental payments
9. Assistance obtaining utilities
10. Tenant counseling
11. Mediation with property owners and landlords on behalf of eligible program participants
12. Credit counseling, accessing a free personal credit report, and resolving personal credit issues
13. Payment of rental application fees
14. Other Housing counseling costs, as defined in [24 CFR 5.100](#), funded with or provided in connection with grant funds must be carried out in accordance with [24 CFR 5.111](#)

Please Note: subrecipients that provide housing services to eligible persons that are incidental to a larger set of holistic case management services, these services do not meet the definition of housing counseling, as defined in [24 CFR 5.100](#), and therefore are not required to be carried out in accordance with the certification requirements of [24 CFR 5.111](#).

- B. **Legal services:** Eligible costs are the fees charged by licensed attorneys and by person(s) under the supervision of licensed attorneys, for advice and representation in matters that interfere with a qualifying individual or family's ability to obtain and retain housing.
1. Eligible subject matters are child support, guardianship, paternity, emancipation, legal separation, orders of protection and other legal remedies for victims of domestic violence, dating violence, sexual assault, human trafficking, and stalking, appeal of veterans and public benefit claim denials, landlord-tenant disputes, the resolution of outstanding criminal warrants, landlord/tenant matters, provided that the services must be necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides.
 2. Legal services for immigration and citizenship matters and for issues related to mortgages and homeownership are ineligible. Retainer fee arrangements and contingency fee arrangements are prohibited.
 3. Services may include client intake, receiving and preparing cases for trial, provision of legal advice, representation at hearings, and counseling.
 4. 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.
- C. **Case management:** The costs of assessing, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant(s) are eligible costs. PJs and

subrecipients providing these supportive services must have written standards for providing the assistance. Eligible costs are those associated with the following services and activities:

1. Conducting the initial evaluation, including verifying and documenting eligibility, for individuals and families applying for supportive services.
 2. Counseling.
 3. Developing, securing, and coordinating services.
 4. Using a centralized or coordinated assessment system that complies with the requirements of [Section IV.C](#) of the Notice.
 5. Obtaining federal, state, and local benefits.
 6. Monitoring and evaluating program participant progress.
 7. Providing information and referrals to other providers.
 8. Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking.
 9. Developing an individualized housing and service plan, including planning a path to permanent housing stability.
 10. Conducting re-evaluations of the program participant's eligibility and the types and amounts of assistance the program participant needs.
- D. **Mediation:** HOME-ARP funds may pay for mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.
- E. **Credit repair:** HOME-ARP funds may pay for credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems. This assistance does not include the payment or modification of a debt.
- F. **Landlord/Tenant Liaison:** Costs of liaison services between property managers/owners and program participants are eligible HOME-ARP costs and may include:
1. Landlord outreach.
 2. Physical inspections and rent reasonable studies as needed to secure units.
 3. Rental application fees and security deposits for clients, in accordance with the financial assistance costs requirements in [\(G\)](#); Mediation services in [\(D\)](#) for housing issues that may arise between owner, property manager, or other residents and clients; Coordination or assistance with the provision of other HOME-ARP eligible services to assist clients to maintain permanent housing.
- G. **Financial assistance costs:** HOME-ARP funds may be used to pay housing owners, utility companies, and other third parties for the following costs, as applicable:
1. **Rental application fees:** Rental housing application fee that is charged by the owner to all applicants.
 2. **Security deposits:** A security deposit that is equal to no more than 2 months' rent. This assistance is separate and distinct from the provision of financial assistance for first and last month's rent provided under this section and cannot be used to duplicate those costs.

3. **Utility deposits:** HOME-ARP funds may pay for a standard utility deposit or initiation fee required by the utility company or owner (if owner-paid utilities are provided) for all program participants for the following utilities:
 - a. Gas
 - b. Electric
 - c. Water
 - d. Sewer
 4. **Utility payments:** HOME-ARP funds may pay for up to 24 months of utility payments per program participant, per service, including up to six 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 three-year period.
 5. **Moving costs:** HOME-ARP 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 three months, provided that the fees are accrued after the date the program participant begins receiving assistance under this section of the Notice and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.
 6. **First and last month's rent:** If necessary to obtain housing for a program participant, HOME-ARP funds may be used to make a pre-payment of the first and last month's rent under a new lease to the owner at the time the owner is paid the security deposit for the program participant's tenancy in the housing. This assistance must not exceed two month's rent and must be tracked for purposes of determining the total short- and medium-term financial assistance for rent that the program participant may receive. This assistance is separate and distinct from financial assistance for Security Deposits provided under this section and cannot be used to duplicate those costs.
 7. **Payment of rental arrears:** HOME-ARP funds may be used for a one- time payment for up to six months of rent in arrears, including any late fees or charges on those arrears, if necessary for the household to maintain their existing housing or, for those without housing, if necessary to remove a demonstrated barrier to obtaining housing.
- H. **Short-term and medium-term financial assistance for rent:** Subject to the following conditions, subrecipient provides a program participant with short-term or medium-term financial assistance for rent, provided that the total financial assistance provided, including any pre-payment of first and last month's rent as described above, does not exceed 24 months of rental payments over any three-year period.
1. Short-term means up to three months.
 2. Medium-term means more than three months but not more than 24 months.
 3. The subrecipient may make rental payments only to an owner with whom the subrecipient has entered into a financial assistance agreement for rental payment. The financial assistance agreement must set forth the terms under which rental payments will be provided, including the requirements that apply under this Notice. The financial assistance agreement must provide that, during the term of the agreement, the owner must give the PJ a copy of any notice to the program participant to vacate the housing unit or any complaint used under state or local law to commence an eviction action against the

program participant. The owner must serve written notice upon the program participant at least 30 days before termination of tenancy specifying the grounds for the action. Each financial assistance agreement that is executed or renewed must comply with the requirements in [24 CFR 92.359](#).

4. The subrecipient must make timely payments to each owner in accordance with the financial assistance agreement. The financial assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The subrecipient is solely responsible for paying late payment penalties that it incurs with non- HOME-ARP funds.
 5. Rental payments cannot be provided unless the rent does not exceed the fair market rent established by HUD, as provided under [24 CFR part 888](#), and complies with HUD's standard of rent reasonableness, as established under [24 CFR 982.507](#).
 6. Each program participant receiving financial assistance for rental payments must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. Where the financial assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks. New leases must have an initial term of one year unless a shorter period is agreed upon by the program participant and owner. The lease requirements in [24 CFR 92.359](#) apply to this financial assistance.
 7. PJs must establish requirements to prevent the provision of short- or medium-term financial assistance for rent for the same period for which a program participant is receiving rental assistance or living in housing provided with ongoing assistance (such as project-based rental assistance or operating subsidies).
 8. If a program participant receiving financial assistance for short- or medium-term rental payments under this section meets the conditions for an emergency transfer under [24 CFR 5.2005\(e\)](#), HOME-ARP funds may be used to pay amounts owed for breaking a lease to effectuate an emergency transfer. These costs are not subject to the 24-month limit on rental payments.
- I. **Direct provision of services.** If the service described in [paragraphs \(a\)](#) through [\(h\)](#) of this section is being directly delivered by the recipient or subrecipient, eligible costs for those services also include:
1. The costs of labor or supplies, and materials incurred by the recipient or subrecipient in directly providing supportive services to program participants.
 2. The salary and benefit packages of the recipient and subrecipient staff who directly deliver the services.

3.02 Ineligible costs

Financial assistance cannot be provided to a program participant who is receiving the same type of assistance through other public sources. Financial assistance also cannot be provided to a program participant who has been provided with replacement housing payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601 et seq.) and its implementing regulations at [49 CFR part 24](#), or Section 104(d) of the Housing and Community Development Act of 1974 (42 USC 5304(d) and its implementing regulations at [24 CFR part 42](#), during the period of time covered by the replacement housing payments.

SECTION 4: Comparison of Qualifying Populations

HOME-ARP Qualifying Populations combines and expands homeless and at-risk of homeless definitions used by the CoC and ESG programs.

- Homeless—as defined in 24 CFR 91.5 Homeless (1), (2), (3).
- At risk of homelessness—as defined in 24 CFR 91.5 At risk of homelessness.
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking—as defined by the U.S. Department of Housing and Urban Development (HUD).
- Other Populations—those who do not qualify under the other three QP definitions but meet one of the Other Populations criteria identified in Section IV of the HOME-ARP Notice.

Comparison of Qualifying Populations with ESG and COC Eligible Participants

HOME-ARP QPs	CoC/ESG eligible participants	Comparison
Homeless, as defined in 24 CFR 91.5 Homeless (1), (2), or (3), which aligns with the CoC/ESG definition with one exception.	Homeless, as defined in 24 CFR 578.3 and 576.2 .	HOME-ARP QPs and CoC/ESG program participants share many attributes, with one exception: Category 4 as defined in 24 CFR 578.3 and 576.2 , <i>people fleeing or attempting to flee domestic violence</i> , is not included in the HOME-ARP QP homeless definition. More information below.
At risk of homelessness, as defined in 24 CFR 91.5 , which aligns with the CoC/ESG definition.	At risk of homelessness, as defined in 24 CFR 578.3 and 576.2 .	No differences. These programs serve the same populations at risk of homelessness.
Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, as defined by HUD in 24 CFR 5.2003 and Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7102).	Homeless, category 4 as defined in 24 CFR 578.3 : Any individual or family who: (i) is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; (ii) Has no other residence; and (iii) Lacks the resources or support networks to obtain other permanent housing.	The definition of HOME-ARP QP is broader than the CoC/ESG definition of eligible participants. The HOME-ARP QP includes persons fleeing or attempting to flee human trafficking, which includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000, as amended (22 USC 7102). HOME-ARP eliminates the CoC/ESG requirement that an individual or family: • has no other residence; and • lacks resources or support networks PJs must consider the domestic violence/sexual assault/trafficking QP a separate population from the homeless population.

HOME-ARP QPs	CoC/ESG eligible participants	Comparison
Other Populations: Other families, defined as households who have previously been qualified as “homeless” under 24 CFR 91.5 , are currently housed due to temporary or emergency assistance, and who need additional housing assistance or supportive services to avoid a return to homelessness.	No equivalent definition.	Households under this HOME-ARP QP might be currently served in a homeless service program or considered homeless under the CoC/ESG definition, depending on the temporary or emergency assistance being provided.
Other Populations: At greatest risk of housing instability, defined as households who meet either (i) or (ii) below: i. have annual incomes less than or equal to 30% Annual Median Income (AMI) and experience severe housing cost burden (pay more than 50% of monthly income toward housing); or ii. have annual incomes less than or equal to 50% AMI and meet one of seven housing instability conditions from the QP definition established at 24 CFR 91.5 : At risk of homelessness, paragraph (iii), and outlined in the HOME-ARP Notice .	At risk of homelessness as defined in Notice CPD-20-08 Waivers and Alternative Requirements for the ESG Program Under the CARES Act. CPD-20-08 temporarily ¹ expanded the income limit in the definition of at risk of homelessness, as defined in 24 CFR 576.2 , paragraph (1)(i), to 50% AMI for ESG-CV and annual ESG funds used to prevent, prepare for, and respond to coronavirus. Persons must also lack sufficient resources or support networks to prevent them from moving to an emergency shelter or another place described under the “homeless” definition in accordance with 24 CFR 576.2 (ii) AND must meet one of the conditions in (iii).	At greatest risk of housing instability (i) is different than the ESG/CoC at risk of homelessness definitions which does not include the condition experiencing severe cost burden. At greatest risk of housing instability (ii) and the CPD-20-08 temporarily expanded definition of at risk of homelessness serve the same populations. The expanded income eligibility ends on 9/30/2023 for ESG-CV funds and 6/30/2024 for reallocated ESG-CV funds as outlined in Notice CPD-22-06 .

¹This waiver for homeless prevention eligibility is in effect for ESG-CV funds. The expanded income eligibility ends on 9/30/2023 for ESG-CV funds and 6/30/2024 for reallocated ESG-CV funds (Notice CPD-22-06). The expanded income eligibility for annual ESG funds used to prevent, prepare for and respond to coronavirus expired on 9/30/2022.

HOME-ARP QPs	CoC/ESG eligible participants	Comparison
Veterans and families that include a veteran family member that meet the definition of a QP.	Veterans experiencing homelessness.	No difference. Both programs serve veterans when that veteran or their household qualifies under the existing criteria.

SECTION 5: PARTICIPANT ELIGIBILITY DOCUMENTATION REQUIREMENTS

Subrecipients must document qualifying populations status for every program participant. HOME-ARP records are required to be maintained for five years after the expenditure of all funds from the grant.

Evidence for establishing and verifying homeless status in preferred order of documentation is:

1. Third-party documentation – source documents provided by an outside source.
2. Staff/intake worker observation – documented by staff.
3. Certification from the person seeking assistance –staff must certify efforts made to obtain third party documentation before allowing applicant to self-certify.

5.01 Qualifying Population Certification

Complete Qualifying Population Certification ([SFN 62530](#)) AND include acceptable evidence of eligibility. This certification will determine eligibility for McKinney Vento versus Homeless Prevention services. The certification and evidence of eligibility must be maintained in the participant file.

QUALIFYING POPULATION 1 (QP 1) HOMELESS

A. 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).
To certify homeless status for the above, must provide documentation of 1 of the following: ☐ Written observation by the outreach worker; or ☐ Written referral by another housing or service provider; or ☐ Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter (SFN 60319).
☐ Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: 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
Documentation must include one of the above forms of evidence AND 1 of the following. ☐ Discharge paperwork or written/oral referral; or ☐ Written record of intake worker's due diligence to obtain above evidence and certification by individual that they exited institution (SFN 60319).

B. 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. The individual or family lacks the resources or support networks needed to obtain other permanent housing.

Documentation must include 1 of the following:

- ☐ A court order resulting from an eviction action notifying the individual or family that they must leave.
- ☐ For individual and families leaving a hotel or motel—evidence that they lack the financial resources to stay (SFN 60319).
- ☐ A documented and verified oral statement.

In addition to 1 of the above, documentation must include BOTH of the following:

- ☐ Certification that no subsequent residence has been identified (SFN 60319); AND
- ☐ Self-certification or other written documentation that the individual lack the financial resources and support necessary to obtain permanent housing (SFN 60319).

C. 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 2 moves or more during the preceding 60 days; and

Can be expected to continue in such status for an extended period due to special needs or barriers.

Documentation must include all the following:

- ☐ 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
- ☐ Certification of no public housing in the last 60 days; and
- ☐ Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved 2 or more times in the past 60 days; and
- ☐ Documentation of special needs or 2 or more barriers.

QUALIFYING POPULATION 2 (QP 2) AT-RISK OF HOMELESSNESS**A. AN INDIVIDUAL OR FAMILY**

Must have income 30% below AMI, lack sufficient resources and meet one of the following risk factors:

- ☐ Has an annual income below 30% of AMI (must have documentation of income eligibility) AND
- ☐ Lacks sufficient resources or support networks immediately available to prevent homelessness (must complete Self-Certification SFN 60319) supported by other documentation when practical such as termination notice, unemployment compensation statement, healthcare/utility bill showing arrears)

AND meets one of the following risk factors with acceptable documentation.

- ☐ 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.

Must document the following 2 criteria:

- ☐ Housing history must demonstrate two or more moves within 60 days: documentation may include HMIS records, referral from housing/service provider, letter from tenant/owner (intake observation not appropriate); and

☐ Economic reasons may include termination from employment, unexpected medical costs, inability to maintain housing including utilities, etc.: documentation may include notice of termination, healthcare bills indicating arrears, utility bills indicating arrears (intake observation not appropriate).
☐ Risk 2: Living in the home of another because of economic hardship. Must document the following 2 criteria: ☐ Housing must be in the home of another (i.e., doubled up): documentation may include letter from tenant/homeowner (intake observation not appropriate); and ☐ Economic reasons may include termination from employment, unexpected medical costs, inability to maintain housing including utilities, etc.: documentation may include notice of termination, healthcare bills indicating arrears, utility bills indicating arrears (intake observation not appropriate).
☐ Risk 3: Housing loss within 21 days – has been notified their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance: notification to leave within 21 days must be written and only third-party source/written is appropriate. Must document the following 2 criteria: ☐ 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 a rented hotel or motel and cost is not paid for by charitable organization or by federal, state, or local government programs for low-income individuals. Must document the following 2 criteria: ☐ Housing must be in a hotel/motel: documentation may include either letter from hotel/motel manager or intake observation; and ☐ Costs have not been covered by charitable organization or government program: documentation – cancelled check.
☐ Risk 5: Living in a severely over-crowded unit as defined by 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. Must document the following: ☐ Number of rooms in unit AND number of individuals living in unit: documentation may include lease, unit details from Tax Assessor's Office, intake observation.
☐ Risk 6: Exiting publicly funded institution or system of care. Must document the following: ☐ Discharge from healthcare facility, mental health facility, foster care or other youth facility or correction program: documentation – discharge paperwork or referral letter.
☐ Risk 7: Living in housing associated with instability and an increased risk of homelessness. For example: being a young household with a young child, lacking transportation to work, or other circumstances or barriers as identified in your community. Documentation must include: ☐ Self-certification (SFN 60319) or other written documentation describing the circumstances and that the individual or family lacks resources and support networks to obtain other permanent housing

B. 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.

Must document the following:

- ☐ Verification of Homeless Status must be provided by agency administering applicable Federal program: documentation must be Third Party – Written ONLY; Certification of homeless status (letter or standardized form)

C. 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 that child or youth if living with him or her.

Must document the following:

- ☐ Third Party – Written ONLY; must have documentation of homeless status, which may be letter or referral provided by agency administering the federal program AND must confirm family/guardian is residing with children/youth.

QUALIFYING POPULATION 3 (QP 3): FLEEING/ATTEMPTING TO FLEE DOMESTIC VIOLENCE

- ☐ Any individual or family who:
- Is fleeing, or is attempting to flee, domestic violence.
 - Has no other residence.
 - Lacks the resources or support networks to obtain other permanent housing.

Documentation required:

For victim service providers:

- ☐ An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification (Form No. 5) or a certification by the intake worker.

For non-victim service provider (must document all 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 (SFN 60319) or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and
- ☐ Certification by the individual or head of household that no subsequent residence has been identified (SFN 60319); and
- ☐ Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing (SFN 60319).

QUALIFYING POPULATION 4 (QP-4): OTHER POPULATIONS

Other Families Required Services or Housing Assistance to Prevent Homelessness who previously met homeless criteria as defined in 24 CFR 91.5 and received time-limited assistance to become housed and are now in need of additional housing assistance or supportive services to avoid becoming homeless.

OTHER POPULATIONS WITH THE GREATEST RISK OF HOUSING INSTABILITY**AN INDIVIDUAL OR FAMILY**

☐ Has an annual income below 30% of AMI (must have documentation of income eligibility) AND they are experiencing severe cost burden (paying more than 50% of monthly household income towards housing costs) ☐ Provide income verification worksheet and proof of housing costs.	OR	☐ Has an annual income at or below 50% AMI (must have documentation of income eligibility) AND meets ONE of the following risk factors .
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☐ 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. Must document the following 2 criteria: ☐ Housing history must demonstrate two or more moves within 60 days: documentation may include HMIS records, referral from housing/service provider, letter from tenant/owner (intake observation not appropriate). ☐ Economic reasons may include termination from employment, unexpected medical costs, inability to maintain housing including utilities, etc.: documentation may include notice of termination, healthcare bills indicating arrears, utility bills indicating arrears (intake observation not appropriate).
☐ Risk 2: Living in the home of another because of economic hardship. Must document the following 2 criteria: ☐ Housing must be in the home of another (i.e., doubled up): documentation may include letter from tenant/homeowner (intake observation not appropriate). ☐ Economic reasons may include termination from employment, unexpected medical costs, inability to maintain housing including utilities, etc.: documentation may include notice of termination, healthcare bills indicating arrears, utility bills indicating arrears (intake observation not appropriate).
☐ Risk 3: Housing loss within 21 days – has been notified their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance: notification to leave within 21 days must be written and only third-party source/written is appropriate. Must document 1 of the following criteria: ☐ If tenant/homeowner: eviction notice, court order to leave within 21 days. ☐ If living with another (doubled up): eviction letter from tenant/homeowner.
☐ Risk 4: Living in a rented hotel or motel and cost is not paid for by charitable organization or by federal, state, or local government programs for low-income individuals. Must document the following 2 criteria: ☐ Housing must be in a hotel/motel: documentation may include either letter from hotel/motel manager or intake observation. ☐ Costs have not been covered by charitable organization or government program: documentation – cancelled check.
☐ Risk 5: Living in a severely over-crowded unit as defined by 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.

Must document the following:

- ☐ Number of rooms in unit AND number of individuals living in unit: documentation may include lease, unit details from Tax Assessor's Office, intake observation.

- ☐ Risk 6: Exiting publicly funded institution or system of care.

Must document the following:

- ☐ Discharge from healthcare facility, mental health facility, foster care or other youth facility or correction program: documentation – discharge paperwork or referral letter.

- ☐ Risk 7: Living in housing associated with instability and an increased risk of homelessness. For example: being a young household with a young child, lacking transportation to work, or other circumstances or barriers as identified in your community.

Documentation must include:

- ☐ Self-certification (SFN 60319) or other written documentation describing the circumstances and that the individual or family lacks resources and support networks to obtain other permanent housing.

5.02 Income Eligibility

Certain qualifying populations eligibility requires an income determination. When determining the annual income of an individual or family, the subrecipient must use the standard for calculating annual income under 24 CFR 5.609 which follows HUD Handbook 4350.3 Chapter 5, also known as Part 5.

HUD CPD Income Calculator

Staff conducting income eligibility verifications must use the HUD CPD Income Calculator to assist with the income determination. This does not replace the need for verification documents such as paystubs, employer verification, or benefit award letters. A printout from the calculator serves as the income eligibility worksheet.

[HUD CPD Income Calculator](#)

SECTION 6: STAFF DETERMINATION OF SERVICES ELIGIBILITY

Reimbursement for HOME-ARP Supportive Services is limited to the following supportive services:

- McKinney-Vento Supportive Services: McKinney-Vento Supportive Services under HOME-ARP are adapted from the services listed in section 401(29) of McKinney Vento.
- Homelessness Prevention Services: HOME-ARP Homelessness Prevention Services are adapted from eligible homelessness prevention services under the regulations at 24 CFR 576.102, 24 CFR 576.103, 24 CFR 576.105, and 24 CFR 576.106, and are revised, supplemented, and streamlined in Section VI.D.4.c.i of CPD Implementation Notice.

If a person is homeless, then the person is eligible to be provided the Supportive Services as McKinney-Vento Supportive Services for the costs allowable in 3.01. If a person is housed and the supportive services are intended to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing to achieve stability in that housing, then the person is eligible for homelessness prevention services for the costs allowable in 3.01.

Once a determination of qualifying population is made, staff must assess and determine eligibility for supportive services, financial assistance, or other supports allowable. Staff must complete the Staff Evaluation of Eligibility form ([SFN 62383](#)) to document compliance with this section.

6.01 Intake and Eligibility Assessments

Coordinated Entry is a centralized or coordinated process designed to coordinate program participant intake, assessment, and provision of referrals to programs. The Coordinated Access, Referral, Entry, and Stabilization (CARES) System is the coordinated entry and homeless response system for North Dakota and West Central Minnesota CoCs. HOME-ARP subrecipients must participate in CARES. All program participants must participate in and subrecipients must document an initial consultation (CARES Housing Crisis Triage and/or Housing Prioritization Tool and/or HMIS Intake forms) to assess needs and to determine program eligibility. The consultation should include verification of homeless status, Coordinated Entry System assessment, barriers to housing stability, data entry of required HMIS or comparable database universal data elements and any other program specific information such as income and documentation of insufficient support networks. Participants may not receive assistance for the same eligible activity from multiple federal sources. If the participant is not eligible for assistance, subrecipients are required to provide documentation regarding non-eligibility and to identify other appropriate service referrals that can meet the applicant's needs. No household can receive more than 24 months of HOME-ARP assistance in three years.

CARES Housing Crisis Triage

The CARES Housing Crisis Triage should be completed with any household that presents to an agency that is in a housing crisis (literally homeless or at risk of homelessness). The Triage will identify eligibility, resources that have been tried or are needed, and the support network for the client. The Triage will help determine next steps (i.e., emergency shelter, diversion, prevention) for the client.

Housing Prioritization Tool

The Housing Prioritization Tool (HPT) should be completed after the Housing Crisis Triage has been completed with clients who are literally homeless, at risk of homelessness where the household will not be able to self-resolve or prevention/diversion resources will not help resolve their situation, or if they are fleeing or attempting to flee unsafe living situations. The HPT will help determine the most appropriate type of housing for the client. The HPT should be conducted within the following timeline:

- Emergency shelter: day after entering the shelter IF the participant's situation cannot be resolved within the next 14 days.
 - Unsafe or imminent risk of violence or harm: within 36 hours.
 - Unsheltered: immediately.
 - Institutions (if literally homeless prior to facility entry and were in the facility less than 90 days): before leaving the institution.
 - Imminent risk of homelessness due to limited resources: 14 days.

HMIS Intake Forms

HMIS Intake forms must be completed with every household that is being entered into the HOME-ARP project. The NDHMIS-CoC/NDHG/EST Start- ES/SH/HP/SSO/TH form may be used for HOME-ARP.

6.02 Re-Certification

HOME-ARP does not specifically require qualifying populations to be recertified for eligibility. At program entrance, subrecipient staff must determine how long services will be provided and determination must be noted in the staff determination of eligibility. Subrecipients may develop policies to require recertification into their HOME-ARP program. If at the end of the benefits the qualifying population requires continued supportive services, staff will need to reexamine the household and complete a qualifying population certification. For example, it was determined based on evaluation a household would receive supportive services, case management and short-term rental assistance for three months. At the end of the three-month period, the

household is unable to maintain their housing, staff may conduct another evaluation based on the household's current circumstances and requalify for the program.

Assistance cannot ever exceed the program limitations. Such as short-term and medium-term financial assistance for rent, including any pre-payment of first and last month's rent as described above, does not exceed 24 months of rental payments over any 3-year period.

SECTION 7 CASE MANAGEMENT

7.01 Mainstream Benefits

All HOME-ARP subrecipient agencies are expected to provide case management to all program participants, including connecting program participants to mainstream and other resources. Subrecipients must assist each program participant, as needed, to obtain:

- Appropriate supportive services, including assistance in obtaining permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living; and
- Other federal, state, local, and private assistance available to assist the program participant in obtaining housing stability, including:
 - Medicaid (42 CFR chapter IV, subchapter C)
 - Supplemental Nutrition Assistance Program (7 CFR parts 271– 283)
 - Women, Infants and Children (WIC) (7 CFR part 246)
 - Federal-State Unemployment Insurance Program (20 CFR parts 601– 603, 606, 609, 614-617, 625, 640, 650)
 - Social Security Disability Insurance (SSDI) (20 CFR part 404)
 - Supplemental Security Income (SSI) (20 CFR part 416)
 - Child and Adult Care Food Program (42 U.S.C. 1766(t) (7 CFR part 226))
 - Other assistance available under the programs listed in § 576.400(c)

7.02 Case Management

Some form of case management is required to be provided to all qualifying populations.

Subrecipients must:

- Require the program participant to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability; AND
- Develop a plan to assist the program participant to retain permanent housing after the HOME-ARP assistance ends, considering all relevant items, such as the program participant's current or expected income and expenses, other public or private assistance for which the program participant will be eligible and likely to receive, and the relative affordability of available housing in the area.

SECTION 8: RENTAL ASSISTANCE AND PROPERTY STANDARDS

HOME-ARP will follow ESG established rental assistance requirements.

8.01 Rental Assistance Requirements

NDHFA has not established a mandatory share of rent and utility costs that program participants must contribute while in rapid re-housing and prevention programs. Subrecipients must develop and utilize agency policies and procedures for providing rental assistance that meet the standards of HOME-ARP implementation notice and organization written policy and procedures including:

- Standards for determining what percentage or amount of rent and utilities costs each program participant must pay while receiving HOME-ARP assistance.
- Standards for determining how long a particular program participant will be provided with rental assistance and whether and how the amount of that assistance will be adjusted over time.
- Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a program participant, including the limits, if any, on the HOME-ARP assistance that each program participant may receive, such as the maximum amount of assistance, maximum number of months the program participant receive assistance; or the maximum number of times the program participant may receive assistance.
- Renter's insurance is not an eligible expense.

8.02 Rental Assistance Agreements (SFN 62097)

Short- and medium-term rental assistance programs require that a program participant and a landlord have a written lease for the provision of rental assistance. In addition, HOME-ARP also requires a rental assistance agreement between the subrecipient agency and the landlord. The subrecipient agency may make rental assistance payments only to a landlord with whom the subrecipients have entered into a rental assistance agreement. The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements that apply under this section. The rental assistance agreement must provide that, during the term of the agreement, the owner must give the subrecipients a copy of any notice to the program participant to vacate the housing unit, or any complaint used under state or local law to commence an eviction action against the program participant.

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 landlord must serve written notice upon the program participant at least 30-day before termination of tenancy specifying the grounds for the action.

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 for which they have a lease.
- The lease terminates and is not renewed.
- The program participant becomes ineligible to receive HOME-ARP rental assistance.

8.03 Late Payments

The subrecipient must make timely payments to each owner in accordance with the rental assistance agreement. The subrecipient is solely responsible for paying late payment penalties that it incurs with **non-HOME-ARP funds**.

8.04 Leases

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

and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks.

Rental assistance cannot be provided for a housing unit unless the unit complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507. The rent restrictions are intended to make sure that program participants can remain in their housing after HOME-ARP assistance ends. Rent reasonableness requirements **DO NOT APPLY** when a program participant receives only financial assistance or services. This includes rental application fees, security deposits, last month's rent, utility payments/deposits, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

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 exceed rents currently being charged by the owner for comparable unassisted units. Gross rent is defined as the rental payments, tenant paid utility allowance, and any non-optional fees. The subrecipient should annually obtain a current utility schedule from the local housing authority to assist with determining the utility allowance associated with the tenant paid utilities in order to calculate the total gross rent charged for the unit and comparable.

Subrecipients must complete the Rent Reasonableness Checklist and Certification ([SFN 59386](#)). Rent reasonableness is determined by searching for comparable apartments. Comparable means similar style, size, and same number of bedrooms. Searchable options include online searches such as <https://www.apartments.com/>, apartment guides, classified ads, or MFP housing database.

The proposed unit should be compared to three other units unless there are no comparable units available. Recipients must notate on the form if three units to compare were unavailable.

What HUD says:

Determining and Documenting Rent Reasonableness

Recipients are responsible for determining what documentation is required in order to ensure the rent reasonableness standard is met. Recipients and subrecipients should determine rent reasonableness by considering the location, quality, size, type, and age of the unit, and any amenities, maintenance, and utilities to be provided by the owner. Comparable rents can be checked by using a market study of rents charged for units of different sizes in different locations or by reviewing advertisements for comparable rental units. For example, a participant's case file might include the unit's rent and description, a printout of three comparable units' rents, and evidence that these comparison units shared the same features (location, size, amenities, quality, etc.). Another acceptable method of documentation is written verification signed by the property owner or management company, on letterhead, affirming that the rent for a unit assisted with ESG funds is comparable to current rents charged for similar unassisted units managed by the same owner.

Caution

Comparable rents vary over time with market changes, so it is important to ensure that the comparison you are using is up-to-date and appropriate for each prospective unit.

Recipients must establish their own written policies and procedures for documenting comparable rents and ensure that they are followed when documenting rent reasonableness in the case file. A recipient may require all subrecipients to use a specific form or a particular data source. Use of a single form to collect data on rents for units of different sizes and locations will make the data collection process uniform.

8.05 Fair Market Rent (FMR)

Rental assistance cannot be provided for a housing unit unless the total rent for the unit does not exceed Fair Market Rent (FMR) established by HUD, as provided under 24 CFR 982.503. The rent restrictions are intended to make sure that program participants can remain in their housing after assistance ends. FMR requirements DO NOT APPLY when a program participant receives only financial assistance or services under Housing Relocation and Stabilization Services. This includes rental application fees, security deposits, last month's rent, utility payments/deposits, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

FMRs are gross rent estimates. The U.S. Department of Housing and Urban Development (HUD) annually estimates FMRs. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. By law, HUD is required to publish new FMRs at the start of the federal fiscal year, on October 1 and can be found online at: <http://www.huduser.org/portal/datasets/fmr.html>.

When calculating whether the *contract rent* (amount payable to the landlord) is at or below the FMR, be sure to add the contract rent to the utility allowance provided by the appropriate local housing authority. The monthly utility allowance is calculated only for those utilities that the tenant pays for separately from the rent. The utility allowance does not include telephone, cable or satellite television service, or internet service. If all utilities are included in the rent, there is no utility allowance.

FMR – Utility costs included in rent per PHA schedule = Maximum contract allowed rent.

8.06 Housing Quality Standards

Housing occupied by a household receiving HOME-ARP rental assistance must comply with all housing quality standards required in 24 CFR 982.401 (or successor inspection standards issued by HUD). These standards refer to the minimum quality standards developed by HUD in accordance with 24 CFR 5.703 (National Standards for the Condition of HUD Housing). NDHFA will use form [HUD-52580-A](#) which follows the current requirements at 24 CFR 982.401. This form must be completed for each housing unit that receives HOME-ARP rental assistance including the current unit of a program participant remaining in or moving into permanent housing that is being funded by HOME-ARP. On August 9, 2024, HUD revised the notice that implements the administrative procedures for the National Standards for the Physical Inspection of Real Estate (NSPIRE) which extends the compliance date

for CPD Programs to October 1, 2025, at which time the inspection procedures required under 24 CFR 982.401 will transition to NSPIRE. More information will be released when finalized by HUD.

Timing of Inspection

Initial Inspection. The subrecipient must inspect the unit prior to the initial term of the lease.

Periodic Inspection. The subrecipient must inspect the unit at least once every two years during the assisted occupancy to ensure the unit continues to meet standards.

8.07 Lead-Based Paint

For any unit where assistance will be funded by HOME-ARP, program participants must receive a copy of the disclosure form and acknowledgement of receipt of the pamphlet *Protect Your Family from Lead in Your Home*.

When rental assistance is provided, a lead-based paint visual assessment must be completed for all units that meet the three following conditions:

- The household living in the unit is being assisted with ESG financial assistance (rent assistance, utility assistance, utility/security deposits, or arrears).
- The unit was constructed prior to 1978.
- A child under the age of six, or a woman who is or could become pregnant is or may be living in the unit.

To document compliance, complete the Lead Screening Worksheet ([SFN 62378](#)) for each participant unit, this assessment will identify whether lead-based paint is applicable, whether a visual assessment is required and record the visual assessment findings.

When a visual assessment is required, complete the Lead-Based Paint Visual Assessment ([SFN 62379](#)). Staff who perform unit inspections will be required to assess the unit for lead-based paint if the unit is not exempt. Staff who perform LBP visual assessments are required to complete the HUD Lead-Based Paint visual assessment training tool available online at apps.hud.gov/offices/lead/training/visualassessment/h00101.htm.

If visual assessment indicates lead hazards are required to be mitigated, refer to HUD exchange for further requirements.

Summary of LSHR Requirements for TBRA	
Different HUD activities have different requirements, this chart summarizes those for TBRA. Details on these requirements are found in this module.	
Activity	Requirement
Approach to Lead Hazard Evaluation and Reduction	Identify and stabilize deteriorated paint.
Notification	Yes
Lead Hazard Evaluation	Visual Assessment
Lead Hazard Reduction	Paint Stabilization – Safe Work Practices and Clearance
Ongoing Maintenance	Yes
Elevated Blood Lead Level (EBLL) Requirements	Yes
Options	Test deteriorated paint.
	Use safe work practices only on lead-based paint (LBP) surfaces.

8.08 Use with Other Subsidies

HOME-ARP financial assistance for rents and utilities 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 covered by URA payments.

Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources. Rental assistance may not be provided to a program participant who has been provided with replacement housing payments under the URA during the period covered by the URA payments.

SECTION 9: MONITORING

All HOME-ARP subrecipients will be monitored on an annual basis. The method and time schedule of the monitoring visit will be coordinated with the subrecipient.

An on-site monitoring of each shelter will be conducted during the grant period. This visit will be coordinated with the subrecipient.

The following are the Grant Monitoring Report and Guidelines that will be used by NDHFA staff.

9.01 Grant Monitoring Report

Annually NDHFA program administration staff will conduct monitoring and will utilize the ND Homeless Grant Monitoring Report and Guidelines (SFN 60470) for the review.

9.02 Client Eligibility Forms

Staff Evaluation of Eligibility ([SFN 62383](#))

This form is used to document participant eligibility for assistance and the forms and types of assistance the individual needs to regain stability in housing. This includes determining if the household is receiving services under McKinney-Vento or homeless prevention depending on homeless status.

Identification Documentation

There must be identification documentation for all household members whether receiving case management and/or financial assistance. Documentation must be a copy of one of the following:

- Driver's license
- Social Security card
- Medicaid card
- Birth certificate
- Passport

HOME-ARP Qualifying Population Certification ([SFN 62530](#)) The agency must complete HOME-ARP Qualifying Population Certification indicating current living situation and provide the appropriate documentation as indicated on the form for each household. This includes documentation of lack of resources.

Release of Information This form must be signed by each household member aged 18 or older with a copy in the file.

Intake and Assessment Form The agency will conduct a comprehensive housing assessment with the household.

Case Management Notes

Income Documentation (Pay stubs, etc.) when income verification is required.

Subrecipients need to utilize the HUD CPD Income calculator to summarize the household's income eligibility. A printout is required.

Income Source Documents include Income Verification Form (SFN 59246), if income was verified by a third party and/or source documentation such as award letters, paystubs, or benefits statements.

Self-Certification ([SFN 60319](#)) Must be completed if required verifications/other documents cannot be provided and self-certification is the only way to verify information to determine program eligibility.

Staff Certification of Homelessness (SFN 62381) Used when third party written verification is unavailable to document oral or in person verification or to document staff observation of housing status.

Lease A lease is required for households receiving financial assistance such as rental assistance, security deposits, rental arrearages, and utility payments/deposits.

Rental Assistance Agreement ([SFN 62097](#))

Housing Plan (case notes) A Housing Plan must be completed for all individuals that receive a housing assessment and are determined eligible for services.

Rent Reasonableness ([SFN 59386](#)) Subrecipients must complete and file a Rent Reasonableness form for rental assistance above Fair Market Rent (FMR).

Housing Quality Standards Inspection Form (HUD-52580-A) All units must meet housing quality standards before financial assistance can be provided such as rental assistance, security deposits, rental arrearages, and utility payments/deposits.

Lead-Based Paint Disclosure

Lead-Based Paint Screening Worksheet ([SFN 62378](#)) Required for all participant files. LBP Visual Assessment (SFN 62379), when applicable.

Services Costs Copies of all invoices paid for from HOME-ARP on behalf of client which were included in reimbursement requests.

Denial/Termination Documentation If clients are terminated or declared ineligible documentation used to make the determinations and the process of termination are required to be retained.

9.03 Reporting

Subrecipients are required to report data quarterly on the following elements using HOME-ARP Quarterly Report SFN 62599:

1. Total households served.
2. Total new households: This is the number of households who were served in this quarter but who were not served in the previous quarter.
3. Number of households served that were defined as homeless.
4. Veteran status: A household with any Veteran member.
5. Hispanic status: The number of Hispanic households served.
6. Race: (The sum of the sub-categories below must be equal to or less than the "Total")
 - a. White
 - b. Black

- c. Asian
 - d. American Indian/Alaskan Native
 - e. Native Hawaiian/Pacific Islander
 - f. Other/multi-racial
7. Household size.
8. Household type
- a. Single, non-elderly
 - b. Elderly
 - c. Single parent
 - d. Two parents
 - e. Other

9.04 Grant Amendments

This section lists the types of grant amendments that may be requested, defines each type of amendment, describes the procedures for submitting an amendment request, and includes the form on which to request an amendment. Form SFN 52679 will be completed and used for approval of amendment request.

Types of Amendments

- Extension of Time
- Budget Revisions
- Scope of Work
- Special Conditions

Definitions

Extension of Time: This type of amendment must be requested when the subrecipient determines that all grant work cannot be completed prior to the grant expiration date.

Budget Revisions: This type of amendment must be requested when:

- The subrecipient wants to transfer funds to another approved grant activity.
- The subrecipient decides not to implement an approved activity.
- The subrecipient wants to transfer unobligated funds from one completed activity to another activity.

Scope of Work: This type of amendment must be requested when expanding or reducing the approved scope of work to be performed.

Special Conditions: This type of amendment must be submitted if a subrecipient wishes to seek approval to modify, eliminate, or extend the time of a special condition on the grant award.

Procedures for Submitting and Acting on Request for Amendment:

- Requests for amendments, especially for extension of time, should be submitted no later than 30 days prior to the grant expiration date.
- All amendments must be submitted on the Request for Amendment form and must be signed by the Executive Director.

- If an amendment request is approved by NDHFA, the Request for Amendment form will be returned reflecting signed approval. If the request is disapproved, a letter of explanation will be forwarded with the Request for Amendment form. All approved amendments will become a part of the original Financial Award and will be subject to all applicable conditions and assurances.
- If NDHFA finds that a Request for Amendment is for an action that has already taken place, the amendment will not be approved.

Request for Amendment (SFN 52679) Instructions:

- Block 1: Enter the official mailing address of the subrecipient.
- Block 2: Enter NDHFA assigned Instrument Number on the Financial Award.
- Block 3: Amendment requests are to be numerically accounted for locally. Indicate the appropriate request number.
- Block 4: Enter the Approved Budget/Project Period from the Financial Award.
- Block 5: Enter date of the preparation of the Request for Amendment.
- Block 6: Place a mark in the appropriate space to reflect the type of amendment being requested. Only fill in Extension Revised Date if requesting an Extension of Time.
- Block 7: Provide a detailed explanation of the amendment, to include the reason and the results.
- Enter activities funded on award. Enter amount awarded for each activity funded. In the Revised NDHFA Budget column, enter +/- for each activity amending. Total Budget column automatically calculates. Approved NDHFA Budget should equal Total Budget unless amending for more or less dollars.
- Block 8: Enter the name and title of the Executive Director. This is the individual who signed the Financial Award.
- Block 9: For NDHFA use only. Send original signed document to:
- North Dakota Housing Finance Agency
Attn: North Dakota Homeless Programs
PO Box 1535
Bismarck, ND 58502-1535
Or email to hfahomelessprograms@nd.gov

SECTION 10: GRANT CLOSE-OUT PROCEDURES

This section describes the close-out procedures to be used by NDHFA and the subrecipient.

Final Subrecipient Performance Report

Subrecipients must file a Final Performance Report with the last Request for Funds or within 30 days of project completion. Failure of the subrecipient to submit a report as required will not preclude NDHFA from closing out a grant when such action is determined to be in the best interest of both parties. The failure or refusal by a subrecipient to comply with such requirement shall be considered in the performance determination by NDHFA in reviewing any future grant applications from the subrecipient.

Grant Close-Out

A final grant close-out letter will be issued to a subrecipient upon receipt and approval by NDHFA of the Final Report.

A grant may be closed-out when all other responsibilities of the subrecipient under the grant agreement have been carried out satisfactorily, or there is no further state interest in keeping the grant agreement open for the purpose of securing performance.

Grant Suspension and Termination

- Suspension

When a subrecipient fails to comply with the grant award stipulations, standards, or conditions of its grant, NDHFA may suspend the grant, withhold further payments, or prohibit the subrecipient from incurring additional obligations of grant funds, pending corrective action by the subrecipient.

- Termination

- Termination for Cause. NDHFA may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the subrecipient has failed to comply with the conditions of the grant. NDHFA shall promptly notify the subrecipient in writing of the termination and the reasons for the termination, together with the effective date. Payments made to a subrecipient or a recovery by NDHFA under grants terminated for cause shall be in accord with the legal rights and liabilities of the parties. For this type of termination, NDHFA will not honor any costs. If funds have been paid to the subrecipient, they must be repaid to NDHFA.
- Termination for Convenience. NDHFA or subrecipient may terminate grants in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The subrecipient shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. NDHFA will consider all circumstances under which a grant is to be terminated and, on a case-by-case basis determine if any eligible, incurred costs will be honored.