

# GEORGIA HOME-ARP NON-CONGREGATE SHELTER NOTICE OF FUNDING AVAILABILITY (NOFA) & APPLICATION MANUAL



# HOME-ARP NON-CONGREGATE SHELTER 2023 NOTICE OF FUNDING AVAILABILITY (NOFA)

## SUMMARY

The Department of Community Affairs (DCA) and the Georgia Housing Finance Authority (GHFA) were allocated HOME Investment Partnerships Program American Rescue Plan Act of 2021 (HOME-ARP) funds from the Department of Housing and Urban Development (HUD). This allocation is to be used to assist people experiencing homelessness, those at risk of becoming homeless, and other vulnerable populations, reducing homelessness and housing insecurity throughout the State of Georgia. DCA's HOME-ARP Allocation Plan specified that \$8,765,517 in HOME-ARP funding is available for the Non-Congregate Shelter (NCS) funding competition. DCA will make these grant funds available to local government, nonprofit, and public housing authority applicants to provide for the new construction and/or rehabilitation of NCS buildings in their communities.

This NOFA aims to support the creation of additional safe temporary living environments in the Georgia Balance of State for individuals/households experiencing homelessness who want or need an alternative to congregate shelter programs. All use of HOME/HOME-ARP funds to construct housing must meet the National Standards for the Physical Inspection of Real Estate (NSPIRE) Inspection Requirements (24 CFR 5.705). NCS units must have, at minimum, a bathroom sink, toilet, bath and/or shower; smoke detector; carbon monoxide detector; and either unit kitchens/kitchenettes or communal kitchens. These units must be in one or more buildings that provide private units or rooms as temporary shelters and do not require occupants to sign a lease or occupancy agreement.

HOME-ARP NCS must serve persons/households who are members of the [HOME-ARP Qualifying Populations](#). See HUD's [HOME-ARP Program Fact Sheet: Non-Congregate Shelter](#) for an overview of the funded activity.

This program is subject to federal HOME regulations (24 CFR Parts 91 and 92) and any amendments. The HOME funds' regulations are at the link: <https://www.hudexchange.info/programs/home/>.

## THIS MANUAL INCLUDES THE FOLLOWING DOCUMENTS

- Notice of Funding Opportunity (NOFA)
- Grant application instructions
- Application forms
- Application scoring overview

## AWARDS

Funding Source: HOME-ARP Non-Congregate Shelter (CFDA # 14.239)  
Total NCS Amount: \$8,765,517

## ELIGIBLE APPLICANTS

- City and County Governments in Georgia, including HUD HOME Participating Jurisdiction (PJ) governments receiving HUD HOME funds directly.
- Public Housing Authorities
- Nonprofits with 501(c)(3) or 501(c)(4) tax-exempt status serving citizens, including Nonprofits with 501(c)(3) or 501(c)(4) tax-exempt status within Georgia's 12 HUD HOME Participating Jurisdiction.

Units of general-purpose local government (e.g., city, county, consolidated government) and local, regional, and state authorities are eligible to apply. The HOME-ARP Team will also consider offering grants to private developers, including not-for-profits and community housing development organizations, to further the objectives of the Non-Congregant Shelter initiative. Prospective applicants should consult the DCA HOME-ARP team with questions about eligibility.

### **Additional eligibility requirements include the following:**

- Applicants must demonstrate the capacity to carry out the proposed development by having either staff or entities under contract with relevant experience in completing the administration of other developments of a similar nature and scope.
- Applicants must not be out of material compliance or disqualified from any program administered by DCA or under debarment, proposed debarment, or suspension by a federal agency.
- Local government applicants must be in compliance with the audit report and grant certification form submission requirements contained in O.C.G.A. 36-81-7 and 86-81-8.1.
- Local government and authority applicants must be current and compliant with all reporting, audit, and survey requirements, as required by statute.
- Prior recipients of HOME Funding must resolve any outstanding audit and/or compliance monitoring findings or deficiencies before applying. Sanctions associated with any other HOME/CDBG/ESG/HOPWA grants will also apply to this initiative.

***While city and county HOME PJ and nonprofits and PHAs working in PJ communities are eligible for HOME-ARP NCS funds, this program supports and expands homeless services in rural areas. Regional service providers with a primary office location in a PJ are considered conditionally eligible on a case-by-case basis if they can demonstrate a record of serving rural homeless families and the intent to use HOME-ARP funds to serve clientele in the balance of the state. Therefore, only those regional service providers with a demonstrated record of helping rural homeless families will be eligible for HOME-ARP NCS funds, and there is a commitment from the PJ to the NCS Organization/Agency to participate. Without the commitment to the NCS Organization/Agency from the PJ, the NCS application will fail the threshold and will not be considered.***

## ELIGIBLE ACTIVITIES

HOME-ARP funds may be used for the actual costs of acquiring NCS or developing HOME-ARP NCS as follows:

- Acquisition Costs: Costs to acquire improved or unimproved real property.
- Demolition Costs: Costs of demolishing existing structures to develop HOME-ARP NCS.

- Development Hard Costs: Costs identified in [24 CFR 92.206\(a\)](#) to rehabilitate or construct HOME-ARP NCS units, except costs must be for meeting the Property and Habitability Standards established in Section VI.E.7 of the [HOME-ARP Implementation Notice](#).
- Site Improvements: Costs to improve the project site, including installation of utilities or utility connections and the construction or rehabilitation of laundry, community facilities, on-site management, or supportive service offices.
- Related Soft Cost: Reasonable and necessary costs associated with the financing, acquisition, and development of HOME-ARP NCS projects, including costs identified in [24 CFR 92.206\(d\)](#) with the following exceptions:
  - Costs to provide information services such as affirmative marketing to prospective homeowners and tenants are not eligible.
  - Costs of funding an initial operating deficit reserve are not eligible.
  - Costs of project-specific assistance to community housing development organizations, including technical assistance and site control loans or seed money loans as specified in 24 CFR 92.301, are not eligible.
- Replacement Reserves (*for Rehabilitation Projects only*) to capitalize a replacement reserve to pay the reasonable and necessary costs of replacing major systems and their components whose useful life will end during the restricted use period. Major systems include structural support, roofing, cladding, weatherproofing, plumbing, electrical, and HVAC.
  - The costs of a replacement reserve must be included in the project budget along with a list of major systems to be replaced with the reserve and projected replacement schedule during the restricted use period (i.e., reserve for replacement analysis).

The costs of replacing major systems must be confirmed for awarded projects through a Capital Needs Assessment or documented in writing after an inspection by a DCA-selected contractor to assess the remaining useful life of major systems expected upon completion of the HOME-ARP NCS project.

HOME-ARP funding may support the acquisition of land and new construction of HOME-ARP NCS or the acquisition and/or rehabilitation of existing structures such as motels, hotels, or other facilities to be used as an NCS. All eligible applicants, including non-profit organizations, can apply for this activity.

## LEVERAGED FUNDS

HOME-ARP funds may be used for 100% of development costs, and matched funds are not required. However, **HOME-ARP funds cannot pay the operation costs after constructing the NCS units**. Applicants must demonstrate the ability to fund ongoing operations for the full compliance term (see the section on compliance terms). Although there are no funding limits, matching and leveraging funds are encouraged.

## APPLICATION FEE

DCA charges a non-refundable application fee for this program. A \$200 check for the application fee must be mailed and postmarked by: **Friday, August 15, 2023, at 11:59 p.m.**

Send all application fees to:

Georgia Department of Community Affairs  
Office of Community Housing Development  
C/O: Lisa Ivy

60 Executive Park South, NE  
Atlanta, GA 30329

The application will only be reviewed if DCA receives the application fee within seven days of the deadline.

## APPLICATION PHASES AND DEADLINES

2023 HOME-ARP NCS NOFA Application will be conducted in phases partnered with weekly one-hour training, which will be recorded. Check the DCA HOME-ARP website, which will contain all application material, registration for weekly training, and previously recorded sessions.

<u>Date</u>	<u>Activity</u>	<u>Due</u>
<b>Thurs, June 8</b>	Procurement Training @ 1:00pm	N/A
<b>Thurs, June 15</b>	Application is Published	N/A
<b>Thurs, June 29</b>	Data & SWOT Training@ 1:00pm	Phase 1 Submission
<b>Thurs, July 13</b>	Operations Budget Training @ 1:00 pm	Phase 1 Submission
<b>Thurs, July 20</b>	NCS Development Overview Training @ 1:00 pm	Phase 1 Submission
<b>Thurs, July 27</b>	NCS Development Budget Training @ 1:00 pm	Phase 1 Submission
<b>Thurs, Aug 3</b>	Staffing and Services Training @ 1:00 pm	Phase 2 Submission
<b>Tues, Aug 15</b>	<b>Phase 1 Submission Due \$200 Application Fee Due</b>	<b>Due by 11:59 pm</b>
<b>Thurs, Aug 17</b>	NCS Narrative Training @ 1:00 pm	Phase 2 Submission
<b>Thurs, Aug 24</b>	Referrals & Compliance Training @ 1:00 pm	Phase 2 Submission
<b>Thurs, Aug 31</b>	Certifications and Add-Ons Training@ 1:00 pm	Phase 2 Submission
<b>Fri, Sept 15</b>	<b>Phase 2 Submission Due</b>	<b>Due by 11:59 pm</b>
<b>Wed, Nov 15</b>	Awards Announced	N/A

Phase 1 Application Submission with all Phase 1 Information and Documentation must be emailed to [NCS2023@dca.ga.gov](mailto:NCS2023@dca.ga.gov) **by 11:59 PM on August 15, 2023**. In the Subject Line, write:  
HOME ARP NCS 2023 Phase 1 Submission - \*AGENCY NAME\*.

Phase 2 Application Submission with all Phase 2 Information and Documentation must be emailed to [NCS2023@dca.ga.gov](mailto:NCS2023@dca.ga.gov) **by 11:59 PM on September 15, 2023**. In the Subject Line, write:  
HOME ARP NCS 2023 Phase 2 Submission - \*AGENCY NAME\*.

***Any applications received after the designated submission dates and times will not be considered for funding. All successfully submitted applications will receive a confirmation of receipt email.***

## REQUIREMENTS FOR THE 2023 APPLICATION

### APPLICATION SUBMISSION REQUIREMENTS

Applicants must apply via email to [NCS2023@dca.ga.gov](mailto:NCS2023@dca.ga.gov) with the subject:  
HOME ARP NCS 2023 Phase XX Submission - \*AGENCY NAME\*

All tabs must be completed on the corresponding Excel document for each phase, and the document must be attached to the email. You will receive an automatic response that your email was received. This response indicates receipt of the email. It does NOT confirm whether your application is responsive or responsible. HOME-ARP staff will make that determination upon application review.

### PROCUREMENT REQUIREMENT

Applicants may choose to but are not required to enter into a contract with an experienced grant administrator to carry out HOME-ARP-funded activities. Suppose the applicant works with a grant administrator to write the HOME-ARP grant application. In that case, the applicant must solicit the grant administrator's services through a formal documented procurement process **at least thirty (30) days** before submitting the HUD-ARP application. This is optional for applications completed by Georgia Regional Commissions. For more details, see the HOME-ARP procurement policy memo and sample solicitation documents in Appendix B of this HOME-ARP application manual.

### PRIORITY TARGETED FUNDING EFFORTS

DCA reserves the right to prioritize and incentivize specific project types and/or geographic areas in the DCA HOME-ARP application process that actively support qualifying populations as listed in HUD CPD 21-10, Section IV(A) and the subpopulations as listed under CPD 21-10 Section IV(A)1(3)iv. Likewise, DCA reserves the right to prioritize and incentivize specifically targeted assistance as defined in HUD CPD 21-10 Section IV(C)1 and 3. Prioritized projects will be designed to address demonstrated homeless needs in specific state geographic areas, focusing on data-driven locations and subpopulations. Projects funded under special incentives will be otherwise subject to all HUD and DCA guidance applicable to other projects funded for the same activities. HOME-ARP recipients with awards for priority incentivized projects should refer to the appropriate project type in this manual for further guidance.

While administering the HOME-ARP program, DCA will make decisions and interpretations regarding project applications. Unless otherwise stated, DCA is entitled to the full discretion allowed by law in making all such decisions and interpretations. DCA reserves the right to amend, modify, or withdraw provisions in this application that are inconsistent or conflict with state or federal laws or regulations. All applications for program funding become the property of DCA.

## MINIMUM AND MAXIMUM AMOUNTS OF FUNDS PER DEVELOPMENT

DCA will award applications submitted for new construction, acquisition, and rehabilitation of Non-Congregate Shelters. Eligible Applicants may submit only one application. There are no minimum or maximum amounts. ***DCA reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFA.***

### NON-CONGREGATE SHELTER AWARDS

**Funding of several awards for approximately four million dollars (\$4,000,000)** will be available to the top stop-scoring applications for the Non-Congregate Shelter's new construction, acquisition, and rehabilitation activities. DCA reserves the right to award over \$4 million if the applications warrant funding.

SUBMISSIONS AND MATCH REQUIREMENT

An application must be submitted for each non-congregate shelter site proposed. Scattered-site projects may be eligible for funding depending on the proposed plan and proof that the development is needed. **If an agency/developer is interested in submitting multiple applications, you should contact DCA at [HOMEARP@dca.ga.gov](mailto:HOMEARP@dca.ga.gov) to discuss your plans before applying.**

DCA reserves the right to award lesser or greater amounts than requested. This determination may be based on such factors as but not limited to a project’s readiness to proceed, the number of applications received, the geographic distribution of funds, applicant capacity, and any other factors DCA deems appropriate and necessary.

A cost match from non-HOME-ARP sources is not required. However, applicants with higher leveraging ratios will be more competitive. DCA will not consider applications with total HOME-ARP Cost per Unit requests at more than \$250,000 per unit (i.e., Total HOME-ARP money requested/# Units Built).

APPLICATION REVIEW PROCESS

DCA will initially review all applications to determine completeness. All applicants must respond to any DCA clarification request within three (3) business days from receipt. Failure to meet this deadline will cause the application to be deemed incomplete, and the application will not be reviewed further.

Complete applications will be screened to determine whether the application meets the minimum NOFA eligibility requirements. DCA will rank each complete and eligible application according to these priorities.

If there is a conflict between any information in DCA’s NOFA and any of its supporting/additional documents and any HUD guidance, the HUD guidance will prevail.

SCORING DEFINITIONS:

Application scoring requirements are noted in the application documents. The primary scoring parameters are as follows:

<u>Point Scored</u>	<u>Point Indication</u>	<u>Point Definition</u>
0	Not Included	The item was either not included in the submission or failed to meet substantial minimum requirements.
1	Included	The item was included and met basic submission requirements.
2	Excelled	The item was included and went beyond basic submission requirements. The comprehensive content supported the application goals, plans, and expected execution.

Applications in which the submitted Excel spreadsheets and/or additional requested documents are submitted but not completed will not be considered for funding.

## APPLICATION AWARD ANNOUNCEMENTS

All applications will be reviewed, evaluated, and ranked according to the priorities and preferences outlined in this application manual. DCA will consider the geographic distribution of these resources across the State before making final funding decisions. All award results will be posted on the DCA website, and applicants will be notified in writing.



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# HOME-ARP NON-CONGREGATE SHELTER 2023 GRANT APPLICATION MANUAL

## DEADLINES AND PERTINENT DATES

2023 HOME-ARP NCS NOFA Application will be conducted in phases partnered with weekly one-hour 2023 HOME-ARP NCS NOFA Application will be conducted in phases partnered with weekly one-hour training, which will be recorded. Check the DCA HOME-ARP website, which will contain all application material, registration for weekly training, and previously recorded sessions.

Date	Activity	Due
<b>Thurs, June 8</b>	Procurement Training @ 1:00 pm	N/A
<b>Thurs, June 15</b>	Application is Published	N/A
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<b>Wed, Nov 15</b>	Awards Announced	N/A

## ELIGIBLE HOME-ARP NCS APPLICANTS

### STATE AND SUBRECIPIENT ROLE

Successful applicants will act as State Recipients or Subrecipients of GHFA HOME funds.

State Recipients are a unit of general local government designated by a State to receive HOME funds from a State.

Subrecipients are defined in the revised HOME Final Rule of July 24, 2013, as a public agency or nonprofit organization selected by the participating jurisdiction to administer all or some of the participating jurisdiction's HOME programs to produce affordable housing. A public agency or nonprofit organization that receives HOME funds solely as a housing project developer is not a sub-recipient participating jurisdiction's selection of a sub-recipient is not subject to the procurement procedures and requirements.

Applicants approved for funding under this NOFA will administer activities for the acquisition, rehabilitation, and/or new construction and reconstruction of non-congregate shelters.

Administrative responsibilities of the State Recipients or Subrecipients will include, but are not limited to:

- Selecting third-party developers to complete eligible activities.
- Conducting assessments of proposed developments and coordinating appropriate work to be completed.
- Evaluating the reasonableness of proposed project costs.
- Ensuring that the work is performed per all required property standards.
- Submitting required project documentation to DCA.
- Performing federal compliance oversight.
- Monitoring program timelines for commitment and expenditure of funds.
- Monitoring compliance with DCA and HOME program requirements for the affordability period.

DCA intends to enter a formal written agreement with each selected Applicant no later than 60 days after the award announcement.

### ELIGIBLE APPLICANT ENTITIES

The following entities will be considered eligible to act as a state recipient or sub-recipient under this NOFA for the allocation of funds:

- City and County Governments in Georgia, excluding HUD HOME Participating Jurisdictions government receiving HOME-ARP funds directly.
- Public Housing Authorities
- Nonprofits with 501(c)(3) or 501(c)(4) tax exempt status

Minutes and documentation that include a history of collaborating with other service providers must be provided to show the community support and the agencies and organizations participating in the development. More than a history of service provision is required. Applicants must submit documentation and minutes from the last year that show the agencies and organizations at the table and what they have contributed to the conversation. Regular collaborative meetings with stakeholders, which are then documented through minutes, agendas, pictures, etc., are required. Matching funds are not required; however, demonstrating a history of adequate community support, stakeholder participation, and trauma-informed design is imperative. To qualify as a trauma-informed design, the applicant must show that the collaborative meetings included stakeholders with lived experience in the ongoing conversation and that the stakeholder had direct input into the process and application.

### ADDITIONAL ELIGIBILITY REQUIREMENTS FOR APPLICANT ENTITIES

#### Nonprofits and Public Housing Authorities

In addition, an applicant formed as a nonprofit or public housing authority must be determined by DCA to be qualified to act as a sub-recipient. The nonprofit or public housing authority must be able to demonstrate the technical expertise of staff and other project partners in housing production and management and meet the following criteria:

- Nonprofit organizations must be exempt from taxation under subtitle C of section 501(c), have an accounting system, at least one full-time employee, a voluntary board, and practice nondiscrimination when assisting. Assistance may be provided to primarily religious organizations that agree to provide all eligible activities in a manner that is free from religious influences. The nonprofit organization must demonstrate that it meets these criteria by submitting three (3) years of financial audits by a qualified financial auditor. (May be covered in #3 below.)

- At the time of application, the authorized signatory of the applicant (e.g., Chief Executive Officer) must demonstrate compliance with O.C.G.A. §50-36-1 (e) (2)-Verification of Lawful Presence within the United States.
- At the time of application, all non-profit applicants must also comply with O.C.G.A. Section 50-20-1 through 50-20-8. Successful applicants must remain in compliance with this section through program closeout. DCA will not fund any activity should the non-profit or public housing authority fall out of compliance with O.C.G.A. Section 50-20 et. seq. until such time that Georgia Department of Audits and Accounts has determined the entity's compliance and, subsequently, the Commissioner of DCA has authorized proceeding with funding of existing commitments.

### Local Governments

In addition to the requirements for all applicants, Local Governments must be in compliance with the audit report/grant certification form submission requirements as provided under O.C.G.A. Section 36-81-7 and Section 36-81-8.1.

## ELIGIBLE ACTIVITIES

HOME-ARP funds may be used to acquire and/or rehabilitate or construct NCS units to serve qualifying populations. Acquisition of vacant land or demolition of existing structures may be undertaken only as part of a HOME-ARP NCS project. HOME-ARP NCS units acquired and/or developed with HOME-ARP funds must meet the requirements of the [HOME-ARP Implementation Notice](#).

### SHELTER DEFINITION

Based on the [HOME-ARP Implementation Notice](#), "A non-congregate shelter (NCS) is one or more buildings that provide private units or rooms as temporary shelter to individuals and families and do not require occupants to sign a lease or occupancy agreement." DCA-funded shelter projects should have low barriers to entry and participation. Shelter stays should be limited to the shortest time necessary to help participants regain permanent housing. Shelter projects should be closely linked to various services to accomplish the goal of stable, permanent housing. Services may include but are not limited to rapid re-housing, affordable housing placement, and employment. Linkages should also be made to applicable mainstream programs such as SOAR, food stamps, TANF, etc. A non-congregate shelter (NCS) is one or more buildings that provide private units or rooms, with a private bathroom, as temporary shelter to individuals and families and does not require occupants to sign a lease or occupancy agreement.

HOME-ARP funds may be used for the actual costs of acquiring an NCS or developing a HOME-ARP NCS as follows:

- Acquisition Costs: Costs to acquire improved or unimproved real property.
- Demolition Costs: Costs of demolishing existing structures to develop HOME-ARP NCS.
- Development Hard Costs: Costs identified in [24 CFR 92.206\(a\)](#) to rehabilitate or construct HOME-ARP NCS units, except costs must be for meeting the Property and Habitability Standards established in Section VI.E.7 of the [HOME-ARP Implementation Notice](#).
- Site Improvements: Costs to improve the project site, including installation of utilities or utility connections and the construction or rehabilitation of laundry, community facilities, on-site management, or supportive service offices.

- Related Soft Cost: Reasonable and necessary costs associated with the financing, acquisition, and development of HOME-ARP NCS projects, including costs identified in [24 CFR 92.206\(d\)](#) with the following exceptions:
  - Costs to provide information services such as affirmative marketing to prospective homeowners and tenants are not eligible.
  - Costs of funding an initial operating deficit reserve are not eligible.
  - Costs of project-specific assistance to community housing development organizations, including technical assistance and site control loans or seed money loans as specified in 24 CFR 92.301, are not eligible.
- Replacement Reserves (*for Rehabilitation Projects only*) to capitalize a replacement reserve to pay the reasonable and necessary costs of replacing major systems and their components whose useful life will end during the restricted use period. Major systems include structural support, roofing, cladding, weatherproofing, plumbing, electrical, and HVAC.
  - The costs of a replacement reserve must be included in the project budget along with a list of major systems to be replaced with the reserve and projected replacement schedule during the restricted use period (i.e., reserve for replacement analysis).

The costs of replacing major systems must be confirmed for awarded projects through a Capital Needs Assessment or documented in writing after an inspection by a DCA-selected contractor to assess the remaining useful life of major systems expected upon completion of the HOME-ARP NCS project.

### FEES

Fees to developers that complete developments funded under this NOFA shall be 15% of the total development cost, not including the value of the land if acquisition funds are provided. This amount may be reduced if there is an identity of interest between the developer and the contractor working on the development. State Recipients and sub-recipients can receive project delivery costs of up to 5% of the HOME-funded total development cost.

## REQUIRED NCS OPERATIONS FUNDING

**HOME-ARP funds may not be used to pay the operating costs of HOME-ARP NCS.**

**Applicants must document that they are committed to operating the NCS with funds for the duration of the HOME-ARP NCS restricted use period as specified on p. 62 of the HOME-ARP Implementation Notice.** Initially, three to five years of financials and audits are required at application. The applicant will include a proforma budget for the 10 or 15 years (depending on the development terms) restricted use period as a part of the application submission. DCA will then review the submitted financials and audits to ascertain adequate operational experience for the restricted use period based on their history and the submitted proforma.

Once the development is in service, applicants must submit an annual HOME ARP NCS Operating Budget for each NCS restricted use period year. The budget must account for at least a 3% increase in operating costs annually. Operating costs must include supportive services that will be provided to NCS clients.

NCS projects without such a documented operations funding commitment will be deemed ineligible for HOME-ARP funding, and award funds could be subject to recapture.

## PROHIBITED COSTS

HOME-ARP funds may not be used to:

- Pay any operating costs of a HOME-ARP NCS project.
- Provide additional HOME-ARP investment in a HOME-ARP NCS project during the restricted use period, except up to one year after project completion, but **ONLY** if funds are available and allocated to the project by DCA.
  - HOME-ARP funds cannot be used to fund a replacement reserve for newly constructed HOME-ARP NCS.
- Pay costs of conversion of HOME-ARP NCS to permanent housing.
- Provide non-Federal matching contributions required under any other Federal program.
- Provide assistance for uses authorized under section 9 of the U.S. Housing Act of 1937 (42 U.S.C. 1437g) (Public Housing Capital and Operating Funds).
- Provide assistance to eligible low-income housing under 24 CFR part 248 (Prepayment of Low-Income Housing Mortgages).
- Pay delinquent taxes, fees, or charges on properties to be assisted with HOME-ARP NCS funds.
- Pay for any cost that is not eligible under the HOME-ARP Implementation Notice.

## NCS PROJECT INITIATION REQUIREMENTS

- If the NCS project consists of rehabilitation or new construction (with or without acquisition), the NCS awardee must begin construction within 12 months of the date DCA conditionally commits funds to the project.
- If the NCS project consists of the acquisition of property without rehabilitation or new construction, the NCS awardee must begin NCS operations within six months of the date DCA conditionally commits funds to the project.
- All HOME funds must generally be expended, and all development activity must be completed within three (3) years of DCA's contract start date. "Completion" is defined as all construction activities being completed, all development funds expended, all final inspections having taken place, and certificates of occupancy being issued.

## NCS RESTRICTED USE PERIOD

The HOME-ARP Implementation Notice establishes a minimum period in which HOME-ARP-funded NCS projects must offer NCS services. DCA will impose the HOME-ARP NCS restricted use period via a deed restriction. The restricted use period begins at project completion as defined in Section VI.E.8 of the HOME-ARP Implementation Notice. It must be imposed for at least the following periods depending on the funded NCS activity type:

- **New Construction:** Newly constructed HOME-ARP NCS units must be operated as HOME-ARP NCS units for qualifying populations for a restricted use period of 15 years, regardless of the amount of HOME-ARP funds invested in the project.



- **Rehabilitation:** HOME-ARP NCS units that receive any amount of HOME-ARP funds for rehabilitation but are not designated as new construction must be operated as HOME-ARP NCS units for qualifying populations for a restricted use period of 10 years.
- **Acquisition Only:** Units acquired for use as HOME-ARP NCS that do not require rehabilitation for occupancy must serve the qualifying populations for a restricted use period of 10 years.

## NCS CONVERSION TO PERMANENT SUPPORTIVE HOUSING

The HOME-ARP Implementation Notice allows NCS to be converted to rental housing during the NCS Restricted Use Period, provided the project has met the NCS Minimum Use Period requirements established by the HOME-ARP Implementation Notice. DCA will only permit NCS units to be converted to Permanent Supportive Housing (PSH). If an applicant intends to convert NCS to PSH, the timeline for conversion, funding for conversion, and plans for rental subsidies and/or PSH operating costs funding must be detailed in the application. NCS projects to be converted to PSH must demonstrate that adequate financial resources are committed to the project to bring it into compliance with the rental property standards of Section VI.B.11 of the HOME-ARP Implementation Notice and to maintain the financial feasibility of the project to be operated permanently as affordable housing for the qualifying populations throughout the remaining NCS restricted use period after conversion. HOME-ARP funds cannot be used to support such conversions. Converted NCS PSH units must comply with the rental project standards established by the HOME-ARP Implementation Notice.

**Minimum Use Period:** All HOME-ARP NCS projects must be operated as NCS for a minimum period before converting to PSH. The minimum use period before conversion varies based on the original HOME-ARP NCS-eligible activity undertaken and the funds invested in the project.

- **Acquisition Only:** HOME-ARP NCS activities not requiring rehabilitation for occupancy must be operated as HOME-ARP NCS for no less than three (3) years from project completion before conversion.
- **Moderate Rehabilitation** occurs when an NCS HOME-ARP project requires rehabilitation and the total rehabilitation expenditure from all sources is less than 75 percent of the total appraised value of the improved property. HOME-ARP NCS projects that receive moderate rehabilitation must be operated as HOME-ARP NCS for no less than five (5) years from project completion before conversion.
- **Substantial Rehabilitation:** This occurs when an NCS HOME-ARP project requires rehabilitation and the total rehabilitation expenditure from all sources exceeds 75 percent of the total appraised value of the improved property. HOME-ARP NCS projects that receive substantial rehabilitation must be operated as HOME-ARP NCS for no less than ten (10) years from project completion before conversion.
- **New Construction:** Newly constructed HOME-ARP NCS projects must be operated as HOME-ARP NCS for no less than ten (10) years from project completion before conversion.

	Minimum Use Period before Permanent Supportive Housing (PSH) Conversion	Extended Use Period
<b>Acquisition Only</b>	No less than 3 years as NCS	10 Years
<b>Moderate Rehabilitation &lt; 75% of the appraised value after construction</b>	No less than 5 years as NCS	10 Years
<b>Substantial Rehabilitation &gt; 75% of the appraised value after construction</b>	No less than 10 years as NCS	10 Years
<b>New Construction</b>	No less than 10 years as NCS	15 Years

## PERIOD OF AFFORDABILITY COMPLIANCE

During the Affordability Period, recipients must conduct ongoing compliance monitoring activities as HOME rules dictate. Costs associated with ongoing compliance monitoring will also be based on HOME rules. DCA will monitor the recipient's performance in completing these activities. The affordability period will be determined by the level of assistance for each unit as outlined in the HOME regulations.

***Failure to fulfill this requirement during this time frame will result in a recapture of grant funds.***

## SHELTER AND HOUSING STANDARDS

At a minimum, all units must meet HUD's National Standards for the Physical Inspection of Real Estate (NSPIRE). However, the HOME regulation also requires that all housing rehabilitated or financed with HOME funds must meet all applicable State and local codes and ordinances, rehabilitation standards, requirements, and zoning ordinances at the time of development completion. The State Code can be found at the following link:

<https://dca.ga.gov/local-government-assistance/construction-codes-industrialized-buildings/constructioncodes>.

The applicable provisions of HUD's Lead Safe Housing Rules at 24 CFR Part 35 must also be met.

In addition, all HOME-ARP NCS projects must meet the following minimum safety, sanitation, accessibility, and privacy standards:

- 1) It must be structurally sound to protect occupants from the elements and not pose any threat to the health and safety of the occupants.

- 2) Must be accessible per section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; the Fair Housing Act (42 U.S.C. 3601 et seq.) and implementing regulations at 24 CFR part 100; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and implementing regulations at 24 CFR part 35, all as applicable.
- 3) Must provide each individual or family with an acceptable, individual room to sleep in, which includes adequate space and security for themselves and their belongings.
- 4) Must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of occupants.
- 5) Must have a water supply free of contamination.
- 6) Must have in-unit sanitary facilities that are in proper operating condition and are adequate for personal cleanliness and the disposal of human waste.
- 7) Must provide necessary heating/cooling facilities in proper operating condition.
- 8) Appropriate natural or artificial illumination must permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances.
- 9) Food preparation areas, if any, must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
- 10) Each unit must provide one working smoke detector and one working carbon monoxide detector. All smoke and carbon monoxide detectors and alarm systems must be designed for deaf and hard-of-hearing residents. All public areas of the shelter must have at least one working smoke detector and one carbon monoxide detector. There must also be a second means of exiting the building during a fire or another emergency.

**Minimum HOME-ARP NCS Rehabilitation Standards:** HOME-ARP NCS rehabilitation projects must meet all applicable State and local codes, ordinances, and requirements and **comply with the Lead Safe Housing Rule at 24 CFR Part 35.**

NCS units must have, at minimum, a bathroom sink, toilet, bath and/or shower; smoke detector; carbon monoxide detector; and either unit kitchens/kitchenettes or communal kitchens. The goal is to meet and exceed all local, state, and national building codes. These standards also provide a way to enforce above-average construction and design for builders, contractors, and design professionals who wish to utilize DCA funding. DCA's Architectural guidance (<https://www.dca.ga.gov/sites/default/files/2023.1architecturalmanual.pdf>) must meet or exceed the Property Standards established by the HOME-ARP Implementation Notice.

**On-going Property Standards and Inspections:** DCA will inspect all HOME-ARP NCS projects annually for ongoing compliance with HOME-ARP property standards. When deficiencies are identified, a follow-up inspection will occur within six (6) months to verify that deficiencies are corrected. If life-threatening deficiencies exist, the owner or operator of the HOME-ARP NCS must correct such deficiencies immediately. In such instances, DCA will re-inspect to verify the deficiency has been corrected within 14 days. Inspections and re-inspections may be in person or virtual and subject to resident notification as described in the Georgia Landlord Tenant Handbook. The penalty for unresolved issues may be as much as full reimbursement of the HOME-ARP Grant.

## ELIGIBLE HOUSEHOLDS

HOME-ARP funds must be used to primarily benefit individuals or families from the following qualifying populations:

- Homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11302(a)] [see [24 CFR 91.5](#) “Homeless” sections (1), (2), or (3)].
- At-risk of homelessness, as defined in section 401(1) of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11360(1)] (see [24 CFR 91.5](#) “At Risk of Homelessness”) and the HOME-ARP Implementation Notice;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking.
- In other populations where providing supportive services or assistance under section 212(a) of the Act (42 U.S.C. 12742(a)) would prevent the family’s homelessness or would serve those with the greatest risk of housing instability.
  - Part of other populations where providing supportive services or assistance would prevent a family’s homelessness or serve those with the greatest risk of housing instability.
- Households at 30% AMI with severe housing cost burden defined as paying more than 50% of monthly household income, as defined in
- Veterans and families that include a veteran family member that meets one of the preceding criteria.

See Appendix A for a comprehensive description of all qualifying populations.

## LOW-BARRIER AND HOUSING-FIRST-SHELTER POLICIES

HOME-ARP NCS projects must be operated using [low-barrier, Housing First principles](#) and should strive to incorporate [trauma-informed design](#). Individuals with lived experience should also be a part of the shelter’s development, design, and programming to ensure the NCS is appropriately and accurately serving the community to the best of its ability.

### MINIMUM REQUIREMENTS FOR HOME-ARP NCS RELATING TO LOW-BARRIER/HOUSING FIRST

HOME-ARP recipients may not require program participants to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or services. The HOME-ARP program prioritizes projects that adopt the Housing First approach, a low-barriers approach to homeless services, and a focus on permanent housing placement as quickly as possible. Projects committed to the Housing First approach must ensure they do not screen out individuals or families for assistance based on perceived barriers to housing or services. Examples of perceived barriers include, but are not limited to, the following:

- Having too little or no income.
- Current or past substance abuse.
- Having a criminal record (except for state-mandated restrictions).
- Having a history of domestic violence.

In addition, assistance may not be terminated to any recipients based upon these barriers. Examples of this include:

- Failure to participate in supportive services and case management activities (e.g., life skills, budgeting classes, or financial savings programming).
- Failure to make progress on a service plan.
- Loss of income or failure to improve income.
- Being a victim of domestic violence.

NCS projects will be evaluated for application scoring purposes on how much they implement low-barrier and Housing First principles.

**Housing First Principles:** In every aspect of the work to end homelessness, the focus must remain on quickly connecting people experiencing homelessness and housing instability to permanent housing and working to keep them housed. A housing-focused approach also includes street outreach, emergency shelters, and prevention. Emergency Shelters, including NCS, are only an entry point to the homeless response system providing crisis response, not the final destination. Staff engagement with people experiencing homelessness, the services offered, and project design are all oriented towards finding, obtaining, and maintaining permanent solutions to the person's homelessness. Projects should be housing-focused from the first interaction with persons experiencing homelessness through the conclusion of the service or project assistance and, in some cases after the assistance has ended. In addition to being housing-focused, applicants are expected to implement low-barrier projects and use a Housing First approach. As explained by HUD, Housing First is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing (remember emergency shelters can play a key role in this connection) without preconditions and barriers to entry, such as sobriety, treatment, or service participation requirements, or a minimum income threshold and to focus on keeping the household housed without service participation requirements.

**Low-Barrier Shelter:** DCA expects NCS created with HOME-ARP funding to operate, to the greatest extent possible, using a Housing First approach that includes low-barrier access to shelter. This low-barrier orientation means shelters do not have unnecessary requirements for who can access the shelter (e.g., blanket criminal background checks, having income, sobriety) and reduces programmatic requirements of staying in the shelter (e.g., participation in services). While "low-barrier" does not necessarily mean "no-barrier" (e.g., it may be appropriate for a shelter that serves households with children to not allow registered sex-offenders to stay), shelters should work to screen people "in," not "out." Being a low-barrier shelter means the shelter works to keep the person in the shelter. At the same time, a permanent housing solution is found, not setting up so many rules that people simply return to being unsheltered. The National Alliance to End Homelessness has an entire [learning series](#) dedicated to shifting to low-barrier sheltering. Applicants are strongly encouraged to evaluate proposed policies and procedures for entry into the shelter and expectations of people staying in the shelter to eliminate any arbitrary requirements that do more to keep people out than help them to resolve their homelessness.

**Housing-Focused Case Management:** Emergency shelters, including NCS, should support the flow from the housing crisis to housing stability. The emergency shelter aims to produce the most rapid and effective permanent housing connections for individuals and families facing crises. For an emergency shelter to achieve its intended purposes, the expectations placed on guests should be minimal, transparent, and reasonable. Intake, screening, and assessment processes should reflect the system's Housing First orientation by helping everyone seeking assistance connect quickly with permanent housing. One of the strategies that all HOME-ARP NCS projects must employ is Housing-Focused Case

Management. Case management services are essential to clients' rapid housing placement and must include the necessary follow-up support to help ensure all clients maintain stable, permanent housing after placement. Case management must use a client-centered approach that enables staff to work alongside clients, helping them to formulate a housing plan to achieve their individual goals effectively. To assess the client's need and refer them for permanent housing resources that may be available via the regional Local Prioritization Community (LPC), the Vulnerability Index-Service Prioritization Decision Assistance Tool (VI-SPDAT) is an intensive housing-focused case management tool that DCA strongly encourages all partners to use with housing program participants. DCA offers the VI-SPDAT online at:

BoS CoC Assessments - <https://www.dca.ga.gov/node/3837>

- <https://www.dca.ga.gov/sites/default/files/vi-spdatt-v2.01-single-us-fillable.pdf>
- <https://www.dca.ga.gov/sites/default/files/vi-spdatt-v2.01-family-us-fillable.pdf>
- [https://www.dca.ga.gov/sites/default/files/ga\\_bos\\_coc\\_diversion\\_and\\_prevention\\_screening\\_tool\\_final\\_-\\_6-20-17.pdf](https://www.dca.ga.gov/sites/default/files/ga_bos_coc_diversion_and_prevention_screening_tool_final_-_6-20-17.pdf)

NCS projects are expected to regularly and actively engage with participants, build rapport, and provide housing-focused case management services. Projects should use evidence-based techniques such as motivational interviewing, progressive engagement, and other best practices to build successful case management relationships. Projects will be expected to document all case management attempts/sessions. The project's responsibility is to ensure supportive services are offered to participants to assist with their housing stability. Still, clients must be able to choose whether or not to participate.

## COORDINATED ENTRY

Coordinated Entry is a process to coordinate program participant intake, assessment, and provision of services. It covers the geographic area, is easily accessed by individuals and families seeking housing and services, is well advertised, and involves a comprehensive and standardized assessment tool.

All HOME-ARP recipients in the Balance of State CoC must coordinate with the assessment system developed by the Balance of State CoC. This system includes all homeless subpopulations and uses a standardized assessment tool that results in referrals to those seeking assistance based upon a uniform decision-making process. The system ensures that those with the greatest needs receive priority for housing and service provision and that no unnecessary barriers exist for individuals to receive assistance. HOME-ARP recipients located in a CoC other than the Balance of State must coordinate with the assessment system developed by the CoC(s) in which they are located. All HOME-ARP NCS projects must participate and coordinate with the Homeless Management Information System (HMIS) for participant enrollment, Coordinated Entry triage, service coordination, and participant exit to permanent housing.

[https://www.dca.ga.gov/search?type\\_1=All&search\\_api\\_views\\_fulltext=coordinated+entry](https://www.dca.ga.gov/search?type_1=All&search_api_views_fulltext=coordinated+entry)

**All applicants are expected to read the DCA coordinated entry policies and procedures and design their projects to incorporate the outlined expectations and the HOME-ARP qualified population requirements.**



## HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)

HMIS is a database used to aggregate data on homeless populations confidentially. The system allows for a record of client-level information about homeless people's characteristics and services needs. In Georgia, the system currently used for HMIS is Eccovia ClientTrack.

In conjunction with Entitlement communities, Continua of Care, other partners throughout the State, and Eccovia Solutions, DCA will continue to support agency-level implementation and use of HMIS. All DCA-funded homeless service providers must use Eccovia ClientTrack and follow DCA HMIS standards to comply with DCA requirements for reporting and Housing Support Standards compliance. Domestic violence providers must use the HMIS comparable database designated by DCA. Applicants with existing DCA Office of Homeless and Special Needs awards must comply with DCA's HMIS policies and procedures, as updated occasionally and posted on the DCA website.

HOME-ARP recipients must input their homeless data, including case notes, services, and post-discharge follow-up information, into HMIS. All HOME-ARP recipients must fully comply with HMIS, the equivalent provider for domestic violence programs when applicable, implementation guidelines, and Housing Support Standards within the first quarter of operation from the date the shelter receives its certificate of occupancy.

Substantial failure to address DCA's written HMIS concerns or findings of current DCA-funded recipients may result in application rejection. DV Providers must provide DCA with data in the DV-comparable database that meets the same standards required of agencies using HMIS.

DCA may set specific HMIS policies and procedures for the HOME-ARP NCS program. Further information may be found on the DCA HMIS website here: <https://www.dca.ga.gov/safe-affordable-housing/homeless-special-needs-housing/homeless-management-information-system-hmis>

### REPORTING REQUIREMENTS

HOME-ARP recipients must provide all data requested by DCA to complete the Consolidated Annual Performance and Evaluation Report (CAPER). This data will generally be extracted directly from the HMIS by the agencies. To facilitate this data collection process, all HOME-ARP recipients must ensure that HMIS data is complete and error-free by the date designated by DCA each year. Generally, this date is expected to be on or around July 15. The period covered by CAPER data collection is consistent with the state fiscal year, July 1 through June 30.

Victim service providers may receive requests for data in a different format if a direct data pull from the HMIS-comparable database is impossible. However, DCA generally expects all CAPER data for victim service providers to be pulled directly from the HMIS comparable database. The data cleaning deadline and period for data collection are the same for victim service providers as for other agencies unless otherwise specified by DCA. Further details will be communicated directly to agencies as necessary.

In addition to end-of-year data for CAPER reporting, DCA may periodically request other project data from HOME-ARP recipients for performance monitoring. HOME-ARP recipients are required to comply with all data requests from DCA. Data requests may cover any DCA HOME-ARP NCS activities documented within an established record retention period compliant with DCA and HUD requirements.

## AREA-WIDE SYSTEMS COORDINATION REQUIREMENTS

According to the Area-wide Systems Coordination Requirements (24 CFR §576.400) and Coordination with other Targeted Homeless Services (24 CFR §576.400(b)), Subrecipients must coordinate, integrate, and partner, to the maximum extent practicable, with other programs. HOME-ARP-funded Non-Congregate Shelters must target their services to support homeless people in the area covered by the Continuum of Care or an area where services are coordinated to provide a strategic, community-wide system to prevent and end homelessness for that area.

## RISK MANAGEMENT AND INSURANCE

Each recipient of a HOME-ARP award will be required to provide proof of adequate builder's risk insurance, property insurance, and/or contractor liability insurance during construction and property insurance following construction for the assisted property throughout the affordability period of the award.

If the recipient of the HOME-ARP award is a Local Unit of Government or a non-profit not acting as a developer, the recipient must follow competitive procurement procedures when procuring all materials, supplies, equipment, and construction or professional services related to the HOME-ARP award. Please note that public non-profits/instrumentalities (i.e., Housing or Redevelopment Authorities) and public agencies may not act as developers and must competitively procure. Competitive procurement standards are not required if the non-profit recipient acts as a developer. The rule of thumb is public agency equals procurement; private agency does not equal procurement. DCA HOME-ARP is available for guidance if the applicant is unsure of its procurement responsibilities.

## FAMILY SEPARATION AND EMERGENCY SHELTER

HUD regulations state that all shelters serving families with children under 18 are prohibited from denying access to families based on the age of a child under 18. This requirement has been issued through the HEARTH Act. All DCA-funded emergency shelters and transitional housing facilities will comply with this requirement. Non-compliance may result in the awardee refunding DCA the awarded HOME-ARP Funds. Please see the following for specific information.

HEARTH Act language on family separation:

### **SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.**

“(a) IN GENERAL. —... any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

“(b) EXCEPTION. —Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

“(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

“(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.”



## VAWA COMPLIANCE

The grantee is required to comply with the Violence Against Women Act (VAWA) Reauthorization of 2013 to include the prohibition against denial or termination of assistance based on the fact the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, per 24 CFR part 5, subpart L and 576.409. If the grantee determines eligibility for or administers rental assistance, the grantee is also expected to satisfy additional VAWA regulatory requirements to include, but not limited to, providing notification and certification to recipients of rental assistance at specified times, adopting an emergency transfer plan applicable to its program, and protecting the confidentiality of victims according to the requirements in 24 CFR part 5, subpart L and 576.409.

### EMERGENCY TRANSFER PLAN

Part of the regulations requires that each grantee who provides shelter adopt an Emergency Transfer Plan no later than June 14, 2017, based on HUD's model Emergency Transfer Plan. The Emergency Transfer Plan will allow eligible tenants to request and make an internal transfer when a safe unit is available and receive assistance regarding external transfers.

Specifically, the Emergency Transfer Plan must:

- Define participants eligible for an emergency transfer.
- List documentation needed to request an emergency transfer.
- Outline confidentiality protections; and
- Describe how an emergency transfer may occur.

Although HUD's model Plan contains the specific elements that all HOME-ARP recipients must adopt, HOME-ARP recipients have discretion regarding other elements that should be included in their plans. HUD has encouraged HOME-ARP recipients to include as much specific information applicable to the transfer as possible and reflect their programs' unique requirements or features. In addition to the minimum requirements listed above, agencies must include language in their plans as required by their program-specific regulations. See 576.409 and 574.604.

The HUD model Emergency Transfer Plan, and other model documents, can be found at the following website: [https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/mfh](https://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh).

### NOTICE AND CERTIFICATION TO TENANTS

VAWA compliance also requires agencies to provide two HUD forms entitled "Notice of Occupancy Rights under the Violence Against Women Act" and "Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking" (both emailed) to applicants and tenants at each of the following times:

- At the time, the applicant is denied assistance or admission under a covered housing program.
- At the time, the individual is provided assistance or admission under the covered housing program.
- With any notification of eviction or notification of termination of assistance; and
- During the annual recertification or lease renewal process, whichever is applicable, or if there will be no recertification or lease renewal for a tenant during the 12 months following December 16, 2016, then through other means.

## OTHER REQUIREMENTS

VAWA includes requirements in addition to those listed above with which HOME-ARP recipients must familiarize themselves and comply. Further information can be found at the following website:

<https://www.hudexchange.info/resource/4718/federal-register-notice-proposed-rule-violence-against-women-act-2013-vawa-2013/>

## FAITH BASED ACTIVITIES

Religious or faith-based organizations are eligible, on the same basis as any other organization, to receive HOME-ARP funds. Neither the Federal Government nor a State or local government receiving funds under HOME-ARP shall discriminate against an organization based on the organization's religious character or affiliation.

Organizations directly funded under the HOME-ARP program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded under HOME-ARP. If an organization conducts these activities, the activities must be offered separately, in time or location, from the programs or services funded under HOME-ARP, and participation must be voluntary for program participants.

Any religious organization that receives HOME-ARP funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that the religious organization does not use direct HOME-ARP funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Faith-based organizations may use space in their facilities to provide HOME-ARP-funded services without removing religious art, icons, scriptures, or other religious symbols. In addition, a HOME-ARP-funded religious organization retains its authority over its internal governance, and the organization may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its mission statements and other governing documents.

In providing HOME-ARP assistance, an organization that receives HOME-ARP funds shall not discriminate against a program participant or prospective program participant based on religion or religious belief.

HOME-ARP funds may not be used to rehabilitate structures to the extent that those structures are used for inherently religious activities. HOME-ARP funds may be used to rehabilitate structures only to the extent that those structures are used for conducting eligible activities under the HOME-ARP program. Where a structure is used for eligible and inherently religious activities, HOME-ARP funds may not exceed the cost of those portions of the rehabilitation attributable to eligible activities per the cost accounting requirements applicable to HOME-ARP funds.

However, sanctuaries, chapels, or other rooms that a HOME-ARP -funded religious congregation uses as its principal place of worship are ineligible for funded improvements under the program. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (see 24 CFR parts 84 and 85).

If the recipient or a grantee that is a local government voluntarily contributes its own funds to supplement federally funded activities, the recipient or grantee has the option to segregate the Federal funds or commingle them. However, if the funds are commingled, this section applies to all of the commingled funds.

## HOUSING SUPPORT STANDARDS

All recipients of HOME-ARP funding must meet DCA standards for housing support services. While utilizing a strengths-based approach to promote housing stability, the DCA standards are guided by a philosophy that values participant (consumer) choice within an atmosphere that promotes respect between staff and participants. The standards will inform processes within your programs, such as intake and assessment, service delivery, and post-discharge follow-up. The Housing Support Standards are on the DCA website: [https://www.dca.ga.gov/sites/default/files/housing\\_support\\_standards.pdf](https://www.dca.ga.gov/sites/default/files/housing_support_standards.pdf).

## LANGUAGE ACCESS PLAN

Consistent with Title VI and Executive Order 13166, grantees must also take reasonable steps to ensure meaningful access to programs and activities for individuals with limited English proficiency (LEP). An individual's ability to speak, read, write, or understand English cannot impede their access to programs or activities. The Georgia Department of Community Affairs will assist the grantee with meeting this requirement by performing a Four Factor Analysis to understand the languages spoken by LEP persons and how to provide needed language assistance. The Four Factor Analysis will consider the following:

- The number or proportion of LEP persons served or encountered in the eligible service population.
- The frequency with which LEP persons come into contact with the program.
- The nature and importance of the program, activity, or service; and
- The resources available to execute the program and the costs of providing LEP services.

Based on the Four Factor Analysis, the grantee must prepare a Language Access Plan (LAP) to include the following:

- The name of the individual responsible for the coordination of LEP compliance.
- A training plan on LEP requirements for all staff involved in programs and activities funded by the federal government and awarded by DCA.
- The languages identified from the Four Factor Analysis.
- The Four Factor Analysis identifies a plan for language services based on language assistance needs.
- A schedule for translating and disseminating vital documents; and
- A policy for updating the Four Factor Analysis and LAP.

Further, the grantee must maintain documents regarding its efforts to comply with LEP requirements, including tracking LEP services provided to eligible persons, providing evidence of compliance with its locally adopted LAP to DCA upon request, reviewing and updating its Four Factor Analysis at least every five years, and resolve any findings related to its LEP obligations by taking corrective action. Repeated violations may require other appropriate enforcement mechanisms, including referral to HUD or repayment of awarded funds.

## EQUAL ACCESS

### EQUAL ACCESS TO HOUSING FINAL RULE

On February 3, 2012, HUD published a final rule titled "Equal Access to Housing and HUD Programs Regardless of Sexual Orientation or Gender Identity." This rule, known as the "Equal Access Rule," became effective on March 5, 2012. The Equal Access Rule applies to all McKinney-Vento-funded housing programs. It creates a new regulatory provision that generally prohibits considering a person's marital status, sexual orientation, or gender identity in making eligibility determinations for housing.

In July 2014, HUD published FAQ ID 1529, which addresses the applicability of the term *family* in the Equal Access Rule. The FAQ defines *family* as applicable to the HOME-ARP program as follows:

*Family* includes but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability. A child temporarily away from home because of placement in foster care is considered a family member.

What this means is that any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered a family and must be served together. Further, a recipient or sub-recipient receiving funds under the HOME-ARP Program cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any member's family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity.

The FAQ further clarifies that while it is acceptable for a shelter or housing program to limit assistance to households with children, it may not limit assistance to only women with children. Such a shelter or program must also serve the following family types, should they present, to comply with the Equal Access Rule:

- Single male head of household with minor child(ren); and
- Any household made up of two or more adults, regardless of sexual orientation, marital status, or gender identity, presenting with minor child(ren).

The emergency shelter or housing program would not be required to serve families composed of only adult members and could deny access to these types of families, provided that all adult-only families are treated equally, regardless of sexual orientation, marital status, or gender identity.

### EQUAL ACCESS IN ACCORDANCE WITH GENDER IDENTITY FINAL RULE

On September 21, 2016, HUD published a final rule in the Federal Register entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs." Through this final rule, HUD ensures equal access to individuals in accordance with their gender identity to programs and shelters funded under grants administered by HUD's Office of Community Planning and Development (CPD). This rule builds upon HUD's February 2012 final rule entitled "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity" (2012 Equal Access Rule), which aimed to ensure that HUD's housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. The final rule requires that recipients and sub-recipients of CPD funding, as well as owners, operators, and managers of shelters, other buildings

and facilities, and providers of services funded in whole or in part by any CPD program to grant equal access to such facilities, and other buildings and facilities, benefits, accommodations, and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.

All HOME-ARP recipients must comply with the requirements of the Equal Access to Housing Final Rule, the Equal Access in Accordance with Gender Identity Final Rule, and any applicable guidance, regardless of whether or not the grantee is a victim service or faith-based provider. Non-compliance may result in the return of funding. The regulations and guidance cited above, as well as further guidance from HUD, may be accessed at the following websites. All DCA HUD-ARP recipients are expected to review this material in its entirety.

Equal Access to Housing and Equal Access in Accordance with Gender Identity Final Rules  
<https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>

FAQ 1529

<https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>

## EDUCATION POLICY

All HOME-ARP recipients are expected to comply with the Georgia Balance of State Education Policy.

### INTRODUCTION

As part of their work, Homeless providers are required to establish relationships with homeless clients within their community and encourage access to mainstream agencies and organizations. Their long-term goal should be to maximize options for each household, allowing them to maintain independence.

For homeless families, working with providers within the Balance of State (BoS) Continuum of Care (CoC) and establishing close connections to the local education establishments within the community is a priority. This policy sets out the following premises:

- Agencies should work with education providers to identify homeless families at the earliest possible opportunity and ensure that homeless families are aware of their rights and responsibilities under the legislation.
- Agencies should consider homeless families' education priorities when placing a family in any form of accommodation. The family should be placed as close to their place of education as possible to avoid disruption.
- Agencies should ensure that they are establishing policies that are consistent with their legal obligations to homeless families.
- An agency must have a member of staff who is designated to be responsible for ensuring that all children access their appropriate education service, either by being enrolled in school or accessing an early education program within the community.

### LIAISON WITH EDUCATION PROVIDERS

The BoS CoC works on a Continuum level to ensure close links with the Education Liaison office. They work closely as part of the State Interagency Homeless Coordination Council. On a local level, the Continuum

requires that each agency receiving a Department of Community Affairs Grant liaise with their local education provider to ensure that the schools and other community agencies are aware of the resources available to homeless families. Agencies should also ensure that local education providers are invited to the local Homeless Coalition meetings. All agencies serving local homeless populations should know the school district McKinney Vento Coordinator and communicate with that Coordinator on a continuous basis.

### FAMILY CHOICE

As a Continuum, DCA modified the Housing Support Standards to reflect the greater priority of education. Within the Continuum, agencies should ensure that their assessment covers families' education needs and issues and any impact that changing schools may have. This particularly concerns the placement of families close to the school any child may be attending. The case management plan must include any needs the assessment has identified, goals to eliminate any challenges and issues, and document any progress made towards achieving the goals. Agencies should make reasonable allowances to ensure that families are able to access all education services, such as those that take place in the evenings, such as After School Programs.

### AGENCY OBLIGATIONS

Agencies need to ensure that any agency protocols or policies do not infringe on the rights of homeless families. This includes a reasonable choice in deciding the school or community education program that children should be enrolled in and making reasonable accommodations in allowing families to access programs either before or after school. Agencies should not replace schooling for homeless families with their own programs. Any programs an agency provides should be supplemental in nature.

Equal Access rules (see the section on Equal Access) prohibit discrimination against families based on the age of any family member. Agencies serving families must serve all families, not just those with younger children.

### AGENCY REPRESENTATIVE

Agencies will need to ensure that there is a person who has taken on the responsibility of ensuring that all homeless families understand the implications of this policy and their decision-making rights under it. This must be a "named" person, one who will be able to meet and discuss the issues with homeless families on a regular basis.

This person should maintain regular contact with local school liaison officers, district McKinney Vento Coordinators, and other community education representatives to ensure that the agency can offer a balanced, immediate service to homeless families.

## ENVIRONMENTAL REVIEW COMPLIANCE

The Georgia Department of Community Affairs is a participating jurisdiction under the federal HOME Investment Partnership Program, receiving HOME funds from the U.S. Department of Housing and Urban Development (HUD).

The HOME Investment Partnership Program Funds are subject to the 24 CFR Part 58 (also known as “Part 58”) environmental review requirement. Part 58 implements the policies of the National Environmental Policy Act (NEPA), as well as related laws and authorities and departmental environmental requirements. All HUD-assisted projects are required to undergo an environmental review to evaluate environmental impacts. The analysis includes both how the project can affect the environment and how the environment can affect the project, site, and end users. Recipients are prohibited, per HUD's regulations, from committing or spending HUD or non-HUD funds on any activity that could have an adverse environmental impact or limit the choice of reasonable alternatives prior to completion of an environment review once a project has been awarded HOME-ARP funds for housing rehabilitation or new construction. This prohibition on "choice-limiting actions" prohibits physical activity, including acquisition, rehabilitation, and construction, as well as contracting for or committing to any of these actions.

An environmental review is a process of reviewing a project and its potential environmental impacts to determine whether it complies with the National Environmental Policy Act (NEPA), related laws and authorities, and departmental environmental requirements. HOME-ARP NCS activities are subject to environmental review by DCA under 24 CFR Part 58 as established by [24 CFR 92.352](#). A HOME-ARP NCS awardee may not acquire, rehabilitate, convert, repair, dispose of, demolish, or construct property for a HOME-ARP NCS project or commit or expend HUD or non-HUD funds for NCS under HOME-ARP until DCA has completed an environmental review under 24 CFR part 58 and received HUD or state approval of the Request for Release of Funds, if applicable. **Therefore, All DCA HOME-ARP NCS developments must have an environmental review performed and receive an approved environmental review from DCA, pursuant to 24 CFR part 58, before any funds, including HOME-ARP funds and non-HOME funds, are committed and/or expended to a project. Failure to complete the environmental review process before funds are committed, or any work has begun will result in the de-obligation of HOME funds to the project.**

This review is conducted as part of the contracting process when HOME-ARP awards are made. Activities in counties with Coastal Barrier Resource System areas need to request a new environmental review for each new location. Counties with Coastal Barrier Resource System areas include Bryan, Camden, Chatham, Glynn, Liberty, and McIntosh.

Environmental reviews for shelter activities are performed by DCA based on location information provided to DCA. HOME-ARP recipients must notify DCA immediately and request a new environmental review in the event that the location of shelter activities changes from that identified in the executed HOME-ARP contract. No HOME-ARP funds may be committed to a new service location until an environmental review for that location is approved by DCA.

HOME grantees are required to maintain a copy of the environmental review record for each HOME award and the environmental review for each project. This record contains the description of all activities that are part of the project and an evaluation of the effects of the project on the human environment and vice versa. This record should be made available for public review and DCA or HUD staff review.

Once the project participant (i.e., sub-recipients, CHDO, developer, owner, sponsor of housing, and third-party contractors) has submitted an application for HOME funds, DCA’s Environmental Specials will determine the appropriate level of environmental review, and ERR required documentation.

**Again, if you receive an award, do NOT begin any activity**



**until you receive the environmental clearance letter from DCA and HUD.**

The level of environmental review required will depend on the HOME-ARP NCS-eligible activities undertaken by the NCS project.

- Acquisition of a structure to be used as HOME-ARP NCS is a Categorically Excluded Subject to 24 CFR 58.5 under [24 CFR 58.35\(a\)\(5\)](#) [with the possibility of converting to exempt under [24 CFR 58.34\(a\)\(12\)](#)] if the structure acquired will be retained for the same use (e.g., residential).
- Rehabilitation of a structure for HOME-ARP NCS is CEST if the project meets the thresholds listed at [24 CFR 58.35\(a\)\(3\)\(ii\)](#) if:
  - Unit density is not changed by more than 20%.
  - The project does not involve changes in land use from residential to non-residential; and
  - The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
- Rehabilitation that does not meet these thresholds requires the completion of an [Environmental Assessment](#) pursuant to 24 CFR part 58, subpart E.
- An [Environmental Assessment](#) is required for new construction, demolition, acquisition of vacant land for new construction, and acquisition of non-residential structures for demolition and new construction.

**§58.35(a) Categorical exclusions subject to §58.5 (CEST)**

- Rehabilitation of buildings and improvements of a building for residential use (with one to four units) when the density is not increased beyond four units, the land use is not changed, and the footprint of the building (foundation, deck, garages, porches, etc.) is not being extended into a flood plain or wetland.
- Rehabilitation of buildings and improvements of a building for multifamily when no more than 20% density change, the land use is not changed, and the cost of rehabilitation is <75% of replacement cost.
- (4)(i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building, or any combination in between; or
- (ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart, and there are not more than four housing units on any one site.
  - Examples of scattered sites projects:
    - Construction of 11 new homes on three sites, each site has four or fewer homes, and all sites are more than 2,000 feet apart. Therefore, the project is a Categorical Exclusion Subject to scattered sites.
    - Construction of 11 new homes on three sites; one site has five homes but does not meet the definition of a Categorical Exclusions Subject to the scattered site, and it would require an Environmental Assessment.
    - Construction of 11 new homes on two sites that are less than 2,000 feet apart. Therefore, the project does not meet the definition of a Categorical Exclusions Subject to scattered sites.
- Acquisition (including leasing) of, disposition of, or equity loans on an existing structure or acquisition (including leasing) of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.



- Combination of the above activities.

§58.35(b) Categorical exclusions NOT subject to §58.5 (CENST)

- Tenant-Based Rental Assistance (TBRA)
- Supportive Services such as health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent, mortgage, or utility assistance gaining access to government benefits.
- Operating costs, including maintenance, furnishing, security, equipment, operation, supplies, utilities, and assistance in gaining access to government benefits.
- Affordable housing pre-development costs with no physical impact (developer and other site-option costs, project financing, administrative cost for loan commitments, zoning approvals, and other activities which don't have a physical impact).
- Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under §58.5, if approval is made, the Responsible Entity and Re-evaluation of the original environmental finding is not required (per §58.47)

§58.34(a) Exempt:

- Administrative and Management Activities:
  - Under the HOME Program rules, in order to qualify as project costs, exempt activities must be associated with a specific project; otherwise, they are considered administrative costs.

Environmental Assessment (EA):

Projects that exceed the threshold for categorically excluded categories above (reference examples) must complete the environmental assessment.

## DAVIS-BACON LABOR STANDARDS

**The requirements in 24 CFR 92.354 apply to HOME-ARP NCS activities where 12 or more NCS units will be created.**

Every contract for the construction (rehabilitation or new construction) of housing that includes 12 or more units assisted with HOME funds must contain a provision requiring the payment of not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 3141), to all laborers and mechanics employed in the development of any part of the housing. Such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701). The contract for construction must contain these wage provisions if HOME funds are used for any project costs in 24 CFR 92.206, including construction or non-construction costs of housing with 12 or more HOME-assisted units. Once they are determined to be applicable, the wage provisions must be contained in the construction contract so as to cover all laborers and mechanics employed in the development of the entire project, including portions other than the assisted units. Arranging multiple construction contracts within a single project for the purpose of avoiding wage provisions is not permitted.

Awardees for NCS projects with 12 or more units will be subject to Davis-Bacon Labor Standards compliance review by DCA. For each such project, DCA will:

- Review bid and contract documents to ensure they contain required labor standards provisions and the appropriate Department of Labor wage rate determinations.
- Conduct on-site inspections and employee interviews.
- Collect and review certified weekly payroll reports; and
- Identify any labor standards violations and ensure that the NCS project promptly corrects them.

HOME-ARP NCS awardees will be required to certify contractor compliance with Davis-Bacon Labor Standards before making payment under such contracts.

## SECTION 3 ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS

Section 3 is a provision of the Housing and Urban Development Act of 1968. The purpose is to ensure that employment and economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible and consistent with existing federal, state, and local laws and regulations, be directed to low and very low-income persons, residents and businesses in the community where the financial assistance expended, particularly those who are recipients of government assistance for housing and to business concerns.

Direct recipients, their contractors, and subcontractors of HUD financial assistance for housing rehabilitation, housing construction, and other construction projects that provide housing and community development financial assistance to the project exceed \$200,000 or when assistance from HUD's Lead Hazard Control and Health Homes programs exceeds \$100,000, are subject to Section 3 compliance. The project is defined as the site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing.

Section 3 requirements established at 24 CFR Part 75 apply to HOME-ARP NCS projects. The Section 3 program requires recipients of HUD funding to direct employment, training, and contracting opportunities to low-income individuals and the businesses that employ these persons within their community. Per these requirements, HOME-ARP NCS awardees must ensure that "to the greatest extent feasible," preference for construction-related training, jobs, and contracting opportunities go to low- and very low-income people and to businesses that are owned by low- and very-low-income persons or businesses that hire them. These opportunities are both gender and race-neutral.

All Recipients and Sub-recipients of Section 3 Covered Assistance (including but not limited to contractors, sub-contractors, developers, grantees, CHDOs, non-profits, and local government entities) must be in compliance with the provisions of the Section 3 Policy in order to be eligible for DCA awards.

## MBE/WBE RECORDS

Section 281 of the National Affordable Housing Act requires a minority outreach program. DCA has established procedures to encourage the use of minority and women's business enterprises in HOME-assisted projects. DCA requires all state recipients, sub-recipients, prime contractors, and owners of HOME-assisted housing projects to comply with the MBE/WBE outreach program procedures as a condition of assistance. This requirement will be included as a legal covenant in the appropriate Performance Agreement. HOME-ARP NCS-funded projects must maintain records demonstrating

compliance with the affirmative marketing procedures and requirements of [24 CFR 92.351](#) and the [HOME-APR Implementation Notice](#). The monthly report is to be completed by the grantee, developer, sponsor, builder, agencies, and/or project owners for reporting contract and subcontract activities of \$10,000.00 or more. Contracts/subcontracts of less than \$10,000.00 need to be reported only if such contracts represent a significant portion of the total contracting activity. (The form and instructions are in a package to be provided).

## UNIFORM RELOCATION ACT

HOME-ARP funding is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and section 104(d) of the Housing and Community Development Act of 1974, in addition to the Displacement, Relocation, and Acquisition regulatory requirements of [24 CFR 92.353](#). The [HOME-APR Implementation Notice](#) also establishes HOME-ARP program-specific relocation requirements applicable to HOME-ARP-assisted projects. HOME-ARP applicants with projects that may include relocation are strongly encouraged to undertake the “[URA the HUD Way](#)” training series prior to submitting an application.

Costs incurred to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. § 4601 et seq.) (URA) are eligible HOME-ARP project costs pursuant to this Notice of Funding and [24 CFR 92.206\(f\)](#). The URA establishes minimum requirements for the acquisition of real property and the displacement of persons from their homes, businesses, or farms as a direct result of acquisition, rehabilitation, or demolition for federally assisted programs and projects. The URA implementing regulations at [49 CFR part 24](#) establish:

- Requirements for the provision of replacement housing assistance, advisory services, and moving costs to persons displaced as a result of a program or project that receives federal financial assistance.
- Requirements for acquisitions, including the payment of just compensation pursuant to [49 CFR part 24, subpart B](#), and provisions for voluntary acquisitions set forth in [49 CFR 24.101](#).
- Minimum requirements for temporary relocation of persons, businesses, or farms as a result of a project or program that receives federal financial assistance. These requirements are found in [Appendix A, Section 24.2\(a\)\(9\)\(ii\)\(D\)](#).

Additional HUD URA policies and guidance are available in [HUD Handbook 1378](#).

- HOME-ARP is HOME funding and subject to the requirements in section 104(d) of the Housing and Community Development Act of 1974, as amended [[42 USC § 5304\(d\)](#)]. Costs incurred to comply with Section 104(d) of the Housing and Community Development Act of 1974, as amended, [42 USC § 5304(d)] requirements are eligible HOME-ARP project costs under [24 CFR 92.206\(f\)](#). Section 104(d) applies to the demolition or conversion, as defined in [24 CFR 42.305](#), of a lower-income dwelling unit in connection with a HOME-assisted activity. If relocation is required, the HOME-ARP recipients must:
  - Provide relocation assistance to displaced lower-income persons; and
  - Perform one-for-one replacement of lower-income dwellings demolished or converted to a use other than a lower-income dwelling unit. A lower-income dwelling unit is defined in [24 CFR 42.305](#) as a dwelling unit with a market rent (including utility

costs) that does not exceed the applicable Fair Market Rent (FMR) for existing housing.

Section 104(d) implementing federal regulations can be found in [24 CFR part 42 Subpart C](#).

**For HOME-ARP projects, the one-for-one replacement housing requirements of [section 104\(d\)\(2\)\(A\)\(i\) and \(ii\) and \(d\)\(3\) \(42 U.S.C. 5304\(d\)\(2\)\(A\)\(i\) and \(ii\) and 42 U.S.C. 5304\(d\)\(3\)\)](#) and [24 CFR 42.375](#), lower-income dwelling units shall not include single-room occupancy (SRO) units or residential hotel or motel units.** All other section 104(d) requirements remain in effect for HOME-ARP projects. (See [24 CFR 92.353\(e\)](#) and [24 CFR part 42 Subpart C](#)).

In addition to the URA and section 104(d) requirement described above, the HOME program's Displacement, Relocation, and Acquisition regulations at [24 CFR 92.353](#) also apply to projects funded with HOME-ARP funds. Some of these requirements differ from those of the URA and section 104(d), including but not limited to the expanded temporary relocation protections at [24 CFR 92.353\(b\) and \(c\)](#); optional relocation assistance policies in [24 CFR 92.353\(d\)](#); and the right to return to a building or complex, if feasible, upon completion of a HOME project, in accordance with [24 CFR 92.353\(a\)](#). **If relocation is required, a relocation plan must be developed, and the proposed NCS acquisition/construction budget must include relocation costs.**

The following additional HOME-ARP program relocation requirements also apply to NCS projects:

- Acquisition and/or rehabilitation of hotels, motels, and other non-residential property: In states where hotels and motels are not considered dwelling units or residential property, the acquisition of non-residential property such as hotels and motels for the production of HOME-ARP NCS units or HOME-ARP rental housing will not make a person occupying those properties eligible for relocation assistance under the URA, section 104(d) or 24 CFR 92.353.
- If HOME-ARP NCS units are occupied and converted to permanent supportive housing, persons occupying the shelter would not normally be eligible for relocation assistance under the URA, section 104(d) or [24 CFR 92.353](#) because they are not displaced from a dwelling unit if allowed to maintain occupancy of the unit after conversion from NCS.

## AFFIRMATIVE FAIR HOUSING MARKETING PLAN

Subgrantees must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis and must take appropriate steps to ensure effective communication with persons with disabilities. Projects and programs must be accomplished in an equitable and impartial manner, without discrimination on the basis of race, color, religion, national origin, sex, age, disability, English proficiency, or economic status. Affirmative outreach activities may include (a) marketing programs to groups living in or receiving services in your service area that are under-represented, as shown by your program data, (b) creating partnerships with community-based agencies or non-profits that work with underrepresented and non-majority groups in your service area, and (c) translating documents advertising assistance, services, and contact information into other languages prevalent in the community. Subgrantees must follow the requirements outlined in 24 CFR §576.407(b).

Projects with four (4) or more total units must also have an affirmative marketing plan. HUD's affirmative marketing plan requirements are described in the form found at <https://www.hud.gov/sites/dfiles/OCHCO/documents/935-2A.pdf>.

## POLICIES AND PROCEDURES REQUIREMENTS

DCA requires that each HOME-ARP recipient establish and consistently apply written policies and procedures for each NCS Shelter administered by the HOME-ARP recipient. These policies and procedures must incorporate HOME-ARP requirements set forth by HUD, DCA, the Georgia Balance of State CoC Written Standards, and other sources as applicable.

### CONFIDENTIALITY

As part of its written policies and procedures, HOME-ARP recipients must develop policies regarding confidentiality pursuant to 24 CFR 576.500(x).

### COMPLAINTS AND APPEALS

As part of its written policies and procedures, HOME-ARP recipients must develop written policies allowing for the submission and remediation of complaints. These policies must allow for appeals processes in which, if a participant disagrees with remediation measures, the 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 remediation measures in question.

### TERMINATING ASSISTANCE

As part of its written policies and procedures, grantees must develop policies regarding termination of assistance to participants.

If a program participant violates program requirements, the grantee may terminate the assistance in accordance with a formal process established by the HOME-ARP recipient that recognizes the rights of individuals affected. The HOME-ARP recipient must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases. Termination does not bar the HOME-ARP recipient from providing further assistance at a later date to the same family or individual.

## DOCUMENTATION AND RECORDKEEPING REQUIREMENTS

Any referrals and recommendations that a person and/or household are appropriate for HOME-ARP NCS need to indicate that person and/or household has been determined eligible through an initial assessment. The following actions must be taken:

- Intake
- Assessment
- Prioritization, if applicable
- Documentation of Qualified Population status

This can be completed through Coordinated Entry and included in the household documentation or through a separate referral plan submitted and approved by DCA. Referrals must be made in chronological order if preferences are not established.

## HOUSING STATUS DOCUMENTATION

HOME-ARP recipients must establish and follow written intake procedures to ensure program compliance. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless or at-risk of homelessness status. THIRD-PARTY SOURCE DOCUMENTS ARE THE PREFERRED METHOD OF VERIFYING AND DOCUMENTING HOUSING STATUS.

## PREFERRED ORDER OF DOCUMENTATION

Pursuant to 24 CFR 576.500(b), the order of priority for evidence establishing and verifying homeless status is:

- **Third-party documentation** – source documents or statements provided by an outside party (Housing Inventory Count (HIC) list emailed)
- **Staff/Intake worker observation** – documented by shelter staff within the agency.
- **Certification from the person seeking assistance** – Shelter staff must certify efforts made to obtain third-party documentation before allowing the applicant to self-certify.

Lack of third-party documentation must not prevent an individual or family from being immediately admitted to an emergency shelter, receiving street outreach services, or being immediately admitted to a shelter or receiving services provided by a victim service provider.

## CATEGORY 1 DOCUMENTATION AND CERTIFICATION REQUIREMENTS

- **Third-party written:** A written referral or official communication from another housing or service provider on the Housing Inventory Count (HIC) list.
  - Third-party written documentation must be on the official agency stationery of the third party and must be signed and dated by an appropriate agency representative.
  - **Alternate requirement:** In the event that written verification cannot be obtained on official agency stationery from another housing or service provider, the appropriate DCA-approved form should be used. This form must be signed and dated by an appropriate agency representative.
- **Staff observation:** Written observations by an intake or outreach worker of the conditions where the individual or family was living.
  - Intake staff notes on observations must be recorded in writing on the appropriate DCA-approved form, signed, and dated by the intake or outreach worker.
  - A description of the efforts made by the staff members to obtain third-party documentation must be included.
- **HMIS Verification of Homelessness**
  - HMIS or the HMIS COMPARABLE DATABASE can be used to verify homelessness by accessing a client record, determining that the shelter applicant is (at the time of application for shelter and/or funds) enrolled in a program for homeless individuals or families, and printing a screen shot of the HMIS or HMIS COMPARABLE DATABASE as evidence for the file. This method will primarily be used by rapid re-housing providers.
- **Self-Certification:** Certification by the individual or head of household seeking assistance that (s)he was living on the streets or in an emergency shelter.



- Self-certification of homelessness must be recorded in writing on the appropriate DCA-approved form, signed, and dated by the individual/head of household seeking assistance.
- A description of efforts made by the staff members to obtain third-party documentation and verify homelessness via staff observation must be included.

Category 1 and exiting an institution where (s)he resided for 90 days or less acceptable evidence:

- The evidence listed above for Category 1 **and** one of the following:
  - Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution stating the beginning and end dates of the time residing in the institution.
    - All oral statements must be recorded by the intake worker on the appropriate DCA-approved form.
  - Where the evidence listed above in (A) is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in (A) and a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where they resided for 90 days or less.
- Intake worker due diligence and certification by the individual seeking assistance must be recorded in writing on the appropriate DCA-approved form, signed, and dated by the individual exiting the institution.

Category 2 Documentation and Certification Requirements

- A court order resulting from an eviction action that requires the individual or family to leave their residence **within 14 days** after the date of their application for homeless assistance **OR**
- The equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law.

For Category 2 applicants whose primary nighttime residence is a hotel or motel room **not** paid for by charitable organizations or federal, state, or local government programs:

- Evidence that the individual or family lacks the resources necessary to reside there for **more than 14** days after the date of application for homeless assistance **OR**
- An oral statement by the individual or head of household that the owner or renter of the housing in which they currently reside will not allow them to stay for more than **14** days after the date of application for homeless assistance. The intake worker must record the statement and certify that it was found credible.

To be found credible, the oral statement must:

- Be verified by the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance **AND**
- Be documented by a written certification by the owner or renter or by the intake worker's recording of the owner or renter's oral statement.

If the intake worker is unable to contact the owner or renter, documentation must include the following:

- Written documentation of the intake worker's due diligence in attempting to obtain verification and written certification that the applicant's statement was true and complete; **AND**

- Certification by the individual or head of household that no subsequent residence has been identified.

**AND**

- Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.

**Category 3 Documentation and Certification Requirements**

- Certification of homeless status by the local private nonprofit organization or state or local governmental entity responsible for administering assistance under the Runaway and Homeless Youth Act (42 U.S.C. 5701 *et seq.*), the Head Start Act (42 U.S.C. 9831 *et seq.*), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e *et seq.*), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 *et seq.*), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*), as applicable; **AND**
- Referral by a housing or service provider (third party written), written observation by an outreach worker (staff observation), or certification by the homeless individual or head of household seeking assistance (self-certification), showing that the individual or head of household has not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application; **AND**
- Certification by the individual or head of household and any available supporting documentation that the individual or family moved two or more times during the 60-day period immediately preceding the date of application for homeless assistance, including recorded statements or records obtained from each owner or renter of housing, provider of shelter or housing, or social worker, case worker, or another appropriate official of a hospital or institution in which the individual or family resided;

If these statements or records are unobtainable, a written record of the intake worker's due diligence in attempting to obtain these statements or records should be included.

Where a move was due to the individual or family fleeing domestic violence, dating violence, sexual assault, or stalking, then the intake worker may alternatively obtain a written certification from the individual or head of household seeking assistance that they were fleeing that situation and that they resided at that address; **AND**

- Written diagnosis from a professional who is licensed by the state to diagnose and treat that condition (or intake staff recorded observation of disability that within 45 days of the date of the application for assistance is confirmed by a professional who is licensed by the state to diagnose and treat that condition); employment records; department of corrections records; literacy, English proficiency tests; or other reasonable documentation of special needs or two (2) or more barriers that would cause reasonable expectation that the individual or family will remain homeless by this definition for an extended period of time.

**Category 4 Documentation and Certification Requirements**

- If the individual or family is receiving shelter or services provided by a victim service provider:



- **Self-certification OR staff certification** of homelessness, documented on the appropriate DCA-approved form, stating that the individual or head of household seeking assistance is fleeing, has no subsequent residence, and lacks resources.
- If the individual or family is receiving shelter or services from a non-victim service provider:
  - **Self-certification OR staff certification** of homelessness, documented on the appropriate DCA approved form, stating that the individual or head of household seeking assistance is fleeing; has no subsequent residence; and lacks the resources or support networks, *e.g.*, family, friends, faith-based or other social networks, needed to obtain housing.
  - The documentation must certify that the statement is true and complete;
    - Where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening condition must be verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking. The written referral or observation need only include the minimum amount of information necessary to document that the individual or family is fleeing or attempting to flee domestic violence, dating violence, sexual assault, and stalking.

#### AT RISK OF HOMELESSNESS DOCUMENTATION AND CERTIFICATION REQUIREMENTS

- In determining the annual income of an individual or family, the recipient or grantee must use the standard for calculating annual income under 24 CFR 5.609. Check guidance for further evidence requirements.
- Evidence of the second eligibility criterion (lacks sufficient resources to attain housing stability immediately) is:
  - **Source documents** - notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears.
  - To the extent that source documents are unobtainable, **a written statement by the relevant third party** - (*e.g.*, former employer, public administrator, relative) or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of “at risk of homelessness.”

(C) If source documents and third-party verification are unobtainable, **a written statement by intake staff** describing the efforts taken to obtain the required evidence.

- Evidence for documenting at least one of the seven (7) risk factors is:
  - **Source documents** - notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears.
  - To the extent that source documents are unobtainable, **a written statement by the relevant third party** - (*e.g.*, former employer, public administrator, relative) or written certification by the intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria of the definition of “at risk of homelessness” **OR**;
  - If source documents and third-party verification are unobtainable, **a written statement by intake staff** describing the efforts taken to obtain the required evidence.

## DOCUMENTING PERSONS WITH DISABILITIES

A *person with disabilities* means a household composed of one or more persons, at least one of whom is an adult who has a disability.

- A person shall be considered to be disabled if they have a disability that:
  - is expected to be long-continuing or of indefinite duration.
  - substantially impedes the individual's ability to live independently.
  - could be improved by the provision of more suitable housing conditions; and
  - is a physical, mental, or emotional impairment, including impairment caused by alcohol or drug abuse, posttraumatic stress disorder, or brain injury.
- A person will also be considered to have a disability if they have a developmental disability, as defined in this section.
- A person will also be considered to have a disability if they have acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).
- Notwithstanding the preceding provisions of this definition, the term person with disabilities includes, except in the case of the SRO component, two or more persons with disabilities living together, one or more such persons living with another person who is determined to be important to their care or well-being, and the surviving member or members of any household described in the first sentence of this definition who were living, in a unit assisted under this part, with the deceased member of the household at the time of their death. (In any event, with respect to the surviving member or members of a household, the right to rental assistance under this part will terminate at the end of the grant period under which the deceased member was a participant.)

*Developmental disability* means, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002):

- A severe, chronic disability of an individual that—
  - is attributable to a mental or physical impairment or a combination of mental and physical impairments.
  - is manifested before the individual attains the age of 22.
  - Is likely to continue indefinitely.
  - Results in substantial functional limitations in three or more of the following areas of major life activity:
    - Self-care
    - Receptive and expressive language
    - Learning
    - Mobility
    - Self-direction
    - Capacity for independent living
    - Economic self-sufficiency **AND**
  - Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

- An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the criteria described in paragraphs (1)(i) through (v) of the definition of “developmental disability” in this section if the individual, without services and supports, has a high probability of meeting those criteria later in life.

*Written documentation of disability status* includes:

- Written verification from a professional who is licensed by the state to diagnose and treat that condition, that the disability is expected to be long-continuing or of indefinite duration and that the disability substantially impedes the individual’s ability to live independently; **AND**
- Written verification from the Social Security Administration or the receipt of a disability check (e.g., Social Security Disability Insurance check or Veteran Disability Compensation).

Information on disability status should be obtained in the course of client assessment once the individual is admitted to a project unless having a disability is an eligibility requirement for entry into the project. Where disability is an eligibility requirement, an intake staff-recorded observation of disability may be used to document disability status as long as the disability is confirmed by the aforementioned evidence within 45 days of the application for assistance.

#### INTAKE, ELIGIBILITY ASSESSMENT, AND RE-CERTIFICATION

All shelter service applicants must participate in an initial consultation to assess needs and determine program eligibility. The consultation will include verification of homelessness or at risk of homelessness status, assessment of barriers to housing stability, and collection of all relevant HMIS data elements. The Coordinated Intake/Assessment system selected within each Continuum of Care will determine more specific requirements for the intake process. For more information, see the sections of this guidebook on Coordinated Assessment.

HOME-ARP recipients will complete the following procedures:

- Check HMIS (or THE HMIS COMPARABLE DATABASE) to determine if the applicant is currently receiving assistance from any other federal funding sources. Clients cannot receive funding for duplicate services at the same time. A printed HMIS screen can be used as documentation in the applicant’s file.
- Collect the required HUD documentation (evidence to establish and verify the client’s housing status; copy of the documentation to establish annual income; certification that the client has insufficient support networks, etc.) as relevant.
- The case Manager will record required HMIS data in the ClientTrack system (or THE HMIS COMPARABLE DATABASE) for all program participants.
- If the client is not eligible for HOME-ARP Non-Congregate Shelter, HOME-ARP recipients are required to include documentation regarding reasons for non-eligibility and to identify other appropriate service providers within the Continuum that can more effectively meet the applicant’s needs.

#### ELIGIBILITY ASSESSMENT FOR SHELTER

Eligibility for these programs requires verification of homelessness for the appropriate category of HUD’s homeless definition. See previous sections on HUD’s homeless definition and documenting housing status.

There are no income requirements for emergency shelter, outreach, supportive services only, or hotel/motel voucher sub-grants.

#### ON-GOING PROPERTY STANDARDS AND INSPECTIONS

Once the development is placed in service, applicants must submit an annual HOME ARP NCS Operating Budget for each year of the NCS restricted use period. The budget must account for at least a 3% increase in operating costs annually. Operating costs must include supportive services that will be provided to NCS clients.

NCS projects without such a documented operations funding commitment will be deemed ineligible for HOME-ARP funding, and award funds could be subject to recapture.

DCA will follow all inspection standards as outlined in SHELTER AND HOUSING STANDARDS: **On-going Property Standards and Inspections.**

### PERFORMANCE STANDARDS AND MEASURES

DCA established the primary goal of **reducing the number of unsheltered homeless individuals and families in the Balance of State**. The information contained below outlines goals, strategies, and performance measures to be utilized for all HUD-ARP recipients.

#### OVERALL GOALS

- Reduce the number of unsheltered individuals and families, as established in the Homeless Point in Time Count, within the BoS by 1% each year. This goal will be achieved by placing emphasis on the high utilization of emergency shelters and transitional housing beds. This will be measured in HMIS.
  - Reduce the length of stay for clients in shelter programs in order to provide services to additional households. Length of stay should generally be no longer than 90 days for shelters. This will be measured in HMIS.
  - Increase placements into permanent housing for homeless individuals and families from Emergency Shelter by 5% each year. This will be measured in HMIS.
- Prevent individuals and families from becoming homeless – either unsheltered or sheltered, by 3% each year. Follow-up contacts will be made at three (3) months and six (6) months post-discharge. This will be measured in HMIS.
- Increase the percentage of individuals and families remaining in permanent housing for three (3) months by 2% each year. This goal will be achieved by increasing income or access to mainstream benefits for program participants while in a HOME-ARP NCS. This will be measured in HMIS.

**Performance Standards-** these standards are used to evaluate individual program performance when grants are awarded, as well as to evaluate the overall performance of the DCA HOME-ARP grant.

For each Emergency Shelter program, performance will be measured based on the following standards:

- An overall bed utilization rate of 80%.
- An increase in the percentage of discharged households that secure permanent housing at exit by 5% each year.

- An increase in the percentage of households that increase cash and non-cash income during program enrollment.

## MONITORING

Monitoring will be conducted annually. DCA staff may conduct monitoring activities off-site, on-site, or both. Based on risk analysis, DCA may schedule desk reviews and/or site visits at any time deemed necessary. Agencies will be contacted by DCA staff prior to an on-site review to establish a mutually convenient date and time. The purpose of monitoring is to review performance in comparison to stated project goals, review fiscal management and accounting practices, identify areas for improvement, forge a working relationship between DCA and the HOME-ARP recipient, and provide technical assistance. Items that will be reviewed include, but are not limited to:

- Client data
- Client eligibility documentation
- Implementation of organizational policies and procedures
- Reimbursements and financial documentation
- Fair Housing and Equal Opportunity (FHEO) compliance
- Language Access Plan compliance
- VAWA compliance
- Equal Access Rule compliance
- Habitability Standards compliance
- Environmental reviews

## APPENDIX A - QUALIFYING POPULATIONS DEFINITIONS

Established in HUD's [Notice CPD-21-10: Requirements for the Use of Funds in the HOME-ARP Program](#).

**"Homeless" is defined by 24 CFR 91.5 Homeless (1), (2), or (3) below:**

- A. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - 1. 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;
  - 1. 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); or
  - 1. An individual who is exiting an institution where they 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;
- A. An individual or family who will imminently lose their primary nighttime residence provided that:
  - 1. The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
  - 1. No subsequent residence has been identified; and
  - 1. 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;
- A. 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:
  - 1. Are defined as homeless under section 387 of the Runaway and Homeless Youth Act, section 637 of the Head Start Act, section 41403 of the Violence Against Women Act of 1994, section 330(h) of the Public Health Service Act, section 3 of the Food and Nutrition Act of 2008, section 17(b) of the Child Nutrition Act of 1966, or section 725 of the McKinney-Vento Homeless Assistance Act;

1. 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;
1. 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; and
1. 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;

**At Risk of Homelessness as defined by 24 CFR 91.5 below:**

1. An individual or family who:
  - a. Has an annual income below 30% of the 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; **and**
  - 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 another youth facility, or a correction program or institution); or
  - 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, section 637(11) of the Head Start Act, section 41403(6) of the Violence Against Women Act of 1994, section 330(h)(5)(A) of the Public Health Service Act, section 3(l) of the Food and Nutrition Act of 2008, or section 17(b)(15) of the Child Nutrition Act of 1966, or
  - 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, and the parent(s) or guardian(s) of that child or youth if living with them.

Note: Con Plan/CoC definition of At Risk of Homelessness is the same as the HOME-ARP definition.

**Fleeing or attempting to flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking includes:**

Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking from (Violence Against Women Act) regulation at 24 CFR 5.2003 below:

Dating violence means violence committed by a person:

- 1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- 2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship.
  - b. The type of relationship; and
  - c. The frequency of interaction between the people involved in the relationship.

*Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a [child](#) in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or [family](#) violence laws of the jurisdiction receiving grant monies, or by 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. 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.

*Sexual assault* means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.

*Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's individual safety or the safety of others; or
2. Suffer substantial emotional distress.

Definition of Human Trafficking from Trafficking Victims Protection Act of 2000 • Includes both sex trafficking and labor trafficking include:

According to the [Trafficking Victims Protection Act of 2000](#), or TVPA, human trafficking is a crime involving the exploitation of someone for the purpose of compelled labor or a commercial sex act through the use of force, fraud, or coercion. According to federal law, “a commercial sex act means any sex act on account of which anything of value is given to or received by any person. Anything of value could include food, shelter, protection, gifts, or clothing. Where a person younger than 18 is induced to perform a commercial sex act, it is a crime regardless of whether there is any force, fraud, or coercion.”

Human trafficking occurs when a trafficker exploits a vulnerable person by using force, fraud, or coercion to make them perform compelled labor or commercial sex. There are two types of trafficking: labor and sex.

**Other households with a High Risk of Housing Instability and At-Risk of Homelessness include:**

1. Households who have previously been qualified as homeless as defined in 24 CFR 91.5 (see above definition) and:
  - a. Are currently housed due to temporary or emergency assistance, including financial assistance, services, temporary rental assistance, or some other assistance to allow the household to be housed, **and**
  - b. Need additional housing assistance or supportive services to avoid a return to homelessness.
2. Households at greatest risk of housing instability are defined as a household with:
  - a. Annual income  $\leq 30\%$  of AMI **AND** is experiencing severe cost burden (paying more than 50% of monthly household income toward housing costs); **OR**
  - b. Annual income  $\leq 50\%$  of AMI **AND** meets one of the following criteria in paragraph (iii) of the “At-risk of homelessness” definition at 24 CFR 91.5 (see above definition).

## APPENDIX B – PROCUREMENT POLICIES

DCA's procurement guidance can assist by making the process easier for local governments by providing step-by-step instructions.

**The following policy guidance and sample documents are included in this application:**

- Procurement Standards for Contracts Entered into by HOME-ARP Recipients
- DCA Guidance: Procurement for Application Development and Administrative Services
- Sample Notice for RFP
- Sample Email Request for Proposals 48 Sample Request for Proposals.
- Sample Statement of Qualifications
- Sample Grant Administrator Rating Criteria

**Georgia Department of Community Affairs  
HOME-ARP Program  
Procurement Policies for State Recipients & Subrecipient Applicants & Grantees**

### APPLICABILITY:

All HOME-ARP recipients who are utilizing an external grant administrator to write and submit grant applications.

The HOME-ARP Program is funded with Federal HOME Investment Partnership Program (HOME) funds; therefore, all federal procurement requirements for the HOME program apply.

### NEW STATE OF GEORGIA PROCUREMENT REQUIREMENTS:

Newly enacted requirements (effective April 28, 2019) based on the passage of House Bill 322, which amends Code Section 36-80-27 and reads as follows: If a bid or proposal opportunity is extended by a county, municipal corporation, or local board of education for goods, and services, or both, valued at \$100,000.00 or more, such bid or proposal opportunity shall be advertised by such respective local governmental entity in the Georgia Procurement Registry, as established in subsection (b) of Code Section 50-5-69, at no cost to the local governmental entity. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid opportunity.

New state procurement requirements effective July 1, 2018, based on the passage of House Bill 489, adding O.C.G.A. 36-80-26 and amending O.C.G.A. 36-91-20(b)(1).

These changes require most bid or proposal opportunities extended by local governments to be advertised in the Georgia Procurement Registry.

Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid opportunity.

The Georgia Procurement Registry can be found at the following web site:  
<http://doas.ga.gov/statepurchasing/georgia-procurementregistry-for-local-governments>

#### PROCUREMENT OF APPLICATION DEVELOPMENT AND OTHER PROFESSIONAL SERVICES:

All professional procurements should be done prior to HOME-ARP application preparation and submission.

For example, prior to HOME-ARP application submission, both grant application services and grant administration services should be solicited using the same Request for Proposal (RFP).

This avoids the appearance of a conflict of interest that can be created when a grant writer in a later procurement process submits and receives an award for grant administration services.

This approach is also applicable to engineering/architectural services.

In other words, preliminary reports and design and construction services should all be procured using the appropriate RFP or Request for Qualification (RFQ) process.

Local governments often rely on grant writers and engineers/architects to assist them in navigating complex federal and state requirements; however, having a grant writer or engineer/architect assist in the procurement process (e.g., developing an RFP or RFQ) can also create the appearance of a conflict of interest.

DCA will also assist local governments with the procurement process by providing technical assistance as needed. Please get in touch with HOME-ARP staff at [HOMEARP@dca.ga.gov](mailto:HOMEARP@dca.ga.gov) with your procurement questions.

DCA is also reminding local governments that DCA's procurement policies for professional services should be followed regardless of the source of payment for those services.

If local funds pay all or part of the cost of professional services related to a HOME project, DCA's HOME procurement policies should be followed.

#### COMPETITIVE NEGOTIATION FOR PROFESSIONAL SERVICES:

HOME-ARP payments for professional services are subject to the "competitive negotiation" requirements of the most recent version of the HOME-ARP Recipients' Manual. These provisions apply, typically, to contracts with private consultants, engineers, and architects and are not necessary when contracting with Regional Commissions. Note, however, that RCs that wish to subcontract directly with private consultants must use the procedures in this section and follow the requirements of the HOME-ARP Recipients' Manual before entering into subcontracts with private consultants. Alternately, the local government may contract with both an RC and private consultant, provided the requirements herein are followed for the procurement of the private consultant.

To comply, the applicant government (not the individual or firm proposing to provide services) must:

- Develop a Request for Proposal (RFP) that includes “evaluation factors” selected by the applicant and their level of importance. A Request for Qualifications (RFQ) is also acceptable for engineering or architectural services. Contact DCA for assistance.
- Publicize the RFP or RFQ. This is most often accomplished by publishing it in the applicant's "legal organ" and/or on the local government's website. RFPs or RFQs must also be posted on the Georgia Procurement Registry. Allow 30 days for responses. The publication must state this is a Section 3 contract opportunity.
- Send a letter with a copy of the RFP or RFQ to several "known providers." When soliciting firms to develop applications/administer projects, RFPs should be sent to at least seven (7) known providers. When soliciting engineering/architectural services, the RFP or RFQ should be sent to at least ten (10) known providers. As a service to applicants, recipients, and others, DCA maintains a list of professionals who have expressed an interest in making proposals on HOME projects. This is not an "approved" list. DCA does not approve or disapprove professionals. This is the applicant's or recipient's responsibility.
- Negotiate with (preferably with at least 2) respondents to the RFP or RFQ.
- Prepare documentation that evaluates proposals and establishes reasons (based on criteria in RFP or RFQ) for contract recommendations.
- Consult the city or county attorney with the above recommendations and proposed contract.
- Based upon established reasons and the attorney's recommendation, obtain full council/commission approval, and execute the contract.

Letter(s) thanking unsuccessful respondents for making a proposal should then be sent.

Based on the evaluation criteria contained in the RFP/RFQ, this letter should state reasons why the respondent was not hired.

Also, consult with the Procurement Instructions for Grant Writing/Administration [included in full below]

Because HOME funds cannot be used to pay for any application development costs, applicants are cautioned only to obligate HOME funds for grant administration services and not for grant writing services. Contracts should initially only obligate the applicant to pay for the costs of application development using local or other non-HOME sources. Communities are encouraged to include a contingent contract for administrative services that will become effective if the HOME application is funded. Note: Even if local sources of funds are planned for grant administration services, and no HOME funds are budgeted for this activity, this procurement process described herein and in the most recent version of the HOME Recipients' Manual must be followed for both grant writing and grant administration services based on the requirements of federal regulations. All professional procurement requires Section 3 compliance.

If an acceptable procurement process was followed for an application that is being resubmitted because it was denied in the previous program year, it is not necessary for the local government to re-advertise for professional services if they choose to retain the same firm for the same application for the same project. (Please note, however, that should the procurement process not have included the applicable Section 3 compliance requirements, then a new advertisement and RFP solicitation is required).

Any older procurements will not be valid, and a new advertisement and solicitation of RFPs are required.

For procurement processes that result in requests for sole source approval from DCA, the procurement process must be fully documented to DCA's satisfaction before DCA will grant approval, including but not limited to the following:

- A description of the procurement process.
- Documentation of advertisement of the Request for Proposals.
- a list of the active, qualified consultants or engineers/architects that were emailed/mailed the Request for Proposals; and
- certified return receipt documentation that the Request for Proposals was mailed to the required number of active, qualified consultants or engineers/architects, or adequate email documentation that the Request for Proposals was delivered as required.

All sole source requests must be submitted prior to the HOME-ARP application deadline. For further guidance regarding procurement for professional services, please see the most recent version of the HOME-ARP Recipients' Manual.

#### PROCUREMENT STANDARDS FOR CONTRACTS ENTERED INTO BY HOME-ARP RECIPIENTS

The Recipient is the responsible authority regarding all contracts entered into directly between the Recipient and the Administrator contractor, and without recourse, to DCA regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with a HOME-ARP - funded activity. Matters concerning violation of the law are to be referred to such local, State, or Federal authority as may have proper jurisdiction. However, Recipients are encouraged to contact DCA for assistance in any procurement matter.

The following procurement standards shall apply to all transactions entered into directly between the Recipient and the Administrator:

- A. **Recipient Procurement Regulations:** Recipients may use their own procurement regulations, which reflect applicable State and local laws, rules, and regulations provided that all procurement made with HOME-ARP funds meets the following standards:
1. The Recipient must maintain written codes or standards of conduct to govern the performance of its officers, employees, or agents in contracting with and expending HOME-ARP funds. A Recipient's or Recipient's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. No employee, official, or agent of the Recipient may participate in the selection or in the award or administration of a contract supported by HOME-ARP funds if a conflict of interest, real or apparent, is involved.
  2. Recipients may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.
  3. To the extent permissible by State or local law, rules, or regulations, the Recipient's standards must provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the Recipient officers, employees, or agents, or by contractors or their agents.
  4. It is national policy to award a fair share of contracts to small, minority, and women business enterprises. Accordingly, affirmative steps must be taken to ensure that small and minority businesses are utilized where possible as sources of supplies, equipment, construction, and



services. Each Recipient must develop a Minority and Women Business Enterprise Outreach Plan, which conforms to the MBE/WBE Outreach Plan Guide form.

5. All procurement transactions entered into by the Recipient, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner to provide maximum open and free competition. The Recipient must be alert to organizational conflicts of interest or non-competitive practices among contractors, which may restrict or eliminate competition or otherwise restrain trade.

Examples of what is considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Non-competitive practices between firms.
- Organizational conflicts of interest; and
- Unnecessary experience and bonding requirements.

Each Recipient must have written selection procedures that provide, at a minimum, the following procedural requirements:

A clear and accurate description of the technical requirements for the material, product, or service to be procured. Such a description must not, in competitive procurements, contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, set forth minimum essential characteristics and standards to which it must conform to be satisfactory. Detailed product specifications should be avoided if possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equal” description may be used as a means to define the performance or other important requirements related to procurement. The specific features of the named brand, which must be met by bidders, must be clearly stated.

1. All requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals;
2. Awards shall be made only to responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration must be given to such matters as contractor integrity, compliance with public policy, the record of past performance, and financial and technical resources;
3. Proposed procurement actions must be reviewed by Recipient officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis must be made of lease and purchase alternatives to determine which would be the most economical and practical procurement. Consideration should be given to consolidating or breaking out purchases to obtain a more economical proposal.
4. A Recipient must perform some cost or price analysis in connection with every procurement action, including contract modifications, and must only permit allowable costs to be included. *THE COST PLUS A PERCENTAGE OF COST METHOD OF CONTRACTING SHALL NOT BE USED. IN ADDITION, CONTRACTS WITH OTHER PUBLIC AGENCIES WILL ONLY ALLOW THE ACTUAL COST TO BE PAID. NO PROFIT IS ALLOWABLE WHEN CONTRACTING WITH OTHER PUBLIC AGENCIES.*
5. Recipients must maintain records sufficient to detail the significant history of all procurements. These records must include but are not necessarily limited to, information pertinent to the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the cost or price.

6. Recipients must maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

**B. Method of Procurement:** There are four (4) methods of procurement that can be used by Recipients if authorized by DCA's adopted standards:

1. **Small purchase procedures** can be used for procurement under \$25,000 and require that price or rate quotations be obtained from an adequate number of qualified sources. These quotations should be clearly documented in the Recipient's or Recipient's files. **NOTE that this method is not appropriate for the procurement of professional services.**
2. **Competitive sealed bids (formal advertising)** where sealed bids are publicly solicited and a firm fixed-price contract (lump-sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lower in price.

For formal advertising to be feasible, appropriate conditions must be present, including, as a minimum, the following:

- a. A complete, adequate, and realistic specification or purchase description.
  - b. Two or more responsible suppliers are willing and able to compete effectively for the grantee's business.
  - c. The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can appropriately be made principally based on price;
  - d. Enough time prior to the date set for opening of bids, bids must be solicited from an adequate number of known suppliers. In addition, the invitation must be publicly advertised.
  - e. The invitation for bids, including specifications and pertinent attachments, must clearly define the items or services needed for bidders to respond to the invitation properly;
  - f. All bids must be opened publicly at the time and place stated in the invitation for bids;
  - g. A firm-fixed-price contract award must be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation cost, and life cycle cost must be considered in determining which bid is lowest; and,
  - h. Any or all bids may be rejected when there are sound, documented business reasons that to do so would be in the best interest of the program.
3. **Competitive negotiation** is a method of procurement where proposals are requested from several sources, and the Request for Proposal (RFP) is publicized. Negotiations should be conducted with more than one of the sources submitting offers, and either is fixed-price or cost-reimbursable type contract is awarded, as appropriate. A Recipient should perform a systematic analysis of each contract item or task to ensure adequate service and to offer reasonable opportunities for cost reductions. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for procurement under a grant, the following requirements apply:
    - a. Proposals must be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The Recipient should send a letter with a copy of the RFP to several "known

providers.” When soliciting firms to develop applications/administer projects, RFPs should be sent to at least seven (7) known providers. When soliciting engineering/architectural services, RFPs should be sent to at least ten (10) known providers. As a service to applicants, recipients, and others, DCA maintains a list of professionals who have experience administering HOME-ARP projects. This is not an “approved” list. DCA does not approve or disapprove professionals. This is the applicant or recipient’s responsibility. The Request for Proposals must be publicized, and reasonable requests by other sources to compete must be honored to the maximum extent practicable. A “Solicitation” request by the Recipient for contracts other than application development/project administration and architectural/engineering services must be specifically addressed to a list of several potential bidders identified by the Recipient. To “publicize” the RFP, the Recipient must offer the RFP through publication in a newspaper with adequate circulation or publication by other means such that reasonable exposure to potential bidders can be expected.

- b. The Request for Proposals must identify all significant evaluation factors, including price or cost, where required, and their relative importance.
  - c. The Recipient must have mechanisms for technical evaluation of the proposals received; for determining responsible bidders, and for engaging in written or oral communication with the providers in the selection process.
  - d. An award may be made to the responsible bidders whose proposal will be most advantageous to the procuring party, price, and other factors considered. Unsuccessful bidders should be notified promptly.
  - e. State Recipients and Sub-recipients may utilize competitive negotiation procedures for procurement of architectural/engineering professional services, whereby competitors’ qualifications are evaluated, and the most qualified competitor is selected subject to negotiation of fair and reasonable compensation.
  - f. If “competitive negotiation” is not successful, then the Recipient must receive “sole source” approval from DCA prior to contracting.
4. **Non-competitive** or “sole source” procurement requires prior DCA approval for professional services regardless of the contract amount and for all other contracts if over \$25,000 and may be used when:
- a. The item or service is available from only one source.
  - b. Urgent public need will not allow for the delay caused by advertising;
  - c. Although several bids were solicited, only one response was received, and,
  - d. Such contracts shall be made with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, a record of past performance, financial and other technical resources, or accessibility to other necessary resources.
- C. **Contract Requirements:** The Recipient must include, in addition to the provisions needed to define a sound and complete agreement, the following provisions in all contracts and sub-grants:
1. Contracts other than small purchases must contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances

- where contractors violate or breach contract terms and provide for appropriate sanctions and penalties.
2. All contracts in excess of \$10,000 must contain provisions for terminations “for convenience” by the Recipient, including when and how terminations may occur and the basis for settlement. In addition, all contracts must describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.
  3. All contracts awarded by the HOME-ARP recipient and their contractors or sub-grantees having a value of more than \$10,000 must contain a provision requiring compliance with Executive Order 11246, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375, and as supplemented in the Department of Labor regulations (41 CFR, Part 60).
  4. All contracts and subcontracts over \$2,000 for construction or repair must include a provision for compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (23 CFR, Part 3. This act provides that each contractor or sub-grantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work to give up any part of the compensation to which he is otherwise entitled. The Recipient must report all suspected or reported violations to DCA.
  5. All negotiated contracts (except those of \$10,000 or less) must include a provision that DCA, HUD, the Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purposes of making audit, examination, excerpts, and transcriptions for three (3) years after final payment to the Recipient or all pending matters are closed, whichever is longer.
  6. Contracts must recognize mandatory standards and policies relating to energy efficiency, which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).

#### DCA GUIDANCE: PROCUREMENT FOR APPLICATION DEVELOPMENT AND ADMINISTRATIVE SERVICES

HOME payments for Grant Administration services are subject to the “competitive negotiation” requirements of 24 CFR 570.489(g). These provisions typically apply to contracts with private consultants and are not necessary when contracting with Regional Commissions (RCs). Note, however, that RCs that wish to subcontract directly with private consultants must use the procedures in this section and follow the requirements of 24 CFR 570.489(g) before entering into subcontracts with private consultants. Alternatively, the local government may contract with both an RC and private consultant, provided the requirements herein are followed for the procurement of the private consultant.

To comply, the applicant government (not the individual or firm proposing to provide services) must:

#### **Step 1. Establish or appoint a local Selection Review Committee**

HOME-ARP applicants/recipients must establish a Selection Review Committee to determine the evaluation criteria and to rate proposals for services. This committee may consist of the entire governing body (council/board of commissioners/board of directors), a subset of this council/ board, as appointed

by the Mayor/Chairman, or a combination of elected officials and city/county staff. Applicants/grantees should have a minimum of three members on the committee.

Committee members may not have any potential conflicts of interest with any of the individuals, firms, or agencies under review (e.g., family relationships, close friendships, business dealings), and no person who might potentially receive benefits from HOME-assisted activities may participate in the selection, award, or administration of a contract supported by HOME funding if they have a real or apparent conflict of interest.

### **Step 2. Determine the Selection Criteria to Evaluate Respondents**

Determine what evaluation criteria will be used to rate the proposals submitted to the applicant/grantee. Prepare a Rating Criterion Score sheet to evaluate and score each proposal received.

### **Step 3. Develop the Request for Proposals (RFP) Package**

Develop a Request for Proposal (RFP) package that includes “evaluation factors” selected by the Review Committee and their level of importance. The RFP package should include the submission deadline and instructions for submission, a local point of contact for any questions regarding the RFP, and a format for a Statement of Qualifications.

### **Step 4. Advertise the RFP**

If the contract is for more than \$10,000, it must be advertised on the Georgia Procurement Registry (<https://ssl.doas.state.ga.us/PRSapp>). Communities are urged to also advertise the RFP on their website and/or by publishing it in the applicant's “legal organ.” Allow 30 days for responses. The publication must state this is a Section 3 contract opportunity.

Send an email or letter with a copy of the RFP to a minimum of 7 “known providers.” If sending letters by mail, DCA requires that letters be sent with a certified return receipt to provide the required documentation. Sole source approval is required from DCA when only one response is received. Emails must be sent with a Request Delivery Receipt and Request Read Receipt to provide equivalent documentation when using this method.

When soliciting firms to develop applications/administer projects, RFPs should be sent to at least seven (7) “known providers.” As a service to applicants, recipients, and others, DCA maintains a list of consultants who have expressed an interest in making proposals on HOME projects. This is not an “approved” list. DCA does not approve or recommend contractors for services or development.

### **Step 5. Review and rate proposals**

After the submittal deadline, the committee should review and rate each of the proposals received. Committee members should use the evaluation criteria established in Step 2 above. Each committee member should score the proposals; all scores can then be averaged to determine the highest-scoring proposal. The firm with the highest average points should be selected.

If a Section 3 business submits a bid and requests a preference, the applicant/grantee must give priority to the greatest extent possible to the business.

### **Step 6. Approve the selected contractor and award the contract**

The Applicant/Grantee Council/Board of Commissioners has final authority to award the contract to the selected contractor. The review committee should present a recommendation to the applicant/grantee attorney and to the governing board for final approval. A contract for services should be prepared between the applicant/grantee and the selected consultant.

Letter(s) or emails thanking unsuccessful respondents for making a proposal should then be sent. Based on the evaluation criteria contained in the RFP, this letter should briefly state the reasons why the respondent was not hired.

#### **Step 7: Recordkeeping**

The applicant/grantee must maintain and make available all documentation utilized during the RFP process, including but not limited to:

- Copy of the full RFP
- Proof of publication of the RFP on the Georgia Procurement Registry (GPR) (by a screenshot of GPR posting; if posting links to another website for full RFP, documentation must also include screenshots of RFP on the other site)
- List of firms/individuals that were sent RFPs.
- Copies of proposals received.
- The scoring sheet that shows the rankings for each of the submitted proposals
- Meeting minutes indicating the council/board approved the selection of the selected firm for service
- Executed contract for services with applicable federal language.
- Documentation of any correspondence with a Section 3 business

Because HOME funds cannot be used to pay for any application development costs, applicants are cautioned only to obligate HOME funds for grant administration services and not for grant writing services. Contracts should initially only obligate the applicant to pay for costs of application development using local or other non-HOME sources. Communities are encouraged to include a contingent contract for administrative services that will become effective if the HOME application is funded. ***Note: Even if local sources of funds are planned for grant administration services, and no HOME funds are budgeted for this activity, this procurement process described herein and in the most recent version of the HOME Recipients' Manual must be followed for both grant writing and grant administration services based on the requirements of federal regulations.***

All professional procurement requires Section 3 compliance.

If an acceptable procurement process was followed for an application that is being resubmitted because it was denied in the previous program year, it is not necessary for the local government to re-advertise for professional services if they choose to retain the same firm for the same application. (Please note, however, that should the procurement process not have included the applicable Section 3 compliance requirements, then a new advertisement and RFP solicitation is required). Any older procurements will not be valid, and a new advertisement and solicitation of RFPs are required.

For procurement processes that result in requests for sole source approval from DCA, the procurement process must be fully documented to DCA's satisfaction before DCA will grant approval, including but not limited to the following: 1) a description of the procurement process; 2) documentation of advertisement of the Request for Proposals; 3) a list of the active, qualified consultants or engineers/architects that were

emailed/mailed the Request for Proposals; and 4) certified return receipt documentation that the Request for Proposals was mailed to the required number of active, qualified consultants or engineers/architects, or adequate email documentation that the Request for Proposals was delivered as required.



## SAMPLE NOTICES FOR RFP

### APPLICANT/GRANTEE REQUEST FOR PROPOSALS ADMINISTRATIVE & RELATED GRANT SERVICES

Date:

Statements of qualifications and proposals are being requested from consultants with a strong record in successfully assisting local governments with grant writing for and implementation of the HUD HOME Investment Partnership (HOME) programs. Responding firms should be qualified to provide grant administration and related services including, but not limited to:

1. Preparation of the grant application;
2. Preparation of the Environmental Review Record;
3. Preparation of draw/disbursement requests;
4. Assistance with the financial administration of grant funds and record keeping;
5. Assistance with holding public hearings;
6. Assistance with any required acquisition following the Uniform Relocation Assistance and Real Property Acquisition Act (URA);
7. Assisting the engineer/architect with the preparation of bid documents, advertising, and conducting the bid opening;
8. Assisting the applicant/grantee with Davis-Bacon and related labor requirements, including weekly payroll review and employee interviews;
9. Assisting the applicant/grantee with meeting Affirmatively Furthering Fair Housing (AFFH) requirements;
10. Preparation of close-out documents.

Applicant/Grantee plans are to contract with a reputable consulting firm for grant writing and, if funded, for administration services, for an FY20 HOME project. The purpose of the project is to provide [DESCRIBE PROPOSED IMPROVEMENTS.]

**The information which should be submitted for our evaluation is as follows:**

1. **History of firm and resources**
2. **HOME experience, including other DCA grant programs**
3. **Capacity to complete the scope of work**
4. **Current workload**
5. **Scope and level of service proposed**
6. **Experience with similar projects and a list of references**
7. **Fees associated with grant writing and grant administration, if the project is funded**
8. **Statement of Qualifications Form**
9. **Applicable Section 3 Certification forms, if claiming Section 3 Status**

All contracts are subject to Federal and State contract provisions prescribed by the Georgia Department of Community Affairs. This project is covered under the requirements of Section 3 of the HUD Act of 1968, as amended, and Section 3 Business Concerns are encouraged to apply.

**APPLICANT/GRANTEE** *also abides by the following laws as they pertain to HUD-Assisted Projects: Title VI of the Civil Rights Act of 1964; Title II of the Cranston-Gonzalez National Affordable Housing Act; Title VII of the Civil Rights Act of 1968 (Fair Housing Act); Title II of the Americans with Disabilities Act of 1990 (ADA); and the Architectural Barriers Act of 1968.*

Interested parties should request copies of the Statement of Qualifications Form and Section 3 Solicitation Package prior to preparing and submitting their proposal. Proposals should be received no later than **5:00 PM on [30 DAYS AFTER PUBLICATION]**. Proposals received after the above date and time may not be considered. We reserve the right to accept or reject any and all proposals and to waive informalities in the proposal process. Questions,

Statement of Qualifications and Section 3 Certification form requests (i.e., request for Section 3 preference), and proposal packages should be submitted to the name and address listed below:

**CLIENT CONTACT ADDRESS Phone/Email:**



### SAMPLE EMAIL REQUEST FOR PROPOSALS

*Copy and paste the "email" below, including the Fair Housing and ADA logos, to send to your selected Grant Administration firms, and remember to select the Request for Delivery Receipt and Request a Read Receipt. Please also remember to attach the Statement of Qualifications Form and DCA Section 3 Solicitation Package to your email.*

Subject: PLEASE RESPOND: APPLICANT/GRANTEE RFP Grant Administration Services – FY20\_\_ HOME-ARP

FROM: APPLICANT/GRANTEE, Georgia

RE: APPLICANT/GRANTEE Solicitation Package for Grant Administration Services – FY20\_\_ HOME-ARP

**PLEASE REPLY TO THIS EMAIL to let us know if you received this request and/or if you will be submitting a proposal.**

Thank you,  
CONTACT NAME

SAMPLE REQUEST FOR PROPOSALS

APPLICANT/GRANTEE  
 REQUEST FOR PROPOSALS  
 ADMINISTRATIVE & RELATED GRANT SERVICES

Statements of qualifications and proposals are being requested from consultants with a strong record in successfully assisting local governments with grant writing for and implementation of the HOME and HOME-ARP Programs. Responding firms should be qualified to provide grant administration and related services including, but not limited to, Preparation of the grant application; Preparation of the Environmental Review Record; Preparation of draw/disbursement requests; Assistance with the financial administration of grant funds and record keeping; Assistance with holding public hearings; Assistance with any required acquisition following the Uniform Relocation Assistance and Real Property Acquisition Act (URA); Assisting the engineer/architect with the preparation of bid documents, advertising and conducting the bid opening; Assisting the applicant/grantee with Davis-Bacon and related labor requirements including weekly payroll review and employee interviews; Assisting the applicant/grantee with meeting Affirmatively Furthering Fair Housing (AFFH) requirements; and Preparation of close-out documents.

APPLICANT/GRANTEE plans are to contract with a reputable consulting firm for grant writing and, if funded, for administration services, for an FY20\_\_\_\_HOME-ARP project. The purpose of the project is to provide a TYPE OF IMPROVEMENTS.

The information which should be submitted for our evaluation is as follows:

- History of firm and resources
- HOME/CHIP/CDBG experience, including other DCA grant programs
- Capacity to complete the scope of work
- Current workload
- Scope and level of service proposed
- Experience with similar projects and a list of references
- Fees associated with grant writing and grant administration if the project is funded.
- Statement of Qualifications Form
- Applicable Section 3 certification forms, if claiming Section 3 Status

All contracts are subject to Federal and State contract provisions prescribed by the Georgia Department of Community Affairs. This project is covered under the requirements of Section 3 of the HUD Act of 1968, as amended, and Section 3 Business Concerns are encouraged to apply.

*The APPLICANT/GRANTEE also abides by the following laws as they pertain to HUD-Assisted Projects: Title VI of the Civil Rights Act of 1964; Title II of the Cranston-Gonzalez National Affordable Housing Act, Title 1; Title VII of the Civil Rights Act of 1968 (Fair Housing Act); Section 104(b)(2) of the Housing and Community Development Act of 1974; Section 504 of the Rehabilitation Act of 1973 as amended; Title II of the Americans with Disabilities Act of 1990 (ADA); and the Architectural Barriers Act of 1968.*

Proposals should be received no later than **5:00 PM 30 DAYS AFTER PUBLICATION**. Proposals received after the above date and time will not be considered. The APPLICANT/GRANTEE reserves the right to accept or reject any and all proposals and to waive informalities in the proposal process. Questions and completed proposals should be submitted to the name and address listed below:

CONTACT  
ADDRESS/PHONE/EMAIL



SAMPLE STATEMENT OF QUALIFICATIONS

GRANT ADMINISTRATION STATEMENT OF QUALIFICATIONS

NAME OF FIRM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

1. Years in Business in Present Form: \_\_\_\_\_

2. Firms History and Resource Capability to Perform Required Services:

3. Titles, names, and addresses of all officers.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. List up to five (5) projects which demonstrate skills to be used on HOME projects.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

5. If you were awarded the administration on this type of project, what would your fee for grant writing/grant administration services be *(fees can be expressed in percentages, but all agreements will be lump sum amounts)*?

6. Describe the organizational capacity to complete all necessary grant administration activities, including the experience of all employees who will be or may be assigned to this project.

7. List references with contact information.
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_
  5. \_\_\_\_\_
  6. \_\_\_\_\_

8. Are you a Section 3 Business Concern? Yes\_\_\_\_\_ No\_\_\_\_\_

*A business claiming Section 3 Business Concern status shall submit evidence sufficient to demonstrate to the satisfaction of the party awarding the contract that the business concern is responsible and has the ability to perform successfully under the terms and conditions of the proposed contract. 24 CFR 135.36 (c) A Section 3 Business Concern certification must be completed, signed, notarized, and submitted with your proposal. If you answered no, then you will not have to fill out and submit the certification with your proposal. If you are the successful proposer, you will be asked to provide the completed Section 3 Forms for the APPLICANT/GRANTEE’s records.*

9. Are the signed and notarized Section 3 Business Concern Certification, previous certification, and action plan attached to your proposal?  
Yes\_\_\_\_\_ No\_\_\_\_\_

Certifying that:

Mr./Mrs./Ms. \_\_\_\_\_, being duly sworn, deposes and states that he/she is the (title) of \_\_\_\_\_ (name of firm) and that answers to the foregoing questions, and all statements herein contained are true and correct.

\*\*\*\*\*

SAMPLE GRANT ADMINISTRATION RATINGS CRITERION

**GRANT ADMINISTRATION  
RATING CRITERION  
RFP Rating Score Sheet**

**Consultant's knowledge of HOME guidelines and regulations and years of experience**

- 0 → No Experience
- 1 → One to five years of combined experience with HOME and other federal programs
- 2 → Six or more years of combined experience with HOME and other federal programs

**Capacity to complete the scope of work**

- 0 → Concerns administrator does not have the organizational capacity to complete the scope of work
- 1 → Administrator has the average organizational capacity to complete the scope of work
- 2 → Administrator has the exceptional organizational capacity to complete the scope of work

**Consultant's past performance. Check references**

- 0 → Reference information is incomplete
- 1 → Three or fewer references are listed, with average recommendations
- 2 → More than three references are listed, with strong recommendations

**Consultant's experience in the administration of this type of project**

- 0 → Administrator has not completed a project of this type
- 1 → Administrator has completed one to five projects of this type
- 2 → Administrator has successfully completed six or more projects of this type

**Consultant's current workload**

- 0 → Administrator has more work than they can handle
- 1 → Administrator has some difficulty managing their current workload
- 2 → Administrator has demonstrated they can handle their projected workload

**Consultant's fee**

- 0 → Fees are high, and services do not appear to be a good value
- 1 → Fee is normal, and services do not appear to be a good value
- 2 → Fee is normal, and services appear to be a good value



## APPENDIX C - COMPLIANCE WITH OTHER FEDERAL AND STATE REQUIREMENTS

### FEDERAL REQUIREMENTS

In addition to the basic HOME rules previously outlined, several other federal and state regulations must be adhered to in the course of administering HOME funds. The certifying official of the applicant is responsible for ensuring that the proposed program, activities, goals, and timetables follow all federal and state laws, regulations, and executive orders. The major applicable federal laws, regulations, and executive orders include, but are not limited to, the areas outlined below:

#### **Non-Discrimination and Equal Access**

Applicants must take measures to ensure non-discriminatory treatment, outreach, and access to HOME resources. This applies to employment and contracting, as well as to marketing and selection of program participants. DCA does not discriminate based on disability in the administration of Federal HOME funds.

#### **Fair Housing and Equal Opportunity**

Applicants and their activities must comply with all the federal laws, executive orders, and regulations pertaining to fair housing and equal opportunity listed below:

- Title VI of the Civil Rights Act of 1964, As Amended (42 U.S.C. 2000d et seq.)
- The Fair Housing Act (41 U.S.C. 3601-3620)
- Section 104(b) (2) of the Fair Housing Act
- Fair Housing Act implementing regulations for HUD programs at 24 CFR Part 100-115
- Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259)
- Equal Opportunity in Housing Regulations at 24 CFR Part 107
- Age Discrimination Act of 1975, As Amended (42 U.S.C. 6101)
- Title VIII of the Civil Rights Act of 1968 (2 U.S.C. 3601 et. seq. and implementing regulations, as amended.
- Affirmative marketing in accordance with the HOME Investment Partnerships Act and 24 CFR 92.351
- Section 3 of the Housing and Urban Development Act of 1968 Georgia Fair Lending Act

#### **Accessibility for Individuals with Disabilities**

- Section 504 of the Rehabilitation Act of 1973

#### **Equal Opportunity**

- Equal Employment Opportunity Executive Order 11246, as amended, and implementing regulations at 41 CFR Part 60

#### **Contracting and Procurement**

- Procurement Standards at 24 CFR 85.36 and for nonprofit organizations at 24 CFR Part 84 and OMB Circular A-110
- HOME Program Conflict of Interest Provisions at 24 CFR 92.356
- Debarred, Suspended, or Ineligible Contractors at 24 CFR Part 5

#### **Environmental Protection**

- National Environmental Policy Act of 1969 (NEPA) and the related authorities listed in HUD’s implementing regulations at 24 CFR Parts 50 and 58

#### **Lead-Based Paint**

- Section 1012 and 1013 of the Residential Anti-Lead Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992 and implementing regulations at 24 CFR Part 35

#### **Acquisition and Relocation**

- Uniform Relocation Act (URA)
- Section 104(d) of the Housing and Community Development Act, known as the Barney Frank Amendments

#### **Financial Management**

- 24 CFR Part 85 (“Common Rule”), and for nonprofit organizations, see CFR Part 84
- Federal OMB Circular A-133
- Federal OMB Circular A-87

#### **Housing**

- The Truth in Lending Act (Regulation Z)
- Title I Consumer Protection Act (PL 90321)
- Construction Industry Licensing Board Act (O.C.G.A. Section 43-14-1, et. seq.)
- Georgia Industrialized Building Act of 1982, As Amended (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1 “Industrialized Buildings”; Part 2
- Manufactured Housing [Mobile Homes])
- Mandatory State Construction Codes, as well as the International Energy Conservation Code
- Construction and Safety Standards at 24 CFR 3280 for new manufactured housing
- Georgia Fair Lending Act

#### **Labor Standards**

- Every contract for the new construction or rehabilitation of housing that includes 12 or more units assisted with HOME funds must contain a provision requiring the payment of not less than the wages prevailing in the locality, as pre-determined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a-5). Such contracts are also subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332).
- Contractors, subcontractors, and other HOME fund recipients must comply with regulations issued under these acts and with other Federal laws and regulations pertaining to labor standards and HUD Handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Programs).

#### **General**

- Title II of the National Affordable Housing Act of 1990, As Amended
- 24 CFR Part 92, HOME Investment Partnerships Program
- 24 CFR Part 5 A, 5.105, Other Federal Requirements
- O.C.G.A. Title 50, Chapter 18, Article 4, Georgia Open Records Act

## STATE REQUIREMENTS

In addition to the basic HOME rules and Federal requirements, the certifying official of the Applicant is responsible for ensuring that the proposed program, activities, goals, and timetables are in compliance with all state laws, regulations, and executive orders, including.

### **Immigration**

- O.C.G.A. 50-36-1, Verification of Lawful Presence within the United States
  - HB 87, Illegal Immigration Reform and Enforcement Act of 2011

### **Non-profit Contractors**

- O.C.G.A 50-20-1, Relations with Non-profit Contractors

## COMMUNITY INTEGRATION FOR PERSONS WITH DISABILITIES

In addition to embracing its role in creating housing opportunities, DCA seeks to support the broader goals of community integration expressed in the original Olmstead Decision. The 1999 US Supreme Court decision in *Olmstead v L.C.*, 527 U.S. 581 (1999) held that people with disabilities have the right to live in the least restrictive, most integrated settings.

DCA defines a “person with a disability” as “Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.” A physical or mental impairment generally includes hearing, mobility, and visual impairments, chronic substance abuse issues, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limit one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

The “most integrated setting” is defined as “a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.” Integrated settings are those that provide individuals with disabilities opportunities to live, work, and receive services in the greater community in a manner similar to individuals without disabilities. Integrated settings are located in mainstream society and offer access to community activities and opportunities at times, frequencies, and with persons of an individual’s choosing. Integrated settings also afford individuals choice in their daily life activities and provide individuals with disabilities the opportunity to interact fully with non-disabled persons. Settings that are not integrated include but are not limited to, properties that target more than 20% of the units to individuals with disabilities. For purposes of this NOFA, DCA will not consider applications that propose housing populated exclusively for or which target more than 20% of the units to individuals with a disability except in two instances (1) the preservation of existing, subsidized affordable housing which is occupied by persons with disabilities and (2) scattered site units in which 2,000 feet or more separate a unit targeted for an individual with a disability from other units targeted to individuals with disabilities. In the second instance, the distance will be measured from lot line to lot line regardless of their ownership and financing. Funding sources, including rental assistance, that require documentation of a disability as a condition will be considered documentation that the unit targets individuals with disabilities.

Further, in assessing whether a property supports the broader goals of community integration under the Olmstead Decision, individuals with disabilities must have access to community resources such as public transportation, educational facilities, libraries, shopping venues, and recreational activities. In addition, these households should not be limited to interacting with or traveling about the community with other

individuals with a disability or people from the same residential setting. For example, requiring residents with similar disabilities to shop, travel by van, or recreate together as a group does not satisfy these criteria. If proposed housing units are geographically isolated or distant from transportation and community activities or located in a campus or institution-like setting, DCA will not select the Application for funding.