

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.20
(ID # 23210)

MEETING DATE:
Tuesday, November 07, 2023

FROM : HOUSING AND WORKFORCE SOLUTIONS:

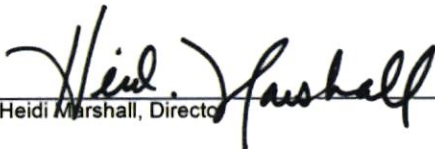
SUBJECT: HOUSING AND WORKFORCE SOLUTIONS (HWS): Adopt Resolution No. 2023-270, Approving an Application for the 2023 Emergency Solutions Grant (ESG) Program, Homelessness Prevention Allocation, and Authorizing the Director of HWS to Execute the Standard Agreement and any Amendments thereto, Funding Requests, and Relevant Documents with the State of California Department of Housing and Community Development, and to Accept Funds and Administer the 2023 ESG Program as the Administrative Entity for the City of Riverside and County CoC; All Districts. [Potential Funding up to \$400,000 - 100% State]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2023-270, A Resolution Approving an Application for Funding and the Execution of a Grant Agreement and Any Amendments Thereto from the 2023-2024 Funding Year of the State ESG Program, Homelessness Prevention (HP) Activity NOFA;

Continued on Page 2

ACTION:Policy


Heidi Marshall, Director 10/23/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington and Perez
Nays: None
Absent: Gutierrez
Date: November 7, 2023
xc: HWS

Kimberly A. Rector
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

RECOMMENDED MOTION: That the Board of Supervisors:

2. Authorize the Director of Housing and Workforce Solutions (HWS), or designee, to apply for the 2023 Federal Emergency Solutions Grant Program Homelessness Prevention (ESG HP) funding for FY 2023/2024 and accept the 2023 ESG HP funding in an amount not to exceed \$400,000;

3. Authorize the Director of HWS, or designee, to execute any and all documents, including but not limited to, applications, Standard Agreements, funding requests, and any subsequent amendments thereto, with the State of California Department of Housing and Community Development for the 2023 ESG HP funding, as well as any other documents related to the 2023 ESG HP funding or the 2023 ESG HP award, as approved as to form by County Counsel and consistent with the Board's approval; and

4. Authorize the Director of HWS, or designee, to administer the 2023 ESG HP program, in collaboration with the City of Riverside City and County Continuum of Care (CoC).

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$400,000	\$ 0	\$400,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 100% State – Emergency Solutions Grant			Budget Adjustment: No	
			For Fiscal Year: 23/24	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On September 25, 2023, the California Department of Housing and Community Development (HCD) announced the availability of approximately \$1.7 million in disencumbered federal funds for the Emergency Solutions Grants (ESG) Program Homelessness Prevention (HP) activities. Funding for this Notice of Funding Availability (NOFA) is made available pursuant to Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act.

The purpose of this NOFA is to prevent individuals and families from becoming homeless. Funds from the program will be used to assist individuals and families with past due rents to help them maintain their tenancy. HCD is accepting 2023 ESG applications for this ESG HP funding from units of general-purpose local government or state and federally recognized non-profit organizations that have the capacity to administer this funding with a maximum application amount of \$200,000.

The Department of Housing and Workforce Solutions (HWS) serves as the Administrative Entity and Collaborative Applicant for the City of Riverside City and County Continuum of Care (CoC), and in this role, prepares grant applications and administers homeless assistance programs like

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

ESG. Per HCD's ESG HP NOFA requirement, HWS requests that the Board of Supervisors adopt Resolution No. 2023-270, which includes approval of a potential award amount twice the 2023 ESG estimated allocation to the CoC. Award amounts are frequently recalculated and are subject to change, and this will allow HWS to accept a higher amount of funds in case the CoC is eligible to receive an increased allocation.

As part of the application process, HWS is required to complete a fair and open competition, submit the award package, and obtain a resolution authorizing the Director of HWS, or designee, to execute all documents related to the application for ESG HP funds and submittal of fund requests, including the Standard Agreement with HCD. When HWS receives the fully executed Standard Agreement with HCD, it will enter into subrecipient agreements with eligible service providers, as approved by the Board of Supervisors, to administer ESG HP eligible activities and funding in the Riverside County service area. These subrecipient agreements will come before the County Board of Supervisors for approval.

Impact on Residents and Businesses

In collaboration with the CoC for the Riverside County service area, the County of Riverside along with its service providers will continue to improve the lives of men, women, and children at risk of homelessness through local planning efforts and through the direct housing and services program funded under this 2023 ESG HP competition.

ATTACHMENTS:

- Resolution No. 2023-270
- 2023 ESG Homeless Prevention NOFA


Brianna Lontajo, Principal Management Analyst 11/2/2023


Aaron Gettis, Deputy County Counsel 10/25/2023

2 RESOLUTION NO. 2023-270

3
4 **A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION**
5 **OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2023-2024**
6 **FUNDING YEAR OF THE STATE ESG PROGRAM, HOMELESSNESS PREVENTION (“HP”)**
7 **ACTIVITY NOFA.**

8 A necessary quorum and majority of the Board of Supervisors (“Governing Board”) of the County of
9 Riverside in the State of California, hereby consent to, adopt and ratify the following resolution:

10 WHEREAS, the State of California (the “State”), Department of Housing and Community Development
11 (“Department”) issued a Notice of Funding Availability (“NOFA”) for the **Homelessness Prevention**
12 **Activity** dated 09/25/2023 under the Emergency Solutions Grants (ESG) Program (Program and ESG
13 Program); and

14 **SECTION 1:**

15 Applicant is approved by the Governing Board and is hereby authorized and directed to receive an ESG
16 Homelessness Prevention grant, in an amount not to exceed four hundred thousand dollars (\$400,000), in
17 accordance with all applicable rules and laws.

18 **SECTION 2:**


19 The Department may approve of funding allocations for the ESG HP Program, subject to the terms and
20 conditions of the NOFA, Program regulations, and the Standard Agreement. The Applicant acknowledges
21 compliance with all state and federal public participation requirements in the development of its
22 application(s).

23 **SECTION 3:**

24 If applicant receives a grant of ESG funds from the Department pursuant to the above referenced ESG HP
25 NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance
26 with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all
27 rules and laws regarding the ESG Program, as well as any and all other contracts Applicant may have with
28 the Department.

SECTION 4:

11.07.2023 3.20

FORM APPROVED COUNTY COUNSEL
BY  10/25/2023
DATE
AMRIT P. DHILLON

1 The Applicant hereby authorizes and directs the Director of Housing and Workforce Solutions, or designee,
2 to execute and deliver all applications and act on the Applicant's behalf in all matters pertaining to all such
3 applications.

4 **SECTION 5:**

5 If an application is approved, the Applicant hereby authorizes and direct the Director of Housing and
6 Workforce Solutions, or designee, to enter into, execute and deliver the grant agreement (i.e., Standard
7 Agreement) and any and all subsequent amendments thereto with the State of California for the purposes
8 of the grant.

9 **SECTION 6:**

10 If an application is approved, the Applicant hereby authorizes and directs the Director of Housing and
11 Workforce Solutions, or designee, to sign and submit Funds Requests and all required reporting forms and
12 other documentation as may be required by the State of California from time to time in connection with the
13 grant.

14 PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Riverside
15 held on November 7, 2023 by the following vote:

16 AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____

17 

18 Kevin Jeffries, Chair
19 County of Riverside Board of Supervisors

1 **STATE OF CALIFORNIA**

2 County of Riverside

3 I, Kimberly Rector, am the Clerk of the County of Riverside Board of Supervisors, State of California, and
4 as such, am familiar with the facts herein and do hereby certify as follows:

5 I Affirm that resolution # 2023-270 was provided to the Department for the purpose of obtaining and
6 Emergency Solutions Grant Program ("ESG") award and I hereby certify above said resolution to be a full,
7 true and correct copy of a resolution adopted by the Board of Supervisors of the County of Riverside on
8 November 7, 2023 which has been provided to the Department as part of the ESG application.

9 By: Kimberly Rector

Print Name of Attesting Person

10 Title: Clerk of the Board

11 By: Emma Smith, Deputy

Signature/Stamp of Attesting Person

12
13 Date Attested: 11/7/23

14
15 ROLL CALL:

16 Ayes: Jeffries, Washington, Spiegel, and Perez
17 Nays: None
18 Absent: Gutierrez

19 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on
20 the date therein set forth.

21 KIMBERLY A. RECTOR, Clerk of said Board

22 By: Emma Smith

Deputy

23
24 11.07.2023 3.20

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 670, 95833
P.O. Box 952054
Sacramento, CA 95833
(916) 263-2771
www.hcd.ca.gov



September 25, 2023

MEMORANDUM FOR: All Potential Applicants

FROM: Sasha Hauswald, Deputy Director
Division of Federal Financial Assistance

**SUBJECT: 2023 Emergency Solutions Grants Program Homelessness
Prevention Notice of Funding Availability**

The California Department of Housing and Community Development (HCD) is pleased to announce the availability of approximately \$1.7 million in disencumbered federal funds for the Emergency Solutions Grants (ESG) program, Homelessness Prevention (HP) activities only. Funding for this NOFA is made available pursuant to Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act.

The Department will be accepting 2023 ESG applications for the Homelessness Prevention activity through the eCivis Grants Management System portal beginning September 25, 2023. Once all funds have been awarded, the application window will close; however, earlier applications are highly encouraged. Applications will be reviewed as they are received, and the Department will make awards on an over-the-counter (OTC) basis.

The grantee must submit an Authorizing Resolution (AR) validly approved by the applicant's governing board. The Department requires that the applicant utilize the 2023 ESG Homelessness Prevention resolution template language. Applications must include an approved board authorizing resolution. Applications that do not include an approved board resolution will lose their place in the OTC line. The AR must designate a person or persons responsible for, and authorized to execute, all documents related to the application for ESG funds and submittal of funds requests.

Applicants are encouraged to set-up their profiles in the eCivis portal located at [eCivis Grants Management System Portal](https://www.hcd.ca.gov/grants-and-funding/programs-active/emergency-solutions-grants) as early as possible. Information about setting up a profile, submitting an application, and managing awards through the eCivis portal is available under the Training and Technical Assistance tab on the Department's ESG website:
<https://www.hcd.ca.gov/grants-and-funding/programs-active/emergency-solutions-grants>.

Applicants are encouraged to begin the application process early to ensure successful submission before the application deadline. If you have any trouble logging into the portal, or have questions on how to complete the online application, please contact the Department at: ESGNOFA@hcd.ca.gov

2023 ESG Homelessness Prevention Notice of Funding Availability

September 25, 2023

Page 2

To receive ESG FAQs, other Program Information and updates, please subscribe to the Federal Programs listserv at <https://www.hcd.ca.gov/contact-us/email-signup>.

For questions, or assistance, please email ESGNOFA@hcd.ca.gov.

Attachment

2023 Federal Emergency Solutions Grants Program

Homelessness Prevention

Notice of Funding Availability



**Gavin Newsom, Governor
State of California**

**Lourdes M. Castro Ramírez, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
California Department of Housing and Community Development**

Division of Financial Assistance, Federal Programs Branch
Emergency Solutions Grants Program
2020 W. El Camino Avenue, Suite 200, Sacramento, CA 95833
ESG Program Email: ESGNOFA@hcd.ca.gov

September 25, 2023

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I. **Overview**

A. **Notice of Funding Availability**

The California Department of Housing and Community Development (HCD or Department) receives funding from the U.S. Department of Housing and Urban Development (HUD) for the Emergency Solutions Grants (ESG) program. This NOFA is one-time special funding for Homelessness Prevention (HP) utilizing \$1.7 million in disencumbered funds from the 2020 ESG HUD allocation.

This 2023 ESG HP NOFA will provide funding to providers to help prevent individuals or families from moving into an emergency shelter or living in a public or private place not meant for human habitation.

The funds will be distributed to units of general-purpose local government or state and federally recognized non-profit organizations that have the capacity to administer this funding. Applicants must have HCD approved HP policies and procedures. This NOFA outlines the application requirements and timelines for applicants applying for the funding.

All references to the “state” are references to the State of California. All references to ESG funding reference federal ESG funds administered by HCD unless otherwise noted.

B. **Tentative program timeline**

ESG NOFA and Application for Homelessness Prevention released:	September 25, 2023
Application deadline:	Until all funds are awarded
HCD announces awards:	As applications are received and approved

C. **Requirements in the 2023 HP NOFA**

1. **Minimum and Maximum Amounts**

- Minimum application amount: **\$75,000**
- Maximum application amount: **\$200,000**

Note: *HCD reserves the right to award additional funds to previously awarded applicants and/or to add additional ESG funds to the Program if they become available.*

2. Application Threshold Requirements

An application must meet the following threshold requirements to be eligible for funding:

- A. Applicants **must** follow instructions in both this NOFA and the online application. Failure to follow instructions will result in disqualification.
- B. The ESG application and all required attachments must be submitted to HCD through the eCivis Portal located at <https://portal.ecivis.com/#/login>. Applications must include all required information to be submitted.
- C. All applications must be accompanied by HCD approved HP policies and procedures.
- D. All applicants must submit their HP policies and procedures with their application, even if they're not approved; however, applicants that do not have HCD approved HP policies and procedures will lose their place in the OTC submission.
- E. Once HCD has approved the applicant's HP policies and procedures, the application will be placed at the end of the OTC line. **HCD will review and determine approval of the HP policies and procedures within 10 business days** of application submission.
- F. The Applicant is eligible as described in **Section I (A)** of this NOFA.

3. **Additional Application Requirements - All Applicants Must:**

- a. Provide supporting documentation of eviction rates (county, cities, towns) in their service area;
- b. Provide a qualitative assessment of why this HP funding will reduce entries into your homeless service system. Include specific area(s) within the CoC service area where funding will be utilized. (Limit your assessment to 250 words);
- c. Provide a detailed, comprehensive narrative stating why they need the HP funding, and specific area(s) within the CoC service area where funding will be utilized;
- d. Agree to meet the expenditure(s) milestone. (included in the Standard Agreement);
- e. Enter all HP clients into HMIS and report output results.

4. Homelessness Prevention Requirements

A Homelessness ***Prevention Manual*** and ***Checklist*** have been developed and are available to all ESG stakeholders for guidance on operating their HP programs.

Please see the ESG Webpage, under the Resources tab:

- ESG Homelessness Prevention Policy
- ESG Homelessness Prevention Manual Checklist

All Applicants that are awarded funding for the Homelessness Prevention activity are required to have HCD approved Homelessness Prevention policies and procedures (P&Ps). P&Ps must fully detail the Applicants ESG-HP operations.

At minimum, HP policies and procedures must include the following content:

- A. Participant Triage;
- B. Coordinated Entry Integration;
- C. Participant Eligibility;
- D. Suite of Services
- E. Staffing Patterns;
- F. Housing Problem Solving;
- G. Termination and Appeals;
- H. Other Requirements;
- I. General Operation; and
- J. Approval.

Note: Applicants must complete and include with their application the following: **HP Checklist and Template:**

- ESG Homelessness Prevention Client File Checklist Template
- ESG Housing Stability Plan Template

The only eligible activity under this NOFA is Homelessness Prevention.

Refer to the ESG Code of Federal Regulations: (24 CFR 576.103): ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the “homeless” definition in § 576.2.

This assistance, referred to as homelessness prevention, may be provided to individuals and families who meet the criteria under the “**at risk of**

homelessness” definition, or who meet the criteria in paragraph (2), (3), or (4) of the “homeless” definition in 24 CFR. § 576.2 (see below) and) and have an annual income below 30 percent of median family income for the area, as determined by HUD. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing. Homelessness prevention must be provided in accordance with the housing relocation and stabilization services requirements in 24 CFR § 576.105, the short-term and medium-term rental assistance requirements in 24 CFR § 576.106, and the written standards and procedures established under 24 CFR § 576.400.

A. Imminent Risk of Homelessness (Category 2 Definition of Homelessness)

- i. The household will lose their primary nighttime residence within 14 days of the date of application for assistance, and
- ii. No subsequent residence has been identified, and
- iii. The household lacks the resources or support networks (e.g., family, friends, faith-based or other social networks) needed to obtain other permanent housing, and
- iv. The household’s annual income is below 30% of the median family income for the area (the area median income or “AMI”)

B. Fleeting Domestic Violence (Category 4 Definition of Homelessness)

- i. The household is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against a household member, including a child, that has either taken place within the household’s primary nighttime residence or has made the household afraid to return to its primary nighttime residence, and
- ii. The household has no other residence, and
- iii. The household lacks the resources or support networks to obtain other permanent housing, and
- iv. The household’s annual income is below 30 percent AMI.

C. “At Risk” Definition of Homelessness (ESG Program Interim Rule)

- i. The household’s annual income is below 30% AMI, and
- ii. The household does not have sufficient resources or support networks immediately available to prevent them from experiencing literal homelessness, and
- iii. The household meets at least one of the following criteria:
 - Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance
 - Is living in the home of another because of economic hardship

- Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after their date of application for assistance
- 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
- Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two people or lives in a larger housing unit in which there reside more than 1.5 people per room as defined by the US Census Bureau
- Is exiting a publicly funded institution or system of care such as a health care facility, a behavioral health facility, a foster care or other youth facility, or a correction program or institution
- Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness as identified in CA HCD's approved consolidated plan

HUD Exchange “At Risk of Homelessness” resource links:

- [Homelessness Prevention “At Risk” definition](#)
- [Homelessness Prevention Documentation](#)

5. General Requirements

- A.** The grantee must submit an Authorizing Resolution (AR) validly approved by the applicant's governing board. The Department requires that the applicant utilize the 2023 ESG Homelessness Prevention resolution template language. The AR designates a person or persons responsible for, and authorized to execute, all documents related to the application for ESG funds and submittal of funds requests. Failure to include required elements in the AR, or errors in the AR, will require execution of a corrected AR and will delay execution of the Department's Standard Agreement for the 2023 ESG Homelessness Prevention funds.
- B.** All Applicants must demonstrate to the satisfaction of the Department that it is in compliance with the financial management requirements of 24 CFR Part 576.500 and **2 CFR Part 200**. The Applicant must provide the Department with its **most recent** Single Audit (as submitted to the State Controller's Office), if applicable. (Applicants that have not yet received their FY22 Single Audit will not have their application rejected. The Department will accept the FY2021 report).

If the Applicant has any open Single Audit findings and does not have a plan or an agreement to remediate those findings, the Applicant will be deemed ineligible for funding through the State ESG program until the

findings are resolved or a remediation plan or agreement is established.

- C. Pursuant to 24 CFR § 576.201, Applicants must have identified dollar-for-dollar match for the federal ESG funding with funds from other public or private sources.
- D. An application may be deemed ineligible if the application does not meet the threshold requirements; if the application is incomplete; or if HCD cannot determine compliance with the threshold requirements.

6. Environmental Review

- A. According to the requirements in the HUD Grant Agreement, Applicants for assistance that are units of general local government must agree to assume responsibility for environmental review, decision-making, and action under 24 CFR Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities" and shall comply with the environmental requirements of 24 CFR Part 58 including §58.4 "Assumption Authority." If awarded funding, the obligation of funds and incurring of costs will be conditioned upon Applicants' compliance with 24 CFR Part 58, and completion by HCD of all applicable review and approval requirements as specified in 24 CFR Part 58.18.
- B. The Applicant, its service providers (Service Providers), and any subcontractors of the Applicant or its Service Provider, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project, or commit or expend ESG or local funds for eligible activities under this part, until the Applicant has performed an environmental review under 24 CFR Part 58 and the Applicant has received HCD approval if required by the level of environmental review.
- C. In accordance with 24 CFR § 58.22, "Limitations on activities pending clearance", neither an Applicant nor any Service Provider in the development process, including public or private nonprofit or for-profit entities, or any of their Contractors, may commit HUD assistance under a program listed in 24 CFR § 58.1(b) on an activity or project until the environmental review process is complete and if required, HCD has approved the Applicant's HUD Form 7015.5 "Request for Release of Funds and Certification" (RROF) and issued HUD Form 7015.16, "Authority to Use Grant Funds".
- D. Neither the Applicant nor any Service Provider in the development process may commit non-HUD funds or undertake an activity or project that would have an adverse environmental impact or limit the choice of reasonable alternatives. Upon completion of environmental review, HCD shall notify Applicant. HUD funds shall not be utilized before this requirement is satisfied. Violation of 24 CFR Part 58 may result in disapproval, modification, or cancellation of the ESG Grant.
- E. If awarded funding and if a project or activity is exempt under 24 CFR § 58.34, "Exempt activities" or is categorically excluded (except in extraordinary

circumstances) under 24 CFR § 58.35(b) “Categorical exclusions not subject to § 58.5”, no RROF is required. The Applicant may undertake the activity immediately after they have provided documentation to HCD of its determination that each activity or project is exempt or categorically excluded. The Applicant remains responsible for carrying out any applicable “Other Requirements” under 24 CFR § 58.6, and must provide documentation to HCD at the time of grant monitoring of its compliance with this section of 24 CFR Part 58.

F. If awarded funds, the Applicant is also subject to the provisions of the California Environmental Quality Act (CEQA). The Standard Agreement will require that the Contractor assumes responsibility to fully comply with CEQA's requirements.

7. Expenditure Milestones (Reminder)

Applicants that are awarded funding under this 2023 Homelessness Prevention NOFA are required to meet the following expenditure milestones. This is stated in the 2023 ESG Standard Agreement, Exhibit E (Expenditure Milestone Requirements - As referenced in Exhibit E)

Percentage of ESG Award that must be expended	Milestone Deadline
50%	180 days after execution of contract

8. Grants Management System (GMS)

The eCivis Grants Management System (GMS) is called “Grants Network”. Grants Network allows Applicants to apply for ESG funding online and will track the status of their application. This new system is easier to navigate and does not require Applicants to submit hard copies of the application to the Department. Grants Network will support programs and projects from application through to implementation and closeout. It will also connect with other digital accounting and reporting systems used by both the Department and HUD.

2023 ESG Homelessness Prevention Applications must be accessed through the eCivis portal - Programs Available for Solicitation page. Paper binder applications are no longer being accepted.

9. Advancing Racial Equity

Contractors should prioritize the advancement of racial equity at all levels of the homeless response system. The Department asks Contractors to be leaders in their homeless response systems, facilitating partnerships among service organizations and promoting racial equity practices. Contractors must respond to disproportionality in access to services, service provision and outcomes.

Contractors cannot simply rely on delivering a standardization of services to address equity. Contractors have the responsibility to examine their data to ensure all eligible persons receive equitable services, support, and are served with dignity, respect, and compassion regardless of circumstances, ability, or identity.

The Department will require Applicants to submit related racial and ethnic data metrics of the homeless population and those served by the CoC service area from their Homeless Management Information System (HMIS) on a quarterly reporting basis.

The Department recommends that Contractors refer to and utilize the Racial Equity Tools available on the HUD Exchange to inform efforts to advance racial equity within the homeless response system. The tools are available at the following link: <https://www.hudexchange.info/news/new-coc-racial-equity-analysis-tool/>.

The Department also encourages Contractors to refer to the Increasing Equity in the Homeless Response System through Expanding Procurement Tool from the HUD Exchange to help guide practices in this area at the following link: <https://www.hudexchange.info/resource/6083/covid19-homeless-system-response-increasing-equity-in-the-homeless-response-system-through-expanding-procurement/>.

And: [Advancing Racial Equity and Fair Housing Learning Brief - HUD Exchange](#)

II. Authorizing Legislation

Funding under this NOFA is made available pursuant to Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act. This NOFA should be read in conjunction with the following regulations that establish state and federal ESG requirements. Relevant legal authority includes, but is not limited to, the following:

- [Code of Federal Regulations \(CFR\), Title 24, Part 576;](#)
- [25 CCR, Division 1, Chapter 7, Subchapter 20;](#)
- [24 CFR Part 91 relating to Annual Action Plan requirements;](#)
- [24 CFR Part 58, relating to environmental reviews;](#) and
- [HCD Policy and Research Plans and Report \(ca.gov\)](#)
- The **ESG Program Interim Rule** 24 CFR Part 576.
- Chronically Homeless Definition Final Rule 24 CFR Parts 91 and 578.
- [Office of Management and Budget \(OMB\) requirements for Universal Identifier and Central Contractor Registration, 2 CFR Part 25, Appendix A to Part 25.](#)

If state or federal statutes or regulations relating to the ESG program are modified by Congress, HUD, HCD or the State Legislature, the changes may become effective immediately and impact the work that was awarded funding under this NOFA.

If there is a conflict between the state and federal regulations, the federal regulations shall prevail. In addition, HCD reserves the right, at its sole discretion, to suspend or amend the provisions of this NOFA. If such an action occurs, HCD will notify interested parties.

III. **State Annual Action Plan Requirements Relative to ESG**

Pursuant to 24 CFR Part 91 and as required by HUD, units of general-purpose local governments are required to satisfy the following in HCD's Annual Action Plan.

A. **Eligible costs**

Contractors and their Service Providers must follow all Office of Management and Budget (OMB) Cost Principles and Generally Accepted Accounting Principles (GAAP). OMB and budget requirements are listed in 2 CFR Part 200. Costs must be *allowable, allocable, and reasonable*. Shifting costs between awards to overcome funding deficiencies is **not** allowed.

1. **Allowable costs** must conform to all limitations or exclusions set forth in the federal cost principles cited at: 2 CFR Part 200 Subpart E. Additionally, the allowable costs must comply with the policies and procedures within the Contractor or Service Provider's organization and be treated consistently (whether as a direct or indirect cost). Finally, allowable costs must comply with the GAAP and the costs must be adequately documented.
2. **Allocable costs** are those consistent with 2 CFR Part 200.405.
3. **Reasonable costs** do not exceed in nature or amount of costs that would be incurred by a prudent person under the same or similar circumstances prevailing at the time a decision was made to incur the cost. 2 CFR Part 200.404.

Eligible costs may be direct or indirect. They must be incurred for the same purpose in like circumstances and must be treated consistently as either direct or indirect costs.

Direct costs are those costs that can be identified specifically with a particular final cost objective (such as the ESG award) and can be directly assigned to an activity relatively easily with a high degree of accuracy. 2 CFR Part 200.413.

Indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective or activity. Contractors that allow their Service Providers to seek reimbursement for indirect costs must comply with all OMB requirements, including 2 CFR Part 200.403 and

Part 200 Appendix 4. Contractor records must include evidence of the modified total direct cost calculations, indirect cost limits, and supporting documentation for actual direct cost billing.

All eligible costs incurred after the date of the ESG award letter issued by HCD are reimbursable after full execution of the state Standard Agreement. Contractors must not plan to expend any state ESG funds requiring reimbursement prior to the award letter. In addition, Contractors must not expend any funds until the required environmental review process has been completed under 24 CFR Part 50.

B. ESG activities found at 24 CFR Part 576.103.

Note: Rental assistance payments provided as part of a HP activity under 24 CFR Part 576.106 typically cannot exceed HUD's Fair Market Rent (FMR) as provided under 24 CFR Part 888 and must comply with HUD's standard for rent reasonableness as established under 24 CFR Part 982.507.

4. Match requirements (24 CFR Part 576.201; 25 CCR § 8410)

Funded Applicants must make matching contributions in an amount that equals the amount of federal ESG funds awarded. HCD will request documentation as part of its monitoring to determine the sources and amounts used to meet the federal ESG matching requirement.

IV. State Overlays

It is the duty and responsibility of each Applicant to review the provisions, requirements, and limitations of all funding sources applied for and obtained for a particular project, program, or activity to ensure that each and every requirement of those funding sources is compatible with all HCD program requirements and restrictions. Incompatibility of funding sources will result in the denial or cancellation of an award or may result in the placement of conditions or limitations on an award, all as determined by HCD in its sole and absolute discretion.

V. Federal Requirements

A. General

The requirements in 24 CFR Part 5, subpart A are applicable, including the nondiscrimination and equal opportunity requirements found at 24 CFR Part 5.105(a). Section 3 of the HUD Act of 1968 and implementing regulations at 24 CFR Part 75 apply, except that homeless individuals have priority over other Section 3 residents in accordance with 24 CFR Part 576.405(c).

B. Program Requirements: 24 CFR Part 576

- § 576.400 Area-wide systems coordination requirements.
- § 576.401 Evaluation of program participant eligibility and needs.

<u>§ 576.402</u>	Terminating assistance.
<u>§ 576.403</u>	Shelter and housing standards.
<u>§ 576.404</u>	Conflicts of interest.
<u>§ 576.405</u>	Homeless participation.
<u>§ 576.406</u>	Equal participation of faith-based organizations.
<u>§ 576.407</u>	Other Federal requirements.
<u>§ 576.408</u>	Displacement, relocation, and acquisition.
<u>§ 576.409</u>	Protection for victims of domestic violence, dating violence, sexual assault, or stalking
<u>§576.500</u>	Recordkeeping and reporting requirements.
<u>§576.501</u>	Enforcement.

C. Other Federal Requirements

Contractors must be able to meet all federal requirements relative to the ESG program, specifically those concerning equal opportunity and fair housing, affirmative marketing, environmental review, displacement, relocation, acquisition, labor, lead-based paint, asbestos, conflict of interest, debarment, and suspension. Pertinent federal requirements are noted in federal ESG regulations and ESG Standard Agreements. All Applicants should be aware that, if funded, these requirements would apply.

VI. False, Fictitious or Fraudulent Claims:

Warning: Any person who knowingly makes a false claim or statement to HUD or the Department may be subject to civil or criminal penalties under 18 U.S.C. Sections: 287, 1001 as well as 31 U.S.C. § 3729.

A. Detecting, Preventing, and Reporting FRAUD

Fraud is a white-collar crime that has a devastating effect on the ESG program because the ESG program beneficiaries are victims of this crime when the ESG program is abused.

HCD wants to stop any criminal assault on the ESG program it administers, and in doing so all ESG funds go to people it was designed to help and improve their living conditions.

B. Combatting Fraud

The U.S. Department of Housing and Urban Development (HUD) Office of Inspector General (OIG) is committed to protecting HUD's programs, operations, and beneficiaries from dishonest individuals and organizations.

HUD cannot combat fraud alone.

HUD relies on HCD and ESG NOFA Applicants to combat ESG program fraud. HUD also relies on Applicants for, and people receiving, HUD benefits, such as tenants receiving rental assistance, borrowers with HUD insured loans, or citizens having their communities restored using HUD Grants.

The HUD OIG Hotline number is 1-800-347-3735. This is the primary means to submit allegations of fraud, waste, abuse, mismanagement, or Whistleblower related matters for the ESG program to the Office of Inspector General.

HUD OIG accepts reports of fraud, waste, abuse, or mismanagement in the ESG program from HUD employees, anyone administering the ESG program, anyone working in the ESG program, Contractors, and the public.

You can report mismanagement or violations of law, rules, or regulations by HUD employees or program participants.

Fraud, Waste and Abuse in the ESG program and its operation may be reported in one of the following four (4) ways:

E-mail to: hotline@hudoig.gov

By Phone: Call toll free: 1-800-347-3735

By Fax: 202-708-4829

By Mail:

U.S. Department of Housing & Urban Development

HUD OIG, Office of Investigation, Room 1200

Field Office

One Sansome Street

San Francisco, CA 94104

(213) 534-2518

U.S. Department of Housing & Urban Development

HUD OIG, Office of Investigation

Suite 4070

Regional Office

300 North Los Angeles Street

Los Angeles, CA 90012

(213) 534-2518

VII. ESG application submission requirements

The online 2023 ESG Homelessness Prevention application link is available on the ESG webpage at <https://www.hcd.ca.gov/grants-and-funding/programs-active/emergency-solutions-grants>. 2023 ESG Applications must be accessed through the [eCivis portal - Programs Available for Solicitation page](#). **Paper binder applications will no longer be required or accepted.**

The OTC applications solicitation will open on **September 25, 2023, at 9:00 a.m.** and remain open until funds are exhausted. Any applications received prior to this date and time will lose their place in line and be moved to the end of the line. This OTC solicitation will remain open until the funds have been exhausted.

Submit applications and all required documentation through the [eCivis Grants Management System portal](#).

Applicants are encouraged to set up their profiles in the eCivis Grants Management System portal located at <https://portal.ecivis.com/#/login> as early as possible. Profile set-up instructions can be found in the **eCivis Grants Management System, External User Manual** on the ESG webpage at <https://www.hcd.ca.gov/grants-and-funding/programs-active/emergency-solutions-grants>.

If you have trouble logging into the portal or have questions on how to complete the online application, please contact HCD at ESGNOFA@hcd.ca.gov.

Questions regarding the ESG NOFA and application process can be directed to ESGNOFA@hcd.ca.gov.