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R-31-2020

RESOLUTION APPROVING AND RATIFYING ACTIONS AUTHORIZED BY THE CITY MANAGER REGARDING THE WAIVER OF MONTHLY RENTAL FEES FOR VARIOUS TENANTS OF CITY FACILITIES, THE ESTABLISHMENT OF A HOUSING ASSISTANCE PROGRAM, AND THE CONSTRUCTION OF A TEMPORARY OUTDOOR DINING PAVILION AND DAY CENTER IN THE CORRIDOR OF HOPE

WHEREAS, current conditions related to the COVID-19 virus have resulted in a number of negative impacts on businesses and individuals; and

WHEREAS, in an effort to provide affected businesses and individuals some relief from these impacts, the City Manager desires to take action, or has taken action, to authorize a number of measures regarding the waiver of monthly rental fees for various tenants of city facilities, the establishment of a Housing Assistance Program, and the construction of a temporary Outdoor Dining Pavilion and Day Center in the Corridor of Hope; and

WHEREAS, the measures are described herein and in the attached document; and

WHEREAS, the City Manager desires to have the Council authorize the actions so listed, including ratification of any such actions already taken.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS to ratify and authorize the actions described below and in detail in the attached document.

1. Waiver of Monthly Rental Fees: An administrative action, executed by the Departments of Parks and Recreation and Operations and Maintenance, waiving the monthly rental fees owed to the city by various tenants of city facilities that could not operate in those facilities because of the COVID-19 pandemic. A list of the tenants, facilities, rental period, and total rent waived is delineated in the attached document.

2. Housing Assistance Program: A program, administered by the Office of Community Services, which provides assistance to city residents who are in danger of becoming homeless due to their inability to pay monthly mortgage or rent because of a financial hardship associated with the COVID-19 pandemic. Assistance is up to three months of mortgage or rent payable to the landlord; the assistance may also be applied to past due mortgage or rent. Additional program rules and information is described in the attached document.

3. Outdoor Dining Pavilion and Day Center: A joint effort between the city's Office of

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Community Services and Catholic Charities of Southern Nevada ("CCSN") to provide safety and dignity to homeless and low-income community members during the COVID-19 pandemic. This temporary Outdoor Dining Pavilion and Day Center is a tented structure that will provide 280 seats and tables to allow for proper social distancing and respite from the inclement weather, while clients eat a sit-down meal for the first time since March 17. The Outdoor Pavilion will also provide a Day Center to protect clients during extreme weather conditions and allow for social distancing. The Outdoor Pavilion will include social distancing, portable hand-washing stations, portable restrooms, security, and sanitization. The Outdoor Pavilion will be located on the current parking lot of the CCSN campus, adjacent to Foremaster Lane, to allow for convenient and joint access for both CCSN and the Courtyard Homeless Resource Center clients.

PASSED, ADOPTED, AND APPROVED this 22nd day of July, 2020.

CITY OF LAS VEGAS

BY ______________________
CAROLYN G. GOODMAN, Mayor

ATTEST:

____
LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM

______________________ 7/13/2020
Jeff Dorocak, Date
Deputy City Attorney

ATTACHMENT
to
RESOLUTION APPROVING AND RATIFYING ACTIONS AUTHORIZED BY THE CITY MANAGER REGARDING THE WAIVER OF MONTHLY RENTAL FEES FOR VARIOUS TENANTS OF CITY FACILITIES, THE ESTABLISHMENT OF A HOUSING ASSISTANCE PROGRAM, AND THE CONSTRUCTION OF A TEMPORARY OUTDOOR DINING PAVILION AND DAY CENTER IN THE CORRIDOR OF HOPE

The list below delineates tenant agreements for tenants operating in city facilities. For the tenants listed, the Department of Parks and Recreation or the Department of Operations and Maintenance waived rent for the period and amount specified because the tenant could not operate in the corresponding city facility because of closures associated with the COVID-19 pandemic.

Tenant	City Facility	Period	Total Amount Waived
ABA (BMX Lease)	Ed Fountain Park	March – May 2020	$3,750
Hennessy Foundation	Lorenzi Park	March – May 2020	$6,858
From Dreams to Reality	Stupak Community Center	March (partial) – June 2020	$6,135.50
Vending Machines Viva Vegas	Various city facilities	March – May 2020	$4,064.16
All American Tennis	All American Park	June – August 2020	$3,000
Lorenzi Tennis	Lorenzi Park	June – August 2020	$7,500

Cares Act

Housing Assistance Program

City of Las Vegas

Program Overview

Purpose: This program provides assistance to City of Las Vegas residents who are in danger of becoming homeless due to their inability to pay their monthly mortgage or rent due to a financial hardship associated with the COVID-19 health crisis. Assistance is up to three months of mortgage or rent payable to the landlord. The assistance may also be applied to past due mortgage or rent.

Client Eligibility

- Must qualify as moderate income up to 120% AMI (chart below) and provide required documents such as: identification, proof of income, assets, documentation of need, etc.
- Must have a delinquency notice from landlord
- Documentation of financial hardship due to COVID-19 (ex: loss of income, reduced hours, layoffs, etc.)
- Documentation of future financial management
- Location of rental unit must be located within city limits of Las Vegas

FY 2020 Income Limit Area	FY 2020 Income Limit Category	Persons in Family							
		1	2	3	4	5	6	7	8
	120% Low	$63,000	$72,000	$81,000	$90,000	$97,200	$104,400	$111,600	$118,800

Eligibility Documentation

1. Last four (2 months) most recent paycheck stubs for you and any other household member who will be occupying the home. The paycheck stubs must have the year to date gross income listed. If you are paid in cash or by personal check, you must provide a letter from your employer stating your year to date pay. This letter must be on company letterhead. Phone and fax number of employer for verification.

2. All other sources of income for **ALL** members of the household over 18 years of age, including but not limited to current Social Security/SSI benefit letter and Unemployment checks/statement. Child support or alimony requires child support agreement and divorce decree as evidence of payment and any other retirement pension statements.

3. A copy of most current 2 months of bank statements for all checking accounts, savings accounts, money market, etc.

4. A copy of your Nevada Driver's license or Nevada picture identification for each adult members (18 years and older) of the household.

5. A copy of social security card for all household members.

6. A copy of most recent year tax return for each adult member (18 years and older).

7. Proof of hardship (job loss, loss of hours, loss of income, etc.).

8. Proof of future management (increase in hours, additional income, job search, etc.).

9. A copy of mortgage or lease agreement.

10. Letter of delinquency from landlord.

Income Documentation

For each adult program participant the grantee must maintain an income evaluation form and source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement) for all assets and income.

If source documents are unobtainable: Obtain a written statement by the relevant third party (e.g., employer, government benefits administrator) or written certification by the intake staff of oral verification by a third party of the income received.

If source documents and third-party verification are unobtainable: Obtain a written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the coming twelve-month period.

The following are examples of acceptable proof of income. This is not a complete list of all acceptable documentation types but describes many of the most common sources of income:

- **Bank statements** – Two months of most current bank statements from all adult members of the household.
  - *Special note:* If bank statements are not provided as the primary source of income verification, bank statements should still collected to verify additional assets.
- **Public benefits** (i.e., SSI, SSDI, Child Support, Veterans benefits, etc.) – Verification letter/statement from a caseworker of the agency indicating the amount of benefits received, and the start date of the benefit.
- **Employment wages** – Two months of most current consecutive paystubs.
- **New employment wages** (if a participant recently started a new job and has not received at least one month of paystubs) – Employment verification letter from employer, stating gross wages and hours, overtime pay for this year, or annual salary.
- **Seasonal/irregular employment** (if a participant is seasonally/irregularly employed) – Most current Federal Income Tax Return Form 1040; AND most current two months of paystubs for the employment; AND employment verification from employer, which indicates the period of the year that the participant will work as a seasonal employee, or discontinued employment.
- **Self-reporting income** – For self-declaration income such as recycling, day labor, etc., most current Federal Income Tax Return Form 1040 with 1040 Schedule C and/or Form 8829 and self-declaration verification letter from customer/client or certified self-affidavit letter. For self-employment (i.e. housekeeping, child care, contract labor), a verification letter from customer/client to prove continuing, discontinued, or temporarily discontinued self-employment services.
- **Unemployment benefits** – Unemployment benefits verification letter.
- **No income** – All adults over 18 years of age in the household who currently have no income must complete and sign a Declaration of No Income Form.

Note that if a student age 18 and older is receiving financial aid, it is recommended that the grantee obtain a current school schedule and school year financial aid letter. Although financial aid (grants, school loans, work-study programs) is not considered income as long as a participant is school, the program operator should obtain financial aid statements for their records.

Income Eligibility - Determining gross annual income

Annual income should include the total of all income received by any household member except children under the age of 18.

Typically, annual income will be estimated based on recent past income. The rental calculation, however, should be based on the expectation of income to be received over the coming year so if a household's income has recently changed or is anticipated to change this should be taken into consideration. Income should be calculated using the instructions below.

Gross income includes wages, disability benefits, unemployment benefits, and social security or other retirement benefits, as well as various other less common income sources. Employment income to be included is the gross income prior to any payroll deductions and including any bonuses, tips, overtime pay or other compensation. Note that if an SSI/SSDI recipient is having money withheld due to an overpayment or other penalty, the amount of the grant before the deduction is the amount that should be used when calculating income.

The following forms of income are specifically **excluded**:

- Lump sum retroactive SSI payments
- Employment income that is disregarded for SSI recipients under the PASS program
- Food stamps and WIC HUD handbook 4350.3, Chapter 5
- Income of a live-in aide
- Temporary non-recurring payments—this includes gifts and employment income that is not expected to be available in the future, such as income from being a census worker (seasonal employment such as summer employment or holiday employment is, however, included)
- Income from job training programs or resident services stipends (up to $200 per month)
- Income from employment of children under the age of 18
- Financial aid (grants, school loans, work-study program) as long as a participant is school

If the tenant has a source of income other than common government benefits or employment, or if there are unique circumstances regarding a tenant's income, consult HUD Exchange for guidance.

Mortgage/Lease Requirements

Each program participant receiving mortgage or rental assistance must be named the owner of a mortgaged real property or tenant on a legally binding written lease.

Mortgage is a loan from a bank to pay for a house. Client must demonstrate that he/she is owner of mortgaged real property (mortgage, deed of trust, title insurance policy; copy of which also serves to verify Nevada residency).

The lease must, at minimum: be between the owner and the program participant as tenant, identify the address/unit where program participant will reside, identify the terms of the agreement (dates of tenancy, monthly amount due, grace period, etc.), and be signed and dated by both parties. If a program participant will be renting a bedroom in a single-family home, apartment, or rooming house, the participant must have a lease with the owner. Program participants are not permitted to receive CDBG rental assistance if they are subleasing from another renter.

Termination Procedures

Termination Policies

If a program participant violates program requirements or no longer meets minimum eligibility requirements for program assistance, the grantee may terminate assistance. To terminate assistance, the minimum required formal process must consist of:

1. A written notice to the program participant containing a clear statement of the reasons for termination; and
2. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
3. Prompt written notice of the final decision to the program participant.

Termination does not bar the grantee from providing further assistance at a later date to the same family or individual.

Termination of rental assistance

The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:

- the program participant moves out of the housing unit for which the program participant has a lease;
- the lease terminates and is not renewed; or
- The program participant becomes ineligible to receive CDBG rental assistance.

CLV Payment Requests

Purpose

To streamline the administrative processing of the CLV Rental Assistance program, payment transactions and to reduce the number of forms needed to complete these transactions, the direct pay procedure may be followed.

Responsibilities and Authority

Grant Program Coordinator

- Ensures the proper management of the Rental Assistance program, determines program participant(s) eligibility, execution of agreements and financial assistance payment
- Calculates formula for allocating funds to be paid to utilities and property owner/landlord(s) on behalf of program participant(s)
- Prepares CLV Request for Funds Forms, provides backup/reference documentation and forwards to Administrative Support Assistant
- Retains copies of all financial assistance requests and payments

Administrative Support Assistant

- Reviews CLV Request for Funds forms and compiles backup/reference documentation of financial assistance payments
- Prepares and completes Rental Assistance Spreadsheet for management approval and financial assistance payments
- Forwards the entire package: a copy of Rental Assistance Spreadsheet, CLV Request for Funds Form, and backup/reference documentation, to OCS Manager and/or Deputy Director for signature approval
- Forwards a copy of electronic Rental Assistance Spreadsheet to CLV Finance Department for direct payment distribution

- Retains copies of all financial assistance requests and payments

OCS Manager and/or Deputy Director

- Reviews Rental Assistance Spreadsheet, CLV Request for Funds forms and backup/reference documentation of financial assistance payments
- Provides signature authorization for distribution of payment to utilities and property owner/landlord(s)

Finance

- Responsible for reviewing Rental Assistance Spreadsheet, and processing request by creating checks for payment to utilities and property owner/landlord

Policy

All payments will be directly paid to utilities and property owner/landlord. All invoices must be reviewed and approved by the Grant Program Coordinator prior to financial assistance request. All financial assistance payment requests are reviewed and approved by OCS Manager and/or Deputy Director prior to issuing payment to utilities and property owner/landlord.

The CLV Request for Funding Form (Attachment #1) can be used for, but not limited to:

- Utility payments;
- Rental/Arrears payments

The Rental Assistance Spreadsheet (Attachment #2) is a check payment request form that can be processed electronically. Payment request are typically mailed out between 5-7 business days.

**As a needed by basis: Quick Checks may be picked up by appointment based only directly from City Hall, fourth Floor, Treasury Window. A government issued I.D will be required for check pick up.*

Procedure

1. The Grant Program Coordinator will meet with potential participant(s) to review program eligibility and assist in the completion of required documentation for the CLV Rental Assistance program. The Grant Program Coordinator will prepare CLV Request for Funds Form and compile appropriate backup/reference documentation for financial assistance requests on behalf of program participant(s):

   CLV Request for Funds Form

   - Enter the date form was prepared in the DATE PREPARED section;
   - Enter the complete name and address in the PAYABLE TO section;
   - Enter the household primary name in the CLIENT NAME section;
   - Enter the type of assistance (rent, utility, arrears) in the DESCRIPTION section;
   - Enter the amount due (rent, utility, arrears) in the AMOUNT AUTHORIZED section;
   - Grant Program Coordinator signs that PREPARED BY section; and

   Attach Backup/Reference Documentation

   - First page of the program participant(s) Lease Agreement(s);
   - Invoice of Letter from landlord showing participant is delinquent;
   - Invoice of Utility Company showing participant is delinquent (if applicable).

   Copies of signed CLV Request for Funds Form and backup/reference documentation will be forwarded to Administrative Support Assistant.

2. The Administrative Support Assistant will review CLV Request for Funds forms and compile backup/reference documentation of financial assistance payments. The Administrative Support Assistant will prepare and complete the Rental Assistance Spreadsheet for management approval and payment processing for Finance:

   Rental Assistance Spreadsheet

   - Enter the name for the Utility Company or Property Owner/Landlord in the ADDR1(PAYEE NAME) section;
   - Enter the complete address for the Utility Company or Property Owner/Landlord in the ADDR2(PAYEE ADDRESS LINE1, CITY, STATE, POSTAL CODE) section;
   - Enter the amount due (rent, utility, arrears) in the INVOICE AMOUNT section;
   - Enter the type of assistance (rent, utility, arrears) on the DESCRIPTION section;
   - The FUND, ORG, ACCOUNT, PROJECT, TASK & OPTION sections will be assigned according to each grant program.

   Compile Rental Assistance Spreadsheet, CLV Request for Funds form and attach Backup/Reference Documentation. The entire package will be forwarded to OCS Manager and/or Deputy Director for signature approval.

   An electronic copy of the Rental Assistance Spreadsheet will be forwarded to CLV Finance Department for direct payment distribution and a hard copy with management signature retained in OCS' records.

**As a needed by basis: Quick Checks/Pick up Check form will be completed, the form will be electronically filled out and emailed ta Account payable. Upon approval, attach the Quick /Pick up Check form, ON TOP, to the original documents and submit immediately to finance.*

3. The OCS Manager and/or Deputy Director will review Rental Assistance Spreadsheet, CLV Request for Funds forms and backup/reference documentation of financial assistance payments; and provide signature approval.
4. The Finance Department will review the Rental Assistance Spreadsheet and process the request, by creating checks for payment to utilities and property owner/landlord.

Community Development Block Grant (CDBG)
Emergency Rental Assistance Program
City of Las Vegas

Program Overview

Purpose: This program provides assistance to City of Las Vegas residents who are in danger of becoming homeless due to their inability to pay their monthly rent due to a financial hardship associated with the COVID-19 health crisis. Assistance is up to three months of rent payable to the landlord.

Client Eligibility

- Must qualify as low income at or below 80% AMI (chart below) and provide required documents such as: identification, proof of income, assets, documentation of need, etc.
- Must have a delinquency notice from landlord
- Documentation of financial hardship due to COVID-19 (ex: loss of income, reduced hours, layoffs, etc.)
- Documentation of future financial management
- Location of rental unit must be located within city limits of Las Vegas

FY 2020 Income Limit Area	FY 2020 Income Limit Category	Persons in Family							
		1	2	3	4	5	6	7	8
	80% Low	$42,000	$48,000	$54,000	$60,000	$64,800	$69,600	$74,400	$79,200

Eligibility Documentation

1. Last four (2 months) most recent paycheck stubs for you and any other household member who will be occupying the home. The paycheck stubs must have the year to date gross income listed. If you are paid in cash or by personal check, you must provide a letter from your employer stating your year to date pay. This letter must be on company letterhead. Phone and fax number of employer for verification.

2. All other sources of income for **ALL** members of the household over 18 years of age, including but not limited to current Social Security/SSI benefit letter and Unemployment checks/statement. Child support or alimony requires child support agreement and divorce decree as evidence of payment and any other retirement pension statements.

3. A copy of most current 2 months of bank statements for all checking accounts, savings accounts, money market, etc.

4. A copy of your Nevada Driver's license or Nevada picture identification for each adult members (18 years and older) of the household.

5. A copy of social security card for all household members.

6. A copy of most recent year tax return for each adult member (18 years and older).

7. Proof of hardship (job loss, loss of hours, loss of income, etc.).

8. Proof of future management (increase in hours, additional income, job search, etc.).

9. A copy of lease agreement.

10. Letter of delinquency from landlord.

Income Documentation

For each adult program participant the grantee must maintain an income evaluation form and source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement) for all assets and income.

If source documents are unobtainable: Obtain a written statement by the relevant third party (e.g., employer, government benefits administrator) or written certification by the intake staff of oral verification by a third party of the income received.

If source documents and third-party verification are unobtainable: Obtain a written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the coming twelve-month period.

The following are examples of acceptable proof of income. This is not a complete list of all acceptable documentation types but describes many of the most common sources of income:

- **Bank statements** – Two months of most current bank statements from all adult members of the household.
    - *Special note:* If bank statements are not provided as the primary source of income verification, bank statements should still collected to verify additional assets.
- **Public benefits** (i.e., SSI, SSDI, Child Support, Veterans benefits, etc.) – Verification letter/statement from a caseworker of the agency indicating the amount of benefits received, and the start date of the benefit.
- **Employment wages** – Two months of most current consecutive paystubs.
- **New employment wages** (if a participant recently started a new job and has not received at least one month of paystubs) – Employment verification letter from employer, stating gross wages and hours, overtime pay for this year, or annual salary.
- **Seasonal/irregular employment** (if a participant is seasonally/irregularly employed) – Most current Federal Income Tax Return Form 1040; AND most current two months of paystubs for the employment; AND employment verification from employer, which indicates the period of the year that the participant will work as a seasonal employee, or discontinued employment.
- **Self-reporting income** – For self-declaration income such as recycling, day labor, etc., most current Federal Income Tax Return Form 1040 with 1040 Schedule C and/or Form 8829 and self-declaration verification letter from customer/client or certified self-affidavit letter. For self-employment (i.e. housekeeping, child care, contract labor), a verification letter from customer/client to prove continuing, discontinued, or temporarily discontinued self-employment services.
- **Unemployment benefits** – Unemployment benefits verification letter.
- **No income** – All adults over 18 years of age in the household who currently have no income must complete and sign a Declaration of No Income Form.

Note that if a student age 18 and older is receiving financial aid, it is recommended that the grantee obtain a current school schedule and school year financial aid letter. Although financial aid (grants, school loans, work-study programs) is not considered income as long as a participant is school, the program operator should obtain financial aid statements for their records.

Income Eligibility - Determining gross annual income

Annual income should include the total of all income received by any household member except children under the age of 18.

Typically, annual income will be estimated based on recent past income. The rental calculation, however, should be based on the expectation of income to be received over the coming year so if a household's income has recently changed or is anticipated to change this should be taken into consideration. Income should be calculated using the instructions below.

Gross income includes wages, disability benefits, unemployment benefits, and social security or other retirement benefits, as well as various other less common income sources. Employment income to be included is the gross income prior to any payroll deductions and including any bonuses, tips, overtime pay or other compensation. Note that if an SSI/SSDI recipient is having money withheld due to an overpayment or other penalty, the amount of the grant before the deduction is the amount that should be used when calculating income.

The following forms of income are specifically **excluded**:

- Lump sum retroactive SSI payments
- Employment income that is disregarded for SSI recipients under the PASS program
- Food stamps and WIC HUD handbook 4350.3, Chapter 5
- Income of a live-in aide
- Temporary non-recurring payments—this includes gifts and employment income that is not expected to be available in the future, such as income from being a census worker (seasonal employment such as summer employment or holiday employment is, however, included)
- Income from job training programs or resident services stipends (up to $200 per month)
- Income from employment of children under the age of 18
- Financial aid (grants, school loans, work-study program) as long as a participant is school

If the tenant has a source of income other than common government benefits or employment, or if there are unique circumstances regarding a tenant's income, consult HUD Exchange for guidance.

Duplication of Benefits

Each program participant will complete, submit and sign a Duplication of Benefits Checklist & Subrogation Certification identifying common sources of funds that may pose a Duplication of Benefit (DOB). Each program participant must disclose information about the receipt, or anticipated receipt, of financial assistance from multiple sources as they relate to the funding application. When these forms of assistance have been received for the same purpose, they cannot be duplicated with federal funds and generally must be deducted from eligible project costs. The information within the checklist & certification will provide the City of Las Vegas with vital information for processing the application required by the Stafford Act Section 312 on Duplication of Benefits.

Lease Requirements

Each program participant receiving rental assistance must have a legally binding written lease for the rental unit. The lease must, at minimum: be between the owner and the program participant as tenant, identify the address/unit where program participant will reside, identify the terms of the agreement (dates of tenancy, monthly amount due, grace period, etc.), and be signed and dated by both parties. If a program participant will be renting a bedroom in a single-family home, apartment, or rooming house, the participant must have a lease with the owner. Program participants are not permitted to receive CDBG rental assistance if they are subleasing from another renter.

Rental Assistance Agreements

In addition to a lease between the participant and owner, a rental assistance agreement is required between the grantee and the property owner. The grantee may make rental assistance payments only to an owner with whom the grantee has entered into a rental assistance agreement.

The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements of CDBG assistance. In addition, the rental assistance agreement must provide that, during the term of the agreement, the owner give the grantee a copy of any notice to the participant to vacate the unit or any complaint used under state or local law to commence an eviction against the participant. Finally, the rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the participant's lease.

The rental assistance agreement with the owner must terminate and no further rental assistance payments made under that agreement if:

- The participant moves out of the housing unit for which the participant has a lease;
- The lease terminates and is not renewed; or,
- The participant becomes ineligible to receive CDBG rental assistance.

Rent Reasonableness

The program must perform a rent reasonableness determination and document that the rent falls within the allowable reasonable range. Rent reasonableness means that the total rent charged for a unit must be reasonable in relation to the rents being charged during the same time period for comparable units in the private market and must not be in excess of rents being charged by the owner during the same time period for comparable units not being subsidized through rental assistance.

To make this determination, the recipient or sub recipients should consider

- The location, quality, size, type, and age of the unit; and
- Any amenities, housing services, maintenance and utilities to be provided by the owner.

Staff must compare the proposed unit's rent to the rent of at least **three (3)** comparable unassisted units in the area (within 10 blocks of the proposed unit) . Comparable rents can be checked by using a market study conducted by a local Public Housing Agency (PHA) or reviewing comparable units advertised for rent within a 10 blocks of the proposed unit (e.g. www.craigslist.org, www.rent.com). Note that not every element in the suggested list of things to check for must be known to establish a comparable unit. When comparable units are not available, best efforts should be made to find similar units in other complexes or in similar geographic areas that are comparable to the location of the unit to be assisted.

The rent charged cannot be more than $50.00 higher then the comparable unassisted units in the area.

Federal Standards and Requirements

Recordkeeping Requirements

(24 CFR 570.490) Grantees will maintain records for five years for each individual and family determined ineligible to receive CDBG Emergency Rental Assistance. The record must include documentation of the reason for that determination, demographic data (race, sex, national origin), and age.

HUD has a preferred order of documentation for eligibility of clients being served by CDBG funded projects. HUD's preferred order is:

1) Third Party Documentation
    a) Written documentation that includes such items as eviction notices, job termination notices, wage statements, benefits statements, tax returns or bank statements.
    b) Oral documentation, which includes clear notes that document names, dates, and information shared through conversations with former employers, landlords, government benefits staff or others in an official position to verify client status.

2) Intake Staff Observations, including notes on client status; this is not applicable to income documentation.
3) Self-Certification, which should be used only as a last resort with careful documentation of how income documents were sought and why they could not be secured for a client.

CDBG recipients are required to keep documentation of client eligibility.

Fair Housing

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (24 CFR 570.601), FAIR HOUSING ACT (24 CFR 570.601), EXECUTIVE ORDER 11063 (24 CFR 570.601), EXECUTIVE ORDER 12892, EXECUTIVE ORDER 12898, EXECUTIVE ORDER 13217 and OTHER FEDERAL REQUIREMENTS (24 CFR Section 5.105 (a)(2)).

This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964, P.L. 88-352; the Fair Housing Act; and Executive Order 11063, as amended by Executive Order 12259; and HUD regulations at 24 CFR Part 1, providing for non-discrimination on the grounds of race, color, creed, religion, sex, familial status, disability, national origin, actual or perceived sexual orientation, gender identity, or marital status under any activity receiving federal funds and also obligating Subrecipient to use federally-funded property for the purpose for which the federal funds were awarded. Title VIII of the Civil Rights Act of 1968 and Title I of the Housing and Community Development Act of 1974 require that recipients take some action to affirmatively further fair housing in their communities.

HOUSING AND COMMUNITY DEVELOPMENT ACT (24 CFR 570.602), AGE DISCRIMINATION ACT OF 1975 (24 CFR 570.602), SECTION 504 OF THE REHABILITATION ACT OF 1973 (24 CFR 570.602), and OTHER FEDERAL REQUIREMENTS (24 CFR Section 5.105 (a)(2))

This Agreement is subject to Section 109 of the Housing and Community Development Act of 1974, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, which requires that no person in the United States shall, on the grounds of age, race, color, religion, national origin, disability, sex, actual or perceived sexual orientation, gender identity, or marital status be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity funded in whole or in part with Community Development Block Grant funds.

Section 504 of the Rehabilitation Act of 1973 requirements (in compliance with 24 CFR 8.1 – 8.58) further include (but are not limited to) designating a Section 504 coordinator, implementing a Section 504 self-evaluation process, establishing TDD and Limited English Proficient communications procedures, publishing non-discrimination notices, offering reasonable accommodation, and implementing grievance procedures.

Environmental Review

Before any funds are committed, an environmental review will be conducted of all CDBG-funded grantee project site(s) to demonstrate there are no hazardous materials present that could affect the health and safety of the occupants. Environmental reviews will be are acceptable for a 1 to 5-year time period, depending on the project type. The costs of carrying out environmental review responsibilities are an eligible use of administrative funds. All CDBG activities are subject to environmental review under HUD's environmental regulations in 24 CFR part 58.

The subrecipient, or any contractor of the subrecipient, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a CDBG project, or commit or expend HUD or local funds for CDBG eligible activities, until an environmental review under 24 CFR part 58 has been performed and the recipient has received HUD approval of the property.

Termination Procedures

Termination Policies

If a program participant violates program requirements or no longer meets minimum eligibility requirements for program assistance, the grantee may terminate assistance. To terminate assistance, the minimum required formal process must consist of:

1. A written notice to the program participant containing a clear statement of the reasons for termination; and
2. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
3. Prompt written notice of the final decision to the program participant.

Termination does not bar the grantee from providing further assistance at a later date to the same family or individual.

Termination of rental assistance

The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:

- the program participant moves out of the housing unit for which the program participant has a lease;
- the lease terminates and is not renewed; or
- The program participant becomes ineligible to receive CDBG rental assistance.

CLV Payment Requests

Purpose

To speed the administrative processing of the CLV Rental Assistance program, payment transactions and to reduce the number of forms needed to complete these transactions, the direct pay procedure may be followed.

Responsibilities and Authority

Grant Program Coordinator

- Ensures the proper management of the Rental Assistance program, determines program participant(s) eligibility, execution of agreements and financial assistance payment
- Calculates formula for allocating funds to be paid to utilities and property owner/landlord(s) on behalf of program participant(s)
- Prepares CLV Request for Funds Forms, provides backup/reference documentation and forwards to Administrative Support Assistant
- Retains copies of all financial assistance requests and payments

Administrative Support Assistant

- Reviews CLV Request for Funds forms and compiles backup/reference documentation of financial assistance payments
- Prepares and completes Rental Assistance Spreadsheet for management approval and financial assistance payments
- Forwards the entire package: a copy of Rental Assistance Spreadsheet, CLV Request for Funds Form, and backup/reference documentation, to OCS Manager and/or Deputy Director for signature approval
- Forwards a copy of electronic Rental Assistance Spreadsheet to CLV Finance Department for direct payment distribution
- Retains copies of all financial assistance requests and payments

OCS Manager and/or Deputy Director

- Reviews Rental Assistance Spreadsheet, CLV Request for Funds forms and backup/reference documentation of financial assistance payments
- Provides signature authorization for distribution of payment to utilities and property owner/landlord(s)

Finance

- Responsible for reviewing Rental Assistance Spreadsheet, and processing request by creating checks for payment to utilities and property owner/landlord

Policy

All payments will be directly paid to utilities and property owner/landlord. All invoices must be reviewed and approved by the Grant Program Coordinator prior to financial assistance request. All financial assistance payment requests are reviewed and approved by OCS Manager and/or Deputy Director prior to issuing payment to utilities and property owner/landlord.

The CLV Request for Funding Form (Attachment #1) can be used for, but not limited to:

- Utility payments;
- Rental/Arrears payments

The Rental Assistance Spreadsheet (Attachment #2) is a check payment request form that can be processed electronically. Payment request are typically mailed out between 5-7 business days.

**As a needed by basis: Quick Checks may be picked up by appointment based only directly from City Hall, fourth Floor, Treasury Window. A government issued I.D will be required for check pick up.*

Procedure

1. The Grant Program Coordinator will meet with potential participant(s) to review program eligibility and assist in the completion of required documentation for the CLV Rental Assistance program. The Grant Program Coordinator will prepare CLV Request for Funds Form and compile appropriate backup/reference documentation for financial assistance requests on behalf of program participant(s):

   CLV Request for Funds Form

   - Enter the date form was prepared in the DATE PREPARED section;
   - Enter the complete name and address in the PAYABLE TO section;
   - Enter the household primary name in the CLIENT NAME section;
   - Enter the type of assistance (rent, utility, arrears) in the DESCRIPTION section;
   - Enter the amount due (rent, utility, arrears) in the AMOUNT AUTHORIZED section;
   - Grant Program Coordinator signs that PREPARED BY section; and

   Attach Backup/Reference Documentation

   - First page of the program participant(s) Lease Agreement(s);
   - Invoice of Letter from landlord showing participant is delinquent;
   - Invoice of Utility Company showing participant is delinquent (if applicable).

   Copies of signed CLV Request for Funds Form and backup/reference documentation will be forwarded to Administrative Support Assistant.

2. The Administrative Support Assistant will review CLV Request for Funds forms and compile backup/reference documentation of financial assistance payments. The Administrative Support Assistance will prepare and complete Rental Assistance Spreadsheet for management approval and financial assistance payments:

Rental Assistance Spreadsheet

- Enter the name for the Utility Company or Property Owner/Landlord in the ADDR1(PAYEE NAME) section;
- Enter the complete address for the Utility Company or Property Owner/Landlord in the ADDR2(PAYEE ADDRESS LINE1, CITY, STATE, POSTAL CODE) section;
- Enter the amount due (rent, utility, arrears) in the INVOICE AMOUNT section;
- Enter the type of assistance (rent, utility, arrears) on the DESCRIPTION section;
- The FUND, ORG, ACCOUNT, PROJECT, TASK & OPTION sections will be assigned according to each grant program.

Compile Rental Assistance Spreadsheet, CLV Request for Funds form and attach Backup/Reference Documentation. The entire package will be forwarded to OCS Manager and/or Deputy Director for signature approval.

An electronic copy of the Rental Assistance Spreadsheet will be forwarded to CLV Finance Department for direct payment distribution.

**As a needed by basis: Quick Checks/Pick up Check form will be completed, the form will be electronically filled out and emailed to Account payable. Upon approval, attach the Quick /Pick up Check form, ON TOP, to the original documents and submit immediately to finance.*

3. The OCS Manager and/or Deputy Director will review Rental Assistance Spreadsheet, CLV Request for Funds forms and backup/reference documentation of financial assistance payments; and provide signature approval.
4. The Finance Department will review the Rental Assistance Spreadsheet and process the request, by creating checks for payment to utilities and property owner/landlord.

Emergency Solutions Grant (ESG)
Homeless Prevention Program

City of Las Vegas

Program Overview

Purpose: The ESG program is designed to assist people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness; and address the needs of homeless people in emergency or transitional shelters.

Homelessness Prevention Component: is designed to provide housing relocations 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 homelessness definition in 24 CFR 576.2.

Client Eligibility

An individual or family who is **at risk of homelessness** *(24 CFR 576.2)*:

1) An individual or family who:
   a) Has an annual income **below 30** percent of median family income for the area, as determined by HUD (https://www.huduser.gov/portal/datasets/il/il2020/2020summary.odn); with exception to the ESG Cares Act Funding – **increase income limit from 30% to 50% AMI for Homelessness Prevention** component (see office of special needs cares act funding slide deck)

FY 2020 Income Limit Area	Median Family Income	FY 2020 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Las Vegas-Henderson-Paradise, NV MSA	$70,800	30 % Extremely Low	$15,750	$18,000	$21,720	$26,200	$30,680	$35,160	$39,640	$44,120
		50 % Very Low	$26,250	$30,000	$33,750	$37,500	$40,500	$43,500	$46,500	$49,500
		80 % Low	$42,000	$48,000	$54,000	$60,000	$64,800	$69,600	$74,400	$79,200

   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 persons reside per room, as defined by the U.S. Census Bureau;
vi) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); 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 (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); 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 (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

Eligibility Documentation

Policy and Procedure

Individuals and families determination of eligibility assistance under ESG will involve coordinated entry with the CoC and individuals eligibility will be based on criteria's for ESG 24 CFR 576.400(e)(3)(vi).

Eligible participants are individuals/families with incomes below **30% Area Median Income**, with exception to the ESG Cares Act Funding – **increase income limit from 30% to 50% AMI for Homelessness Prevention** component (see office of special needs cares act funding slide deck) at risk of becoming homeless and moving into an emergency shelter or a place not meant for human habitation. All assisted individuals/families must meet eligibility criteria as outlined at 576.103 Homeless Prevention Component in the Interim Rule. Participants are eligible if they meet the HUD definition of "at risk of homelessness", or who meet the criteria in paragraph 2, 3, or 4 of the homeless definition in 2 CFR 576.2 AND have an annual income below 30% of area median family income with exception to the ESG Cares Act Funding – **increase income limit from 30% to 50% AMI for Homelessness Prevention** component (see office of special needs cares act funding slide deck).

"On August 11, 2016, the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Health and Human Services (HHS), and the U.S. Department of Justice (DOJ) issued a joint letter to remind recipients of federal financial assistance that they must not withhold certain services based on immigration status when the services are necessary to protect life or safety. This guidance provides additional information to recipients of funds under HUD's Homeless Assistance Programs – the Emergency Solutions Grants (ESG) and the Continuum of Care (CoC) Programs –

about how this joint letter and the Personal Responsibility and Work Opportunity Act of 1996 ("the Act"), the Act on which this letter is based, applies to assistance funded through these programs...In the Act, Congress restricted immigrant access to certain federal public benefits but also recognized exceptions to protect life or safety, based on a 3-part test. There are certain types of federal assistance that are not subject to the Act's restriction on access to public benefits based on immigration status. This includes activities that: (1) deliver in-kind services at the community level, (2) are necessary for the protection of life or safety, and (3) do not condition the provision of assistance on the potential program participant's income or resources. HUD has determined that the following forms of assistance meet this three-part test and, therefore, are not subject to the Act's immigration-based restrictions:

- Street Outreach Services
- Emergency Shelter
- Safe Haven
- Rapid Re-Housing

Transitional housing meets the 3-part test and falls within the exception for life or safety, and therefore must be provided to persons without regard to immigration status, when the recipient or subrecipient owns or leases the building used to provide transitional housing. **However, in transitional housing programs where the recipient or subrecipient provides rental assistance payments on behalf of program participants, this type of program does not fall within the life or safety exemption because the rental assistance provided is required by regulation to be based on the program participant's income and, therefore, does not meet the 3-part test.** Grantees have the obligation to verify the eligibility for federal, state, or local public benefits where required to do so pursuant for PRWORA. HUD reminds nonprofit organizations that are recipients of CoC or ESG Program funds that the Act does not require nonprofit charitable organizations to verify the immigration status of applicants for federal, state, or local public benefits."

The client file must contain source documentation of annual income, including wage statements, tax returns, benefits statements, or bank account statements (See the Client File Checklist)

LEASE REQUIREMENT. Each program participant receiving rental assistance must have a legally binding written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must, at minimum: be between the owner and the program participant as tenant, identify the address/unit where program participant will reside, identify the terms of the agreement (dates of tenancy, monthly amount due, grace period, etc.), and be signed and dated by both parties.

Where the assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks.

Those who meet the HUD criteria of eligibility will receive priority for assistance over other eligible persons.

Intake & HMIS

ESG recipients are required to use HMIS during client intake when adding a client to CLV Homeless Prevention ESG-funded program. Criteria must be supported by documentation that has been copied and uploaded into the electronic file in HMIS and stored in the client's file (See Intake Form).

Intake Staff will establish, verify, document, and narrate in case notes compliance with all eligibility requirements for ESG assistance:

- At the initial time of intake/screening for eligibility, and
- At the time of re-certification
- Every 3 months for Prevention, or no less than once every 6 months

Steps to follow:

1. Ensure that a completed a Release of Information (ROI) has been obtained for all adult members of the household before proceeding (See the Client HMIS Consent Form).
2. Search for the client in HMIS.
3. If the client has a record already, update the information that has changed based on the HMIS intake form and enter the client into the program.
4. If the client does not have an HMIS record, create a new record for the client, including all information on the HMIS intake form, and enter the client into the appropriate program.
5. If the client household consists of more than one person, be sure to join the members together through the creation of a household. For each member of the household, make sure to check first to see if there is already an HMIS record for that person before creating a new one.

HMIS Exit

When a participant leaves an ESG program, for any reason, the HMIS record must be updated to reflect their exit from the project, including the date that the participant was no longer enrolled in the project, and their destination. As with the entry, the required information must be entered for all members of a household. For adults, the record must also reflect their income, employment, and benefit receipt status at the time of the exit. (See Client Exit Form).

Re-evaluation

(24 CFR 576.401(b)) For households receiving ESG Homelessness Prevention assistance through ESG, income also **cannot exceed 30%** of Area Median Income, with exception to the ESG Cares Act Funding – **increase income limit from 30% to 50% AMI for Homelessness Prevention** component (see office of special needs cares act funding slide deck) and this must be determined during entry into the assistance program. Re-evaluation for Homelessness Prevention assistance must take place **not less than once every three months** (with exception to the ESG Waiver – Re-evaluation of Homelessness Prevention Assistance **not less than once every 6 months** beginning on the date of *April 1, 2020 – April 1, 2022* (see CLV COVID-19 Waiver P&P), with records being kept for each re-evaluation. Examples of documentation include program entry forms, assessment tools for Coordinated Entry, copies of eviction notices or utility bills and shut-off notices, and copies of wage statements, tax returns, benefits statements, bank statements or other documents that outline participant assets and affirm that the household is at or below 30% of the Area Median Income with exception to the ESG Cares Act Funding – **increase income limit from 30% to 50% AMI for Homelessness Prevention** component (see office of special needs cares act funding slide deck). HUD's preferred order of documentation as described below applies to Homeless Prevention programs

Recordkeeping Requirements

(24 CFR 578.103(c)) ESG recipient will maintain records for five years for each individual and family determined ineligible to receive ESG Homelessness Prevention. The record must include documentation of the reason for that determination, demographic data (race, sex, national origin), and age.

HUD has a preferred order of documentation for eligibility of clients being served by ESG-funded projects. HUD's preferred order for other ESG-funded programs is:

1) Third Party Documentation along with Intake form (see form here)
    a) Written documentation that includes such items as eviction notices, job termination notices, wage statements, benefits statements, tax returns or bank statements.
    b) Oral documentation, which includes clear notes that document names, dates, and information shared through conversations with former employers, landlords, government benefits staff or others in an official position to verify client status.
2) Intake Staff Observations, including notes on client status; this is not applicable to income documentation.
3) Self-Certification, which should be used only as a last resort with careful documentation of how income documents were sought and why they could not be secured for a client.

ESG recipients are required to keep documentation of client eligibility.

Income Eligibility for Homelessness Prevention

Determining gross annual income

The HUD protocol for calculating income is as follows *(24 CFR 576.401(c), 5.609)* (See Income Calculation Worksheet):

Annual income should include the total of all income received by any household member except children under the age of 18.

Typically, annual income will be estimated based on recent past income. The rental calculation, however, should be based on the expectation of income to be received over the coming year so if a household's income has recently changed or is anticipated to change this should be taken into consideration. Income should be calculated using the instructions below.

Gross income includes wages, disability benefits, unemployment benefits, and social security or other retirement benefits, as well as various other less common income sources. Employment income to be included is the gross income prior to any payroll deductions and including any bonuses, tips, overtime pay or other compensation. Note that if an SSI/SSDI recipient is having money withheld due to an overpayment or other penalty, the amount of the grant before the deduction is the amount that should be used when calculating income (See Income Calculation Worksheet).

The following forms of income are specifically **excluded**:

- Lump sum retroactive SSI payments
- Employment income that is disregarded for SSI recipients under the PASS program

- Food stamps and WIC HUD handbook 4350.3, Chapter 5
- Income of a live-in aide
- Temporary non-recurring payments—this includes gifts and employment income that is not expected to be available in the future, such as income from being a census worker (seasonal employment such as summer employment or holiday employment is, however, included)
- Income from job training programs or resident services stipends (up to $200 per month)
- Income from employment of children under the age of 18
- Financial aid (grants, school loans, work-study program) as long as a participant is school

If the tenant has a source of income other than common government benefits or employment, or if there are unique circumstances regarding a tenant's income, consult HUD Exchange for guidance.

Documentation

(24 CFR 578.103(6)) For each adult program participant the sub recipient must maintain an income evaluation form and source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement) for all assets and income.

If source documents are unobtainable: Obtain a written statement by the relevant third party (e.g., employer, government benefits administrator) or written certification by the intake staff of oral verification by a third party of the income received.

If source documents and third-party verification are unobtainable: Obtain a written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the coming three-month period.

The following are examples of acceptable proof of income. This is not a complete list of all acceptable documentation types but describes many of the most common sources of income:

- **Bank statements** – Two months of most current bank statements from all adult members of the household.
  - *Special note:* If bank statements are not provided as the primary source of income verification, bank statements should still collected to verify additional assets.
- **Public benefits** (i.e. CalWORKs, SSI, CAAP, SSDI, Child Support, Veterans benefits, etc.) – Verification letter/statement from a caseworker of the agency indicating the amount of benefits received, and the start date of the benefit. Note that for S+C units, the S+C team will use Cal WIN and other systems to pull recent income verification. If out-of-date benefits income is a barrier to obtaining available housing, applications can be processed with SSI/SSDI income verification that is up to 12 months old.
- **Employment wages** – Two months of most current consecutive paystubs.
- **New employment wages** (if a participant recently started a new job and has not received at least one month of paystubs) – Employment verification letter from employer, stating gross wages and hours, overtime pay for this year, or annual salary.
- **Seasonal/irregular employment** (if a participant is seasonally/irregularly employed) – Most current Federal Income Tax Return Form 1040; AND most current two months of paystubs for the employment; AND

employment verification from employer, which indicates the period of the year that the participant will work as a seasonal employee, or discontinued employment.

- **Self-reporting income** – For self-declaration income such as recycling, day labor, etc., most current Federal Income Tax Return Form 1040 with 1040 Schedule C and/or Form 8829 and self-declaration verification letter from customer/client or certified self-affidavit letter. For self-employment (i.e. housekeeping, child care, contract labor), a verification letter from customer/client to prove continuing, discontinued, or temporarily discontinued self-employment services.
- **Unemployment benefits** – Unemployment benefits verification letter from EDD.
- **No income** – All adults in the household who currently have no income must complete and sign a Declaration of No Income Form (See Zero Income Form)

Note that if a student age 18 and older is receiving financial aid, it is recommended that the provider obtain a current school schedule and school year financial aid letter. Although financial aid (grants, school loans, work-study programs) is not considered income as long as a participant is school, the program operator should obtain financial aid statements for their records.

HMIS and the Sage HMIS Reporting Repository

Clients assisted with ESG funds need to be entered into the Homeless Management Information System (HMIS) during client intake. ESG recipient administering ESG funds must:

1. Maintain a minimum HMIS data quality of 90%
2. Maintain complete and accurate files for all clients assisted with ESG funds (both in HMIS and through hard copy documentation of eligibility)
3. Comply with all data collection and entry requests to allow proper use of the Sage HMIS Reporting Repository and the completion of the Consolidated Annual Performance and Evaluation Report (CAPER)
4. Keep complete and accurate files for all families and individuals denied services under the ESG program. These files must contain general demographic information and document the reason for the denial of services and must be kept for five (5) years.

Coordinated Entry

Prioritization

Prevention services are for clients who are currently housed but at imminent risk of homelessness. Imminent risk is defined as being at risk of becoming homeless within the next two weeks due to rental or utility arrears, eviction, etc. Diversion services are for clients who are currently homeless and who might be able to resolve their housing crisis without accessing crisis services like emergency shelter. Both prevention and diversion services may include financial and other services to remain housed or connect clients to alternate housing arrangements, bypassing entry into the homeless system of care.

The SHN CoC has very limited prevention and diversion resources, which are not prioritized through Coordinated Entry, allowing for an immediate crisis response.

Matching and Referral

Clients are matched to ESG-funded prevention resources in accordance with ESG written standards.

HMIS Data Standards

Except as otherwise specified, data associated with the CE system should be stored in the CoC's HMIS. All data entered into or accessed or retrieved from HMIS must be protected and kept private in accordance with the Clarity Nevada HMIS Governance Charter's Privacy Plan and HMIS Data and Technical Standards as announced by the CoC Interim Rule at 24 CFR 578.7(a)(8).19. Before collecting any information as part of the CE system, all staff and volunteers must first either (1) obtain the participant's informed consent to share and store participant information for the purposes of assessing and referring participants through the CE process (See the Client Consent Form), or (2) confirm that such consent has already been obtained and is still active.

Prior to every client's initial assessment, ESG-funded programs must provide a verbal explanation that the client's information will be entered into an electronic database that stores client information and an explanation of the HMIS Client Consent to Release Information form terms (See the Client Consent Form). After being provided a verbal explanation, each client who agrees to have his or her personal protected information HMIS must sign the HMIS Client Consent to Release Information form.

Whenever possible, the participant's consent should be in written form. The ESG subrecipient will not deny services to any participant based on that participant's refusal to allow their data to be stored or shared unless a Federal statute requires collection, use, storage, and reporting of a participant's personally identifiable information as a condition of program participation. Where appropriate, non-personally-identifiable information about participants who refuse consent to share personally identifiable data should be logged in an electronic case file that uses pseudonyms, e.g., "Jane Doe," to preserve as much non-personally-identifiable information as possible for statistical purposes.

Clients assisted with ESG funds should be entered into HMIS during client intake, agency must maintain a minimum HMIS data quality of 90%.

Confidentiality of Records

All ESG-funded programs must uphold all privacy protection standards established. Only individuals who have completed a full set of HMIS training and signed an HMIS end-user agreement may directly access CE system data. All such persons must be informed of and understand the privacy rules associated with collection, management, and reporting of client data. Only persons who have a direct role to play in the CE system (i.e., intake, assessment, matching, referral, management, technical assistance, or evaluation) should have direct access to CE system data on the general homeless population of the CoC. Other service providers should be limited to data that relates to specific clients who are currently assigned to or enrolled with those service providers. In certain circumstances, individuals can access CE HMIS data for research purposes without meeting the above criteria. A research data agreement is required to receive HMIS aggregated data. Please see the Clarity Nevada HMIS Governance Charter for more details on research agreements.

However, in sharing data, great care must be taken not to share personally identifiable data outside the context of the systems and purpose(s) covered by the client's affirmative consent. Therefore, all entities that routinely share data with or receive data from the CE system must sign data-sharing agreements that obligate the entities to follow comparable privacy standards and that restrict the use of the data being shared to uses that are compatible with clients' consent. In particular, personally identifiable data must always be used for the benefit of the client to which the data pertains, and not for the general convenience of other government entities. Requests for data made by prosecutors, detectives, immigration officials, or by police officers who are not actively cooperating with the CoC should be refused unless the requesting party displays a valid warrant specifically ordering the release of the data.

Homelessness Prevention Standards

Eligible Activities & Costs

The City will provide homelessness prevention (HP) assistance to include short-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 24 CFR 576.

Eligible households will initially receive up to 3-months of rental assistance or payment of rental arrears, or any combination of this assistance during the CARES Act funding period.

In addition the City's ESG program will include housing relocation and stabilization services to include utility payments.

Utility payments will pay up to 3-months per program participant. Eligible utility services are gas, electric, water, and sewage.

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.

Under no circumstances may a program provide financial assistance directly to a participant, even as reimbursement for expenses undertaken by the participant to secure housing.

Rental Assistance to Prevent Eviction

Clients eligible under the HUD definition of homelessness will be matched to a program that best fits their circumstances. HUD requires clients receiving assistance for homeless prevention to be re-evaluated at least once every three months (with exception to the ESG Waiver – Re-evaluation of Homelessness Prevention Assistance not less than once every 6 months beginning on the date of *April 1, 2020 – April 1, 2022* (See CLV COVID-19 Waiver P&P). Furthermore, the following local conditions apply:

Short-term rent

(1 to 3 months of assistance allowed at 100% rate of rent)

1. The household will actively engage in a Housing Stabilization Plan (See Housing Stabilization Plan), the goal of which will be to either increase income and/or reduce expenses such that the rental cost is no more than 80% of the household's net income.
2. The client household will agree to participate in case management and other activities designed to improve their ability to remain stably housed.

3. The initial assistance must have been necessary to avoid eviction (eviction notice/ notice to quit letter required), or to avoid or reduce an unnecessary episode of homelessness of the household.
4. Rental assistance may not be provided to a program participant receiving rental assistance from other public sources (except for 6 months arrears).
5. Rental rates must not exceed the Fair Market Rent specified for household size and rental rates must comply with HUD's rent reasonableness <u>(See Rent Reasonableness form)</u> with exception to the ESG Waiver – Restriction of Rental Assistance to units with Rent at or Below FMR, allowance to waive FMR rent standard on the date of *April 1, 2020 - October 1, 2020* <u>(See CLV COVID-19 Waiver P&P)</u>.
6. Any housing units constructed before January 1, 1978 will be assessed for lead based paint hazards <u>(See Lead-based Paint Assessment)</u>.
7. Housing unit must meet minimum habitability standards specified in 24 CFR 576.403(c) <u>(See Habitability Checklist)</u>.
8. Each household receiving rental assistance must have a legally binding, written lease (between the owner and participant household) for the rental unit in their name.
9. Agency must have a rental assistance agreement in place with the party to which payments are being made which must set forth the terms under which rental assistance will be provided <u>(See the Program Rental Agreement)</u>.
10. Arrears (no more than 6 months) must be paid off first to bring the balance to zero. Payment of rental arrears can only be a one-time payment up to 6 months including any late fees on those arrears. **Late fees for subsequent months will not be paid with ESG funds.**
11. Unit owners must be paid on a timely basis in accordance with the rental assistance agreement. Any late payment penalties that are incurred must be paid by ESG recipient or household (with non-ESG funds).
12. The household will be "re-evaluated" for income eligibility no later than the 20th day at the end of the 3rd month (with exception to the ESG Waiver – Re-evaluation of Homelessness Prevention Assistance not less than once every 6 months beginning on the date of *April 1, 2020 – April 1, 2022* <u>(See CLV COVID-19 Waiver P&P)</u>. At re-evaluation, household income cannot exceed 30% of AMI, with exception to the ESG Cares Act Funding – **increase income limit from 30% to 50% AMI for Homelessness Prevention** component (see office of special needs cares act funding slide deck) otherwise financial assistance will cease. The client file must contain source documentation of income, including wage statements, tax returns, benefits statements, or bank account statements. <u>(See the Client File Checklist)</u>
13. A second and third issuance of rental assistance can be considered when the household demonstrates compliance with and progress on the Housing Stability Plan <u>(See Housing Stabilization Plan)</u>.
14. If at the third month "re-evaluation" and assessment finds that the client needs additional assistance, and if the household demonstrates compliance with and progress on the Housing Stability Plan, and if client continues to meet income qualifications, client may proceed to receive medium term rent assistance. Client must continue to be "re-evaluated" every three months (with exception to the ESG Waiver – Re-evaluation of Homelessness Prevention Assistance not less than once every 6 months beginning on the date of *April 1, 2020 – April 1, 2022* <u>(See CLV COVID-19 Waiver P&P)</u>.

Medium-term rent

<u>(4 to 24 months of assistance)</u>

Up to 100% of the fourth month of rent may be paid. Additional months may be paid at a rate of 75% of rent.

1. The household will continue to actively engage in a Housing Stability Plan, the goal of which will be to either increase income and/or reduce expenses such that the rental cost is no more than 80% of the household's net income;
2. The household will be re-assessed monthly, no later than the 20th day of each month (with exception to the ESG Waiver – Re-evaluation of Homelessness Prevention Assistance not less than once every 6 months beginning on the date of *April 1, 2020 – April 1, 2022* (See CLV COVID-19 Waiver P&P). Each additional month of rental assistance can be considered when the household demonstrates compliance with and progress on the Housing Stability Plan (See the Housing Stabilization Plan). For each re-assessment, the client file must contain source documentation of income, including wage statements, tax returns, benefits statements, or bank account statements. (See the Client File Checklist)

Housing Relocation and Stabilization Services

Eligible expenses under this category include: rental application fees, last month's rent, security deposits, moving costs, utility deposits, and utility payments.

Relating to rent

1. Eligible households/ individuals must be individuals/families with incomes below 30% Area Median Income with exception to the ESG Cares Act Funding – **increase income limit from 30% to 50% AMI for Homelessness Prevention** component (see office of special needs cares act funding slide deck), at risk of becoming homeless and moving into an emergency shelter or a place not meant for human habitation. All assisted individuals/families must be evaluated and meet eligibility criteria as outlined at 24 CFR 576.103 Homeless Prevention Component in Interim Rule. Participants are eligible if they meet the HUD definition of "at risk of homelessness", or meet the criteria in paragraph 2, 3, or 4 of the homeless definition AND have an annual income below 30% of area median family income with exception to the ESG Cares Act Funding – **increase income limit from 30% to 50% AMI for Homelessness Prevention** component (see office of special needs cares act funding slide deck). The client file must contain source documentation of annual income, including wage statements, tax returns, benefits statements, or bank account statements. (See the Client File Checklist)
2. If necessary to relocate to another affordable housing unit, security deposits may be paid but must equal no more than 2 months of rent.
3. If necessary as a component of relocation to affordable housing, moving costs may be allowed on a case by case basis as allowed by the ESG Interim Regulation: 24 CFR 576.105. Eligible costs are truck rentals, hiring a moving company, and temporary storage fees for up to 3 months. Fees must be reasonable and occur after client intake and before the new move into a more affordable home.
4. If necessary to relocate and obtain new housing for household, last month's rent (of new housing unit) may be paid. Assistance must not exceed one month's rent.

Relating to utility assistance

Eligible utility services are gas, electric, water, and sewage.

1. Eligible households/ individuals must be individuals/families with incomes below 30% Area Median Income with exception to the ESG Cares Act Funding – **increase income limit from 30% to 50% AMI for Homelessness Prevention** component (see office of special needs cares act funding slide deck), at risk of becoming homeless

and moving into an emergency shelter or a place not meant for human habitation. All assisted individuals/families must be evaluated and meet eligibility criteria as outlined at 24 CFR 576.103 Homeless Prevention Component in Interim Rule. Participants are eligible if they meet the HUD definition of "at risk of homelessness", or meet the criteria in paragraph 2, 3, or 4 of the homeless definition AND have an annual income below 30% of area median family income with exception to the ESG Cares Act Funding – **increase income limit from 30% to 50% AMI for Homelessness Prevention** component (see office of special needs cares act funding slide deck). The client file must contain source documentation of annual income, including wage statements, tax returns, benefits statements, or bank account statements. (See the Client File Checklist)

2. The utility must be for a service at a housing unit leased or otherwise contracted to the assisted household. Housing unit must also meet minimum habitability standards specified in 24 CFR 576.403(c) (see Habitability Checklist).
3. Household must provide documentation that they will be losing their housing (eviction letter) and is also to receive rental assistance to avoid homelessness.
4. Utility service must be in client's name and at the address they are living and obtaining rental assistance.
5. Households with a shut off notice of utilities shall be assisted to bring the past due amount to a zero balance, provided utilities are no more than six (6) months in arrears and shall be considered for rental assistance in that or the following month.
6. If the household has an Eviction Notice, they can be assisted with rent arrears and utilities arrears.
7. The client file must contain evidence that the household has applied for assistance from one or more of the Energy Assistance Programs administered through the Division of Welfare and Supportive Services of the State of Nevada or through the United Way of Southern Nevada, or other public programs available for assistance with utility payments;
8. Up to 24 months of utility payments per household, per service, including up to 6 months of arrearages, per service is allowed. Arrears must be paid as a one- time payment.

Maximum Period and Frequency of Assistance

Any combination of rental assistance which includes short and medium term rental assistance (including arrears) AND security deposits and last month's rent (both eligible under housing relocation & stabilization services financial assistance) may not exceed 24 months total during any 3-year period (See Financial Assistance Tracking form).

Rental assistance

- The maximum times a participant can receive non-consecutive short/ medium term rental assistance is 3 times per 24 month period. Rental arrears are the exception and are limited to 1 time assistance, per participant, within a 3 year period.

Housing relocation & stabilization services financial assistance costs (relating to rent)

- Rental application fees, security deposits, and last month's rent are limited to 1 time assistance, per participant, per service, within a 3 year period.
- Security deposits cannot exceed 2 months of rent.
- Last month's rent may not exceed 1 month of rent.

Housing relocation & stabilization services financial assistance costs (relating to utilities)

- The maximum times a participant can receive non-consecutive utility assistance for monthly utility bill payments is 3 times per 24-month period per service.
- The maximum period a participant can receive utility assistance is 24 months within a 3-year period. The exception is arrears. Utility arrear payments of up to 6 months are allowed per participant, per service, within a 3-year period.
- Deposits are limited to 1 time assistance per participant, per service, per 3 years.

Housing Standards

Lead-Based Paint Requirement

All HUD-funded program with housing units occupied by participants are required to incorporate lead-based paint remediation and disclosure requirements. Generally, these provisions require the recipient to screen for, disclose the existence of, and take reasonable precautions regarding the presence of lead-based paint in leased or assisted units constructed prior to 1978 (See Lead-based Paint Assessment).

ESG-funded projects are required to incorporate the Lead-Based Paint Poisoning Prevention Act (42 USC 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 USC 4851-4846), and 24 CFR part 35, subparts A, B, H, J, K, M, and R in the unit.

> ESG regulations require programs to address potential lead-based paint hazards in HUD-assisted housing. The standards apply to any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling or SRO unit. Properties that have been inspected according to HUD regulations and certified as having no lead-based paint and properties in which all lead-based paint was identified and removed according to HUD standards are also exempt. *(24 CFR 35.115)*
>
> If the program is providing rental assistance and the dwelling unit will be occupied by a child less than six years of age, the ESG recipient, sub recipient, or contractor must conduct a visual inspection in order to identify any deteriorated paint. If any hazards are identified the property owner must stabilize any deteriorated paint, and the unit must be cleared for occupancy by a trained or certified inspector. Ongoing lead-based paint maintenance activities must be incorporated into regular building operations. Further actions are required if a child less than six is identified as having an environmental intervention blood lead level.

24 CFR Part 35 subpart M referenced in 24 CFR 982.401(j) referenced in 24 CFR §578.75(b)

> In order to be qualified to conduct a visual inspection, staff must complete a 20-minute online training at www.hud.gov/offices/lead/training/visualassessment/h00101.htm.

Habitability Standards

Housing for all ESG program participants receiving rental assistance must meet HUD minimum habitability standards for permanent housing. ESG recipients must document compliance with this standard by signing and completing a

Habitability Standards Checklist before the participant signs the lease and before the grantee provides any ESG rental assistance or services specific to the unit. In addition, grantees must inspect all units at least annually to ensure that the units continue to meet habitability standards (See Habitability Checklist).

Fair Market Rents and Rent Reasonableness

(24 CFR 576.106(d)) ESG programs must ensure rents do not exceed the lesser of current Fair Market Rent (Las Vegas, NV HUD FMR Area) or the rent reasonableness standard with exception to the ESG Waiver – Restriction of Rental Assistance to Units with Rent at or Below FMR - waiving the limit on rental assistance to rents that are equal to or less than the FMR beginning on the date of *April 1, 2020 – October 1, 2020* (See CLV COVID-19 Waiver P&P). If the gross rent for the unit exceeds either, ESG sub recipients are prohibited from using ESG funds for any portion of the rent, even if the household is willing and/or able to pay the difference; with exception to the ESG Waiver – Restriction of Rental Assistance to Units with Rent at or Below FMR - waiving the limit on rental assistance to rents that are equal to or less than the FMR beginning on the date of *April 1, 2020 – October 1, 2020* (See CLV COVID-19 Waiver P&P). ESG programs must perform both a rent reasonableness determination and document that the rent falls at or below the applicable Fair Market Rent (See Rent Reasonableness form), with exception to the ESG Waiver – Restriction of Rental Assistance to Units with Rent at or Below FMR - waiving the limit on rental assistance to rents that are equal to or less than the FMR beginning on the date of *April 1, 2020 – October 1, 2020* (See CLV COVID-19 Waiver P&P) **on every unit assisted with rental assistance.** If a participant is provided with first month's rent as part of move-in assistance, this payment is considered rental assistance and is subject to the rent reasonableness and FMR standards.

The FMR and rent reasonableness standard requirement does not apply when a program participant receives only financial assistance or services under housing stabilization and relocation services. This includes rental application fees, security deposits, an advance payment of last month's rent, utility payments/deposits, and/or moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

As a matter of practicality, however, if the household were also receiving ongoing rental assistance, the amount of the deposit and/or last month's would be limited based on these standards. Caution should be used when providing assistance that exceeds the standard for rental assistance even if used for one-time move-in assistance only, as the provider would be prohibited from providing additional assistance in the future if the household subsequently requires additional assistance.

Rent reasonableness means that the total rent charged for a unit must be reasonable in relation to the rents being charged during the same time period for comparable units in the private market and must not be in excess of rents being charged by the owner during the same time period for comparable units not being subsidized through rental assistance (See Rent Reasonableness form)

To make this determination, the recipient or sub recipients should consider

- The location, quality, size, type, and age of the unit; and
- Any amenities, housing services, maintenance and utilities to be provided by the owner.

Staff must compare the proposed unit's rent to the rent of at least **three (3)** comparable unassisted units in the area (within 10 blocks of the proposed unit) . Comparable rents can be checked by using a market study conducted by a local Public Housing Agency (PHA) or reviewing comparable units advertised for rent within a 10 blocks of the proposed unit (e.g. www.craigslist.org, www.rent.com). Note that not every element in the suggested list of things to check for must be known to establish a comparable unit. When comparable units are not available, best efforts should be made to find similar units in other complexes or in similar geographic areas that are comparable to the location of the unit to be assisted.

The rent charged cannot be more than $50.00 higher then the comparable unassisted units in the area.

FAIR MARKET RENT (FMR) is a benchmark established by HUD for specific geographic regions. For ESG, the FMR is the maximum rent permitted even if other similar units rent for more.

FMRs for each fiscal year can be faund by visiting HUD's website at www.huduser.org/portal/datasets/fmr.html and clicking on the current "Individual Area Final FY20XX FMR Documentation" link.

The FMR used for a household in shared housing is the lower of the FMR for the family unit size or the pro-rata share of the FMR for the shared housing unit size. The pro-rata share is calculated by dividing the number of bedrooms available for occupancy by the assisted family by the total number of bedrooms in the unit. For example, in the case of a single person household renting one room in a 4-bedroom house, the FMR used would be the lower of the 1-bedroom FMR or the pro-rata share of the 4-bedroom FMR (1/4 of the 4-bedroom FMR). (HUD response to ESG question 49751 provided 3/9/15)

For purposes of calculating whether a rent is within the FMR, the rent is equal to the sum of the total monthly rent for the unit, any fees required for occupancy under the lease (other than late fees and pet fees) and, if the tenant pays separately for utilities, the monthly allowance for utilities established by the Public Housing Authority for the area in which the housing is located. Utilities include gas, electric, water, sewage and trash disposal but do not include the cost of a telephone line, Internet or cable television.

https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2020_code/2020summary.odn

Final FY 2020 & Final FY 2019 FMRs By Unit Bedrooms					
Year	**Efficiency**	**One-Bedroom**	**Two-Bedroom**	**Three-Bedroom**	**Four-Bedroom**
FY 2020 FMR	$728	$877	$1,080	$1,558	$1,882
FY 2019 FMR	$652	$791	$979	$1,416	$1,717

Lease Agreements

(24 CFR 576. 106 (g)) Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. If a program participant will be renting a bedroom in a single-family home, apartment, or rooming house, the participant must have a lease with the owner. Program participants are not permitted to receive ESG rental assistance if they are subleasing from another renter.

In cases where a program participant is renting a room from a friend or family member, note that although ESG regulations do not prohibit renting a room in the house of a family member or friend with ESG funds, it may be difficult to demonstrate that the potential program participant has no other resources and support networks if they have a family member or friend with an extra room in their home. One key factor to consider is whether the family member or friend has been renting out the bedroom in the recent past. (HUD response to ESG question 49751 provided 3/9/15)

Where the program is only providing assistance for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks.

Rental Assistance Agreements

(24 CFR 576. 106 (e)) In addition to a lease between the participant and owner, the ESG Interim Rule also requires a rental assistance agreement between the ESG recipient and the property owner. The grantee may make rental assistance payments only to an owner with whom the grantee has entered into a rental assistance agreement. (See the Landlord Rental Agreement).

The rental assistance agreement *(24 CFR 576. 106 (e))* must set forth the terms under which rental assistance will be provided, including the requirements of ESG assistance. In addition, the rental assistance agreement must provide that, during the term of the agreement, the owner give the ESG recipient a copy of any notice to the participant to vacate the unit or any complaint used under state or local law to commence an eviction against the participant. Finally, the rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the participant's lease.

The rental assistance agreement with the owner must terminate and no further rental assistance payments made under that agreement if:

- The participant moves out of the housing unit for which the participant has a lease;
- The lease terminates and is not renewed; or,
- The participant becomes ineligible to receive ESG rental assistance.

(See the Landlord Rental Agreement)

Prohibition on using ESG for late payments

(24 CFR §576.106(f)) The program must make timely payments to each owner in accordance with the rental assistance agreement. The rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The program is solely responsible for paying late payment penalties that it incurs with non-ESG funds.

Minimum Standards and Requirements

Nondiscrimination, Equal Opportunity, Affirmative Outreach, and Fair Housing

Southern Nevada's ESG recipients – the City of Las Vegas, the City of North Las Vegas, and Clark County - do not tolerate discrimination on the basis of any protected class (including actual or perceived race, color, religion, national origin, sex, age, familial status, disability, sexual orientation, gender identity, or marital status) during any phase of the CE process. Some programs may be forced to limit enrollment based on requirements imposed by their funding sources and/or state or federal law. All such programs will avoid discrimination to the maximum extent allowed by all funding sources and their authorizing legislation. All aspects of the Southern Nevada CE system will comply with all Federal, State, and local Fair Housing laws and regulations. Participants will not be "steered" toward any particular housing facility or neighborhood because of race, color, national origin, religion, sex, disability, or the presence of children. All locations where persons are likely to access or attempt to access the CE System will include signs or brochures displayed in prominent locations informing participants of their right to file a non-discrimination complaint and containing the contact information needed to file a nondiscrimination complaint. Maximum standards shall comply with the requirements for nondiscrimination, equal opportunity and affirmative outreach processes.

Faith-Based Activities

Minimum standards for faith-based activities (24 CFR 576.406) are: Providers receiving ESG funding shall not engage in inherently religious activities as part of the ESG- funded programs or services. Such activities must be offered separately from ESG -funded programs and services and participation must be voluntary. Recipients and sub recipients must not discriminate against a program participant or prospective program participant on the basis of religion or religious belief.

Fair Housing - Equal Access - Section 504

Please refer to CLV ESG Policies and Procedures Manual for a detailed list of Fair Housing, Equal Access, Section 504 and other required General Provisions

Environmental Review

Before any funds are committed, an environmental review will be conducted of all ESG-funded grantee project site(s) to demonstrate there are no hazardous materials present that could affect the health and safety of the occupants. Environmental reviews will be are acceptable for a 1 to 5-year time period, depending on the project type. The costs of carrying out environmental review responsibilities are an eligible use of administrative funds. All ESG activities are subject to environmental review under HUD's environmental regulations in 24 CFR part 58.

The subrecipient, or any contractor of the subrecipient, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for an ESG project, or commit or expend HUD or local funds for ESG eligible activities, until an environmental review under 24 CFR part 58 has been performed and the recipient has received HUD approval of the property.

Duplication of Benefits

Each program participant will complete, submit and sign a Duplication of Benefits Checklist & Subrogation Certification identifying common sources of funds that may pose a Duplication of Benefit (DOB). Each program participant must disclose information about the receipt, or anticipated receipt, of financial assistance from multiple sources as they relate to the funding application. When these forms of assistance have been received for the same purpose, they cannot be duplicated with federal funds and generally must be deducted from eligible project costs. The information within the checklist & certification will provide the City of Las Vegas with vital information for processing the application required by the Stafford Act Section 312 on Duplication of Benefits.

Termination Policies

(24 CFR 576.402) If a program participant violates program requirements or no longer meets minimum eligibility requirements for program assistance, the subrecipient may terminate assistance. To terminate assistance, the minimum required formal process must consist of (See Termination Form):

1. A written notice to the program participant containing a clear statement of the reasons for termination; and
2. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
3. Prompt written notice of the final decision to the program participant.

Termination does not bar the subrecipient from providing further assistance at a later date to the same family or individual.

Termination of rental assistance

The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:

- the program participant moves out of the housing unit for which the program participant has a lease;
- the lease terminates and is not renewed; or
- The program participant becomes ineligible to receive ESG rental assistance.

(See the Landlord Rental Agreement) and (See Termination Form).

Grievance Policy

All ESG recipients must have a client grievance policy in place (See Grievance Form), a copy of which should be made available to clients. This policy address grievances involving a grantee's internal policies, services or activities. The client will follow the City of Las Vegas Grievance Policy and Procedure (See Grievance Form). If the client follows the City of Las Vegas' grievance process and still believes the complaint was not adequately addressed, the client may file a formal grievance with the CoC.

CLV Rental Assistance Payment Policy & Procedures

Purpose

To speed the administrative processing of the CLV Rental Assistance program, payment transactions and to reduce the number of forms needed to complete these transactions, the direct pay procedure may be followed.

Responsibilities and Authority

Grant Program Coordinator

- Ensures the proper management of the Rental Assistance program, determines program participant(s) eligibility, execution of agreements and financial assistance payment
- Calculates formula for allocating funds to be paid to utilities and property owner/landlord(s) on behalf of program participant(s)
- Prepares CLV Request for Funds Forms, provides backup/reference documentation and forwards to Administrative Support Assistant
- Retains copies of all financial assistance requests and payments

Administrative Support Assistant

- Reviews CLV Request for Funds forms and compiles backup/reference documentation of financial assistance payments
- Prepares and completes Rental Assistance Spreadsheet for management approval and financial assistance payments
- Forwards the entire package: a copy of Rental Assistance Spreadsheet, CLV Request for Funds Form, and backup/reference documentation, to OCS Manager and/or Deputy Director for signature approval
- Forwards a copy of electronic Rental Assistance Spreadsheet to CLV Finance Department for direct payment distribution
- Retains copies of all financial assistance requests and payments

OCS Manager and/or Deputy Director

- Reviews Rental Assistance Spreadsheet, CLV Request for Funds forms and backup/reference documentation of financial assistance payments
- Provides signature authorization for distribution of payment to utilities and property owner/landlord(s)

Finance

- Responsible for reviewing Rental Assistance Spreadsheet, and processing request by creating checks for payment to utilities and property owner/landlord

Policy

All payments will be directly paid to utilities and property owner/landlord. All invoices must be reviewed and approved by the Grant Program Coordinator prior to financial assistance request. All financial assistance payment requests are reviewed and approved by OCS Manager and/or Deputy Director prior to issuing payment to utilities and property owner/landlord.

The CLV Request for Funding Form (Attachment #1) can be used for, but not limited to:

- Utility payments;
- Rental/Arrears payments

The Rental Assistance Spreadsheet (Attachment #2) is a check payment request form that can be processed electronically. Payment request are typically mailed out between 5-7 business days.

**As a needed by basis: Quick Checks may be picked up by appointment based only directly from City Hall, fourth Floor, Treasury Window. A government issued I.D will be required for check pick up.*

Procedure

1. The Grant Program Coordinator will meet with potential participant(s) to review program eligibility and assist in the completion of required documentation for the CLV Rental Assistance program. The Grant Program Coordinator will prepare CLV Request for Funds Form and compile appropriate backup/reference documentation for financial assistance requests on behalf of program participant(s):

   CLV Request for Funds Form

   - Enter the date form was prepared in the DATE PREPARED section;
   - Enter the complete name and address in the PAYABLE TO section;
   - Enter the household primary name in the CLIENT NAME section;
   - Enter the type of assistance (rent, utility, arrears) in the DESCRIPTION section;
   - Enter the amount due (rent, utility, arrears) in the AMOUNT AUTHORIZED section;
   - Grant Program Coordinator signs that PREPARED BY section; and

   Attach Backup/Reference Documentation

   - First page of the program participant(s) Lease Agreement(s);
   - Invoice of Letter from landlord showing participant is delinquent;
   - Invoice of Utility Company showing participant is delinquent (if applicable).

   Copies of signed CLV Request for Funds Form and backup/reference documentation will be forwarded to Administrative Support Assistant.

2. The Administrative Support Assistant will review CLV Request for Funds forms and compile backup/reference documentation of financial assistance payments. The Administrative Support Assistance will prepare and complete Rental Assistance Spreadsheet for management approval and financial assistance payments:

   Rental Assistance Spreadsheet

   - Enter the name for the Utility Company or Property Owner/Landlord in the ADDR1(PAYEE NAME) section;
   - Enter the complete address for the Utility Company or Property Owner/Landlord in the ADDR2(PAYEE ADDRESS LINE1, CITY, STATE, POSTAL CODE) section;
   - Enter the amount due (rent, utility, arrears) in the INVOICE AMOUNT section;
   - Enter the type of assistance (rent, utility, arrears) on the DESCRIPTION section;
   - The FUND, ORG, ACCOUNT, PROJECT, TASK & OPTION sections will be assigned according to each grant program.

Compile Rental Assistance Spreadsheet, CLV Request for Funds form and attach Backup/Reference Documentation. The entire package will be forwarded to OCS Manager and/or Deputy Director for signature approval.

An electronic copy of the Rental Assistance Spreadsheet will be forwarded to CLV Finance Department for direct payment distribution.

**As a needed by basis: Quick Checks/Pick up Check form will be completed, the form will be electronically filled out and emailed to Account payable. Upon approval, attach the Quick /Pick up Check form, ON TOP, to the original documents and submit immediately to finance.*

3. The OCS Manager and/or Deputy Director will review Rental Assistance Spreadsheet, CLV Request for Funds forms and backup/reference documentation of financial assistance payments; and provide signature approval.

4. The Finance Department will review the Rental Assistance Spreadsheet and process the request, by creating checks for payment to utilities and property owner/landlord.

Attachments

#1 CLV Request for Funding Form

#2 Rental Assistance Spreadsheet

Appendix

Instructions: RIGHT-Click to open file destination.

<u>Client File Checklist</u>

<u>Intake Form</u>

<u>CLV ESG Program Statement of Understanding Agreement</u>

<u>Duplication of Benefits Checklist and Agreement</u>

<u>HMIS Nevada Client Consent Form</u>

<u>Zero Income Form</u>

<u>Income Calculation Worksheet</u>

<u>Landlord Agreement with CLV</u>

<u>Rent Reasonableness Checklist and Certification</u>

<u>Housing Stabilization Plan</u>

<u>Habitability Standards Checklist</u>

<u>Lead-Based Paint Visual Assessment Certification</u>

<u>Client Exit Form</u>

<u>Termination Policy and Form</u>

<u>Grievance Policy and Form</u>

<u>CLV Payment Request Policy-Procedure</u>

<u>CLV Waivers - ESG</u>