

STATE OF NEVADA
DEPARTMENT OF BUSINESS & INDUSTRY

HOUSING DIVISION

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

**HOMELESS PREVENTION AND RAPID
RE-HOUSING PROGRAM**



PROGRAM GUIDELINES

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HPRP PROGRAM GUIDELINES

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1. INTRODUCTION

This document is designed to assist with implementing the Homeless Prevention and Rapid Re-Housing Program (HPRP). It has been prepared by the State of Nevada Housing Division (Division) and contains required program and administrative policies and procedures. It is to be used as a reference for all agencies that are responsible for the administration of all HPRP initiatives and funds. The Division is responsible for coordinating the development of these guidelines to ensure consistency of the information, the coordination of revisions/additions from the U.S. Department of Housing and Urban Development (HUD) or Division and the distribution of the information. It is the responsibility of the agencies to disseminate information pertinent to their respective initiatives and ensure that their staff and partner agencies are aware of, understand and comply with policies and procedures in this guide.

2. PROGRAM DESCRIPTION

HPRP was created by the American Recovery and Reinvestment Act of 2009 to provide financial assistance and services to either prevent individuals and families from becoming homeless or to help those who are experiencing homelessness to be quickly re-housed and stabilized. HPRP is focused on housing for homeless and at-risk households. It will provide temporary financial assistance and housing relocation and stabilization services to individuals and families who are homeless or would be homeless *but* for this assistance. The funds under this program are intended to target two populations of persons facing housing instability: 1) individuals and families who are currently in housing but are at risk of becoming homeless and require temporary rent or utility assistance to prevent them from becoming homeless or moving costs assistance to move to another unit (prevention); and 2) individuals and families who are experiencing homelessness (residing in emergency or transitional shelters or on the street) and need temporary assistance in order to obtain housing and retain it (rapid re-housing).

HUD expects that these resources will be targeted and prioritized to serve households that are most in need of this temporary assistance and are most likely to achieve stable housing, whether subsidized or unsubsidized, outside of HPRP after the program concludes.

HPRP assistance is not intended to provide long-term support for program participants, nor will it be able to address all of the financial and supportive services needs of households that affect housing stability. Rather, assistance should be focused on housing stabilization, linking program participants to community resources and mainstream benefits, and helping them develop a plan for future housing stability that will continue after HPRP assistance ends. The Division allows agencies to restrict services provided with State HPRP funds as long as ***there is a process in place to provide, in advance and in writing, information that clearly identifies the type, level, and duration of assistance available to each program participant before assistance is provided.***

3. ALLOCATIONS

The State of Nevada has been allocated \$2,035,393.00 in one-time funding for HPRP. A substantial amendment to the State 2008 Annual Action Plan was submitted to HUD to obtain these funds.

3.1 Agency Allocations

Allocations were derived from a formula which was developed by the Division. Funds were awarded to State Grantees in northern and southern Nevada to supplement local HPRP allocations received by HUD. The remaining funds were allocated to six (6) rural agencies that submitted Letters of Intent describing plans for providing HPRP funds to eligible participants within their communities. Funds were also allocated to the Homeless Management Information System lead to supplement costs associated with implementing HPRP within the HMIS database.

Agencies receiving HPRP allocations from the Division must execute the Division's HPRP Sub-Grantee Award Notice, which includes the final budget that reflects four main spending category allocations, in order to receive funding. The four categories include: 1) Financial Assistance 2) Housing Relocation and Stabilization 3) Data Collection and Evaluation, and 4) Administrative Costs. Once the Award Notice has been executed by all parties, changes to the budget that involves the reallocation of funds from one category to another must be approved in writing by the Division.

4. REALLOCATION AND RECAPTURE

HPRP regulations require the Division to expend sixty (60) percent of its allocation within two years of grant execution. One hundred (100) percent of the HPRP allocation must be expended by end of the three year contract period. As a result, each agency receiving State HPRP funds must also expend no less than sixty (60) percent of its allocation within the first two years and one hundred (100) percent in three (3) years, or risk the recapture and reallocation of HPRP funds to another agency. The Division reserves the right to review agency performance each quarter in order to ensure that this requirement is met. An agency with poor performance may have funds recaptured and reallocated to agencies that have performed well.

5. PARTICIPANT ELIGIBILITY

The intent of HPRP is to provide funding for housing expenses to person who are homeless or who would be homeless in not for this assistance. This program targets two populations of persons facing housing instability: persons who are still housed but are at imminent risk of becoming homeless, and persons who are already homeless.

Agencies are responsible for verifying and documenting the program participant's risk of imminent homelessness that qualifies them for receiving rental assistance, or for verifying and documenting a participant's actual homelessness. Income eligibility and need for assistance must be evaluated and certified at least once every three (3) months for participants.

5.1 Eligibility Requirements for All Participants

In order to receive financial assistance or services funded by HPRP, individuals and families must at least meet the minimum criteria:

5.1.1 *Consultation*

Any individual or family provided with financial assistance through HPRP *must* have at least an initial consultation and assessment with a case manager

or other authorized representative who can determine the appropriate type of assistance to meet their needs. Agencies must have a process in place to refer persons ineligible for HPRP assistance to the appropriate resources or service provider that can assist them.

5.1.2 *Income Verification*

The household must be at or below 50% of Area Median Income for the County of residence. Income limits are available at http://www.nvhousing.state.nv.us/fed_home/2009%20HUD%20INCOME%20GUIDELINES.pdf or at HUD.GOV. **Note:** An agency receiving State HPRP funds may restrict client eligibility to an income limit less than the allowable 50% AMI, as long as the eligibility requirements are made available, in advance and in writing, to households seeking HPRP assistance.

Agencies will complete income verification forms and submit appropriate income sources for third party verification. Completed income verifications should be placed in the client file.

5.1.3 *Housing Status*

The household must be either homeless or at risk of losing its housing and meet both of the following circumstances: (1) no appropriate subsequent housing options have been identified; *AND* (2) the household lacks the financial resources and support networks needed to obtain immediate housing or remain in its existing housing.

5.2 Eligibility Requirements for Prevention Assistance

Prevention assistance may only be provided to individuals and families who would otherwise be homeless *but for* HPRP assistance.

Additional risks factors to be considered when targeting HPRP prevention assistance may include:

- Actual or pending eviction within 2 weeks;
- Significant sudden loss of income; and
- 50 percent or more of monthly income is spent on housing.

5.3 Eligibility Requirements for Rapid Re-Housing Assistance

Rapid re-housing is available for persons who are homeless according to HUD's definition. Individuals and families who meet one of the following criteria, along with the minimum requirements established in Section 5.1, are eligible under the rapid re-housing portion of HPRP:

- Sleeping in an emergency shelter;
- Sleeping in a place not meant for human habitation, such as cars, parks, abandoned buildings, streets/sidewalks;

- Staying in a hospital or other institution for up to 180 days but was sleeping in an emergency shelter or other place not meant for human habitation immediately prior to entry into the hospital or institution;
- Graduating from, or timing out of a transitional housing program; and
- Fleeing domestic violence.

The purpose of HPRP funds for rapid re-housing is to assist eligible program participants to quickly obtain and sustain stable housing. Assistance providers will utilize a process to assess, for all potential program participants, their level of service need, other resources available to them, and the appropriateness of their participation in the rapid re-housing assistance portion of HPRP. Program participants who require longer-term housing assistance and services that are ineligible for HPRP should be directed to programs that can provide the requisite services and financial assistance.

6. ELIGIBLE ACTIVITIES

There are four categories of eligible activities for the HPRP program: financial assistance, housing relocation and stabilization services, data collection and evaluation, and administrative costs. These eligible activities are intentionally focused on housing—either financial assistance to help pay for housing, or services designed to keep people in housing or to find housing. Generally, the intent of HPRP assistance is to successfully support program participants in their journey from homelessness to long-term stability. Participants should achieve stability either through their own means and/or through public assistance as appropriate.

6.1 Financial Assistance

For all financial assistance, payments may not be made directly to program participants; only payments to third parties, such as landlords or utility companies are eligible. Properties owned by the Division, state grantees, sub-grantees or the parent, subsidiary or affiliated organization of the above may not receive payments that include HPRP funding.

Financial Assistance is limited to the following activities:

6.1.1 *Rental Assistance*

Tenant-based rental assistance can be provided to allow individuals and families to remain in their existing rental units or to help them obtain and remain in rental units they select. Rental assistance may be provided for up to eighteen (18) months. Agencies may determine how many months of rent assistance to provide a program participant, or a maximum amount of assistance that a single individual or family may receive. The Division, state grantees and sub-grantees may also require program participants to pay a portion of the rent expense for a unit.

Rental assistance may also be used to pay up to six (6) months of rental arrears for eligible program participants to remain in the housing unit for which the arrears are being paid or move to another unit. Rental arrears may

be paid regardless of when they were incurred, provided that the existence of the arrears prevents the eligible participant from obtaining housing. Payments for rental arrears must be included in determining the total period of the program participant's rental assistance, which may not exceed eighteen (18) months. The rental assistance paid cannot exceed the actual rental cost.

Rental assistance payments cannot be made on behalf of eligible individuals or families for the same period of time that rental assistance is being provided through another federal, state or local housing subsidy program. This means that rent assistance payments being made under HPRP cannot be a combination of funds from HPRP and another program.

Agencies providing rental assistance for rapid re-housing will be required to conduct initial and any appropriate follow-up habitability inspections of housing units into which a program participant will be moving. Units must be inspected on an annual basis or upon a change of tenancy, and documentation of all inspections placed in client files.

For all rapid re-housing and homeless prevention assistance, Lead Based Paint Poisoning Act requirements must be met, when applicable, based on participant household composition. Visual assessments must be conducted and a certification completed that states that the unit does not have lead issues before any HPRP funds may be released.

The Lead-Based Paint requirements are more stringent than the habitability standards, and they apply to all housing in which families assisted with HPRP funds will reside, whether they are assisted with homelessness prevention or rapid re-housing. Specifically, the regulations apply to the unit and to common areas servicing the unit when HPRP assistance is provided to a unit constructed before 1978 in which a child under the age of 6 will be residing, unless it meets one of the following criteria: a) it is a zero-bedroom or SRO-sized unit, b) it is housing for the elderly and there are no children under the age of 6, c) a lead-based paint inspection has been conducted in accordance with HUD regulations and found not to have lead-based paint, d) the property has had all lead-based paint identified and removed in accordance with HUD regulations or e) it meets any of the other exemptions described in 24 CFR part 35.115(a).

An initial visual assessment and periodic inspections are required for as long as HPRP funds are being used to assist the family in the unit. Both must meet HUD's standards described in the applicable regulations. In addition, the unit must be inspected again if a new family assisted with HPRP funds moves in, and the clock for periodic inspections is reset. Finally, the owner must provide a notice to occupants if an evaluation and hazard reduction activities have taken place, in accordance with 24 CFR Part 35.125. Agency staff must be familiar with regulations that implement the Lead-Based Paint Poisoning

Prevention Act, at 24 CFR Part 35, subparts A, B, M, and R. Staff responsible for this requirement should also review the 20 minute online training course at <http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

Agencies must have acceptable documentation showing a participant is in need of rental assistance. Documentation may be in the form of an eviction notice from a landlord or a letter stating intent to evict.

“Rent Reasonableness” standards apply. “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 unassisted market and must not be in excess of rents charged by the owner during the same time period for comparable non-luxury unassisted units. Agencies may use fair market rent (FMR) standards to establish rent reasonableness. If a unit is above FMR, agencies may conduct a rent reasonableness comparison using the guidelines and completing the certification found in Attachment C. **Note: Rent reasonableness requirement applies to the payment of arrears. It also applies to homeless prevention assistance where there is a current lease in place. Thus, if the rent does not pass the rent reasonable standard, the program participant would not receive assistance the household in that unit.**

Agencies should assist program participants to locate a rental unit at or below market rent. When a rental unit has been located, agencies need to assist the client in contacting the landlord to complete the appropriate paperwork and conduct a habitability standards inspection.

6.1.2 Security and Utility Deposits

HPRP funds may be used to pay for security deposits and utility deposits. Security and utility deposits may only be paid with HPRP funding if the program participant will otherwise be homeless without this assistance.

Security and utility deposits covering the same period of time in which assistance is being provided through another housing subsidy program are eligible, as long as they cover different costs types.

Security and utility deposits may be paid as a one-time grant not to exceed the monthly rental amount. Information documenting the need for a security deposit should be obtained at the same time the required rental paperwork is being completed by the client and landlord. Agencies may determine whether to collect the security deposit when the participant moves. If the security deposit is recovered by the agency, it must be treated as Program Income.

Agencies must conduct habitability standards inspections on any unit that a program participant will be moving into using HPRP funds for security or utility deposit. Agencies must certify that the unit has passed habitability

standards and Lead Based Paint Poisoning Act requirements before any HPRP funds may be released.

6.1.3 Utility Payments

HPRP funds may be used for up to eighteen (18) months of utility payments, including up to six (6) months of utility payments in arrears. The program participant, or a member of the participant's household, must have an account in his/her name, and they must be able to show responsibility to make utility payments via canceled checks or receipts from a utility company. Copies of the proof of responsibilities should be obtained and maintained in the client file.

Utility payments must be made directly to the utility company. Utility payments may not be made on behalf of homeowners who are facing foreclosure.

6.1.4 Moving Cost Assistance

Moving cost assistance may be provided with HPRP funds for reasonable moving costs, such as truck rental, hiring a moving company, or short-term storage fees for a maximum of three (3) months or until the program participant is in housing, whichever is shorter. Moving cost assistance payments must be made directly to a third party agency.

If accessing moving/storage services, the agency must document in detail the circumstances surrounding the need to access these services, including monthly fees that will be charged and the dates in which the services will be accessed. In addition, agencies may need to assist the participant in finding reasonably priced vendors for this service.

6.2 Housing Relocation and Stabilization Services

Program participants are eligible to receive services to assist with housing stability and placement for up to eighteen (18) months. Assistance should be focused on housing stabilization, linking program participants to community resources and mainstream benefits and helping them develop a plan for preventing future housing instability.

Housing Relocation and Stabilization Services are limited to the following activities:

6.2.1 Case Management

Activities for the arrangement, coordination, monitoring, and delivery of services related to meeting the housing needs of program participants may be provided with HPRP funds. Agencies are expected to include component services and activities which may include: counseling; developing, securing, and coordinating services; monitoring and evaluating program participants' progress; assuring that program participants' rights are protected; developing individualized housing and service plans, including a path to permanent

housing stability once the participant is no longer receiving HPRP financial assistance.

6.2.2 Outreach and Engagement

Agencies are expected to conduct outreach intended to promote HPRP, targeting the program to persons who are homeless or near homeless so that they are aware of the program and its services. HPRP funds may be used to inform community agencies and organizations of the services that the program offers, who is eligible to participate, and how services are accessed.

6.2.3 Housing Search and Placement

Services or activities designed to assist program participants in locating, obtaining, and retaining suitable housing may be provided with HPRP housing search and placement funds. These activities may include: tenant counseling; assisting individuals and families to understand leases; securing utilities; making moving arrangements; representative payee services concerning rent and utilities; and mediation and outreach to property owners related to locating or retaining housing.

6.2.4 Legal Services

HPRP funding may be used to provide legal services to help people stay in their homes, such as legal advice and representation in administrative or court proceedings related to tenant/landlord matters or housing issues.

6.2.5 Credit Repair

Credit repair services include services that are targeted to assist program participants with critical skills related to household budgeting, money management, accessing personal credit reports, and resolving personal credit issues. Agencies are expected to work with participants who require assistance in developing skills necessary to understand and manage their personal funds.

6.3 Data Collection and Evaluation

HPRP data collection and reporting is conducted through the Homeless Management Information System Database or a comparable database for victims of domestic violence. Reasonable and appropriate costs associated with operating the HMIS, or a comparable database, are allowable expenses.

Each agency is responsible for collecting and entering client data in compliance with the HPRP data standards and the Division's reporting requirements. Agencies must comply if asked to participate in a HUD-sponsored research and evaluation of HPRP. HPRP funds are eligible for costs to the agency of participating in HUD research and evaluation of the program

6.4 Administrative Costs

HPRP funds may be used for administrative costs such as accounting for the use of grant funds, preparing reports for submission to the Division, and grantee or sub-grantee staff salaries associated with these administrative costs. Administrative costs also include training for staff who will administer the program or case managers who will serve program participants, as long as this training is *directly related to learning about HPRP*. Training to learn case management skills and abilities would not be eligible under this program

Administrative costs do not include the costs of issuing financial assistance, providing housing relocation and stabilization services, or carrying out eligible data collection and evaluation activities. Costs incurred under these categories, such as staff salaries, conducting housing inspections, and other operating costs should be included under one of the three other eligible activity categories.

7. INELIGIBLE AND PROHIBITED ACTIVITIES

The intent of HPRP is to provide funding for housing expenses to person who are homeless or would be homeless if not for this assistance. Therefore, financial assistance or services to pay for expenses that are available through other Recovery Act programs are not eligible. Case managers should work to link program participants to these other resources.

7.1 Mortgage Costs are Ineligible

HPRP is not a mortgage assistance program. Financial assistance may not be used to pay for any mortgage costs or costs needed by homeowners to assist with any fees, taxes, or other costs of refinancing a mortgage to make it affordable. Legal costs associated with refinancing mortgages are also excluded.

Households may receive financial assistance in securing permanent rental housing if they are relocating due to foreclosure, meet the 50% of Annual Median Income eligibility requirements (or applicable AMI if restricted by the participating agency), and would otherwise be homeless but for this assistance.

7.2 Other Ineligible and Prohibited Activities

- HPRP funds may not be used to pay for any of the following items:
 - Construction or rehabilitation
 - Credit card bills or other consumer debt
 - Car repair or other transportation costs
 - Hotel or motel vouchers are not eligible unless a unit has been identified but there is a delay in move-in and there are emergency beds available
 - Participant travel or food costs
 - Medical or dental care and medicines

- Clothing and grooming
 - Home furnishings
 - Pet care
 - Entertainment activities
 - Work or education related materials
 - Child care
 - Cash assistance to program participants
- Participants cannot receive more than eighteen (18) months of rental assistance through HPRP. Assistance provided from different agencies cannot exceed the eighteen (18) month per participant limit.
 - HPRP funds may not be used to pay for certifications, licenses and general training classes for case managers and program administrators.
 - Programs may not charge fees to HPRP participants
 - Financial assistance may not be provided to program participants in the form of a loan.

8. DATA COLLECTION REQUIREMENTS

Agencies are expected to conduct data collection using the local Continuum of Care's HMIS database. Victim services agencies will conduct data collection using a comparable database. All homeless and homeless prevention related services provided under HPRP funding must be recorded in HMIS or a comparable database.

All agencies receiving funding under HPRP will need to have HMIS access in order to record these services. HMIS users will receive training for HPRP data standards by Bitfocus, Inc., the HMIS lead agency. All data for a service or services must be entered into HMIS or a comparable database completely and accurately per required data compliance standards.

To promote coordination of benefits and necessary monitoring of HPRP requirements regarding eligibility and duration of benefits, appropriate interagency agreements will be in place and client releases of information will be obtained so the HMIS data may be appropriately shared among HPRP agencies. This data may also be shared with other providers using HMIS, given appropriate agreements and client's permission, to promote coordinated planning and service delivery.

9. DATA REPORTING AND EVALUATION REQUIREMENTS

Agencies are encouraged to generate weekly reports from HMIS in order to ensure client data has been entered correctly to ensure that proper reporting and data quality is being maintained. Agencies may be required to submit reports to the Division.

10. OTHER REQUIREMENTS

10.1 Confidentiality

Each HPRP agency must develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided with assistance.

10.2 Termination of Housing Assistance/Discharge Planning

The agency may terminate assistance to a program participant who violates program requirements. Agencies may resume assistance to a program participant whose assistance was previously terminated. In terminating assistance to a program participant, the agencies must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law. This process, at a minimum, should consist of:

- Written notice to the program participant containing a clear statement of the reasons for termination;
- 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
- Prompt written notice of the final decision to the program participant.

Agencies must also make every effort to ensure that clients discharged from HPRP assistance, either due to termination due to violation of program requirements or because a program participant has reached the maximum number of months that they are eligible for assistance, are not discharged into the streets or into an unstable housing situation.

10.3 Recordkeeping

Agencies are expected to maintain program records for a minimum of four (4) years after the final expenditure under the HPRP contract.

10.4 Sanctions

If an agency materially fails to comply with the terms and conditions of their contract, the Division may take appropriate action, which may result in the sanction, suspension or termination of both the agreement and recovery of the funds awarded, and any other remedies available by law.

If the Division determines that, after following appropriate procedures, the agency is not complying with the requirements of their contract or of other applicable state and federal laws, the Division will issue a warning letter that further failure to comply with such requirements will result in a more serious sanction of either:

- Directing the agency to cease incurring costs with HPRP funds; or
- Requiring that some or all of the grant amounts be remitted to the Division.

10.5 Monitoring

The Division is responsible for ensuring that the program requirements established by the HUD notice and any subsequent guidance are met. The Division will follow the monitoring procedures it established in its substantial amendment and management plan submitted for HPRP, and will have staff that will have responsibility for continuous monitoring of all HPRP agency activities. This will be accomplished with site visits to agencies and monthly review of all grant activities and reports. Monitoring of agencies may be conducted by the Division, local HUD Office of Community Planning and Development, HUD's Office of Special Needs Assistance Programs, HUD's Office of Inspector General, HUD's Office of Fair Housing and Equal Opportunity, or another authorized state or federal agency to determine agency compliance with the requirements of this program

Agencies are expected to make available all client files, and any financial and program records for periodic review on a schedule to be established by the Division. In addition, agencies will maintain client files in compliance with any standards set by the Division.

10.6 Nondiscrimination and Equal Opportunity Requirements

Agencies must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). In addition, agencies must make known that HPRP rental assistance and services are available to all on a nondiscriminatory basis and ensure that all citizens have equal access to information about HPRP and equal access to the financial assistance and services provided under this program. Among other things, this means that each sub-grantee must take reasonable steps to ensure meaningful access to programs to persons with limited English proficiency (LEP), pursuant to Title IV of the Civil Rights Act of 1964. This may mean providing language assistance or ensuring that program information is available in the appropriate languages for the geographic area served by the jurisdiction and that limited English proficient persons have meaningful access to HPRP assistance.

In addition, all notices and communications shall be provided in a manner that is effective for persons with hearing, visual, and other communication related disabilities consistent with section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8.6. If the procedures that the agency intends to use to make known the availability of the rental assistance and services are unlikely to reach person of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for such rental assistance and services, the agency must establish additional procedures that will ensure that such persons are made aware of the rental assistance and services.

10.7 Affirmatively Furthering Fair Housing

Under Section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing. HUD requires the same of its funding recipients. Agencies will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. Examples of

affirmatively furthering fair housing include: (1) marketing the program to all eligible persons, including person with disabilities and person with limited English proficiency; (2) making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities; (3) providing fair housing counseling service or referrals to fair housing agencies; (4) informing participants of how to file a housing discrimination complaint, including providing the toll-free number for the local Fair Housing Office; and (5) recruiting landlords and service providers in areas that expand housing choice to program participants.

10.8 Lead-Based Paint Requirements

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C 4851 et seq.) and implementing regulations at 24 CFR part 35, subparts A, B, M and R shall apply to housing occupied by families receiving assistance through HPRP. Agency staff must complete the Lead-Based Paint Visual Assessment Training, and provide a copy of the Lead Based Paint Disclosure Form, available at <http://hudhre.info/hprp/index.cfm?do=viewHPRPTools>, to all clients receiving assistance. A copy of the Disclosure Form must also be placed in client files.

10.9 Uniform Administrative Requirements

Non-profit agencies shall be subject to the requirements of 24 CFR part 84.

10.10 Equal Participation of Religious Organizations

Agencies that are religious or faith-based are eligible, on the same basis as any other organization, to participate in HPRP. Neither the federal government nor a grantee shall discriminate against an organization on the basis of the organization's religious character or affiliation. Agencies that are directly funded under HPRP may not engage in inherently religious activities, such as worship or religious instruction, as part of the programs or services funded under HPRP. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under HPRP, and participation must be voluntary for the program participants. A religious organization that participates in HPRP will retain its independence from federal, state and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct HPRP funds to support any inherently religious activities, such as worship and religious instruction. Among other things, faith-based organizations may use space in their facilities to provide HPRP-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, a HPRP0-funded religious organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents. Agencies that participate in the HPRP program shall not, in providing program assistance,

discriminate against a program participant or prospective program participant on the basis of religion or religious belief.

10.11 Lobbying and Disclosure Requirements

The disclosure requirements and prohibitions of section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352-the Byrd Amendment), and implementing regulations at 24 CFR part 87, apply to HPRP. Applicants must disclose, using Standard Form LLL (SF-LLL), “Disclosure of Lobbying Activities” any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific grants or contracts.

10.12 Drug-Free Workplace Requirements

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et seq.) and HUD’s implementing regulation at 24 CFR part 21 apply to HPRP.

10.13 Policies and Procedures Manual

Agencies receiving State HPRP funds are responsible for creating a Policies and Procedures Manual, which includes eligibility requirements for clients to receive assistance, grievance procedures if a client is denied services, and discharge protocols once a client’s assistance has been terminated. Grievance procedures should include the name and contact information at the agency level, the City Manager/County Manager/Board of Directors level, the Housing Division level, and name and contact information for the U.S Department of Housing and Urban Development, San Francisco Office.

ATTACHMENT A
DEFINITIONS

Agency, state grantee or sub-grantee refers to any organization or government entity which is provided with funds or responsibilities to carry out HPRP activities that are accountable to the Division.

Area Median Income means the household income, as defined by HUD, broken down by household size and county. Regulations state that households receiving HPRP assistance cannot have household incomes that exceed 50% AMI. Note: Agencies receiving State HPRP assistance may restrict household income limits to a lower AMI as long as eligibility criteria have been available in advance and in writing to households seeking assistance.

Division means the State of Nevada Housing Division.

FMR means Fair Market Rent as defined by HUD

Homeless means an individual or family that meets one of the following conditions:

- Sleeping in an emergency shelter
- Sleeping in a place not meant for human habitation
- Staying in a hospital or institution for up to 180 days, but literally homeless immediately prior to entry
- Graduating from/timing out of transitional housing
- Fleeing domestic violence

HMIS means Homeless Management Information System.

HPRP means the Homeless Prevention and Rapid Re-Housing Program.

HUD means the U.S. Department of Housing and Urban Development.

Imminent Risk of Homelessness means the threat of homelessness is so immediate that in likelihood the individual or family would be homeless **but** for this assistance.

Program Participant means an individual or family with or without children that is provided HPRP financial assistance or housing relocation and stabilization services through a rapid re-housing or prevention program. In this manual, the term “household” refers to individuals or families.

Recovery Act means the American Recovery and Reinvestment Act of 2009.

ATTACHMENT B: HPRP HABITABILITY STANDARDS CERTIFICATION

All housing assisted under the Homeless Prevention and Rapid Re-housing Program (HPRP) must provide safe and sanitary housing that is in compliance with the habitability standards outlined below and any state or local requirements.

Mark each statement as **A** for approved or **D** for deficient. Property must meet all standards in order to be approved.

___1.Structure and materials: The structures must be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the residents from hazards.

___2.Access: The housing must be accessible and capable of being utilized without unauthorized use of other private properties. Structures must provide alternate means of egress in case of fire.

___3.Space and Security: Each resident must be afforded adequate space and security for themselves and their belongings. An acceptable place to sleep must be provided for each resident.

___ 4.Interior air quality: Every room or space must be provided with natural or mechanical ventilation. Structures must be free of pollutants in the air at levels that threaten the health of residents.

___5.Water Supply: The water supply must be free from contamination at levels that threaten the health of individuals.

___6.Sanitary facilities: Residents must have access to sufficient sanitary facilities that are in proper operating condition, may be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

___7.Thermal environment: The housing must have adequate heating and/or cooling facilities in proper operating condition.

___ 8.Illumination and electricity: The housing must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of residents. Sufficient electrical sources must be provided to permit use of essential electrical appliances while assuring safety from fire.

___9.Food preparation and refuse disposal: All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner.

___10.Sanitary Conditions: The housing and any equipment must be maintained in sanitary condition.

___11.Lead-based paint: If the structure was built prior to 1978, and a child under the age of six or a pregnant woman will reside in the property, and the property has a defective paint surface inside or outside the structure, the property cannot be approved until the defective surface is appropriately treated. Defective paint surface means: applicable surface on which paint is cracking, scaling, chipping, peeling or loose.

___12.Fire safety:

A) Each unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors must be located, to the extent practicable, in a hallway adjacent to a bedroom. If the unit is occupied by hearing-impaired persons, smoke detectors must have an alarm system designed for hearing-impaired persons in each bedroom occupied by a hearing-impaired person.

B) The public areas of all housing must be equipped with a sufficient number, but not less than one for each area, of battery-operated or hard-wired smoke detectors. Public areas include, but are not limited to, laundry rooms, community rooms, day care centers, hallways, stairwells, and other common areas. Note the following to assist in determining if unit can be approved or is deficient:

Building built/rehabbed before 1978? Yes No

Children under 6 present Yes No

Pregnant woman present Yes No

CERTIFICATION STATEMENT

(Source: Department of Housing and Urban Development: Docket No. FR-5307-N-01)

I certify that I have evaluated the property located at the address below to the best of my ability and find the following:

The property meets all of the above standards: Yes No

The property is Rent Reasonable: Yes No

Therefore, I make the following determination:

The property is approved for habitability: Yes No

Client Name(s):

Rental Unit Street Address: _____ Apartment # _____

City, State Zip _____

Evaluator's Signature: _____ Date: _____

Evaluator's Name/Title: _____

ATTACHMENT C:

RENT REASONABLENESS CHECKLIST AND CERTIFICATION

If a rental unit is above the fair market rent standard, agencies are required to complete the rent reasonableness certification before financial assistance is provided to a participant. Rent reasonableness is determined on a case-by-case basis. Agencies must conduct a rent analysis for three (3) comparable unassisted units and document the basis for their rent reasonableness determinations. Key components of a comparability analysis include:

- *Size*: Only units of comparable size (both in terms of number of bedrooms and square footage) should be used.
- *Housing Condition*: Only units in similar condition should be compared.
- *Location in Community/Accessibility*: In many markets location is the key determinant of housing price (i.e., good/safe neighborhood, close to schools/bus routes, etc.).
- *Rent for Unit*: Amount of rent being charged by owner
- *Utilities Included*: Consider the type and fuel source of utilities.
- *Amenities*: Consider such amenities as garage, appliances and lot size. Comparable rents can be checked by using a market study, by reviewing comparable units advertised for rent, or with a note from the property owner verifying the comparability of charged rents to other units owned (for example, the landlord would document the rents paid in other units).

RENT REASONABLENESS CHECKLIST AND CERTIFICATION

	Proposed Unit	UNIT #1	UNIT #2	UNIT #3
ADDRESS				
NUMBER OF BEDROOMS				
SQUARE FEET				
TYPE OF UNIT/CONSTRUCTION				
HOUSING CONDITION				
LOCATION/ACCESSIBILITY				
AMENITIES UNIT: SITE: NEIGHBORHOOD:				
AGE IN YEARS				
UTILITIES (TYPE)				
UNIT RENT UTILITY ALLOWANCE GROSS RENT				
HANDICAP ACCESSIBLE?				

CERTIFICATION:

A. COMPLIANCE WITH PAYMENT STANDARD

_____ + _____ = _____
PROPOSED CONTRACT RENT + UTILITY ALLOWANCE = PROPOSED GROSS RENT

APPROVED RENT DOES NOT EXCEED APPLICABLE PAYMENT STANDARD OF \$_____.

B. RENT REASONABLENESS

Based upon a comparison with rents for comparable units, I have determined that the proposed rent for the unit is is not reasonable.

NAME:	SIGNATURE:	DATE:
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ATTACHMENT D
PROGRAM SCENARIOS AND QUESTIONS

Participant Eligibility

When there are questions about participant eligibility

When questions arise about participant eligibility or adequate documentation of participant eligibility is not available, agencies should use other available resources to meet the participants' need. Because eligibility documentation standards are high for participation in HPRP, it may be in an agency or participant's best interest to use alternative resources when there is not sufficient evidence to meet these standards.

Verifying participant's income

In order to be eligible for HPRP assistance, household income must be at or below 50% AMI for the County of residence. This limit is assessed on household income at the time of application to HPRP. This means that an individual who recently lost his/her job and currently has no income would be eligible for HPRP despite having previous income above 50% AMI. Note: Agencies receiving State HPRP funds may restrict the AMI to a lower limit than 50% AMI as long as eligibility criteria have been made available in advance and in writing to households seeking HPRP assistance.

Conducting recertification assessments by telephone

Agencies are required to recertify eligibility for all program participants every three (3) months. In cases where distance prohibits a face-to-face assessment, recertification can be conducted by telephone. However, face-to-face assessments are encouraged whenever possible. Local travel for program employees (i.e. mileage) is an eligible case management expense.

Over-income participants at recertification

If a household is over 50% of AMI at recertification (or other restricted AMI as identified by the participating agency) the participant is no longer eligible for HPRP assistance. This underscores the importance of providing ongoing case management for program participants receiving rental assistance in order to transition them to independence. Where possible, grantees may wish to identify an alternate (more flexible) funding source to provide continued support to households that have increased their income but remain precariously housed.

Financial Assistance

Combining funding resources for financial assistance

Financial assistance provided under HPRP cannot be combined with funding from another state or federal source.

When financial assistance from other sources is limited

Unlike some other programs, HPRP does not have a dollar amount limit on the financial assistance that can be provided or a limit on the number of times a participant can access HPRP funding. Participants are only limited to 18 months of total rental and utility payment assistance and up to 6 months of arrears payments (which counts toward the 18 monthly total). Therefore,

using HPRP funding for these services may preserve a participant's eligibility for another program that provides more limited assistance.

When a participant is receiving financial assistance from another state or federal housing program

HPRP assistance cannot be provided to eligible individuals or families for the same period of time and for the same costs types that are being provided through another federal, state, or local housing subsidy program. This means that if a participant is receiving rental assistance under another program (either full or partial subsidy), HPRP funds may not be used for rental assistance. However, participants receiving rental assistance under another program may be eligible for other types of HPRP assistance, as long as they are not also receiving that "type" of assistance through another source. For example, a homeless veteran entering a HUD-VASH project may receive security deposit assistance with HPRP funds.

Rental Assistance

Is a participant required to have their name on the rental lease?

Participants must have a lease in their name in order to be eligible for HPRP.

When there are two unrelated individuals on a lease

If two unrelated individuals are joint parties to a lease, an agency must consider total household income to determine eligibility. In a situation where only one of the two individuals is eligible for HPRP, but jointly both individuals are not eligible, one in the household would be able to receive HPRP assistance.

When does rent reasonableness apply?

Rent reasonableness standards apply when a participant receives financial assistance for rental payments or rental arrears. Standards apply when a participant is moving into a new rental unit and when a participant is remaining in the unit they currently occupy. If a unit is at or below fair market rent, it is considered reasonable, and agencies do not have to do an additional reasonableness comparison. For units above FMR, agencies will have to complete the rent reasonableness certification. If the rent does not pass the rent reasonableness standard when providing rental arrears, HPRP assistance may not be provided.

If a participant is receiving rental assistance through another program, can they also receive HPRP assistance?

Generally, a household receiving an ongoing housing subsidy cannot receive HPRP rental assistance. However, HPRP can be used to help the household pay for up to six months of arrears in cases where the household has fallen behind on its portion of the payment due to a time lag between the household's change in income and the recalculation of the tenant rent contribution.

Utility Payments and Arrears

What types of utility expenses are eligible?

Utility assistance related to housing may be provided. Utilities eligible for assistance are: heat, electricity, water, sewer and garbage collection. Telephone and cable services are not eligible.

Making payments for utility arrears

Under the financial assistance category, up to 6 months of utility arrears can be paid. Utility arrears may be paid for any 6 months, as long as the program participant meets all eligibility criteria, and as long as the payment of the arrears allows the program participant to either remain in the housing or obtain new housing. Although payments for past utility arrears (from a period before the most recent 6 months) are allowable, they are not recommended. Agencies must use discretion when determining whether to pay for past utility arrears. The maximum amount that can be paid is the total arrears during the 6 month period.

Recording service transactions for utility arrears

Utility arrears may only be paid for 6 months. Therefore, it is important to accurately record payments for utility arrears to show that only 6 months of arrears have been paid. This means that agencies will be required to enter the exact monthly cost of utility arrears for each of the 6 months of arrears payments.

Recording HPRP Costs Correctly

Recording agency costs in the correct activity category-Administrative Costs

Administrative funds are limited to 5 percent of the total grant. Therefore, if an agency requested and received administrative funds in their allocation it is important to consider the type of activity being conducted when apply administrative costs to the grant. For example, bookkeeping costs may be charged under administration, financial assistance or housing relocation and stabilization services. Costs for a bookkeeper to pay for rental assistance, security deposits, utility payments, etc. are allowable under the category of financial assistance because it is directly related to the delivery of financial assistance. The cost for the bookkeeper to pay for the salaries of case managers is a payroll function and, as such, is an administrative cost. The time related to the delivery of direct service activities or administrative activities should be differentiated.

Recording agency costs in the correct activity category-Housing Relocation and Stabilization Services

Again, the time related to the delivery of direct service activities or administrative activities should be differentiated. Staff time for screening clients and processing client applications would be considered case management and is eligible under housing relocation and stabilization services.

Recording agency costs in the correct activity category-Indirect Costs

The Division has not approved indirect cost rates for agencies receiving HPRP funds. Agencies should break out costs necessary to operate the program and charge them directly under one of the four eligible categories. For example, the salary for the staff person responsible for making rental assistance payments is allowable under financial assistance and should be supported with staff payroll records. Additionally, the proportionate cost of a new computer for that staff person to issue financial payments for HPRP participants is also allowed as a direct cost to the program.

Recording agency time for assessing HPRP eligibility

The time spent assessing all households for HPRP eligibility is an eligible expense under the Outreach and Engagement portion of the Housing Relocation and Stabilization Services. This

includes both households that are eligible for HPRP and households ultimately determined to be ineligible for HPRP services.

ATTACHMENT E:

DIFFERENCES BETWEEN HPRP, ESG AND STATE WELFARE SET-ASIDE PROGRAM

ACTIVITY	HPRP	ESG	WSAP
Motel Vouchers	Eligible for up to 30 days if delay in securing immediate housing and no shelter beds are available. 50% maximum AMI	Eligible-if no shelter is available in community	Eligible Activity-60% AMI income limit
Utility payment assistance for homeowners	Eligible-must be about to become homeless if not for HPRP assistance. 50% AMI	Eligible-must have utility termination notice	Eligible-household income at or below 60% AMI limit
Mortgage Assistance	Not eligible	Eligible	Eligible-60% AMI income
Utility Assistance	Eligible- Maximum 50% AMI and must have no other resources	Eligible-must have utility termination notice	Eligible-60% AMI income
Security and Utility Deposit	Eligible- Maximum 50% AMI and must have no other financial resources	Eligible if homeless prior to assistance	Eligible-60% AMI income limit
Rental/Utility Arrears	Eligible if no other resources and prevents homelessness. May pay previous landlord if helps to secure new housing elsewhere	Eligible if eviction or utility termination	Not eligible
Short-Term Rental Assistance	Eligible-Max. 50% AMI and must have no other financial resources	Not eligible	Eligible for up to 6 months
Long-Term Rental Assistance	Eligible for up to 18 months maximum and must have no other financial resources. Max. 50% AMI	Not eligible	Not eligible

ATTACHMENT F
LEAD-BASED PAINT GUIDELINES AND TOOLS

SEE ATTACHED INFORMATION

ATTACHMENT G
SAMPLE AGENCY FORMS

SEE ATTACHED