Agenda Item #: 60-4

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:

August 25, 2020

[] Consent [] Ordinance

[X] Regular

[] Public Hearing

Department:

Housing and Economic Sustainability

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) Approve the allocation of \$5,830,483 of Emergency Solutions Grant Coronavirus (ESG-CV) Program funding;
- **B) Approve** a budget amendment of \$5,830,483 to appropriate funds in the CARES Act Relief Fund 1160;
- C) Approve four (4) full-time equivalent grant-funded positions for: one (1) Financial Analyst II (PG 35), one (1) Contracts/ Grants Coordinator (PG 32), and two (2) Community Outreach Specialists II (PG 18) for the Community Services Department (CSD);
- D) Execute the Standard Form SF-424 and Certifications for the ESG-CV Program; and
- **E)** Authorize the County Administrator, or designee, to execute the ESG-CV grant agreement with the U.S. Department of Housing and Urban Development (HUD), all other documents necessary to secure the grant awards; and to execute subrecipient funding agreements, amendments thereto, and all other documents necessary for implementation of the ESG-CV Program.

Summary: On June 8, 2020, HUD notified Palm Beach County of a second award of ESG-CV in the amount of \$5,830,483 to respond to the Coronavirus (COVID-19) pandemic. Staff proposes allocation of ESG-CV funds to activities mitigating the impact of COVID-19 on the homeless and those at risk of homelessness, including emergency sheltering, homeless prevention, rapid re-housing, and program administration (Attachment 1). The PBC Department of Housing and Economic Sustainability (HES) has a long-standing partnership with CSD where CSD administers the rental assistance funding. The four positions are needed by the CSD to oversee the subreceipient contracts and funding for homeless outreach. The positions would be grant funded and would last until the grant funds are expended. To expedite delivery of grant resources to meet urgent community needs, staff requests delegation of signatory authority to the County Administrator or designee for grant agreements with HUD, subrecipient funding agreements, and other documents necessary or grant implementation. These are Federal ESG-CV grant funds which require no local match. Countywide (HJF)

Background and Policy Issues: On March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, in response to the COVID-19 pandemic. The CARES Act included \$4 billion ESG-CV for formula allocations to States and local governments to prevent, prepare, and respond to the COVID-19. An additional \$2.96 billion in funding for ESG-CV grants is now being allocated directly to States or units of local government by a separate formula developed by HUD. The CARES Act offers unusual flexibilities to facilitate grant implementation, including the reduction of public comment periods to five (5) days, total exemption from ESG matching requirements, suspension of the cap on emergency shelter/outreach activities, and reimbursement for allowable costs incurred before the award of funding. The County has two years from the time of the award to expend these funds.

Attachment(s):

- 1. Proposed Uses of ESG-CV
- 2. Budget Amendment
- 3. Standard Form 424 and Certifications
- 4. ESG-CV Grant Award Letter from HUD dated June 9, 2020

Recommended By:	Sunn Howard	
-	Department Director	Date
Approved By:	closed in Rich	8/21/2020 .
	Assistant County Administrator	/ Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

2020	2021	2022	2023	2024
\$5,830,483				
(\$5,830,483)				
-0-				
	\$5,830,483 (\$5,830,483)	\$5,830,483 (\$5,830,483)	\$5,830,483 (\$5,830,483)	\$5,830,483 (\$5,830,483)

# ADDITIONAL FTE			
POSITIONS (Cumulative)			

Is Item Included In Current Budget?	Yes	No <u>X</u>
Does this Item include the use of Federal funds?	Yes <u>X</u>	No

Budget Account No.:

Fund 1160 Dept 143 Unit 1448 Object Various Program Code/Period Various

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Approval of this agenda tem will appropriate funds for the ESG-CV second allocation in the CARES Act fund 1160

C. Departmental Fiscal Review:

Shairette Major, Fiscal Manager II

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

tanua Malliotra

Department Director

ESG CV FUNDING - ROUND 2 \$5,830,483

(24 month expenditure periods)

Emergency Sheltering Strategy (300 households)

300 hotel nights	(1 night stays)	\$30,000
200 hotel rooms(90	O day stays)	\$1,560,000
Staff for Emerg. She	lter Strategy	\$204,000
Food Assistance for	Shelter Strategy	\$250,000

Prevention Strategy (100 households)

Prevention activities including rental assist. and utility assistance. Services may include food, transportation, employment assistance, mental health and substance abuse services.

\$1,000,000

Rapid Re-Housing Strategy (75 Households)

Rehouse homeless households for a period of no more than 24 mns. and provide staff for Case Management activities. Essential services may include: food assistance, furnishings, employment training, home inspections, debt management services.

\$2,203,435

Administration (70% CSD / 30% DHES)

CSD administrative costs	\$408,134
DHES administrative costs	\$174,914

Total Allocation \$5,830,483

ATTACHMENT 1

20-1013

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY, FLORIDA BUDGET AMENDMENT

Page 1 of 1

BGEX-143-08142000000001809 BGRV-143-08142000000000543

FUND 1160 - CARES Act Relief Fund

Use this form to provide budget for items not anticipated in the budget.

ACCOUNT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED August 13, 2020	REMAINING BALANCE
REVENUE								
143-1448-3154	Community Development Block Grant	0	0	5,830,483	0	5,830,483		
	TOTAL REVENUE		320,660,699	5,830,483	0	326,491,182		
EXPENDITURES								
140-1448-1201	Salaries and Wages - Regular	0	0	408,134	0	408,134		408,134
143-1448-3401	Other Contractual Services	0	0	174,914	0	174,914		174,914
143-1448-8301	Contribution to Individuals	0	0	5,247,435	0	5,247,435		5,247,435
	TOTAL EXPENDITURES		320,660,699	5,830,483	0	326,491,182		

Department of Housing and Economic Sustainability

INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Signatures

\$17-20

Date

By Board of County Commissioners

At Meeting of: August 25, 2020

Deputy Clerk to the

Board of County Commissioners

OMB Number: 4040-0004 Expiration Date: 12/31/2022

Application for Federal Assi	stance SF-424				
* 1. Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):			
Preapplication	New				
× Application	★ Continuation	* Other (Specify):			
Changed/Corrected Application					
Onlanged/Ourrelled / ppiloatio					
08/31/2020	4. Applicant Identifier: E-20-UW-12-0004				
5a. Federal Entity Identifier:		5b. Federal Award Identifier:			
State Use Only:					
6. Date Received by State:	7. State Application	tion Identifier:			
8. APPLICANT INFORMATION:					
*a. Legal Name: Palm Beach Co	ounty Board of County	Commissioners			
* b. Employer/Taxpayer Identification	Number (EIN/TIN):	* c. Organizational DUNS:			
59-6000785		0784704810000			
d. Address:					
*Street1: 100 Austral	ian Avenue				
Street2: Suite 500	Street2: Suite 500				
*City: West Palm Beach					
County/Parish: Palm Beach					
* State:		FL: Florida	7		
Province:			_		
* Country:	USA: UNITED STATES				
*Zip / Postal Code: 33406-1485					
Lagrange and the second					
e. Organizational Unit:					
Department Name: Housing & Econ. Sustainabi	1:+xr	Division Name:			
Housing & Econ. Sustainable	TICY				
f. Name and contact information o	f person to be contacted on	matters involving this application:			
Prefix: Mr.	* First Na	ame: Jonathan			
Middle Name: B.					
* Last Name: Brown					
Suffix:					
Title: Director		,			
Organizational Affiliation:					
*Telephone Number: 561–233–3602 Fax Number: 561–233–3651					
*Email: jbrown2@pbcgov.org	*Email: jbrown2@pbcgov.org				

Application for Federal Assistance SF-424
* 9. Type of Applicant 1: Select Applicant Type:
B: County Government
Type of Applicant 2: Select Applicant Type:
Type of Applicant 3: Select Applicant Type:
* Other (specify):
* 10. Name of Federal Agency:
Housing and Urban Development
14 Catalog of Endard Demostic Assistance Number
11. Catalog of Federal Domestic Assistance Number: 14–231
CFDA Title:
Emergency Solutions Grant - CV
* 12. Funding Opportunity Number:
*Title:
13. Competition Identification Number:
13. Competition identification Number.
Title:
14. Areas Affected by Project (Cities, Counties, States, etc.):
Add Attachment Delete Attachment View Attachment
*15. Descriptive Title of Applicant's Project: Palm Beach County's ESG-CV Program provides homeless services and includes rental assistance,
rapid re-housing, transportation, expanding the management information system and program
administration
Allert was dies de sangel et al. 1975 de la
Attach supporting documents as specified in agency instructions.
Add Attachments Delete Attachments View Attachments

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Application for Federal Assistance SF-424
16. Congressional Districts Of:
* a. Applicant 18,20,21,22 * b. Program/Project 18,20,21,22
Attach an additional list of Program/Project Congressional Districts if needed.
Add Attachment Delete Attachment View Attachment
17. Proposed Project:
* a. Start Date: 06/09/2020 * b. End Date: 06/09/2022
18. Estimated Funding (\$):
* a. Federal 5.830, 483, 00
* a. Federal 5,830,483.00
* c. State
* d. Local * e. Other
* f. Program Income
*g.TOTAL 5,830,483.00
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?
a. This application was made available to the State under the Executive Order 12372 Process for review on
b. Program is subject to E.O. 12372 but has not been selected by the State for review.
c. Program is not covered by E.O. 12372.
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)
☐ Yes ☐ No
If "Yes", provide explanation and attach
Add Attachment Delete Attachment View Attachment
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)
X ** I AGREE
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency
specific instructions.
Authorized Representative:
Prefix: Mr. * First Name: Dave
Middle Name:
* Last Name: Kerner
Suffix:
*Title: Mayor, Palm Beach County
*Telephone Number: 561-355-2203 Fax Number: 561-355-6344
*Email: dkerner@pbcgov.org
* Signature of Authorized Representative:

Clerk & Comptroller, Legal Sufficiency, and Terms and Conditions ${\tt NEXT\ PAGE}$

Clerk & Comptroller	
By: Deputy Clerk	
Approved as to Form and Legal Sufficiency	Approved as to Terms and Conditions Dept. of Housing and Economic Sustainability
By: Howard J, Falcon, III Chief Assistant County Attorney	By: Howard Deputy Director

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ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant:, I certify that the applicant:

- Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
- Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
- Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
- Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

OMB Number: 4040-0009 Expiration Date: 02/28/2022

- Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29) U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statue(s) which may apply to the application.

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Standard Form 424D (Rev. 7-97) Prescribed by OMB Circular A-102

- 11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
- 12. Will comply with the provisions of the Hatch Act (5 U.S.C. § §1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- 13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
- 14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- 15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

Chief Assistant County Attorney

- Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
- 18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
- Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
- 20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

	Mayor
APPLICANT ORGANIZATION Palm Beach County	DATE SUBMITTED
	SF-424D (Rev. 7-97) Back
ATTEST: Sharon R. Bock, Clerk & Comptroller	·
By: Deputy Clerk	Approved to Terms and Conditions Dept. of Housing and Economic Sustainability By: Alman A
Approved as to Form and Legal Sufficiency	Sherry/Howard Deputy Director
By:	
Howard J. Falcon, III	

TITLE

INTERIM ESG-CV Certifications (NON-STATE)

The Emergency Solutions Grants Program Recipient certifies that:

Major rehabilitation/conversion — If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation. EXCEPTION: In accordance with the CARES Act, the certifications in this paragraph do not apply with respect to CARES Act funding that is used to provide temporary emergency shelters (through leasing of existing property, temporary structures, or other means) to prevent, prepare for, and respond to coronavirus.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the jurisdiction will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the jurisdiction serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area. EXCEPTION: In accordance with the CARES Act, the certification in this paragraph does not apply with respect to CARES Act funding that is used to provide temporary emergency shelters (through leasing of existing property, temporary structures, or other means) to prevent, prepare for, and respond to coronavirus.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The jurisdiction will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for such individuals.

Matching Funds - The jurisdiction will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The jurisdiction has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with

the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the jurisdiction will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the jurisdiction undertakes with assistance under ESG are consistent with the jurisdiction's consolidated plan.

Discharge Policy – The jurisdiction will establish and implement, to the maximum extent practicable and where appropriate policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature/Authorized Official	Date
Mayor	Approved as to Terms and Conditions Dept. of Housing and Economic Sustainability
Title	By Dung Howard
Approved as to Form	Sherry Howard Deputy Director
and Legal Sufficiency	ATTEST; Sharon R. Bock Clerk & Comptroller
y:	
loward J. Falcon,	By:
hief Assistant County Attorney	Deputy Clerk

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WASHINGTON, DC 20410-7000



RECEIVED
JUN 1 7 2020

June 9, 2020

The Honorable Dave Kerner Mayor of Palm Beach County 301 North Oliver Avenue Suite 1201 West Palm Beach, FL 33401

Dear Mayor Kerner:

I am pleased to inform you of the second allocation of Emergency Solutions Grants (ESG) Program funds HUD is awarding to your jurisdiction in the amount of \$5,830,483, as authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136. These special ESG-CV funds are to be used to prevent, prepare for, and respond to the coronavirus pandemic (COVID-19) among individuals and families who are homeless or receiving homeless assistance; and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts of COVID-19.

President Trump signed the CARES Act on March 27, 2020 to help the Nation respond to the coronavirus outbreak. The CARES Act made available an additional \$4 billion in ESG-CV funds to supplement the Fiscal Year (FY) 2020 ESG funding provided under the Further Consolidated Appropriations Act, 2020 (Public Law 116-94). Of this amount, the Department previously allocated \$1 billion for ESG-CV grants based on the FY 2020 ESG formula and set aside \$40 million for technical assistance.

An additional \$2.96 billion in funding for ESG-CV grants is now being allocated directly to States or units of local government by a separate formula developed by the Secretary. The formula approved by the Secretary includes variables that quantify the population currently experiencing and at risk of homelessness, including:

- Total Homeless Population
- Unsheltered Homeless Population
- Total Very Low Income (VLI) Renters
- VLI Renters that are Overcrowded or without a Kitchen or Plumbing

The variables were further weighted to adjust for fair market rents. HUD's formula methodology for this second allocation can be found at

https://www.hud.gov/sites/dfiles/CPD/documents/ESG_CARES_Act_Round_2_Allocation_Methodology_rev.pdf

ATTACHMENT 4

www.hud.gov

espanol.hud.gov

As with the first allocation, this second allocation of ESG-CV funds is subject to the following flexibilities and conditions provided by the CARES Act:

- The funds may be used to cover or reimburse allowable costs incurred by a State or locality before the award of funding (including prior to the signing of the CARES Act) to prevent, prepare for, and respond to COVID-19;
- The funds are not subject to the spending cap on emergency shelter and outreach under 24 CFR 576.100(b)(1);
- Up to 10 percent of funds may be used for administrative costs, as opposed to 7.5 percent as provided by 24 CFR 576.108(a);
- The funds are exempt from the ESG match requirements, including 24 CFR 576.201;
- The funds are not subject to the consultation and citizen participation requirements that otherwise apply to the Emergency Solutions Grants, however each recipient must publish how its allocation has and will be used, at a minimum, on the Internet at the appropriate Government web site or through other electronic media;
- The funds may be used to provide homelessness prevention assistance (as authorized under 24 CFR 576.103 or subsequent HUD notices) to any individual or family who does not have income higher than HUD's Very Low-Income Limit for the area and meets the criteria in paragraphs (1)(ii) and (1)(iii) of the "at risk of homelessness" definition in 24 CFR 576.3;
- That recipients may deviate from applicable procurement standards when using these funds to procure goods and services to prevent, prepare for, and respond to coronavirus, notwithstanding 24 CFR 576.407(f) and 2 CFR 200.317-200.326;
- While we encourage you to offer treatment and supportive services when necessary to assist vulnerable homeless populations, individuals and families experiencing homelessness must not be required to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services for which these funds are used, notwithstanding 24 CFR 576.401(e).

In addition, the Act authorizes the Secretary to grant waivers of and specify alternative requirements for statutes and regulations the Secretary administers in connection with the use of ESG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). These waivers and alternative requirements can be issued when necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to coronavirus. HUD has made available the following waivers that are applicable to ESG-CV funding:

- <u>CPD Memo: Availability of Additional Waivers for CPD Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19</u> (5/22/2020)
 - Waiver Applicability to ESG-CV Made all ESG waivers provided in 3/31/2020 memo applicable to ESG-CV

- o Housing Stability Case Management Original waiver (see below) is extended an additional 3 months beginning on the date of the memorandum (5/22/2020)
- CPD Memo: Availability of Waivers of CPD Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 for CoC, ESG, and HOPWA (3/31/2020)
 - HMIS Lead Activities Allows any recipient to use ESG funds to pay costs of upgrading or enhancing its local HMIS to incorporate data on ESG Program participants and ESG activities related to COVID-19
 - Re-evaluations for Homelessness Prevention Assistance For up to the 2-year period beginning on the date of the waiver memorandum (3/31/2020), the required frequency of re-evaluations for homelessness prevention assistance under section 576.401(b) is waived
 - o **Housing Stability Case Management** For the 2-month period beginning on the date of the waiver memorandum (3/31/2020), the required frequency of housing stability case management for homelessness prevention and rapid re-housing assistance is waived
 - o **Restriction of Rental Assistance to Units At or Below FMR** For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), the FMR restriction is waived for any individual or family receiving Rapid Re-housing or Homelessness Prevention assistance who executes a lease for a unit

The Department is developing a notice that will further lay out the CARES Act provisions and other waivers and requirements to enable swift implementation of ESG-CV grants. This notice and any subsequent notices of waivers and alternative requirements will be made available on HUD's website and distributed to recipients. The Department will also support recipients with technical assistance.

As your jurisdiction continues to develop its plan to use these grant funds, HUD encourages approaches that prioritize the unique needs of persons experiencing homelessness and the development of partnerships between all levels of government and the private for-profit and non-profit sectors. Your jurisdiction should coordinate with State and local health authorities as you support state or local pandemic response. HUD encourages you to share successes that may help other recipients. Like other supplemental funding, ESG-CV grants are subject to oversight and tracking. We look forward to working with you to achieve the best possible outcomes for people experiencing and at risk of homelessness and to prevent fraud, waste, and abuse.

Importantly, proper reporting in the Integrated Disbursement and Information System (IDIS) and Homeless Management Information Systems (HMIS) is critical to ensuring recipients are complying with program requirements and policies, providing demographic and income information about the persons who benefit from funded activities, and allowing HUD to monitor recipients. Your jurisdiction's ongoing attention is essential to ensuring complete and accurate reporting of performance measurement data.

All ESG recipients must ensure they maintain active Dun and Bradstreet Numbering System (DUNS) numbers in the System for Award Management (SAM) system. Entities must have an active and unexpired DUNS before execution of grant agreements to avoid delays in the obligation of funds which will delay your ability to drawdown funds in IDIS. Recipients are required to maintain an active SAMs registration by re-activating their DUNS number annually in the SAM system for the entire drawdown period of their grants. DUNS numbers can be registered and renewed each year at the following website: https://www.sam.gov/SAM/.

HUD's Office of Community Planning and Development (CPD) is looking forward to working with your jurisdiction to successfully meet the urgent and complex challenges faced by our communities. If you or your staff have questions, please contact your local CPD Field Office Director or CPDQuestionsAnswered@hud.gov.

Sincerely,

John Gibbs

Acting Assistant Secretary

for Community Planning and Development

U.S. Department of Housing and Urban Development