

Category:	Housing	<p style="text-align: center;">INCA Community Services ESG Program Standards</p> 
Sub Category:	Emergency Solutions Grant (ESG) Addendum	
Effective Date:	7/20/20	
Revised Date:	3/21, 3/22	
Forms:		
Responsible:	ESG Staff, Directors, and Fiscal Department	

**Emergency Solutions Grant (ESG) Program
Addendum to Requirements
Cares Act Waivers
Effective January 7, 2022 until March 31, 2022**

Purpose

Congress passed the Coronavirus Aid, Relief and Economic Security Act (CARES Act) on March 27, 2020. The Act provides Relief funding for the Emergency Solutions Grant Program in order to make available and distribute funds to prevent, prepare for and respond to the coronavirus by supporting additional homeless assistance and homelessness prevention activities. **The following waivers have been approved by HUD for the duration of January 7, 2022 through March 31, 2022 of the ESG 2021 Contract.** These waivers are authorized by the December 31, 2021 [HUD Memorandum](#) and are applicable to all areas within the State of Oklahoma which fall under the State's "Non-Entitlement" jurisdiction on the following:

Assisting Program Participants with Subleases

The Current Requirement: The use of "owner" and "lease" in 24 CFR 576.105 and 576.106 restrict program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units program participants sublease or lease from a person other than the owner or the owner's agent.

Waiver: To the extent that the references to "owner" and "lease" in 24 CFR 576.105 and 576.106 restrict program participants from receiving assistance in units they sublease from the primary leaseholder, that restriction is waived under the following conditions:

- The subrecipient documents that it meets the conditions for applying this waiver to ESG21 grants funds, consistent with the justification that using this waiver will improve subrecipient's chances of helping more program participants quickly move into housing, quickly identify housing in tight rental markets, and to help people obtain or maintain housing during this critical time period is necessary in preventing the spread of COVID-19;

- A program participant chooses to rent a unit through a legally valid sublease with the primary leaseholder for the unit; and
- The subrecipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 576.500(h) with respect to that program participant by reading the references to “owner” and “housing owner” to apply to the primary leaseholder and reading the references to “lease” to apply to the program participant’s sublease or lease with the primary leaseholder.

This waiver is only made available with respect to leases and subleases entered into **between January 7, 2022 and March 31, 2022**. Unless HUD notifies ODOC otherwise, subrecipients may continue to use its ESG21 grant funds to assist program participants housed under this waiver through the end of their otherwise allowable term of assistance.

Helping Current Program Participants Maintain Housing - Housing Relocation and Stabilization Services

Current Requirement: 24 CFR 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any three-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and to 24 months during the period the program participant is living in permanent housing. Section 576.105(c) limits the total amount of time a program participant may receive services under section 576.105(b) to 24 months during any 3-year period.

Waiver: For subrecipients that can document they meet the conditions for applying this waiver to ESG21 grants funds, consistent with the justification that helping program participants maintain housing will continue to decrease the risk of people experiencing and at risk of homelessness from contracting COVID-19 because many people who lose their housing will reside in congregate settings after losing their housing are at increased risk of COVID-19 infection, the 24-month limits on housing relocation and stabilization services under 24 CFR 576.105(a)(5), (b)(2) and (c) are waived for program participants receiving rapid re-housing and homelessness prevention assistance who will have reached these 24-month limits **between January 7, 2022 and March 31, 2022**, as long as the assistance provided under this waiver does not extend beyond March 31, 2022 and is limited to program participants who will not be able to obtain or maintain housing without the benefit of this waiver.

Helping Current Program Participants Maintain Housing - Rental Assistance

Current Requirement: 24 CFR 576.106(a) limits the total amount of time a program participant may receive rental assistance to 24 months in a 3-year period.

Waiver: For subrecipients that can document they meet the conditions for applying this waiver to ESG21 grants funds, consistent with the justification that helping program participants maintain housing will continue to decrease the risk of people experiencing and at risk of homelessness from contracting COVID-19 because many people who lose their housing will reside in congregate settings after losing their housing are at increased risk of COVID-19 infection, the 24-month in a 3-year period restriction on rental assistance is waived for program participants

receiving rapid re-housing and homelessness prevention assistance who will have reached their 24-month limit **between January 7, 2022 and March 31, 2022**, as long as the assistance provided under this waiver does not extend beyond March 31, 2022 and is limited to program participants who will not be able to obtain or maintain housing without the benefit of this waiver.

Housing Stability Case Management

The Current Requirement: Under 24 CFR 576.401(e), the recipients or subrecipients must require Homeless Prevention or Rapid Re-Housing program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability, unless the Violence Against Women Act of 1994 or Family Violence Prevention and Services Act prohibits the recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.

Waiver: The monthly case management requirement has been waived. This will allow recipients to provide case management on an as needed basis and reduce the possible spread and harm of COVID-19. This waiver is in effect until September 30, 2021.

Guidelines:

- ESG caseworkers will adhere to INCA's COVID-19 guidelines concerning contact with program recipients. Front line staff will refer possible program participants to caseworkers who will make contact by technology including internet, phone, email, text, or other safe manners to complete the application, Housing Stability Plan and other documentation needed.
- Virtual case management and services will be utilized. Casenotes and Housing Stability Plan will be kept on a secure on-line document so caseworkers and other pertinent staff can assist with ensuring services are given as quickly as possible to address the immediate needs during this crisis.
- If in-person contact is required agency COVID-19 safety protocol will be followed.

Restrictions of Rental Assistance to Units with Rent at or Below Fair Market Rent (FMR)

The Current Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR Part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507. Quickly moving people into permanent housing is especially critical in preventing the spread of COVID-19.

Waiver: The limit on rental assistance to rents that are equal to or less than the FMR, established by HUD, has been waived. This will assist recipients and subrecipients in more quickly locating additional units to house individuals and families experiencing homelessness. 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 **between January 7, 2022 and March 31, 2022**. Unless HUD notifies ODOC otherwise, subrecipients may continue to use its ESG21 grant funds to assist program participants housed under this waiver through the end of their otherwise allowable term of assistance.

The ESG subrecipient must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard.

Homeless Definition - Temporary Stays in Institutions of 90 Days Less

The Current Requirement: Under 24 CFR 576.2 under paragraph (1) (iii) an individual or family who lacks a fixed, regular, and adequate nighttime residence includes exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Waiver: An individual may qualify as homeless under paragraph (1)(iii) of the homeless definition in 24 CFR 576.2 so long as he or she is exiting in an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. This waiver is in effect between January 7, 2022 and March 31, 2022.

Form

COVID-19 Emergency Solutions Grant 2021 Waivers – must be filled out by and put in the client file for each program participant that uses one or more of these waivers.

Changes in ESG during COVID Pandemic (effective 7/20).

- INCA will offer medium term case management assistance, for three months with potential for additional assistance dependent on need, and will use the first come first serve priority system (based on Southeastern Oklahoma Continuum of Care guidance) to prioritize eligible families and individuals receiving services based on COVID-19 related needs. Program participants will work and communicate closely with program staff to determine improvement in situation and/or self-sufficiency barriers.
- Months 1-3: INCA will pay 100% rental and utility costs; security deposit equal to no more than two months' rent; and utility deposits and arrears.
- After 3 months, options to assist further up to 6 months, will be offered based on need evaluation, and approval of the Executive Director.

Dissemination of Policy

The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors regarding the policy and any conduct that could constitute a violation of the policy.