Special NOFO Start up Session: Grant Administration and Management

OCTOBER 25, 2023

Logistics

The Start Up Sessions will all be recorded and shared with communities

Please use the chat to ask questions throughout the session

Agenda

Questions from the Last Session

Partnering with People with Lived Homeless Experience/Expertise

VAWA Applicability

Fair Housing Requirements

Calculating Program Participant Income

Standards for Housing

Program Income

The Compliance Perspective

Questions From Last Session

Partnering with People with Lived Homeless Experience and Expertise

Partnering with Persons with Lived Experience/Expertise (PLEE)

1. Why is it important?
   - They are the experts
   - Service implementations are made more relevant and responsive

2. How to Partner with PLEE?
   - Compensation, Compensation, Compensation
     - Buy-in from management down
     - Reviewing internal payroll processes and streamline processes (if needed/can)
       - Exploring different methods of payment (e.g., CashApp, Zelle)
     - Paying living wage/ consultant rates
     - Using CoC planning or other funding resources
   - Onboarding for staff and PLEE
     - Relationship building
     - Community Agreements
     - Common Terms
   - Identify people that are influential and can communicate with others
   - From planning to implementation to evaluation

Partnering with Persons with Lived Experience/Expertise (PLEE)

◦Draft of Unsheltered Homeless Data Collection developed by people experienced homelessness

◦ Published COVID responses- Trusted Messenger- MICAH helped to create and facilitated trusted messengers providing unsheltered populations getting accurate info on COVID and obtain vaccines.

Violence Against Women Act (VAWA) Applicability

VAWA

The Violence Against Women Act (VAWA) is a federal law that, in part, provides housing protections for people applying for or living in units subsidized by the federal government and who have experienced domestic violence, dating violence, sexual assault, or stalking, to help keep them safe and reduce their likelihood of experiencing homelessness.

VAWA protects any person who is **BOTH**—
- an applicant or tenant of a covered project; **AND**
- a (previous or current) survivor of
  - Domestic violence,
  - Dating violence,
  - Sexual assault, or
  - Stalking

VAWA applies to **Continuum of Care** grant recipients and subrecipients of all permanent housing and transitional housing for -
  - Rapid Rehousing, Transitional Housing, and Permanent Supportive Housing

Existing VAWA protections

Prohibition Against Entering PII in Shared Databases - VAWA reauthorization prohibited victim service providers from entering PII in HMIS

Emergency Transfer Plans - VAWA Emergency Transfer Plans govern how projects will respond to requests for emergency transfers from survivors.

Documentation Requirements - When an applicant or participant requests protections under VAWA, the covered housing provider—which includes both recipients/subrecipients and property owners/landlords—may choose to request documentation from the applicant or participant.

Notification - Applicants and participants must be informed of their rights under VAWA at multiple points during the application and participation cycles.

Prohibition Against Denial of Admission and Eviction - Survivors cannot be denied or evicted from CoC projects solely due to their status as survivors of domestic violence, dating violence, sexual assault, or stalking.

Lease Addendum - Grantees must develop a VAWA lease addendum to incorporate applicable requirements.

Lease Bifurcation - Program participants may request to bifurcate a lease – when receiving CoC assistance.

Expanded VAWA 2022 Provisions

Definition of domestic violence

Prohibition on Retaliation

Right to Report Crime and Emergencies

Changes to the McKinney-Vento Homeless Assistance Act Definition of Homelessness

CoC Program Eligible Activities

Compliance Review Process

New Enforcement Authority

New GBV Office and VAWA Director

VAWA Training and Technical Assistance

Study on Housing & Service Needs of Survivors of Trafficking

Expanded VAWA 2022 Provisions

Expanded VAWA 2022 Provisions

Definition of Domestic Violence

•Includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding

•Includes verbal, psychological, **economic, or technological** abuse that may or may not constitute criminal behavior

New Eligible CoC Program Activities:

•Facilitating and coordinating activities to ensure compliance with the emergency transfer plan requirements

•Monitoring compliance with confidentiality requirements.

Expanded VAWA 2022 Provisions

VAWA 2022 Amended McKinney-Vento Definition of Homeless

(1) is **experiencing trauma** or a **lack of safety** related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, **traumatic**, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized.

(2) has no other **safe** residence

(3) lacks the resources to obtain other **safe** permanent housing

- **may use the new definition** before HUD has completed rulemaking.

- must update their written standards to reflect how the new category 4 definition will be operationalized.

Best Practices for Implementing VAWA 2022

Trauma Informed Approach:

- Recognizes signs of trauma in staff, clients, and others, and responds by integrating knowledge about trauma into policies, procedures, practices, and settings.

- Impacts development of policies, protocols, processes, and practices.

- Places priority on restoring the survivors' feelings of safety, choice, and control.

- Empowers programs, services, organizations, and communities to be trauma-informed.

Best Practices for Implementing VAWA 2022

- Build partnerships
- Training and capacity building
- Safe reporting and data collection
- Engage with survivors
- Address intersectionality & cultural competency
- Housing First approach

Fair Housing Requirements

Complying with Fair Housing

- Fair Housing Act – prohibits discrimination in all housing on the basis of any "protected class." Protected classes include race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability.

- Affirmatively Furthering Fair Housing – recipients are required to implement their projects in a way that affirmatively further fair housing. This means taking meaningful, proactive actions to address disparities in access to housing and intentionally working to alleviate segregated or disparate living patterns

- 24 CFR 578.93 – contains the CoC Program specific Fair Housing and Equal Opportunity requirements for the CoC Program

Calculating Program Participant Income

Calculating Program Participant Income

When rental assistance is provided as part of a Transitional Housing (TH) or Permanent Supportive Housing (PSH) project, program participants receiving rental assistance are required to pay rent.

In Rapid Re-Housing (RRH) projects are not subject to the occupancy charge and rent contribution requirements in **Section 578.77**. Instead, RRH projects must follow their CoC's written standards for determining the amount or percentage of rent that each participant may pay. The CoC Program Interim Rule outlines the specific requirements of RRH (**§ 578.37(a)(1)(ii)**).

The amount of rent or occupancy charges owed by the program participant is calculated using the family's annual income less allowable deductions. Generally, it is based on six factors:

- Number of people in household

- Age of people in the household

- Anticipated income

- Anticipated expenses

- Anticipated allowances

- Anticipated household-paid utilities

Calculating Program Participant Income

[HUD Publishes HOTMA Final Rule Preview - HUD Exchange](#)

On January 31, 2023, HUD posted a preview version of the final rule implementing sections 102, 103, and 104 of the **Housing Opportunity through Modernization Act of 2016** (HOTMA) (P.L. 114-201).

The applicability of HOTMA varies by CPD program. Program-specific guidance, resources, tools, and training to implement the new HOTMA provisions will be posted on **HUD's website** and the **HUD Exchange** as they become available.

Standards for Housing

Standards for Housing – Overview

- Housing supported with CoC Program funds must meet certain housing quality standards – the required standards can be found at 24 CFR 578.75(b)

- Before any assistance will be provided on behalf of a program participant, the recipient or subrecipient must physically inspect each unit to ensure that it meets these housing quality standards <u>and</u> must inspect all units at least annually during the grant period

- On May 10, 2023, HUD published the National Standards for the Physical Inspection of Real Estate (NSPIRE). These established updated standards for assessing whether housing meets minimum quality standards – replacing HQS – and may be assisted with CoC Program funds

Applicability of HQS and NSPIRE

- Housing assisted with CoC Program funds must meet Housing Quality Standards established in 24 CFR 982.401

- On May 10, 2023, HUD published the National Standards for the Physical Inspection of Real Estate (NSPIRE). These established updated standards for assessing whether housing meets minimum quality standards – replacing HQS – and may be assisted with CoC Program funds

- Originally, CoCs were expected to comply with the NSPIRE standards on October 1, 2023; however, this compliance deadline has been extended to October 1, 2024.

- Until October 1, 2024, CoCs can use the Housing Quality Standards in effect prior to October 1, 2023, but may also choose to adopt the NSPIRE standards.

  https://www.federalregister.gov/documents/2023/09/18/2023-20130/economic-growth-regulatory-relief-and-consumer-protection-act-implementation-of-national-standards

Program Income

Program Income

- Program income is income received by the recipient or subrecipient that is directly generated by a grant supported activity

- Program income may:
  - Be used as match for the Special NOFO grant, or
  - Be added to funds committed to the project by HUD and the recipient

- Program income must be used on eligible costs of the CoC Program interim rule in accordance with CoC Program requirements

The Compliance Perspective

A Healthy Perspective on Compliance

➢**ONE MISSION. ONE GOAL. To serve those in the most need in our communities**.
  ➢You are a partner with HUD. Contact HUD immediately for guidance.
  ➢HUD wants you to spend the grant funds as awarded.
  ➢HUD will always notify you of monitoring and expectations.

➢**Compliance should be implemented <u>daily</u> with program operations**. Think Audit Proof!
  ➢Implement Effective and Efficient Systems
  ➢Ensure Documentation and Recordkeeping
  ➢Ongoing Staff Training ****ESPECIALLY NEW STAFF**

➢**Stay Current with Program Updates.**
  ➢JOIN MAILING LIST: https://www.hudexchange.info/mailinglist/subscribe/
  ➢BOOKMARK RESOURCES: https://www.hudexchange.info/programs/coc/

A Healthy Perspective on Compliance

➢**HUD is your Advocate and Resource as well as your Monitor**

➢**Use HUD forms as part of program evaluation**

➢**Compliance Monitoring is a Partnership. HUD Learns from YOU/YOU Learn from HUD.**
  ➢Opportunity to see, firsthand, the hard work of service providers and hear stories of program participants
  ➢Offers onsite technical assistance.
  ➢HUD has an official review process that includes:
    ➢ Sends Notification Letter
    ➢ Holds Entrance Conference
    ➢ Shares Documentation Required
    ➢ Concludes with an Exit Conference
    ➢ Releases a Monitoring Report
    ➢ Grantee officially response
  ➢**CPD Monitor Handbook**:

https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/6509.2

A Healthy Perspective on Compliance

Develop Effective Internal Controls and Recordkeeping Standards

➢ **Standard Operating Policies and Procedures (SOP)**

▪ Agency Operations, Financial Operations, and Program Specific Operations

➢ **Agency's clear fiscal controls**:

▪ Formal system of authorization and supervision ensuring segregation of duties

▪ Time and Activity Tracking

▪ Control over access to assets (ie. Equipment and CONFIDENTIAL documents)

▪ Frequency of comparisons between financial records and actual assets/liabilities

➢ **Hiring policies with clear job descriptions**

➢ **Procurement and Sub-Award/Contractor Standards**

A Healthy Perspective on Compliance

Document compliance (recordkeeping)

Implementation & Oversight

Establish Written P&P
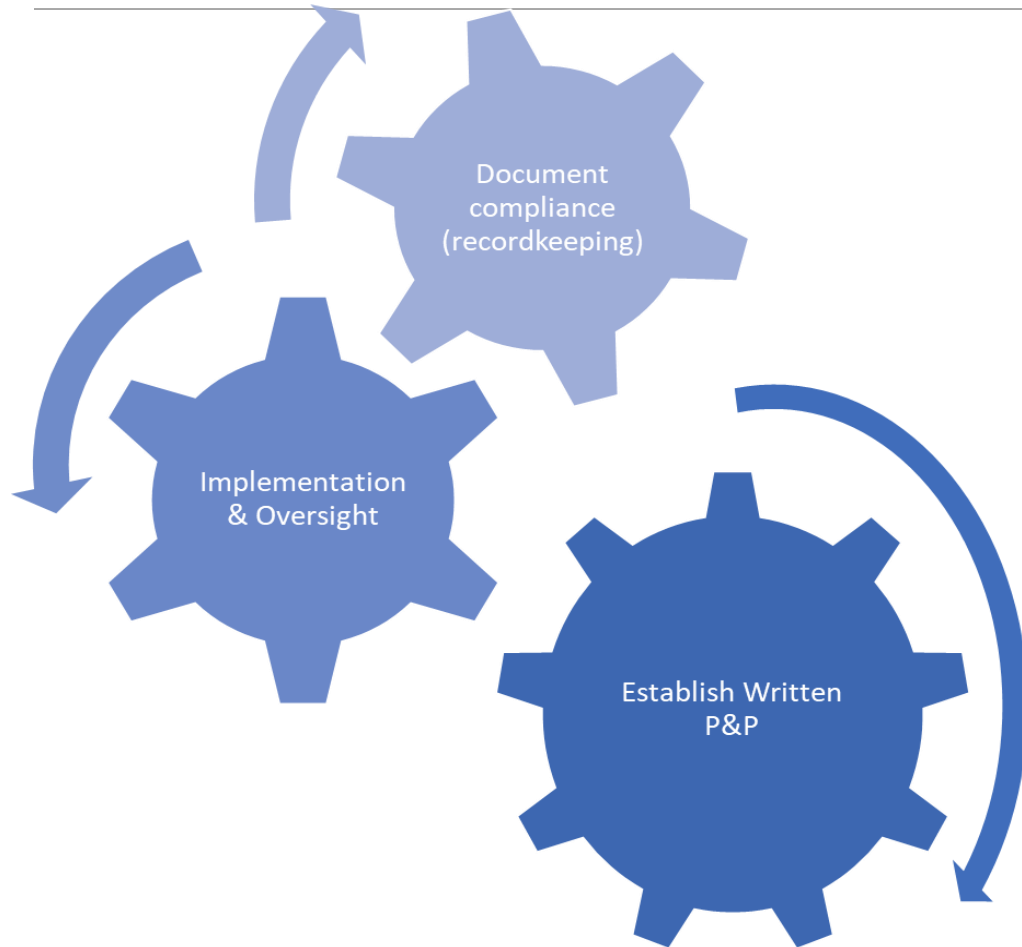
The combination of Program, Financial, and Administration should come together in your SOPs to make compliance work!

Common Monitoring Findings

Eligibility Documentation

➢ Must follow order of priority
  ➢ 3rd Party evidence of eligibility is preferable

➢ Document Due Diligence of Effort

➢ Eligibility must be documented <u>upon intake</u>

*Review Session 2

#1
Common
Monitoring
Finding

Common Monitoring Findings

Financial Management/Source Documentation

➤ **Missing or insufficient documentation for expenses paid**

➤ **No comparison review to determine that costs are Reasonable**

➤ **Payment of Ineligible Expenses**

§ Expenditures not identified in regulation

➤ **Payment of Unallowed Costs**

§ Costs paid outside of grant term/program end date

§ Paying more than is allowable in the approved budget

#1
Common
Monitoring
Finding

Common Monitoring Findings

SAMPLE - Insufficient Source Documentation

This letter is to inform you that because you are 1½ months behind in Rent that I am giving you 5 days to pay or Vacate the premises at 4847 W. Apt #

- Name of eligible tenant(s) not identified.
- Amount owed is not identified.
- The address is not clearly identified.
- No contact information for landlord.

Common Monitoring Findings

SAMPLE - Insufficient Support

- Amount not broken out per month
- Expenses are not eligible
- Documentation is not legible

A Healthy Perspective on Compliance

Conduct
Internal Reviews
to Identify
the CAUSE

Cause: What allowed the condition to occur?

Core **causes**:
- Grantee did not have sufficient SOPs to clearly identify internal processes.
- Staff was not trained on SOP.
- Staff Turnover. Program Knowledge Shift.

Corrective Action: How can the grantee make it right or prevent it from happening again?

A Healthy Perspective on Compliance

- **Don't Fear the Finding!**
  - Findings happen to everyone
  - The goal is to make things "right"
  - Corrective actions span wide spectrum. What can make a difference:
    - Did you already note the issue and try to correct it?
    - Isolated mistake vs. systemic issue
    - Fraud, waste, abuse
    - Did it hurt the clients you're serving?

- **Whew! Better to know sooner rather than later!**
  - Monitoring is an opportunity to course-correct

Resources

- VAWA
  - [Homeless Management Information System (HMIS): When to Use a Comparable Database (hudexchange.info](#)
  - [Trauma-Informed Design: Quick Reference Guide (hudexchange.info)](#)
  - VAWA ETP requirements: 24 CFR § 5.2005(e)
  - CoC ETP requirements: 24 CFR § 578.99(j)(8)
  - State coalitions against domestic violence: https://ncadv.org/state-coalitions

- Fair Housing
  - [CoC and ESG Virtual Binder – Fair Housing and Equal Access](#)
  - [Housing Discrimination Under the Fair Housing Act](#)
  - [Equal Access Agency Assessment Tool](#) (XLSM)

Resources

- Calculating Program Participant Income
  - HUD Occupancy Handbook 1 06/07 Chapter 5: Determining Income and Calculating Rent – Exhibit 5-1: Income Inclusions and Exclusions – 24 CFR 5.609(b) and (c)
  - Rent Calculations – Virtual Binders

- Standards for Housing
  - Housing Quality Standards – Chapter 10 (for use prior to adopting NSPIRE standards)
  - NSPIRE – Notice Extending Compliance Date for CPD Programs

- Compliance
  - CoC Program Start Up Trainings
  - CPD Monitoring Exhibits
  - Lead Based Paint Requirements and Training

Questions?