

Speaker 1:

Welcome and thank you for joining today's conference on Understanding HOME-ARP Preferences, Referral Methods, and Allocation Plan Requirements. Before we begin, please ensure you have opened the Webex participant and chat panels by using the associated icons located at the bottom of your screen. Please note that all audio connections are muted at this time. If you require technical assistance, please send a private chat message to the event producer. Your presenters today are Ginny Sardone, Director, Office of Affordable Housing Programs; and Caitlin Renner, Assistant Director Program Policy Division. We welcome your questions throughout today's conference. To submit questions, please select everyone from the dropdown menu in the chat panel. Type your question in the message box provided and hit enter to send. The slides and recording will both be posted on the HUD Exchange a few days after today's meeting. With that, I'll turn the conference over to Ginny Sardone. Please go ahead.

Ginny Sardone:

Thank you. Good afternoon, or good morning, depending on where you are in the country. And thank you for joining us today for this important webinar. I'm Ginny Sardone, the director of OAHP, and I'm here today with Caitlin Renner, who's our assistant director in our Program Policy Division. First thing I want to do is briefly review our agenda. Slide, please. Great, thank you.

Ginny Sardone:

We're going to begin today's webinar with a deep dive into the qualifying populations definition to help provide context for the rest of the topics we're talking about today. Then we will walk through the concepts of preferences, methods of prioritization and limitations. We'll review examples of each of those, and then we'll talk about how preferences or the absence of preferences affect implementation of referral methods within your HOME-ARP program. Next, Caitlin will review the requirements for HOME-ARP allocation plans, highlighting some of the common mistakes that we're seeing and offering tips for developing plans that comply with the requirements in the HOME-ARP notice.

Ginny Sardone:

The information that we're presenting today is based upon three new guidance documents that are posted or about to be posted on the HOME-ARP HUD Exchange page. We've developed a six-page HOME-ARP policy brief on preferences, limitations, and methods of prioritization. This document explains these concepts in the notice, and explains how they should be implemented in your HOME-ARP programs. We've also revised the sample allocation plan template, to clarify instructions for some of the prompts. And we're also in addition to issuing that, issuing a second document, which is called tips for using the HOME allocation plan template. And this document contains specific tips for responding to each prompt on the revised sample template. Hopefully that'll help you all get through the process of putting together compliant plans. We may take a few questions at the end of the presentation time permitting. However, please submit your questions into the chat for an upcoming office hour session that we're planning for the beginning of June. Slide, please. Thank you.

Ginny Sardone:

Let's start with the background of why we're all here. The American Rescue Plan of 2021 or ARP, created the HOME-ARP program and appropriated \$5 billion under Title II of the Cranston-Gonzalez National Affordable Housing Act, which is the HOME program statute. ARP authorized four eligible activities for HOME-ARP funding. It also required HOME-ARP funds to be used to primarily benefit specific

populations identified in the program statute. These are the four qualifying populations defined in CPD Notice 21-10: Requirements for the Use of HOME-ARP Funds. Slide, please. Thank you.

Ginny Sardone:

We're going to start by talking about qualifying populations. And as I mentioned, the ARP statute established for qualifying populations, which we had heard are referring to as QPs. Unlike the regular home program, in HOME-ARP, individuals and families are eligible for assistance based upon their status as a QP and not upon their income. Congress fully defined three of the four QPs in the ARP statute. And it's critical that PJs and other program participants understand these definitions and particularly how they differ from those in other HUD programs. For example, some HOME-ARP QP definitions differ from the definitions used in the Continuum of Care, or CoC program, and in the Emergency Housing Voucher Program, which was also created by the ARP statute. Slide, please.

Ginny Sardone:

Congress intended all four qualifying populations to be served with HOME-ARP. And much of the guidance that we provide today on preferences, limitations, referrals, referral methods, and allocation plans are based on this fundamental principle of the program. And our experience is that many PJs do not fully understand this concept, which is compounded misunderstanding of requirements for preferences, referral methods, and is also reflected sometimes in allocation plans. While a PJ is permitted to establish reasonable preferences for its HOME-ARP projects and activities, it must address the needs and the housing, shelter, and service gaps of each qualifying population in its allocation plan. Also, it must include any preferences that it wishes to establish in its allocation plan and tie those preferences back to the needs and the gaps identified in the plan. Caitlin will talk more about this later.

Ginny Sardone:

We've reviewed a number of allocation plans where it's clear to us that the PJ intends to implement preferences. Most frequently, it's a preference for the homeless QP, and yet it states in its plan that it has no preferences. Once again, this is something that Caitlin will address in her section of the presentation today. Slide, please. Thank you.

Ginny Sardone:

Let's talk a little bit more about the ARP requirement that a PJ provide all four QPs with access to its HOME-ARP projects and activities. This means that all four QPs must be eligible to apply for, or be referred to HOME-ARP projects and activities. And that implementation of preferences may not exclude or remove eligibility from any QP from its HOME-ARP program. And we'll talk more about this.

Ginny Sardone:

It's important to note that providing access to all QPs does not mean that all QPs will ultimately be served by a PJ's HOME-ARP program. For example, if a PJ implements a preference for the homeless QP in its program, other QPs may still apply for admission to HOME-ARP projects and activities. And whether these QP individuals are served through the HOME-ARP program will depend upon the size and the needs of the homeless QP within the jurisdiction. If the PJ's homeless population is very large, the other QPs may not ever be admitted to a project and that's permissible. However, it's nonetheless required that all QPs have access to the PJ's HOME-ARP program. Therefore, PJs must design and administer their HOME-ARP programs to ensure that all QPs have access to at least one project or

activity that they're funding. Let's review the QP definitions before we talk more about preferences. Slide, please.

Ginny Sardone:

The first of the HOME-ARP QPs is homeless individuals or families. And recall my earlier statement that Congress established the HOME-ARP QP definitions in the statute, and that some of them differ from commonly understood definitions used in other programs. The HOME-ARP homeless QP is the first example of this. The homeless QP includes only a portion of the homeless definition that's used for the consolidated plan and in the Continuum of Care programs. Specifically, Congress included the portions of the Con Plan homeless definitions in 24 CFR 91.5, paragraphs one, two and three.

Ginny Sardone:

And so you can see on this first slide, the first two paragraphs, one and two. Can we flip the slide please? And here's the third paragraph. So these three paragraphs of the definition used in the Con Plan and in the CoC program, constitute the homeless QP for HOME-ARP. Slide, please. Thank you.

Ginny Sardone:

Let's look at what is not part of the homeless QP for HOME-ARP. Congress deliberately omitted paragraph four of the Con Plan CoC definition. Paragraph four includes persons fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking, who do not have another residence and who lack resources or support network. This is not part of our definition. So when HUD refers to the homeless in relation to HOME-ARP, we're using a definition that omits this population. Consequently, when you, as a participant in jurisdiction or a service provider are discussing the homeless in your allocation plans, in establishing preferences, in deciding on referral methods or otherwise, you must always keep in mind this difference. The HOME-ARP homeless QP is not the same definition that is commonly used in other programs. Slide, please.

Ginny Sardone:

The second definition under the HOME-ARP program is the at risk of homeless qualifying population. Congress defined the at risk of homelessness QP, the same way as the term is defined for the Con Plan and the CoC. That definition can be found at 24 CFR 91.5. Don't worry. I'm not going to read this slide. And if somebody can flip the slide, please. You'll see paragraph one of that definition, paragraph two, and paragraph three. So our definition in HOME-ARP of at risk of homelessness is the same definition that you're already used. Slide, please.

Ginny Sardone:

Let's move on to the third qualifying population under the HOME-ARP program. And that is fleeing, attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking. This definition is broader than what is used in the CoC program, or even the definition in the Violence Against Women Act, commonly known as VAWA. Specifically, Congress pulled in the definitions of domestic violence, dating violence, sexual assault, and stalking from the VAWA regulation at 24 CFR 5.2003. And it broadened that definition by adding the definition of human trafficking from the Trafficking Victims Protection Act of 2000. That definition includes both sex trafficking and labor trafficking.

Ginny Sardone:

I do want to point out that in this presentation and in other documents, you may see us use domestic violence/sexual assault/trafficking as a designation for this population. This is done solely for brevity and the use of this term is intended to include all populations in the HOME-ARP definition. Slide, please.

Ginny Sardone:

As I mentioned, HOME-ARP added human trafficking to the definitions in VAWA and CoC population. In addition, note that the HOME-ARP definition eliminates the requirements that are included in the domestic violence portion of the Con Plan or CoC definition of homelessness. Specifically, HOME-ARP eliminates the requirement that an individual or family have no other household or lack resources or support network. PJs must consider this population, DV/sexual assault/trafficking, as a separate population from the homeless population for the HOME-ARP program. And that goes for when you're sort of developing allocation plans, adopting preferences, implementing referral methods, or just at any part of administering your program. That this is a separate definition, and it is not part of the homeless definition. In addition, you have to ensure that housing, shelter, or service providers and referring agencies that are participating in your local HOME-ARP program are using these definitions appropriately and not relying on the definitions established for other programs. Slide, please.

Ginny Sardone:

We're moving on to the fourth and final definition, QP definition in HOME-ARP, and this is other families requiring services, or housing assistance to prevent homelessness, or at greatest risk of housing instability. That's the statutory language from the ARP statute for this population, but Congress did provide HUD discretion to define this population in the HOME-ARP implementing notice. However, it's important to note that the HOME-ARP statutory language for other populations is not the same as the other populations Congress established for the Emergency Housing Voucher or EHV program. Consequently, use of the EHV other population's definition is not permissible in HOME-ARP.

Ginny Sardone:

The other populations as defined in the HOME-ARP notice, is a single definition with multiple parts and the PJ must implement the entire definition and all of its parts in its HOME-ARP program. Slide, please.

Ginny Sardone:

We're going to look at the first portion of the definition, which is other families requiring services or housing assistance to prevent homelessness. These are individuals who've been previously qualified as homeless, as defined in 24 CFR 91.5. Note that that is the Con Plan CoC definition, not the HOME-ARP homeless QP. So they've previously been defined as homeless. They're currently housed due to temporary or emergency assistance, including financial assistance, temporary rental assistance, or some other type of assistance that permits the household to be housed. And they need additional housing assistance or supportive services to avoid a return to homelessness. That is the first half of the other population's definition. Slide, please.

Ginny Sardone:

The second part of this definition is those at greatest risk of housing instability. HUD defined this as a household that has either an annual income less than or equal to 30% of area median income, and that is experiencing severe cost burden. And severe cost burden is paying more than 50% of their monthly household income toward housing costs. Or, the other part of this definition is a household with an annual income at or below 50% of area median income, and that meets one of the conditions in

paragraph three of the at risk of homelessness definition. So if you were to go back and look at slide 12, the slide that I mercifully did not read that sort of had the A through G list of conditions for at risk of homelessness. This definition sort of is a family or a household below 50% of AMI, that meets one of those conditions. Just as a reminder, the PJ must implement all portions of this definition. The homeless prevention portion, and both groups under the at risk of housing instability portion as part of their HOME-ARP program. Slide, please.

Ginny Sardone:

Just a note about veterans before we leave the topic. The ARP statute did include an additional population which was veterans or families that include a veteran family member that meet the criteria for one of the QPs. To avoid making the QP definitions even more complicated than they are, HUD did not implement this as a fifth QP, since the veteran or veteran families would have to meet one of the four QPS Anyway. However, you may wish to keep this congressional intent in mind as you design your HOME-ARP programs and projects. Slide, please.

Ginny Sardone:

We're going to move on slide... Another one, please. We're going to move on to a discussion of preferences, methods of prioritization, limitations, and referral methods. Let's start by talking about preferences. And the information that I'm going to go over in the next few slides can all be found in the new home policy brief that we posted today.

Ginny Sardone:

Preferences are used to establish the order in which applicants are admitted to HOME-ARP housing or shelter, or are provided with HOME-ARP TBRA or supportive services. A preference permits an eligible QP applicant that qualifies for the preference to be selected for HOME-ARP assistance before another eligible QP applicant that does not qualify for the preference. But it's important to remember that a preference does not make anyone eligible who was not otherwise eligible for HOME-ARP assistance. So a preference cannot make someone who's not a QP sort of into a QP eligible for HOME-ARP. Slide, please.

Ginny Sardone:

In HOME-ARP, PJs are permitted to establish reasonable preferences among the four QPs, for example, for the homeless QP or the other population's QP, or for a subpopulation of a QP to prioritize applicants within one or more of the QPs. For example, elderly people who are at risk of homelessness would be a subpopulation of the at risk of homelessness QP.

Ginny Sardone:

Remember that preferences must always comply with applicable fair housing, civil rights and non-discrimination requirements, such as the Fair Housing Act, Civil Rights Act and section 504 of the Rehabilitation Act, the Equal Access Rule, and the ADA.

Ginny Sardone:

If a PJ does not adopt preferences, QP applicants are selected from a project or activity-specific waiting list in chronological order to the extent practicable. And we'll talk more about that in just a moment. Slide, please.

Ginny Sardone:

Preferences can be implemented in different ways, but what we're going to talk about right now are the most common methods for implementation. The first implementation method is through projects or activities that will target assistance to certain QPs, for instance, the homeless QP, or to subpopulations such as persons in the homeless QP who are veterans. The second method is through project selection processes, such as the issuance of an RFP, or a notice of funding availability or opportunity that apply a preference in the award of funds-

PART 1 OF 4 ENDS [00:23:04]

Ginny Sardone:

... [inaudible 00:23:00] that apply a preference in the award of funds. So in other words, they rank projects higher or award bonus points for serving a certain QP or a certain subpopulation of a QP. And the third method are referral methods that prioritize certain QPs or subpopulations of a QP. For instance, through a CoC coordinated entry would be an example. And we're going to walk through examples of each of these concepts, so that you have a better sense of sort of how they work. Slide, please.

Ginny Sardone:

Okay. So these examples are of projects or activities that target assistance to a QP. And so the first example, a HOME-ARP non-congregate shelter prioritizes admission of individuals or households in the homeless QP or the domestic violence/sexual assault/trafficking QP over the other QPs, so for example the at-risk of homeless or other populations QPs in this definition. Members of all four QPs are eligible to apply for and be admitted to the NCS. So remember, we can't exclude QPs from our HOME-ARP program, but we can apply preferences that would permit certain qualifying populations to be admitted before others.

Ginny Sardone:

The second example here is a HOME-ARP supportive services activity that prioritizes homeless veterans, which is a subpopulation of the homeless QP, over others in the homeless qualifying population who are not veterans. And in addition to sort of the rest of the homeless population, also over those in the other HOME-ARP QPs. So in this example, homeless veterans are prioritized over all other applicants, whether they're in the homeless QP or one of the other QPs. Slide, please.

Ginny Sardone:

Okay. The second method that we're going to walk through here is the project selection process. So an example of a preference implemented through project selection would be a PJ issuing a HOME-ARP NOFO for projects that will serve all QPs, but providing additional points to projects that will implement a preference for individuals or families in the homeless QP. This is sort of something really common that I'm sure you're all familiar with. Slide, please.

Ginny Sardone:

Okay. The third method was referral methods. And so. An example of how to implement a preference through referral methods would be a PJ entering into a written agreement with a local CoC, continuum of care, to use its coordinated entry system to accept applications or applicants from all QPs for its HOME-ARP projects and activities. The CE selects individuals and families from the homeless QP for

referrals for HOME-ARP assistance before those in other QPs, in accordance with its written agreement with the PJ. Okay, slide please.

Ginny Sardone:

Okay. Next we're going to talk about methods of prioritization. A method of prioritization is a process by which a PJ, a CoC, a coordinated entry, a subrecipient, or a project owner determines how two or more eligible QP applicants, who qualify for the same or different preferences, are selected for HOME-ARP assistance. It's important to remember that a PJ cannot implement or permit a method of prioritization to be implemented, if it does not also establish a preference or preference. Without a preference, the PJ admits applicants to HOME-ARP projects or activities in chronological order, and therefore a method of prioritization would not be appropriate.

Ginny Sardone:

CEs, coordinated entry systems used by CoCs, routinely implement methods of prioritization for the CoC program, which is why, when a PJ has no preferences, use of a CE as a HOME-ARP referral method will not be very common. So let's walk through an example of a method of prioritization. Slide. Okay. So in this example, a PJ adopts a preference for chronically homeless individuals and families for a HOME-ARP rental project. The preference gives chronically homeless QP applicants priority for admission to the project. All other QP applicants, including homeless QP applicants, who do not qualify as chronically homeless, are selected in chronological order for any units not occupied by the chronically homeless QP applicants. So chronically homeless QP applicants are prioritized for admission for occupancy, based upon the length of time that they have been homeless.

Ginny Sardone:

So in this example, the preference being implemented is for a subpopulation of a single QP, so chronically homeless members of the HOME-ARP homeless QP. So chronically homeless is the subpopulation, the QP is the homeless, and the preference is for the subpopulation of the homeless QP. And they will be admitted before all other QP applicants. In this example, the method of prioritization applies to the chronically-homeless homeless QP applicants, who are prioritized for admission based upon the length of their homelessness. So hopefully, that example illustrates a number of different concepts that we're talking about today. Slide, please.

Ginny Sardone:

Thank you. Okay. So we've talked about preferences. Let's talk about limitations, because there are frequently some confusion about sort of what is the limitation versus a preference. So limitations exclude certain qualifying populations or subpopulations of a QP from eligibility for a project or activity, unlike preferences, which provide a priority to a QP or a subpopulation of a QP. And it's important to keep in mind that some limitations violate fair housing and civil rights laws, including protections for the disabled, and also that limitations can make it difficult for a PJ to meet the HOME-ARP requirement that all four QPs have access to its HOME-ARP program. This is HUD's sort of HUD's guidance for you all here. PJ should not impose a limitation on eligibility, unless it's necessary to address a greater gap in effective housing, aid, benefit or services in the PJ's geographic area. And the project or activity cannot address the gap through the use of a preference. We've seen in a number of allocation plans, sort of the intention to impose limitations, where a preference probably would have had the same effect. And so it's really important to keep in mind that limitations should only be implemented when preferences will not be effective.

Ginny Sardone:

So let's walk through some examples of permissible and impermissible limitations. Slide, please. Okay. So this slide shows permissible limitations, and we have three examples. The first is a HOME-ARP non-congregate shelter project that will limit admission to individuals or families that qualify under the domestic violence, sexual assault, and trafficking QP. That's an acceptable limitation. Another example would be a HOME-ARP rental project that will limit occupancy to homeless veterans, a subpopulation of the homeless QP. And a third example would be a PJ issuing a HOME-ARP NOFO, notice of funding opportunity, that will only fund projects that will exclusively serve individuals and families that are members of the homeless QP. So these are all examples of sort of a limitation that's permissible, assuming that the project meets the test that we just talked about: necessary to address a greater gap and that the project or activity would not address the gap if it was simply using a preference. Slide, please.

Ginny Sardone:

So I mentioned that limitations frequently violated fair housing or civil rights requirements. And so on our slide here, we have examples of impermissible limitations, all of which fall into that category of creating potential fair housing problems. The first example, and by the way, two of the three examples on this slide are real life examples that we've already encountered, a PJ will provide HOME-ARP funds to a rental project that limits occupancy to women who meet the homeless QP. So in this particular case, they could, if they met the other tests, limit this project to the homeless QP, but they cannot limit occupancy of a rental project to members of a single sex. That is a violation of civil rights requirements.

Ginny Sardone:

Second example would be a HOME non-congregate shelter project would be limited to adults that qualify as the homeless QP. And so this is an example of a limitation that actually sort of creates a problem with potential discrimination based upon familial status. Third example, a rental project will be limited to individuals or families with a family member who have a developmental disability and qualify for any of the four QPs. The issue with this particular limitation is that this project is limited to people with a specific disability and not available to all persons with disabilities. So I think, if you look at these examples, it's pretty easy to envision how very well-intended attempts to put limitations on projects could run into fair housing issues. Slide, please.

Ginny Sardone:

Thank you. Okay. So what are some of the considerations for a PJ considering preferences or limitations? There are actually a number of them. Before adopting a limitation, particularly one that relates directly or indirectly to a protected class, as we just saw on the previous slide, HUD strongly recommends that you confer with Fair Housing and Equal Opportunity Division in your HUD field office. And in addition to that, we really give you the same advice, if you're contemplating the imposition of any preferences that may affect protected classes as well. That upfront consultation will give you peace of mind and sort of avoid any unintended non-compliance with civil rights or fair housing requirements.

Ginny Sardone:

So if a PJ implements a limitation on a HOME-ARP project or activity, it must fund at least one other project or activity that provides access to all other QPs or subpopulations of QPs. Remember that you're required to ensure that there is at least access to your HOME-ARP program for all QPs. And so if you're only funding, let's say as an example, a single project, and you intend to put a limitation on that project,

you would be in violation of the HOME-ARP statute on that, which is another reason why the use of a preference is greatly preferable to a limitation, because you're not limiting access or eliminating access of the other QPs to that project, and you're meeting the requirements of the HOME-ARP statute. Finally, if you're planning on establishing preferences or limitations, you need to pay close attention to both the newly published policy brief on this topic and also to the allocation plan requirements related to QPs and preferences. Katelyn will talk a little bit more about this later, but this is certainly an area where we've seen some misunderstanding by PJ's. Slide, please.

Ginny Sardone:

Okay. So what happens if a PJ does not establish preferences? Actually, there are many PJs that have decided not to establish preferences in their HOME-ARP program. And that's perfectly okay. There's no requirement that a PJ adopt or implement preferences. However, if a PJ does not include a preference or preferences in its HOME-ARP allocation plan, it cannot implement a preference in any project or activity. Limitations and methods of prioritization must also be identified in your plan. And so, some of you, who may have already submitted a plan, may have had the experience of HUD reaching back out and sort of saying, "It looks to us like you actually are intending to implement a preference, but you're not saying that in your plan. And the reason that we're doing that is to make sure that, if in fact you do intend to implement a preference, you are not prohibited from doing so by the fact that you've not stated it expressly in your plan."

Ginny Sardone:

So as I mentioned, if you do not adopt preferences, the PJ must admit all QPs for HOME-ARP projects, applicants for HOME-ARP projects and activities, in chronological order of their application without any preference or prioritization. And this also has the effect of limiting the use of the CoC, coordinated entry, as a referral method. Slide, please.

Ginny Sardone:

Okay. So we're going to talk about how QP definitions and preferences affect referral methods. A PJ's decision, regarding whether it will adopt preferences or limitations for any of its HOME-ARP projects or activities, is going to affect or potentially limit the referral methods it uses to identify beneficiaries in its HOME-ARP program. Similarly, a PJ must consider the differences between a HOME-ARP QP definition and similar definitions used in other HUD programs. For instance, a CoC CE, coordinated entry, in its current form cannot be used in the HOME-ARP program, because the CEs do not include all HOME-ARP QPs, and all HOME-ARP QPs must have access to the HOME-ARP program. And CEs employee methods of prioritization, which implement preferences, and may not be the preferences or methods of prioritization that the PJ adopted for its HOME-ARP program. So I really strongly suggest that you look back at the discussion of referral methods in the HOME-ARP notice, it's section four of our notice, for additional information on that. Slide, please.

Ginny Sardone:

Okay. So we're going to quickly review sort of the three permissible possible methods for referral in HOME-ARP. A PJ can use a single method for its entire HOME-ARP program, or it can use different methods for different projects or activities. That's a program design choice. Either way, it's important to understand the options and sort of the parameters of each of the options. So we're going to walk through those quickly. The first of the three methods, that's identified in our notice, is expanded coordinated entry. In this option, the PJ contracts with the CE, or CEs operating within its boundaries, to

accept applications and refer clients to HOME-ARP projects or activities. However, to ensure that all QPs have access to the HOME-ARP program, under this option, the coordinated entry expands to accept all HOME-ARP qualifying populations. And it applies preferences and methods of prioritization in accordance with the preferences and prioritization established in the PJ's HOME-ARP allocation plan, not the CoC's preferences and priorities.

Ginny Sardone:

The second option is coordinated entry with our other referral methods. In this option, the PJ uses the coordinated entry for referrals of certain QPs, or portions of QPs since we know that the homeless definition is not the same, and then supplements the CE referrals with referrals from other agencies or with project-specific waiting lists, to ensure that all QPs have access to the HOME-ARP program. When using this method, the CoC, another referring agency, a subrecipient, or the PJ itself needs to manage the selection of clients from the different sources, particularly if preferences have been adopted. Slide, please.

Ginny Sardone:

Okay. We're going to talk about the third option for referral, and that is establishing project or activity-specific waiting lists for each HOME-ARP project or activity. Waiting lists can be used with or without preferences. They can also be used with limitations. It's possible to have limitations on a project and still run it through a specific waiting list. In this method, all qualifying households that apply for admission to a project or an activity are placed on the waiting list. And then applicants are selected according to any preference or method of prioritization established for the project, if any, and adopted in the allocation plan, or are selected in chronological order to the extent practical. If the PJ does not have preferences, this is the default referral method, and applicants are selected in chronological order. Remember that admission in chronological order from a project-specific waiting list is the statutory requirement for the regular HOME program. So this is the way that we do business in HOME with these waiting lists that are used for every project. They're individual to each project, and sort of applicants are selected in accordance with any preferences that are established for that project.

Ginny Sardone:

If the PJ does not... No, I'm sorry. I'm looking at the wrong bullet point. So I think that is everything that I wanted to talk about today on preferences, on methods of prioritization, limitations, and referral methods. I hope this helped to clarify some of these concepts for you. We are going to do a quick poll. And then we're going to turn the mic over to Katelyn to discuss allocation plan requirements.

Speaker 1:

Please let us know the status of your HOME-ARP allocation plan. The poll should appear on the right side of your screen, just beneath the chat panel. If you do not see it, please click the panel options button at the bottom right, and open the polls from there. So what is the status of your HOME-ARP allocation plans? Have you not started yet? Is development underway and you'll submit this summer? Is development underway and you'll submit next-

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Speaker 1:

... Submit this summer, is development underway and you'll submit next fiscal year, submitted and under review by HUD, or approved. Please make sure to select submit after you've chosen your answer so that your response is recorded. We have just a few more seconds left. Wait for some people to click submit. And we're ready to go. Here are the results.

Caitlin:

Okay. So it looks like the majority of results are either not started yet or development underway and expect to submit maybe this summer or in the next few months. So that is really useful information for HUD to know. And I do encourage those of you that are PJs that responded to this poll to kind of keep that open dialogue with your field offices about this as well so they have a sense of when plans will be coming in, be submitted for review, and how that might impact their workload. So we're eager to receive those plans. And thank you so much for responding to the poll.

Caitlin:

Now, moving back to the presentation, I am going to review the HOME-ARP allocation plan requirements and provide some compliance tips to help PJs avoid common issues that we've seen in submitted plans. The tips will also help PJs to avoid some implementation issues which could occur if the PJ does not include certain information in its plan related to some of the preference and referral method type requirements that Jenny was just discussing. And then this information, these compliance tips, they're also detailed in the new tools that Jenny previewed at the beginning of the webinar, so an updated allocation plan template and associated guidance piece that has these tips. And we'll just provide a little bit more information to help PJs as they are completing their plan.

Caitlin:

Okay. So given that HOME-ARP is a new program with fundamentally different eligible populations and new eligible activities as compared to the HOME program, consultation is extremely important to the planning process. The goal of consultation is for PJs to use these consultations with the required organizations to gather information and data and to really gain an understanding of the characteristics of each of the QP and their communities, as well as those QP's needs and the gaps in the current assistance that's provided. So as you may know, at a minimum, the PJ must consult with each of the organization types listed on this slide prior to developing the plan. And those organizations include the Continuum of Care. And in particular, we do want to suggest consultation with the CoC advisory board. Also homeless and domestic violence service providers, veterans groups, public housing agencies, public agencies that address the needs of QPs, and public or private organizations that address fair housing, civil rights, and the needs of persons with disabilities. So note that while local PJs are required to consult with all CoCs and PHAs serving their jurisdiction, as well as any regional or statewide PHAs, state PJs are not required to consult with all CoCs or PHAs in the state. In the plan, the PJ must describe this consultation process, list the organizations consulted, and then summarize any feedback received. Next slide.

Caitlin:

So for the required public agency consultation, the term qualifying populations here means all of the four qualifying populations. The PJ must consult with at least one public agency that addresses the needs of each of the four QP described in the notice. And on that note, it is very important that the information presented in the plan is clear and demonstrates to the HUD reviewer that the PJ has actually met the HOME-ARP consultation requirements, so ideally the reviewer will not have to make

any independent determination about whether the organizations listed in the plan meet the specific categories required by the notice. Therefore, we recommend that the PJ identify the required organizations based on the list in the notice and not other types of categorizations, which we've seen in some of the submitted plans, categories just such as non-profit or developer, or even government agency. If the agency provides multiple roles or services, the PJ should really note each organizational type listed from the notice. Or if that agency has multiple roles or addresses the needs of multiple QP, then please list those multiple QP so that it's very clear that the PJ has met the requirement.

Caitlin:

The main deficiency, though, that we've seen with PJ consultation thus far is a failure to consult with each of the required organization types in the notice. And this is a deficiency that constitutes disapproval because the plan is considered substantially incomplete if the PJ did not consult with each of the required organizations. And then finally as a best practice, HUD recommends that PJs also explain how the feedback received through consultation led to some of the decisions for the plan, in particular any preferences and referral methods that may be described later in the plan. Next slide.

Caitlin:

For the public participation component, HUD did use its waiver authority to permit a comment period of no less than 15 calendar days and at least one public hearing during the development of the plan and before submission to HUD. Otherwise, the citizen participation requirements are essentially the same as for other types of substantial amendments to the consolidated plan or action plan. PJs must follow the requirements in their citizen participation plan except where the HOME-ARP notice has provided shorter timeframes. And also the PJ must comply with fair housing and civil rights requirements. In addition, a PJ must make certain information available to the public for comment, including the amount of HOME-ARP funds that the PJ will receive and the range of activities that the PJ may undertake. As in the consolidated plan or action plan, PJs must consider all public comments received and describe both the public participation process and the comments in the plan. A PJ will need to explain why any of the comments received were not accepted and why. Next slide.

Caitlin:

During public comment and the public hearing, a PJ must provide the public with information on the range of activities that the PJ may undertake. So what that means is providing information on all HOME-ARP eligible activities. This is required whether or not the PGA plans to use HOME-ARP funds for all eligible activities or only certain activities. In addition, it's a best practice to provide the entire draft plan for public comment, rather than the more limited information required by the notice. This would provide for some more meaningful feedback during that public participation process. And please note that the required information must be available to the public for the entire duration of the public comment period. The public notice must make clear where the plan information is available and must provide a process by which citizens can request reasonable accommodations and meaningful access to the plan in accordance with civil rights requirements. To demonstrate compliance with these requirements, HUD suggests that PJs either provide a link or a screenshot of the public notice within the attached plan or attached to the plan so that the reviewer can determine the length of the public comment period and the availability of that information. Next slide.

Caitlin:

The foundation of the HOME-ARP funding strategy is really this needs assessment and gaps analysis. A PJ's priorities, activities, and preferences all must be tied back to and justified by how they address the needs and gaps identified by the PJ in this section of the plan. The notice requires that this assessment include the size and characteristics of all four qualifying populations, as well as the current inventory of housing, shelter, and other resources available to assist QP. The current need should then be compared to the available resources to determine where there are gaps and what the most pressing needs are for HOME-ARP funds. HUD expects this review and analysis will be based on current data and the PJ's HOME-ARP consultations. Thus far, we've seen numerous references in plans to prior studies or analyses performed for other funding sources. So PJs should be sure that their analysis covers all four QP, which are likely not represented in prior studies, plans, and assessments, due to the differences between the QP definitions and the individuals and families served by existing homeless assistance programs as Jenny discussed earlier. Next slide.

Caitlin:

In addition to data that the PJ may present in its plan to justify its needs assessment and gaps analysis, a PJ must also provide certain narrative discussions. The first bullet here refers to the definition of the other populations QP and specifically those at greatest risk of housing instability. If the PJ will qualify households based on their occupancy in housing that has characteristics associated with instability and an increased risk of homelessness, the notice stipulates that the PJ must identify those characteristics in the plan. In addition, the plan must also identify gaps, describe the PJ's priority needs for all four QP, and explain how the PJ determine the level of needs and gaps in its plan. Next slide.

Caitlin:

Now, HUD recognizes that available data to describe each of the four QP is limited and contains many shortcomings. Data describing the homeless QP may be the most widely available and accurate data due to data collection for the CoC program. However, this program may not cover the same geographic area as the PJ service area. So PJs should use consultation with the CoC to gain a better understanding of the homeless QP and the at-risk of homelessness QP populations, and to discuss and estimate the impact of any differences in geographic area served on the data provided.

Caitlin:

Likewise, it will be challenging to quantify and describe the other populations QP because this population is not already served by another program which collects data regularly and also the definition is multifaceted. HUD recommends the use of widely available data such as the American Community Survey data or the Comprehensive Housing Affordability Strategy, the CHAS data, which is provided through the consolidated plan process, but also that a PJ use program data obtained through consultation. Such data sources include, for example, the number of people and average wait times on a PHA wait list or the number of formerly homeless persons receiving time-limited housing assistance. So again, a PJ would collect this data along with nationally available data and consider its discussions with the many organizations that it will be reaching out to through consultation and come up with some sort of estimate about these QP and then acknowledge the shortcomings of the data in its plan.

Caitlin:

It is important to note though that the data alone does not satisfy the requirement to describe all four QPS. Because the data isn't perfect and extremely limited, so a PJ must include a narrative to describe each of the four QP, their unmet needs, and gaps in current inventory and assistance. One of the main

deficiencies that we've seen thus far in plans submitted is a failure to describe all four QP in the plan. There's been a real focus on the homeless QP and the at-risk of homelessness QP. So please ensure that if you're a PJ, that your plan includes a real discussion of all four QP, because failure to describe all four QP will result in a plan that lacks a required element and therefore is substantially incomplete and must be disapproved. Next slide.

Caitlin:

In the activities section of the plan, a PJ must describe how it will select HOME-ARP activities and projects for funding, whether by soliciting applications and/or selecting developers or service providers. The PJ must also indicate whether it will administer HOME-ARP activities or projects directly. And a PJ may use all of these methods, and that is fine and expected. In addition, if the PJ provided HOME-ARP administrative funds to a subrecipient or contractor prior to acceptance of the plan, then the plan must identify that specific subrecipient or contractor and describe its roles and responsibilities in carrying out HOME-ARP. Next slide.

Caitlin:

The plan must then indicate how the PJ will allocate all of its HOME-ARP funds among eligible activities, including administration and planning, but PJs are not required to describe specific projects. A PJ's plan funding must be within the limits for nonprofit operating assistance, nonprofit capacity building, and administrative costs. But note that a table alone which lists fundings funding amounts by eligible activity, as we've suggested in the allocation plan template, is not sufficient to fully satisfy the requirements of the notice. A narrative is required to justify the PJ's funding strategy based on the priority needs and gaps identified earlier in the plan.

Caitlin:

I do want to note that PJs are welcome to provide more detail about HOME-ARP activities or projects if that level of specificity is known at the time that the PJ is establishing its plan, but it is not required. And we know that many PJs won't know at that time what specific projects or activities will be funded. So if this type of information is included, it may be very useful to share with the public and HUD, and it may be very useful for establishing preferences or referral methods. But, PJs should keep in mind that any changes may trigger a substantial amendment in the future, depending on the requirements within a PJ's citizen participation plan.

Caitlin:

In addition, when considering projects, please keep in mind that fair housing and civil rights requirements apply to homework eligible activities. And I know that we have received some questions about whether it's required to then include the specificity of individual projects and activities in the plan at a later date, if it's not known at the time of the original plan. And that level of detail is not required in the plan. A PJ never has to amend its plan to describe specific projects. Although, as I'll discuss as I get further down into the preferences requirements, it may be necessary if the PJ determines it will implement a preference it hadn't previously considered. So we'll get to that. Next slide, please.

Caitlin:

Okay. So PJs should ensure that their plan clearly communicates how HOME-ARP funding will be allocated among HOME-ARP eligible activities. If a PJ includes specific project information in its plan, it must still indicate the eligible activity associated with that planned use of HOME-ARP funds. We've

found in the plans reviewed so far that the eligible activity may not always be obvious based on the project name alone, which is sometimes the only information included in the plan, especially for NCS and rental housing projects. In addition, it's important to remember that project selection processes such as NOFAs or RFPs may incorporate preferences by awarding points based on a specific QP being served by a proposed project. If a PJ selected or intends to select projects in this way, then the PJ is using a preference and must describe its preference in the plan, or the PJ may not commit HOME-ARP funds to any project selected based on a preference until it adds that preference to the plan through a substantial amendment. Further, if the plan describes the project selection process that clearly implements a preference, but the PJ does not identify that preference in its preferences section, then the plan would be deemed substantially incomplete as the contradictory information prevents HUD from determining that the plan has all of the required elements and is not inconsistent with the ARP.

Caitlin:

So keep in mind that proposed activities and projects that violate fair housing or civil rights requirements are not eligible for HOME-ARP. We've discussed this a few times and I'm going to keep reiterating it. A few examples that have been included in submitted plans were mentioned by Jenny earlier, such as single-sex rental housing or adult only NCS type projects. A plan that includes narrative about an ineligible project, including a project that violates fair housing and civil rights requirements, is inconsistent with the purposes of the ARP. If you have any concerns about whether your project may constitute a fair housing violation, again, please reach out to the FHEO division in your local HUD office. And if you're not sure who to contact, then please contact your CPD representative in your local HUD field office and they will help connect you with FHEO. And finally, Jenny did discuss this at length, but the plan for a PJ's overall HOME-ARP program may not exclude any of the four qualifying populations or subpopulations of the QP. And so this issue will come up again as I discuss limitations in a few minutes. First, next slide.

Caitlin:

So first, the production housing goals. This goals section of the plan is very simple as compared to the consolidated plan. PJs are only required to set a goal for the production or preservation of rental housing and not for the other HOME-ARP eligible activities. The plan must describe the goal and explain how the goal will address the priority needs identified by the PJ. Next slide.

Caitlin:

In addition to estimating a specific number of affordable rental housing units, the PJ must include narrative discussion in its plan to tie that goal to the PJ's priority needs. To assist PJ's with setting this goal, a spreadsheet tool and FAQ have been posted on the HUD Exchange. These TA products walk PJs through the various considerations relevant to estimating the number of units that may be produced through the PJ's program. And some of those considerations are listed here on this slide as well. Next slide, please.

Caitlin:

Okay. So if a PJ plans to implement any preference or method of prioritization, the preference must be described and justified in the plan based on the PJ's needs assessment, gaps analysis, and priority needs. And of course, in addition, preferences must not violate fair housing and civil rights requirements. As I did state, PJs are not required to describe specific projects in the plan. Therefore, PJs are not required to describe how the specific preferences established in the plan will apply to various projects and activities.

And we do know that PJs may have multiple preferences and not all preferences may apply to all of their HOME-ARP projects or activities. Further, preferences are not required for a PJ's HOME-ARP program. But that said, and as we've been discussing today, if a PJ chooses not to include preferences in the plan, then a PJ may not commit HOME-ARP funds to any project that will implement a preference until the PJ makes a substantial amendment to the plan to add that preference. Also, administering the HOME-ARP program without preferences will really limit the PJ's ability to work with the coordinated entry system or use the flexibility in its referral methods that Jenny discussed earlier and that's outlined in the notice. So HUD encourages PJs to carefully consider whether they really have no preferences before stating such in the plan. Next slide.

Caitlin:

And again, these compliance tips are generally reminders of what we've been discussing today, but preferences may be implemented in a variety of ways for HOME-ARP, and one example is that project selection process that ranks projects based on serving certain QP before other QP. If a PJ has already selected projects in this way or intends to use such a process, then the PJ has preferences that must be described in the plan. We have seen several plans that were submitted and included narrative which seemed to indicate that the PJ had or would implement a preference or intended to use coordinated entry for direct referrals, but then the preferences section of the plan stated that the PJ had no preferences. The plan must not include this type of contradictory information or it will be deemed substantially incomplete because HUD would not be able to determine that the PJ had included the required elements of the plan. And finally, a preference that clearly violates fair housing and civil rights requirements is a preference based on a protected class. The inclusion of such a preference means the plan is inconsistent with the purposes of the ARP and therefore must be disapproved. Next slide.

Caitlin:

So in terms of the plan, PJs are not required to describe referral methods in the plan or to identify which referral methods would be used for specific HOME-ARP activities and projects. Since as I've been noting, a PJ may not have information about specific activities and projects at the time of the plan, they may just be allocating funds among eligible activities. However, it is a best practice to include information about referral methods if the PJ has an idea of which referral methods may be used for various types of eligible activities. And in particular-

PART 3 OF 4 ENDS [01:09:04]

Caitlin:

These types of eligible activities. And in particular information about coordinated entry if the PJ has any intention to use coordinated entry in its program. To ensure compliance with the implementation requirements associated with coordinated entry, and using it for direct referrals.

Caitlin:

In addition, while the PJ is not required to identify the use of CE for its program a PJ can only permit a CE to use the preferences and methods of prioritization established in its plan for direct referrals. So if the PJ does not establish preferences or methods of prioritization in its plan a PJ may not use CE for direct referrals. As Jeanne described the use of CE in that case where there are no preferences or methods of prioritization in the plan would be limited only to intake and an eligibility review, and those QP that are

reviewed by the CE would then need to be added to a written waiting list and selected in chronological order for that particular activity or project.

Caitlin:

In addition, it's a best practice to describe whether the CE will expand to accept all QP or if the PJ will use the CE with other referral methods, because the PJ should start thinking about how to make sure that the CE will be in compliance with homework requirements before the PJ gets to the point of needing to actually use that CE for direct referrals. So it's a good idea to start considering that and including some of that information in the plan.

Caitlin:

Next slide.

Caitlin:

And to reiterate what we've been describing related to the use of CE with preferences and methods of prioritization, given what we know about the requirements of coordinated entry for the programs for which it's used, the CE just has inherent preferences and it by nature implements a method of prioritization in order to select applicants for assistance. So even if a PJ does not intend to change the CE's current method of prioritization, if the PJ intends to use the CE for direct referrals the PJ must include the CE's current preferences and method of prioritization in the plan.

Caitlin:

And it may be that the CE's process is quite complicated, and if that's the case it is permissible to summarize the use of the CE in the plan and also attach any additional information to the plan to make the full method of prioritization clear when the plan is posted for public comment and submitted to HUD for review. It's not necessary to restate the CE's entire method of prioritization within the plan if it's attached. But of course the consequence of not including preferences or methods of prioritization in the plan as I mentioned, is that the CE cannot be used for direct referrals.

Caitlin:

Next slide.

Caitlin:

And so if a PJ actually intends to limit eligibility to a QP or subpopulation of a QP for a HOME-ARP rental or NCS project then the PJ must describe that limitation in the HOME-ARP allocation plan and also in the written agreement for the project.

Caitlin:

The description in the plan should explain why that use of a limitation is necessary to address the unmet need or gap in benefits and services identified in the PJ's needs assessment. And as we explained limitations should only be imposed if necessary to meet some greater need or to provide a specific benefit that cannot be provided through the provision of a preference. Limitations may not violate fair housing and civil rights requirements, and PJs may not impose limitations that serve to exclude any of the four qualifying populations or subpopulations from the PJ's entire program. Therefore, if the PJ will

impose a limitation the PJ must describe in the plan how it will address the needs and provide access to the HOME-ARP Program to the other QP that are not included in that limitation.

Caitlin:

Next slide please.

Caitlin:

Because the ARP reflects Congress' intent that HOME-ARP activities and projects should benefit all four QP any plan that indicates that any of the four QP would be excluded from the PJ's overall HOME-ARP Program is inconsistent with the ARP. So if a PJ imposes a limitation then the PJ must also fund other HOME-ARP activities or projects that provide access to the QP not included in the limitation. And if a PJ is only undertaking one HOME-ARP activity or project the PJ may not impose a limitation as then it would serve to exclude QP from the PJ's overall HOME-ARP Program.

Caitlin:

Also, please note that limitations may create unintended fair housing and civil rights violations. So again, HUD strongly encourages PJ's to be mindful of the potential implications, to discuss any concerns with the FHEO division in the local HUD field office, and to implement a preference rather than a limitation if possible to achieve the same goal of targeting assistance.

Caitlin:

Next slide.

Caitlin:

Refinancing guidelines are only applicable if the PJ will allow refinancing as part of a HOME-ARP rehabilitation of rental housing project. This narrative requirement is the same as the requirement for the Home Program, but it's included in the HOME-ARP Allocation Plan to allow PJs to set separate standards for HOME-ARP. If a PJ will permit refinancing and would like to use the same guidelines as it uses for HOME, that's permissible and the guidelines from the PJ's action plan can be carried over into the HOME-ARP allocation plan. If a PJ will not permit refinancing and we know that's usually the case, then the PJ can omit this section from its plan. It's not necessary to be included in this submitted plan if it's not applicable.

Caitlin:

Next slide.

Caitlin:

Okay, so throughout this presentation I've been referencing HUD's review standard and basis for disapproval of the plan. There are two criteria that HUD uses in its review. It determines whether the plan is substantially complete and consistent with the statute, which is the APR, the American Rescue Plan. And so these are the definitions of those two criteria. Inconsistent with the ARP means that a PJ has described some ineligible use of HOME-ARP funds, which is any activity or cost not specifically permitted in the notice, or which violates HOME-ARP requirements. So if the plan describes an activity that is not eligible either because it is not permitted, like home buyer assistance, or it is an activity that

serves a population other than a QP, or perhaps violates the Fair Housing Act, then the plan will be deemed inconsistent with the ARP and disapproved.

Caitlin:

And then alternatively substantially incomplete means that the PJ did not meet the consultation or public participation requirements, or did not describe these processes. The plan is missing one of the required elements, including required questions within each section of the plan. The plan does not name the subrecipient or contractor that received administrative funds prior to submission of the plan, or does not describe the organization's roles and responsibilities, or it might mean that HUD has rejected any of the required certifications that PJs must submit with their plan.

Caitlin:

Next slide.

Caitlin:

Okay, so finally I just want to touch on the requirements for substantial amendment to the HOME-ARP Allocation Plan because we've referenced this at various points throughout the presentation, including why a substantial amendment might be required. These requirements are essentially the same as the requirements in part 91 for substantial amendments to the consolidated plan or action plan. Most importantly, I want to highlight that a substantial amendment is required to add new preferences not previously described in the plan, but a substantial amendment is not required to describe HOME-ARP projects or activities if the PJ allocated funds to an associated HOME-ARP eligible activity within its plan. Keep in mind that in addition to what's named directly in the notice PJ must comply with its Citizen Participation Plan to determine what types of changes will trigger a substantial amendment for the HOME-ARP Allocation Plan. Also, HUD did reduce the public comment period for substantial amendments, similar to the initial plan submission, to 15 calendar days.

Caitlin:

Next slide.

Caitlin:

Okay, so HUD has provided a variety of resources on the topics we discussed today, including a new policy brief that was posted yesterday, and those two guidance pieces related to the HOME-ARP Allocation Plan template that will be posted shortly as soon as they finish their 508 compliance review. And so we will update those three resources with links on this slide before we post these slides with the recording. And that is the end of my part of the presentation.

Caitlin:

Next slide please.

Caitlin:

It looks like we have about 10 minutes so Jeanine, did we have any questions that we should address before the end of the presentation today?

Ginny Sardone:

Oh, so many questions Caitlin that I don't know where to begin. So I do just want to start by saying that we are going to be sort of collecting all these questions. We are not necessarily going to answer them all sort of in a format where we sort of issue them in writing. We will be however following up this presentation in I believe the week of June 6th with an office hours where we will take a lot of these questions and answer them in addition to other questions that we're receiving on HOME-ARP that fall outside of sort of what we talked about today.

Ginny Sardone:

And so I'm going to try and answer sort of a few of the questions that I've seen come in, but I do want to sort of invite anyone who submitted a question, who sort of really needs an answer to their question before sort of we do an office hours you can take your question and you can submit it to us at our mailbox, HOME-ARP@hud.gov. Can we just go back for a second to show one slide to show that? So you see the HOME-ARP@hud.gov, that is actually a mailbox that is staffed by our office in the Office of Affordable Housing Program, so feel free to resubmit your question to us directly because we have many, many more questions than we can possibly answer.

Ginny Sardone:

But I did want to sort of circle back on a couple things that we've gotten a lot of questions on to try and clarify a bit before we end today. And so we got a number of questions from folks who understandably are a little bit confused about this idea that you can have preferences, but sort of you also must serve all of the qualifying populations with your HOME-ARP dollars. And so since we got lots of questions on that, and it really is sort of that principle right there sort of underpins a lot of the policy that you see in the notice and a lot of what we talked to you about today.

Ginny Sardone:

So just to sort of go back for a moment to something I talked about a little bit in the presentation, Congress intended and they wrote the statute in a way that sort of that all of these qualifying populations would be served with HOME-ARP funds. And I know that's sort of a little different than maybe the way some people see this program. I know it's talked about a lot as a homeless program, but in fact even though Congress sort of made homeless and at risk of homeless QPs sort of as they defined them they did intend that all qualifying populations sort of at a minimum have access to your program. And so sort of while it's permissible to have preferences or in some cases even a project that has a limitation on it you cannot sort of have a HOME-ARP Program within the boundaries of your participating jurisdiction that does not provide any access to a HOME-ARP project or activity, and that's the key phrase here. Sort of providing access is not necessarily the same as actually providing assistance.

Ginny Sardone:

So let's take the example, because we've actually seen this, of participating jurisdiction that according to the allocation plan that it submitted intends to use all of its HOME-ARP funds for two rental projects that they intend to limit to the homeless QP. And so that is a great example of not sort of meeting the statutory intent that sort of the program be accessible to all the QPs within the jurisdiction because sort of there isn't any HOME-ARP activity to which the other three QPs could possibly even have that sort of access to apply.

Ginny Sardone:

So in this case of this PJ with these two limited projects, sort of they're not meeting that requirement, they could sort of change the nature of those projects, and we certainly would recommend that they do so, and make these limitations actually preferences for the homeless QP. So in that scenario any of the QP could apply for and be referred to the project, whether it was through a coordinated entry or expand a coordinated entry, sort of coordinated entry sort of augmented with other referral agencies or through project specific waiting lists.

Ginny Sardone:

Now whether or not they ever were actually admitted would depend upon the size of the homeless QP within the jurisdiction. It might be that sort of none of those other QP ever were admitted to the project because the homeless QP is just so large that they sort of they continually fill all of the vacancies in those projects. But sort of that actually would sort of be okay because the PJ is not prohibiting the QPs from having access. It's just that in sort of... And as a result of the size of this homeless QP within that jurisdiction they never actually sort of obtain a unit.

Ginny Sardone:

Another alternative that PJ might take is to maintain one of those projects with a limitation and then establish a different project or activity, let's say even a supportive services program where the program was open to all of the QPS. So this is something that clearly sort of is causing a bit of confusion sort of in the audience. And so the sort of the principle is that all QPs were intended to be served. The way that we're implementing that is by saying that all QPs must have access to your program. So you cannot design a program with whatever projects you intend to fund that would not at least provide QPs with the opportunity to apply for and be referred onto waiting lists or other referral methods for any of the projects or activities that you're funding. So hopefully that's a little bit clearer.

Ginny Sardone:

The other thing that I wanted to mention because we are really running out of time is that there were a lot of questions sort of with a lot of different variations of projects that were in some way limited, sort of had limitations with fair housing implications. So I saw sort of projects for women with children and single adults, there were all kinds of different sort of permutations of this concept. And that's why it was so important that we put those slides in there.

Ginny Sardone:

Unless there is a sort of we're funding some kind of a structure, which is not really going to be the case in HOME-ARP because we're not doing congregate shelter, where there are shared facilities that might sort of qualify for an exception on fair housing and civil rights requirements. Sort of limiting a project to families with children or to sort of single adults without children is a familial status issue. Sort of limiting a project based upon sort of gender is sort of is discrimination based upon sex. So this is why it's so important before you implement any preference and particularly limitation on a project of that type that you confer with FHEO in your field office.

Ginny Sardone:

There might be some scenarios where sort of some of these things that you're proposing are permissible, but sort of without knowing ahead of time that you're not violating a fair housing or civil rights requirement sort of, I would urge you not to move forward on that project. So please seek your guidance ahead of time. And we will try to spend a little bit more time in our office hours upcoming in

talking about this as well. We also have our Fair Housing folks at HUD putting together some FAQs for us to help people sort of work through sort of how to think about preferences and preferences and limitations that affect protected classes.

Ginny Sardone:

So I see I'm actually already over time. So I want to thank you all for joining us today. We're hoping that this webinar was helpful. Please take a look at the resources that we've referenced, the policy brief and the new templates and the tips on the templates. Actually I think some of the tips that we have on the templates answer some of the questions that I've seen here in the chat, and we will be shortly marketing an additional office hours to answer some of these questions, but please do feel free to send us your questions directly at homearp@hud.gov, and on behalf of Caitlin and all the rest of the folks at OHP thank you so much for everything that you do, we really appreciate it, and have a great afternoon

Speaker 2:

This concludes our conference. Thank you for using Event Services, you may now disconnect.