

APPENDIX B: EMERGENCY SOLUTIONS GRANT PROVISIONS

REPORTING RESPONSIBILITIES:

Activity Reports: Successful applicants will be required to submit to the County and/or City monthly, quarterly and annual activity reports, which clearly document all project activities including progress towards achieving, agreed upon outcomes. The successful applicant will be required to submit electronic reports to the County and/or City via e-mail. Report format and frequency will be at the discretion of the County and/or City.

Homeless Management Information System (HMIS): Successful ESG applicants will be required to actively participate in the local HMIS with the exception of domestic violence service providers who must collect equivalent data in an equivalent system. Successful applicants will be required to adhere to all HMIS Privacy, Confidentiality and Security Standards issued by the Department of Housing and Urban Development (HUD). HUD issued HMIS guidance can be found at www.hudhre.info

Failure to fully participate in the local HMIS and comply with all HMIS mandates may result in immediate termination of the agreement.

In order to participate in HMIS, the successful bidder will be required to pay an initial set-up fee of approximately \$225 per user and a yearly licensing fee of approximately \$330 payable to the system administrator (fee is subject to change). The successful bidder will also be required to have a computer dedicated to HMIS data that is capable of supporting the system. Questions regarding HMIS and its use can be referred to the HMIS administrator, the Housing Authorities of the City and County of Fresno, at (559) 443-8470. HMIS costs cannot be claimed under this RFP.

CONFLICT OF INTEREST: With respect to the use of ESG funds to procure services, equipment, supplies or other property, all non-profit bidders shall comply with 24 CFR 84.42. With respect to all other decisions involving the use of ESG funds, the following restriction shall apply: no person who is an employee, agent, consultant, officer, or elected or appointed official of the County and/or City and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds there under, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

HABITABILITY STANDARDS: Organizations providing rental assistance with ESG funds will be required to conduct initial and any appropriate follow-up inspections of housing units into which a program participant will be moving. Units should be inspected on an annual basis and upon a change of tenancy, and based on minimum habitability standards as set by the County and/or City (In Attachment B as Exhibit D).

NONDISCRIMINATION AND EQUAL OPPORTUNITY REQUIREMENTS: Bidders must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). In addition, grantees must make known that ESG rental assistance and services are available to all on a nondiscriminatory basis and ensure that all citizens have equal access to information about ESG and equal access to the financial assistance and services provided under this

program. Among other things, this means that each grantee must take reasonable steps to ensure meaningful access to programs to persons with limited English proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964. Please refer to “Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons” (72 Federal Register 2732; January 22, 2007). In addition, all notices and communications shall be provided in a manner that is effective for persons with hearing, visual, and other communication related disabilities consistent with section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8.6.

AFFIRMATIVELY FURTHERING FAIR HOUSING: Under section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing. HUD requires the same of its funding recipients. Bidders will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. Examples of affirmatively furthering fair housing include: (1) marketing the program to all eligible persons, including persons with disabilities and persons with limited English proficiency; (2) making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities (see, for example, HUD’s rule on effective communications at 24 CFR 8.6); (3) providing fair housing counseling services or referrals to fair housing agencies; (4) informing participants of how to file a housing discrimination complaint, including providing the toll-free number for the Housing Discrimination Hotline: 1-800-669-9777; and (5) recruiting landlords and service providers in areas that expand housing choice to program participants.

LEAD-BASED PAINT REQUIREMENTS: The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.), as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.) and implementing regulations at 24 CFR part 35, subparts A, B, M, and R shall apply to housing occupied by families receiving assistance through ESG.

UNIFORM ADMINISTRATIVE REQUIREMENTS: Non-profit bidders shall be subject to the requirements of 24 CFR part 84.

EQUAL PARTICIPATION OF RELIGIOUS ORGANIZATIONS:

1. Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to participate in ESG.
2. Organizations that are directly funded under ESG may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under ESG. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under ESG, and participation must be voluntary for the program participants.
3. A religious organization that participates in ESG will retain its independence from federal, state, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct ESG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide ESG-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, an ESG-funded religious organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

4. An organization that participates in the ESG program shall not, in providing program assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief.

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

DRUG-FREE WORKPLACE REQUIREMENTS: The Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et seq.) and HUD's implementing regulations at 24 CFR part 21 apply to HPRP.

PROCUREMENT OF RECOVERED MATERIALS: Successful bidders must comply with the requirements of section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. In accordance with section 6002, these agencies and persons must procure items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired in the preceding fiscal year exceeded \$10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.