

1/27/2023



HOME-ARP
Supportive Services
Guidelines



Summary

This guide is in accordance with [HUD Notice CPD-21-10, Requirements for the Use of Funds in the HOME-American Rescue Plan Program \(HOME-ARP\)](#). HOME-ARP funds may be used to provide a broad range of supportive services for qualifying households as a separate activity, or in combination with other HOME-ARP activities. HOME-ARP Supportive Services include those services listed in [Section 401\(29\) of the McKinney-Vento Homeless Assistance Act](#), homelessness prevention services, and housing counseling services.

ELIGIBLE PROGRAM PARTICIPANTS

Home-ARP funds may only be used to provide supportive services to qualifying populations defined below, who are not already receiving these services through another program. Program participants in other HOME-ARP activities are also eligible for supportive services. Supportive services, per client, cannot exceed 24 months.

Qualifying Populations

1. Homeless¹

- A. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - 1) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - 2) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
 - 3) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- B. An individual or family who will imminently lose their primary nighttime residence, provided that:
 - 1) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
 - 2) No subsequent residence has been identified; and

¹ [As defined in 24 CFR 91.5 Homeless \(1\), \(2\), or \(3\)](#)

- 3) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;
- C. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
- 1) Are defined as homeless under section, [Federal Register :: Runaway and Homeless Youth](#) section [637 of the Head Start Act \(42 U.S.C. 9832\)](#), [section 12471 of Title 34, Crime Control and Law Enforcement](#), [section 41403 of the Violence Against Women Act of 1994 \(42 U.S.C. 14043e-2\)](#), [Section 330\(h\) of the Public Health Service Act \(42 U.S.C. 254b\(h\)\)](#), [Section 3 of the Food and Nutrition Act of 2008 \(7 U.S.C. 2012\)](#), [Section 17\(b\) of the Child Nutrition Act of 1966 \(42 U.S.C. 1786\(b\)\)](#), or [Section 725 of the McKinney-Vento Homeless Assistance Act \(42 U.S.C. 11434a\)](#);
 - 2) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
 - 3) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
 - 4) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment;
2. At risk of Homelessness²
- A. An individual or family who:
- 1) Has an annual income below 30 percent of median family income for the area, as determined by HUD;
 - 2) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the "Homeless" definition in this section; and
 - 3) Meets one of the following conditions:

[As defined in 24 CFR 91.5 At risk of Homelessness](#)²

- a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
 - b. Is living in the home of another because of economic hardship;
 - c. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
 - d. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
 - e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
 - f. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
 - g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;
- B. A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under [34 U.S.C Section 11279\(2\)](#), [Section 637\(11\) of the Head Start Act \(42 U.S.C. 9832\(11\)\)](#), [Section 41403\(6\) of the Violence Against Women Act of 1994 \(42 U.S.C. 14043e-2\(6\)\)](#), [section 12473 of Title 34, Section 330\(h\)\(5\)\(A\) of the Public Health Service Act \(42 U.S.C. 254b\(h\)\(5\)\(A\)\)](#), [Section 3\(l\) of the Food and Nutrition Act of 2008 \(7 U.S.C. 2012\(l\)\)](#), or [Section 17\(b\)\(15\) of the Child Nutrition Act of 1966 \(42 U.S.C. 1786\(b\)\(15\)\)](#); or
- C. A child or youth who does not qualify as "homeless" under this section but qualifies as "homeless" under section [725\(2\) of the McKinney-Vento Homeless Assistance Act \(42 U.S.C. 11434a\(2\)\)](#), and the parent(s) or guardian(s) of that child or youth if living with her or him.
3. Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking³

For HOME-ARP, this population includes any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This population includes cases where an individual or family reasonably believes that there is a threat of imminent harm from further violence due to dangerous or life-threatening conditions that relate to violence against the

[As defined by HUD for HOME-ARP in CPD-21-10 page IV.A.3.](#)³

individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return or remain within the same dwelling unit. In the case of sexual assault, this also includes cases where an individual reasonably believes there is a threat of imminent harm from further violence if the individual remains within the same dwelling unit that the individual is currently occupying, or the sexual assault occurred on the premises during the 90-day period preceding the date of the request for transfer.

Domestic violence⁴

Includes felony or misdemeanor crimes of violence committed by:

- A. current or former spouse or intimate partner of the victim (the term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship);
- B. A person with whom the victim shares a child in common;
- C. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- D. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving HOME-ARP funds; or
- E. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating violence⁵

Violence committed by a person:

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. Where the existence of such a relationship shall be determined based on consideration of the following factors:
 - 1) The length of the relationship;
 - 2) The type of relationship; and
 - 3) The frequency of interaction between the persons involved in the relationship.

Sexual assault⁶

Any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

[Defined in 24 CFR 5.2003](#)⁴

[Defined in 24 CFR 5.2003](#)⁵

[Defined in 24 CFR 5.2003](#)⁶

Stalking⁷

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for the person's individual safety or the safety of others; or
- B. Suffer substantial emotional distress.

Human Trafficking includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7102). These are defined as:

- A. Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- B. Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

4. Other Populations:

Other populations where providing supportive services or assistance under [Section 212\(a\) of NAHA \(42 U.S.C. 12742\(a\)\)](#) would prevent the family's homelessness or would serve those with the greatest risk of housing instability. HUD defines these populations as individuals and households who do not qualify under any of the populations above but meet one of the following criteria:

- A. Other Families Requiring Services or Housing Assistance to Prevent Homelessness is defined as households (i.e., individuals and families) who have previously been qualified as "homeless" as defined in [24 CFR 91.5](#), but are currently housed due to temporary or emergency assistance, including financial assistance, services, temporary rental assistance or some type of other assistance to allow the household to be housed, and who need additional housing assistance or supportive services to avoid a return to homelessness.
- B. At Greatest Risk of Housing Instability is defined as household who meets either paragraph 1) or 2) below:
 - 1) has annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e., is paying more than 50% of monthly household income toward housing costs);
 - 2) has annual income that is less than or equal to 50% of the area median income, as determined by HUD, AND meets one of the following conditions

[Defined in 24 CFR 5.2003](#)⁷

from paragraph (iii) of the “At risk of homelessness” definition established at [24 CFR 91.5](#):

- a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for home-lessness prevention assistance;
 - b. Is living in the home of another because of economic hardship;
 - c. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
 - d. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
 - e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons per room, as defined by the U.S. Census Bureau;
 - f. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
 - g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.
5. Veterans and Families that include a Veteran Family Member that meet the criteria for one of the qualifying populations described above are eligible to receive HOME-ARP assistance.

CLIENT SELECTION

To ensure that access to HOME-ARP Supportive Services by qualifying populations is effectively integrated with other assistance and services, ADFA encourages each entity providing HOME-ARP Supportive Services to incorporate the Coordinated Entry (CE) established by the Continuum of Care(s) (CoC(s)) for the area, the entity is funded to serve, provided that the CE is used in accordance with the [HOME-ARP Notice](#).

Whether or not packaged with NCS funding, HOME-ARP Supportive Services may also be provided as needed to qualifying individuals and families served by the HOME-ARP NCS, in accordance with the requirements contained in the HOME-ARP Notice⁸.

[Section VI.D. of the HOME-ARP Notice](#)⁸

Use of Funds to Benefit Qualifying Populations

ARP states that funds must be used to primarily benefit the qualifying populations through ADFA's three eligible activities:

- A. Acquisition and development of non-congregate shelter (NCS) units;
- B. Provision of supportive services; and/or
- C. Operational expense assistance for non-profit entities serving the qualifying populations.

Recognizing the urgent needs of individuals and families in qualifying populations, HUD is requiring that 100% of HOME-ARP funds utilized for supportive services and acquisition and development of non-congregate shelter units must benefit individuals and families in qualifying populations. Individuals and families in qualifying populations may be assisted by one or more of the HOME-ARP eligible activities, consistent with the requirements of the [HOME-ARP Notice](#).

Referral Methods, and Subpopulations

ADFA recommends Service Providers utilize referral methods described below to administer HOME-ARP assistance to qualifying individuals and families. Regardless of the referral method used by a Service Provider, ADFA will hold the Service Provider responsible for determining and documenting that beneficiaries meet the definition of a qualifying population.

A supportive Service Provider may use the coordinated entry or coordinated entry process (CE)⁹ of a (CoC)¹⁰ for referrals to services. Coordinated entry (CE) is a centralized or coordinated process designed to coordinate program participant intake assessment and provision of referrals within a defined area. HUD requires each CoC to establish and operate a CE with the goal of increasing the efficiency of local crisis response systems and improving fairness and ease of access to resources, including mainstream resources.

ADFA recommends that Service Providers utilize a CoC CE to collect information and documentation required to determine whether an individual or family meets the criteria of a HOME-ARP qualifying population at any point in the coordinated entry process, (i.e., after or concurrently with the assessment and intake processes) as long as that information is not used to rank a person for HOME-ARP, in such a way that conflicts with requirements detailed in the [HOME-ARP Notice](#).

ADFA does not require HOME-ARP victim Service Providers to use the CE but does recommend they do so. The Service Provider must comply with all applicable nondiscrimination and equal opportunity laws and requirements listed in [24 CFR 5.105\(a\)](#).

⁹ [Detailed more particularly in 24 CFR 578.3](#)

¹⁰ [Defined in 24 CFR 578.3](#)

Additionally, the Service Provider may not violate any other applicable fair housing and civil rights laws and requirements when using the following referral methods.

1. Use of Expanded CE in HOME-ARP

Under this referral method, a Service Provider may use a CE established by a CoC operating within its boundaries if the CE accepts all HOME-ARP qualifying populations eligible for its services, in accordance the [HOME-ARP Notice](#) and ADFA's written agreement with the Service Provider.

Before using a CoC's CE, the Service Provider should consider whether the CE covers the same service area the Service Provider would serve. At a minimum, the Service Provider must establish policies and procedures that describe the relationship of the geographic area(s) it serves to the geographic area(s) covered by the CoC CE, and address how the CE will provide access and implement uniform referral processes in situations where the Service Provider's geographic area(s) is broader than the geographic area(s) covered by the CE.

ADFA recommends Service Providers utilize CE along with other referral methods (as provided in section '2' below) or to use only a waiting list (as provided in section '3' below) if:

- A. the CE does not have a sufficient number of qualifying individuals and families to refer to the Service Provider for supportive services;
- B. the CE does not include all HOME-ARP qualifying populations; or,
- C. the CE fails to provide access and implement uniform referral processes in situations where a Service Provider's geographic area(s) is broader than the geographic area(s) covered by the CE.

2. Use of CE with Other Referral Methods

The Service Provider may also choose to utilize a CoC CE with additional referrals from outside organizations, or the Service Provider's own waiting lists consistent with HOME-ARP requirements. Additionally, the Service Provider may also utilize a waiting list to receive referrals from a CoC CE and other referral agencies for its services, where a CoC CE or referral agency refers an applicant that is placed on the waiting list for those services in chronological order.

3. Use of a Supportive Service Provider's Own Waiting List

The Service Provider may choose to establish a waiting list for its services. All qualifying individuals or families must have access to apply for placement on the waiting list for those services. Qualifying individuals or families on a waiting list must be accepted in chronological order, insofar as practicable.

ELIGIBLE SUPPORT SERVICES UNDER HOME-ARP

McKinney-Vento Support Services

Supportive Services are adapted from Section 401(29) of the McKinney-Vento Homeless Assistance¹¹

Homeless Prevention Services

HOME-ARP Homelessness Prevention Services are adapted from eligible homelessness prevention services under the regulations at [24 CFR 576.102](#), [24 CFR 576.103](#), [24 CFR 576.105](#), and [24 CFR 576.106](#), and are revised, supplemented, and streamlined in [Section VI.D.4.c.i of the HOME-ARP Notice](#), and conveniently restated herein.

Housing Counseling Services

Housing counseling services under HOME-ARP are those consistent with the definition of housing counseling and housing counseling services defined at [24 CFR 5.100](#) and [24 CFR 5.111](#), respectively, except where otherwise noted. The requirements at [24 CFR 5.111](#) state that any housing counseling, as defined in [24 CFR 5.100](#), required under or provided in connection with any program administered by HUD, shall be provided only by organizations and counselors certified by the Secretary under [24 CFR part 214](#) to provide housing counseling, consistent with [12 U.S.C. 1701x](#). HUD-approved Housing Counseling Agencies can be found on HUD’s website at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/hcc.

Program requirements and administration under [24 CFR part 214](#) apply to the provision of HOME-ARP Housing Counseling Supportive Services (except those provisions related to current homeowners do not apply). Eligible HOME-ARP topics under Housing Counseling include but are not limited to the following examples:

Rental Housing Counseling Topics (24 CFR 214.300(e)(4))	Pre-Purchase Homebuying Topics (24 CFR 214.300(e)(1))	Homeless Services Topics (24 CFR 214.300(e)(5))
HUD rental and rent subsidy programs	Advice regarding readiness and preparation	Homeless assistance information regarding emergency shelter
Other federal, state, or local assistance	Federal Housing Administration insured financing	Other emergency services
Fair housing	Housing selection and mobility	Transitional housing
Housing search assistance	Fair housing and predatory lending	Referral to local, state, and federal resources (24 CFR 214.300(b)(2))
Landlord tenant laws	Budgeting and credit	
Lease terms	Loan product comparison	

¹¹ [401\(29\) of the McKinney-Vento Homeless Assistance Act \(“McKinney-Vento Supportive Services”\);\(42 U.S.C. 11360\(29\)\)](#)

Rent delinquency	Purchase procedures and closing costs	
Referrals to local, state, and federal resources(24 CFR 214.300(b)(2))	Search assistance	
	Referrals to local, state, and federal resources(24 CFR 214.300(b)(2))	

Ineligible Counseling Services

Housing Counseling surrounding the following topics are ineligible under HOME-ARP:

1. Resolving or preventing mortgage delinquency, including, but not limited to default and foreclosure, loss mitigation, budgeting, and credit;
2. Home maintenance and financial management for homeowners, including, but not limited to: Escrow funds, budgeting, refinancing, home equity, home improvement, utility costs, energy efficiency, rights and responsibilities of homeowners, and reverse mortgages.

Housing counselors must establish an action plan for each participating qualifying individual or family.¹² Additionally, housing counselors must also make reasonable efforts to have follow-up communications with participating qualifying individuals, when possible, to assure that the individual or family is progressing toward the housing goal established in the plan, to modify or terminate housing counseling, and to learn and report outcomes.¹³

ELIGIBLE COSTS OF SUPPORTIVE SERVICES FOR QUALIFYING INDIVIDUALS AND FAMILIES

ARP funds may be used to pay eligible costs associated with the HOME-ARP Supportive Services in accordance with the requirements of the [HOME-ARP Notice](#). Eligible costs¹⁴ that may be paid using HOME-ARP funds are limited to only those identified herein. Ineligible costs paid using HOME-ARP funds must be repaid.

HUD has used its discretion in ARP to include eligible costs for supportive services that are necessary to assist the qualifying populations, prevent homelessness, or to enable qualifying households to obtain and maintain housing.

While all qualifying households are eligible to receive supportive services, ADFA has established requirements for documenting eligible costs for an individual or family in the qualifying population.

If a person is homeless, then the person is eligible to be provided the supportive services.¹⁵ If a person is housed and the supportive services are intended to help the program participant regain stability in the program participant's current

¹² [As required per 24 CFR 214.300\(a\)\(2\)](#)

¹³ [As required per 24 CFR 214.300\(c\)](#)

¹⁴ [As detailed in Section VI.D.4.c. of the HOME-ARP Notice](#)

¹⁵ [As detailed in Section VI.D.4.c.i. of the HOME-ARP Notice](#)

permanent housing or move into other permanent housing to achieve stability in that housing, then the person is eligible for homelessness prevention services, for the costs allowable as McKinney Vento Supportive Services and Homelessness Prevention.¹⁶ Housing Counseling services may be provided regardless of whether a person is homeless or currently housed.

ADFA will require all supportive services provided and funded with HOME-ARP funds be detailed within a written agreement, whether authorizing McKinney-Vento Supportive Services, homelessness prevention services, housing counseling services, or some combination of the three. Additionally, ADFA will require documentation verifying which types of supportive services entities have been provided to individual program participants. Only the supportive services that are authorized in the written agreement with the supportive Service Provider, may be provided to program participants, by that supportive Service Provider, and only program participants that are eligible for those supportive services may be served.

ADFA has set a per client maximum of \$30,000 that a program participant may receive for supportive services provided and has set a 24-month maximum period for which a program participant may receive any of the types of assistance or services. The services that will be provided must be listed in the written agreement.

Oversight of Eligible Costs

All supportive service costs paid for by HOME-ARP must comply with the requirements of the [HOME-ARP Notice](#). Additionally, all costs must be necessary and reasonable¹⁷.

If a qualifying household is already receiving the same eligible supportive service or has been approved to receive the same service through another program or provider, the program participant does not have a need for the HOME-ARP service, and the costs related to the service do not comply with the Cost Principles. The Service Provider is responsible for establishing requirements that allow a program participant to receive only the HOME-ARP services needed, so there is no duplication of services or assistance in the use of HOME-ARP funds for supportive services. This may include the use of systems such as Homeless Management Information Systems in coordination with local supportive Service Providers, CoCs, and other nonprofit organizations.

Direct Provision of Services

ADFA shall require written agreements with Service Providers engaged directly in the provision of services under the HOME-ARP eligible supportive services categories, that comply with the requirements of this the [HOME-ARP Notice](#) and, to the extent practicable, in amounts that cover the actual total program costs and administrative overhead to provide those services.

If the services outlined in '**ELIGIBLE COSTS**' below are being directly delivered, the following costs are eligible project delivery costs for those services:

¹⁶ [As detailed in Section VI.D.4.c.i. of the HOME-ARP Notice](#)

¹⁷ [Required per 2 CFR part 200, subpart E, Cost Principles](#)

1. the costs of labor or supplies and materials incurred by the Service Provider in directly providing supportive services to program participants.
2. the salary and benefit packages of Service Provider staff who directly deliver the services.

ELIGIBLE COSTS

Eligible Costs for McKinney Vento Supportive Services and Homelessness Prevention Services

Eligible costs for supportive services under either of these two categories include costs associated with the following services:

1. Childcare
The costs of childcare for program participants, including providing meals and snacks, and comprehensive and coordinated developmental activities, are eligible. The childcare center must be licensed by the jurisdiction in which it operates in order for its costs to be eligible. The following conditions also apply:
 - A. Children must be under the age of 13 unless the children have a disability.
 - B. Children with a disability must be under the age of 18.
2. Education services
The costs of improving knowledge and basic educational skills are eligible costs including:
 - A. Instruction or training in consumer education, health education, substance abuse prevention, literacy, English as a Second Language, and General Educational Development (GED).
 - B. Screening, assessment, and testing; individual or group instruction; tutoring; provision of books, supplies, and instructional material; counseling; and referral to community resources.
3. Employment assistance and job training
The costs of establishing and/or operating employment assistance and job training programs are eligible, including classroom, online and/or computer instruction, on-the-job instruction, services that assist individuals in securing employment, acquiring learning skills, and/or increasing earning potential. The cost of providing reasonable stipends to program participants in employment assistance and job training programs is also an eligible cost.
 - A. Learning skills include those skills that can be used to secure and retain a job, including the acquisition of vocational licenses and/or certificates.
 - B. Services that assist individuals in securing employment consist of:
 - 1) Employment screening, assessment, or testing;
 - 2) Structured job skills and job-seeking skills;
 - 3) Special training and tutoring, including literacy training and pre-vocational training;
 - 4) Books and instructional material;

- 5) Counseling or job coaching; and
 - 6) Referral to community resources.
4. Food
The cost of providing meals or groceries to program participants is eligible.
5. Housing search and counseling services
Costs of assisting eligible program participants to locate, obtain, and retain suitable housing are eligible. Services are:
- A. Development of an action plan for locating housing;
 - B. Housing search;
 - C. Tenant counseling;
 - D. Securing utilities;
 - E. Making moving arrangements;
 - F. Outreach to and negotiation with owners;
 - G. Assistance submitting rental applications and understanding leases;
 - H. Assessment of housing for compliance with HOME-ARP requirements for financial assistance for short-term and medium-term rental payments provided under Section VI.D.4.c.i.(R) below;
 - I. Assistance obtaining utilities; and
 - J. Tenant counseling;
 - K. Mediation with property owners and landlords on behalf of eligible program participants;
 - L. Credit counseling, accessing a free personal credit report, and resolving personal credit issues; and
 - M. Payment of rental application fees;
 - N. Other Housing counseling costs, as defined in [24 CFR 5.100](#), funded with or provided in connection with grant funds must be carried out in accordance with [24 CFR 5.111](#).

Please Note: When providing housing services to eligible persons that are incidental to a larger set of holistic case management services, these services do not meet the definition of Housing Counseling, as defined in [24 CFR 5.100](#), and therefore are not required to be carried out in accordance with the certification requirements of [24 CFR 5.111](#). See definitions below:

[§ 5.100 Housing counseling.](#)

“Housing counseling- is independent, expert advice customized to the need of the consumer to address the consumer's housing barriers and to help achieve their housing goals and must include the following processes: Intake; financial and housing affordability analysis; an action plan, except for reverse mortgage counseling; and a reasonable effort to have follow-up communication with the client when possible. The content and process of housing counseling must meet the standards outlined in [24 CFR part 214](#). Homeownership counseling and rental counseling are types of housing counseling.”

[§ 5.111 Housing counseling.](#)

(a) Any housing counseling, including homeownership counseling or rental housing counseling, as defined in [§ 5.100](#), required under or provided in connection with any program administered by HUD shall be provided only by organizations and counselors certified by the Secretary under [24 CFR part 214](#) to provide housing counseling, consistent with [12 U.S.C. 1701x](#).

(b) For purposes of this section, required under or provided in connection with any program administered by HUD means:

- (1) Housing counseling required by statute, regulation, Notice of Funding Availability (NOFA), or otherwise required by HUD;*
- (2) Housing counseling that is funded under a HUD program;*
- (3) Housing counseling that is required by a grantee or subgrantee of a HUD program as a condition of receiving assistance under the HUD program; or*
- (4) Housing counseling to which a family assisted under a HUD program is referred, by a grantee or subgrantee of the HUD program.*

6. Legal services

Eligible costs are the fees charged by licensed attorneys and by person(s) under the supervision of licensed attorneys, for advice and representation in matters that interfere with a qualifying individual or family's ability to obtain and retain housing.

- A. Eligible subject matters are child support; guardianship; paternity; emancipation; legal separation; orders of protection and other legal remedies for victims of domestic violence, dating violence, sexual assault, human trafficking, and stalking; appeal of veterans and public benefit claim denials; landlord-tenant disputes; and the resolution of outstanding criminal warrants; landlord/tenant matters, provided that the services must be necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides.
- B. Legal services for immigration and citizenship matters and for issues related to mortgages and homeownership are ineligible. Retainer fee arrangements and contingency fee arrangements are prohibited.
- C. Services may include client intake, receiving and preparing cases for trial, provision of legal advice, representation at hearings, and counseling.
- D. Fees based on the actual service performed (i.e., fee for service) are also eligible, but only if the cost would be less than the cost of hourly fees. Filing fees and other necessary court costs are also eligible. If the subrecipient is a legal services provider and performs the services itself, the eligible costs are the subrecipient's employees' salaries and other costs necessary to perform the services.

7. Life skills training

The costs of teaching critical life management skills that may never have been learned or have been lost during the course of physical or mental illness, domestic violence, dating violence, sexual assault, stalking, human trafficking, substance abuse, and homelessness are eligible. These services must be necessary to assist the program participant to function independently in the community. Life skills training includes:

Budgeting of resources and money management, household management, conflict management, shopping for food and other needed items, nutrition, the use of public transportation, and parent training.

8. Mental health services

Eligible costs are the direct outpatient treatment of mental health conditions that are provided by licensed professionals.

A. Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances. Problem areas may include family and marital relationships, parent-child problems, or symptom management.

B. Services are crisis interventions; counseling; individual, family, or group therapy sessions; the prescription of psychotropic medications or explanations about the use and management of medications; and combinations of therapeutic approaches to address multiple problems.

9. Outpatient health services

Eligible costs are the direct outpatient treatment of medical conditions when provided by licensed medical professionals including:

A. Providing an analysis or assessment of a program participant's health problems and the development of a treatment plan;

B. Assisting program participants to understand their health needs;

C. Providing directly or assisting program participants to obtain and utilize appropriate medical treatment;

D. Preventive medical care and health maintenance services, including in-home health services and emergency medical services;

E. Provision of appropriate medication;

F. Providing follow-up services; and

G. Preventive and non-cosmetic dental care.

10. Outreach services

The costs of activities to engage qualified populations for the purpose of providing immediate support and intervention, as well as identifying potential program participants, are eligible.

- A. Eligible costs include the outreach worker's transportation costs and a cell phone to be used by the individual performing the outreach.
- B. Costs associated with the following services are eligible: initial assessment; crisis counseling; addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries; actively connecting and providing people with information and referrals to homeless and mainstream programs; and publicizing the availability of the housing and/or services provided within the ADFA's geographic area.

11. Substance abuse treatment services

Eligible substance abuse treatment services are designed to prevent, reduce, eliminate, or deter relapse of substance abuse or addictive behaviors and are provided by licensed or certified professionals. The costs include:

- A. Program participant intake and assessment;
- B. Outpatient treatment;
- C. Group and individual counseling;
- D. Drug testing;
- E. Inpatient detoxification and other inpatient drug or alcohol treatment are ineligible.

12. Transportation

Eligible costs are:

- A. The costs of program participant's travel on public transportation or in a vehicle provided by the Service Provider or subrecipient to and from medical care, employment, childcare, or other services eligible under the [HOME-ARP Notice](#);
- B. Mileage allowance for service workers to visit program participants and to carry out housing inspections;
- C. The cost of purchasing or leasing a vehicle in which staff transports program participants and/or staff serving program participants;
- D. The cost of gas, insurance, taxes, and maintenance for the vehicle;
- E. The costs of service provider staff to accompany or assist program participants to utilize public transportation; and
- F. If public transportation options are not sufficient within the area, the Service Provider may make a one-time payment on behalf of a program participant needing car repairs or maintenance required to operate a personal vehicle, subject to the following:
 - 1) Payments for car repairs or maintenance on behalf of the program participant may not exceed 10 percent of the Blue Book value of the vehicle (Blue Book refers to the guidebook that compiles and quotes prices for new and used automobiles and other vehicles of all makes, models, and types);

- 2) Payments for car repairs or maintenance must be paid by the Service Provider directly to the third party that repairs or maintains the car; and
 - 3) Service Provider may require program participants to share in the cost of car repairs or maintenance as a condition of receiving assistance with car repairs or maintenance.
- G. The Service Provider must establish policies and procedures surrounding payments for the cost of gas, insurance, taxes, the one-time payment for car repairs or maintenance described above, and maintenance for vehicles of program participants. Such costs must be limited to program participants with the inability to pay for such costs and who, without such assistance, would not be able to participate in eligible services¹⁸ under this section.

13. Case management

The costs of assessing, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant(s) are eligible costs. Providers offering these supportive services must have written standards for providing the assistance. Eligible costs are those associated with the following services and activities:

- A. Conducting the initial evaluation, including verifying and documenting eligibility, for individuals and families applying for supportive services;
- B. Counseling;
- C. Developing, securing, and coordinating services;
- D. Using a centralized or coordinated assessment system that complies with the requirements of Section IV.C of the HOME-ARP Notice;
- E. Obtaining federal, State, and local benefits;
- F. Monitoring and evaluating program participant progress;
- G. Providing information and referrals to other providers;
- H. Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking;
- I. Developing an individualized housing and service plan, including planning a path to permanent housing stability; and
- J. Conducting re-evaluations of the program participant's eligibility and the types and amounts of assistance the program participant needs.

14. Mediation

HOME-ARP funds may pay for mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the

¹⁸ [As defined in Section VI.D.4.c.i. of the HOME-ARP Notice](#)

mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.

15. Credit repair

HOME-ARP funds may pay for credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems. This assistance does not include the payment or modification of a debt.

16. Landlord/Tenant Liaison

Costs of liaison services between property managers/owners and program participants are eligible HOME-ARP costs and may include:

- A. Landlord outreach;
- B. Physical inspections and rent reasonableness studies as needed to secure units;
- C. Rental application fees and security deposits for clients, in accordance with the financial assistance costs requirements in (18);
- D. Mediation services in (14) for housing issues that may arise between owner, property manager, or other residents and clients;
- E. Coordination or assistance with the provision of other HOME-ARP eligible services to assist clients to maintain permanent housing.

17. Services for special populations

HOME-ARP funds may be used to provide services for special populations, such as victim services, so long as the costs of providing these services are eligible under this section. The term "victim services" means services that assist program participants who are victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, stalking, or human trafficking.

18. Financial assistance costs

HOME-ARP funds may be used to pay housing owners, utility companies, and other third parties for the following costs, as applicable:

- A. Rental application fees: Rental housing application fee that is charged by the owner to all applicants.
- B. Security deposits: A security deposit that is equal to no more than 2 months' rent. This assistance is separate and distinct from the provision of financial assistance for First and Last Month's rent provided under this section and cannot be used to duplicate those costs.

- C. Utility deposits: HOME-ARP funds may pay for a standard utility deposit or initiation fee required by the utility company or owner (if owner-paid utilities are provided) for all program participants for the following utilities:
 - 1) Gas
 - 2) Electric
 - 3) Water
 - 4) Sewer

 - D. Utility payments: HOME-ARP funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. A partial payment of a utility bill counts as one month. This assistance may only be provided if the program participant or a member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water, and sewage. No program participant shall receive more than 24 months of utility assistance.

 - E. Moving costs: HOME-ARP funds may pay for moving costs, such as truck rental or hiring a moving company. This assistance may include payment of temporary storage fees for up to 3 months, provided that the fees are accrued after the date the program participant begins receiving assistance under this section of the [HOME-ARP Notice](#) and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.

 - F. First and Last month's rent: If necessary to obtain housing for a program participant, HOME-ARP funds may be used to make a pre-payment of the first and last month's rent under a new lease to the owner at the time the owner is paid the security deposit for the program participant's tenancy in the housing. This assistance must not exceed two month's rent and must be tracked for purposes of determining the total short- and medium-term financial assistance for rent that the program participant may receive. This assistance is separate and distinct from financial assistance for Security Deposits provided under this section and cannot be used to duplicate those costs.

 - G. Payment of rental arrears: HOME-ARP funds may be used for a one-time payment for up to 6 months of rent in arrears, including any late fees or charges on those arrears, if necessary for the household to maintain their existing housing or, for those without housing, if necessary to remove a demonstrated barrier to obtaining housing.
19. Short-term and medium-term financial assistance for rent
Subject to the following conditions, a Service Provider may offer a program participant with short-term or medium-term financial assistance for rent, provided that the total financial assistance provided, including any pre-payment of first and last month's rent as described above, does not exceed 24 months of rental payments over any 3-year period.
- A. Short-term means up to 3 months.
 - B. Medium-term means more than 3 months but not more than 24 months.
 - C. The Service Provider may make rental payments only to an owner with whom the Service Provider has entered into a financial assistance agreement for rental

payment. The financial assistance agreement must set forth the terms under which rental payments will be provided, including the requirements that apply under the [HOME-ARP Notice](#). The financial assistance agreement must provide that, during the term of the agreement, the owner must give the Service Provider a copy of any notice to the program participant to vacate the housing unit or any complaint used under State or local law to commence an eviction action against the program participant. The owner must serve written notice upon the program participant at least 30 days before termination of tenancy specifying the grounds for the action. Each financial assistance agreement that is executed or renewed must comply with the requirements in [24 CFR 92.359](#).

D. The Service Provider must make timely payments to each owner in accordance with the financial assistance agreement. The financial assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. **The Service Provider is solely responsible for paying late payment penalties that it incurs with non-HOME-ARP funds.**

- 1) Rental payments cannot be provided unless the rent does not exceed the Fair Market Rent established by HUD, as provided under [24 CFR part 888](#), and complies with HUD's standard of rent reasonableness, as established under [24 CFR 982.507](#).
- 2) Each program participant receiving financial assistance for rental payments must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. Where the financial assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks. New leases must have an initial term of 1 year unless a shorter period is agreed upon by the program participant and owner. The lease requirements in [24 CFR 92.359](#) apply to this financial assistance.
- 3) The Service Provider must establish requirements to prevent the provision of short- or medium-term financial assistance for rent for the same period for which a program participant is receiving rental assistance or living in housing provided with ongoing assistance (such as project-based rental assistance or operating subsidies).
- 4) If a program participant receiving financial assistance for short- or medium-term rental payments under this section meets the conditions for an emergency transfer under [24 CFR 5.2005\(e\)](#), HOME-ARP funds may be used to pay amounts owed for breaking a lease to effectuate an emergency transfer. These costs are not subject to the 24-month limit on rental payments.

Ineligible costs - Financial assistance cannot be provided to a program participant who is receiving the same type of assistance through other public sources. Financial assistance also cannot be provided to a program participant who has been provided with replacement housing payments under the [Uniform Relocation Assistance and Real Property Acquisition](#)

[Policies Act of 1970, as amended \(42 USC 4601 et seq.\)](#) and its implementing regulations at [49 CFR part 24](#), or [Section 104\(d\) of the Housing and Community Development Act of 1974 \(42 USC 5304\(d\)\)](#) and its implementing regulations at [24 CFR part 42](#), during the period of time covered by the replacement housing payments.

Eligible Costs Associated with Housing Counseling under 24 CFR 5.100 and 5.111

Costs associated with housing counseling services as defined at [24 CFR 5.100](#) and [5.111](#) are eligible under HOME-ARP. As homeowner assistance and related services are not eligible HOME-ARP activities, costs for the provision of services related to mortgages and homeownership to existing homeowners are also not eligible under HOME-ARP. If a program participant is a candidate for homeownership, costs associated with pre-purchase homebuying counseling, education and outreach are eligible under HOME-ARP. Eligible costs are those costs associated with the services listed in [24 CFR part 214](#) and include, but are not limited to:

1. Staff salaries and overhead costs of HUD-certified housing counseling agencies related to directly providing eligible housing counseling services to HOME-ARP program participants;
2. Development of a housing counseling workplan;
3. Marketing and outreach;
4. Intake;
5. Financial and housing affordability analysis;
6. Action plans that outline what the housing counseling agency and the client will do to meet the client's housing goals and that address the client's housing problem(s);
7. Follow-up communication with program participants.

TERMINATION OF ASSISTANCE TO PROGRAM PARTICIPANTS

Termination of assistance

The Service Provider may terminate assistance to a program participant who violates program requirements or conditions of occupancy or no longer needs the services as determined by the Service Provider. Termination under this section does not bar the Service Provider from providing further assistance at a later date to the same individual or family under the [HOME-ARP Notice](#).

Due process

The Service Provider must establish policies and procedures for termination of assistance to program participants. In terminating assistance to a program participant, the Service Provider must provide a formal process that recognizes the rights of individuals receiving assistance under the due process of law. This process, at a minimum, must consist of:

1. Providing the program participant with a written copy of the program rules and the termination process before the participant begins to receive assistance;
2. Written notice to the program participant containing a clear statement of the reasons for termination;
3. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
4. Prompt written notice of the final decision to the program participant.

During this process, the Service Provider must provide effective communication and accessibility for individuals with disabilities, including the provision of reasonable accommodations. Similarly, the Service Provider must provide meaningful access to persons with Limited English Proficiency (LEP).

COMMITMENT

For supportive services, commitment means that before disbursing any HOME-ARP funds to any entity, the PJ executed a legally binding written agreement that complies with HOME-ARP requirements with the contractor or subrecipient providing the supportive service (that includes the date of the signature of each person signing the agreement).

POLICIES AND PROCEDURES

The following policies and procedures must be in compliance with the [HOME-ARP Notice](#).

1. Service Providers must have a tenant selection procedure in accordance with [Section IV.C.2. of CPD 21-10](#) (Referral Methods for Projects and Activities)
2. Service Provider must ensure eligibility of program participants in HOME-ARP activities for supportive services under **Eligible Costs for McKinney Vento Supportive Services and Homelessness Prevention Services**
3. The PJ has set a maximum amount of \$30,000 per client and a maximum period of 24 months for assistance or services, the maximum dollar amount that a program participant may receive for each type of service described in **Eligible Costs for McKinney Vento Supportive Services and Homelessness Prevention Services**;
4. Service Provider must submit documentation of eligible costs;
5. Service Provider must provide proof to ADFA that a program participant is not receiving duplication of services or assistance in the use of HOME-ARP funds for supportive services;
6. Service Provider must have a policy for payments (and provide to ADFA) for the cost of gas, insurance, taxes, the one-time payment for car repairs or maintenance described (Payments for car repairs or maintenance on behalf of the program participant may not exceed 10 percent of the Blue Book value of the vehicle -Blue Book refers to the guidebook that compiles and quotes prices for new and used automobiles and other

vehicles of all makes, models, and types), and maintenance for vehicles of program participants;

7. Service Provider must have a policy to provide financial assistance for short-term and medium-term rental payments under the [HOME-ARP Notice](#), including requirements to prevent a duplication of rental or financial assistance provided to a program participant;
8. Service Provider must provide Housing stability case management; and
9. Service Provider must establish policies and procedures for termination of assistance to program participants. In terminating assistance to a program participant, the Service Provider must provide a formal process that recognizes the rights of individuals receiving assistance under the due process of the law. This process at a minimum, must consist of:
 - a. Providing the program participant with a written copy of the program rules and the termination process before the participant begins to receive assistance;
 - b. Written notice to the program participant containing a clear statement of the reasons for termination;
 - c. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person who made or approved the termination decision; and
 - d. Prompt written notice of the final decision to the program participant.

The Service Provider must provide effective communication and accessibility for individuals with disabilities, including the provision of reasonable accommodations. Similarly, the Service Provider must provide meaningful access to persons with LEP.

PROJECT COMPLETION

Project completion for a HOME-ARP Supportive Services project means the final drawdown has been disbursed for the project.

PROGRAM INCOME

Program Income means gross income received by the PJ generated from the use of HOME-ARP funds during the grant period of performance. This includes, but is not limited to, principal and interest payments from a loan made with HOME-ARP funds, or other income or fees received from project owners in connection with HOME-ARP funds, and interest earned by the PJ on program income before its disposition.

Program income earned as a result of the use of HOME-ARP funds is HOME program income and must be used in accordance with the requirements of [24 CFR part 92](#).

Integrated Disbursement and Information System (IDIS): The PJ will use IDIS to administer its HOME-ARP funds. The PJ will request disbursements of HOME-ARP funds from its Treasury account and collect and report information on the use of

HOME-ARP funds through IDIS. (For purposes of reporting in IDIS, a HOME-ARP project is an activity.) The PJ must report all program income in IDIS.

The requirements of [24 CFR 92.502\(c\)\(3\)](#) do not apply to HOME-ARP funds.

In accordance with this Notice, a HOME-ARP written agreement providing HOME-ARP funds to a project or the CHDO/nonprofit must be signed and dated by the PJ and service provider for HOME-ARP supportive services.

This must occur before any HOME-ARP funds are disbursed. Federal funds cannot be drawn from the Treasury account in advance of the need to pay an eligible cost.

Consequently, HOME-ARP funds cannot be drawn from the U.S. Treasury and placed in escrow or advanced in lump sums to subrecipients or service providers.

Once funds are drawn from the PJ's Treasury account, they must be expended for an eligible HOME-ARP cost within 15 days

PROJECT RECORDS

Service Providers are required to retain the following records for HOME-ARP-assisted projects, as specified by activity type.

a. A full description of the form of HOME-ARP assistance, number of families, or qualifying households assisted with HOME-ARP funds, subject to confidentiality requirements in the [HOME-ARP Notice](#).

b. Records (i.e., written agreements) demonstrating compliance with the written agreement requirements in Section VIII.B of the [HOME-ARP Notice](#).

c. Records demonstrating that each qualifying household is eligible for HOME-ARP assistance based on the requirements of the ARP and [Section IV of the HOME-ARP Notice](#).

d. Records demonstrating that each household qualifying as homeless, records that meet the requirements in [24 CFR 576.500\(b\)\(1\), \(2\), \(3\), or \(4\)](#), as applicable (except that youth aged 24 and under must not be required to provide third-party documentation to show they are homeless to receive any shelter, housing, or services for which ESG or CoC Program funds may be used to supplement the HOME-ARP assistance).

e. Records demonstrating that for each household receiving HOME-ARP short-term and medium-term financial assistance for rent meet the requirements of [Sections VI.B.19 and VI.C.2](#), respectively, of the HOME-ARP Notice. The Service Provider must retain records demonstrating that a master lease for housing complies with the tenant and participant protections of [24 CFR 92.253](#) and the [HOME-ARP Notice](#). Records must be kept for each household.

f. For all HOME-ARP Supportive Services projects pursuant to McKinney-Vento or Homelessness Prevention Supportive Services:

i. Records, where applicable, demonstrating compliance with the termination of assistance requirement as described in [Section VI.D.5](#) of the [HOME-ARP Notice](#).

ii. Records of all solicitations of and agreements with subrecipients and contractors, records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients, as applicable including any findings and corrective actions required.

iii. Records of all procurement contracts and documentation of compliance with the procurement requirements in [2 CFR part 200, subpart D](#), as revised by [Section VIII.D](#) of the [HOME-ARP Notice](#).

iv. Records evidencing the use of the written procedures required under [Section VI.D.2](#) and records evidencing compliance with [Section IV.C.2](#) of the [HOME-ARP Notice](#).

v. Records of all leases, subleases, and financial assistance agreements for the provision of rental payments, documentation of payments made by the PJ to owners, HOME-ARP sponsor, or qualifying households for the provision of financial assistance for rental payments, and supporting documentation for these payments, including dates of occupancy by qualifying individuals and families.

vi. Records that document the monthly allowance for utilities (excluding telephone) used to determine compliance with the rent restriction.

vii. Records of the types of services provided under the PJ's program and the amounts spent on these services.

viii. Records demonstrating subrecipient compliance with the recordkeeping requirements in [Section VIII.F of the HOME-ARP Notice](#).

g. For all HOME-ARP Housing Counseling Services projects as defined in [24 CFR part 5](#), each participating housing counseling agency must maintain a recordkeeping and reporting system in accordance with [24 CFR 214.315](#) and [24 CFR 214.317](#). The system must permit HUD to easily access all information needed for a performance review.

Records concerning other Federal requirements:

a. Data on the extent to which each racial and ethnic group, and single-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with HOME-ARP funds.

b. Documentation that the Service Provider submitted a certification that it will affirmatively further fair housing consistent with HUD's Interim Final Rule entitled Affirmatively Furthering Fair Housing (86 FR 30779, June 10, 2021) (codified at [24 CFR 5.151](#) (definitions) and [5.152\(a\)](#) (certifications)).

c. Records demonstrating compliance with the nondiscrimination and equal opportunity requirements of [24 CFR 92, Subpart H](#) (Other Federal requirements and nondiscrimination).

d. Documentation and data on the steps taken to implement the outreach programs to minority-owned (MBE) and female-owned (WBE) businesses including data indicating the racial/ethnic or gender character of each business entity receiving a contract or subcontract of \$25,000 or more paid, or to be paid, with HOME-ARP funds; the amount of the contract or subcontract, and documentation of participating jurisdiction's affirmative steps to assure that minority business and women's business enterprises have an equal

opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction, and services.

e. Records demonstrating compliance with the environmental review requirements of [24 CFR 92.352](#), [24 CFR part 58](#), and the [HOME-ARP Notice](#) including flood insurance requirements.

f. Records supporting compliance with conflict of interest requirements in [24 CFR 92.356](#), as revised by [Section VII.H](#) of the [HOME-ARP Notice](#), as well as documentation of any exceptions granted by HUD or a state PJ, as applicable, to the conflict of interest provisions in [24 CFR 92.356](#), as revised by [Section VII.H](#) of the [HOME-ARP Notice](#).

g. Records concerning intergovernmental review, as required by [24 CFR 92.357](#)

h. Records of emergency transfers requested under [24 CFR 5.2005\(e\)](#) and [24 CFR 92.359](#) pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of those requests (for short- and medium-term rental assistance).

Other Federal Requirements and Nondiscrimination

The requirements in [24 CFR 92.350](#) apply to the HOME-ARP program. PJs must comply with the Federal requirements set forth in [24 CFR part 5, subpart A](#), including: nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; drug-free work; and housing counseling and the nondiscrimination requirements at section 282 of NAHA. The requirements in section 282 of NAHA are waived in connection with the use of HOME-ARP funds on lands set aside under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108). PJs must also comply with the Violence Against Women Act (VAWA) requirements set forth in [24 CFR 92.359](#).

National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and Related Laws

The environmental requirements in [24 CFR 92.352](#) apply to eligible activities under this Notice. The environmental effects of each activity carried out with HOME-ARP funds must be assessed in accordance with the provisions of NEPA and the related authorities listed in HUD's implementing regulations at [24 CFR part 58](#). The applicability of the provisions of [24 CFR part 58](#) is based on the HOME-ARP project as a whole (i.e., all individual project activities, such as acquisition and rehabilitation, aggregated according to the requirements at [24 CFR 58.32](#)), not on the type of the cost paid with HOME-ARP funds. In accordance with the provisions in [24 CFR part 58](#), activities undertaken with HOME-ARP funds are subject to environmental review by a PJ. The PJ (referred to as the "Responsible Entity" or "RE") must assume responsibility for environmental review, decision making, and action for each activity that it carries out with HOME-ARP funds, in accordance with the requirements at [24 CFR Part 58](#). A state PJ must assume responsibility for approval of Requests for Release of Funds and Certification (RROF/C) submitted by State recipients.

No funds may be committed to a HOME-ARP activity or project before the completion of the environmental review and approval of the RROF/C, as

applicable. Neither a HOME-ARP recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance on an activity or project until the environmental review has been completed and HUD or the state has approved the recipient's RROF/C from the RE as applicable. In addition, until the RROF/C have been approved, neither a HOME-ARP recipient nor any participant in the development process may commit non-HUD funds on or undertake a HOME-ARP activity or project if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives. Therefore, it is important for REs to begin and complete any required environmental reviews as soon as possible.

HOME-ARP Supportive Services

HOME-ARP supportive services as defined at [24 CFR 58.35\(b\)](#) are categorically excluded, not subject to the Federal laws and authorities at [24 CFR 58.5](#) (CENST) or exempt from review under NEPA. A RE may complete a single CENST review categorized under [24 CFR 58.35\(b\)](#) for their supportive services program.

Affirmative Marketing and Minority Outreach

The requirements in [24 CFR 92.351](#) apply to HOME-ARP activities.

Subrecipients:

A PJ that distributes HOME-ARP funds to subrecipients must require the subrecipients to keep the records required by paragraphs 1. program records, 2. project records, 3. financial records, 4. program administration records, and 5. records concerning other federal requirements of [Section VIII.F](#) of the [HOME-ARP Notice](#), and such other records as the PJ determines to be necessary to enable the PJ to carry out its responsibilities under the [HOME-ARP Notice](#). The PJ need not duplicate the records kept by subrecipients. The PJ must keep records concerning its annual review of the performance and compliance of each subrecipient as required under [24 CFR 92.504\(a\)](#).

Period of Record Retention:

All records pertaining to HOME-ARP funds must be retained for five years, except as provided below.

- a. Written agreements must be retained for five years after the agreement terminates.
- b. If any litigation, claim, negotiation, audit, monitoring, inspection, or other action has been started before the expiration of the required record retention period records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

Access to records:

The PJ must provide citizens, public agencies, and other interested parties with reasonable access to records, consistent with applicable state and local laws and any other applicable grant conditions from other federal grant programs regarding privacy and obligations of confidentiality.

The PJ, subrecipient, contractor, or owner may create a program participant identifier code or number that can be used on a file and maintained internally, in such a way that the number itself does not inadvertently identify the program participant, (i.e., no use of initials, date of birth, or other pieces of information that might suggest the identity of the program participant). The “key” or “cypher” for the program participant identifier code would itself be confidential and would not leave the provider. In the circumstance of HUD programs, the Unique Personal Identification Number which is generated within the comparable database could be used with auditors to identify records of services to distinct individuals, subject to the below requirement.

HUD and the Comptroller General of the United States, any of their representatives, have the right of access to any pertinent books, documents, papers, or other records of the PJ and subrecipients, in order to make audits, examinations, excerpts, and transcripts. If a provider of services or operator of an NCS is subject to state or local laws or other federal grant programs that require that HUD not be given access to records detailing PII of victims, then auditors or evaluators may be given access to representative files without any sharing of individual identifying information.

Conflicts of Interest

HOME-ARP is subject to the following conflicts of interest requirements:

- 1. Conflicts of Interest:** PJs, State recipients, and subrecipients engaging in any of the activities defined this Notice shall be subject to the conflicts of interest provisions at [24 CFR 92.356](#), including but not limited to the conflicts of interest exception process defined in [24 CFR 92.356\(d\)-\(e\)](#). Owners and developers of HOME-ARP NCS housing shall be subject to [24 CFR 92.356\(f\)](#).
- 2. Organizational Conflicts of Interest:** The provision of any type or amount of HOME- ARP supportive services may not be conditioned on an individual’s or family’s acceptance or occupancy of a shelter or housing unit owned by the subrecipient; or a parent, affiliate, or subsidiary of the subrecipient. No subrecipient may, with respect to individuals or families occupying housing owned by the subrecipient, or any parent, affiliate, or subsidiary of the subrecipient, administer financial assistance that includes rental payments, utility deposits, security deposits, or first and last month’s rent provided pursuant to this Notice. All contractors of the subrecipient must comply with the same requirements that apply to subrecipients under this section.

Written Standards of Conduct: Subrecipients must maintain written standards of conduct covering the conflicts of interest and organizational conflicts of interest requirements under this Notice and [2 CFR 200.318](#). The written standards of conduct must also provide for internal controls and procedures to require a fair and open selection process for awarding HOME-ARP funds pursuant to this Notice. These standards must include provisions on if and how Continuum of Care board members may participate in and/or influence discussions or resulting decisions concerning the competition or selection of an award or other financial benefits made pursuant to the HOME-ARP Notice, including internal

controls on when funds may be awarded to the organization that the member represents.

3. **Requesting Exceptions to Organizational Conflicts of Interest**: Any request for an exception to the organizational conflicts of interest provisions in this Notice shall be in writing and shall be considered by HUD only after the PJ or State recipient has provided the following:
 - A written disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
 - An opinion of the PJ's or State recipient's attorney that the interest for which the exception is sought would not violate State or local law.

4. **Granting Exceptions to Organizational Conflicts of Interest**: HUD shall determine whether to grant an exception to the organizational conflicts of interest on a case-by-case basis when it determines that the exception will serve to further the purposes of HOME- ARP. HUD shall consider the following factors, as applicable, in determining whether to grant such an exception:
 - c. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available
 - d. Whether undue hardship will result to the PJ, State recipient, subrecipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict;
 - e. Whether conditioning approval on changes to the PJ, State recipient, or subrecipient's policies or procedures can adequately address the organizational conflict of interest; and
 - f. Any other factors relevant to HUD's determination, including the timing of the requested exception.

Written Agreement Requirements

Before disbursing any HOME-ARP funds to any entity, the PJ must enter into a written agreement with that entity pursuant to [24 CFR 92.504](#). Similarly, before disbursing any HOME funds to a subrecipient, or contractor which is administering all or a part of the HOME-ARP program on behalf of the PJ, the PJ must also enter into a written agreement with that entity that complies with [24 CFR 92.504](#) and the requirements described below. A written agreement cannot commit to providing HOME-ARP funds after the end of the HOME-ARP budget period.

The written agreement must require compliance with the requirements of CPD 21-10 Notice. The content of the written agreement will vary depending upon the role the entity is asked to assume or the type of project undertaken.

This section details basic requirements by activity and the minimum provisions, in addition to those at [24 CFR 92.504](#) that must be included in a written agreement. The written agreement provisions in [24 CFR 92.504](#) that reference the requirements of [24 CFR 92.350](#), [24 CFR 92.351](#), and [24 CFR 92.359](#) are not waived and apply for all HOME-ARP written agreements.

Records and reports: The agreement must specify the particular records that must be maintained and the information or reports that must be submitted to assist the PJ in meeting its recordkeeping and reporting requirements. The agreement must specify the reporting requirements, including copies of financial statements.

Enforcement of the agreement: The agreement must provide for a means for the PJ to enforce compliance with HOME-ARP requirements. This means of enforcement may include liens, deed restrictions, covenants running with the land, use restriction, or other mechanism approved by HUD under which the PJ has the right to require specific performance. In addition, the agreement must specify remedies for breach of the provisions of the agreement.

Request for disbursement of funds: The agreement must specify that the subrecipient may not request disbursement of funds under the agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to eligible costs in the amount needed, as described in [Section VI.B.5.g.](#)

Tenant Selection: The written agreement must contain provisions explaining the method of tenant selection to be used in accordance with the requirements of [Section IV.C](#) and [VI.B.20](#) of [CPD 21-10](#). This section must be in sufficient detail to determine which method of tenant selection is being used for the qualifying population (i.e., use of CE, use of CE with other referral methods, or project-specific waiting list), the method of tenant selection for low-income households (See [Section VI.B.20.b](#) and [24 CFR 92.253\(d\)](#)), and any required policies and procedures around the use of a CE or project-specific waiting list. This section must also be in sufficient detail to determine compliance with the PJ's preferences and/or method of prioritization, if any, as well as all applicable fair housing, civil rights, and nondiscrimination requirements, including but not limited to those requirements listed in [24 CFR 5.105\(a\)](#).

Supportive Services (subrecipient or contractor): The requirements at [24 CFR 92.504](#), apply to the use of HOME-ARP funds for supportive services. The provisions of the written agreement will depend on the role the entity is asked to assume. At a minimum, the written agreement must contain the following provisions:

Use of HOME funds: The written agreement must describe the amount and uses of the HOME-ARP funds, the tasks to be performed, the services to be provided, and include a budget. The written agreement cannot agree to provide HOME-ARP funds after the end of the HOME-ARP budget period.

Records and Reports: The agreement must specify the particular records that must be maintained and the information or reports that must be submitted in order to assist the PJ in meeting its recordkeeping and reporting requirements as required under [Section VIII.F](#) of the [CPD 21-10 Notice](#).

Duration of the agreement and Disbursement of Funds: The agreement must specify the duration of the agreement, and state that disbursement of funds under the agreement may not be requested until the funds are needed.

Compliance with HOME-ARP Program Requirements: The written agreement must also require compliance with HOME-ARP program requirements for the HOME-ARP supportive services activity as described in [Section VI.D](#) of this of the [CPD 21-10 Notice](#).

Audit: Audits of the PJ, State recipients, and subrecipients must be conducted in accordance with [2 CFR part 200, subpart F](#).

Applicability of Uniform Administrative Requirements.

The requirements of [2 CFR part 200](#), as amended apply to PJs and subrecipients receiving HOME-ARP funds, except for the following provisions: [2 CFR 200.306](#), [200.307](#), [200.308](#) (not applicable to participating jurisdictions), [200.311](#) (except as provided in [24 CFR 92.257](#)), [200.312](#), [200.329](#), [200.333](#), and [200.334](#). The provisions of [2 CFR 200.305](#) apply as modified by [24 CFR 92.502\(c\)](#) and the Notice. If there is a conflict between definitions in [2 CFR part 200](#) and [24 CFR part 92](#), the definitions in [24 CFR part 92](#), govern. Moreover, if there is a conflict between the provisions of [2 CFR part 200](#) and the provisions of the [Notice](#), the provisions of the Notice govern.

Where regulations in [24 CFR part 92](#) refer to specific regulations of [2 CFR part 200](#) that were or are renumbered or revised by amendments to [2 CFR part 200](#), the requirements that apply to the use of HOME-ARP funds are the applicable requirements in [2 CFR part 200](#), as amended, notwithstanding the renumbered regulatory reference.

Confidentiality Requirements:

1. All entities assisted by HOME-ARP funds must develop, implement, and maintain written procedures to require that -
 - a. All records containing personally identifying information of any individual or family who applies for and/or receives HOME-ARP assistance will be kept secure and confidential;
 - b. The address or location of any NCS housing exclusively for individuals fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking will not be made public, except as necessary where making the address or location public does not identify occupancy of the NCS housing, when necessary to record use restrictions or restrictive covenants in accordance with [Section VI.B](#) or [VI.E](#), or with written authorization of the person or entity responsible for the operation of the NCS; and
 - c. The address or location of any program participant that is a fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking will not be made public, except as provided under a privacy policy of the PJ consistent with state and local laws and any other grant conditions from other federal grant programs regarding privacy and obligations of confidentiality.

2. Documenting status of a qualifying population that is fleeing or attempting to flee domestic violence, dating violence, stalking, sexual assault, or human trafficking:

a. If an individual or family qualifies because the individual or family is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking then acceptable evidence includes an oral or written statement by the qualifying individual or head of household seeking assistance that they are fleeing that situation. An oral statement may be documented by either -

- i. a written certification by the individual or head of household; or
- ii. a written certification by a victim service provider, intake worker, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or an intake worker in any other organization from whom the individual or family sought assistance.

The written documentation need only include the minimum amount of information indicating that the individual or family is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking and need not include any additional details about the conditions that prompted the individual or family to seek assistance.