

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

### **Overview**

---

The City of Irving Planning and Community Development department invites qualified organizations with eligible programs to apply for Emergency Solutions Grant funds. The City of Irving is seeking organizations that can demonstrate the capability to meet priority needs and objectives identified in the 2019-2023 Consolidated Plan. This guidebook contains information on the Emergency Solutions Grant, eligible and ineligible activities, and the application for submitting a proposal for Program Year **2022** grants.

The City of Irving is a recipient of Community Development Block Grant (CDBG), Home Investment Partnerships Grant (HOME), and Emergency Solutions Grant (ESG) funds from the U.S. Department of Housing and Urban Development (HUD). The City of Irving works within the regional Continuum of Care (CoC) collaboration to determine funding allocation amounts and target populations to be served. The City of Irving is currently requesting applications under the category of Shelter Operations and Maintenance. Shelter Operations and Maintenance funding is available to eligible emergency homeless shelters for operational costs related to the care and sheltering of homeless persons.

The Housing and Human Services Board, authorized and appointed by the Irving City Council, is responsible for funding recommendations and community relations issues. Planning and Community Development Department staff is responsible for oversight and implementation of policies and procedures that have been reviewed by the Housing and Human Services Board.

All agencies provided with ESG funds must be able to match dollar-for-dollar all received funds with private or certain other public funds in order to leverage available resources. Agencies providing services under the City of Irving ESG program must also agree to participate in the region's Homeless Management Information System (HMIS), as administered by Metro Dallas Homeless Alliance (MDHA) and be able to fund software maintenance/administration fees charges by MDHA for these services. It is the goal of the ESG program to serve the maximum number of people with the most serious needs within funding availability limitations. The ESG Program is not an entitlement program and is administered through a competitive application process.

The U.S. Department of Housing and Urban Development will determine funding availability for assistance provided under the program, and the allocation of funds to this program is subject to approval by the Irving City Council. Funding for sub-recipient agencies is allocated annually, and each awarded non-profit agency is subject to the requirements of its contract with the City of Irving.

### **History of the Emergency Solutions Grant**

The City of Irving has been receiving entitlement allocations of Emergency Shelter Grant funds since 1999. Funds for the Emergency Solutions program were authorized by the McKinney-Vento Homeless Assistance Act, as amended.

On May 20, 2009, President Obama signed the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009. The HEARTH Act amends and reauthorizes the McKinney-Vento Homeless Assistance Act with substantial changes, including:

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

- A consolidation of HUD's competitive grant programs;
- The creation of a Rural Housing Stability Assistance Program;
- A change in HUD's definition of homelessness and chronic homelessness;
- A simplified match requirement;
- An increase in prevention resources; and,
- An increase in emphasis on performance.

In February 2012, the U.S. Department of Housing and Urban Development (HUD) announced its final ruling for the redesign of the Emergency Shelter Grant funds to the Emergency Solutions Grant (ESG) fund, which implemented the changes set forth under the HEARTH Act. In May 2012, the City of Irving initiated its Emergency Solutions Program, which was developed in collaboration with the Dallas City & County/Irving Continuum of Care. Funds are to be targeted to the provision of services to homeless individuals and families, and ESG was one of the first to incorporate the new HUD homelessness definition.

### **Purpose of the ESG Program**

The purpose of the ESG Program is to identify sheltered and unsheltered homeless people, and to provide the services necessary to help these Irving residents quickly regain housing stability.

The ESG Program is focused on housing for homeless households. It will provide temporary financial assistance and housing relocation and stabilization services to individuals and families who are homeless or would be homeless but for this assistance. Funds will also be utilized to support homeless shelter and transitional housing operations and maintenance.

The ESG Program is not a mortgage assistance program. ESG funds are not eligible to pay for any mortgage costs, legal charges, or other fees associated with retaining homeownership. ESG Program financial assistance funds are only eligible to help program participants pay for rent, utilities, and security deposits. Utility payments and deposits will only be eligible in conjunction with approved rent payments.

HUD expects that these resources will be targeted and prioritized to serve households that are in most need of this temporary assistance and who are most likely to achieve stable housing, whether subsidized outside of the ESG Program or unsubsidized, after program participation concludes. ESG Program assistance is not intended to provide long-term support for program participants, nor will it be able to address all of a household's financial and supportive service needs that affect housing stability. Rather, assistance should be focused on housing stabilization, linking program participants to community resources and mainstream benefits, and helping them develop plans which prevent future housing instability.

### **Overview of City of Irving ESG Program Activities**

HUD allows for ESG funds to be used within six categories of eligible activities:

- Street Outreach
- Emergency Shelter (includes essential services, renovation and/or conversion, operations & maintenance)
- Rapid Re-Housing

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

- Homelessness Prevention
- HMIS
- Administration

While the City of Irving performs many of these activities through ESG, the only activity eligible to be funded under this Notice of Funding Availability is Emergency Shelter Operations and Maintenance. Contracts with Emergency Solutions Program sub-recipients will govern the activities for which an ESG Program sub-recipient may be reimbursed.

### **Consolidated Plan**

The U.S. Department of Housing and Urban Development (HUD) requires all participating jurisdictions to submit a long-range strategic planning document called a Consolidated Plan. The City of Irving is currently working within its 2019-2023 Consolidated Plan. Consolidated Plans describe the housing and community development needs of the City of Irving for a five-year period. This document represents the City of Irving's vision for improving the quality of life in the low-income areas of the city and provides details on how specific goals will be accomplished. It is through the Consolidated Plan that the City of Irving determines its funding priorities each program year. As conditions change, the Consolidated Plan may be amended. The 2019-2023 Consolidated Plan and other program information may be found at <https://www.cityofirving.org/581/Publications-and-Reports>.

### **Annual Action Plan**

The Annual Action Plan is the annual update to the Consolidated Plan. The plan describes resources available, how those resources are to be utilized, including funded projects, and the geographic distribution of those resources. The planning process has been specifically created to assist in mapping one-year actions for community development and making good use of available federal, state, and local resources.

### **City of Irving Geographic Distribution of Funds**

Projects must primarily benefit homeless residents of the City of Irving. Activities provided city-wide include public services, homebuyers' assistance, housing rehabilitation, and homeless prevention and assistance.

### **2019-2023 Consolidated Plan Measurable Objectives**

By regulation, HUD grant funds must be used to meet the Measurable Objectives of the City of Irving Consolidated Plan. Measurable Objectives are developed after an analysis of existing conditions, community needs, and an extensive citizen participation process. City Council priorities provide additional, ongoing direction for community development programs. Consolidated Plan priorities, as they relate to the ESG program, include:

- Rapid Re-Housing Services

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

- Homelessness Prevention
- Shelter Operations and Maintenance

### **Eligible Organizations**

Non-profit organizations that deliver services to homeless clients in an emergency shelter within the City of Irving may apply for ESG funding through the City of Irving’s Planning and Community Development department. All non-profit organizations must have an IRS-granted nonprofit status at the time of application to receive funding through the City of Irving. For the purposes of this guidebook the terms “organization” and “agency” are interchangeable.

### **Site Visits for New Applicants**

Applicant organizations may be selected for review and should be prepared for staff or Housing and Human Services Board members to tour their facilities, to observe current program activities, and to interview and observe staff members involved in similar activities to the services in which they are requesting funding. Additionally, at any time during the funding year, the Planning and Community Development Department feels that the organization begins to demonstrate substandard performance or has concerns, staff has the right to conduct an on-site monitoring.

### **Planning and Coordination with Other Governing Bodies**

The City of Irving ESG Program strives to coordinate planning efforts and service delivery with other organizations. These other governing organizations include, but are not limited to:

- Metro Dallas Homeless Alliance
- State of Texas Department of Housing and Community Affairs
- Dallas County Health and Human Services
- Other local municipalities (Plano, Garland, Grand Prairie, Dallas, Ft. Worth, etc.)
- Non-profit organizations providing social services to the homeless and those at risk of homelessness, including those agencies providing emergency shelter services, other housing services, medical/dental services, family and youth services, mental health services, substance abuse services, HIV/AIDS services, senior services, and others
- Irving Community Action Network

ESG Program applicant agencies will be required to collaborate with these organizations to the extent practicable.

The City of Irving has long been a partner with the Dallas City & County/Irving Continuum of Care and has participated in monthly meetings, application processes, task forces, and HMIS processes. For the development of program measures, the City of Irving participated in collaborative effort between members of entitlement communities (those entities directly receiving funds from the U.S. Department

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

of Housing and Urban Development (HUD)), Metro Dallas Homeless Alliance personnel (MDHA - administrators of the Dallas Area/Irving Continuum of Care), and other area service providers.

The City of Irving participates in the HMIS plan, as developed through consultation with other entities and MDHA, the administrator of the HMIS system. Area agencies agreed to a reasonable fee for service and have incorporated policies set forth in MDHA meetings.

### **Religious Organizations**

Primarily religious organizations must meet conditions outlined at 24 CFR Part 570.200(J). An organization that participates in the ESG Program shall not, in providing program assistance, discriminate against a program beneficiary or prospective program beneficiary, on the basis of religion or religious beliefs and may not engage in inherently religious activities such as worship, religious instruction, or proselytizing as part of the programs or services funded through the ESG Program. If an organization conducts such activities, they must be offered separately, in time or location, from the program funded through the ESG Program. Participation in inherently religious activities must be voluntary for the beneficiaries of the HUD-funded programs.

A faith based organization retains its independence over the organization's governance and the expression of its belief system. The organization may constitute its Boards on a religious basis, display religious symbols and/or icons, and retain its civil right to hire only employees that share its belief system, to the extent that it is consistent with governing HUD statutes. However, faith based organizations may not discriminate in hiring people who will be delivering services which are supported by HUD funding.

### **Application Process**

---

#### **Notice of Funding Availability**

The Planning and Community Development staff develops a Notice of Funding Availability (NOFA) annually to solicit proposals for funding. Applicant agencies are required to complete the staff-provided applications by prescribed deadlines for consideration of ESG funding. Public notification of funding availability will be made through the distribution of the NOFA notice through the City website and via email to interested parties. In addition, the Planning and Community Development staff will provide technical assistance workshops on the application process and preparation. This application guidebook, including relevant requirements and HUD regulations, has also been made available to assist applicant agencies.

Time frames for the allocation process are provided to agencies, including application deadlines, staff and Housing and Human Services Board review timelines, public hearing dates, City Council decisions, and contract term dates. Planning and Community Development staff does not present applications received after the deadline, incomplete applications, or ineligible applications to the Housing and Human Services Board for consideration.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

### **Applicant Training Session**

Interested applicant agencies must attend a **MANDATORY** application training session. The **2021** application training session will be held on **March 11, 2022** at **12:00pm.**, in the Council Conference Room of Irving City Hall located at 825 W. Irving Blvd., Irving, TX 75060. **Agency personnel must attend and stay for the entirety of the meeting, for the agency to meet this requirement. Agency personnel who arrive more than 15 minutes late to the training session will not receive credit for attendance. Failure of the applicant agency to attend, if required, the training session will constitute ineligibility of application.**

### **Application Format**

Proposals must be submitted either by mail or by in-person delivery no later than the Notice of Funding Availability deadline. Proposals submitted by fax or email will not be accepted. Late or incomplete proposals will not be accepted. Applications will be made available on **Tuesday, March 1, 2022**, and must be stamped as "Received" by the City of Irving Planning and Community Development Department no later than **5:00 p.m.** (per the City of Irving clock) on **Friday, April 1, 2022**.

The application includes a checklist of all items that must be submitted by the agency for consideration of the proposal. The checklist includes:

- Application form
- Board of Director Information Attachment (details of which are listed in the application)
- Operational Capacity Attachment
- Contact Information and Certification
- Financial Leveraging and Budget Attachment
- Work Plan
- Additional narrative and exhibits, as necessary
- Organizational Chart
- Minutes from the agency Board authorizing submittal of proposal
- Agency Articles of Incorporation
- Non-profit documentation from IRS
- Agency By-laws
- Financial audit/Certified Financial Statement
- Verification of proper insurance coverage for proposed program
- Director's and Officers' Liability and Errors and Omissions Insurance documentation
- Agency's Policies and Procedures for employees, including internal control policies
- Agency's Code of Conduct listing prohibited behavior for Board and employees; including Conflict of Interest prohibition
- Policies and procedures for the proposed program
- System Award Management registration

All applications and supporting documentation must be submitted by mail or in person. An applicant agency will be responsible for submitting one complete application with all attachments and original

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

signatures and one copy with all attachments and signatures to the Planning and Community Development Department offices at 825 W. Irving Blvd., Irving, TX 75060 for every proposed program/project by the established deadline. All proposals must be bound by binder clips and not stapled. An applicant's original application and attachments must be bound separately from the copies submitted.

### **Staff Review of Applications**

Planning and Community Development staff reviews all complete applications to ensure all Federal and/or City requirements have been met and are sufficiently detailed to clearly establish the following:

- The nature of the activity proposed
- The eligibility of the proposed activity
- The plan for carrying out the activity
- The organization's capacity to do the work
- The organization's separation of duties procedures are in place
- The organization's ability to ensure compliance with HUD regulations and City requirements
- The potential for conflict of interest
- Whether the costs are eligible, allocable, and reasonable
- How the proposed program fits into the Consolidated Plan priorities
- Available funding considerations

The Planning and Community Development staff will make recommendations for funding allocations and provide this information to the Housing and Human Service Board, along with allocation rationale, background information, and agency prior performance information (if applicable). Staff will provide the Housing and Human Services Board with recommendations based on a uniform evaluation tool.

### **Housing and Human Services Board Review of Applications and Recommendations for Funding**

The Housing and Human Services Board reviews the staff recommendations and interviews all eligible applicant agencies. The Board will consider the following requirements and issues in its evaluation of applications:

- The proposed activity must be eligible and meet the National Objective of benefiting homeless persons
- The proposed activity must align with the Consolidated Plan Priority category under which the agency has applied
- The applicant agency should have a proven record of providing the program or in carrying out similar activities in the community
- The applicant agency should have adequate staffing to perform activities and to ensure checks and balances for financial management
- The applicant agency must have organizational capacity, including management systems, financial systems, written procedures for financial management and personnel, and adequate record keeping methods and filing systems.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

- The applicant agency must have participated in all required training or information sessions and have submitted the application, in full, by the deadline.
- The applicant agency should not have an over-reliance on ESG funds reflected in its budget
- The applicant agency may not have any unresolved monitoring findings
- The applicant agency must agree to utilize the HMIS system (or comparable as determined by Metro Dallas Homeless Alliance for victim service providers), maintain software administrative costs, maintain staff adequately trained on data entry, maintain adequate data quality standards, and enter information into the HUD SAGE system for year-end reporting.

An applicant organization must demonstrate the financial viability of the organization's capacity to operate a federally funded program. City of Irving funds are provided to awarded projects on a reimbursement basis only. This means that funds will be available to the agency after it has paid for eligible project costs and with suitable supporting documentation of proof of payment and cost eligibility. A financial viable agency, therefore, is one that is able to operate for a minimum of 90 days pending reimbursement without financial hardship, demonstrate an existing and consistent cash flow, and have a separation of duties for major agency processes.

ESG Program funds are designed to assist organizations and to leverage agency funding. Due to the stringent reporting, match, and financial requirements, ESG funding is not designed for non-profit agencies that do not have adequate structure in place or are not financially viable. The Housing and Human Services Board will take into account the length of time that the organization has been providing services in Irving, previous performance with federal grants, and the percentage of the proposed program's expenses covered through ESG.

Members of the Housing and Human Services Board may choose to conduct site visits of applicant agencies. Applicant agencies should be prepared for tours of their facilities in order for the subcommittee members to observe current program activities and to interview and observe staff members involved in similar activities to the services for which they are requesting funding.

### **Agency Interviews**

Each eligible applicant agency will be scheduled for an interview session with the Housing and Human Services Board. The date of the Housing and Human Services Board interviews with all applicant agencies will be **Thursday, May 12, 2022**. The Social Services Administrator will provide the agency's listed contact, within significant notice time frames, with the time of the agency's scheduled interview. City of Irving staff will not send individual reminders for agency interview times. Should the agency representative fail to show for the scheduled interview or be more than ten minutes late for the scheduled interview, the application will be deemed ineligible to receive funding. Agency personnel are encouraged to arrive for their appointments at least fifteen minutes prior to the interview. Consideration of extenuating circumstances related to tardiness may be allowed a waiver in limited situations and is purely at the discretion of the Housing and Human Services Board.

Planning and Community Development staff will be scheduling interview times by category. As such, requests for changes in interview times will be discouraged. Staff will, however, consider reasonable



## Notice of Funding Availability

*Fiscal Year 2022-23*

---

requests for changes to interview times that are received within a reasonable time prior to **May 16<sup>th</sup>** for staff to make changes to the overall schedule and which are amenable to any other impacted party. However, all interviews will be held on **Friday, May 12 or 13, 2022**.

Each agency will be given five minutes per applicant program to explain the agency's mission and key elements of the proposed program(s). This presentation will be followed by a short question and answer period, conducted by the Housing and Human Services Board members. If Board members need additional clarification after the initial question and answer period, the Board may, at its discretion, allow for additional comments by the applicant agency.

### **Board Funding Review**

Following the review and interview process in May, the Housing and Human Services Board will vote on the HUD grant funding recommendations and the Irving City Council is presented a balanced budget consisting of eligible activities that address Consolidated Plan goals. Planning and Community Development staff may submit funding recommendations to the Irving City Council that differ from those of the Housing and Human Services Board but must inform the Irving City Council of the Housing and Human Service Board's recommendations and the reason for variance in recommendation.

In order to remain responsive to newly emergent or other essential community needs identified in the Consolidated Plan, the Housing and Human Services Board may choose to place funding limits on allocations or provide prioritization for new programming.

### **Sub-Recipient Agency Agreements**

Each agency that is funded through ESG funds will be required to execute a written agreement with the City of Irving prior to the disbursement of funds. The agreement includes, among other regulatory and legal requirements, a statement of work that is sufficient in detail to provide a basis for monitoring activities, including measurable objectives that allow ongoing determination of agency performance. Planning and Community Development staff develops, in coordination with legal counsel, boiler plate contracts which are approved by the Irving City Council. During the Annual Action Plan process, Planning and Community Development staff works with the sub-recipient agencies to develop exhibits related to scope of work and performance targets. Contracts are executed following approval of the allocations by the Irving City Council.

Amendment and/or addendum to a sub-recipient agreement may occur in the following manner:

- Amendment to service units/budget line items – Sub-recipient agencies may request in writing to the Planning and Community Development Director an amendment to service units or line items contained in the Exhibit section of the agreement. If there is no overall change to scope of work or funding, approval is at the discretion of the Planning and Community Development Director
- Addendum to a Sub-recipient Contract – an addendum to extend the sub-recipient contract or to change the funding amount may be subject to Housing and Human Services Board and Irving City Council approval, if funding is available.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

All requests for changes in sub-recipient agency agreements must be in writing, signed by the authorized agency personnel, and include the reason for the request. All requests for changes in service units, budget line items, fund additions/reductions, or extensions must be received at least sixty days before the agreement termination date.

### **Agency Orientation, Training, and Technical Assistance**

The Planning and Community Development staff provides orientation, training, and technical assistance to sub-recipient agencies in a variety of venues:

- Planning and Community Development staff will host a Sub-recipient training session in September of each year to prepare the agencies for the upcoming funding year. Topics will include review of the contract requirements, Federal requirements, income calculation, reporting requirements and instruction on form completion, monitoring processes, and any other relevant material as deemed necessary by Planning and Community Development staff. This training may be deemed mandatory for some or all agencies.
- From time to time, Planning and Community Development staff will hold training sessions on issue-specific or activity-specific topics such as financial control systems, record keeping and reporting requirements, procurement methods, program income and others. Planning and Community Development staff will also make agencies aware of HUD-provided or community training opportunities.
- Particularly with new agencies or with new agency personnel, Planning and Community Development staff will conduct one-on-one training sessions on any necessary topics to help agencies avoid monitoring findings, reduce reimbursement request errors, or to explain new requirements.

### **Specific Application Guidance**

---

#### **General**

The application is a fillable PDF form, and completion of the application should be done electronically. All narrative blocks are limited in size. The application will note when additional information is allowed to be attached. All blanks must be completed for consideration of application eligibility. If a particular question is not applicable to the applicant, the applicant should either check the “N/A” checkbox, if provided, or type “N/A” in the narrative box. The last page of the application includes a checklist of all attachments that are required to be submitted. All attachments must be included in the submittal for the program to be considered eligible for consideration.

#### **DUNS Number**

HUD requires a DUNS number to track some federally-funded projects. The DUNS number is a unique nine-character number that identifies the applicant organization. It is a tool of the Federal government to track how Federal money is distributed. Most large organizations, libraries, colleges, and research

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

universities already have DUNS numbers. The organization's grant administrator or Chief Financial Officer may be able to provide the organization's DUNS number.

If the organization does not have a DUNS number, use the online registration to receive one free of charge. <http://fedgov.dnb.com/webform/>. The information that will be needed to obtain a DUNS number is:

- Name of organization
- Organization address
- Name of the CEO/organization owner
- Legal structure of the organization (corporation, partnership, proprietorship)
- Year the organization started
- Primary type of business
- Total number of employees (full and part time)

Obtaining a DUNS number places the organization on D&B's marketing list which is sold to other companies. The organization can request not to be added to this list during its application for a DUNS number.

### **CoC Meetings**

While an applicant is not penalized for not attending meetings of the Dallas City & County/Irving Continuum of Care (CoC), regular attendance of these meetings can aid the organization's application. If the applicant is awarded City of Irving ESG funds, it will be required to regularly attend the General Assembly meetings of the Continuum of Care and will be encouraged to participate in all relevant training opportunities and/or subcommittee input meetings. It is the desire of the City of Irving that ESG-funded shelters collaborate and coordinate services within the community and within Dallas County. As the Continuum of Care is designed to foster these actions, regular attendance is viewed as a positive, participatory effort on behalf of the organization. The Continuum of Care administers HMIS; therefore, it is important that a funded agency has an understanding of the rules and policies related to this effort.

An organization should include on the application the number of these meetings that can be verified as being attended by the organization's staff. If there is a question about the number of meetings that the agency reports to have attended, the City of Irving reserves the right to verify the information with the CoC and utilize the number provided by CoC for scoring purposes.

### **ICAN Meetings**

While an applicant is not penalized for not attending meetings of the Irving Community Action Network (ICAN), regular attendance of these meetings can aid the organization's application. It is the desire of the City of Irving that social services organizations collaborate and coordinate services within the community. As the ICAN is designed to foster these actions, regular attendance is viewed as a positive, participatory effort on behalf of the organization.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

If there is a question about the number of meetings that the agency reports to have attended, the City of Irving reserves the right to verify the information with the ICAN and utilize the number provided by ICAN for scoring purposes.

### **Homeless Count**

If the organization assisted with a previous Point-in-Time Homeless Count, it should be noted on the application. Participation above and beyond the submittal of data from the software system is encouraged and translates to additional points in the application's evaluation.

The homeless count is the community's official count and survey of the community. It is through this official count that funding allocations, program improvements, and future actions are determined.

### **Home Together**

All ESG-funded agencies must meet the national priorities established in the "Home, Together: The Federal Strategic Plan to Prevent and End Homelessness". Applicant agencies are encouraged to review the document prior to answering this question in order to best understand the prioritization of funding and the efforts HUD is making toward ending homelessness. The narrative should address the priority(ies) supported through this application and explain how the program is aligned with the strategic plan.

### **HMIS**

To be eligible for ESG funds, applicant programs must agree to participate in the HMIS system administered by Metro Dallas Homeless Alliance or a comparable database if the agency is a service provider to victims of domestic violence. Domestic violence service providers must agree to maintain the comparable database that is managed or accessible by MDHA, even if said providers are not currently funded through the Continuum of Care grant or Texas Department of Housing and Community Affairs ESG. The MDHA comparable database for victim service providers is maintained in a separate, confidential database from that of the general social service community. Any comparable database must be able to provide HUD year-end data in a software-compatible format. During on-site monitoring, Planning and Community Development staff will request a report that will be compared to the monthly information provided by the agency to the City of Irving as part of reimbursement requests.

While HMIS costs are to be borne by the agency, such amounts can be used as agency match. It is the responsibility of the applicant agency to make inquiries with the Metro Dallas Homeless Alliance for budgeted costs, and agencies must meet the requirements of the Metro Dallas Homeless Alliance with regard to staff training and data quality.

### **Financial Planning/Sustainability**

As mentioned in this guidebook, the role of ESG funding is to help leverage an agency's funding and is not to be the sole funding mechanism for an agency. As Congressional appropriations continue to fluctuate, the City of Irving will continue to see annual changes in the amount of funding available under this program. Please include the agency's plans to sustain the program in the future and the ability the agency

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

has in developing and pursuing alternate funding sources. Please also discuss financial contingency plans if funding is decreased.

Please discuss specifically the agency's fundraising efforts. The application should include the events held, funds raised (net of event costs), and other pertinent information.

### **Lower Funding Amounts**

It is very likely that the agency, if approved, will receive less funding than that for which it applied. This section of the application should detail the agency's plan to provide meaningful services with reduced funding, the amount of funding that would make it impossible to run the program in an effective way, and other information that demonstrates that the agency made a strategic and well thought-out funding request.

### **References**

There are two blocks for the applicant to provide references related to the administration of the programs and projects administered by the agency. Complete the tables providing information for similar projects/programs administered by the applicant including size, type, and complexity as those proposed in this application. Neither agency staff nor board personnel can provide either reference, it must be provided by another person/agency/organization that has had dealings with the agency and can provide the relevant information. Typically, these references can come from collaborative agencies or organizations with whom the applicant agency takes or makes referrals. If the reference provides more detail than can be provided in the space provided, the agency can attach the reference information to the application. A reference will not be considered without contact information, and the City of Irving may contact references as a part of application evaluation. Both references must be completed for consideration. The City of Irving strongly suggests beginning this application early to provide the agency sufficient time to solicit and gather references.

### **Performance Measures**

In addition to the number of persons, units of service, or number of households that are to be served through proposed funds, the organization should provide targets for outcome based measures. The measures reflected in the application are tied to overall City of Irving, HUD and CoC reporting.

The application should include details concerning the agency's ability to monitor the actions of its employees in terms of program performance and its ability to ensure that information and knowledge is shared within the organization. It is the agency's responsibility to keep up with changes to regulations and best practices.

### **Shelter Information**

The applicant agency should provide narrative information related to the parameters for service (i.e. time that clients can stay at the shelter, residency requirements, goals agreements, etc.). These parameters

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

listed in the application should match the agency's policies and procedures. Adherence to these parameters will be evaluated during monitoring, both monthly and at any on-site monitoring session.

### **Budget and Leveraging**

The ESG % of Total Program Budget is calculated as the amount of ESG funds requested divided by the total program budget. The total program budget and total ESG funds requested should match both the amounts listed on the coversheet and in the expenditure detail on Attachment B. The ESG cost Per Client is calculated as the ESG funds requested divided by the number of clients proposed to be served through requested funds. These numbers should match the expected populations served numbers provided elsewhere in the document. The ESG % Clients is calculated as the number of ESG clients served divided by the total number of clients to be served by the entire program (including both those served through other funds and those proposed to be served through the requested ESG funds).

### **Attachment E**

This document includes applicant contact information for various phases of the application process. The Person Authorized to Sign Contracts and Make Commitments on Behalf of the Organization should be the person who was given such authority through Articles of Incorporation, By-Laws, Board vote, IRS documents, etc. This person is the same person who will sign the application and will complete the State Form 1295. This person certifies that all information has been provided in a complete and truthful manner. This person's certifies that he or she has read the grant and application requirements that are covered in this document.

### **Certificate of Interested Parties (Form 1295):**

This form from the Texas Ethics Commission is required for all nonprofits who contract with the City of Irving. Further information will be provided at the training session, and the form is not required as part of the application submittal. Additional information about the Certification of Interested Parties can be found on the Texas Ethics Commission Website: <https://www.ethics.state.tx.us/filinginfo/1295/>

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The Texas Ethics Commission was required to adopt rules necessary to implement that law, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website. The commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The commission also adopted new rules (Chapter 46) on November 30, 2015, to implement the law.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

Starting on January 1, 2016, the commission made available on its website a new filing application that must be used to file Form 1295. A business entity must use the application to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be filed with the governmental body or state agency with which the business entity is entering into the contract.

The governmental entity or state agency must notify the commission, using the commission's filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30th day after the date the contract binds all parties to the contract. The commission will post the completed Form 1295 to its website within seven business days after receiving notice from the governmental entity or state agency.

### **Federal Funding Accounting and Transparency Act (FFATA):**

Public Law (PL) 109-282 Federal Funding Accountability and Transparency Act of 2006, as amended by Section 6202(a) of the Government Funding Transparency Act of 2008 (PL 110-252), which is outlined in the Federal Emergency Management Agency, Grant Programs Directorate Information Bulletin No. 350.

As defined by the Office of Management Budget, the following are subject to FFATA reporting requirements: All new federal awards of \$25,000 or more as of October 1, 2010. **NOTE:** City of Irving reports on this requirement in the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS). The Total Compensation and Names of the top five executive, if the Subrecipient in the preceding year received: 80 percent or more of its annual gross revenues in Federal Awards; **and** \$25,000,000 or more in annual gross revenues from Federal awards; **and** the public does not have access to information about the compensation of the senior executives of the organization.

### **State Verification Forms (TGC 2271 and 2274):**

**Form TGC 2271, which is required by state law** provides verification from an organization considered for a contract involving goods or services: (1) between a government entity and an organization with 10 or more full-time employees, and (2) that has a value of \$100,000 or more to be paid wholly or partly from public funds, does not currently boycott Israel and will not boycott Israel during the term of the agreement.

**Form TGC 2274 which is required by state law** provides verification from an organization considered for a contract involving goods or services: (1) between a government entity and an organization with 10 or more full-time employees, and (2) that has a value of \$100,000 or more to be paid wholly or partly from public funds, before the City can enter into the contract, does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

### **Responsibilities**

---

#### **Summary of City of Irving Responsibilities**

The Planning and Community Development department will:

- Coordinate and administer the agency application process
- Draft and coordinate the execution of the ESG contract for the agency to undertake the project
- Ensure compliance with all ESG Grant program requirements and regulations
- Assist agencies with training and technical assistance, where applicable
- Develop reporting and calculation tools for agency use
- Approve and pay eligible reimbursement requests
- Update agencies on changes to or updates of HUD regulations and guidance
- Complete Environmental Review on behalf of funded agencies
- Report program progress to the Housing and Human Services Board, Irving City Council, and HUD
- Assist agencies in the development and reporting of performance measures
- Conduct public hearings for fund allocations
- Participate in Dallas City & County/Irving Continuum of Care and Irving Community Action Network monthly meetings
- Monitor agencies

#### **Summary of Agency Responsibilities**

Agencies receiving ESG funding will:

- Identify potential program participants
- Develop program policies and procedures to ensure agency compliance with federal regulations and City requirements
- Complete and maintain all documentation for client eligibility, per HUD guidance and City requirements
- Complete and maintain all documentation for expenditure eligibility, per HUD guidance and City requirements
- Refer program participants to needed community services and assist program participants in obtaining/maintaining service and benefits
- Attend all mandatory meetings and training sessions
- Submit all reimbursement requests, with appropriate back up documentation, and performance reports by the 10<sup>th</sup> of any given month

#### **Planning and Coordination with Other Governing Bodies**

The City of Irving Social Services program strives to coordinate planning efforts and service delivery with other organizations. These other governing bodies include, but are not limited to:

- Metropolitan Dallas Homeless Alliance
- Texas Department of Housing and Community Affairs



## Notice of Funding Availability

*Fiscal Year 2022-23*

---

- Dallas County Health and Human Services
- Other Local Municipalities (Plano, Garland, Grand Prairie, Dallas, Ft. Worth, etc.)
- Irving Independent School District
- Texas Homeless Network
- Non-profit organizations providing social services to Irving residents, including funded and unfunded agencies providing emergency shelter services, housing services, medical/dental services, family and youth services, mental health services, substance abuse services, HIV/AIDS services, senior services, and others
- Irving Community Action Network

### **Ineligible and Prohibited Activities**

---

As a general rule, if an activity/expense is not expressly authorized as eligible under City of Irving ESG Program policies, then it should be considered ineligible and prohibited, unless approved in writing by the City of Irving as grantee.

#### *Mortgage Costs*

ESG Program funds may not be used to pay for any mortgage costs or costs associated with fees, taxes, or other refinancing costs. Homeowners who become homeless are eligible for rapid re-housing assistance, provided they meet the ESG Program eligibility criteria.

#### *Charging Fees to Program Participants*

The organization may not charge fees to ESG Program clients, except that an ESG Program participant may be required to pay a portion of his/her rent, utilities, security deposit, or moving cost, directly to the landlord, utility company, etc. The organization may not accept payment of the participant's portion. Additionally, the organization cannot make direct payment to the client.

#### Other Ineligible or Prohibited Expenditures/Activities, as Pertinent to City of Irving Program

- Construction or rehabilitation of housing units
- Credit card bills or other consumer debt
- Car repair or other transportation costs (e.g. gas, DART passes, cabs, etc.)
- Travel costs
- Food not associated with shelter operations
- Child care
- Medical or dental care and medicines
- Clothing and grooming supplies
- Household items, furniture, appliances, or other home furnishings
- Pet care
- Entertainment activities
- Education (e.g. books, fees, tuition, etc.)
- Employment training or job placement assistance

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

- Work or education related materials
- Cash assistance to clients
- Certifications, licenses, and training
- Development of discharge planning programs in mainstream institutions such as hospitals, jails, or prisons
- Permanent housing
- Direct payments to individuals
- Support for inherently religious activities, including worship, religious instruction, or proselytization, or rehabilitation or repair of buildings such as sanctuaries, chapels, and other rooms that a congregation uses at its principal place of worship
- Application for Federal funds or re-programmed funds
- Recruitment of staff
- Depreciation
- Advertising (outside of community outreach), entertainment, conferences, retreats, or public relations
- Bad debts/late fees
- Mortgage payments
- Storage fees
- Assistance for residents of mobile homes, hotels, motels, single family homes (exception: see rapid re-housing), or rental situations outside of apartment complexes or condos with management companies

If ESG Program funds are found to be used by a sub-recipient agency for ineligible activities, the ESG Program sub-recipient will be required to reimburse the City of Irving.

### **Participant Confidentiality, Rights & Responsibilities, and File Documentation**

---

#### **Requirements for Confidentiality**

The City of Irving has developed and implemented procedures to ensure:

- The confidentiality of records pertaining to any individual provided with assistance
- That the address or location of any assisted housing will not be made public, except to the extent that this prohibition contradicts a preexisting privacy policy of the City of Irving

#### **Participant Confidentiality**

Participant confidentiality is of the utmost concern under the program. It is intended that participant confidentiality shall be maintained and that a participant's information not be disclosed, neither deliberately nor inadvertently. Information obtained in connection with the ESG Program services

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

provided to any client must not be disclosed without the client's signed consent, except as required by law. Staff and volunteers must be informed of these confidentiality requirements.

### *Participant Files and Records*

Participant files should be maintained in a locked, secure area. Files that are not in use should not be left unattended and should be secured. All files should be secured, and agency staff member will be responsible for securing records at closing time.

When participant files are removed from file cabinets for work purposes, they should be handled in a manner to ensure that only authorized personnel have access to them. Computers with client files should be secured in the same manner.

Access to client files and records (paper or electronic copy) should be limited to authorized personnel only.

### *Release of Information*

Prior to releasing information to any other agency or entity, the case manager must first secure a release of information from the client. The authorization form to disclose client information is specific to the individual(s) and/or agency(ies) to whom the client authorizes the disclosure of information, specific as to what information will be disclosed, includes an expiration date, and will be signed by the client prior to disclosure of any information about the client. The Statement of Confidentiality and Release of Information Form may be used for this purpose.

Nothing contained herein may prohibit any disclosure permitted or required by law, including, but not limited to, disclosure for purposes of monitoring, audit, oversight, or evaluation of the ESG Program sub-recipient agency.

## **Participant Rights**

ESG Program clients have the following rights under the Emergency Solutions Program:

- Right to be treated at all times with respect and courtesy, within a setting that provides the highest degree of privacy as possible
- Right to freedom from discrimination because of race, color, religion, gender, national origin, age, familial status, sexual orientation, or any other arbitrary criteria
- Right to access to information about the ESG Program, including policies and procedures
- Right to know the names and titles of employees serving the client
- Right to be involved in and to make decisions concerning options for the client's assistance, consistent with the client's eligibility status
- Right to refuse ESG Program assistance, based on the requirements associated with receipt of ESG Program benefits
- Right to name an advocate to speak on the client's behalf, after a written authorization is provided to the case manager
- Right to confidentiality

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

- Right to inspect the client's file within a reasonable time (however, file documents cannot be removed from the file)
- Right to prompt written notice of any action that is either adverse or favorable regarding the client's case
- Right to due process through initiating a grievance, suggesting changes, and receiving a timely response, without fear of reprisal

### **Depository, Audits, and Recordkeeping**

#### *Fund Depository*

Disbursed funds must be deposited in a depository institution having federal depository insurance. The City of Irving, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, may have access to any books, documents, papers, and/or records of a ESG-funded agency for review and audit examinations.

#### *Audits*

The financial management system used by the City of Irving will provide for audits in accordance with HUD regulations.

Per the ESG contract, an agency must timely submit a complete copy of any annual OMB Part 200 Single Audit Report that is issued to the City of Irving and timely file such OMB Part 200 single audit report with the Federal Audit Clearinghouse. Generally, an OMB Part 200 Single Audit Report is timely if submitted or filed within 30 days following receipt from the external auditor, but no later than nine months following the end of the fiscal year.

If a sub-recipient agency is not required to have an OMB Part 200 Single Audit performed, but nevertheless has an external audit performed, the agency must timely submit a complete copy of that audit report to the City of Irving as provided above.

Each agency under the Social Services Program is liable to the City of Irving for any costs disallowed by HUD pursuant to financial and compliance audits of funds received under the ESG contract. Reimbursement to the City of Irving of such disallowed costs must be paid by the agency from funds which were not provided or otherwise made available to the agency through ESG funds.

#### *Recordkeeping*

Accurate recordkeeping is crucial to the successful management of grant-funded activities. Insufficient documentation is likely to lead to monitoring findings, and these findings will be more difficult to resolve if records are missing, inadequate, or inaccurate. Any agency receiving funding through ESG must complete an application for each individual and household client and maintain supporting documentation in participant files. If it is determined at the time of monitoring that the supporting documentation is incorrect or insufficient, reimbursement will be denied for costs associated with the ineligible expenses.

Each agency is required to establish and maintain at least three major categories of records: administrative, financial, and project/client files. In general, all records, including those showing client

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

income eligibility, must be kept a minimum of four years after the submission of the City of Irving's CAPER for a contract year (submitted by December 31 annually), unless there are circumstances such as litigation, claims, audit, negotiation, or other actions involving the records, which start before the expiration of the four-year period. In such cases, the records must be retained until completion of the action and resolution of all issues which arise from it or the end of the four-year period, whichever is longer.

### **Budget, Match, and Performance**

---

#### **Program Income**

If an agency receives revenue from the ESG Program, such revenue will be treated as program income and will be expended prior to federal funding for program-related expenditures. As the agency should not charge for ESG Program services, no program income is expected. However, a rare situation may occur where the program receives donated funds or where a deposit paid on a client's behalf is returned to the City of Irving following the client's move from the formerly assisted unit. Any program income received by a sub-recipient agency must be returned to the City of Irving.

#### **Match**

The City of Irving, and its sub-recipient agencies, must provide matching funds equal to the amount of funds provided by the ESG Program in an equal amount of funds from cash or the following in-kind sources: new staff or volunteer time, the donation of materials and buildings, or the value of any lease on a building.

The City of Irving is required to keep records of the sources and usage of contributions made to satisfy the matching requirement.

#### *Eligible Sources of Matching Contributions*

Matching contributions may be obtained from any source, including any Federal source other than the Emergency Solutions Program, as well as state, local, and private sources. However, the following requirements apply to matching contributions from a Federal source of funds:

- The City of Irving must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match Emergency Solutions Grant (ESG) funds.
- If ESG funds are used to satisfy the matching requirements of another Federal program, then funding from that program may not be used to satisfy the matching requirements under this section

#### *Recognition of Matching Contributions*

In order to meet the matching requirement, the matching contributions must meet all requirements that apply to the ESG Program funds provided by HUD. The matching contributions must be provided after the date that HUD signs the grant agreement. To count toward the required match for the recipient's fiscal year grant, cash and non-cash contributions must be expended within the time limits of the grant program year. Contributions used to match a previous ESG grant may not be used to match a subsequent ESG grant.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

Contributions that have been or will be counted as satisfying a matching requirement of another Federal grant or award may not count as satisfying the matching requirement.

### *Eligible Types of Matching Contributions*

The matching requirement may be met by one or both of the following:

- Cash expended for allowable costs, as defined in OMB Circular A-200 ( 2 CFR part 200)
- The value of any real property, equipment, goods, or services contributed to the City of Irving's, or a sub-recipient agency's Emergency Solutions Program, provided that if the City of Irving or the sub-recipient agency had to pay for them with grant funds, the costs would have been allowable. Non-cash contributions may also include the purchase value of any donated building.

### *Calculating the Amount of Non-cash Contributions*

To determine the value of any donated material or building, or of any lease, the City of Irving will use a method reasonably calculated to establish the fair market value. Services provided by individuals will be valued at rates consistent with those ordinarily paid for similar work in the City of Irving or a sub-recipient agency's organization. If the City of Irving or a sub-recipient agency does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in the same labor market.

Some noncash contributions are real property, equipment, goods, or services that, if the City of Irving or a sub-recipient agency had to pay for them with grant funds, the payments would have been indirect costs. Matching credit for these contributions must be given only if the City of Irving or the sub-recipient agency has established (and the City of Irving has approved), along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of those contributions.

### *Costs Paid by Program Income*

Costs paid by program income will count toward meeting the matching requirements, provided the costs are eligible ESG Program costs that supplement the ESG Program

## **Performance Measurement**

Any agency which acts as a sub-recipient agency for ESG Program funds will be required to submit performance reports as part of its monthly reimbursement request process. Policies and procedures related to agency's reporting requirements are covered in the agency's contract. Results from the outcome measures obtained from and by the City of Irving will be used by the City of Irving, among other things, to evaluate the effectiveness of the program, consider trends relating to the services, to evaluate future allocations to sub-recipient agencies, and to report results to HUD.

Additionally, the sub-recipient agency will be required annually to submit data from HMIS (or comparable database in acceptable format) to the HUD Sage system, which details services provided and the agency's performance against specified goals. The data will measure the agency's successes in meeting its goals/objectives/measures.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

HUD imposes strict requirements on the City of Irving for timely expenditure of funds and for timely reporting of ESG Program results. Funds that are not spent in a timely fashion may be flagged by HUD. To ensure that ESG Program funds are spent and reported in a timely fashion, performance and expenditures will be monitored on a monthly basis and performance will be entered into the HMIS system on an ongoing basis. An annual performance report, called the Consolidated Annual Performance and Evaluation Report (CAPER), will be created by the Planning and Community Development department and submitted to HUD through the IDIS system. Additional agency reporting to the Planning and Community Development department, in order to assist the City of Irving with its CAPER submission, including but not limited to SAGE submittals will be required.

Victim Services providers must not enter data into HMIS but must use a comparable database. Legal services providers may use a comparable database. These providers, however, are required to submit expenditure and performance information to the City of Irving, as set forth in the ESG contract, and all databases must be able to be uploaded into SAGE in a readable and usable format.

Federal agencies are required to measure the outcomes of their programs to document program effectiveness, increase service quality, and improve public accountability. Program results are directly linked to funding decisions and public support of programs. The HUD HMIS system provides a consistent method to access data from grantees (i.e. the City of Irving) and aggregate the data nationally to demonstrate the positive impact the Emergency Solutions Program is making at a national level. Each agency receiving Emergency Solutions Program funds, outside of the excepted agencies listed above, will be required to enter data into the HMIS system. Additionally, specific indicators are required for each activity based on the objectives and outcomes selected. Common indicators including information such as the number of persons served, number of shelter nights provided, client access to earned income and mainstream benefits, income levels of persons assisted, and race/ethnicity.

### *Reimbursement and Performance*

The City of Irving requires monthly written reports from sub-recipient agencies that clearly specify the expenditures and performance of contracted activities and which are sufficient to meet HUD reporting requirements. Agencies are required to submit performance information, with support documentation, on the 10<sup>th</sup> of each contractual month to the City of Irving. Reports are due to the City of Irving regardless of expenditure rates, or lack thereof. The City of Irving will provide all participating agencies with performance and reimbursement request forms annually. The Planning and Community Development staff will provide the Housing and Human Services Board monthly reports on the expenditure and performance of sub-recipient agencies.

Support documentation including time sheets, payroll records, copies of cancelled checks, invoices, receipts, and other documentation which demonstrates proof of payment and/or cost eligibility is required and reviewed before authorization of reimbursement is processed. Failure to submit timely reimbursement requests and required support documentation may result in program sanctions, such as withholding or suspension of funds.

Year-end program reports detailing leveraging of project funds, overall achievements/challenges of the project, impact of the federal funds on the community, etc. are due to the Planning and Community Development department within 30 days of contract termination, unless otherwise specified.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

The City of Irving reserves the right to return reimbursement requests to agencies if said reimbursement requests contain errors or missing information. Agencies must submit reimbursement requests and performance reports using the most recently-provided versions of City of Irving forms. Reimbursement requests utilizing other forms or outdated forms will be returned to agencies for resubmittal. The Planning and Community Development is committed to processing all complete and accurate reimbursement requests as efficiently as possible. However, should reimbursement requests be deemed incomplete or inaccurate, the agency will be notified for correction. Review of corrected documents and payment will not take precedence over newer receipts, the requests of other agencies, or other Planning and Community Development processes.

### *Race/Ethnicity Reporting*

As with other HUD-funded programs, based on guidelines developed by the Office of Management and Budget (OMB), ethnicity and race are considered separately. Each person in the assisted household must designate an ethnicity (Hispanic/Non-Hispanic) and a race. Note that Hispanic is not a racial category. Thus, a person who selects a Hispanic ethnicity must also designate a racial category.

It is recommended that the case manager ask the participant to designate his/her ethnicity first and then ask the applicant to identify his/her race. If a participant is unsure of which racial category to select, or is uncomfortable with any of the choices, the case manager may explain that the White racial category, as it is used for this program, does not mean persons of Anglo descent. It is defined as a person having origins in any of the original peoples of Europe, the Middle East, or North Africa. Alternatively, the Multi-race category may be used.

Self-reporting is the preferred method for collecting ethnicity and race data, since it is based on self-perception. If an applicant refused to designate a race or ethnicity, the case manager should choose "Refused" on the Universal Intake Form. If an application is not sure of his/her race or that of another household member, the case manager should choose "Unknown" on the Universal Intake Form". ESG funded agencies should consult the current HUD mandated HMIS data standards as provided by MDHA to ensure complete and accurate client data.

### **Monitoring**

---

This grant is subject to strict accountability and transparency requirements. As such, an ESG-funded agency should expect heightened interest and oversight of ESG Program funds.

All activities carried out by the sub-recipient agency will be subject to monitoring to ensure that the program is carried out in accordance with the requirements established by HUD. The City of Irving will follow the monitoring procedures it established in its ESG contract (if a ESG contract exists) and/or as described in its approved Consolidated Plan. Monitoring may be conducted by the City of Irving, the local HUD Office of Community Planning and Development, HUD's Office of Special Needs Assistance Programs, HUD's Office of Inspector General, HUD's Office of Fair Housing and Equal Opportunity, or another Federal agency to determine whether the City of Irving and/or its sub-recipient agency(ies) complied with the requirements of the CDBG grant. An ESG Program agency is required to agree to make all records pertaining to all ESG-funded activities available for the purposes of monitoring.



## Notice of Funding Availability

*Fiscal Year 2022-23*

---

The assigned City of Irving staff person is the primary contact for ESG Program agencies. In addition to day-to-day contract and program administration, the staff person provides technical assistance and guidance to agencies on an as-needed basis. This guidance may be provided by phone, by email, or other by other written correspondence.

### **Desk Monitoring**

Ongoing desk reviews of reports submitted monthly by agencies are performed to ensure compliance with federal regulations and achievement of performance objectives. Desk monitoring assists in the identification of problem areas and allows opportunities to resolve compliance problems through discussion, negotiation, and the provision of technical assistance prior to a full on-site monitoring visit.

### **Meetings with Agencies**

Agencies may be required to attend meetings (at dates, times, and location established by the City of Irving) to discuss lessons learned and to share any updates or additional instructions or requirements.

### **Monitoring by HUD (or Other Federal Agency)**

HUD has the right to request documentation from, or make site-visits to, the City of Irving and/or any sub-recipient agency at any time. Agencies are expected to cooperate with any HUD request for documentation or site visit.

HUD will normally notify the City of Irving of any audit or monitoring visits being conducted for the City of Irving ESG Program. However, if an agency is contacted by HUD, another Federal agency, or any other person or organization directly, regarding an audit or monitoring of the City of Irving social Services Program, the agency must promptly notify the City of Irving Social Services Administrator.

### **On-site Monitoring**

#### *Purpose of the On-Site Monitoring Visit*

City of Irving staff performs annual on-site monitoring visits to assure compliance with applicable federal regulations governing administrative, financial, and programmatic operations and to ensure agencies are achieving performance objectives within scope and schedule. Monitoring visits:

- Determine if the ESG-funded activity is meeting Federal National Objectives
- Determine whether the program participants have incomes below 30% or determine evidence that the assisted person is homeless through support documentation
- Determine whether agencies are carrying out activities as described in ESG contracts
- Determine whether costs charged to the project are eligible and allocable
- Determine whether agencies are maintaining financial management systems in accordance with 2 CFR Part 200 or 24 CFR 85.20(b) or Attachment F of OMB Circular A-110.
- Determine if a conflict of interest exists
- Ensure required records are maintained in compliance with federal regulations
- Ensure agency compliance with procurement requirements

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

- Ensure real or personal property acquired with ESG funds is used for the purpose specified in the ESG contract
- Ensure program income is reported and utilized consistent with 24 CFR §570.503

### *Monitoring Plan*

The City of Irving conducts on-site monitoring of ESG Program agencies on a biannual (every other year) basis unless factors related to performance require additional monitoring visits to ensure federal compliance. A risk assessment may be conducted at the beginning of the program year to determine which agencies require comprehensive monitoring.

High risk agencies might include:

- Agencies new to the ESG program
- Agencies with previous compliance or performance problems
- Agencies undertaking multiple activities for the first time
- Agencies that have experienced turnover in key staff positions
- Agencies that submit late, incomplete, or incorrect reports; or agencies that do not consistently submit reports
- Agencies not meeting performance and/or expenditure objectives
- Newly formed non-profit agencies

### *Notification*

If it is determined that an agency will be monitored by the City of Irving, the Planning and Community Development department will provide the agency with written notification at least thirty days prior to the monitoring visit. The notification letter will be sent to the agencies board chairperson and director. This notification advises the agency personnel of the materials to be reviewed and provides information related to the anticipated duration of the visit.

At the onset of the monitoring visit, Planning and Community Development staff will conduct an Entrance Interview with designated agency personnel. After the monitoring session has been completed, the Planning and Community Development staff will conduct an Exit Interview, if requested, with the agency director and designated agency staff.

Within thirty days of the agency monitoring visit, Planning and Community Development staff will send written communication to the agency's board chairperson and director which details the results of the monitoring visit. The monitoring letter will provide recommendations for program improvement and corrective actions to be undertaken to ensure performance and compliance deficiencies are corrected. Agency staff will have thirty days to respond to the monitoring letter and to resolve any findings and/or concerns addressed in the monitoring letter.

### *Findings and Concerns*

During the monitoring visit, Planning and Community Development staff will notate deficiencies in the operation of the program and/or lack of compliance with federal regulations. These deficiencies may take the form of either Findings or Concerns.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

A “Finding” is a violation of law or regulation that can result in a sanction. All findings must be cleared prior to the receipt of subsequent allocations of CDBG funds. A “Concern” is a matter that, if not properly addressed, can become a finding and can ultimately result in a sanction. Additional recommendations directed at enhancing agency capacity to provide needed services may be included in monitoring reports. Such recommendations are included for the consideration of agency boards and/or executive staff.

### **Agency Performance Issues**

Agencies that do not meet the performance expectations stipulated in the agreement between the City of Irving and the agency may, at the discretion of the Housing and Human Services Board, be subject to sanctions. Agency performance issues are addressed at Housing and Human Services Board meetings to which representatives of the agency at issue is invited to present their case. Decisions for more serious sanctions which impact agreements (suspension, non-renewal, and rescission/termination) require the endorsement of the Irving City Council.

If performance is found to be substantially inadequate in meeting the stated objectives and measures, the agency may be required to submit a written explanation to the City of Irving. Inadequate program performance may adversely affect future CDBG funding of the agency by the City of Irving.

### *Sanctions*

In the event of poor performance by an agency, the City of Irving will apply progressive sanctions that may include, but are not limited to:

- Letter to the agency’s board of directors
- Technical Assistance requirements for additional training
- More frequent reporting requirements
- Increase monitoring activities
- Probationary status
- Temporary suspension
- Non-renewal of contract for the next program year
- Fund repayment
- Contract termination

### *Appeal*

An agency wishing to appeal the decision of the Planning and Community Development staff must submit a written request for review to the Planning and Community Development Director within seven days of the staff’s decision. The Director, upon investigation and review, will respond to the concern in writing within 10 days of the original request for review. An agency may then appeal this decision in writing within seven days to the Housing and Human Services Board. The Housing and Human Services Board Chairperson, or a designated Planning and Community Development staff member, upon Housing and Human Services Board consideration at the next available meeting of the Housing and Human Services Board, will respond in writing to the agency with the decision of the Housing and Human Services Board within ten days of the Housing and Human Services Board meeting. If the agency wishes to appeal the decision of the Housing and Human Services Board, it may submit a written appeal request to the Irving City Council. Decisions of the Irving City Council are final.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

### **Other Requirements**

---

#### **Conflicts of Interest**

##### *General*

With respect to the use of ESG Program funds to procure services, equipment, supplies, or other property, the City of Irving will comply with Conflict of Interest regulations, as detailed in HUD regulations. The terms of each sub-recipient agency contract will detail Conflict of Interest prohibitions.

##### *Organizational Conflict of Interest*

Assistance may not be conditioned on the use of services or shelters owned by the City of Irving or a sub-recipient agency, including a parent or a subsidiary. A sub-recipient agency cannot conduct the initial evaluation for individuals/families occupying housing owned by the sub-recipient agency (including any parent or subsidiary).

##### *Individual Conflict of Interest*

No person who is an employee, agent, consultant, officer, or elected or appointed official of the City of Irving and who exercises 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 thereunder, 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.

##### *Exceptions*

Upon written request of the City of Irving, HUD may grant an exception to the restrictions listed above on a case-by-case basis when it determines that the exception will serve to further the purposes of the ESG Program and promote the efficient use of ESG funds. In requesting an exception, the City of Irving will be required to provide the following:

- A 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
- An opinion of the City of Irving legal counsel that the interest for which the exception is sought would not violate state or local law

#### **Nondiscrimination and Equal Opportunity Requirements**

The City of Irving (and its sub-recipient agencies) will comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). In addition, the City of Irving will make it known that ESG Program rental assistance and services are available to all on a nondiscriminatory basis and ensure that all citizens have equal access to information about the ESG Program and equal access to the financial assistance and services provided under this program. Among other things, this means that the City of Irving will 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. This may mean providing language assistance or ensuring that program information is available in the appropriate languages for the geographic area

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

served by the City of Irving and that LEP persons have meaningful access to ESG Program assistance. In addition, all notices and communications will 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**

The City of Irving, and/or any sub-recipient agency, has 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 marketing the program to all eligible persons, including persons with limited English proficiency; making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities; providing fair housing counseling services or referrals to fair housing agencies; informing a participant of how to file a housing discrimination complaint, including providing the toll-free number for the Housing Discrimination Hotline (1-800-669-9777); and recruiting landlords and sub-recipient agencies in areas that expand housing choice to program participants.

### **Lead Based Paint Requirements**

The case manager must follow the requirements of the Lead Based Paint Poisoning Prevention Act for all households assisted through the ESG Program. A lead based paint visual assessment is required any time a child under the age of six or a pregnant woman will be living in the assisted unit and the unit was constructed prior to 1978. If applicable, the lead based paint inspection will be conducted prior to the assistance being provided. This includes moving the client into assisted housing (the lead based paint inspection and assessment is part of the Housing Quality Standards inspection). In addition, all units provided ESG Program assistance will have a lead based paint and smoke detector certification completed by the client and placed in the client file.

### **Uniform Administrative Requirements**

The City of Irving is subject to the requirements of 2 CFR Part 200. Each sub-recipient agency is subject to the requirements of 2 CFR Part 200. These requirements relate to allowable costs and non-Federal audit requirements.

### **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 USC 1352) and implementing regulations at 24 CFR Part 87 apply to ESG. The City of Irving and applicant sub-recipient agencies 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.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

### **Drug-Free Workplace Requirements**

The Drug-Free Workplace Act of 1988 (41 USC 701, et seq.) and HUD's implementing regulations at 24 CFR Part 21 apply to the Emergency Solutions Program.

### **Record Keeping/Records Retention**

Sufficient records must be established and maintained to demonstrate that ESG Program requirements are being met. The City of Irving, and each sub-recipient agency, will maintain all books, accounts, records, reports, files, documents, and other papers relating to the services provided, and funds provided by the City of Irving, for a period of five years following termination of the contract or until completion of any litigation, claims, or audits, whichever is later.

An ESG Program sub-recipient agency must maintain, and make available for inspection, financial records sufficient, in the City of Irving or HUD's determination, to ensure proper accounting and disbursement of amounts received through the ESG Program.

### **Responsibility for Grant Administration**

Each ESG Program sub-recipient agency is responsible for ensuring that Emergency Solutions Program funding amounts are administered in accordance with the requirements of the Notice referenced in Exhibit B to the ESG contract, those authorities outlined elsewhere in this document, and other applicable laws. An ESG Program sub-recipient agency is responsible for ensuring that it carries out the ESG Program-eligible activities in compliance with all applicable requirements.

### **Compliance with HUD Requirements**

The City of Irving and any sub-recipient agency will comply with all HUD requirements applicable to the program. If during the term of an agreement, HUD modifies its requirements in such a way as would necessitate a modification to the provisions set forth above, the City of Irving and any sub-recipient agency would be bound by and comply with such modification in accordance with HUD requirements. Exhibit B to the ESG sub-recipient agency contract includes additional requirements applicable to the Emergency Solutions Program.

### **Debarred or Suspended Sub-Recipient Agencies**

The prohibitions at 2 CFR Part 200 on the use of debarred, suspended, or ineligible ESG Program sub-recipient agencies or contractors shall apply. Each sub-recipient agency must submit a Suspension/Debarment Certification to the City of Irving and undergo a Suspension/Debarment Verification.

## Notice of Funding Availability

*Fiscal Year 2022-23*

---

### **Insurance Requirements**

Each ESG Program sub-recipient agency must comply with the applicable insurance requirements for the ESG Program in accordance with the provisions of the ESG agreement between the sub-recipient agency and the City of Irving.