

**Nevada Department of Business and Industry Housing Division**  
**FY 2020 HOMELESS EMERGENCY SOLUTIONS GRANTS (ESG) COVID-19**  
**AS AUTHORIZED BY THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT**  
**(CARES ACT), Public Law 116-136**  
**NOTICE OF SUB-RECIPIENT AWARD**

CFDA Number 14.231  
Grant #E20-DW-32-0001

REASON FOR AWARD: EMERGENCY SOLUTIONS GRANT FUNDING FOR HOMELESS ASSISTANCE, HOMELESSNESS PREVENTION, AND OTHER ELIGIBLE ACTIVITIES RELATED TO PREVENTING, PREPARING FOR, AND RESPONDING TO THE CORONAVIRUS PANDEMIC	
Program Name: EMERGENCY SOLUTIONS GRANT COVID-19 PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	Address: 1830 E. College Pkwy, Ste. 200 Carson City, NV 89706
Sub-recipient name: Lyon County Human Services	Address: 620 Lake Ave Silver Springs, NV 89429
Project period: July 1, 2020 through June 30, 2022	
Approved cost categories, per grant application dated: May 2020	
1. Shelter	\$13,210.00
2. Homeless Prevention	\$31,500.00
3. Rapid Re-Housing	\$21,600.00
<b>Total Award</b>	<b>\$66,310.00</b>
Disbursement schedule as follows: <i>At a minimum, sub-recipients must submit executed draw reimbursement requests <b>monthly</b> (unless prior approval is granted for quarterly draws) which are to be accompanied by an HMIS ESG CAPER report, and staff time sheets if salaries are charged to this grant.</i>	
Source of funds: 1. FEDERAL (HUD) 100%	
In accepting these grant funds, it is understood and agreed that:	
<ol style="list-style-type: none"> <li>1. This allocation is subject to the successful award of funding by HUD to the Nevada Housing Division. The Division shall make available funds for eligible costs incurred during the project period reflected above.</li> <li>2. Expenditures must comply with all applicable state and/or federal regulations.</li> <li>3. The sub-recipient shall comply with the Additional Stipulations, Section 1, attached hereto and incorporated by reference.</li> <li>4. Funds are subject to recapture and reallocation, as allowed in Part 576 of the Emergency Solutions Grant program, for failure to meet any of the following: 1) expenditure timeliness; 2) submission of reports and draw reimbursement requests by due dates; 3) lack of participation in HMIS and the CoC's centralized/coordinated assessment system (once available); and 4) failure to provide annual financial statements by deadlines reflected in this Notice. Sub-recipients will receive written notification of concerns and if applicable, the Division's intent to recapture funds. Notification will be provided 30 days in advance of recapture. Sub-recipients subject to recapture of grant funds shall also be subject to future funding sanctions.</li> <li>5. The sub-recipient shall comply with the ESG Program Reporting Contents.</li> <li>6. The sub-recipient shall comply with the Place of Performance for Certification regarding Drug-free Workplace Requirements; and</li> <li>7. All funds from the ESG-CV allocation must be used to prevent, prepare for, and respond to the Coronavirus pandemic.</li> </ol>	
Authorized sub-recipient official:	
By:	_____
	Signature of person authorized to accept this Grant on behalf of the sub-recipient
_____	Date: _____
Printed Name	Telephone Number
<b>Agency DUNs number: 071540355</b>	

Administrator, Nevada Housing Division:

By: \_\_\_\_\_  
Stephen Aichroth, Administrator

Date: \_\_\_\_\_

## SECTION 1

### ADDITIONAL STIPULATIONS

The sub-recipient hereby accepts and agrees to the following additional stipulations in this Section 1 for the funds received pursuant to this award:

#### PART I- PROGRAM REQUIREMENTS

- A. Comply with the Emergency Solutions Grant (ESG) Program requirements of [24 CFR Part 576](#), unless otherwise provided by the alternative requirements and flexibilities established under the CARES Act, the notice or subsequent waivers, amendments, or replacements to the notice by the Department of Housing and Urban Development (HUD) and as noted by the Nevada state lead.
- B. All funds awarded through both allocations of ESG-CV funds must be expended by September 30, 2022, consistent with [24 CFR 576.501](#).
- C. Develop and implement ESG Program Policies and Procedures, including elements reflected in [24 CFR Part 576 Subpart B \(§§576.100 through 576.109, inclusive\)](#); [Subpart E \(§§576.400 through 576.409, inclusive\)](#), and [§576.500](#). Procedures shall include a summary of program rules and regulations; Written Standards which include, at a minimum, standards reflected in the Rural Nevada Continuum of Care/ESG Program Written Standards; confidentiality of records of domestic violence victims, or other victims of assault; termination policy of beneficiaries; nondiscrimination policy; drug-free workforce policy; standard of conduct governing performance of employees engaging in purchasing and/or the award or administration of contracts to avoid conflicts of interest; and a written code of conduct. Sub-recipients shall also develop and disseminate a written grievance procedure that clearly defines the requirements for clients to formally dispute denials of assistance and shall document and make available all grievances and resolutions for review by the Division during site visits.
- D. Agree to provide programs and services as allowed in [24 CFR Part 576 Subpart B](#) and approved by the Division and assist eligible homeless or at-risk-of-homelessness clients as defined in [24 CFR §576.2](#).
- E. Agree to design programs and services that will ensure successful outcomes for the Division's Performance Standards.
- F. Requirements at [24 CFR part 576, Subpart E](#) apply, except:
  1. ESG-CV funds are not subject to the Continuum of Care consultation requirements found at [24 CFR §576.400\(a\)](#).
  2. Coordination with other targeted homeless services as described by [24 CFR §576.400\(b\)](#) are waived.
  3. System and program coordination with mainstream resources as described at [24 CFR §576.400\(c\)](#) are waived.
- G. Comply with the requirement of Subpart E of [24 CFR §576.400\(e\)](#) to develop Written Standards for providing ESG assistance. At a minimum, the Standards must include all components reflected in [24 CFR §576.400\(e\)\(3\)\(i\) through \(ix\)](#) inclusive, and minimum standards reflected in the Rural Nevada Continuum of Care/ESG Program Written Standards guidelines. Homeless prevention and rapid re-housing client eligibility criteria, identified in the Written Standards, shall be made available to the public via agency website, Nevada 211, or another site available to the public.

- H. Comply with [24 CFR §§91.5](#) and [24 CFR §576.2](#) regarding definitions of homeless and at-risk of homelessness, and documenting that all program participants meet these definitions.
- I. Comply with the requirements of [24 CFR §576.401\(a\)](#) to conduct an evaluation of program participant eligibility and need for program assistance. Includes an initial evaluation to determine the eligibility of each individual or family's eligibility for ESG assistance and the amount and types of assistance needed to regain stability in permanent housing. Per [24 CFR §576.401\(e\)\(2\)](#), the sub-recipient is exempt from the requirement under [24 CFR §576.401\(e\)\(1\)\(i\)](#) if the Violence Against Women Act of 1994 or the Family Violence Prevention and Services Act prohibits that sub-recipient from making its shelter or housing conditional on the participant's acceptance of services.
- J. Comply with the requirements of [24 CFR §576.401\(b\)](#) to re-evaluate program participant's eligibility and types and amounts of assistance the program participant needs not less than once every 3 months for participants receiving homelessness prevention assistance, and not less than once annually for program participants receiving rapid re-housing assistance. Each re-evaluation must establish that the program participant does not have an annual income that exceeds 30% of area median income for the area and the participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance. Each re-evaluation must be documented in the program participant's case file and HMIS.
- K. All ESG-CV funds must be expended by September 30, 2022.
- L. The ESG-CV grant waives the requirement to provide matching funds; ESG-CV has also waived the ESG provisions for program income under [24 CFR §576.2](#) and [§576.407\(c\)\(1\)](#). Alternative requirements include:
  - 1. Program income includes any amount of a security or utility deposit returned to the recipient or subrecipient, as provided by [24 CFR §576.2](#); and
  - 2. Costs incidental to generating program income and *not* charged to the ESG-CV grant or subgrant may be deducted from gross income to determine program income, as allowed under [2 CFR §200.307\(b\)](#).
- M. Comply with the requirements of [24 CFR §576.103](#) which provides for funding of homelessness prevention activities for: (1) an individual or family who: (i) has an annual income **below** 50% of area median income (AMI) for the area, as determined by HUD; (ii) 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 HUD's homeless definition; and (iii) meets one of the following conditions: (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 person per room, as defined by the U.S. Census Bureau; or (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); Assistance must not supplant funding for preexisting homeless prevention activities from any other source; (2) A child or youth who does not qualify as "homeless" under [24 CFR §576.2](#), but qualifies as homeless under federal programs listed in

[24 CFR §576.2\(2\)](#); or (3) 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 him or her.

- N. Comply with requirements concerning record keeping and reporting requirements of 24 CFR §576.500, including documentation of client eligibility, and documentation of homeless and chronically homeless status for individuals and families, as defined by HUD. Providers assisting victims of domestic violence and other assaults shall be exempt from compliance with certain requirements and should refer to 24 CFR §576.500(b)(5) to determine acceptable evidence to document client eligibility.
- O. Comply with the requirement of [24 CFR §576.500\(x\)](#) in which sub-recipients must develop and implement written procedures to ensure: (i) all records containing personally identifying information (as defined in HUD’s standards for participation, data collection, and reporting in a local HMIS) of any individual or family who applies for and/or receives ESG assistance will be kept secure and confidential; (ii) the address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG program will not be made public, except with written authorization of the person responsible for the operation of the shelter; and (iii) the address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the sub-recipient and consistent with state and local laws regarding privacy and obligations of confidentiality. Furthermore, the sub-recipient shall execute and retain on file the Division’s Privacy Policy. Confidentiality procedures must be in writing and must be maintained in accordance with these requirements.
- P. Comply with [24 CFR §576.102\(b\)](#) which states the age of a child under age 18 must not be used as a basis for denying any family’s admission to an emergency shelter that uses Emergency Solutions Grant funding or services and provides shelter to families with children under age 18.
- Q. Shall identify a staff person who will be responsible for coordinating a child’s access to education if the sub-recipient serves households with children. All efforts must be documented in the client file.
- R. Shall maintain files for clients who receive assistance including names (or other identifying number), dates, amount of assistance, type of assistance, and all supporting documentation for five (5) years from last date of service.
- S. Shall submit a Reimbursement Request Form to the Division *at least once per quarter* requesting reimbursement of funds expended for eligible ESG activities. Reimbursements will not be authorized unless expenditures are substantiated in writing and is accompanied with all backup documentation requested by the Division. Failure to submit a reimbursement request at least quarterly may result in program sanctions implemented by the Division, as defined in Part IV. If requested, sub-recipient agrees to provide supporting documentation of expenditures, including copies of receipts, invoices, time sheets, etc. as part of a Desk Audit Review of the ESG program.
- T. Shall submit ESG Annual Reports which includes data obtained from HMIS by the deadline implemented by the Division.
- U. Shall ensure that no renovation or major rehabilitation will take place in property listed in the National Register of Historic Places; be located in a historic district or immediately adjacent to a property listed on the Register; be deemed by the State Historic Preservation Officer to be

eligible for listing on the Register; take place in any 100- year flood plain designated by map by Federal Emergency Management Agency; or be completed unless there is a successful completion of HUD's environmental assessment review.

- V. Comply with requirements listed in Section 1402(d) of the Housing and Community Development Act of 1992 which amends Section 415 of the Stewart B. McKinney Homeless assistance Act which requires that termination of assistance to any individual or family be in accordance with a formal process established by the sub-recipient that recognizes the rights of individuals affected, which may include a hearing.
- W. Comply with HUD's "Equal Access to Housing in HUD Programs regardless of Sexual Orientation or Gender Identity" final rule (Equal Access rule). Refer to CPD Notice 15-02 dated February 20, 2015 titled "Appropriate Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities" for specific requirements.
- X. Shall submit a Certification of Local Government Approval for each project operated within the local government's jurisdiction if the ESG sub-recipient is a non-profit agency. In the event a project receives funding from future ESG allocations, the certification must allow the local government the opportunity to withdraw its approval of the project at a future date.
- Y. Shall submit in writing on sub-recipient letterhead all requests to amend ESG allocations, along with a revised ESG Program Budget Form (Attachment 9), prior to expending funds from a Category other than what has been previously approved via the ESG Notice of Sub-Recipient Award. The written request shall include: (1) an explanation of the amounts to be transferred from the applicable categories; (2) a summary of how funds are proposed to be used; and (3) a summary of any changes to the number of program participants anticipated to be assisted under the revised categories.
- Z. Shall develop, to the maximum extent practicable and where appropriate, practices and protocols to ensure that publicly funded institutions, such as health care facilities, foster care or other youth facilities, and correction/jail programs do not discharge persons to the streets or otherwise result in homelessness. New sub-recipient shall develop and submit an action plan with timelines for developing community-wide discharge plans within 12 months of grant award and shall develop and execute Memorandums of Understanding (MOU's) with partner agencies identified in the sub-recipient's discharge plan. If existing plans are in place, sub-recipients agree to provide a copy to the Division with this award.
- AA. Shall maintain control of access to accounting records, assets, blank forms, and confidential records to ensure that only authorized persons have access; Shall ensure that shelter building(s) meet or exceed state, local and HUD's habitability standards.
- BB. Make available all client files, along with any financial and program records, for periodic review by the Division. Monitoring of a sub-recipient may be conducted by the Division, 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, a contractor hired on behalf of the Division for the purposes of auditing programs funded through the State, or other authorized state or federal agency, to determine compliance with the requirements of each program. In lieu of a site visit the Division may request copies of supporting documentation be uploaded into the local HMIS in order to conduct a desk audit review of all sub-recipients except victim service provider.
- CC. Shall make available copies of all monitoring letters from other federal, state, or local grant funded programs if requested by the Division. Copies of written responses addressing areas of concerns or findings shall be included. These copies shall be provided during monitoring

review visits or more frequently if requested by Division staff.

- DD. Comply with the requirement that a member of an Agency's Board of Director's (if a non-profit) or other applicable Board or Commission tour shelters funded through the ESG program to ensure appropriate habitability standards are in place. This tour should be conducted at least once during the grant period and documented for review during site visits.
- EE. If ESG funds are used for shelter operations or essential services related to street outreach or emergency shelter, the sub-recipient agrees to provide services or shelters to homeless individuals and families for the period during which ESG assistance is provided, without regard to a particular site or structure, so long as the sub-recipient services the same type of persons (e.g. families with children, unaccompanied youth, veterans, disable individuals, or victims of domestic violence) or persons in the same geographic area.
- FF. Agrees to assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living), and other Federal, State, local and private assistance when available for such individuals.
- GG. If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.
- HH. Any renovation carried out with ESG funds shall be sufficient to ensure that the building involved is safe and sanitary.

## **PART II-FINANCIAL MANAGEMENT REQUIREMENTS**

- A. Shall ensure the expenditure of these funds is in accordance with the audit requirements of the Single Audit Act of 1984 (Public Law 98-502) and Office Management and Budget Circular A-128.
- B. The Uniform Guidance for Grants and Agreements, also known as chapter 200 within title 2 of the Code of Federal Regulations (CFR) or 2 CFR 200, is the regulatory guidance for the management of federal grants.
- C. Acknowledge the requirements of Nevada law that in all contracts with state agencies it is required that all contractors provide proof of workers' compensation coverage. Sub-recipient agrees to provide proof of workers' compensation coverage in accordance with NRS 616.280 prior to the commencement of any work.
- D. Comply with requirements of the Division for submission of financial reports as follows:
  - 1. Sub-recipients expending \$500,000 or more annually in federal funds shall submit one copy of its most recent A-133 single audit to the Division within 60 days of completion, and not later than nine months from the agency's fiscal year end. This audit must be performed by a Certified Public Accountant annually.

2. Sub-recipients expending less than \$500,000 but more than \$100,000 in federal funds annually are exempt from OMB Circular A-133 but must request that an audited financial statement be conducted annually. The audited financial statement shall be submitted to the Division within 30 days of receipt, and not later than six months from the agency's fiscal year end.
  3. Sub-recipients expending less than \$100,000 must submit unaudited financial statements, a profit and loss statement, and a letter stating the agency expended less than \$100,000 in Federal funds within 60 days following the end of each fiscal year. This letter shall be written on agency letterhead and shall include the signature of the Executive Director. Failure to comply with this part may result in Sanctions described in Section IV of this document. Note: Any sub-recipient not required to conduct an A-133 audit or audited financial statements by the Division, but is required to do so under another program, shall provide a copy of the A-133 or audited financial statement in lieu of the unaudited financial statement normally required. The deadline for submission of these copies is the same as above.
- E. Comply with requirements of OMB A-133 that states any recipient that passes through federal funding to a sub-recipient is responsible for communicating the Federal award information to each sub-recipient, including informing each sub-recipient of the Catalog of Federal Domestic Assistance (CFDA) title and number.
  - F. Shall keep an inventory/equipment log of property purchased using \$5,000.00 or more in ESG funds and shall make it available for review by Division staff when requested.
  - G. Comply with all state, local and federal procurement laws, and requirements.
  - H. Shall develop written policies and internal controls to include at a minimum: hiring procedures to ensure that staff qualifications are equal to job responsibilities and that individuals hired are competent to do the job; adequate separation of duties to ensure that no one individual has authority over an entire financial transaction; procedures for the recording of transactions, as well as an accounting manual and a chart of accounts; a policy specifying approval authority for financial transactions and guidelines for controlling expenditures; written position descriptions that describe the responsibilities of all key employees; an organization chart showing titles and lines of authority for all individuals involved in approving or recording financial and other transactions; protocol for creating and maintaining staff time records to support amounts charged to ESG grant if wages are chargeable to more than one funding source, and record that costs charged to the ESG grant are eligible under program regulations.
  - I. Shall have a system in place for maintaining its financial records relative to the ESG grant for five (5) years from the last expenditure report to the Division, or until any litigation, claim, auditor, or other action involving the records has been resolved, whichever comes later.
  - J. Shall maintain current CCR registrations and DUNs number and shall notify the Division of any changes to either.

### **PART III-OTHER FEDERAL REQUIREMENTS**

- A. Comply with requirements of 24 CFR §576.104(a)(4) and §576.408 concerning Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- B. Comply with Executive Order 13166 concerning Limited English Proficiency (LEP) Persons to improve access of federally funded programs to people who are not native English speakers and do not understand the language.
- C. Agrees to follow Nondiscrimination and Equal Opportunity requirements as defined in 24 CFR

§5.105(a). The use of Emergency Solutions Grant funds requires that sub-recipients make facilities and services available to all on a nondiscriminatory basis and publicize this fact. The procedures a sub-recipient uses to convey the availability of such facilities and services should reach all persons, without regard to handicaps, race, color, religion, sex, age, familial status, or national origin within their service area who may qualify for them. If not, the sub-recipient must establish additional procedures that will ensure that these persons are made aware of the facilities and services. Sub-recipients must adopt procedures to disseminate information to anyone who is interested regarding the existence and location of handicap accessible services or facilities. Sub-recipient shall ensure that forms, applications, brochures, and other materials provided to the public are formatted with appropriate language to comply with Equal Opportunity laws and regulations.

- D. Comply with Section 808(e)(5) of the Fair Housing Act. HUD has a statutory duty to affirmatively promote fair housing and requires the same of its funding sub-recipients. Sub-recipients will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. Examples of affirmatively furthering fair housing include: (1) marketing the program to all eligible persons, including persons with disabilities and persons with limited English proficiency; (2) making buildings and communications that facilitate applications and service delivery accessible to persons with disabilities (see, for example, HUD's rule on effective communications at 24 CFR §8.6); (3) providing fair housing counseling services or referrals to fair housing agencies; (4) informing participants of how to file a housing discrimination complaint, including providing the toll-free number for the Housing Discrimination Hotline: 1800-669-9777; and (5) recruiting landlords and service providers in areas that expand housing choice to program participants if applicable.
- E. Comply with requirements of 24 CFR Part 35 concerning the Lead-Based Paint Hazard requirements.
- F. Shall meet the requirements of the Americans with Disabilities Act 1990.
- G. Comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et seq.) and HUD's implementing regulations at 24 CFR part 21.
- H. Comply with requirements of 24 CFR §576.57(d) regarding Conflict-of-Interest requirements.
- I. Comply with requirements 24 CFR §576.406 regarding faith-based activities.

#### **PART IV-PROGRAM SANCTIONS**

- A. Shall accept Program Sanctions if the following issues or concerns occur:
  - 1. Sub-recipient is not on target to expend ESG allocation within timeframes stated in Section 1, Part I(B) of this Notice.
  - 2. Sub-recipient has not provided copies of required documents as requested in Section 1, Part II(D) of this Notice.
  - 3. Sub-recipient has been late in providing, at least quarterly, draw reimbursement requests and client data reports as reflected in Section 1, Part I(M) of this Notice.
  - 4. Sub-recipient has been late in providing annual reports that are due within 20 days of the end of each fiscal year.
  - 5. Sub-recipient has not met requirements of Section 1, Part V of this Notice pertaining to HMIS requirements.
  - 6. Sub-recipient has expended funds for ineligible costs.

7. The Division has been contacted by another Agency, including a federal, state, or local jurisdiction, foundation, non-profit agency, or other grant funder, with concerns that the sub-recipient is noncompliant in one or more of their programs and the noncompliance is of such concern that the Division feels that Sanctions are in order.
- B. Sanctions for noncompliance with the above may include, but is not limited to:
1. A warning letter regarding further Sanctions for continued noncompliance.
  2. Conditioning of a future grant award.
  3. Directives to stop incurring certain costs.
  4. Retraction of remaining grant funds.
  5. Requirement to repay certain grant amounts spent ineligibly.
  6. Reducing the level of funds, a sub-recipient may otherwise be entitled to, including other Grant Programs funded by the Division; or
  7. Electing not to provide future funds until appropriate actions is taken to ensure compliance, including other Programs funded by the Division.

**PART V-**  
**HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)**  
**AND CENTRALIZED/COORDINATED INTAKE**  
**AND REFERRAL SYSTEM**

- A. Agrees to participate in the local Homeless Management Information System (HMIS) (or comparable database if a victim services provider) including collecting and entering the required Data Elements for clients served with ESG funds within one (1) week of assistance. Furthermore, sub-recipient agrees to provide program staff access to training when requested by the HMIS Lead Agency or the Division. The Division may delay reimbursement of funding if it is determined that a sub-recipient is not entering client information into the selected HMIS database as required.
- B. If a shelter, agrees to collect and enter required Data Elements for clients served in shelters regardless if funds are expended.
- C. Agrees to appoint a point-of-contact and an HMIS Security Officer (if required by new HMIS regulations) and shall provide contact information to the HMIS Lead Agency.
- D. Shall be responsible for understanding and ensuring the sub-recipient and all Users abide by the following policies:
  1. HMIS Memorandum of Understanding executed between the sub-recipient and HMIS Lead Agency.
  2. HMIS Notice of Privacy Practices.
  3. HMIS Standard Operating Procedures.
  4. Agency Data Sharing Agreement (see paragraph E below).
  5. HMIS Agency Partnership Agreement.
  6. Requirement to track client recidivism, length of stay, documentation of case notes demonstrating client eligibility in HMIS.
  7. Any other policies or procedures issued by the HUD, the Division, HMIS Lead Agency, HMIS Grantee, HMIS Steering Committee or local Continuum of Care.
- E. Agrees to complete the HMIS Self-Assessment Worksheet annually and submit a copy of the completed and executed document to the Division. A copy shall then be provided to the HMIS Steering Committee or designated HMIS Lead Agency. As part of this process the Executive

Director or designated staff shall review HMIS authorization forms, privacy notices, desk signage, release forms, written complaint policies, and other applicable forms or notices to ensure the most recent, accurate and updated information is provided to households receiving ESG assistance. Sample notices and forms can be downloaded from the HMIS Lead Agency website.

- F. Shall execute a Data Sharing Agreement with the HMIS Lead Agency to ensure duplication of services do not occur at a statewide level.
- G. Shall utilize HMIS to track goals and document outcomes for ESG programs. The Executive Director or designated staff shall review HMIS data and available internal reports at least monthly for accuracy of user input, and to ensure data quality standards are met. Furthermore, sub-recipient shall review reports provided by the HMIS Lead Agency and shall correct errors or issues as needed. ***Data quality percentage rates for “missing data” shall not be less than 90% for clients entered into HMIS.***
- H. Shall cooperate with entities conducting HMIS monitoring visits, including Division staff, the HMIS Lead Agency, the HMIS Grantee, or a member of the HMIS Steering Committee. Sub-recipients shall download and complete the current HMIS Self-Assessment Checklist from the HMIS Lead Agency’s website and have it available for review during the site visit.
- I. Shall comply with the requirement of 24 CFR §576.400(d) that states “Once the Continuum of Care has developed a centralized assessment system or a coordinated assessment system in accordance with requirements to be established by HUD, each ESG-funded program or project within the Continuum of Care’s area must use and or participate in that assessment system. The sub-recipient must work with the Continuum of Care to ensure the screening, assessment and referral of program participants are consistent with the written standards developed by the sub-recipient. A victim service provider may choose not to use the Continuum of Care’s centralized or coordinated assessment system.”

## SECTION 2

### ATTACHMENTS 1-8

***Complete (if applicable), execute and return all Attachments reflected in this Section 2 with the ESG Award Notice.***

***Attachment 1*** – Certification Regarding Drug-Free Workplace Requirements: Signed and Attached

***Attachment 2***- Certification Regarding Sub-Recipient Lobbying Requirements: Signed and Attached

***Attachment 3*** – Certification Regarding Fair Housing Requirements of Sub-Recipients: Signed and Attached

***Attachment 4*** – ESG Privacy Policy Notice: Signed and Attached

***Attachment 5*** – ESG Conflict of Interest Policy: Signed and Attached

***Attachment 6*** – ESG Client Termination and Grievance Policies: Signed and Attached

***Attachment 7*** – Maintenance of Effort Cert for Units of General-Purpose Local Governments: Signed and Attached

***Attachment 8*** – ESG Line of Credit Authorization Form: Completed and Attached

## ATTACHMENT 1

### CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Name of Sub-Recipient: Lyon County Human Services  
Grant Program Name: ESG Program  
CFDA Number: 14.231  
Grant Period: July 1, 2020 to June 30, 2022

Total estimated number of employees expected to be engaged in the performance of the grant at the site(s) noted above: \_\_\_\_\_

Applicants awarded funds from HUD are required to provide a drug-free workplace. Compliance with this requirement means that the applicant will:

1. Publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance in the applicant's workplace and that such activity is prohibited. The statement must specify the actions that will be taken against employees for violation of this prohibition. The statement must also notify employees that, as a condition of employment under the federal award, they are required to abide by the terms of the statement and that each employee must agree to notify the employer in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace, no later than 5 calendar days after such conviction.
2. Establish an ongoing drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace.
  - b. The applicant's policy of maintaining a drug-free workplace.
  - c. Any available drug counseling, rehabilitation, or employee assistance programs; and
  - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Notify the Division in writing within 10 calendar days after receiving notice from an employee of a drug abuse conviction or otherwise receiving actual notice of a drug abuse conviction the information reflected under (a), (b), (c) and (d) of this paragraph. The notification must be provided in writing to Nevada Housing Division, 1830 E. College Parkway, Suite 200, Carson City NV 89706. Once notified the Division will be required to notify HUD's Office of Strategic Planning and Management, Grants Management and Oversight, Department of Housing and Urban Development, 451 7th Street, SW, Room 3156, Washington DC 20410-3000, along with the following information:
  - a. The program title and award number for each HUD award covered.
  - b. The HUD staff contact name, telephone, and fax numbers.
  - c. A grantee contacts name, telephone, and fax numbers; and
  - d. The convicted employee's position and title.

**CERTIFICATION REGARDING DRUG-FREE  
WORKPLACE REQUIREMENTS (continued)**

4. Require that each employee engaged in the performance of the federally funded award be given a copy of the drug-free workplace statement required in item (1) above and notify the employee that one of the following actions will be taken against the employee within 30 calendar days of receiving notice of any drug abuse conviction:
  - a. Institution of a personnel action against the employee, up to and including termination consistent with requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended; or
  - b. Imposition of a requirement that the employee participates satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
  
5. Identify to the agency making the award all known workplaces under the award. Your workplace identification must include the actual address of buildings or other sites where work under the award will take place. You must also inform the agency of any workplace changes during the performance of the award. Your identification of the workplaces must occur either:
  - a. At the time of application or upon award; or
  - b. In documents that you keep on file in your offices during performance of the award, in which case you must make the information available for inspection upon request by the agency.

Please list below the site(s) expected to be used for the performance of work under the grant covered by the certification:

Place of Performance (includes street address, city, county, state, zip code for each site):

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I agree to comply with federal requirements above and certify programs and services will be administered, in good faith, to endure that the workplace and/or facility is free from the illegal use, possession or distribution of drugs or alcohol by its beneficiaries.

Certified by:

---

Signature of Sub-recipient Representative

---

Printed Name/Title

---

Date

## ATTACHMENT 2

### CERTIFICATION REGARDING SUB-RECIPIENT LOBBYING REQUIREMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S.

Certified by:

\_\_\_\_\_  
Signature of Sub-recipient Representative

\_\_\_\_\_  
Printed Name/Title

\_\_\_\_\_  
Date

### ATTACHMENT 3

#### CERTIFICATION REGARDING FAIR HOUSING REQUIREMENTS OF EMERGENCY SOLUTIONS GRANT SUB-RECIPIENTS

The undersigned certifies that the sub-recipient shall comply with the nondiscrimination and equal opportunity requirements of 24 CFR §5.105(a) and §576.407(a) and (b):

1. The sub-recipient must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. If it is unlikely that the procedures that the sub-recipient intends to use to make known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, *the sub-recipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and service.*
2. The sub-recipient must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, sub-recipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.
3. The sub-recipient will document compliance with the above requirements by maintaining records demonstrating compliance with the nondiscrimination and equal opportunity requirements under 24 CFR §576.407(a), including data concerning race, ethnicity, disability status, sex, and family characteristics of persons and households who are applicants for, or program participants in, any program or activity funded in whole or in part with ESG funds along with the affirmative outreach requirements in §576.407(b).

Certified by:

---

Signature of Sub-recipient Representative

---

Printed Name/Title

---

Date

## ATTACHMENT 4

### EMERGENCY SOLUTIONS GRANT PROGRAM Privacy Policy Notice

This is a policy statement regarding the State of Nevada's Privacy Policy for the Emergency Solutions Grant Program through the Nevada Housing Division. This Privacy Policy shall be implemented by the Division and all sub-recipients.

#### **A. What This Notice Covers**

1. This Notice describes the privacy policy and practices to be implemented by the Division and its sub-recipient service providers of the Emergency Solutions Grant Program. The policy and practices in this Notice cover the processing of personal information for clients participating in the ESG program, including data entered into HMIS, and must be included as part of the sub-recipient's policies and procedures.
  - a. Protected Personal Information (PPI) is any information that a sub-recipient maintains about a client that: Allows identification of an individual directly or indirectly.
  - b. Can be manipulated by a reasonably foreseeable method to identify a specific individual; or
  - c. Can be linked with other available information to identify a specific client. When this notice refers to "personal information" it means PPI.
2. The State and all sub-recipients shall adopt this policy in accordance with the HMIS Data and Technical Standards issued by the U.S. Department of Housing and Urban Development, the HMIS Steering Committee, and Bitfocus, Inc. acting as the HMIS Lead Agency for training and HMIS implementation.
3. This notice will identify how the State and sub-recipients will process personal information. All shall follow the policy and practices described in this notice and include them in the agency's formal Privacy Policy Notice executed by the client.
4. This Notice shall be amended as policies or practices change. Amendments may affect personal information that is obtained before the effective date of an Amendment. Sub-grantees will be notified of new notices at least 30 days prior to taking effect.
5. The Division will provide a written copy of this privacy notice to any individual or organization that requests one.

#### **B. How and Why Service Providers Collect Personal Information**

1. The Division and its sub-recipient service providers shall collect personal information only when appropriate to provide services or for another specific purpose of the agency, or when required by law. Providers may collect information for the following purposes:
  - a. To provide or coordinate services to a client.
  - b. To locate other programs that may be able to assist a client.

- c. For functions related to payment or reimbursement from others for services that are provided.
  - d. To operate the agency and its programs, including legal activities, audits, personnel oversight, contract monitoring, program evaluation, and other management and/or administrative functions.
  - e. To comply with government and funder reporting obligations.
  - f. For research, data analysis, and community reporting purposes; and
  - g. When required by law.
2. The Division and its sub-recipient service providers only use lawful and fair means to collect personal information.
  3. The Division and its sub-recipient service providers normally collect personal information with the knowledge or consent of clients. If a client seeks assistance and provides personal information, there shall be the assumption that the client consents to the collection of information as described in this Notice and that data may be entered into HMIS.
  4. The State and its sub-recipient service providers may also obtain information about a client from other available sources such as:
    - a. Individuals who accompany the clients, such as a guardian, caretaker, or advocate.
    - b. Other private organizations that provide services to the client.
    - c. County and other government agencies such as state and local mental health providers, Department of Health and Human Services, etc.; and
    - d. Telephone directories and other published sources.
  5. A sign shall be posted at each intake desk or other location explaining the reasons a client is asked for personal information. The signage shall be obtained from Bitfocus, Inc. and shall say:

***“We collect personal information directly from you for reasons that are discussed in our privacy statement. We may be required to collect some personal information by law or by organizations that give us money to operate this program. Other personal information that we collect is important to run our programs, to improve services for homeless persons, and to better understand the needs of homeless persons. We only collect information that we consider to be appropriate.”***

***Nosotros colectamos información personal directamente de usted por razones que se explican en nuestra declaración de privacidad. Podríamos tener que coleccionar cierta información personal por ley o por las organizaciones que nos dan dinero para operar este programa. Otra información personal que coleccionemos es importante para realizar nuestros programas, para mejorar los servicios para las personas sin hogar y para comprender mejor las necesidades de las personas sin hogar. Solo coleccionamos información que consideramos conveniente.”***

### **C. How the Division and Sub-Recipient Service Providers Will Use and Disclose Personal Information**

1. Personal information will be used for activities described in this part of the Notice. As necessary, the Division or its sub-recipient service providers may or may not make any of these uses or disclosures. It shall be assumed that the client consents to the use or disclosure of personal information for the purposes described here and for other uses and disclosures that is determined to be compatible with these uses or disclosures:
  - a. To provide or coordinate services for individuals to help them obtain or retain services. Service providers may share client records (with consent) with other organizations that may have separate privacy policies and that may allow different uses and disclosures of the information.
  - b. For functions related to payment or reimbursement for services:
  - c. To carry out administrative functions such as audits, oversight, and management of the HPRP program, including the maintenance and operation of HMIS.
  - d. To create de-identified (anonymous) information that can be used for research and statistical purposes without identifying clients.
  - e. When required by law to the extent that use, or disclosure complies with and is limited to the requirements of law.
  - f. To avert a serious threat to health or safety if:
    - i. It is believed that use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of an individual or the public; and
    - ii. The use or disclosure is made to a person reasonably able to prevent or lessen the threat, including the target of the threat.
  - g. To report about an individual that is reasonably believed to be a victim of abuse, neglect, or domestic violence to a government authority (including a social service or protective services agency) authorized by law to receive reports of abuse, neglect, or domestic violence under any of the following circumstances:
    - i. Where the disclosure is required by law and the disclosure complies with and is limited to the requirements of the law.
    - ii. If the individual agrees to the disclosure; or
    - iii. To the extent that the disclosure is expressly authorized by statute or regulation; and
      1. it is believed the disclosure is necessary to prevent serious harm to the individual or other potential victims; or
      2. if the individual is unable to agree because of incapacity, then a law enforcement or other public official authorized to receive the report represents that the agency for which disclosure is sought is not intended to be used against the individual and that an immediate enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure; and
    - iv. When the agency makes a permitted disclosure about a victim of abuse, neglect, or domestic violence, they will promptly inform the individual who is the victim that a disclosure has been or will be made, except if:

1. In the exercise of professional judgment, it is believed informing the individual would place them at risk of serious harm, or
  2. The agency would be informing a personal representative (such as a family member or friend), and reasonably believes the personal representative is responsible for the abuse, neglect, or other injury, and that informing the personal representative would not be in the best interests of the individual as determined in the exercise of professional judgment.
- h. For academic research purposes, release of personal information will only be allowed if research is:
- i. Conducted by an institution that has a formal relationship with the Division or its sub-recipient service providers, as long as the research is conducted by either:
    1. An individual employed by or affiliated with the Division or sub-recipient service provider for use in a research project conducted under a written research agreement approved in writing by the Division; or
    2. An institution for use in a research project conducted under a written research agreement approved in writing by a sub-recipient Executive Director; and
  - ii. The formal relationship is contained in a written research agreement that must
    1. Establish rules and limitations for the processing and security of personal information in the course of the research.
    2. Provide for the return or proper disposal of all personal information at the conclusion of the research.
    3. Restrict additional use or disclosure of personal information, except where required by law.
    4. Require that the recipient of data formally agree to comply with all terms and conditions of the agreement; and
    5. Not be a substitute for approval, if appropriate, of a research project by an Institutional Review Board, Privacy Board, or other applicable human subject's protection institution.
- i. To a law enforcement official for a law enforcement purpose (if consistent with applicable law and standards of ethical conduct) under any of the following circumstances:
- i. In response to a lawful court order, court-ordered warrant, subpoena, or summons issued by a judicial officer, or a grand jury subpoena; and
  - ii. If the law enforcement official makes a written request for personal information that:
    1. Is signed by a supervisory official of the law enforcement agency seeking personal information.
    2. States that the information is relevant and material to a legitimate law enforcement investigation.
    3. Identifies the personal information sought.
    4. Is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and
    5. States that de-identified information could not be used to accomplish the purpose of the disclosure.

- iii. If it is believed in good faith that the personal information constitutes evidence of criminal conduct that occurred on Division or its sub-recipient service provider's premises.
  - iv. In response to an oral request for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person, and the personal information disclosed consists only of name, address, date of birth, place of birth, social security number, and distinguishing physical characteristics.
  - v. If the official is an authorized federal official seeking personal information for the provision of protective services to the President or other person authorized by 18 U.S.C. §3056, or to foreign heads of state or other persons authorized by 22 U.S.C §2709(a)(3), or for the conduct of investigations authorized by 18 U.S.C §§871 and 879 (threats against the President and others); and if the information requested is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and
  - j. To comply with governmental reporting obligations for homeless management information systems and for oversight of compliance with homeless management information system requirements.
2. Before any use or disclosure of a client's personal information not described in this notice, the Division or its sub-recipient service providers will seek client consent first.

**D. How to Inspect and Correct Personal Information**

1. A client may wish to inspect and have a copy of personal information maintained by the Division or its sub-recipient service providers. The Division and/or its sub-recipient service providers will respond to any such request within a reasonable time frame, usually two to three business days.
2. The Division or its sub-recipient service providers will consider a request from a client for correction of inaccurate or incomplete personal information that is maintained. If agreed that the information is inaccurate or incomplete, the Division or its sub-recipient service providers may delete it or chose to mark it as inaccurate or incomplete and will supplement it with additional information.
3. To inspect, receive a copy of, or ask for correction of personal information, a client may ask an ESG staff member. The appropriate staff member will be located to assist with the review and/or correction of the file within a reasonable time period, usually two to three business days.
4. The Division or its sub-recipient service providers may deny a request for inspection or copying of personal information if:
  - a. The information was compiled in reasonable anticipation of litigation or comparable proceedings.
  - b. The information is about another individual (other than a health care provider or homeless provider).

- c. The information was obtained under a promise of confidentiality (other than a promise from a health care provider or homeless provider) and if the disclosure would reveal the source of the information; or
  - d. Disclosure of the information would be reasonably likely to endanger the life or physical safety of any individual.
5. If the Division or its sub-recipient service provider denies a request for access or correction, there will be included an explanation of the reason for the denial. The Division or its sub-recipient will also include, as part of the personal information that is maintained, documentation of the request and the reason for denial.
  6. The Division or its sub-recipient service provider may reject repeated or harassing requests for access or correction.

**E. Data Quality**

1. The Division and its sub-recipient service providers collect only personal information that is relevant to the purposes stated in this Notice or as required for reporting to funders. To the extent necessary, the Division and its sub-recipient service providers seek to maintain only personal information that is accurate, complete, and timely.
2. The Division or its sub-recipient service providers or the HMIS Lead Agency may dispose of personal information not in current use seven years after the information was created or last changed. As an alternative to disposal, the Division, its sub-recipient service providers, or the HMIS Lead Agency may choose to remove identifiers from the information so that the data can be maintained for analysis purposes.
3. The Division or its sub-recipient service providers, or the HMIS Lead Agency may keep information for a longer period if required to do so by statute, regulation, contract, or another requirement.

**F. Complaints and Accountability**

1. The Division and its sub-recipient service providers accept and consider questions or complaints about client privacy and security policies and practices. The client has the right to be heard if he or she believes that confidentiality rights have been violated, if a client has been denied access to personal records, or the client has been put at personal risk, or harmed.

The Division and its sub-recipient service providers have established a formal grievance process for use in such circumstances. To file a complaint or grievance, a client may request a copy of the process from the Division's website at <https://housing.nv.gov>, by calling the Division at 775-687-2040, or by contacting the applicable sub-recipient service provider.

- a. For a complaint or grievance against data collected for the HMIS database, clients may obtain a Client Grievance Form at <https://nvcemis.bitfocus.com/client-forms/>. Forms may be submitted to the following:
  - Bitfocus, Inc. - HMIS Lead Agency
  - Via FAX to: (702) 991-1881
  - Via email: [support@bitfocus.com](mailto:support@bitfocus.com)

2. Staff members of the Division and its sub-recipient service providers, including employees, volunteers, affiliates, contractors, and associates, are required to comply with this privacy notice. Each staff member must receive and acknowledge received of a copy of this notice.

**G. Privacy Notice Change History**

Each copy of this Notice will have a history of changes made to the document. This document's change history is as follows

Version 1.0 July 1, 2012  
Version 2.0 April 23, 2021

***The undersigned certifies that the sub-recipient shall comply with this Privacy Policy and shall adopt a similar policy for the agency and will be provided to program staff:***

Certified by:

\_\_\_\_\_  
Signature of sub-recipient representative

\_\_\_\_\_  
Printed Name/Title

\_\_\_\_\_  
Date

## ATTACHMENT 5

### EMERGENCY SOLUTIONS GRANT PROGRAM Conflict-of-Interest Policy

This is a policy statement regarding State of Nevada's Conflict-of-Interest Policy for the Emergency Solutions Grant Program through the Nevada Housing Division. This Policy shall be implemented by the Division and its sub-recipients.

#### **A. Organizational conflicts of interest**

The provision of any type or amount of ESG assistance may not be conditioned on an individual's or family's acceptance or occupancy of emergency shelter or housing owned by the Division, the sub-recipient, or a parent or subsidiary of the sub-recipient. No sub-recipient may, with respect to individuals or families occupying housing owned by the sub-recipient, or any parent or subsidiary of the sub-recipient, carry out the initial evaluation required under section 576.401 of the ESG regulations, or administer homelessness prevention assistance as reflected under 576.103.

#### **B. Individual conflicts of interest**

For procurement of goods and services, the Division and its sub-recipients must comply with the codes of conduct and conflict of interest requirements under 24 CFR 85.36 (for governments) summarized at: [https://www.hud.gov/sites/documents/DOC\\_12538.PDF](https://www.hud.gov/sites/documents/DOC_12538.PDF). For all other transactions and activities, the following restrictions apply:

1. Conflicts Prohibited:

No person described in paragraph B(2) of this section who exercises or has exercised any functions or responsibilities with respect to activities assisted under the ESG program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.

2. Person Covered:

The conflict-of-interest provisions of paragraph B (1) of this section apply to any person who is an employee, agency, consultant, officer, or elected or appointed official of the Division or its sub-recipients.

3. Exceptions:

Upon the written request by the Division, HUD has stated that they may grant an exception to the provisions of this rule on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph B(3)(ii), provided that the Division has satisfactorily met the threshold requirements of paragraph B(3)(i).

- i. *Threshold requirements.* HUD will consider an exception only after the Division has provided the following documentation:
  - a. If the Division or its sub-recipient is a government, 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
  - b. An opinion of the Division's attorney that the interest for which the exception is sought would not violate state or local law.
- ii. *Factors to be considered for exemptions.* In determining whether to grant a requested exception after the Division has satisfactorily met the threshold requirements under paragraph B(3)(i), HUD must conclude that the exception will serve to further the purposes of the ESG program and the effective and efficient administration of the Division or its sub-recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:
  - a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available.
  - b. Whether an opportunity was provided for open competitive bidding or negotiation.
  - c. Whether the affected person has withdrawn from his or her functions, responsibilities, or the decision-making process with respect to the specific activity in question.
  - d. Whether the interest or benefit was present before the affected person was in the position described in paragraph B(1);
  - e. Whether undue hardship results to the Division, the sub-recipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict; and
  - f. Any other relevant considerations.

### **C. Contractors**

All contractors of the Division or sub-recipient must comply with the same requirements that apply to sub-recipients.

### **D. Additional Requirements for ESG sub-recipients and contractors**

Sub-recipient Conflict-of- Interest policies must also include instructions to staff that may be in the situation of needing assistance themselves, or providing assistance to close friends or family members, to ensure that ESG funds are not used inappropriately. Sub-recipient staff must be aware of the sub-recipient's Policy, evidenced by their signature, that they have received a copy of the Policy. The original executed copy shall be maintained in the ESG program file.

### **E. Conflict of Interest Change History**

Each copy of this Notice will have a history of changes made to the document. This document's change history is as follows:

Version 1.0 July 1, 2012  
Version 2.0 April 23, 2021

***The undersigned certifies that the sub-recipient shall comply with this Conflict-of-Interest Policy and shall adopt a similar policy for the agency which will be provided to program staff:***

Certified by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name/Title

\_\_\_\_\_  
Date

## ATTACHMENT 6

### EMERGENCY SOLUTIONS GRANT PROGRAM Client Termination and Grievance Policies

HUD requires sub-recipients to develop formal Termination and Grievance Policies and to instruct agencies providing Emergency Solutions Grant (ESG) Program funds to do the same. Agency Termination and Grievance Policies will be reviewed as part of the Division's ESG monitoring site visit.

The following is the Division's policies regarding both termination of ESG assistance and the process for clients to pursue challenges to an agency's decision to deny ESG assistance as reflected in the ESG Policies and Procedures manual.

#### **Termination Policy:**

Sub-recipients may terminate assistance to a program participant who violates program requirements. Sub-recipients may resume assistance to a program participant whose assistance was previously terminated. In terminating assistance to a program participant, the sub-recipient must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law. The process, at a minimum, should consist of:

- Written notice to the program participant containing a clear statement of the reasons for termination.
- 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
- Prompt written notice of the final decision to the program participant.

Sub-recipients must also make every effort to ensure that clients discharged from ESG assistance, either due to termination due to violation of program requirements or because a program participant has reached the maximum number of months that they are eligible for assistance, are not discharged into the streets or into an unstable housing situation.

#### **Grievance Policy:**

Each sub-recipient is required to establish a formal process, in writing and available to potential clients, that includes necessary steps needed to challenge an agency's decision to deny ESG assistance. The procedure should contain contact information for the local agency and the Division if funds were allocated from the State. HUD contact in San Francisco should also be included.

Denial of assistance may include, but is not limited to, the individual or household's ineligibility for the program or failure to provide verifiable evidence of eligibility, etc. Sub-recipients must have a procedure that governs applicant denial and grievance processes. These procedures should describe the program requirements and how an applicant did not qualify or was denied. The grievance procedure could be the same as a program participant terminated. This would include, for example, allowing applicants to request a hearing regarding the termination of their denial. The termination, denial, and grievance procedures should be readily available to participants either in written information or by posting them in a public place. It is critical to the nature of ESG and

transparency to effectively communicate these procedures to program participants and ensure that the procedures are fully understood.

Staff members of the Division and its sub-recipient service providers, including employees, volunteers, affiliates, contractors, and associates, are required to comply with this grievance policy. Each staff member must receive and acknowledge received of a copy of this notice. The original copy shall be maintained in the sub-recipients ESG Program File.

***The undersigned certifies that the sub-recipient shall adopt a similar policy that shall be provided to members of the public if requesting assistance with ESG funds, regardless of whether or not the applicant is accepted into the ESG program:***

Certified by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name/Title

\_\_\_\_\_  
Date

**ATTACHMENT 7**

**MAINTENANCE OF EFFORT CERTIFICATION  
FOR  
UNITS OF GENERAL-PURPOSE LOCAL GOVERNMENTS**

The unit of general-purpose local government certifies that the Emergency Solutions Grant funds allocated with this Award Notice for Street Outreach, Emergency Shelter Operations, or Emergency Shelter Essential Services *will not replace*\* funds that were provided by the unit of local government for emergency shelter or street outreach activities during the previous twelve (12) months, per requirements reflected in 24 C.F.R. Part §576.101(c) which states:

“If the recipient or sub-recipient is a unit of general-purpose local government, its ESG funds cannot be used to replace funds the local government provided for street outreach and emergency shelter services during the immediately preceding 12-month period, unless HUD determines that the unit of general-purpose local government is in a severe financial deficit.”

Certified by:

---

Printed Name of Local Government Authorized Representative

---

Title

---

Authorized Representative Signature

**ATTACHMENT 8**

State of Nevada  
DEPARTMENT OF BUSINESS & INDUSTRY  
Housing Division  
1830 E. College Pkwy, Ste. 200, Carson City NV 89706  
(775) 687-2240 / (800) 227-4960  
Fax (775) 687-4040  
<https://housing.nv.gov>

**EMERGENCY SOLUTIONS GRANT PROGRAM**

**Line of Credit Authorization**

Pursuant to the Emergency Solutions Grant Program Guidelines, the following person(s) is/are authorized to execute drawdown functions and deliver all instruments required by or contemplated in connection therewith on behalf of the below named administrative agent:

Administrative Agent:  Address:  Phone:  Tax ID #:	Type of function: (mark one)  1 <input type="checkbox"/> New User(s) 2 <input type="checkbox"/> Recertify Existing User(s) 3 <input type="checkbox"/> Terminate Authority
Authorized User's Name/Title	Authorized User's Signature

I authorize the above-identified person(s) to drawdown funds on behalf of the above-referenced administrative agent according to the Emergency Solutions Grant Program Guidelines:

\_\_\_\_\_  
Administrative Agent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title