



Montgomery County *Grants & Community* DEVELOPMENT

Montgomery County Grants & Community Development

HOME Investment Partnerships- American Rescue Plan Program
(CFDA #14.239)

Application Packet for Supportive Services

Please submit a separate application for each project. Proposals will be accepted for consideration from any city or organization. Grant proposals must benefit Montgomery County residents only. Call 936-538-8060 for more specific details. All applicants must submit one (1) original of the entire packet, including cover sheet, narrative (legible), budget forms, and one (1) copy of the required and support documents. Proposals must be submitted to the Montgomery County Grants & Community Development Department, 501 N. Thompson, Suite 200 Conroe, Texas 77301, **due by 3:30 p.m. on Monday, June 30, 2025.** No late proposals will be accepted.

Public Presentation/Hearing

In order to be considered for HOME-ARP project funding the proposal must be presented to the Advisory Committee. Proposals deemed eligible for funding will be notified of the time and date of the presentation by MCCD staff.

The HOME-ARP Project Program guidelines are subject to change at any time by the U.S. Department of Housing and Urban Development. All proposals submitted for consideration must comply with the HOME-ARP Project Program guidelines.

Note: Information and documents submitted pursuant to this application process are deemed to be public records and will be disclosed accordingly. However, while financial and credit information may be confidential, the County will process requests for this information pursuant to the provisions of the Open Records Act. Additionally, if there are documents or information that you feel should not be released because of trade secret issues, please provide written explanation and identify the document or information in question.

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Background and General Information

The American Rescue Plan Act of 2021 appropriated \$5 billion in ARP funds to provide housing, services, and shelter to individuals experiencing homelessness and other vulnerable populations. ARP authorized the U.S. Department of Housing and Urban Development (HUD) to allocate HOME-ARP funds to states, units of general local government, insular areas, and consortia of units of general local government that qualified for an allocation of HOME funds in Fiscal Year (FY) 2021.

In September 2021, HUD announced that Montgomery County would receive \$2,548,899.00 in HOME-ARP funds. The County subsequently developed a HOME-ARP Allocation Plan that became part of its PY2021 HUD Annual Action Plan by substantial amendment. HUD approved the County's HOME-ARP Allocation Plan on May 15, 2023.

Per our HUD-approved HOME-ARP Allocation Plan, Montgomery County has programmed funds in the amount of \$823,899.00 for Supportive Services for all qualifying populations.

Montgomery County Grants & Community Development (MCCD) is soliciting proposals from interested and qualified providers to apply for HOME Investment Partnership-American Rescue Plan Program (HOME-ARP) funding for Supportive Services. By issuing this Grant Application, Montgomery County seeks agencies that can demonstrate the capacity to assist the County in meeting the priority needs identified in its HOME-ARP Allocation Plan. The successful applicant will be selected and invited to enter into a contractual agreement with Montgomery County for services outlined in this application. If funded, agencies will be considered HOME-ARP Subrecipients.

Applicants are urged to thoroughly review the Montgomery County HOME-ARP Allocation Plan, the County's HOME-ARP Policies and Procedures document (attachment A) as well as the specifications contained in this application before submitting a proposal. Information regarding the County's HOME-ARP Program can be found on our website;

[Montgomery County HOME-ARP Allocation Plan](#)

Proposals will be accepted for consideration from any 501(c)3 organization that has been in existence for at least one (1) year. Eligible applicants should be nonprofits or other entities with a history of providing housing, shelter and/or services to one or more of the qualifying populations. Applicants must be able to demonstrate that they have the capacity to meet program compliance requirements.

Montgomery County reserves the right to accept or reject any and all applications received. In addition, the County reserves the right to negotiate with all qualifying organizations or to cancel in whole or in part an application if deemed in the best interest of Montgomery County as it relates to the Consolidated Plan and/or HOME-ARP Allocation Plan. Organizations may participate in negotiations and resubmit any proposed expenses, technicality, or other revisions to their application as requested.

Applicants should be aware and understand that this HOME-ARP RFA and any awards are funded in whole or in part by Congressionally appropriated funds provided through the American Rescue Plan Act of 2021 (ARPA). In the event the federal funds supporting this grant application and subsequent awards become unavailable, are reduced, or rescinded, Montgomery County may terminate or amend this grant application and any awards made without penalty and the County will not be obligated to provide the applicant with any other resources or funds from any other sources.

Application Instructions

Application Overview

A complete proposal includes the following items in the following sequence:

Part I – HOME-ARP Supportive Services Application Summary Form

Part II - Project Narrative

- A. Project Summary
- B. Documentation of Eligibility and Compliance

Part III – Agency Information

- A. Background
- B. Personnel
- C. Financial
- D. Audit Requirements
- E. Insurance/Bond/Worker's Compensation
- F. Organizational Capabilities
- G. Government Experience
- H. Qualifying Populations

Part IV – Application Budget

Part V- Documentation

- A. Articles of Incorporation/Bylaws
- B. State and Federal (IRS) Tax Exemption Determination Letter
- C. List of Board of Directors
- D. Board of Directors' Authorization to Request Funds
- E. Board of Directors' Designation of Authorized Official
- F. Board of Directors' Designation of Contact Person
- G. Organization Chart
- H. Proof of existing UEI# and DUNS numbers
- I. Job Description and Resume of the Chief Program Administrator
- J. Job Description and Resume of the Chief Fiscal Officer
- K. Recent Financial Statements and Audit
- L. Letters of Commitment
- M. Job Descriptions
- N. Letters of Support and Letters of Reference
- O. Fidelity Bond

Part VI – Certifications

- A. Resolution
- B. Conflict of Interest Disclosure Form
- C. Signed Certifications Regarding Claims
- D. Certification for Grants and Contracts

Part I – HOME-ARP Supportive Services Application Summary Form

Date of Submission: _____

Applicant Information:

Agency Name: _____

Type of Organization:

___ Non-Profit Organization

___ For Profit Organization

___ Faith Based Organization

___ Institution of Higher Education

Organization Address: _____

UEI#: _____ DUNS#: _____

Name of Applicant's Authorized Official: _____

Authorized Official's Title: _____

Authorized Official's Email: _____

Original Signature of Authorized Official: _____

Contact Person: _____

Contact Person's Title: _____

Contact Person's Telephone: _____

Contact Person's Email: _____

Does your organization expend \$1,000,000 or more a year in federal funds?

___ Yes ___ No

Proposal Information:

Project Title: _____

Address of Proposed Project: _____

Total Project Funds: \$ _____

HOME-ARP Funds Requested: \$ _____ Agency Funds: \$ _____

Brief Description of project:

Qualifying Populations Assisted (check all that apply):

☐ QP1- Homeless, as defined in [24 CFR 91.5](#)

☐ QP2- At-Risk of Homelessness, as defined in [24 CFR 91.5](#)

☐ QP3- Fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking

☐ QP4- Other populations where providing supportive services or assistance would prevent the family's homelessness or would serve those with the greatest risk of housing instability

Type of Supportive Services to be provided (check all that apply):

☐ Childcare Costs

☐ Education Services

☐ Food

☐ Legal Fees

☐ Life Skills Training

☐ Mental Health Services

☐ Outpatient Health Services

☐ Outreach Services

☐ Transportation

☐ Case Management

☐ Mediation

☐ Credit Repair

☐ Landlord/Tenant Liaison

☐ Services for Special Populations

☐ Financial Assistance Costs

☐ Short-term and Medium-term

☐ Employment Assistance and Job Training

☐ Housing Search and Counseling Services

☐ Substance Abuse Treatment Services

Part II - Project Narrative

A. Project Summary

Briefly describe the proposed project. Describe the scope of the project, the supportive services to be provided, the type of population to be served and the number of low-income persons to be assisted. Please describe any matching funds to be used in the project. The project summary should provide a general overview of the project and responsibilities of participants. Describe in quantifiable terms how the success/objectives of the project will be measured during the project and at project completion, the related services or activities to be provided, the methods or approaches used and the costs.

B. Documentation of Eligibility and Compliance

Please state per person or per unit costs of services. The U.S. Department of Housing and Urban Development (HUD) requires that records and documentation be maintained and reported regarding persons provided assistance throughout the contract period, including data showing the size and annual income of the family of each person receiving the benefit and other demographic information. Please state how your organization will comply with these requirements in a timely manner if it is funded. Please identify the staff assigned these responsibilities.

Part III – Agency Information

- A. Background: Include the length of time the agency has been in operation, the date of incorporation, the purpose of the agency, and the type of corporation. If the organization is a membership organization, please state the number of members and include a membership list. Describe the type of services provided, locations, the agency's capabilities, the number and characteristics of clients served, and license to operate if required.
- B. Personnel: Briefly describe the agency's existing staff positions and qualifications, and state whether or not the agency has a personnel policy manual with an affirmative action plan and grievance procedure.
[Note: Job descriptions for each position requesting HOME-ARP funding must be on a separate page and include the essential job duties and responsibilities; the minimum job requirements such as knowledge or minimum education, minimum work experience, skills and abilities, special requirement, equipment used, contacts, supervision required, physical demands, work environment, hours, benefits and salary.]
- C. Financial: Non-profit organizations: The requirements of 2 CFR 200, OMB Circular No. A-122 and the following requirements of 24 CFR part 84 apply to subrecipients receiving HOME-ARP Project funds that are nonprofit organizations and are not governmental subrecipients: 84.2, 84.5, 84.13-84.16, 84.21, 84.22, 84.26-84.28, 84.30, 84.31, 84.34-84.37, 84.40-84.48, 84.51, 84.60-84.62, 84.72, and 84.73.
Governmental and quasi-governmental entities: The requirements of OMB Circular No. A-87 and the following requirements of 24 CFR part 85 apply: 85.6, 85.12, 85.22, 85.26, 85.32-85.34, 85.36, 85.44, 85.51, and 85.52.
Provide a list of all funding sources for your agency, and the amount received from each source. Describe accounting systems, payment procedures, and audit requirements. Identify commitments for ongoing funding and provide letters of commitment for these funds. (Note: Letters of commitment for all matching/other funds should be dated within thirty (30) days of an application's submission for funding.)
- D. Audit Requirements: In accordance with the Office of Management, Budget Circulars A-133 and A-110, and 2 CFR 200 the Federal Government requires that non-federal entities receiving \$1,000,000 or more in federal financial assistance in a fiscal year must secure a single audit. If the organization expends \$1,000,000.00 or more under only one Federal program, a program-specific audit may be acceptable. Organizations receiving less than \$1,000,000.00 must secure an outside independent audit, but neither a single audit nor program-specific audit is required.
- E. Insurance/Bond/Worker's Compensation: State whether or not the agency has liability insurance coverage, in what amount, and with what insuring agency. State whether or not the agency pays all payroll taxes and worker's compensation as required by Federal and State law. State whether or not the agency has fidelity bond coverage for principal staff who handle the agency's accounts, in what amount, and with what insuring agency. Provide a copy of the agency's prior year's Fidelity Bond.
- F. Organizational Capability: Describe your agency's experience, organizational capability, and infrastructure to deliver the services, as described in the request for applications.

- G. Government Experience: Describe your agency's experience working with Government entities (City, County, State, Federal agencies). Please include experience meeting financial and reporting requirements.
- H. Qualifying Populations: Describe your agency's experience working with the qualifying populations and diverse individuals. Include the agency's approach to engage clients and incorporate feedback received into program planning and implementation.

Part IV - Application Budget

Complete and sign the attached HOME-ARP Budget Proposal forms (Attachment D). In addition, the budget narrative should explain the total project budget in detail. Please explain the budget items in the order that the items are listed in the HOME-ARP Budget Proposal forms. Please list each item individually and describe the amount of HOME-ARP funds requested, other/matching funds, and the total project costs for each item. Please identify the unit costs (e.g. \$0.10/mile) and the total number of units and the measurement used (e.g.; current market price, hourly rate, linear foot estimate, etc.). **Please do not group items together and/or estimate their costs together.** Not all items are eligible for HOME-ARP Program funding and staff must be able to determine the eligibility and the reasonable costs for each item in the budget during the review process.

Please do not change the budget categories on the budget forms. Please check your calculations and cost estimates on the budget proposal forms for correctness. Rows and columns should total correctly and match the cost estimates included in the narrative.

Note: HOME-ARP does not require matching funds. However, it is encouraged and expected that the supportive service provider will utilize existing resources throughout the community to maximize the participants' chances of housing stability. Please distinguish between other funds and matching funds used to leverage HOME-ARP Program funds in your proposal. It is very important that all unit costs and calculations for items be explained in the budget narrative. The source for unit costs also must be explained (e.g. current market price, hourly rate, estimates, etc.). Private financing arrangements should be discussed in detail in this section.

For other/matching funds, please state the amount and fully identify the source of funding. **Letters of commitment for matching funds must be included.** Letters of commitment should be on each contributor's letterhead and include the total amount of matching funds, donated land, labor, or materials to be contributed. In addition, the letter must provide a dollar value for each contribution. Letters of commitment should be dated within thirty (30) days of an application's submission for funds.

Part V - Documentation

- A. Articles of Incorporation/Bylaws: Articles of Incorporation are the documents filed with the State of Texas which formally establishes a private corporation, business or agency. These documents must be signed and dated and include a government seal or stamp.
- B. State and Federal (IRS) Tax Exemption Determination Letters: Nonprofit organizations must submit tax-exemption determination letters from the Federal Internal Revenue Service and the State of Texas.
- C. List of Board of Directors: A list of the current Board of Directors or other governing body of the organization must be submitted. The list must include the name, telephone number, address, occupation and employer of each member; and must identify the principal officers of the governing body.
- D. Board of Directors' Authorization to Request Funds: A written document certifying that the Board of Directors has approved the funding request and authorized the submission of the proposed project.
- E. Board of Directors' Designation of Authorized Official: A written document certifying that the authorized person has the permission of the Board of Directors to act for the organization. Documentation of this requirement consists of a signed letter from the chairperson of the governing body providing the name, title, address, and telephone number of the authorized individual. It is the responsibility of the entity to provide Montgomery County with written notice of any changes in an entity's authorized official within thirty (30) days of the change.
- F. Board of Directors' Designation of Contact Person: A written document identifying one contact person for an entity submitting a proposal. It is the responsibility of the entity to provide Montgomery County with written notice of any changes in an entity's contact person, address, or telephone number within thirty (30) days of the change. The County requests that the contact person be the organization's only liaison with Grants & Community Development in order to avoid any miscommunications and duplication of effort.
- G. Organization Chart: An organization chart must be provided which describes the organization's administrative framework and staff positions. Please indicate where the proposed project will fit into the organizational structure and also identify any staff positions of shared responsibility.
- H. Proof of Existing UEI and DUNS numbers: Proof of existing UEI and DUNS numbers, whether printed out or copied.
- I. Job Description and Resume of the Chief Program Administrator: Job descriptions must be on a separate page and include the essential job duties and responsibilities; the minimum job requirements such as knowledge or minimum education, minimum work experience, skills and abilities, special requirements, equipment used, contacts, supervision required, physical demands, work environment, hours, benefits and salary.

- J. Job Description and Resume of the Chief Fiscal Officer: Job descriptions must be on a separate page and include the essential job duties and responsibilities; the minimum job requirements such as knowledge or minimum education, minimum work experience, skills and abilities, special requirements, equipment used, contacts, supervision required, physical demands, work environment, hours, benefits and salary. Fiscal Officer should be knowledgeable of uniform administrative requirements and cost principles. The subrecipient shall comply with the policies, guidelines and requirements of 2 CFR 200 - Uniform Administrative Requirements, cost principles, and audit requirements for federal awards.

Fiscal Officer should be knowledgeable of Financial Accounting Services Board guidelines for standards of financial accounting and reporting especially "Statement of Financial Accounting Standards No. 117: Financial Statements of Not-for-Profit Organizations." Note: Information is available at www.fasb.org.

- K. Recent Financial Statements and Audit: Please provide current year entity budget, balance sheet and audit. Also provide a budget for the period for which HOME-ARP Supportive Service program assistance is requested.

Applicants will be carefully assessed for capacity and fiscal soundness prior to award.

In accordance with the Office of Management and Budget Circulars A-133 and A-110 and 2 CFR 200, the Federal Government requires that non-federal entities receiving \$1,000,000 or more in federal financial assistance in a fiscal year must secure a single audit. If the organization expends \$1,000,000 or more under only one Federal program, a program-specific audit may be acceptable. Organizations receiving less than \$1,000,000 must secure an outside independent audit, but neither a single audit nor program-specific audit is required.

- L. Letters of Commitment: Letters of commitment for any matching funds should be current; i.e., dated within thirty (30) days of application for HOME-ARP Supportive Service funds. Letters must be signed by a person with the authorization to enter into financial or legal agreements for the organization or agency.
- M. Job Descriptions: Written descriptions for all positions associated with HOME-ARP Supportive Service funding. Job descriptions for each position associated with HOME-ARP Supportive Service funding must be on a separate page and include the essential job duties and responsibilities; the minimum job requirements such as knowledge or minimum education, minimum work experience, skills and abilities, special requirements, equipment used, contacts, supervision required, physical demands, work environment, hours, benefits and salary.
- N. Letters of Support and Letters of Reference: Please include only letters of support from persons who will directly benefit from the project or letters from persons with expertise regarding technical aspects of the project. Also include letters of reference from financial institutions, which have provided financing for proposal participants for similar projects.
- O. Fidelity Bond: Please submit proof of insurance.

Completed Budget Forms

Note: All applicants must submit material changes in their project descriptions as a written request for changes to the County during the proposal review process. Examples of material changes include, but are not limited to, a change in project site, the number of units/clients to be produced/served, changes in funding requirements and any changes to the standard required documents.

Omission/misstatement in any Documentation

Note: Applicant acknowledges and agrees that any material omission or misstatement found by Montgomery County, at any time, to have been made by the applicant under any aspect of the application, including its supportive documentation, shall entitle Montgomery County, at its sole option, to disallow, withdraw and/or terminate any approval and/or contract, even if previously awarded, in relation to this application and any potential contract resulting hereto, and shall further entitle County to take all appropriate legal action to protect County's interests in relation hereto.

Part VI – Certification

- A. Resolution: Please review, sign, and submit the form included with this proposal (Attachment E).
- B. Completed and Signed Conflict of Interest Disclosure Form: Please review, sign and submit the form included with this proposal (Attachment F).
- C. Certification regarding Claims: Please review, sign and submit the form included with this proposal (Attachment G).
- D. Completed and Signed Certification for Grants and Contracts (Lobbying Certification): Please review, sign and submit the form included with this proposal (Attachment H).

Attachment A

Montgomery County Grants and Community Development



HOME-ARP POLICIES & PROCEDURES MANUAL

February 2025

**501 North Thompson, Ste. 200
Conroe, TX 77301**

936-538-8060

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Montgomery County, Texas policies and procedures to administer HUD activities are established in, and for purposes of, compliance with all applicable local, state and federal laws. Upon request, language assistance services shall be made available in relation to this document, pursuant to the Language Access Plan as approved and adopted by Montgomery County, Texas on June 13, 2023, as updated.

BACKGROUND

The American Rescue Plan Act of 2021 appropriated \$5 billion in ARP funds to provide housing, services, and shelter to individuals experiencing homelessness and other vulnerable populations. ARP authorized the U.S. Department of Housing and Urban Development (HUD) to allocate HOME-ARP funds to states, units of general local government, insular areas, and consortia of units of general local government that qualified for an allocation of HOME funds in Fiscal Year (FY) 2021.

In September 2021, HUD announced that Montgomery County, Texas (hereafter referred to as “Montgomery County” or “County” or “Participating Jurisdiction (PJ)”) would receive \$2,548,899.00 in HOME-ARP funds. The County subsequently developed a HOME-ARP Allocation Plan that became part of its PY2021 HUD Annual Action Plan by substantial amendment. HUD approved the County’s HOME-ARP Allocation Plan on May 15, 2023.

Per our HUD-approved HOME-ARP Allocation Plan, Montgomery County has programmed funds into the HOME-ARP activities in the chart below. Because the County programmed funds into specific HOME-ARP eligible activities, and not every activity available, this Policies and Procedures Manual will only cover the County funded activities, and shall be deemed applicable to County’s subrecipients, contractors and subcontractors, and subrecipients’ contractors and subcontractors, at all tier levels, as are related to said activities.

	Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services	\$ 823,899		
Acquisition and Development of Non-Congregate Shelters	\$ 1,500,000		
Tenant Based Rental Assistance (TBRA)			
Development of Affordable Rental Housing			
Non-Profit Operating			5%
Non-Profit Capacity Building			5%
Administration and Planning	\$ 225,000	8.83 %	15%
Total HOME ARP Allocation	\$ 2,548,899		

PROGRAM ELIGIBILITY

HOME-ARP¹ (also referred to hereafter as the “Program”) activities must address the need for homelessness assistance and supportive services for qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations. There are four eligible activities for funding under HOME-ARP, which include:

- Production or Preservation of Affordable Housing;
- Tenant-Based Rental Assistance (TBRA);
- Supportive Services, including services defined at 24 CFR 578.53(e), Homeless Prevention Services, and Housing Counseling;
- Purchase and Development of Non-Congregate Shelter.

HOME-ARP funds must be used to primarily benefit individuals or families from the four

¹ Information on HOME-ARP Program is available at https://www.hud.gov/program_offices/comm_planning/home-arp

Qualifying Populations (QPs) listed below:

1. Homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a));
2. At-risk of homelessness, as defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1));
3. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, as defined by the Secretary of HUD;
4. In other populations where providing supportive services or assistance under section 212(a) of the Act (42 U.S.C. 11360(1)) would prevent the family's homelessness or would serve those with the greatest risk of housing instability;

This document outlines the policies and procedures related to the HOME-ARP Program, administered by the Montgomery County Grants and Community Development Department. As a result of the Needs Assessment and Gaps Analysis, as well as the resources available to support other potentially eligible HOME-ARP activities, the County will invest its HOME-ARP funds in the acquisition and development of non-congregate shelter for persons fleeing domestic violence and in supportive services for all HOME-ARP qualifying populations.

This document includes information about the subrecipient award process, referral methods, service eligibility, types of services to be provided, eligible costs, administrative processes, monitoring, and compliance with other crosscutting federal regulations. The policies and procedures contained here apply to all HOME-ARP funded activities. All subrecipient awards are subject to the availability of funds and regulations and policies associated with the specific funding source, including the HOME- ARP Implementation Notice and Appendix (Requirements for the Use of Funds in the HOME-American Rescue Plan Program: Notice [CPD-21-10](#), as updated)² and other related guidance. To the full extent applicable, said Notice CPD-21-10 is further deemed incorporated herein by reference.

Montgomery County is responsible for assuring that all regulations are adhered to throughout the processes related to HOME-ARP subrecipient awards, service delivery, and project closeout. All subrecipients of HOME-ARP funding are responsible for meeting the regulations contained in this manual and for those in effect and required by any other applicable agency. In the event standards in this manual are more restrictive than those provided by other agencies, these standards shall supersede all other regulations to the extent allowed by law, unless the differences are specifically dealt with in this manual.

All contents, exhibits and documents referenced and/or included in this manual are subject to change as the Program requires or as further guidance is provided from HUD specifically and/or other applicable local, state and federal authorities. Accordingly, the policies and procedures herein will be reviewed on an annual basis, or more frequently as deemed appropriate by County, and may be updated as needed.

² Notice [CPD-21-10](#), U. S. Department of Housing and Urban Development Office of Community Planning and Development, issued September 13, 2021, at weblink: <https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-10cpdn.pdf>; and <https://www.hud.gov/sites/dfiles/OCHCO/documents/cpdWaiverHOMEARP.pdf>; this policy manual shall be deemed to include all federal updates to Notice CPD-21-10 and associated notices/appendices, as applicable.

METHODS OF SUBRECIPIENT SELECTION

The County will subgrant HOME-ARP funds for supportive services and the acquisition and development of non-congregate shelters to local organizations through a Grant Application process. Funds awarded will be in the form of a grant with funds drawn for reimbursement of costs incurred. A funding agreement between the service provider(s) and the County will establish terms. HOME-ARP funds can only be used for eligible costs incurred after an agreement has been fully executed.

ELIGIBLE APPLICANTS

Proposals will be accepted for consideration from any nonprofits or 501(c)3 organization that has validly been in existence for at least one (1) year, as verifiable from the Texas Secretary of State and applicable tax records. Eligible applicants should be nonprofits or other 501(c)3 organizational entities with a history of providing housing, shelter and/or services to one or more of the qualifying populations. Applicants must be able to demonstrate that they have the capacity to meet program compliance requirements in that applicants should be organizations with:

- Paid staff who possess the knowledge and ability to oversee the subject project through its completion and ensure compliance through any restrictive use period;
- Staff, contractors, or consultants with the expertise and experience needed to complete the project in a timely manner and in compliance with applicable local, federal and state law, as well as all other applicable requirements; and
- Key individuals who are experienced with Federal programs and reporting requirements.

GRANT APPLICATION PROCESS

The County will release a Grant application notice with specific application guidelines, one for supportive services and one for the acquisition and development of non-congregate shelters. This method involves more than one source submitting an application and a grant award of a cost-reimbursement type of contract.

1. Grant applications will be publicized and identify all evaluation factors and their relative importance.
2. Proposals will be accepted from non-profits via an application on the Montgomery County Grants and Community Development website; all timely submitted responses will be considered to the maximum extent practical.
3. All qualifying proposals will be presented to the Montgomery County Community Development Advisory Committee for review and scoring. Applications will be evaluated according to criteria such as organizational or developer experience, capacity, demonstrated grant management experience, services offered, housing need, project readiness, and leveraged resources, among other factors.
4. Subrecipient awards will be made to responsible organizations whose proposals are most advantageous to the program.
5. The County will enter into a formal, legally binding, written subrecipient agreement with the selected organization(s) before any HOME-ARP funds will be disbursed. At a minimum, the subrecipient agreement will typically include:
 - The amount and use of funds;
 - Type of services provided;
 - The client referral methods and eligibility requirements for services;

- The timeframe for service provision;
- A project budget;
- Reporting and record retention requirements;
- Administrative requirements;
- Applicable cross-cutting and other required federal regulations [including 24 CFR 5.105], and;
- Compliance and monitoring requirements.

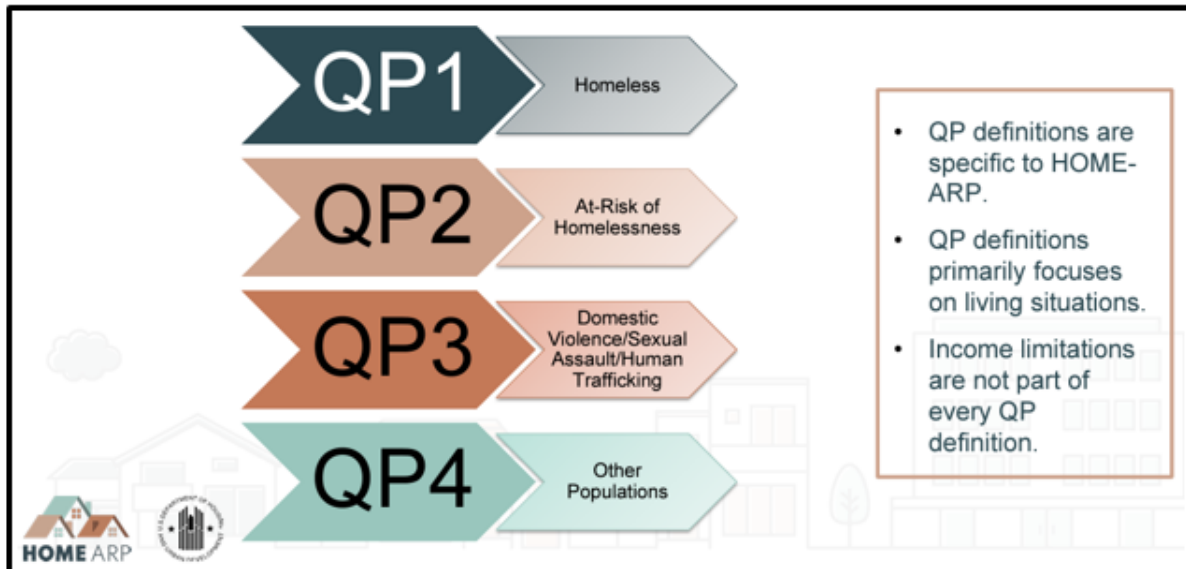
TIMEFRAME

The County will issue one grant application for supportive services and one grant application for the acquisition and development of non-congregate shelters. Following application evaluation, preliminary award letters will be issued and the subrecipient agreements will be executed. Grant cycles will be on a one-year service provision with the possibility of a second year renewal or other extension.

QUALIFYING POPULATIONS, PREFERENCES, & REFERRAL METHODS

HOME-ARP requires that funds be used to benefit households in specific “qualifying populations,” as defined below. Any household meeting the criteria for these populations is eligible to receive services funded through HOME-ARP.

QUALIFYING POPULATIONS



Qualifying Population One (QP1)

Homeless as defined in the McKinney-Vento Homeless Assistance Act, 24 CFR 91.5 “Homeless” paragraphs (1), (2), and (3) which includes:

- 1) An individual or family who lacks a fixed, regular, and adequate nighttime residence,
- 2) An individual or family who will imminently lose their primary nighttime residence,
- 3) Unaccompanied youth under 25 years of age, or families with children and youth who do not otherwise qualify as homeless but who meet specific criteria in 24 CFR 91.5

Homeless paragraph (3).

Qualifying Population Two (QP2)

At risk of homelessness as defined in the McKinney-Vento Homeless Assistance Act, 24 CFR 91.5- "At risk of homelessness" which includes but is not limited to:

- 1) An individual or family who has an annual income below 30 percent of median family income for the area, AND
- 2) Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place not meant for human habitation, AND
- 3) Meets one of the conditions outlined in 24 CFR 91.5 *At Risk of Homelessness* paragraph (1)(iii).

Qualifying Population Three (QP3)

Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (defined by the Violence Against Women Act, 24 CFR 5.2033), and/or or human trafficking (defined by Trafficking Victims Protection Act of 2000) which includes:

- 1) Any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking.
- 2) Cases where an individual or family reasonably believes that there is a threat of imminent harm from further violence due to dangerous or life-threatening conditions that relate to violence against the household that has either taken place within the household's primary nighttime residence or has made the household afraid to return or remain within the same residence.

Qualifying Population Four (QP4)

Other Populations as defined by Section IV.A.4 of Notice CPD-21-10. This definition is unique to the HOME-ARP program and means other families requiring services or housing assistance to prevent homelessness: where assistance would prevent the individuals or family's homelessness, such as household who were previously met the definition of "Homeless" as defined by 24 CFR 91.5, are currently housed due to temporary or emergency assistance, and who need additional housing assistance or supportive services to avoid a return to homelessness or serve those with the greatest risk of housing instability.

OR

At Greatest Risk of Housing Instability: where a household has an annual income less than or equal to 30% of the area median income and is experiencing severe cost burden (paying more than 50% of the monthly household income towards housing costs, OR where a household has an annual income less than or equal to 50% of the area median income and meets one of the conditions in paragraph (iii) of "At risk of homelessness" definition at 24 CFR 91.5. Each QP is defined fully in the Section IV of Notice CPD-21-10.

Note: Veterans and Families that include a Veteran Family Member that meet the criteria for one of the qualifying populations described above are eligible to receive HOME-ARP assistance.

PREFERENCES

ARP establishes the qualifying populations that are eligible for assistance with HOME-ARP funds and allows a Participating Jurisdiction (PJ) to establish reasonable preferences among the qualifying populations to prioritize applicants for HOME-ARP projects or activities based on the

PJ's needs and priorities. The County established a preference to prioritize the acquisition and development of non-congregate shelter specifically for persons fleeing domestic violence and in supportive services for all HOME-ARP qualifying populations in its HOME-ARP allocation plan.

REFERRAL METHOD

The Harris, Montgomery, and Fort Bend County Continuum of Care and The Way Home, with input from area homeless providers, have established guidelines that outline the Coordinated Access System and the Domestic Violence Coordinated Access System. Anyone is eligible to seek assistance through Coordinated Access system, including all qualifying populations. No qualified population will be excluded from applying and, to the extent funding is available and subject to prioritization of applicants as described below, receiving assistance through HOME-ARP. Both Coordinated Access systems direct applicants to the intervention and services that are most aligned with their needs. Prioritization will occur after coordinated intake and will include those in greatest need with each eligible applicant placed on a first-come, first-serve waiting list for programs that align with their needs.

SUPPORTIVE SERVICES OVERVIEW

HOME-ARP funds may be used to provide a broad range of supportive services to individuals and families that meet one of the qualifying populations. Supportive services may only be provided to individuals and families who are not already receiving the services through another program. Supportive services may only be provided to individuals and families within Montgomery County, Texas.

ELIGIBLE PROGRAM PARTICIPANTS

Supportive services may be provided to individuals and families who meet the definition of a qualifying population as defined previously and who are not receiving these services through another program. The subrecipient organization must ensure that clients are only receiving the services needed and maintain client records indicating such.

INCOME QUALIFICATION

HOME-ARP funds are intended to benefit households based on their status as "qualifying populations" as defined in Section IV.A of the [HOME-ARP Notice: CPD-21-10](#)³. All clients receiving services funded through HOME-ARP must have a household income at or below 80% Area Median Income (AMI) per the HOME "low-income" requirements. All income calculations to meet income criteria of a qualifying population or required for income determinations in HOME-ARP eligible activities must use the annual income definition in [24 CFR 5.609](#) in accordance with the requirements of [24 CFR 92.203\(a\)\(1\)](#).

ELIGIBLE SUPPORTIVE SERVICES

There are three categories specifically included as supportive services under HOME-ARP. Subrecipient agreements with supportive service providers will state which type of supportive services will be offered to program participants. Only the supportive services that are authorized in the written agreement may be provided to program participants by that supportive service provider and only program participants that are eligible for those supportive services may be served. The following categories are included as supportive services:

- McKinney-Vento Supportive Services listed in section 401(29) of the McKinney-Vento Homeless Assistance Act ("McKinney-Vento Supportive Services")([42 U.S.C 11360\(29\)](#));
- Homelessness prevention services, as described in CPD 21-10 Section VI.D.3 and D.4;

³ *Id.*

and

- Housing counseling services, as defined at [24 CFR 5.100](#) and [5.111](#), except that homeowner assistance related services are not eligible HOME-ARP activities and costs for the provision of services related to mortgages and homeownership to existing homeowners are also not eligible under HOME-ARP.

Eligible Costs Associated with McKinney-Vento and Homelessness Prevention Supportive Services⁴

All qualifying populations are eligible to receive supportive services under the HOME-ARP supportive services activity. Eligible costs associated with the McKinney-Vento supportive services and homelessness prevention supportive services include:

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

⁴ *Id.*

participants to locate, obtain and retain housing are eligible. Services are:

- Development of an action plan for locating housing;
- Housing search;
- Tenant counseling;
- Securing utilities;
- Making moving arrangements;
- Outreach to and negotiation with owners;
- Assistance submitting rental applications and understanding leases;
- Financial assistance for short-term and medium-term rental payments;
- Assistance obtaining utilities;
- Tenant counseling;
- Mediation with property owners and landlords on behalf of eligible program participants;
- Credit counseling, accessing a free personal credit report, and resolving personal credit issues; and
- Payment of rental application fees.

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

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

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

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

- H. Mental health services: Eligible costs are the direct outpatient treatment of mental health conditions that are provided by licensed professionals.
- Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances. Problem areas may include family and marital relationships, parent-child problems, or symptom management.
 - Services are crisis interventions; counseling; individual, family, or group therapy sessions; the prescription of psychotropic medications or explanations about the use and management of medications; and combinations of therapeutic approaches to address multiple problems.
- I. Outpatient health services: Eligible costs are the direct outpatient treatment of medical conditions when provided by licensed medical professionals including:
- Providing an analysis or assessment of a program participant's health problems and the development of a treatment plan;
 - Assisting program participants to understand their health needs;
 - Providing directly or assisting program participants to obtain and utilize appropriate medical treatment;
 - Preventive medical care and health maintenance services, including in-home health services and emergency medical services;
 - Provision of appropriate medication;
 - Providing follow-up services; and
 - Preventive and non-cosmetic dental care.
- J. Outreach services: The costs of activities to engage qualified populations for the purpose of providing immediate support and intervention, as well as identifying potential program participants, are eligible.
- Eligible costs include the outreach worker's transportation costs and a cell phone to be used by the individual performing the outreach.
 - Costs associated with the following services are eligible: initial assessment; crisis counseling; addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries; actively connecting and providing people with information and referrals to homeless and mainstream programs; and publicizing the availability of the housing and/or services provided within the County's geographic area.
- K. Substance abuse treatment services: Eligible substance abuse treatment services are designed to prevent, reduce, eliminate, or deter relapse of substance abuse or addictive behaviors and are provided by licensed or certified professionals. The costs include:
- Program participant intake and assessment;
 - Outpatient treatment;
 - Group and individual counseling
 - Drug testing;
 - Inpatient detoxification and other inpatient drug or alcohol treatment are ineligible.
- L. Transportation: Eligible costs are:
- The costs of program participant's travel on public transportation or in a vehicle provided by the subrecipient to and from medical care, employment, childcare, or other services eligible under this Notice;
-

- Mileage allowance for service workers to visit program participants and to carry out housing inspections;
 - The cost of purchasing or leasing a vehicle in which staff transports program participants and/or staff serving program participants;
 - The cost of gas, insurance, taxes, and maintenance for the vehicle;
 - The costs of subrecipient staff to accompany or assist program participants to utilize public transportation; and
 - If public transportation options are not sufficient within the area, the Subrecipient may make a one-time payment on behalf of a program participant needing car repairs or maintenance required to operate a personal vehicle, subject to the following:
 - Payments for car repairs or maintenance on behalf of the program participant may not exceed 10 percent of the Blue Book value of the vehicle (Blue Book refers to the guidebook that compiles and quotes prices for new and used automobiles and other vehicles of all makes, models, and types);
 - Payments for car repairs or maintenance must be paid by the subrecipient directly to the third party that repairs or maintains the car; and
 - Subrecipients may require program participants to share in the cost of car repairs or maintenance as a condition of receiving assistance with car repairs and maintenance.
- M. Case management: The costs of assessing, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant(s) are eligible costs. Subrecipients providing these supportive services must have written standards for providing the assistance. Eligible costs are those associated with the following services and activities:
- Conducting the initial evaluation, including verifying and documenting eligibility, for individuals and families applying for supportive services;
 - Counseling;
 - Developing, securing, and coordinating services;
 - Using a centralized or coordinated assessment system that complies with the requirements of the HUD CPD-21-10 Notice;
 - Obtaining federal, State, and local benefits;
 - Monitoring and evaluating program participant progress;
 - Providing information and referrals to other providers;
 - Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking;
 - Developing an individualized housing and service plan, including planning a path to permanent housing stability; and
 - Conducting re-evaluations of the program participant's eligibility and the types and amounts of assistance, the program participant needs.
- N. Mediation: HOME-ARP funds may pay for mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.
- O. Credit repair: HOME-ARP funds may pay for credit counseling and other services necessary to assist program participants with critical skills related to household budgeting,

managing money, accessing a free personal credit report, and resolving personal credit problems. This assistance does not include the payment or modification of a debt.

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

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

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

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

- *Rental application fees*: Rental housing application fee that is charged by the owner to all applicants.
- *Security deposits*: A security deposit that is equal to no more than 2 months' rent. This assistance is separate and distinct from the provision of financial assistance for First and Last Month's rent provided under this section and cannot be used to duplicate those costs.
- *Utility deposits*: HOME-ARP funds may pay for a standard utility deposit or initiation fee required by the utility company or owner (if owner-paid utilities are provided) for all program participants for the following utilities:
 - Gas
 - Electric
 - Water
 - Sewer
- *Utility payments*: HOME-ARP funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. A partial payment of a utility bill counts as one month. This assistance may only be provided if the program participant or a member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water, and sewage. No program participant shall receive more than 24 months of utility assistance within any 3-year period.
- *Moving costs*: HOME-ARP funds may pay for moving costs, such as truck rental or hiring a moving company. This assistance may include payment of temporary storage fees for up to 3 months, provided that the fees are accrued after the date

the program participant begins receiving assistance under this section of the Notice and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.

- *First and Last month's rent:* If necessary to obtain housing for a program participant, HOME-ARP funds may be used to make a pre-payment of the first and last month's rent under a new lease to the owner at the time the owner is paid the security deposit for the program participant's tenancy in the housing. This assistance must not exceed two month's rent and must be tracked for purposes of determining the total short- and medium-term financial assistance for rent that the program participant may receive. This assistance is separate and distinct from financial assistance for Security Deposits provided under this section and cannot be used to duplicate those costs.
- *Payment of rental arrears:* HOME-ARP funds may be used for a one-time payment for up to 6 months of rent in arrears, including any late fees or charges on those arrears, if necessary for the household to maintain their existing housing or, for those without housing, if necessary to remove a demonstrated barrier to obtaining housing.

S. Short-term and medium-term financial assistance for rent: Subject to the following conditions, a Subrecipient may provide a program participant with short-term or medium-term financial assistance for rent, provided that the total financial assistance provided, including any pre-payment of first and last month's rent as described above, does not exceed 24 months of rental payments over any 3-year period.

- Short-term means up to 3 months.
- Medium-term means more than 3 months but not more than 24 months.
- The Subrecipient may make rental payments only to an owner with whom the Subrecipient has entered into a financial assistance agreement for rental payment. The financial assistance agreement must provide that, during the term of the agreement, the owner must give the Subrecipient a copy of any notice to the program participant to vacate the housing unit or any complaint used under State or local law to commence an eviction action against the program participant. The owner must serve written notice upon the program participant at least 30 days before termination of tenancy specifying the grounds for the action. Each financial assistance agreement that is executed or renewed must comply with the requirements in [24 CFR 92.359](#).
- The Subrecipient must make timely payments to each owner in accordance with the financial assistance agreement. The financial assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The Subrecipient is solely responsible for paying late payment penalties that it incurs with non-HOME-ARP funds.
- Rental payments cannot be provided unless the rent does not exceed the Fair Market Rent established by HUD, as provided under [24 CFR part 888](#), and complies with HUD's standard of rent reasonableness, as established under [24 CFR 982.507](#).
- Each program participant receiving financial assistance for rental payments must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. Where the financial assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the

program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks. New leases must have an initial term of 1 year unless a shorter period is agreed upon by the program participant and owner. The lease requirements in [24 CFR 92.359](#) apply to this financial assistance.

- Subrecipients must establish requirements to prevent the provision of short- or medium-term financial assistance for rent for the same period for which a program participant is receiving rental assistance or living in housing provided with ongoing assistance (such as project-based rental assistance or operating subsidies).
- If a program participant receiving financial assistance for short- or medium-term rental payments under this section meets the conditions for an emergency transfer under [24 CFR 5.2005\(e\)](#), HOME-ARP funds may be used to pay amounts owed for breaking a lease to effectuate an emergency transfer. These costs are not subject to the 24-month limit on rental payments.

Ineligible Costs Associated with McKinney-Vento and Homelessness Prevention Supportive Services

Financial assistance cannot be provided to a program participant who is receiving the same type of assistance through other public sources. Only services outlined above are eligible for funding with HOME-ARP dollars. Any ineligible costs paid using HOME-ARP funds must be repaid to the County.

Eligible Costs Associated with Housing Counseling

Costs associated with housing counseling services as defined at 24 CFR 5.100 and 5.111 are eligible. Costs may only be paid under HOME-ARP if housing counseling services are provided by HUD-certified housing counselors and organizations.

Eligible costs include:

- Staff salaries and overhead costs of HUD-certified housing counseling agencies related to directly providing eligible housing counseling services to HOME program participants;
- Development of a housing counseling work plan;
- Marketing and outreach;
- Intake;
- Financial and housing affordability analysis;
- Action plans that outline what the housing counseling agency and the client will do to meet the client's housing goals and that address the client's housing problem(s);
- Follow-up communication with program participants; and
- Pre-purchase home buying counseling, education and outreach to a program participant that is a candidate for homeownership.

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

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

SUBRECIPIENT COSTS

Project Delivery Costs

Project delivery costs must be attributable to the identifiable objective of the service delivered,

otherwise they must be considered administrative costs.

The following are eligible project delivery costs:

- Salary and benefits packages of subrecipient staff who directly provide supportive services to clients.
- The costs of materials, supplies, and related expenses incurred by the subrecipient while directly providing supportive services to clients.

Administrative Costs

The subrecipient may request reimbursement for administrative costs incurred to facilitate the delivery of the supportive services program/project. Eligible administrative costs are capped at 15% and may include, but are not limited to, equipment, supplies, subscriptions, communications expenses, insurance, and professional services. Under the County's Program policies, indirect costs will not be eligible for reimbursement. If the cost is directly attributable to the service delivered it is considered Project Delivery cost(s).

LEVERAGING OF FUNDS

HOME-ARP does not require matching funds. However, it is encouraged and expected that the supportive service provider will utilize existing resources throughout the community to maximize the participant's chances of housing stability.

OVERSIGHT AND MANAGEMENT

Duplication of Benefits

The HOME-ARP subrecipient organization is responsible for ensuring that clients receiving eligible supportive services funded through HOME-ARP are not simultaneously receiving or approved to receive the same services from another program or provider. The subrecipient organization must use the HMIS database in coordination with other local service providers and information available through The Way Home partner organizations to prevent duplication of benefits.

Termination of Assistance

Subrecipients must have written termination, denial, and grievance policies and/or procedures. The policies and/or procedures should be readily available to households either in written information or by posting the policy in a public place. It is important to effectively communicate these policies and/or procedures to households and ensure that they are fully understood.

Termination of Participation

Causes for termination may include, but are not limited to, failure to abide by any agreed upon requirements and client fraud. Subrecipients must provide a formal process must include, at a minimum:

1. Written notice to the household containing a clear statement of the reasons for termination;
2. A review of the decision, in which the household 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. This may include the household's right to question or peacefully and calmly confront staff involved; and
3. Prompt written notice of the final decision to the program participant.

Denial and Grievance

Causes of denial of assistance include, but are not limited to, the household's ineligibility or failure to provide verifiable evidence of eligibility, etc. Established procedures should describe:

1. Circumstances in which a household may not qualify or would be denied;
2. Notification of denial; and
3. A household's right to review a decision.

Throughout this process, the subrecipient organization must provide all communication in an accessible manner, in accordance with their established Language Assistance Plan, including providing reasonable accommodations as requested.

County Oversight and Final Decision Making Authority

Montgomery County shall retain full rights to oversight, and may exercise sole and final decision making authority, in relation to any and all matters pertaining to County's administration of the Program, including but not limited to Program implementation matters involving performance by County's subrecipients, contractors and subcontractors, and subrecipients' contractors and subcontractors to the full extent applicable, at all tiered levels. Said oversight and final decision making authority shall be aimed at compliance with, and shall remain subject to, Program applicable local, state and federal (including HUD) rules/regulations/policies and guidance.

REIMBURSEMENT PROCESS

The County reimburses the subrecipient organization for eligible expenses incurred on a monthly basis. Reimbursement requests, along with all supporting documentation, must be submitted to the County by the 15th of the following month. If the 15th falls on a weekend or holiday, the report must be submitted by the next business day.

REPORTING

The subrecipient must maintain household information for all clients assisted with HOME- ARP funds, in accordance with the Records section below. The subrecipient must submit beneficiary data, along with other requested information, to the County by the 15th of the following month. If the 15th falls on a weekend or holiday, the report must be submitted by the next business day.

The client data must include the number, size, and type of households assisted with supportive services, including each client's race, ethnicity, veteran, and marital status. The County reserves the right to include additional narrative reporting questions in the Monthly Report.

Overall program performance and total numbers of beneficiaries served are reported in the County's Consolidated Annual Performance and Evaluation Report (CAPER), as required by HUD.

PROJECT COMPLETION

A HOME-ARP project is considered complete only after the final reimbursement request has been drawn-down in IDIS and all required reports have been submitted by the subrecipient organization. This includes a final reconciliation of all financial records along with a close-out monitoring visit.

MONITORING

The County monitors subrecipients in accordance with its established Monitoring Policies and

Procedures. At a minimum, a desk-review of project and organizational records are completed quarterly. All subrecipient organizations must provide project- related documents upon request and accommodate an on-site monitoring as dictated by the Risk Analysis, established Monitoring procedures, or the Financial and Program Coordinator's discretion.

RECORDS

Consistent with the HOME-ARP Implementation Notice (CPD-21-10), the documents and information related to the HOME-ARP program and service delivery projects must be maintained in accordance with the records retention period as outlined in the HOME-ARP Recordkeeping section of said Notice⁵, including as follows:

Program Records

- A. Records evidencing that all HOME-ARP funds used for supportive services benefit individuals and households in qualifying populations.
- B. Records documenting compliance with the 15% limitation on administrative and planning costs.
- C. Confidentiality
 - Subrecipient written policies and procedures for maintaining confidentiality of qualifying households as individuals or families feeling, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking.
 - Subrecipient written policies and procedures for maintaining confidentiality in compliance with the VAWA protections contained in 24 CFR Part 5, Subpart L.
- D. Records demonstrating compliance with the written agreements
- E. Records demonstrating compliance with the applicable uniform administrative requirements
- F. Records documenting required monitoring reviews, audits and the resolution of any findings or concerns.

Project Records

- A. A full description of each project assisted with HOME-ARP funds, including the location (address), form of HOME-ARP assistance, qualifying households assisted with HOME-ARP funds (subject to the confidentiality requirements in the Implementation Notice).
- B. The source and application of funds for each project, including supporting documentation in accordance with 2 CFR 200.302; and records to document the eligibility of project costs.
- C. Records (written agreements) demonstrating compliance with the Implementation Notice.
- D. Records demonstrating that each qualifying household is eligible for HOME-ARP assistance based on the requirements of ARP and Section IV of the Implementation Notice.

⁵ *Id.*

- E. Records demonstrating that each household qualifying as homeless meet the requirements in 24 CFR 576.500(b)(1), (2), (3), or (4), as applicable [except that youth aged 24 and under must not be required to provide third-party documentation to show they are homeless to receive any shelter, housing, or services for which ESG (Emergency Solutions Grants) or CoC (Continuum of Care) Program funds may be used to supplement the HOME-ARP assistance].
- F. Records demonstrating that each household qualifying as “at risk of homelessness,” records that meet the requirements in 24 CFR 576.500(c)(1) or (2), as applicable, and include the following documentation of annual income:
- Income evaluation form containing the minimum requirements specified by HUD and completed by the recipient or subrecipient; and
 - Source documents for the assets held by the household and income received over the most recent period for which representative data is available before the date of the evaluation (e.g., wage statement, unemployment compensation statement, public benefits statement, bank statement);
 - To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., employer, government benefits administrator) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party of the income the household received over the most recent period for which representative data is available; or
 - To the extent that source documents and third-party verification are unobtainable, the written certification by the household of the amount of income the household received for the most recent period representative of the income that the household is reasonably expected to receive over the 3-month period following the evaluation.
- G. For all HOME-ARP Supportive Services projects pursuant to McKinney-Vento or Homelessness Prevention Supportive Services.
- H. Records, where applicable, demonstrating compliance with the termination of assistance requirement as described in Section VI.D.5 of the Implementation Notice.
- I. Records of all solicitations of and agreements with subrecipients and contractors, records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients, as applicable including any findings and corrective actions required.
- Records of all procurement contracts and documentation of compliance with the procurement requirements in 2 CFR part 200, subpart D, as revised by Section D of the Implementation Notice.
 - Records evidencing the use of the written procedures required under Section D.2 and records evidencing compliance with Section IV.C.2 of the Implementation Notice.
 - Records of all leases, subleases, and financial assistance agreements for the provision of rental payments, documentation of payments made by the PJ to owners, HOME-ARP sponsor, or qualifying households for the provision of financial assistance for rental payments, and supporting documentation for these payments, including dates of occupancy by qualifying individuals and families.
 - Records that document the monthly allowance for utilities (excluding telephone) used to determine compliance with the rent restriction.

- Records of the types of services provided under the PJ's program and the amounts spent on these services.
- Records demonstrating subrecipient compliance with the recordkeeping requirements in Section VIII.F of the Implementation Notice.

Financial Records

- A. Records, in accordance with 2 CFR 200.302, identifying the source and application of HOME-ARP funds. Identification must include, as applicable, the Assistance Listing program title and number (formerly Catalogue of Federal Domestic Assistance), Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.
- B. Records concerning the HOME-ARP Investment Trust Fund Treasury account and local account required to be established and maintained by this Notice, including deposits, disbursements, balances, supporting documentation and any other information required by IDIS.
- C. Records identifying the source and application of program income and repayments.
- D. Records demonstrating adequate budget control and other records required by 2 CFR 200.302, including evidence of periodic account reconciliations.

Records Concerning other Federal Requirements

- A. Equal opportunity and fair housing records.
 - Data on the extent to which each racial and ethnic group, and single-headed households by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with HOME-ARP funds.
 - Documentation that the PJ submitted a certification that it will affirmatively further fair housing consistent with HUD's Interim Final Rule entitled Restoring Affirmatively Furthering Fair Housing Definitions and Certifications (86 FR 30779, June 10, 2021) (codified at 24 CFR 5.151 and 5.152;),
 - Records demonstrating compliance with the nondiscrimination and equal opportunity requirements of 24 CFR 92, Subpart H.
- B. Affirmative marketing and MBE/WBE records.
 - Records demonstrating compliance with the affirmative marketing procedures and requirements of 24 CFR 92.351 and the Implementation Notice.
 - Documentation and data on the steps taken to implement the jurisdiction's outreach programs to minority-owned (MBE) and female-owned (WBE) businesses including data indicating the racial/ethnic or gender character of each business entity receiving a contract or subcontract of \$25,000 or more paid, or to be paid, with HOME-ARP funds; the amount of the contract or subcontract, and documentation of participating jurisdiction's affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction, and services.
- C. Records demonstrating compliance with the environmental review requirements of 24 CFR 92.352 and 24 CFR part 58.

- D. Records demonstrating compliance with the lead-based paint requirements of 24 CFR part 35, subparts A, B, J, K, M, and R, as applicable.
- E. Records supporting compliance with conflict-of-interest requirements in 24 CFR 92.356.
- F. Records demonstrating compliance with debarment and suspension requirements in 24 CFR part 2424.
- G. Records concerning intergovernmental review, as required by 24 CFR 92.357.

ACQUISITION AND DEVELOPMENT OF NON-CONGREGATE SHELTER OVERVIEW

HOME-ARP non-congregate shelters (NCS) is one or more buildings that provide private units or rooms as temporary shelter to individuals and families and does not require occupants to sign a lease or occupancy agreement. Subrecipients/property owners of HOME-ARP NCS are prohibited from charging occupancy fees. HOME-ARP funds may be used to acquire and develop HOME-ARP NCS for individuals and families in qualifying populations. This activity may include but is not limited to the acquisition of land and construction of HOME-ARP NCS or acquisition and/or rehabilitation of existing structures such as motels, hotels, or other facilities to be used for HOME-ARP NCS. HOME-ARP funds may not be used to pay the operating costs of HOME-ARP NCS. Consequently, operators must consider the availability of ongoing operating funds for the HOME-ARP NCS so that the HOME-ARP NCS can remain viable through the restricted use period.

PREFERENCES AND OVERSIGHT

Montgomery County provides a preference for HOME-ARP NCS projects that will serve individuals or families fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking (fleeing or attempting to flee). This means that NCS projects that provide this preference will be given funding priority.

County Oversight and Final Decision Making Authority

Montgomery County shall retain full rights to oversight, and may exercise sole and final decision making authority, in relation to any and all matters pertaining to County's administration of the Program, including but not limited to Program implementation matters involving performance by County's subrecipients, contractors and subcontractors, and subrecipients' contractors and subcontractors to the full extent applicable, at all tiered levels. Said oversight and final decision making authority shall be aimed at compliance with, and shall remain subject to, Program applicable local, state and federal (including HUD) rules/regulations/policies and guidance.

ELIGIBLE ACTIVITIES AND COSTS

Eligible Activities

Based on the above preferences, County's HOME-ARP NCS funds may only be used to acquire, rehabilitate, or construct NCS units to serve individuals and families in Qualifying Population 3- those fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, and stalking.

Eligible Costs

HOME-ARP funds may be used for:

- A. Acquisition Costs: Costs to acquire improved or unimproved real property for use as or development of HOME-ARP NCS.
- B. Demolition Costs: Costs to demolish existing structures for the purpose of developing HOME-ARP NCS.
- C. Development Hard Costs: Costs to rehabilitate or construct HOME-ARP NCS units to meet the HOME-ARP minimum habitability standards. Costs to make improvements to the project site, including:
- installation of utilities or utility connections;
 - laundry facilities;
 - community facilities;
 - on-site management;
 - supportive service offices.
- D. Project Soft Costs: Reasonable and necessary costs incurred associated with financing, acquisition, and development of HOME-ARP NCS projects such as:
- Architectural, engineering and related professional services to prepare plans, drawings, specifications, or capital needs assessments/work write-ups;
 - Financing fees, including private lender origination fees, credit reports, Title binders and insurance, recordation fees, appraisals;
 - Transaction fees and taxes, including but not limited to closing costs and appraisals;
 - Surety fees (surety bond/performance bonds);
 - Legal and accounting, including cost certifications;
 - Environmental reviews;
 - Developer and builder fees;
 - Impact fees; and
 - Capitalized replacement reserve in acquisition and/or rehabilitation projects.
- E. Replacement Reserve: Costs to capitalize a replacement reserve to cover reasonable and necessary costs of replacing major systems and their components. The costs of replacing major systems must be determined through a Capital Needs Assessment that lists the remaining useful life of major systems and the projected timeline of replacement and replacement costs during the restricted use period. Architects or contractors may utilize HUD's Capital Needs Assessment tool available at:
https://www.hud.gov/program_offices/housing/mfh/cna

Any unexpended HOME-ARP funds remaining in a project's replacement reserve at the completion of the restricted use period or upon conversion to rental housing must be returned.

INELIGIBLE COSTS

HOME-ARP funds may not be used for:

- Any cost not specifically identified as an eligible cost;
 - Purchasing County-Owned property;
 - Costs incurred prior to contract execution or after September 30, 2030;
 - Operating costs of a HOME-ARP NCS project;
-

- Conversion of HOME-ARP NCS to rental housing;
- Provision of additional HOME-ARP funds during the restricted use period, except as may be necessary during the first year after project completion;
- Matching contributions required under and Federal program;
- Improvements to or operating of public housing; and
- Delinquent taxes, fees, or charges

LOCATION RESTRICTIONS

HOME-ARP funds must be spent on NCS projects that are within Montgomery County, Texas.

DEVELOPMENT TIMING AND PROJECT COMPLETION

All HOME-ARP NCS projects must be completed within four (4) years of the date of commitment of the HOME-ARP funds based on the date of contract execution, provided further that in no event shall the period of performance exceed September 30, 2030⁶. Project completion is defined as:

1. All necessary title transfer requirements and construction work have been performed;
2. The project complies with the HOME-ARP requirements, including the property standards, as evidenced by a final inspection that is approved by local regulatory authorities;
3. The project is actively operating as HOME-ARP NCS;
4. All HOME-ARP funds necessary to complete the project for occupancy as HOME-ARP NCS have been disbursed; and
5. The County has entered project completion information into IDIS.

HOME-ARP NCS acquisition, rehabilitation, and/or new construction projects must begin operating as active shelters within six (6) months after the date of completion of the construction work.

NCS RESTRICTED USE PERIOD

Montgomery County will require a use restriction be filed against the property, typically in the form of a land use restriction agreement and deed of trust. During the restricted use period, HOME-ARP NCS may:

1. Remain as HOME-ARP NCS in compliance with the requirements of this guidebook;
2. Be used as a non-congregate emergency shelter under the Emergency Solutions Grant. During any period for which ESG funds are provided, applicable ESG requirements shall govern in the event of any conflict with HOME-ARP requirements.

HOME-ARP NCS is subject to a restricted use period which begins upon project completion. The restricted used period must be imposed for at least the following periods:

⁶ *Id.*

HOME-ARP NCS Type	Restricted Use Period
New Construction	15 years
Any level of Rehabilitation	10 years
Acquisition only	10 years

New Construction- newly constructed HOME-ARP NCS units must be operated as HOME-ARP NCS units for qualifying population #3 (fleeing or attempting to flee) for a restricted use period of 15 years, regardless of the amount of HOME-ARP funds invested in the project.

Rehabilitation- HOME-ARP NCS units which receive any amount of HOME-ARP funds for rehabilitation, but are not designated as new construction by State or Local building code requirements must be operated as HOME-ARP NCS units for qualifying population #3 (fleeing or attempting to flee) for a restricted use period of 10 years.

Acquisition Only- Units acquired for use as HOME-ARP NCS that do not require rehabilitation for occupancy must serve qualifying population #3 (fleeing or attempting to flee) for a restricted use period of 10 years.

ADMISSION AND OCCUPANCY

HOME-ARP NCS units may only be occupied by individuals or families that meet the definition of “fleeing or attempting to flee” qualifying population. Individuals and families will be directed to intervention and services that are most aligned with their needs through the Domestic Violence Coordinated Access System. Prioritization will occur after coordinated intake of applicants, including those in greatest need, with each eligible applicant placed on a first-come, first-serve basis.

HOME-ARP funds cannot be used to operate the NCS but ESG funds can be used to operate the NCS. If an agency does not receive ESG funding then they will follow the HOME-ARP rules regarding admission and occupancy. However, if the agency that runs the shelter receives an ESG award to operate the shelter, then the ESG rules supersede the HOME-ARP rules for admission and occupancy. Accordingly, when operated as an ESG NCS, individuals and families must be selected in accordance with ESG policies and procedures⁷.

PROPERTY STANDARDS

Prior to occupancy, HOME-ARP NCS must meet local codes and standards. HOME-ARP NCS must also meet the HOME-ARP minimum habitability standards prior to occupancy and throughout the restricted use period.

The written agreement between the County and subrecipient/property owner will typically impose the HOME-ARP NCS property standards/minimum habitability standards and provide for

⁷ <https://www.hudexchange.info/news/home-arp-guide-to-esg-for-pjs-developing-ncs/>

inspections during project development and not less than annually throughout the restricted use period.

MINIMUM HABITABILITY STANDARD

Before occupancy and throughout the restricted use period, HOME-ARP NCS units and common areas must:

1. Meet all applicable State and Local codes, ordinances, and requirements.
2. Meet the applicable provisions of HUD's Lead Safe Housing Rules at 24 CFR Part 35.
3. Be structurally sound to protect occupants from the elements and not pose any threat to health and safety of the occupants.
4. Be accessible in accordance with:
 - Section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8;
 - The Fair Housing Act (42 U.S.C. 3601 *et seq.*) and implementing regulations at 24 CFR part 100; and
 - Title II of the Americans with Disabilities Act (42 U.S.C. 12131 *et seq.*) and implementing regulations at 24 CFR part 35.
5. Provide each individual or family with an acceptable, individual room to sleep that includes adequate space and security for themselves and their belongings.
6. Have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of occupants.
7. Have a water supply free of contamination.
8. Have in-unit sanitary facilities that are in proper operating condition and are adequate for personal cleanliness and the disposal of human waste.
9. Provide necessary heating/cooling facilities in proper operating condition.
10. Have adequate natural or artificial illumination to permit normal indoor activities and support health and safety.
11. Have sufficient electrical sources to permit the safe use of electrical appliances.
12. Provide on working smoke detector and one working carbon monoxide detector in each unit. All smoke and carbon monoxide detectors and alarm systems must be designed for hearing-impaired residents. All public areas of the shelter must have at least one working smoke detector and carbon monoxide detector.
13. Provide a second means of exiting the building in the event of fire or another emergency.
14. If food preparation areas are included, contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.

MINIMUM REHABILITATION STANDARDS

In addition to meeting the minimum habitability standards, HOME-ARP NCS that requires any level of rehabilitation, whether funded with HOME-ARP or another source, must meet all local codes and standards.

MINIMUM NEW CONSTRUCTION STANDARDS

HOME-ARP NCS projects that are newly constructed must meet all applicable State and Local codes, ordinances, and requirements.

ON-GOING HABILITATION STANDARDS AND INSPECTIONS

The County will typically annually inspect HOME-ARP NCS projects throughout the restricted use period to ensure they meet the minimum habilitation standards. When deficiencies are identified, a follow-up inspection to verify that deficiencies are corrected will occur within 6 months. The County will issue a correction notice following the inspection, allowing for up to 30 days to respond and 90 days to correct identified deficiencies, unless the deficiencies are considered life threatening. The correction notice will specify information, including work orders and invoices, that must be provided to document the correction has been completed.

The following deficiencies are considered life threatening and must be corrected within three (3) days. Photos documenting deficiency correction, completed work orders, and invoices must be submitted to the County.

1. Gas (natural or liquid petroleum) leak or fumes;
2. Electrical hazards that could result in shock or fire;
3. Inoperable or missing smoke detector;
4. Inoperable or missing carbon monoxide detector;
5. Gas/oil-fired water heater/HVAC with missing or misaligned chimney;
6. Lack of alternate means of an exit in the event of fire or blocked egress
7. Missing entry door;
8. HVAC fails to meet established criteria for emergency heating or cooling with consideration for ambient temperature range and ventilation;
9. Absence of at least one functioning sink and toilet in the unit;
10. Major plumbing leaks or flooding;
11. Utilities not in service, including electricity, gas (LP or natural), water, or sewer;
12. No running hot water;
13. Structural integrity condition where the building or a component of the building is in imminent danger of potential collapse; and

14. In units that include food preparation facilities, no working refrigerator, stove/oven, or other method of preserving, heating or preparing food.

WAITING LIST AND DUE PROCESS PROCEDURES

Shelter providers must maintain a waiting list of individuals and families wishing to apply for occupancy when there are no beds immediately available. Individuals and families wishing to apply must provide complete information necessary for placement on the waiting list. This information includes name and contact information (phone, email, street address, if applicable).

Placement on the waiting list does not indicate the individual will be eligible for occupancy- a final determination of eligibility will be made when the family is selected from the waiting list. When the family nears the top of the waiting list, the provider will verify eligibility for occupancy.

MAINTAINING THE WAITING LIST

The NCS provider must establish and follow written waiting list procedures. At a minimum, the waiting list procedures must specify:

1. All applications will be maintained in order of date and time of application;
2. How contact between the shelter provider and the applicant will be documented; and
3. Grounds for removing applicants from the waiting list.

Prior to or immediately following occupancy, the shelter provider must provide a packet to the individual or head of household. The packet must describe:

1. The family's obligations under the program, including program rules;
2. The process for terminating occupancy and/or program participation; and

The grounds upon which the shelter provider may terminate program participation / occupancy because of the individual's or family's action or inaction.

DOCUMENTING FLEEING OR ATTEMPTING TO FLEE STATUS

Acceptable evidence that an individual or family qualifies because the individual or family is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking is:

1. An oral or written statement by the qualifying individual or head of household seeking assistance; or
2. A written certification by a victim service provider, intake worker, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or an intake worker in any other organization from whom the individual or family sought assistance.

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

TERMINATION OF PROGRAM PARTICIPATION/OCCUPANCY

A formal process that recognizes the rights of individuals receiving assistance in the termination process must be in place. At a minimum, the process must consist of:

1. Written notice to the program participant / occupant containing a clear statement of the reason(s) for termination;
2. A review of the decision that includes an opportunity for the program participant / occupant to present written or oral objections to a person other than the person who made or approved the termination decision; and
3. Prompt written notice of the final decision to the program participant / occupant.

CONVERSION TO HOME-ARP RENTAL OR TRANSITIONAL HOUSING

Prior to completing their funding agreement and applicable CC&Rs, a subrecipient may elect to convert the NCS to permanent or transitional rental housing at a later date, but such election shall be subject to the requirements below. When a subrecipient elects to convert NCS to rental housing it must submit a complete rental housing package to the County not less than six months prior to the planned conversion date. The County will review and underwrite the application following the HOME-ARP underwriting guidelines for rental housing projects. County approval of NCS conversion to rental housing is not guaranteed.

MINIMUM RESTRICTED USE PERIOD PRIOR TO CONVERSION

Prior to considering approval of an NCS project for conversion to rental housing, the NCS project must first be operated as NCS for a minimum restricted use period. The minimum restricted use period prior to conversion varies based on the original HOME-ARP NCS eligible activity undertaken and the amount of funds invested in the project.

NCS Minimum Restricted Use Period Prior to Conversion			
HOME-ARP NCS Activity Type	Rehabilitation Expenditure (from all sources)	NCS Restricted Use Period	Minimum Use Period Prior to Conversion
New Construction	Not Applicable	15 years	10 years
Rehabilitation, including capitalized replacement reserve	Less than or equal to 75% of total appraised value of improved property	10 years	5 years
	More than 75% of total appraised value of the improved property	10 years	10 years
Acquisition only	Not Applicable	10 years	3 years

POST CONVERSION REQUIREMENTS

The converted NCS project must meet the HOME-ARP rental housing requirements for the remainder of the NCS restricted use period. NCS converted to rental housing also has the following requirements:

1. All units in the project must be restricted for tenancy for HOME-ARP qualifying populations. No units may be converted to HOME-ARP low-income units;
2. Occupants must be offered tenancy in the project and provided notice of their rights under the Uniform Relocation Act;
3. Tenant rent cannot exceed the applicable rates specified by HUD, as updated from time to time, for HOME-ARP rental units occupied by qualifying populations;
4. The units must comply with the ongoing HOME rental property condition standards; and
5. Units will be inspected within 30 days of the completed conversion, after 12 months, and at least once every three years thereafter during the remaining restricted use period

REPAYMENT OF HOME-ARP FUNDS

Subrecipients will be required to repay the total amount of the HOME-ARP funds to the County if:

1. HOME-ARP units are not occupied by eligible qualifying populations within six months of project completion.
2. The project is terminated before completion.
3. The project does not otherwise comply with initial or ongoing HOME-ARP requirements during the entire restricted use period. This includes voluntary or involuntary sale or transfer of the project that results in termination of the CC&Rs.

RECORDS

Consistent with the HOME-ARP Implementation Notice (CPD-21-10), the documents and information related to the HOME-ARP program and service delivery projects must be maintained in accordance with the records retention period as outlined in the HOME-ARP recordkeeping section of this manual.

Files must cover all aspects of the project, beginning with property acquisition, through contract close-out and throughout the compliance phase. Each HOME-ARP NCS owner/developer that is a nonprofit organization must also maintain organizational records.

The following recordkeeping checklist represents the basic outline of project documentation that must be maintained. The specific order of documentation is up to the owner/developer as long as the documentation is arranged to allow for efficient monitoring and audits. In addition to the program records that document compliance with federal cross-cutting and general HOME-ARP rules and regulations, each owner/developer of NCS must maintain the following documents specific to HOME-ARP NCS:

- The HOME-ARP grant application.

- Purchase contract.
- Closing documents.
- Settlement statement and title work for acquisitions.
- Appraisal and review appraisal.
- Environmental review documents.
- Architectural, engineering and other profession services contracts.
- Construction documents.
- Completed designs, plans, and specifications for rehabilitation and new construction activities.
- Invoices, pay apps, and proof of payment for all project expenditures.
- Evidence of the expenditure of HOME-ARP funds only for eligible costs.
- Evidence of the commitment and expenditure of all funds necessary to complete the project.
- Project completion report and supporting documentation.
- Project and service disability accessibility documentation.
- Proof of insurance.
- Project marketing and advertising procedures.
- Project marketing and advertising efforts.
- Project and unit inspection reports.
- Project and maintenance/repair records.
- Project and unit deficiency correction records.
- Replacement reserve records, including specific uses, dates, and supporting documentation for each.
- For each applicant and occupant:
 - Race, color, national origin, sex, religion, familial status, and disability status.
 - Gender of single-headed householders.
 - Qualifying population status.
 - Evidence that occupant information was entered into HMIS for each qualifying household that meets the HOME-ARP definition of homeless or at risk of homelessness (subject to confidentiality requirements).
 - Unit(s) occupied and date(s) of occupancy.
 - Dates and types of services provided.
 - Denial or termination notice, if applicable.
 - Informal hearing minutes, if applicable.
- Documentation of HOME-ARP and ESG funds received for shelter operations in each year.
- Project and program audits
- Conversion to rental housing:
 - County approval
 - Date of conversion
 - Lists of all individuals or families occupying HOME-ARP NCS that qualify for assistance.
 - Moving costs and advisory services provided.

HOME-ARP RECORDKEEPING

Accurate recordkeeping is critical to the successful management of HOME-ARP funded activities. Done correctly, recordkeeping tells a complete story of program, project and beneficiary eligibility from application to closeout. Recordkeeping documents compliance with federal, state, local, and program requirements. Subrecipients and property owners/developers must maintain HOME-ARP files at their customary place of business and on-site for rental housing and non-congregate

shelter projects. Records must be available for review by the County, US Department of Housing and Urban Development, and other federal entities.

Subrecipients and developers must document processes for acquiring, organizing, storing, retrieving, and reporting information about HOME-ARP activities. This documentation could be incorporated into Standard Operating Procedures (SOPs), policy manuals, or other documents that explain these processes. Processes that ensure the position(s) responsible for recordkeeping should incorporate training to ensure consistency in recordkeeping and reporting over time.

Electronic recordkeeping systems may be used as long as the subrecipient or owner/developer retains ownership of the records and is able to access the information long term. When using electronic record-keeping systems, the subrecipient or owner/developer is encouraged to develop contingency plans for data recovery and access to records in the event of staff change or disaster.

RECORDS RETENTION PERIOD

The subrecipient must maintain, and provide upon request, all Project Records pertaining to HOME-ARP funds for a minimum of five years after the contract close-out, except:

1. For HOME-ARP NCS projects:
 - Records pertaining to the development phase must be retained for five years after the project completion date.
 - Individual occupant records and project inspections must be retained for the most recent five-year period, until five years after the restricted use period terminates.
2. Written agreements must be retained for five years after the agreement terminates.
3. Records covering displacements and acquisition must be retained for five years after the date by which all persons displaced from the property and all persons whose property is acquired for the project have received the final payment to which they are entitled.
4. If any litigation, claim, negotiation, audit, monitoring, inspection, or other action is started before the expiration of the required record retention period, records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

ACCESS TO RECORDS

Citizens, public agencies, and other interested parties will be provided with access to records upon request, consistent with applicable local and state laws and any other applicable conditions from other federal grant programs regarding privacy and obligations of confidentiality.

CONFIDENTIALITY

All HOME-ARP subrecipients, owner/developers, and contractors must develop, implement, and maintain written procedures to ensure that:

1. All records containing personally identifying information of any individual or family who applies for and/or receives HOME-ARP assistance will be kept secure and confidential;
2. The address or location of any NCS or HOME-ARP rental housing exclusively for individuals fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking will not be made public, except as necessary where making the address or location public does not identify occupancy of the NCS or HOME-ARP

rental housing, when necessary to record use restrictions or restrictive covenants, or with written authorization of the person or entity responsible for the operation of the NCS or HOME-ARP rental housing; and

3. The address or location of any program participant that is a fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking will not be made public.

The recipient may create a program participant identifier code or number that can be used on a file and maintained internally, in such a way that the number itself does not inadvertently identify the program participant, (i.e., no use of initials, date of birth, or other pieces of information that might suggest the identity of the program participant). The “key” or “cypher” for the program participant identifier code would itself be confidential and would not leave the provider.

In the circumstance of HUD programs, the Unique Personal Identification Number which is generated within the comparable database could be used with auditors to identify records of services to distinct individuals, subject to the following:

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

FEDERAL CROSS-CUTTING REGULATIONS

Projects/programs receiving HOME-ARP funds are subject to compliance with additional cross-cutting federal regulations. The County monitors compliance with these regulations throughout the process of subrecipient selection, activity delivery, project closeout, and monitoring.

AFFIRMATIVE MARKETING & MINORITY OUTREACH

The requirements in 24 CFR 92.351 apply to HOME-ARP activities. The subrecipient organization must submit an Affirmative Marketing Plan to the County upon request. The affirmative marketing plan shall identify specific groups that are least likely to apply for housing and/or services (i.e., race, color, national origin, age, religion, gender, disability or other handicap, or familial status), and must include strategies to inform these groups of the housing or program opportunities offered by the Subrecipient.

CONDUCT AND CONFLICTS OF INTEREST

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

Conflicts of Interest

PJs and subrecipients engaging in any of the activities defined this manual shall be subject to the conflicts of interest provisions at 24 CFR 92.356, including but not limited to the conflicts of interest exception process defined in 24 CFR 92.356(d)-(e).

Organizational Conflicts of Interest

The provision of any type or amount of HOME-ARP supportive services may not be conditioned on an individual's or family's acceptance or occupancy of a shelter or housing unit owned by the

PJ; State recipients; the subrecipient; or a parent, affiliate, or subsidiary of the subrecipient. All contractors of the PJ, State recipients, or subrecipient must comply with the same requirements that apply to subrecipients under this section.

Written Standards of Conduct

Subrecipients must maintain written standards of conduct covering the conflicts of interest and organizational conflicts of interest requirements under this Notice and 2 CFR 200.318.

Lobbying & Hatch Act

The subrecipient organization is prohibited from using any HOME-ARP funds to any person for the purpose of 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 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.

The Subrecipient must also ensure that no funds provided, nor personnel employed with HOME-ARP funds shall be in any way or to any extent engaged in the conduct of political activities in violation of chapter 15 of Title V, U.S. Code.

ENVIRONMENTAL REVIEW

The environmental requirements in 24 CFR 92.352 apply to HOME-ARP activities and the environmental effects of each activity must be assessed in accordance with the provisions of NEPA and the related authorities listed in HUD's implementing regulations at 24 CFR part 58. The PJ or "Responsible Entity" (RE) assumes responsibility for environmental review, decision making, and action for each activity that it carries out with HOME-ARP funds, in accordance with the requirements at 24 CFR Part 58.

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

HOME-ARP supportive services as defined at 24 CFR 58.35(b) are categorically excluded, not subject to the Federal laws and authorities at 24 CFR 58.5 (CENST) or exempt from review under NEPA.

CONTRACTING AND PROCUREMENT

Projects may be subject to certain Federal procurement rules which include:

- A. Conflict of Interest;
- B. Debarred contractors; and
- C. Procurement Standards under 2 CFR 200.320, as applicable.
- D. Inclusion of HOME-ARP and other federal requirements in all contracts and subcontracts associated with the project.

LABOR STANDARDS

All HOME-ARP projects involving new construction or rehabilitation more than \$2,000 will adhere to federal labor laws which include:

- A. Davis Bacon Act: Applicable to all projects (except residential housing projects with 11 or fewer HOME assisted housing units). Provides assurance that workers employed in construction work under federally assisted contracts are paid wages and benefits equal to those that prevail in the locality where the work is performed. If applicable, the cost of compliance monitoring for federal Davis Bacon may be passed on to the applicant as a project cost.
- B. Contract Work Hours and Safety Standards: Applicable to all projects. Provides assurance that workers employed in construction work under federally assisted contracts are paid 1.5 times their normal salary for working over 40 hours per week.
- C. Copeland Act: Applicable to all projects. Governs the deductions from paychecks that are allowable and requires submission of weekly payroll.
- D. Fair Labor Standards: Applicable to all projects. Establishes a basic minimum wage for all work and requires the payment of time and a half for overtime.

EQUAL EMPLOYMENT OPPORTUNITY

This law prohibits discrimination against any employee or application for employment because of race, color, national origin, religion, sex (gender identity and sexual orientation), age (age 40 or older), disability, the Equal Pay Act of 1963 (prohibiting agencies from paying different wages to men and women performing equal work in the same work place), genetic information (GINA), reprisal and any other federally protected category. Provisions to effectuate this prohibition must be included in all construction contracts. The subrecipient/contractor will not discriminate against any employee or applicant for employment because of any one or more of the aforementioned protected categories. The subrecipient/contractor will take affirmative action to ensure that applicants are employed and that employees are treated, during employment, in compliance with the above.

SECTION 3 REQUIREMENTS

All construction contracts must meet Section 3 requirements to the greatest extent feasible. Opportunities for training and employment arising from the project will be provided to low-income persons residing in the program service area. To the greatest extent feasible, contracts for work to be performed relating to the contractor will be awarded to business concerns that are in or owned by a person residing in the program service area. A Section 3 plan for the project will be required to be completed prior to the start of construction and a Section 3 clause will need to be included in any construction contracts.

MBE/WBE

Developers of federally funded housing projects *must adopt* procedures to establish and oversee a minority outreach program to ensure, to the maximum extent possible, that minorities and women, and businesses owned by minorities and women (MBE/WBE's), are offered contracts. Applicants will need to include an outreach plan and include MBE/WBE provisions in all construction contracts.

EQUAL ACCESS RULE

The requirements in 24 CFR 5.106 apply to HOME-ARP activities. HUD's Equal Access Rule (77 FR 5661) requires equal access to HUD housing programs without regard to a person's actual or perceived sexual orientation, gender identity, or marital status. The Subrecipient must comply with this, and all related, rules in program implementation and project delivery.

FAIR HOUSING

Subrecipient/ property owner shall comply with all applicable Federal, State and County Fair Housing laws, including, without limitation: (a) Fair Housing Act, 42 U.S.C. 3601 et seq., (prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of race or color, religion, sex, national origin, familial status, or disability); (b) Title VIII of the Civil Rights Act of 1964 (prohibits discrimination on the basis of race, color, national origin, religion, sex familial status, and disability); (c) Title VI of the Civil Rights Act of 1964 (prohibits discrimination on the basis of race, color, nation origin in all Federally assisted programs); and (d) the Age Discrimination Act of 1975 (prohibits age discrimination in all federally assisted programs). In addition, subrecipient/property owner agrees that it will make the HOME-ARP Units accessible (as defined in Section 504 of the Rehabilitation Act of 1973), upon the request of the prospective tenant(s) if the nature of the prospective tenant's disability so requires. The Owner shall work with the prospective tenants to make such HOME-ARP Units accessible. All accessibility features must comply with the Uniform Federal Accessibility Standards (UFAS) for the design, construction, and alteration of buildings so that physically handicapped persons will have ready access to and use of them in accordance with the architectural barriers Act, 42 U.S.C. 4151-4157. Owner will also not discriminate against persons with disabilities as required by Section 504 of the Rehabilitation Act of 1973.

LANGUAGE ACCESS PLAN

All subrecipient organizations must identify how information will be shared with those who do not speak English as a first language. The organization's plan must include how to meet the needs for physical, visual, and/or hearing impairment accommodation requests and how persons with limited English proficiency will be provided access to services.

LEAD-BASED PAINT

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR Part 35, subparts A, B, J, K, M, and R apply to HOME-ARP-assisted activities.

UNIFORM ADMINISTRATIVE REQUIREMENTS

All projects require conformance with 2 CFR 200 Subpart D, E, and F for administrative requirements, cost principles, and audit expectations.

URA

HOME-ARP funding is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and section 104(d) of the Housing and Community Development Act of 1974, in addition to the Displacement, Relocation and Acquisition regulatory requirements of 24 CFR 92.353.

VAWA

Subrecipients must comply with the Violence Against Women Act (VAWA) requirements set forth in 24 CFR 92.359.

OTHER FEDERAL REQUIREMENTS

Recipients/grantees and subrecipients of, and contractors/subcontractors engaged with, HOME-ARP funding will be required to comply with all applicable federal laws and requirements including all OMB circulars and other federal requirements, whether or not such are expressly listed in these policies and procedures. Further, to the full extent required by law, the County (as grantee) and

its subrecipients, contractors, developers and subgrantees must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the grantee's infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver⁸. These policies and procedures and all applicable legal requirements hereto, whether or not expressly stated herein, will therefore be deemed included and incorporated in any written agreement between HOME-ARP subrecipients and Montgomery County, and all other contracts with contracts/subcontractors, executed under County's implementation of the Program, whether by County or subrecipient including either's tiered subcontractors.

⁸ NOTICE: CPD-2023-12, U. S. Department of Housing and Urban Development Office of Community Planning and Development, issued November 2, 2023 (as updated).

Attachment B: FY 2025 Income Limits Documentation



FY 2024 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](#) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

FY 2024 Income Limits Summary

FY 2024 Income Limit Area	Median Family Income Click for More Detail	FY 2024 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Houston-The Woodlands- Sugar Land, TX HUD Metro FMR Area	\$94,600	Very Low (50%) Income Limits (\$) Click for More Detail	33,150	37,850	42,600	47,300	51,100	54,900	58,700	62,450
		Extremely Low Income Limits (\$)* Click for More Detail	19,900	22,750	25,820	31,200	36,580	41,960	47,340	52,720
		Low (80%) Income Limits (\$) Click for More Detail	53,000	60,600	68,150	75,700	81,800	87,850	93,900	99,950

NOTE: **Montgomery County** is part of the **Houston-The Woodlands-Sugar Land, TX HUD Metro FMR Area**, so all information presented here applies to all of the Houston-The Woodlands-Sugar Land, TX HUD Metro FMR Area. HUD generally uses the Office of Management and Budget (OMB) area definitions in the calculation of income limit program parameters. However, to ensure that program parameters do not vary significantly due to area definition changes, HUD has used custom geographic definitions for the Houston-The Woodlands-Sugar Land, TX HUD Metro FMR Area.

Attachment C: FY 2025 HUD Fair Market Rents



FY 2025 FAIR MARKET RENT DOCUMENTATION SYSTEM

The FY 2025 Houston-The Woodlands-Sugar Land, TX HUD Metro FMR Area FMRs for All Bedroom Sizes

Final FY 2025 & Final FY 2024 FMRs By Unit Bedrooms					
Year	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY 2025 FMR	\$1,226	\$1,279	\$1,529	\$2,038	\$2,568
FY 2024 FMR	\$1,073	\$1,135	\$1,357	\$1,792	\$2,303

ATTACHMENT D

HOME-ARP SUPPORTIVE SERVICES BUDGET PROPOSAL

Project Title:

Applicant:

Budget Category	Project Cost Estimates	Sources of Funds	
		HOME-ARP FUNDS	APPLICANT'S FUNDS
		Amount	Amount
Project Delivery- Salaries & Benefits	\$		
Project Delivery- Salaries & Benefits	\$		
Project Delivery- Salaries & Benefits	\$		
Childcare Costs	\$		
Education Services	\$		
Meals/Food	\$		
Legal Fees	\$		
Life Skills Training	\$		
Mental Health Services	\$		
Outpatient Services	\$		
Outreach Services	\$		
Transportation	\$		
Case Management	\$		
Mediation	\$		
Credit Repair	\$		
Landlord/Tenant Liaison	\$		
Services for Special Populations	\$		
Financial Assistance (rental application fees, security deposits, rental/utility pay	\$		
Short-term and Medium-term	\$		
Employment Assistance and Job Training	\$		
Housing Search and Counseling Services	\$		
Substance Abuse Treatment Services	\$		
TOTAL PROJECT COSTS		\$	\$
TOTAL SOURCES OF FUNDS		\$	

Fill in the highlighted sections. The rest will auto-populate. List each line item separately (ex: if claiming personnel each position must be listed separately). Add rows if you have more than one line item per category.

Attachment E: RESOLUTION

Agency Name

On the ____ day of _____, _____, at a meeting of the Board of Directors of the _____ (agency name), held in _____, Montgomery County, Texas, with a quorum of the Directors present, the following business was conducted:

BE IT RESOLVED that the Board of Directors of the above agency do hereby authorize its executive director, _____, and his/her successors in the office to apply for and request funding from, and negotiate on terms and conditions that he/she may deem advisable, a contract with the office of Montgomery County Grants & Community Development for HUD Grant Funds in the amount of \$_____ (amount asked for in application) for a project that consists of:

The Board of Directors will secure a fidelity bond covering the full designated _____, (print name) as the Grant Official, whereas Grant Official is defined as an individual who is hereby authorized to act on behalf of the Agency in financial matters including, but not limited to, the commitment of agency funds.

Further, _____'s (agency name) Board of Director's agree that in the event of loss or misuse of awarded funds, _____ (agency name) assures that the funds will be returned to Montgomery County in full.

Attest Signed by the following officers of _____
Agency Name

President

Date

Secretary

Date

Corporate Seal

Attachment F - Conflict of Interest

- (a) Applicability: In the procurement of property and services by PJs, state recipients, and subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, apply. In all cases not governed by 24 CFR 85.36 and 24 CFR 84.42, the provisions of this section apply.
- (b) Conflicts prohibited: No persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME Program funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME Program assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
- (c) Persons covered: The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the PJ, state recipient, or subrecipient which is receiving HOME Program funds.
- (d) Exceptions: Threshold requirements. Upon the written request of Montgomery County Grants & Community Development, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME Program and the effective and efficient administration of the Department's program or project. An exception may be considered only after the following has been provided:
 - (1) 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; and
 - (2) An opinion of the County Attorney that the interest for which the exception is sought would not violate state or local law.
- (e) Factors to be considered for exceptions: In determining whether to grant a requested exception after the Department has satisfactorily met the requirements of paragraph (d) of this section, HUD will consider the cumulative effect of the following factors, as applicable.
 - (1) 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;
 - (2) Whether the person affected is a member of a group or class of low-moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
 - (3) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specified activity in question;
 - (4) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section;
 - (5) Whether undue hardship will result either to MCG&CD or the person affected when weighed against the public interest served by avoiding the prohibited

conflict; and

(6) Any other relevant considerations.

(f) Owners and Developers:

- (1) No owner, developer or sponsor of a project assisted with HOME Program funds (or officer, employee, agent, elected or appointed official or consultant of the owner, developer or sponsor) whether private, for-profit or non-profit (including a community housing development organization (CHDO) when acting as an owner, developer or sponsor) may occupy a HOME-assisted affordable housing unit in a project. This provision does not apply to an employee or agent of the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.
- (2) Exceptions. Upon written request of a housing owner or developer, MCG&CD may grant an exception to the provisions of paragraph (f)(1) of this section on a case-by case basis when it determines that the exception will serve to further the purposes of the HOME Program and the effective and efficient administration of the owner's or developer's HOME-assisted project. In determining whether or not to grant a requested exception, the participating jurisdiction shall consider the following factors:
 - (I) Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
 - (II) Whether the person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted housing in question;
 - (III) Whether the tenant protection requirements of §92.253 are being observed;
 - (IV) Whether the affirmative marketing requirements of §92.351 are being observed and followed; and
 - (V) Any other factor relevant to the participating jurisdiction's determination, including the timing of the requested exception.

Attachment F: Conflict of Interest Disclosure Form

The HOME-ARP Regulations provide that no person who is an employee, agent, consultant, officer, or elected official or appointed official of the PJ, state recipient or subrecipient and who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME-ARP funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME-ARP Program assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

Owners and Developers. No owner, developer or sponsor of a project assisted with HOME-ARP program funds (or officer, employee, agent, elected or appointed official or consultant of the owner, developer or sponsor) whether private, for-profit or non-profit (including a community housing development organization (CHDO) when acting as an owner, developer or sponsor) may occupy a HOME-ARP Program-assisted affordable housing unit in a project. This provision does not apply to an employee or agent of the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

A disclosure of the nature of the conflict must be made at the time a proposal for HOME-ARP Program funds is submitted to the Montgomery County Grants & Community Development Department.

_____ I certify that no conflict of interest exists between Montgomery County and

(Name of Organization)

_____ I certify that a conflict of interest exists between Montgomery County and

(Name of Organization)

The nature of the conflict of interest is described below: (Please identify the individual, employment, and the conflict of interest (their affiliation with your organization)).

Name of Authorized Organization Official

Title

Signature of Authorized Organization Official

Date

Attachment G: Certification Regarding Claims

The undersigned acknowledging that this certification is a material representation of fact upon which reliance is placed when this application is reviewed, certifies on behalf of the applicant Agency/Organization, to the best of his or her knowledge and belief that (check only one option below):

_____ No claim, legal action or proceeding, of any type whatsoever, is currently alleged, anticipated, pending or otherwise initiated against the applicant Agency in any local, state or federal judicial or administrative court, and/or by a local, state or federal regulatory, enforcement or administrative agency against the applicant Agency, including its officers and employees/agents.

_____ The following claim(s) or legal action(s) is/are currently alleged, anticipated, pending or otherwise initiated against the applicant Agency (describe in detail the nature of the claim/action and governing court/agency):

The undersigned further certifies and agrees that all requested details and documents relating to the above claim(s)/action(s) shall be made available and provided to County on demand, to the full extent allowed by law.

The undersigned additionally certifies and agrees that if, during the pendency of Agency's application with County and during the term of any contract/agreement that may be entered into with County, any claim, or other action, including proceedings before a judicial, enforcement or administrative agency, is made or brought by any person, firm, corporation, or other entity against applicant Agency, its officers and/or its employees/agents acting on Agency's behalf, Agency shall give written notice to Montgomery County of the claim or other action within three (3) working days after being notified of such claim, action or proceeding or the threat of such claim, action, or proceeding; the name and address of the person, firm, corporation, or other entity that made or threatened to make a claim, or that instituted or threatened to institute any type of action or proceeding; the basis of the claim, action, or proceeding; the court or administrative tribunal, if any, where the claim, action, or proceeding was/will be instituted; and the name or names of any individual person(s) against whom this claim is being made or threatened. This written notice shall be given to the Montgomery County Grants and Community Development via certified mail return receipt and via electronic mail. Except as otherwise directed, applicant Agency shall furnish to County copies of all pertinent papers received by it with respect to these claims or actions.

Executed this day _____ day of _____.

By:

Signature of Authorized Organization Official

Name and Title of Authorized Organization Official

Attachment H: Certification for Grants and Contracts

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 any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connections 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 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 subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is 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. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such failure. The nature of the conflict of interest is described below: (Please identify the individual, employment, and the conflict of interest (their affiliation with your organization)).

Executed this day _____ day of _____.

By:

Name of Authorized Organization Official

Signature of Authorized Organization Official

Title of Authorized Organization Official

Covered Action: HOME-ARP Program

(Type and identity of program, project or activity)