

STATE OF CALIFORNIA
DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT (HCD)

EMERGENCY SOLUTIONS GRANTS (ESG) PROGRAM
2012 ALLOCATION

NOTICE OF FUNDING AVAILABILITY



December 10, 2012

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I. OVERVIEW

The State of California Department of Housing and Community Development (HCD or Department) is in receipt of the U. S. Department of Housing and Urban Development (HUD) Grant Agreement for the Emergency Solutions Grants (ESG) Program funding for Federal Fiscal Year (FFY) 2012-13. The ESG Program funding to be awarded under this Notice of Funding Availability (NOFA) is subject to the newly established ESG Program federal regulations and, as such, HCD strongly recommends that all organizations applying for these funds review the new ESG Program eligibility criteria carefully. The ESG Program federal regulations can be found at 24 Code of Federal Regulations (CFR), Parts 91 and 576. (See Appendix H for website link.)

In accordance with the above Grant Agreement entered into between HCD and HUD, HCD is seeking applications for this funding from eligible organizations currently, or newly, providing assistance to persons experiencing homelessness or at risk of homelessness.

II. BACKGROUND

The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, enacted into law on May 20, 2009, reauthorized and amended the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq). The HEARTH Act significantly revised the definition of homelessness; revised the existing Federal Emergency Shelter Grants (FESG) Program into the newly established ESG Program; established the new Continuum of Care (CoC) Program; and enacted other homelessness reform.

III. REGULATORY AUTHORITY

The funding under this NOFA is made available pursuant to Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11371 et seq., and is subject to 24 CFR, Parts 91 and 576, as may be amended from time to time; Section 100261 of the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141); 24 CFR, Part 58; and the Office of Management and Budget (OMB) requirements for Universal Identifier and Central Contractor Registration and Reporting Subaward and Executive Compensation Information at 2 CFR Part 25; Appendix A to Part 25-Award Term; and 2 CFR Part 170; Appendix A to Part 170-Award Term.

HCD has authority pursuant to the California Health and Safety Code, Section 50406 (n) to accept these funds and publish this NOFA. HCD will administer the funding awarded under this NOFA pursuant to the federal regulations noted above. In addition, HCD will use applicable sections of the existing State FESG Program regulations. The existing State FESG Program regulations can be found at 25 California Code of Regulations (CCR), Section 8400 et seq. (See Appendix H for website link.)

If the federal or State statutes or regulations governing the program or its funding are modified by Congress, HUD, the State Legislature, or the Department prior to completion of work, the changes may become effective immediately and apply to funded activities.

In the event of a conflict between the State regulations and federal regulations, the federal regulations shall prevail. In addition, the Department reserves the right, at its sole discretion, to suspend or amend the provisions of this NOFA. If such an action occurs, the Department will notify interested parties.

IV. ESG 2012 NOFA AND APPLICATION TIMETABLE

Date	Description
December 10, 2012	Release of NOFA and Application
January 7, 15 & 16, 2013	ESG Application Workshops (See Appendix E)
February 12, 2013	<u>ESG Application Due Date to HCD</u> (Excluding Attachment D)
TBD by CoC	Attachment D – Applicant Deadline to CoC
February 26, 2013	Attachment D - CoC Deadline to HCD
March 29, 2013	Announcement of Awards
April 19, 2013	Anticipated Contract Distribution Date

Please Note: The Department reserves the right to modify the ESG 2012 NOFA and Application Timetable as needed.

V. APPLICATION WORKSHOP

To assist Applicants in preparing their Applications, HCD will conduct workshops which will cover the elements of the NOFA, Application, and Rating and Ranking Criteria. It is recommended that the Applicant and Grant Writer attend one of the three workshops being held. (See Appendix E for Workshop details.)

In addition, ESG Program Staff will be available to provide technical assistance by telephone until 4:00 p.m., Thursday, January 31, 2013. No technical assistance will be provided beyond that time/date.

VI. ALLOCATION OF FUNDS (24 CFR 576.3; 25 CCR 8402):

HCD's administered ESG 2012 NOFA Allocation is \$11,576,175 for all ESG eligible Components/Activities.

The ESG 2012 NOFA Allocation will be divided between three Regional Allocations, a General Allocation, and a New Programs Allocation, as follows:

Geographic Allocation of Funds	Approximate Percentage
Northern California	33%
Southern California	24%
Rural	19%
New Programs	5%
General	13%

The New Programs Allocation applies to Projects that have been operating for less than two years from the date of the applicable NOFA, and the Applicant Organization has not received FESG/ESG or HPRP funding from HCD in its previous two funding rounds (i.e., 2010 and 2011 Rounds 1 and 2).

All funding under this NOFA shall be awarded on a competitive basis within each Regional or New Programs Allocation. Any unawarded funds from the Regional or New Programs Allocations will be considered the General Allocation and will be awarded on a competitive basis to remaining unfunded Applicants in order of their competitive Statewide ranking, until all funds have been awarded.

VII. GRANT TERM [25 CCR 8402(d)]:

The Grant Term for all funding awarded under this NOFA shall be one (1) year.

VIII. GRANT AMOUNTS (MINIMUMS AND MAXIMUMS) [25 CCR 8402(e)]:

The minimum and maximum Grant Amounts per Application are as follows:

Allocation	Minimum Grant Amount	Maximum Grant Amount
New Programs	\$50,000	\$230,000
All Regional Allocations	\$50,000	\$230,000

IX. ELIGIBLE ORGANIZATIONS [24 CFR 576.202(a)]

- A. Eligible organizations are:
1. Private Nonprofit Organizations, as defined in 24 CFR 576.2 and 25 CCR 8401. Private Nonprofit Organizations must obtain a Local Certification of Approval from the Unit of General Purpose Local Government for the geographic area in which Project Component/Activities are proposed to be carried out.
 2. Units of General Purpose Local Government, as defined in 24 CFR 576.2 and 25 CCR 8401. Units of General Purpose Local Government must not have received formula ESG funds directly from HUD.
- B. Eligible organizations must be located in or serve an eligible City or County in the State that provides, or contracts with community organizations to provide, Emergency Shelter and/or other eligible Component/Activities. (See Appendix A for ESG 2012 Eligible Cities and Counties.)
- C. Eligible organizations with Facilities or Projects that are exclusively Serving Selected Populations must meet the following requirements (See Appendix D for more information on Serving Selected Populations with ESG Funding):
1. A State or federal law or regulation requires ESG-funded projects to exclusively serve a selected homeless subpopulation; or
 2. The nature of the physical facilities or the nature of services provided reasonably necessitates restriction of the housing or program to a particular subpopulation, consistent with State and federal law and the State Fair Housing Law.
 3. Confidentiality Policy for the Provision of Family Violence Services

To ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services, the address or location of family violence shelters funded by ESG may not be made public without the permission of the shelter provider.

HCD will tag those departmental files containing any such confidential addresses, and note within the file that the site address shall not be made public. The site address will not be included in the departmental database. Refer to the ESG Application, Confidential Site Location Designation Agreement and Confidentiality Procedures of Applicant, as both shall apply.
- D. Further determination of an organization's eligibility under this NOFA is subject to, and contingent upon, an organization's unique structure, mission, population(s) served, project-type, etc... and will be discussed in detail in subsequent sections of this NOFA.

X. ELIGIBLE FACILITIES

A facility is defined as the physical location in which an ESG Project is being carried out, including the offices used for Homelessness Prevention and/or Rapid Re-Housing Assistance Component/Activities.

Any building for which ESG funds are used must meet all applicable federal, State and local safety and sanitation standards.

Emergency Shelter Facilities (24 CFR 576.2; 25 CCR 8406)

Emergency Shelter is any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements. All Emergency Shelter Facilities, including Transitional Housing, Day Centers, must meet this criteria.

For Applicants submitting Emergency Shelter Projects that include Renovation, Major Rehabilitation, or Conversion projects, the Emergency Shelter must be owned by a government entity or private nonprofit organization. (24 CFR 576.102(a)(2)).

XI. ELIGIBLE PROGRAM COMPONENTS/ACTIVITIES (24 CFR 576.100):

The funding available under this NOFA may be used for the following five Program Components: Street Outreach, Emergency Shelter, Homelessness Prevention, Rapid Re-Housing Assistance, and Homeless Management Information Systems (HMIS), as well as Local Grant Administration. For specific details of the Program Components/Activities, refer to 24 CFR 576.101 through 576.108 or refer to Appendix C for List of Eligible Activities by Component Type.

A. Program Component Expenditure Limits

1. Street Outreach (SO) and Emergency Shelter (ES)
[24 CFR 576.100(b)(1)]:

The total amount of the ESG 2012 Allocation that may be expended on Street Outreach and Emergency Shelter Component/Activities combined cannot exceed 60% of the total allocation, or \$7,389,048.

For the Emergency Shelter Component, inclusive of all Sub-Components and Activities, is limited to an amount not to exceed \$150,000 per Application.

For the Emergency Shelter Renovation, HCD encourages the use of other funding sources, and limits Emergency Shelter Renovation to an amount not to exceed \$10,000 per Application.

2. Homeless Management Information System (HMIS):

The total amount of the ESG 2012 Allocation that may be expended on HMIS Component/Activities may not exceed 10%, or \$1,139,145. Applicants requesting HMIS funds that exceed 10% of their total Application request must include a justification for doing so.

The justification must be submitted with the Application and will be subject to HCD review and approval prior to awards being made.

3. Local Grant Administration:

The total amount of the ESG 2012 Allocation that may be expended on Local Grant Administration Component/Activities cannot exceed 1.5%, or \$184,726.

B. Program Component/Activity Requirements:

1. Emergency Shelter (24 CFR 576.102; 25 CCR 8406):

- a. The Emergency Shelter Component/Activities include costs for providing Essential Services to homeless families and individuals in Emergency Shelters, renovating buildings to be used as Emergency Shelter for homeless families and individuals, and operating Emergency Shelters.
- b. Lease and/or Occupancy Agreements are not permitted under the Emergency Shelter Component/Activities.
- c. Hotel/Motel Vouchers may be used only where no appropriate Emergency Shelter is available.
- d. Maintenance of Effort: For Units of General Purpose Local Government, ESG funding for Emergency Shelter cannot replace Emergency Shelter funds the local government provided during the immediate preceding 12-month period, except in situations of severe financial deficit as determined by HUD.
- e. As of the publication date of the NOFA, Applicants submitting Year-Round Emergency Shelter Project proposals shall have provided Program Participant housing continuously each day throughout the prior 12 months.
- f. As of the publication date of the NOFA, Applicants submitting Winter- or Summer-Only Emergency Shelter Project proposals shall have provided Program Participant housing continuously each day throughout the region's prior Winter or Summer Shelter Season.

- g. The limitations identified in e. and f., above, do not apply to organizations that apply under the New Programs Allocation, nor activities other than Emergency Shelter Projects.
- h. An Emergency Shelter must be maintained as such for the homeless for specified minimum time periods. (Refer to 24 CFR 576.102(c)(1)). The specified minimum time periods have been established according to the types of activities assisted with ESG funds as follows:

Major Rehabilitation – 10 years after the date the building is first occupied by a homeless individual or family after the completed Rehabilitation, if Rehabilitation costs exceed 75 percent of the value of the building before Rehabilitation. A recorded deed or use restriction is required.

Conversion – 10 years after the date the building is first occupied by a homeless individual or family after the completed Conversion, if Conversion costs exceed 75 percent of the value of the building after Conversion. A recorded deed or use restriction is required.

Renovation – 3 years after the date the building is first occupied by a homeless individual or family after the completed Renovation.

Shelter Operations or Essential Services – Term of the Standard Agreement, without regard to a particular site or structure, so long as the Applicant serves the same type of persons (e.g., families with children, unaccompanied youth, veterans, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

- i. Any Major Rehabilitation, Conversion, or Renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.
- j. To the maximum extent practicable, the Subrecipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG.
- k. Outpatient Health, Legal, Mental Health, and Substance Abuse Treatment Services may only be used for eligible expenses to the extent that other appropriate services are unavailable or inaccessible within the community.

2. Street Outreach (24 CFR 576.101)

- a. The Street Outreach Component/Activities include the provision of Essential Services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent nonfacility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing or an appropriate health facility. The eligible costs for Essential Services under Street Outreach differ from the eligible costs for Essential Services under Emergency Shelter, as they are limited to those necessary to provide emergency care on the street.
- b. Essential Services under Street Outreach include Engagement, Case Management, Emergency Health Services, Emergency Mental Health Services, and Transportation.
- c. Emergency Health Services and Emergency Mental Health Services are restricted to the extent that other appropriate health services are inaccessible or unavailable in the area.
- d. Maintenance of Effort: For Units of General Purpose Local Government, ESG funding for Street Outreach cannot replace funds the local government provided for Street Outreach during the immediate preceding 12-month period, except in cases of severe financial deficit as determined by HUD.

3. Homelessness Prevention (24 CFR 576.103) and Rapid Re-Housing Assistance (24 CFR 576.104)

- a. **Homelessness Prevention Component/Activities** may be provided to individuals and families who meet the criteria under “At Risk of Homelessness”, and who have an annual income below 30% of the median family income for the area. Refer to: <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/limits/income/2012/ca.pdf>

Rapid Re-Housing Assistance Component/Activities may be provided to individuals and families who meet the criteria under paragraph (1) of the “homeless” definition in 576.2 or who meet the criteria under paragraph (4) of the “homeless” definition and live in an emergency shelter or other place described in paragraph (1) of the “homeless” definition.

- b. Homelessness Prevention and Rapid Re-Housing Assistance Activities include Housing Relocation and Stabilization Services (financial assistance costs and/or services costs), and Short- and/or Medium-Term Rental Assistance. Homelessness Prevention and Rapid Re-Housing Assistance must be provided in accordance with requirements under 24 CFR 576.105 for Housing Relocation and

Stabilization Services; 576.106 for Short- and/or Medium-Term Rental Assistance; and 576.400 for Written Standards and Procedures.

- c. Housing Units assisted under Homelessness Prevention and Rapid Re-Housing Assistance must meet both Rent Reasonableness Standards and HUD's Fair Market Rent (FMR) Limits.
- d. For Homelessness Prevention and Rapid Re-Housing Assistance Projects that include Short- and Medium-Term Rental Assistance, a Rental Assistance Agreement is required between the Subrecipient and the Housing Owner. The Rental Assistance Agreement must set forth the terms under which rental assistance will be provided and must contain the same payment due date, grace period, and late payment penalty requirements as the Program Participant Lease. (24 CFR 576.106(e)).
- e. For Homelessness Prevention and Rapid Re-Housing Assistance Projects that include Short- and Medium-Term Rental Assistance, a legally-binding, written Lease for the rental unit is required between the Program Participant and the Housing Owner. This requirement does not apply to assistance solely for rental arrears. (24 CFR 576.106(g)).
- f. Maximum Amounts and Periods of Assistance for Housing Relocation and Stabilization Services. The Subrecipient may set the maximum amount a Program Participant may receive for financial assistance, and may set the maximum period of time that a Program Participant may receive assistance. With the exception of Housing Stability Case Management, the total period for which any Program Participant, either as an individual or as part of a family, may receive services must not exceed 24 months during any three year period.
- g. Discretion to Set Caps and Conditions for Short- and Medium-Term Rental Assistance. The Subrecipient may set the maximum amount or percentage of rental assistance that a Program participant may receive, a maximum number of months that a Program participant may receive rental assistance, or a maximum number of times that a Program participant may receive rental assistance. The Grantee may also require Program Participants to share in the costs of rent.
- h. For Homelessness Prevention and Rapid Re-Housing Assistance Projects that include Housing Relocation and Stabilization Services, Financial Assistance cannot be provided to a Program Participant who is receiving the same type of assistance through other public sources or to a Program Participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments. (24 CFR 576.105(d)).

- i. Rental Assistance may be Tenant-Based or Project-Based. For Tenant-Based Rental Assistance, the requirements are set forth in 24 CFR 576.106(h). For Project-Based Rental Assistance, the requirements are set forth in 24 CFR 576.106(i).
- j. For Homelessness Prevention and Rapid Re-Housing Assistance Projects, to terminate Rental Assistance or Housing Relocation and Stabilization Services to Program Participants, a formal process is required and must include: written notice to the participant that contains a clear statement of the reasons for termination; a review of the decision with opportunity for the participant to present written or oral objections; and prompt written notice of the final decision.

4. HMIS (24 CFR 576.107(a))

- a. HMIS Component/Activities include costs of contributing data to the HMIS designated by the CoC for the area, including: purchasing or leasing computer hardware, software or software licenses; purchasing or leasing equipment (i.e., telephones, fax machines, furniture); technical support; leasing office space; utility and high-speed data transmission; salaries; data entry; monitoring and reviewing data quality; data analysis; reporting to HMIS Lead; training staff on HMIS, or comparable database, use; implementing and complying with HMIS requirements; staff travel costs to attend HUD-sponsored/approved training and/or to conduct intake; and paying HMIS participation fees. Refer to the Eligible Expense Guide for additional detail.
- b. If the Subrecipient is a Victim Services Provider or a Legal Services Provider, ESG funds may be used to establish and operate a comparable database that collects client-level data over time and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into or provided to an HMIS.
- c. HMIS Component Activities must comply with HUD's standards on participation, data collection, and reporting under a local HMIS.

5. Local Grant Administration (24 CFR 576.108)

- a. Local Grant Administration Activities include: General Management, Oversight and Coordination; Training on ESG requirements; Consolidated Plan preparation; and Environmental Review compliance.
- b. Local Grant Administration does not include staff and overhead costs directly related to carrying out Component/Activities eligible under Sections 576.101 through 576.107. Those costs are eligible as part of those Component/Activities.

C. General Provisions:

1. Homeless Participation (24 CFR 576.405): The Subrecipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the Board of Directors or other equivalent policy-making entity, to the extent that the entity considers and makes policies and decisions regarding any facilities, services or other assistance that receives funding under ESG.
2. Program Termination (24 CFR 576.402)

If an individual or family receiving assistance from an ESG Subrecipient violates program requirements, the Subrecipient may terminate assistance. The Subrecipient is required to terminate assistance in accordance with a formal process that has been established and that recognizes the rights of individuals or families affected. The Subrecipient must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a Program Participant's assistance is terminated only in the most severe cases.

Every Subrecipient must describe its termination/denial policy in their Program Participation Rules to be submitted with their ESG Application. Generally, policies should include at least the following elements: A progressive discipline warning system, written notices, a formal appeal process, and consideration of the appeal by someone not involved in the original termination.

XII. AREA-WIDE SYSTEMS COORDINATION REQUIREMENTS (24 CFR 576.400)

- A. Consultation with CoCs (24 CFR 576.400(a)):

The Applicant must consult with each CoC that serves their jurisdiction to: (1) determine how ESG funds will be allocated in that region; (2) identify the performance standards for evaluating the outcomes of projects and activities; and (3) identify the funding, policies and procedures for the administration and operation of the HMIS, if appropriate.

- B. Coordination with Other Targeted Homeless Services (24 CFR 576.400(b)):

The Applicant must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to homeless people in the area covered by the CoC or their service area to provide a strategic, community-wide system to prevent and end homelessness for that area.

C. System and Program Coordination with Mainstream Resources (24 CFR 576.400(c)):

The Subrecipients must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with mainstream housing, health, social services, employment, education, and youth programs for which families and individuals at risk of homelessness and homeless individuals and families may be eligible.

D. Centralized or Coordinated Assessment (24 CFR 576.400(d)):

Once the CoC has developed a centralized assessment system or a coordinated assessment system in accordance with requirements to be established by HUD, each ESG-funded Program or Project within the CoCs area must use that assessment system. The Subrecipient must work with the CoC to ensure the screening, assessment and referral of Program Participants are consistent with the written standards. A Victim Service Provider may choose not to use the CoC centralized or coordinated assessment system.

E. Written Standards (24 CFR 576.400(e)(2-3)):

The Subrecipients must establish and consistently apply Written Standards for providing ESG assistance outlined in 24 CFR 576.400(e)(2-3).

F. Participation in HMIS (24 CFR 576.400(f)):

The Applicant must ensure that data on all persons served and all activities assisted under ESG are entered into the applicable community-wide HMIS in the area in which those persons and activities are located, or a comparable database in accordance with HUD's standards on participation, data collection and reporting under a local HMIS.

If Applicant is a Victim Service Provider or a Legal Services Provider, it may use a comparable database that collects client level data over time (i.e., longitudinal data) and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into or provided to an HMIS.

XIII. OTHER FEDERAL AND STATE REQUIREMENTS (24 CFR 576.406-576.408)

A. General (24 CFR 576.407(a)):

The requirements in 24 CFR Part 5, Subpart A are applicable, including the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a). Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and implementing regulations at 24 CFR Part 135 apply, except that homeless individuals have priority over other Section 3 residents in accordance with 24 CFR 576.405(c).

B. Faith-Based Activities (24 CFR 576.406):

Religious organizations may receive ESG funds if they agree to provide all eligible activities under this program in a manner that is free from religious influences, and in accordance with 24 CFR 576.406.

ESG funds may not be used for the rehabilitation of structures to the extent that those structures are used for inherently religious activities. Where a structure is used for both eligible and inherently religious activities, funds may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the federal cost accounting requirements. Sanctuaries, chapels, or other rooms the religious congregation uses as its principal place of worship are ineligible for ESG-funded improvements. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (See 24 CFR Parts 84 and 85).

Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to receive ESG funds. Organizations that are directly funded under the ESG Program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under ESG. Refer to 24 CFR 576.406 for additional details.

C. Affirmative Outreach (24 CFR 576.407(b)):

The Subrecipient must make known that the use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. If it is unlikely that the procedures the Subrecipient intends to use to make known the availability of its facilities, assistance and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, Subrecipients must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The Subrecipient must take appropriate steps to ensure effective communication with person with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to person with disabilities. Consistent with Title VI and Executive Order 13166, Subrecipients are also required to take reasonable steps to ensure meaningful access to programs and activities for Limited English Proficiency (LEP) persons.

All Applicants should refer to the HUD guidelines on LEP located at the following webpage: <http://www.hud.gov/offices/ftheo/promotingfh/lep.cfm>

Additional LEP guidance and frequently asked questions are available at the following webpage:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq

D. Uniform Administrative Requirement (24 CFR 576.407(c)):

The requirements of 24 CFR Part 85 apply to the Subrecipients that are Units of General Purpose Local Government, except that 24 CFR 85.24 and 85.42 do not apply, and program income is to be used as match under 24 CFR 85.25 (g). The requirements of 24 CFR Part 84 apply to Subrecipients that are Private Non-profit Organizations, except that 24 CFR 84.23 and 84.53 do not apply, and program income is to be used as the non-Federal share under 24 CFR 84.24 (b). These regulations include allowable costs and non-Federal audit requirements.

E. Environmental Review Responsibilities (24 CFR 576.407(d)):

Costs of carrying out the environmental review responsibilities include:

1. The Subrecipient shall supply all available, relevant information necessary for the Department to perform for each property any environmental review as required under 24 CFR Part 50. The Subrecipient shall also carry out mitigating measures required by the Department or select an alternate eligible property. The Department may eliminate from consideration any Application that would require an Environmental Impact Statement (EIS).
2. The Subrecipient, or any Contractor of the Subrecipient, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project, or commit or expend ESG or local funds for eligible activities under this part, until the Department has performed an environmental review under 24 CFR Part 50 and the Subrecipient has received the Department's approval of the property.

For all funded Applications, HCD will inform the Applicant of any required additional environmental research. HCD may need to visit the Project Site.

F. Procurement of Recovered Materials (24 CFR 576.407(f)):

The Subrecipient and its Contractors must comply with Section 6002 of the Solid Waste Disposable Act, as amended by the Resource Conversion and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceed \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

G. Displacement, Relocation, and Acquisition (24 CFR 576.408):

Subrecipients must minimize the displacement of persons as a result of a Project assisted with ESG funds. A displaced person must be provided Relocation Assistance at the levels described in, and in accordance with, the URA and 49 CFR Part 24.

Temporary relocation is not permitted. No tenant occupant of housing (a dwelling unit) that is converted into an Emergency Shelter may be required to relocate temporarily for a Project assisted with ESG funds or be required to move to another unit in the same building/complex.

The acquisition of real property, whether funded privately or publicly, for a Project assisted with ESG funds is subject to the URA and the federal government-wide regulations at 49 CFR Part 24, Subpart B. Refer to 24 CFR 576.408 for additional details.

H. Match (24 CFR 576.201; 25 CCR 8410):

HCD, and its Subrecipients, must make matching contributions to supplement the State's ESG Program in an amount that equals the amount of ESG funds provided by HUD.

Matching contributions may be obtained from any source, including any federal source other than the ESG Program, as well as State, local, and private sources. Refer to 24 CFR 576.201 for additional details.

I. Shelter and Housing Standards (24 CFR 576.403):

Compliance with Minimum Habitability Standards: The revised Habitability Standards (Shelter and Housing Standards) incorporate lead-based paint remediation and disclosure requirements. The revised standards for Emergency Shelters require all shelters to meet minimum Habitability Standards. Shelters renovated with ESG funds are also required to meet State or local government Safety and Sanitation Standards, as applicable, include energy-efficient appliances and materials. If ESG funds are used to help a Program Participant remain in or move into permanent housing, that housing must meet Habitability Standards.

J. Recordkeeping and Reporting Requirements (24 CFR 576.500):

HCD, and its Subrecipients, must have policies and procedures to ensure that recordkeeping and reporting requirements are met. The policies and procedures must be established in writing and implemented to ensure that ESG funds are used in accordance with the requirements. In addition, sufficient records must be established and maintained to enable HCD and HUD to determine whether ESG requirements are being met. Refer to 24 CFR 576.500 for additional details.

K. Enforcement (24 CFR 576.501):

HUD will review the performance of HCD, and its Subrecipients, in carrying out its responsibilities under this Part whenever determined necessary by HUD, but at least annually. In conducting performance reviews, HUD will rely primarily on information obtained from the records and reports from HCD, and when appropriate its Subrecipients, as well as information from onsite monitoring, audit reports, and information from the Integrated Disbursement & Information System (IDIS) and HMIS. HUD may also consider relevant information pertaining to HCD's, and its Subrecipients, performance gained from other sources, including citizen comments, complaint determinations, and litigation. Reviews to determine compliance with specific requirements of this Part will be conducted as necessary, with or without prior notice to HCD or its Subrecipients. Refer to 24 CFR 576.501 for additional details.

XIV. ESG 2012 APPLICATION

A. Application

The ESG 2012 Application may be obtained on the HCD website at: <http://www.hcd.ca.gov/fa/esg/>. Some of the forms are not available in data entry format and formatting is the Applicant's responsibility.

B. Application Due Date

Applications are due February 12, 2013, and must be received by HCD no later than 5:00 p.m. on the Application Due Date. Applications received after the Application deadline will be date stamped and disqualified based on the time of receipt.

C. Application Guidelines and Requirements

1. Applicants may submit more than one Application, and choose not to combine different Projects into the same Application.
2. Applicants may not duplicate Projects, if submitting more than one Application.
3. How an Applicant submits an Application may impact a potential award. It is up to each Applicant to submit the Application as they think best.
4. The Project must serve eligible participants residing in an eligible service area.
5. HCD may request clarification of unclear or ambiguous documents/statements made in the Application where doing so will not impact the neutral evaluation of the Application.

6. HCD may request that an Applicant revise Application documents, as necessary, to establish threshold compliance as long as such revisions do not alter competitive scoring. This includes, but is not limited to, adjustments made to the amount of funding requested in order to conform to the monetary funding limits as described in Section VIII of this NOFA.
7. In instances where an Application ranks high enough to be funded, but there is information missing from the Application, HCD may request submission of the information that was omitted if the information existed prior to the Application deadline, and the submission of the information is necessary for Application completeness, but does not alter competitive scoring. This may include information such as evidence of an Applicant's status as a Unit of General Purpose Local Government or Private Nonprofit Organization.
8. An Application may be deemed ineligible if the Application is incomplete, the proposed activities are ineligible, an executed Authorizing Resolution is missing, or HCD is unable to reasonably determine what the Applicant is proposing.

D. Attachments to the ESG 2012 Application – Special Instructions

All ESG Applications must include Attachments, as applicable, to meet Threshold. Special attention must be made to the following Application Attachments:

1. Attachment A – The “Resolution”, must be appropriately executed with the Name and Title of the Authorized Representative.
2. Attachment B – The “Statement of Certifications”, must be acknowledged and signed by the Authorized Representative.
3. Attachment C – The “Certification of Local Approval”, must be completed and signed by the City or County where the Project is located.
4. Attachment D – The “Certification of Local Need”, must be submitted to the local CoC serving the County where the Project is located. Applicants should contact their local CoC to inform them that they will be submitting an ESG Application, and to determine if the local CoC will require any additional information be submitted for their review. Refer to Appendix G of this NOFA for a CoC Contact List.

CoCs are asked to establish written criteria, in accordance with 25 CCR 8411 (b)(2), for reviewing, rating, and ranking the “Need for Funds” Rating Criteria. CoCs are also asked to establish their local deadline by which Applicants will be required to submit their Attachment D to the CoC. The deadline for all CoCs to submit their local, summary “Need for Funds” Rating Criteria requirements to HCD is February 26, 2013.

5. Attachment H – The “Evidence of Site Control” documentation, must be included for any Applicant providing services and activities under the Emergency Shelter Component.
6. Attachment K – The “Confidential Site Location Designation Agreement”, may be submitted by Domestic Violence (DV) Shelters to request a waiver of site address disclosure.
7. Attachment L – The “Confidentiality Procedures”, must be submitted, in conjunction with Attachment K, if appropriate, and must reasonably demonstrate to HCD how the Applicant organization systematically protects the confidentiality of its DV Shelter site(s) and the clients served.
8. Attachment M - The “Certification of Match”, must be consistent with the provisions set forth in 42 USC Section 11375 and 24 CFR Section 576.201.
9. Attachment N – The “Payee Data Record”, must be fully completed, signed, dated, and submitted along with the Application to prevent any delays when processing payments.

E. Application Submittal

1. All Applications submitted to HCD must consist of: one (1) hardcopy Application with original signatures; and one (1) compact disc copy of the hardcopy Application, with signatures.
2. Faxed and/or emailed Applications will not be accepted.
3. Please send Application(s) via the US Postal Service, private or commercial Overnight Delivery Service, or hand deliver to the Division of Financial Assistance (DFA) at:

Department of Housing and Community Development
Division of Financial Assistance (DFA)
Emergency Solutions Grants Program
1800 3rd Street, MS-390-1
Sacramento, CA 95811

Please Note: HCD strongly urges Applicants to provide ample time for delivery of Applications. Applications sent through US Postal Service and overnight couriers (i.e. UPS, Fed Ex, etc.) have the potential to be misdirected or not delivered on time to meet deadlines.

4. The following methods may be used to confirm DFA's receipt of an Application:
 - a. Hand-deliver the Application to DFA and ask for a receipt;
 - b. Mail the Application by certified mail, with return receipt requested;
 - c. Mail the Application by private or commercial Overnight Delivery Service, retain delivery receipt.
5. Applications received after the deadline will be date stamped and disqualified due to the time of receipt.

XV. APPLICATION RATING CRITERIA (Section 8411):

Each Rating Criteria will correspond to specific Application questions. The point scores awarded to each Application for each question will depend on the relative merit of the individual answer to each question.

A. Applicant Capability – (Maximum 300 Points)

1. The Number of Years the Applicant has been providing housing and services for the homeless. (Maximum 30 Points)
2. The Applicant has experience operating the proposed Project or a Project similar to the proposed Project. (Maximum 30 Points)
3. The process utilized by the organization to evaluate the Project. Points will be awarded for this factor based on the frequency of evaluation, the degree of involvement of Project Participants and staff in the evaluation process, and the impact of the evaluation process on the Project. Applicants that provide supporting documentation of their evaluation process and outcomes will receive more points for this rating factor. (Maximum 30 Points)
4. The Applicant's experience administering other federal housing grants including, but not limited to, other ESG grants. (Maximum 30 Points)
5. The relative Number of Years' experience Key Staff have been working in the Project or related experience. (Maximum 60 Points)
6. The proposed ratio of "Key Staff" to Project Participants. (Maximum 60 Points)
7. Whether the Applicant has any unresolved monitoring findings or concerns from Emergency Shelter Grants awarded in no more than the previous four years. (Maximum 20 Points)

8. Whether the Applicant has submitted required reports in a timely manner for Emergency Shelter Grants awarded in no more than the previous four years. (Maximum 20 Points)
9. Whether the Applicant has obligated and expended funds in a timely manner for Emergency Shelter Grants awarded in no more than the previous four years. (Maximum 20 Points)

B. Need for Funds (Maximum 100 Points)

For the Need for Funds Rating Criteria, assignment of points, and priority ranking of Applications will be evaluated and determined by the CofC. The CofC will evaluate and determine the priority ranking of Applications received from each County within their service area. Applications will be rated and ranked against other Applications for the same County only.

The assignment of points will be evaluated and determined by the CofC based on the following criteria as outlined in 25 CCR 8411(b)(2):

1. Leverage of Funds (Maximum 50 Points)
2. Project Alignment with CoC Priorities (Maximum 50 Points)

Scores for each Application must not be duplicated and must be in 5 point increments, i.e., 100 points for the highest rank, 95 points for the next highest rank, etc...

C. Impact and Effectiveness – (Maximum 250 Points)

For the Impact and Effectiveness Rating Criteria, where appropriate, Projects/Activities will be compared to like Projects/Activities and rated. For Applications requesting funds for multiple Projects, each Project will receive a separate score for each rating factor, and the point scores will be averaged to calculate a final point score for each rating factor.

1. Number/Accessibility of Supportive Services (Maximum 60 Points)
2. Project Outcomes (Maximum 60)
3. Employment Outcomes (Maximum 30)
4. Other Income/Assistance Outcomes (Maximum 30)
5. Mental Health/Substance Stabilization Outcomes (Maximum 30)
6. Coordination with Local Planning Processes (Maximum 40)

D. Cost Efficiency – (Maximum of 100 Points)

1. The relative cost efficiency of the proposed use of ESG funds as measured by the cost per bed per month or cost per household assisted. (Maximum 60 Points)
2. The Applicant's level of coordination with other organizations to operate the program as demonstrated by such things as: Coordination of service delivery with other providers of housing or services to the homeless, use of volunteers, use of in-kind donations, use of client and community educational programs, and participation in coalitions. (Maximum 40 Points)

E. State Objectives – (Maximum 35 Points)

The State Objectives Rating Criteria will be based on if the Project targets the Chronically Homeless, Homeless Veterans, or serves the homeless population in an underserved area/s.

Total Possible – (Maximum 785 Points)

XVI. GRANT SELECTION (25 CCR 8405)

- A. HCD will review and evaluate all Applications received to determine eligibility for funding. Eligible Applications must:
1. Be received by the deadline;
 2. Be submitted to the address noted in this NOFA;
 3. Be complete;
 4. Contain a Certification by the Applicant that all information within the Application is true, complete and accurate;
 5. Be submitted by an eligible organization; and
 6. Propose only eligible Components/Activities.
- B. Within the applicable Allocations and Expenditure Limits noted above, ESG funds will be awarded to eligible organizations through a competitive process, funded in descending rank order, by total score, for the eligible amount requested. Awards will continue to be made until the remaining funds in each Allocation are insufficient to fully fund the next highest ranked Application(s).

Partial funding may occur if the Application is ranked just above the funding cut-off line and:

1. The applicable Allocation set-aside has been reached; and/or
 2. There are certain costs within an Application that are ineligible or inadequately described in the Application.
- C. Applicants are advised that if they are funded, their Application itself is incorporated by reference into the Standard Agreement between HCD and the Subrecipient. HCD will carefully examine an Applicant's records at the time of grant monitoring to determine the accuracy of statements made in their Application. If there has been any misrepresentation, HCD reserves the right, with reasonable notice, to cancel the grant and demand repayment.
- D. After an Application is approved for funding, any change in the Project must be requested in writing to HCD. All changes are subject to HCD written approval prior to implementation.

XVII. CONTRACT EXPENDITURE AND OBLIGATION REQUIREMENTS

- A. All costs incurred and reimbursable shall be in accordance with the availability dates set by HUD in the Grant Agreement between HUD and HCD.
- B. Subrecipients shall not expend any funds requiring reimbursement prior to the date the Standard Agreement is executed by HCD. In addition, no funds shall be expended until any required environmental review process has been completed to HCD's satisfaction.
- C. All activities for which the Subrecipient requests funds must have already been performed, (reimbursement-only basis), with the exception of activities paid for under the provision of a Grant advance.
- D. Subrecipients may request an advance of 30 days working capital or \$5,000, whichever is greater, after the Standard Agreement is executed. One advance is allowed and must be requested within 60 days of the execution of the Standard Agreement. Thereafter, the Subrecipient will be reimbursed for the amount of its actual cash disbursements. Subrecipients must request funds not less than once during each quarter of the Grant term.
- E. All ESG funds must be obligated within 180-days from the date of the Award Notification Letter from HCD. Documentation that funds have been obligated shall be evidenced by the Subrecipient submitting a request for reimbursement (drawdown) to HCD or submitting accounting records, and other federally required reports used to report the Subrecipient's expenditures. In addition to the obligation requirement, the Subrecipient must incur expenditures by the obligation deadline.

Subrecipients failing to meet the 180-days obligation of funds requirement will be subject to Grant termination and all Grant funds will be disencumbered by HCD and made available for reallocation.

- F. The Subrecipient's approved Standard Agreement will terminate 12 months from the date the Standard Agreement is executed by both parties, and in no event will it terminate later than June 30, 2014.

XVIII. APPEALS

Time is of the essence in awarding federal ESG Program funds. Any funding delays could result in the loss of all ESG Program funding received by HCD. Therefore, HCD's funding decisions are final and are not subject to appeal.

APPENDIX A PART 1 - ELIGIBLE COUNTIES

Facility/program eligibility is based on the physical location of the facility or operational base of the program. It is not based on the clients served, or the location of the grantee's office.

All counties listed on this page are eligible to apply for State ESG funds, including the cities and nonprofit shelters within these counties, except where noted.

NORTHERN CALIFORNIA ALLOCATION REGION
<p>(519) Butte County (507) Marin County (520) Merced County (506) Monterey County (All cities eligible to apply except Salinas) (515) Placer County (500) Santa Clara County (All cities eligible to apply except San Jose) (508) Santa Cruz County (518) Solano County (513) Tulare County</p>

SOUTHERN CALIFORNIA ALLOCATION REGION
None identified for 2012

RURAL ALLOCATION REGION		
<p>(615) Alpine County (526) Amador County (526) Calaveras County (523) Colusa County (528) Del Norte County (525) El Dorado County (523) Glenn County (522) Humboldt County (613) Imperial County (615) Inyo County</p>	<p>(513) Kings County (523) Lake County (523) Lassen County (514) Madera County () Mariposa County (509) Mendocino County () Modoc County (615) Mono County 517) Napa County (515) Nevada County (523) Plumas County</p>	<p>(506) San Benito County (516) Shasta County (523) Sierra County () Siskiyou County (524) Sutter County (523) Tehama County (523) Trinity County (526) Tuolumne County (521) Yolo County (524) Yuba County</p>

APPENDIX A
PART 2 - ELIGIBLE CITIES IN INELIGIBLE COUNTIES

Facilities/programs located in ineligible counties are eligible ONLY if they are physically located in the city limits of one of the following incorporated cities. Facilities/programs located in other cities in these counties are **not eligible**. Facilities/programs located in the unincorporated areas of these counties are **not eligible**.

SOUTHERN CALIFORNIA ALLOCATION REGION		
<p><u>(604) KERN</u></p> <p>Delano Maricopa Taft Wasco</p> <p><u>(600) LOS ANGELES</u></p> <p>Alhambra Artesia Baldwin Park Bellflower Burbank Carson Downey Gardena Glendora Hawthorne Hidden Hills Huntington Park Industry Lakewood Lancaster Lynwood Montebello Monterey Park Norwalk Palmdale Palos Verdes Estates Paramount City Pico Rivera Redondo Beach Rosemead Santa Clarita Santa Monica Torrance Vernon West Covina Whittier</p>	<p><u>(602) ORANGE</u></p> <p>Buena Park Costa Mesa Fountain Valley Fullerton Huntington Beach Irvine La Habra Laguna Niguel Lake Forest Mission Viejo Newport Beach Orange (City) Rancho Santa Margarita San Clemente San Juan Capistrano Tustin Westminster</p> <p><u>(608) RIVERSIDE</u></p> <p>Calimesa Cathedral City Corona Hemet Indio Lake Elsinore Menifee Moreno Valley Palm Desert Palm Springs Perris Rancho Mirage Temecula</p>	<p><u>(609) SAN BERNARDINO</u></p> <p>Apple Valley Chino Chino Hills Hesperia Rancho Cucamonga Redlands Rialto Upland Victorville</p> <p><u>(601) SAN DIEGO</u></p> <p>Carlsbad El Cajon Encinitas Escondido La Mesa National City Oceanside San Marcos Santee Vista</p> <p><u>(614) SAN LUIS OBISPO</u></p> <p>Grover Beach Pismo Beach</p> <p><u>(603) SANTA BARBARA</u></p> <p>Goleta Guadalupe Santa Barbara (City) Santa Maria</p> <p><u>(605) VENTURA</u></p> <p>Camarillo San Buenaventura Simi Valley Thousand Oaks</p>

APPENDIX A
PART 2 - ELIGIBLE CITIES IN INELIGIBLE COUNTIES continued

Facilities/programs located in ineligible counties are eligible ONLY if they are physically located in the city limits of one of the following incorporated cities. Facilities/programs located in other cities in these counties are **not eligible**. Facilities/programs located in the unincorporated areas of these counties are **not eligible**.

NORTHERN CALIFORNIA ALLOCATION REGION		
<p><u>(502) ALAMEDA</u> Alameda (City) Fremont Hayward Livermore Pleasanton San Leandro Union City</p> <p><u>(505) CONTRA COSTA</u> Antioch Concord Pittsburgh Richmond Walnut Creek</p>	<p><u>(514) FRESNO</u> Clovis Coalinga Firebaugh Fowler Huron Orange Cove Parlier San Joaquin</p> <p><u>(503) SACRAMENTO</u> Citrus Heights Elk Grove Rancho Cordova</p> <p><u>(511) SAN JOAQUIN</u> Lodi</p>	<p><u>(512) SAN MATEO</u> Daly City Redwood City San Mateo (City) So. San Francisco</p> <p><u>(504) SONOMA</u> Petaluma Santa Rosa</p> <p><u>(510) STANISLAUS</u> Riverbank Turlock</p>

APPENDIX B DEFINITIONS

ADMINISTRATION means expenses necessary to administer the Grant, including costs to prepare ESG reports, communicate with Department staff, and pay the ESG share of a required audit. Grant administrative expenses do not include the cost of carrying out eligible activities.

AREA-MEDIAN INCOME (AMI), Refer to the income limits under ESG: <http://www.huduser.org/portal/datasets/ahs/ahs97lim.html>

AT RISK OF HOMELESSNESS means an individual or family who has an annual income below 30 percent of median family income for the area, as determined by HUD, and does not have sufficient resources or support networks. For full definition, refer to 24 CFR 91.5.

AVAILABILITY DATE means the date the ESG funding starts and ends, commencing with the date HUD signs the Grant Agreement notifying the Department.

CDBG means Community Development Block Grant Program.

CAPITAL DEVELOPMENT means a Renovation, Major Rehabilitation and/or Conversion project.

CHRONICALLY HOMELESS means is an individual who is homeless and has been homeless and living or residing in a place not meant for habitation lives in a place not meant for human habitation, a safe haven, or in an emergency shelter for at least one year or on at least four separate occasions in the last three years and can be diagnosed with a disability or illness; or an individual who has been residing in an institution care facility; or a family with an adult (or minor) head of household that meets the definition of an individual who is chronically homeless. For full definition, refer to 24 CFR 91.5.

CITY is defined at 42 USC, Section 5302 (a) (5).

CONTINUUM OF CARE means the group composed of representatives of relevant organizations, which generally includes private nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons that are organized to plan for and provide, as necessary, a system of outreach, engagement, and assessment; emergency shelter; rapid re-housing; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless persons and persons at risk of homelessness for a specific geographic area.

CONVERSION means a change in the use of a building to Emergency Shelter or Transitional Housing for the homeless, where the cost of Conversion and any Rehabilitation costs exceed 75 percent of the value of the building after Conversion.

DAY means calendar day.

DAY CENTER means a Facility or Program whose primary purpose is to provide homeless persons temporary shelter during the day, as well as to offer a wide range of services to large numbers of homeless persons on any given day that may include, but is not limited to, food services, clothing services, employment services, case management services, and addiction recovery support services. Day Centers do not regularly provide overnight shelter accommodations. Day Centers do not include child care centers or outpatient medical treatment or recovery centers.

DEPARTMENT means the California Department of Housing and Community Development.

DIRECTOR means the Director of the Department of Housing and Community Development.

ELIGIBLE ACTIVITIES mean those activities upon which ESG funds may be expended. Refer to 24 CFR 576.100 – 576.108.

ELIGIBLE APPLICANT means Units of general purpose local government, (cities and counties), that do not receive formula ESG funds directly from HUD; and are located in or serving an Eligible-City or Eligible County in the State of California, and provide or contract with community organizations to provide activities eligible under ESG; and Private Nonprofit Organizations applying for programs that are located in Eligible cities or Eligible Counties. NOFA Attachment A lists those Eligible Cities and Eligible Counties, (general purpose local governments), known to HCD ; and,

Faith-based organizations receiving ESG funds, like all organizations receiving HUD funds, must serve all eligible beneficiaries without regard to religion.

ELIGIBLE CITY means a City that within the current federal fiscal year meets one of the following conditions: It is located within a county that is a Non-entitlement area pursuant to 42 USC, Section 5302; it is a Metropolitan City that receives no federal ESG funds directly from HUD pursuant to 42 USC, Section 11373; it is a City that is located within an Eligible County and that is not a Metropolitan City; or it is a City that is not a Metropolitan City and that is also not part of an agreement pursuant to 42 USC, Section 5302 to receive Federal ESG, CDBG and HOME funds as part of the Urban County within which it is located.

ELIGIBLE COUNTY means a county that within the current federal fiscal year meets one of the following conditions: The county is not an Urban County pursuant to 42 USC , Section 5302 (a)(6), or the county is an Urban County that is receiving no federal ESG funds directly from HUD pursuant to 42 USC Section 11373.

EMERGENCY SHELTER (Includes Transitional Housing and Day Centers) means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.

ESG is the acronym for the Emergency Solutions Grants Program administered by the Department.

ESSENTIAL SERVICES ESG Funds may be used to provide Essential Services to individuals and families who are in emergency shelters as it is defined in 24 CFR 576.102, or to reach out to unsheltered homeless people on the street as it is defined in 24 CFR 576.101.

FACILITY means the physical location where Project activities are to be provided. For purposes of this definition, a physical location includes the offices at which Project activities are to be provided.

FESG Federal Emergency Shelter Grants Program (FESG), renamed to federal “Emergency Solutions Grants” (ESG) Program per the HEARTH Act of 2009.

HCD means State of California Department of Housing and Community Development.

HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) means the information system designated by the Continuum of Care to comply with HUD’s data collection, management, and reporting standards and used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.

HOMELESS is an individual or family who lacks a fixed, regular, and adequate nighttime residence; or an individual or family who will imminently lose their primary nighttime residence; or unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition; or any individual who is fleeing life threatening conditions or has no other residence or lacks the resources or support networks to obtain other permanent housing. For full definition, refer to 24 CFR 576.2.

HOMELESSNESS PREVENTION ESG Funds may be used to provide Housing Relocation and Stabilization Services and Short- and/or Medium-term rental assistance to individuals and families who meet the criteria under the “At Risk of Homelessness” definition, or who meet the criteria in Paragraph 2, 3, or 4 of the homeless definition in 24 CFR 576.2 and have an annual income of below 30 percent of median family income for the area, as determined by HUD. For full definition refer to 24 CFR 576.103.

HPRP means Homeless Prevention and Rapid Re-Housing Program, under Title XII of the American Recovery and Reinvestment Act of 2009.

HUD means the U.S. Department of Housing and Urban Development.

MAINTENANCE OF EFFORT If the Subrecipient is a unit of general purpose local government, its ESG funds cannot be used to replace funds the unit of general purpose local government provided for street outreach and emergency shelter services during the immediately preceding 12-month period, unless HUD determines that the unit of general purpose local government is in a severe financial deficit. For full definition, refer to 24 CFR 576.101 (c).

MAJOR REHABILITATION means rehabilitation that involves costs in excess of 75 percent of the value of the building before rehabilitation.

MANUFACTURED HOUSING means mobile homes, trailers, and factory-built homes.

MATCHING FUNDS is the contribution of the Subrecipient toward the eligible grant cost or cost sharing. This can include cash contributions, in-kind, and donated materials that could otherwise be charged to the grant. Refer to: 42 U.S.C. 11375.

A. The matching contribution requirements shall be consistent with the provisions set forth in 42 USC, Section 11375 and 24 CFR, Section 576.

B. Pursuant to subdivision (a), the Department will set forth in the applicable ESG NOFA any requirement of ESG Applicants to provide documentation of matching funds. (Authority: Section 50406 (n), Health and Safety Code Reference: 42 USC Section 11375, 24 CFR Section 576.2010.

MEDIUM-TERM RENTAL ASSISTANCE means the provision of rental assistance for more than 3 months up to 24 months.

MEMORANDUM OF UNDERSTANDING (MOU) means a written agreement between the Eligible Applicant and the Collaborating Organization agreeing to assist in the delivery of ESG services.

METROPOLITAN CITY means a city that was classified as a metropolitan city under 42 U.S.C. 5302(a) for the fiscal year immediately preceding the fiscal year for which ESG funds are made available. This term includes the District of Columbia. (24 CFR, Section 576.2)

NEW PROGRAM means a Project that has been operating for less than 24 months from the date of the applicable NOFA and the organization must not have received either FESG, HPRP, or ESG funds in the last previous two funding rounds.

NOFA is the acronym for a Notice of Funding Availability.

NON-ENTITLEMENT AREA means an area which is not a metropolitan city or part of an urban county and does not include Indian tribes.

OBLIGATED FUNDS means that the entity awarded ESG funds has placed orders, awarded contracts, received services, or entered into similar transactions that require payment from the grant. Obligated Funds include grant amounts that a City or County awards to a private nonprofit organization by an award letter if the award letter requires payment from the grant amount.

PRIVATE NONPROFIT ORGANIZATION means a private nonprofit organization that is a secular or religious organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 and which is exempt from taxation under subtitle A of the Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance. A private nonprofit organization does not include a general purpose local governmental organization, such as a public housing agency or housing finance agency.

PROGRAM PARTICIPANT (also referred to in this NOFA as “Participant”) means an individual or family who is assisted under the ESG Program.

PROJECT is made up of one or more ESG Components (Emergency Shelter, Street Outreach, Homelessness Prevention, or Rapid Re-housing) which will be used to assist the homeless with shelter and/or services.

PROJECT-BASED If a Subrecipient identifies a permanent housing unit that meets ESG requirements and become available before a Program Participant is identified to lease the unit, the Subrecipient may enter into a rental assistance agreement with the owner to reserve the unit and subsidize its rent in accordance with 24 CFR 576.106 (i).

RAPID RE-HOUSING ASSISTANCE ESG funds may be used to provide Housing Relocation and Stabilization Services and Short- and/or Medium-Term Rental Assistance to Program Participants who meet the criteria under paragraph (1) of the “Homeless” definition in 24 CFR 576.2 or who meet the criteria in Paragraph (4) of the “Homeless” definition and live in an emergency shelter or other place described in paragraph (1) of the “Homeless” definition. For full definition, refer to 24 CFR 576.104.

RECIPIENT means any state, territory, metropolitan city, or urban county, or in the case of reallocation, any unit of general purpose local government, approved by HUD to assume financial responsibility and which enters into a grant agreement with HUD to administer ESG.

RENOVATION means eligible costs include labor, materials, tools, and other costs for renovation (including major rehabilitation of an emergency shelter or conversion of a building into an emergency shelter). The emergency shelter must be owned by a government entity or private nonprofit organization.

RURAL means a County with a population of less than 200,000.

SHELTER OPERATIONS means the cost of maintenance (including minor or routine repairs), rent security, fuel, equipment, insurance, utilities, food, furnishings, and supplies necessary for the operations of the emergency shelter where no appropriate emergency shelter is available for a homeless family or individual; eligible costs may include a hotel or motel voucher for that family or individual.

SHORT-TERM RENTAL ASSISTANCE means the provision of rental assistance for up to 3 months.

SITE CONTROL means the legal right to occupy and use the site, as evidenced by such things as: a deed demonstrating ownership in fee title; or a lease demonstrating a leasehold interest in the site and its improvements for at least the term of the ESG Grant or forgivable deferred interest loan; or a purchase/lease agreement; or where ESG funds will be used for Capital Development activities, an enforceable option contract to purchase or lease which shall extend at least through the anticipated closing date of the ESG Capital Development loan.

For rotating shelter programs, site control may include other evidence provided by the Applicant granting permission to use the site(s). Such evidence must be submitted by the Applicant and approved by the Department prior to the deadline for submission of the State ESG Application stated in the applicable NOFA.

STANDARD AGREEMENT means the contract entered into by the department and the ESG Subrecipient setting forth the basic terms and conditions governing the award of ESG Funds.

STREET OUTREACH ESG Funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide agent, nonfacility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. For full definition, refer to 24 CFR 576.101

SUBRECIPIENT means a unit of general purpose local government or private non-profit organization to which a recipient makes available ESG funds.

TENANT-BASED A Program Participant who receives Tenant-Based Rental Assistance may select a housing unit in which to live and may move to another unit or building and continue to receive rental assistance, as long as the Program Participant continues to meet the program requirements. The Subrecipient may require that all program participants live within a particular area for the period in which the rental assistance is provided.

The rental assistance agreement with the owner must terminate and no further rental assistance payment under that agreement may be made if the conditions in 24 CFR 576.106 (h)(i-iii) are met.

TRANSITIONAL HOUSING means temporary housing with supportive services that is limited to occupancy of up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving Program Participants into permanent housing as quickly as possible. For the purposes of administering the ESG program, Transitional Housing will be considered as an Emergency Shelter in the Standard Agreement.

UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT means any city, county, town, township, parish, village, or other general purpose political subdivision of a State.

VICTIM SERVICE PROVIDER means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. This term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

HOMELESS YOUTH means a person who is less than 18 years of age who is emancipated pursuant to Part 6 of Division 1 of the Family Code and who is "Homeless" or "At Risk of Homelessness" or a person who is not older than 24 years of age and meets one of the following conditions: is "Homeless" or "At Risk of Homelessness"; or is no longer eligible for foster care on the basis of age; or has run away from home. (California Government Code Section 11139.3).

APPENDIX C
LIST OF ELIGIBLE ACTIVITIES BY COMPONENT TYPE

COMPONENTS					
Street Outreach	Emergency Shelter	Homelessness Prevention	Rapid Re-Housing Assistance	HMIS	Local Grant Administration
MAIN ELIGIBLE ACTIVITIES					
<u>Essential Services</u> Engagement Case Mgmt Em Hlth Svs Em Mntl Hlth Svs Transportation Svcs to Spec Pop	<u>Essential Services</u>	Housing Relocation & Stabilization Services	Housing Relocation & Stabilization Services	Hardware Software Equipment	General Mgmt Oversight Coordination
	<u>Renovation</u> Rehab Conversion	<u>Financial Assistance</u> Moving Costs Rent App Fees Security Deposits Last Month's Rent Utility Deposit Utility Payment	<u>Financial Assistance</u> Moving Costs Rent App Fees Security Deposits Last Month's Rent Utility Deposit Utility Payment	Tech Support Office Space Utilities Staff Salaries Data Quality Data Analysis Reporting	Salaries Monitoring Reporting Evaluation ESG Training HMIS Fees
	Shelter Operations	<u>Services</u> Hsg Search Hsg Placement Hsg Stability Mediation Legal Services Credit Repair Budgeting Money Mgmt	<u>Services</u> Hsg Search Hsg Placement Hsg Stability Mediation Legal Services Credit Repair Budgeting Money Mgmt	<u>Training</u> HMIS Comparable	Consolidated Plan
	Assistance Required Under URA	<u>Rental Assistance</u> Short-Up to 3 Mos. Medium- 4-24 Mos. Tenant-Based Project-Based	<u>Rental Assistance</u> Short-Up to 3 Mos. Medium- 4-24 Mos. Tenant-Based Project-Based	Legal Services/ <u>Victim Services</u> Comparable	Environmental Review

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF FINANCIAL ASSISTANCE

1800 Third Street, Suite 390
P. O. Box 952054
Sacramento, CA 94252-2054
(916) 322-1560
FAX (916) 327-6660



APPENDIX D

SERVING SELECTED POPULATIONS WITH ESG FUNDING

The following is a simplified layman's guide for shelter providers seeking to serve selected populations using ESG Program funds administered by HCD.

Legal Requirements: Generally, service to selected populations must comply with a variety of legal requirements, including the 14th Amendment to the U. S. Constitution, the U. S. Fair Housing Act (and amendments of 1968 and 1988), the California Fair Employment and Housing Act and the California Unruh Civil Rights Act. Depending on the circumstances, other statutes may apply, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Additionally, there are specific applicable provisions of the Federal ESG Regulations (24 CFR Section 576). Given the potential overlap of legal requirements, facilities and programs interested in applying for State ESG funds should consult an attorney to identify the specific applicable requirements for serving any selected population of clients.

State Requirements Applicable to ESG Funds: Pursuant to eligibility requirements for the State ESG Program and case law for the Unruh Civil Rights Act which prohibits all arbitrary discrimination, facilities and programs receiving State ESG cannot choose their clients in a manner that denies the benefits of the facility or program on an arbitrary basis or illegally discriminates.

Under Unruh, discrimination is considered non-arbitrary if the nature of the physical facilities or the nature of the services provided reasonably necessitates a particular restriction. Because whether a facility or program is in compliance with Unruh is a fact driven question, applicants and contractors are encouraged to consult their own legal counsel regarding this issue.

Alternatively, if a State or Federal law or regulation requires an ESG facility or program to exclusively serve a select homeless subpopulation; such a restriction would not be considered arbitrary.

Selecting Clients on the Basis of Age: Service to homeless youth that meets the requirements of Government Code Section 11139.3 would not be considered arbitrary discrimination under the State ESG Program. It authorizes the provision of housing for homeless youth, and does not consider such service unlawful age discrimination. This Section shall not be construed to permit discrimination against families with children.

Housing for homeless youth includes emergency, transitional or permanent housing tied to supportive services that assist homeless youth in stabilizing their lives and developing the skills and the resources they need to make a successful transition to independent, self-sufficient adulthood.

If there are any questions regarding these issues, please refer to Government Code Section 11139.3 or contact the HCD Homeless Programs at (916) 445-0845.

APPENDIX E

ESG 2012 NOFA AND APPLICATION WORKSHOPS

If you plan on attending one of these workshops, RSVP to Alisha Senter at asenter@hcd.ca.gov or (916) 324-3757.

January 7, 2013 (Sacramento)

City of Rancho Cordova (City Hall)
2729 Prospect Park Drive
Rancho Cordova, CA 95670

January 15, 2013 (Los Angeles)

City of Los Angeles (Ronald Regan Building)
300 South Spring Street, Suite 1726
Los Angeles, CA 90013

January 16, 2013 (San Diego)

United Way of San Diego County
4699 Murphy Canyon Road
San Diego, CA 92123

WORKSHOP SCHEDULE

Sign-In: 9:30 a.m.
Workshop Hours: 10:00 a.m.—3:30 p.m.
Break: 11:15 a.m.
Lunch: 12:30 p.m. – 1:45 p.m.

***Note:** Be sure to bring your copy of the ESG 2012 NOFA and ESG Application, to the workshop, as only a limited number of copies will be available.

**APPENDIX F
ESG PROGRAM CONTACT LIST**

TRACEY WITHROW Homeless Operations ESG Program Manager	E-mail: twithrow@hcd.ca.gov Phone: (916) 322-0643
ALISHA SENTER Program Assistant	E-mail: asenter@hcd.ca.gov Phone: (916) 324-3757
AMANDA LOCKWOOD HCD Representative	E-mail: alockwood@hcd.ca.gov Phone: (916) 322-2045
CATHERINE KUNGU HCD Representative	E-mail: ckungu@hcd.ca.gov Phone: (916) 323-0091
CONNIE MALLAVIA HCD Representative	E-mail: cmallavia@hcd.ca.gov Phone: (916) 327-8115
HELENE HIROMOTO HCD Representative	E-mail: hhiromoto@hcd.ca.gov Phone: (916) 323-2176
JANETTE SCHAAKE HCD Representative	E-mail: jschaake@hcd.ca.gov Phone: (916) 327-8258
JUSTIN JEREMIAH HCD Representative	E-mail: jjeremiah@hcd.ca.gov Phone: (916) 323-2178

APPENDIX G
CALIFORNIA CONTINUUM OF CARE (CoC) CONTACT LIST

Name of Continuum of Care	Lead Contact	Phone #	CoC #	Email Distribution List
San Jose/Santa Clara City & County CoC 650 S. Bascom Ave., Ste. A San Jose, CA 95128	Robert Dolci	408-793-6451 Fax: 408-275-6716	500	robert.dolci@hhs.sccgov.org
Oakland/Alameda County CoC 224 W. Winton Hayward, CA 94544	Riley Wilkerson	510-670-9797	502	Riley.Wilkerson@acgov.org
Sacramento City & County CoC 1331 Garden Hwy., Ste. 100 Sacramento, CA 95833	Benjamin Burton	916-557-9770	503	bburton@sacstepsforward.org
Santa Rosa/Petaluma/Sonoma County CoC 1440 Guerneville Road Santa Rosa, CA 95401	Mark Krug	707-565-7509 707-484-0389 Fax: 707-565-7583	504	mkrug@sonoma-county.org
Richmond/Contra Costa County CoC	Lavonna Martin,	925-313-6140	505	Lavonna.Martin@hsd.cccounty.us
Salinas/Monterey, San Benito Counties CoC 220 12 th Street Marina, CA 93933	Glorietta Rowland	831-883-3080 Fax: 831-883-3085	506	chspmontry@aol.com
Marin County CoC 20 N. San Pedro, Ste. 2028 San Rafael, CA 94903	Lisa Sepahi	415-473-3501 415-720-9071	507	LSepahi@co.marin.ca.us
Watsonville/Santa Cruz City & County CoC 701 Ocean St., 4 th Fl. Santa Cruz, CA 95060	Kathleen Molloy Previsich	831-454-2580	508	Kathy.previsich.@co.santa-cruz.ca.us
Mendocino County CoC 747 South State Street Ukiah, CA 95482	Kathleen Stone	707-463-7968 Fax: 707-463-7979	509	stonek@co.mendocino.ca.us
Turlock/Modesto/Stanslaus County CoC 1010 10 th Street, Ste. 3400 Modesto, CA 95355	Angela Freitas	209-525-6330 Fax: 209-557-2035	510	angela@stancounty.com
Stockton/San Joaquin County CoC 1810 E. Hazelton Ave. Stockton, CA 95205	Sunny Acevedo	209-468-3177 Fax: 209-468-9575	511	slacevedo@sjgov.org
Daly/San Mateo County CoC 260 Harbor Blvd., Bldg. A Belmont, CA 94002	Wendy Goldberg	650-802-3378 Fax: 650-596-6478	512	wgoldburg@co.sanmateo.ca.us
Visalia, Kings, Tulare Counties CoC	Elizabeth McGovern	563-505-5558	513	bmcgovern@ci.tulare.ca.us
Fresno/Madera County CoC 1331 Fulton Mall Fresno, CA 93721	Angelina Nguyen	559-443-8426 Fax: 559-445-8922	514	anguyen@hafresno.org

Name of Continuum of Care	Lead Contact	Phone #	CoC #	Email Distribution List
Nevada-Placer Counties CoC P.O. Box 297 Roseville, CA 95678	Janice Critchlow	916-924-0534	515	jcritchlow@sbcglobal.net
Redding/Shasta County CoC 1450 Court St., Suite 108 Redding, CA 96001	Jessica Delaney	530-245-6118 Fax: 530-225-5178	516	Jdelaney.coc@gmail.com
Napa City & County CoC 2261 Elm Street Napa, CA 94559	Mitch Wippern	707-259-8653	517	mwippern@co.napa.ca.us
Vallejo/Solano County CoC 1545 N. Texas Rd., Ste. 301 Fairfield, CA 94533	PJ Davis	707-422-8810	518	pjdavis@onramp113.org
Chico/Paradise/Butte County CoC	Meagan Meloy	530-895-4474 x208	519	meaganm@butte-housing.com
Merced City & County CoC 369 W. 18 th Street Merced, CA 95340	Alicia Ochoa-Jones	209-723-3153 Ext. 328	520	Alicia.ochoa-jones@mcagov.org
Davis/Woodland/Yolo County CoC P.O. Box 1061 Roseville, CA 95678	Janice Critchlow	916-924-0534	521	jcritchlow@sbcglobal.net
Humboldt County CoC 507 F Street Eureka, CA 95501	Sally Hewitt	707-441-5527	522	shewitt@co.humboldt.ca.us
Dos Rios CoC Colusa, Glenn, Lake, Tehama, Trinity, Lassen, Plumas, and Sierra Counties 420 E. Laurel Street Willows, CA 95988	Lucy Hernandez	530-934-1452 530-520-6122 Fax: 530-865-1290	523	lhernandez@hra.co.glenn.ca.us
Yuba City, Marysville/Sutter, Yuba Counties CoC 401 Del Norte Avenue Yuba City, CA 95991	Chaya Galicia	530-216-4533 Fax: 530-671-7213	524	Chaya.galicia@usw.salvationarmy.org
El Dorado County CoC	Matt Huckabay	530-626-1450	525	info@edcrc.org
Tuolumne, Calaveras, Amador Counties CoC 935 S. Highway 49 Jackson, CA 95642	Beetle Barbour	209-533-1397 Ext. 251 Fax: 209-533-1034	526	bbarbour@atcaa.org
Del Norte County CoC	Paul Reysan	707-464-9190 Ext. 111	528	preysan@canbless.org
Los Angeles City & County CoC	Michael Arnold		600	marnold@lahsa.org
Santa Ana-Anaheim-Orange County CoC 1770 North Broadway Santa Ana, CA 92706	Kelly Lupro	714-480-2744	602	kelly.lupro@occr.ocgov.com
Santa Maria/Santa Barbara County CoC 105 E. Anapamu St., Ste. 105 Santa Barbara, CA 93101	Anacleto Quinoveva	805-560-1090	603	aquinoveva@co.santa-barbara.ca.us
Bakersfield/Kern County CoC United Way of Kern County	Louis Medina	661-834-2734	604	Louis.M@uwkern.org

Name of Continuum of Care	Lead Contact	Phone #	CoC #	Email Distribution List
San Buenaventura/ Ventura County CoC	Cathy Brudnicki	805-485-6288 Ext. 273	605	Cathy@vchhc.org
Riverside City & County CoC	Judith Murdock	951-358-5636	608	jmurdock@riversidedpss.org
San Bernardino City & County CoC 850 E. Foothill Blvd. Rialto, CA 92376	Christy Hamilton	909-252-4067 Fax: 909-873-4420	609	chamilton@hss.sbcounty.gov
San Diego County CoC 3989 Ruffin Road San Diego, CA 92123	Dolores Diaz	858-694-4804 Fax: 858-514-6561	601	Dolores.diaz@sdcounty.ca.gov
Imperial County CoC 727 West Main Street El Centro, CA 92243	Yereida Soto	760-353-6922 Fax: 760-353-8372	613	ysoto@womenhaven.org
San Luis Obispo County CoC 976 Osos St., Room 300 San Luis Obispo, CA 93408	Morgan Torell	805-781-5113 Fax: 805-781-5624	614	mtorell@so.slo.ca.us
Inyo, Mono, Alpine Counties CoC	Darren Malloy		615	dmalloy@imaca.net

ATTACHMENT H WEBSITE REFERENCES

Emergency Solutions Grants Website: <http://www.hcd.ca.gov/fa/esg/>

State Regulations: http://www.hcd.ca.gov/fa/fesg/07-12-04_FESG_State_Regulations_Final_Text.pdf

Federal Regulations:

http://www.hudhre.info/documents/HEARTH_ESGInterimRule&ConPlanConformingAmendments.pdf

ESG Eligible Expenses Guide:

<http://www.hcd.ca.gov/fa/esg/ESGEligibleExpenseGuide.pdf>