

MEMORANDUM

TO: Interested Parties

FROM: James R. Boyd, Interim Director *JRB*
Division of Community Services

RE: Emergency Shelter Grants Program Application

DATE: May 3, 2011

Enclosed is a grant application packet for the North Dakota Emergency Shelter Grants Program (ESGP) for 2011. The **estimated** ESGP funds and State Homeless Fund dollars available for allocation in the State of North Dakota for 2011 are \$486,406.

For 2011, eligible applicants are as follows:

Federally recognized nonprofit organizations, with the certified approval of the unit of local government in which the project is located. (Attachment B must be completed.)

Units of local government, either for programs which they wish to initiate, or on behalf of local private nonprofit organizations.

Applications are due to the Division of Community Services (DCS) by the close of business on June 10, 2011. Grant awards will be made upon approval of the 2011 Action Plan for the North Dakota Consolidated Plan for 2010-2014, which has been submitted to HUD (we expect approval around June 1, 2011). **Applications will be reviewed on a competitive basis, and preparation of an application does not guarantee that funding will be received.**

Administration of the grant will be the responsibility of the applicant. Following the award of funds, grantees will **be required to attend an Emergency Shelter Grants Program administration workshop, sponsored by the Division of Community Services.**

Should you have any questions about the Emergency Shelter Grants Program, the application packet, or grant administration, please contact Tom Wirtz at 328-2618.

TWW/jml
Enclosure



"We lead North Dakota's efforts to attract, retain and expand wealth."

ESGP APPLICATION
DIVISION OF COMMUNITY SERVICES (DCS)
SFN 582907 (05/11)

REQUEST FOR APPLICATIONS
EMERGENCY SHELTER GRANTS PROGRAM

PROGRAM: The purpose of the Emergency Shelter Grants Program (ESGP) is to provide for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless and for the payment of related Operational, Essential Services expenses, and Homeless Prevention Activities.

SOLICITATION: This request is to solicit formal grant applications from eligible nonprofit organizations, as direct recipients, or units of local government for eligible program activities to provide assistance to the homeless.

Local units of government may apply for programs they wish to initiate or on behalf of local eligible nonprofit organizations.

APPLICATION SUBMISSION: Applications for assistance must be **received** no later than 5:00 p.m., CST, June 10, 2011. **An original and one copy** of the application must be submitted to:

ND Department of Commerce
1600 East Century Avenue, Suite 2
PO Box 2057
Bismarck, ND 58502-2057
Contact Person: Tom Wirtz
Telephone: (701) 328-2618

FUNDS AVAILABLE: North Dakota may have an estimated \$486,406 available for the FY 2011 Emergency Shelter Grants Program. Of the \$486,406, up to 30% or \$145,922 may be targeted toward applications which will carry out homeless prevention activities to prevent individuals or families from becoming homeless.

FUNDING LEVEL: The maximum amount that may be made available to any one facility or agency providing assistance to the homeless will be \$30,000. The program has a 20 percent cap on funds for essential services, and a 30 percent cap on homeless prevention activities.

PROGRAM OVERVIEW: Funds for the ESGP are made available through the Stewart B. McKinney Homeless Assistance Act. Funds are appropriated through the Department of Housing and Urban Development. ESGP funds will be awarded to units of local government or eligible nonprofit organizations to undertake eligible activities to assist the homeless.

Each recipient of funds under this program must meet the following requirements: 1) ensure that any building rehabilitated or converted with grant funds continues to be used as a homeless shelter for a specified period; 2) ensure that any rehabilitation is sufficient to make the shelter safe and sanitary; 3) assist homeless individuals in obtaining appropriate supportive services; 4) ensure the confidentiality of victims of family violence; 5) involve to the maximum extent practicable homeless individuals and families in constructing, renovating, maintaining, operating, and in providing services for occupants of facilities assisted; and 6) requires that termination of assistance to an individual or family be in accordance with a formal process.

EMERGENCY SHELTER GRANTS PROGRAM

A. GENERAL

Emergency Shelter

Emergency Shelter means any facility, the primary purpose of which is to provide temporary shelter (up to 30 days) or transitional shelter (up to two years) for the homeless in general or for specific populations of the homeless.

Eligible Applicant

For the purpose of the State's Emergency Shelter Grants Program, eligible applicants are units of general local government and private nonprofit organizations.

Sub-applicant

A private nonprofit organization that receives funds through an eligible applicant.

Private Nonprofit Recipient

An eligible private nonprofit organization may be a religious or secular organization. The nonprofit organization must be a tax exempt organization as described in Section 501(c) of the Internal Revenue Code of 1954 which: 1) is exempt from taxation under subtitle A of the Code; 2) has an accounting system and voluntary board; and 3) practices nondiscrimination in the provision of assistance.

If you intend to pass on funds to an eligible private nonprofit religious organization, you must contact the DCS for guidance prior to submitting your grant application.

Homeless

Homeless means:

1. An individual or family which lacks a fixed, regular, and adequate nighttime residence;
or
2. An individual or family which has a primary nighttime residence that is:
 - a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for persons with mental illness);
 - b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

- c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

B. ELIGIBLE ACTIVITIES

1. Renovation

"Renovation" means rehabilitation that involves costs of 75 percent or less of the value of the building before rehabilitation.

2. Major Rehabilitation

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

3. Conversion

Conversion means a change in the use of a building to an emergency shelter for the homeless under this part, where the costs of conversion and any rehabilitation costs exceed 75 percent of the value of the building before conversion.

4. Essential Services

Funds may be used for costs associated with the provision of services, including, but not limited to, permanent housing, employment, health, substance abuse, education, or food. The services funded must be new or a quantifiable increase over what has been provided in the 12 months preceding the application submittal. There is a 20 percent cap on these activities.

5. Operational Costs

Funds may be used for the payment of maintenance, operation (including administration and staff costs of operations related to emergency shelter, staff costs are limited to up to 10 percent of ESGP funds requested), rent, repair, security, fuels, equipment, insurance, utilities, furnishings, and food prepared and served to clients in an emergency shelter.

6. Homeless Prevention

Funds may be used for Homeless Prevention Activities as defined in 24 CFR Section 576.3. There is a 30 percent cap on these activities.

C. INELIGIBLE ACTIVITIES

- 1. New construction of a shelter, although additions to existing shelters are eligible.

2. Homeless shelter acquisition costs, such as options, down payments, mortgage payments, escrow fees, and financing fees.
3. Rehabilitation work write-ups, inspections, or any other rehab cost other than labor and materials.
4. Rehabilitation or conversion of buildings owned by primarily religious organizations or entities, with exceptions. Contact the DCS for information regarding exceptions.
5. A grantee or State or nonprofit recipient may not expend emergency shelter grant funds for any activities that would result in the displacement of persons or businesses.

D. SPECIFIC PROGRAM REQUIREMENTS

1. Matching Funds

Section 832 of the Cranston-Gongalez National Affordable Housing Act eliminates the match for the first \$100,000 of a state grant and requires that benefit be passed on to the local grantees least capable of providing the recipient state with matching amounts.

Please note the Request for Match-Free Status included in the application.

2. Section 1402(b) of the Housing and Community Development Act of 1992 added the provision that, to the maximum extent practicable, homeless individuals and families be involved in constructing, renovating, maintaining and operating facilities assisted under the ESGP, and in providing services for occupants of these facilities.
3. Section 1402(d) of the Housing and Community Development Act of 1992 requires the following:

"If an individual or family who receives assistance from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals affected, which may include a hearing."

4. Obligation of Funds

Obligation of funds means that the State recipient has placed orders, awarded contracts, received services, or entered similar transactions that require payment from the grant amount. Grant amounts that are awarded by a written agreement by a unit of general local government to a private nonprofit organization providing assistance to the homeless are obligated.

If a unit of general local government fails to obligate funds within 180 days of the date on which the State made its funds available, the State will recapture any grant amounts that a State recipient does not obligate and will make these funds available to other eligible nonprofit organizations or units of general local governments that have submitted an application. The DCS will reallocate funds in the order of ranking of unfunded applications.

5. Use as an Emergency Shelter

Any building for which emergency shelter grant funds are used must be maintained as a shelter for the homeless according to the following:

- a. Renovation - not less than three years.
- b. Major Rehabilitation/Conversion - not less than ten years.
- c. Leasing of Commercial Facilities - not less than three years.
- d. Services and Operational Costs - for a period corresponding to the period of time for which assistance is provided, without regard to a particular site or structure, as long as the same general population is served.

Both the recipient and private nonprofit must certify compliance with the applicable provision.

6. Building Standards

Any building for which emergency shelter grant amounts are used for renovation, conversion, or major rehabilitation must meet state and/or local government standards for construction, and for being in a safe and sanitary condition.

7. Assistance to the Homeless

Homeless individuals in shelters assisted through this program must be given assistance in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living. In addition, assistance must be provided in obtaining other federal, state, local and private assistance available for such individuals.

E. ADMINISTRATIVE REQUIREMENTS

1. Administration

The grantee to which the state awards ESGP grant funds is responsible for assuring that all grant amounts are administered in accordance with the requirements of the program and all applicable laws. Following the award of funds, grant administrators and sub-grantees must attend an ESGP administration workshop, sponsored by the Division of Community Services.

2. Method of Payment

Payments may be made to a grantee upon its request and may include a working capital advance for 30 days cash needs or an advance of \$5,000, whichever is greater. If a

grantee requests a working capital advance, it must base the request on a realistic and firm estimate of the amounts required to be disbursed over a 30-day period in payment of eligible costs.

3. Financial Management Standards

The grantee is responsible and accountable for all funds received. The grantee, through an agreement (see attached Sample Agreement) with a private nonprofit organization, must maintain accountability over all funds, equipment, property and other assets under the grant. The grantee must ensure that records are kept which detail the receipt and expenditures of all grant funds.

4. Performance/Final Report

Each grantee must submit a Semi-Annual Financial Status Report reflecting the expenditure or obligation of funds by funded activity. In addition, a Semi-Annual Narrative report must be provided, describing work completed, problems, schedule of work to be completed, and need for assistance, if any. Upon completion of the project, a Final Report must be submitted. Report forms will be provided by the DCS.

5. Recordkeeping

The grantee will be required to keep and maintain records showing compliance with the conditions of the Financial Assistance Award and funded activities, as well as compliance with all applicable laws and regulations of the Emergency Shelter Grants Program. These records must be made accessible to staff of the DCS, the Department of HUD, and State Auditor's Office, and must be maintained for a period of 4 years following grant closeout.

6. Audits

An audit of the unit of general local government must be performed in accordance with the procedures of the Office of Management and Budget Circular A-133. A private nonprofit organization receiving funds must have an audit conducted in accordance with the requirements of the Office of Management and Budget Circular A-133.

7. Additional Documentation

The DCS reserves the right to request any information or documentation as determined necessary.

8. Nondiscrimination and Equal Opportunity

Use of grant funds must comply with all applicable federal civil rights acts and implementing regulations, including Title VIII of the Civil Rights Act of 1968, Title VI of the Civil Rights Act of 1964, Executive Order 11063, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, Executive Order 11246, and Section 3 of

the Housing and Urban Development Act of 1968. In addition, consistent with various executive orders, grantees must make efforts to encourage the use of minority and women's businesses in connection with grant activities.

9. Grant Management Practices

Grantees must comply with federal standards relating to the allowability of costs, cash deposits, bonding and insurance, records retention, financial systems, handicapped accessibility of buildings, lead-based paint poisoning prevention, conflict of interest, use of debarred, suspended, or ineligible contractors, audits, and Executive Order 12372 (intergovernmental review).

10. Environmental Requirements

No rehabilitation, renovation or conversion funded by this program can involve adverse alterations to property listed on the National Register of Historic Places, property deemed eligible for the register, property in a historic district, or property immediately adjacent to such a property. Also, activities cannot take place in any 100-year floodplain as designated by the Federal Emergency Management Agency unless flood insurance is obtained. Finally, activities cannot jeopardize the continued existence of endangered or threatened species. **Grant recipients must complete environmental requirements, submit environmental information to the DCS, and receive a Release of Funds prior to the obligation of any ESGP funds. It is suggested that you complete the enclosed environmental forms and submit it with your application. In doing this, you will be able to incur expenses as soon as you receive a signed financial award from the DCS.**

11. Sanctions

If the State determines that a grantee is not complying with the requirements of the program, or other state and federal requirements, the State may take any of the following actions as deemed appropriate:

- a. Issue a warning letter;
- b. Condition a future grant;
- c. Direct the grantee or nonprofit to stop incurring costs with grant amounts;
- d. Require the return of some or all of the grant amounts;
- e. Reduce (de-obligate) the level of funds the grantee would otherwise be entitled to receive; or
- f. Elect to make the grantee ineligible for future grants.

PROGRAM OBJECTIVES AND APPLICATION REVIEW

A. PROGRAM OBJECTIVES/PRIORITIES

1. To fund projects which can document participation in local, regional, or statewide continuum of care planning process.
2. To fund projects which document and address shortages in funding, facilities, and services to the homeless, and which encourage and demonstrate maximum coordination of services and programs within the community.
3. To fund projects that encourages the use of program funds to complement the use of other public and private funds in providing assistance to the homeless.
4. To fund projects which can be completed in a timely manner, within budget, and in conformance with all applicable federal and state requirements.
5. To fund projects which involve to the maximum extent practicable, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the Emergency Shelter Grants Program, and in providing services for occupants of these facilities.

B. APPLICATION REVIEW

1. **Eligibility Review:** Each grant application received will first be reviewed for eligibility.
2. **Ranking Review:** Up to three DCS staff, manager, or director will review each eligible application and rank the applications using the stated program objectives as review criteria. After all applications have been reviewed and ranked, the staff will meet to discuss review results. If questions have been raised and/or problems identified, applicants will be contacted. Once all questions have been answered and/or problems have been resolved, the staff will meet to develop a consensus for ranking and funding. If applicable, Match-Free Status will also be determined at this time.

EMERGENCY SHELTER GRANTS PROGRAM

APPLICATION

APPLICATION INSTRUCTIONS

SECTION I

- A. General Applicant Information – To be completed by all applicants.
- B. General Sub-applicant Information – To be completed by each sub-applicant. This information is to be completed only if different from A.

SECTION II

This section must be completed by the general applicant if the general applicant is the direct provider of service. This section must also be completed by each sub-applicant if the general applicant is a unit of local government.

SECTION III

This section must be completed by the general applicant if the general applicant is the direct provider of service. This section must also be completed by each sub-applicant if the general applicant is a unit of local government.

SECTION IV - ATTACHMENTS

Attachment A - Attachment A must be completed by each applicant.

Attachment B - Attachment B must be completed by the unit of local government in which the nonprofit organization is applying for direct funding.

Attachment C - Attachment C is a Sample Agreement between a local government and nonprofit provider. This must be used when the local government is the applicant.

Attachment D - Attachment D is to be used when the applicant or sub-applicant is a primarily religious organization.

Attachment E - Attachment E include forms to be used when completing the environmental review. An environmental review must be completed in order to receive a release of funds. Grantees cannot incur expenses or obligate grant funds prior to receiving a release of funds from the DCS.

SECTION I

A. General Applicant Information

Applicant _____
 Mailing Address _____

 Contact Person & Title _____
 Telephone Number _____
 Total Funds Requested _____

B. General Sub-applicant Information

This section must be completed if an applicant intends to sub-grant Emergency Shelter Grant funds to a private nonprofit organization.

Name of Agency _____
 Mailing Address _____

 Contact Person & Title _____
 Telephone Number _____

SECTION II

A. General Eligibility

- | | |
|---|--|
| 1. Will the proposed project(s): | |
| a. Affect historic property? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| b. Jeopardize an endangered species? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| c. Take place in a 100-year floodplain? | Yes <input type="checkbox"/> No <input type="checkbox"/> |

If yes is indicated for any of the above, attach an explanation.

- | | |
|--|--|
| 2. Does the private nonprofit organization providing the service or operating and/or owning the shelter have a religious affiliation and/or purpose? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
|--|--|

If yes, contact the DOC prior to submitting the Grant Application.

3. How will the applicant assure continued use of building(s) as an emergency shelter for the homeless in accordance with the timeframe of the type of activity undertaken (see Use As An Emergency Shelter)?

B. Need for the Emergency Shelters Grant Program

The grant applicant must provide a description of all programs, facilities, and services currently available within its area to provide assistance to the homeless. This inventory must list shelters, transitional and permanent living programs, services such as counseling, medical and food. For shelters, transitional and permanent living facilities, the number of beds available must be identified.

In addition to the inventory, the grant applicant must describe its needs in providing and coordinating assistance to the homeless, and must prioritize those needs. Each applicant must describe how it coordinates programs and services with other organizations which assist the homeless.

C. Program History

1. Please provide a description of the nonprofit in terms of history, and programs and services offered to assist the homeless.

2. Please provide the following information, as applicable:

a. Clientele served during the preceding 12 month period:	Yes	No	Total Number*
1) Unaccompanied Men	<input type="checkbox"/>	<input type="checkbox"/>	
2) Unaccompanied Women	<input type="checkbox"/>	<input type="checkbox"/>	
3) Unaccompanied Female Youth Under 18	<input type="checkbox"/>	<input type="checkbox"/>	
4) Unaccompanied Male Youth Under 18	<input type="checkbox"/>	<input type="checkbox"/>	
5) Single Parent Families	<input type="checkbox"/>	<input type="checkbox"/>	
6) Two Parent Families	<input type="checkbox"/>	<input type="checkbox"/>	
7) Adult Couples Without Children	<input type="checkbox"/>	<input type="checkbox"/>	
8) Alcohol and Substance Use Abusers	<input type="checkbox"/>	<input type="checkbox"/>	
9) Chronically Mentally Ill	<input type="checkbox"/>	<input type="checkbox"/>	
10) Other (Please Describe)	<input type="checkbox"/>	<input type="checkbox"/>	
11) Total Served	<input type="checkbox"/>	<input type="checkbox"/>	

*Please note that Total Number means individual people, not repeated contacts with the same individual.

b. Bed Capacity: Current _____ Proposed _____

c. For Existing Facilities: (Data from *most recent 12 months*)

1) Estimated Average Number Served Per Day:

2) Estimated Average Number Served Per Night:

3) Proportion Served:

a) Black

b) White Non-Hispanic

c) Hispanic

d) Asian

e) American Indian

f) Other

SECTION III

Complete a separate Section III for each entity that will use Emergency Shelter Grant funds. Section III consists of:

- A. Project Description
- B. Project Need
- C. Homeless Involvement
- D. Use of Hotels and Motels
- E. Budget
- F. Project Financing
- G. Project Work Item Priority
- H. Agency's Involvement in Continuum of Care Process

A. Project Description:

Provide a detailed description of the proposed use of Emergency Shelter Grant funds.

B. Project Need

Provide a detailed description of the need for the funds requested and the proposed use of funds. If funds are requested for Essential Services, the description of need must be able to justify and substantiate that the service(s) is new, or represents a quantifiable increase in the level of services from that provided in the last 12 months.

C. Homeless Involvement

Describe efforts to involve, to the maximum extent practicable, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the program, and in providing service for occupants of these facilities.

D. Use of Hotels and Motels

Section 576.51(b)(2)(v) refers to the use of hotels and motels as shelters. If you are proposing to use these facilities as all or part of your shelter program, please review this reference and provide the justification requested in the regulation. The regulation reads as follows:

576.51(b)(2)

1. If grant amounts are proposed to be used to provide emergency shelter for the homeless in hotels or motels, or other commercial facilities providing transient housing, a certification from the State, metropolitan city, or urban county that:
 - a. Leases negotiated between the grantee, or State recipient or nonprofit recipient (as appropriate), and providers of such housing provide (or will provide) that the living space will be rented at substantially less than the daily room rate otherwise charged by the facility; and
 - b. The grantee, or State recipient (as appropriate), has considered using other facilities as emergency shelter, and has determined that use of the facilities referred to in this paragraph (b)(2)(v) provides that most cost-effective means of providing emergency shelter for the homeless in its jurisdiction. In the case of grant funds provided to nonprofit recipients, the cost-effectiveness determination under this paragraph must be completed by the formula city or county, territory or State in which the proposed activities are to be located.

INSTRUCTIONS FOR COST SUMMARY

DEFINITIONS

State ESGP Funds: Include only North Dakota State Emergency Shelter Grant Funds applied for.

Local Cash Funds: Include all cash donated by the city, local government, nonprofit organization, or from other private sources. Do not include any funds derived from any state or federal sources. Include only those funds spent on the emergency shelter projects for which grant monies are to be spent.

Local Noncash Resource: May include all public, private, and not-for-profit donations including the value of any donated material or building, the value of any lease assigned on a building, any salary paid to staff, the volunteer time valued at \$5/hour, or any other local resources.

Other State/Federal Agency Funds: Must include all sources and agency administering the state or federal funds.

Renovation: Rehabilitation that involves costs of 75 percent or less of the appraised value of the building before rehabilitation.

Major Rehabilitation/Improvements: Rehabilitation that involves costs in excess of 75% of the appraised value of the building before rehabilitation.

Conversion: A change in the use of a building to an emergency shelter for the homeless under this part, where the cost of conversion and any rehabilitation exceed 75% of the value of the building before conversion.

Administration: Includes all administrative costs associated with implementing the local ESGP program. These costs do not include any costs associated with operating, maintaining, or providing support services for the emergency shelter. ESGP funds may not be used for administration of the grant.

E. Project Cost Summary
Complete A Separate Budget For Each Nonprofit

a	b	c	d	e	f
Applicant	State ESGP Funds	Local Cash Funds	Local Noncash Resources	Other State Federal Agency Grant Funds	Total
I. Rehabilitation, Conversion, and Renovation Activities					
A. Renovation					
B. Major Rehabilitation					
C. Conversion					
D. Architectural Inspection					
TOTAL REHABILITATION					
II. Operation (Limited to a 12 month period for expend.)					
A. Maintenance					
B. Insurance					
C. Utilities					
D. Furnishings/Appliances					
E. Staff					
F. Food					
G. Other (Specify)					
TOTAL OPERATIONS					
III. Essential Services					
A. Permanent Housing Referral					
B. Medical					
C. Mental Health/Counseling					
D. Food Bank					
E. Other (Specify)					
TOTAL SUPPORT SERVICES					
IV. Administration					
V. Total All Activities					

F. Project Financing

1. Cost Estimates

Describe how project costs were determined and attach cost estimates. *Please be specific.*

2. Match-Free Status

If match-free status is being requested, please provide a detailed description of the need for this status.

In order to qualify for a share of the \$100,000 match-free funds, each applicant must provide a detailed needs statement which justifies their request for Match-Free Status. Each request will be evaluated by a committee within the DOC to determine eligibility.

3. Matching Funds

Each applicant must document a dollar for dollar match even if applying for Match-Free Status. These funds must be provided after the date of the grant award to the grantee. Matching funds may include the following:

- a. The value of any donated material or building. The value of a building means the monetary value assigned to the building by an independent real estate appraiser.
- b. The value of any lease on a building.
- c. Any salary paid to staff of the grantee or to any nonprofit recipient in carrying out the emergency shelter program.
- d. The time and services of volunteers used to carry out the emergency shelter program, determined at the rate of \$5.00 per hour.

NOTE: Previous match cannot be reused as match.

G. Project Work Item Priority

In order to allocate ESGP funds, please prioritize all requested work items. Prioritize using the number one (1) as your greatest need. Additional sheets may be used if needed.

Work Item	Budget Amount
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	

H. Describe your agency's involvement in the local, regional or statewide Continuum of Care Process.

**Emergency Shelter Grants Program
Certifications By The Chief Executive Officer**

I, _____, Chief Executive Officer of _____, certify that the grantee will ensure the matching supplemental funds required by the regulation at 24 CFR Section 576.71. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the grantee will comply with:

1. The requirements of 24 CFR 576.21(a)(4)(ii) providing that the funding of homeless prevention activities for families that have received eviction notices or notices of termination of utility services will meet the requirements that (A) the inability of the family to make the required payments must be the result of a sudden reduction in income; (B) the assistance must be necessary to avoid eviction of the family or termination of the services to the family; (C) there must be a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and (D) the assistance must not supplant funding for preexisting homeless prevention activities from any other source.
2. The requirements of 24 CFR 576.31 concerning the funding of emergency shelter in hotels or motels or commercial facilities providing transient housing.
3. The requirements of 24 CFR Section 576.53 concerning the continued use of buildings for which emergency shelter grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services, concerning the population to be served.
4. The building standards requirement of 24 CFR 576.55.
5. The requirements of 24 CFR 576.56, concerning assistance to the homeless.
6. The requirements of 24 CFR 576.57, or other appropriate provisions of 24 CFR Part 576, and other applicable Federal laws concerning nondiscrimination and equal opportunity.
7. The requirements of 24 CFR 576.59 concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
8. The requirements of 24 CFR 576.59 concerning minimizing the displacement of persons as a result of a project assisted with these funds.
9. The requirements of 24 CFR Part 24 concerning the Drug Free Workplace Act of 1988.
10. The requirement of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101-625, November 28, 1990) contained in Section 832(e)(2)(C) that grantees develop and implement procedures to ensure the confidentiality of records pertaining to any individual

provided family violence prevention or treatment services under any project "assisted" under the Emergency Shelter Grants Program and "that the address or location of any family violence shelter project assisted" under the Emergency Shelter Grants Program "will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public."

11. The requirement that recipients involve, to the maximum extent practicable, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESGP, and in providing services for occupants of these facilities (42 U.S. C. 11375(c)(7), as added by Section 1402(b) of the Housing and Community Development Act of 1992).
12. The requirement that requires that termination of assistance to any individual or family be in accordance with a formal process established by the recipient.

This addition to the statute states:

"If an individual or family who receives assistance from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals affected, which may include a hearing."

I further certify that the grantee will not:

1. Conduct renovation, major rehabilitation, or conversion of any building; listed on the National Register of Historic Places; located in a historic district; immediately adjacent to a property listed on the National Register; or deemed to be eligible for inclusion on the National Register by the State Historic Preservation Officer;
2. Conduct any such activity taking place in a 100-year floodplain designated by map by the Federal Emergency Management Agency;
3. Conduct any such activity which will jeopardize the continued existence of an endangered or threatened species designated by the Department of the Interior's Fish and Wildlife Service, or by the Department of Commerce's National Maritime Fisheries Service, or affecting the critical habitat of such a species;
4. Be inconsistent with HUD's environmental standards at 24 CFR Part 58.

Additionally, I certify that use of emergency shelter grant amounts will comply with the following additional requirements:

1. ***Nondiscrimination and Equal Opportunity***
 - a) The requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-19 and implementing regulations; Executive Order 11063 and implementing regulations at 24 CFR Part 107; and Title VI of the Civil Rights Act of 1964 (42 U.S.C.2002d) and implementing regulations issued at 24 CFR Part 1;
 - b) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and the prohibitions against discrimination against handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794);

- c) The requirements of Executive Order 11246 and the regulations issued under the Order at 41 CFR Chapter 60; and
 - d) The requirements of Section 3 of Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (see Section 570.607(b) of this Chapter); and
 - e) The requirements of Executive Orders 11625 and 12432, and 12138. Consistent with HUD's responsibilities under these Orders, the grantee must make efforts to encourage the use of minority and women's business enterprises in connection with activities funded under this part.
2. ***Applicability of OMB Circulars.*** The policies, guidelines, and requirements of OMB Circular Nos. A-87 and A-102, as they relate to the acceptance and use of emergency shelter grant amounts by States and units of general local government, and Nos. A-110 and A-122 as they relate to the acceptance and use of emergency shelter grant amounts by private nonprofit organizations.
 3. ***Uniform Federal Accessibility Standards.*** For major rehabilitation or conversion, the Uniform Federal Accessibility Standard at 24 CFR Part 40, Appendix A.
 4. ***Lead-based Paint.*** The requirements, as applicable, of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Sections 4821-4846) and implementing regulations at 24 CFR Part 35. In addition, the grantee (or in the case of States, the State recipient) must also meet the following requirements relating to inspection and abatement of defective lead-based paint surfaces:
 - a) Treatment of defective paint surfaces must be performed before final inspection and approval of the renovation, rehabilitation or conversion activity under this part; and
 - b) Appropriate action must be taken to protect shelter occupants from the hazards associated with lead-based paint abatement procedures.
 5. ***Conflicts of Interest.*** In addition to conflict of interest requirements in OMB Circular A-102 and A-110, no person (1) who is an employee, agent, consultant, officer, or elected or appointed official of the grantee, State recipient, or nonprofit recipient (or of any designated public agency) that receives emergency shelter grant amounts and who exercises or has exercised any functions or responsibilities with respect to assisted activities; or (2) who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for him or herself or those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.
 6. ***Use of debarred, suspended, or ineligible contractors.*** The provisions of 24 CFR Part 24 relating to the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status.
 7. ***Flood Insurance.*** No site proposed on which renovation, major rehabilitation, or conversion of a building is to be assisted under this part, other than by grant amounts allocated to the State, may be located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless the community in which the area is

situated is participating in the National Flood Insurance Program and the regulations thereunder (44 CFR Parts 59-79) or less than a year has passed since FEMA notification regarding such hazards, and the grantee will ensure that flood insurance on the structure is obtained in compliance with Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4401 et seq.).

8. **Audit.** The financial management system used by a State or unit of general local government that is a grantee or State recipient shall provide for audits in accordance with 24 CFR Part 44. A private nonprofit organization is subject to the audit requirements of OMB Circular A-110.
9. **Coastal Barriers.** In accordance with the Coastal Barrier Resources Act, 16 U.S.C. 3501, no financial assistance under this part may be made available within the Coastal Barrier Resources System.
10. **Intergovernmental Review.** The requirements of Executive Order 12372 and the regulations issued under the order at 24 CFR Part 52, to the extent provided by FEDERAL REGISTER notice in accordance with 24 CFR 52.3.
11. **Displacement.** A grantee or State or nonprofit recipient may not expend ESGP grant funds for any activities that would result in the displacement of persons or businesses.

I further certify that the submission of an application for an emergency shelter grant is authorized under State and/or local law and that the grantee possesses legal authority to carry out emergency shelter grants activities in accordance with applicable law and regulations of the Department of Housing and Urban Development.

(Name)

(Title)

(Signature of Chief Executive Officer)

(Date)

**CERTIFICATION OF LOCAL APPROVAL
FOR NONPROFIT ORGANIZATIONS**

I, _____, (name and title) duly authorized to act on behalf of the
_____ (name of jurisdiction) hereby approve the following project(s)
proposed by _____ (name of nonprofit) which is (are) to be
located in:

_____ (name of jurisdiction):

BY:

(Name) (Title)

(Signature) (Date)

AGREEMENT

(To be used when the local government serves as the applicant with nonprofit organizations as sub-applicants)

**AGREEMENT BETWEEN THE LOCAL GOVERNMENT AND
HOMELESS SHELTER PROVIDER**

1. The (County/City) shall provide to _____ the sum amount hereinbefore mentioned in accordance with the terms and conditions of the grant as set forth in the State of North Dakota, Emergency Shelter Grants Program, Grant Number _____, attached hereto as Exhibit I and specifically incorporated herein, and in accordance to any subsequent provisions, requirements and assurances promulgated by the State of North Dakota that apply to said grant. Said subsequent requirements shall be specifically incorporated herein.
2. The (County/City) shall be obligated to provide said grant funds to _____ only on the condition that said funds shall be available from the State of North Dakota. Failure of the (County/City) to receive grant funds from the State of North Dakota shall cause this agreement to be terminated. Should the Grantor receive funds less than the full amount anticipated in the contract, the Grantee will receive an amount proportionate to the amount received by the Grantor.
3. _____ (not-for-profit) agrees to, and shall follow and adhere to, all the provisions, requirements and assurances of the Financial Assistance Award as set forth. Further, _____ (not-for-profit) agrees to and shall follow any subsequent provisions, requirements and assurances promulgated by the State of North Dakota and applicable to the above mentioned grant. Failure to adhere to the above mentioned requirements, provisions, and assurances shall cause this Agreement to be terminated at the discretion of the County/City and/or State.
4. _____ (not-for-profit), it officers, agents, and employees and assigns agree to hold the (County/City) and State of North Dakota harmless from any and all liability, claims, damages and litigations arising from, or under the terms of this Agreement.
5. This Agreement shall be binding upon the Grantee and Assigns, except that the Grantee may not assign or transfer its rights without prior written consent of the State. This Agreement shall inure to the benefit of the Grantor and its Successors and Assigns.
6. All federal and state laws insofar as are applicable shall be specifically made a part of this Agreement and set forth herein.
7. This Agreement shall be governed by the laws of the State of North Dakota. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.
8. The terms and conditions of this Agreement may only be amended or supplemented by written agreement of both parties and with state concurrence to make amendment or supplement.

9. The (County/City) and the _____ agree that no oral change or modification of this Agreement shall be allowed and no claim based upon any purported oral change or modification shall be made.

10. It is agreed between the parties that this Agreement, with attachments, as written, is the full and complete agreement between the parties and that there are no oral agreements or understandings between the parties other than what has been reduced to writing herein.

11. All information contained in the application as stated by the Grantee is correct and accurate, any material misstatement verified by the State of North Dakota may be considered a breach of the grant award document, and may result in the termination of the grant award at the discretion of the state.

12. As a condition of receiving the funds made available through this Agreement, _____ (not-for-profit) assures that it will continue to provide assistance to the homeless in accordance with the following time frames as applicable:
 - a. Renovation - not less than three years
 - b. Major Rehabilitation/Conversion - not less than ten years
 - c. Leasing of Commercial Facilities - not less than three years
 - d. Services and Operation Costs - for a period not less than that corresponding to the period of time for which assistance is provided.

13. This Agreement shall be effective upon the signature of all parties.

By:

Program Chairperson

Commissioner/Mayor

Attest:

Secretary/Treasurer

County Auditor/City Auditor

**CONTRACTUAL PROVISIONS REQUIRED OF
PRIMARILY RELIGIOUS ORGANIZATIONS**

Contractual Provisions for Inclusion in ESGP Agreements Between Grantees or State Recipients and Primarily Religious Organizations for the Provision of Essential Services and Payment of Operation Costs (Sections 576.21(a)(2) and (3)).

In addition to, and not in substitution for, other provisions of this agreement regarding the provision of essential services and/or the payment of operational costs for emergency shelters pursuant to the Emergency Shelter Grants Program, the Provider:

1. Represents that it is, or may be deemed to be, a religious or denominational institution or organization or an organization operated for religious purposes which is supervised or controlled by or in connection with a religious or denominational institution or organization; and
2. Agrees that, in connection with such essential services and operational costs:
 - a. It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion;
 - b. It will not discriminate against any persons seeking emergency shelter and related services on the basis of religion and will not limit such services or give preference to persons on the basis of religion;
 - c. It will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of services or the use of facilities or furnishings assisted in any way under this agreement.

CE-NOT SUBJECT TO 58.5 REQUEST FOR RELEASE OF FUNDS
NORTH DAKOTA DEPARTMENT OF COMMERCE/DCS
 SFN 52722 (04/04)

STATE OF NORTH DAKOTA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ENVIRONMENTAL REVIEW CATEGORICALLY EXCLUDED NOT SUBJECT TO 58.5	
1. Name of Recipient	
2. Recipient's Address	
3. ERR Certifying Officer (Local Chief Official)	Date
4. Prepared By	Instrument Number
6. Project Description	
7. This activity is Categorically Excluded Not Subject to 58.5 pursuant to CDBG Administrative Manual Section 7, Part IV F, _____. An Environmental Review Record (ERR) supporting this finding has been prepared and is available for the DCS review and public inspection at the address indicated above. As the responsible Federal Official, I accept responsibility under the National Environmental Policy Act for environmental reviews, decisions and actions. By my signature below, I certify that I am authorized to, and do personally, accept the jurisdiction of the Federal Court for the enforcement of the aforesaid responsibilities.	
Signature - Local Chief Official	Title
Typed Name & Title	Date
BY THIS CERTIFICATION, THE RECIPIENT REQUESTS THE RELEASE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE ACTIVITY DESCRIBED ABOVE	

ABOVE GROUND STORAGE OF HAZARDOUS MATERIALS

1. Hazardous material(s):				
2. Distance of structure from hazardous material:				
3. Size of storage facility:				
4. Is any new construction proposed?				<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Will proposed rehabilitation increase the value of the structure by 75 percent or more?				<input type="checkbox"/> Yes <input type="checkbox"/> No
6. If the structure is vacant: Has it been condemned? Is it uninhabitable?				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Comments:

NOTICE TO HOMEOWNER

The property located at _____ is located within one mile of the hazard(s) specified in number 1 of this page. This hazard could be dangerous to your safety, now or in the future and I hereby, **release** the Department of Commerce and the State of North Dakota from all such claims arising out of or resulting from the information disclosed in this document.

I, the undersigned Homeowner, affirm that I am at least 18 years of age, am freely signing this Notice, and have been informed that a hazard has been identified near my property. My signature acknowledges that I have reviewed, been advised, and fully understand the above "Notice to Homeowner." **I fully understand that by signing this form I am giving up legal rights** and/or remedies which may otherwise be available to me regarding any losses I may sustain as a result of the above Notice. I agree that if any portion is held invalid, the remainder will continue in full legal force and effect.

Signature of Homeowner	Date
Signature of Homeowner	Date