

Department of Housing and Urban Development  
Office of Special Needs Assistance Programs

# HOMELESS SYSTEM RESPONSE

*Emergency Solutions  
Grants (ESG) Program  
Housing and Shelter  
Standards*



# Introduction

## Speakers



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## Learning Objectives

- Improve your ability to prevent, prepare for and respond to COVID-19
- Create baseline knowledge of physical and rent-related standards for all buildings and units receiving ESG funding
- Prepare new program administrators and existing staff to meet and maintain compliance with ESG requirements
- Identify opportunities for promoting and supporting equity when adhering to shelter and habitability standards

# Agenda

- Welcome & Equity Framework
- Who, What, Where, When, and Why: Details of ESG Housing and Shelter Standards in Practice
- Compliance with Minimum Standards
- Frequently Asked Questions

# Welcome

## *How to Use this Training*

- Onboarding series overview
- How to use this training: one piece in the onboarding puzzle
  - Review video as a foundational resource
  - Reference links for deeper knowledge
  - Consult [HUD ESG AAQ](#) as needed
- Links to training and reference materials from HUD:
  - [ESG Minimum Habitability Standards for Emergency Shelters and Permanent Housing](#)
  - [ESG Program Interim Rule](#)
  - [ESG Minimum Habitability Standards for Emergency Shelters and Permanent Housing: Checklists](#)
  - [Rehousing Activation and Racial Equity Part 1: Equity as the Foundation](#)



# Equity Framework

## *Advancing Equity Through ESG Housing and Shelter Standards*

- The overarching objective of programs serving people facing homelessness is to **advance equity** for clients
- ESG shelter and housing standards are minimum standards to ensure decent, safe, and sanitary living environments
- People can and should be supported to obtain and maintain housing that meets or exceeds these standards
  - E.g., helping participants understand minimum standards and their rights to decent, safe, and sanitary living conditions



# Applicability of ESG Housing & Shelter Standards

*When do the ESG minimum standards apply for ESG-funded projects?*



- ESG Interim Rule regulations found at **24 CFR 576.403**
- Minimum safety, sanitation, privacy standards are required when ESG funds are used for:
  - Emergency shelter building conversion, major rehabilitation, or other renovation
  - Emergency Shelter operations
  - Permanent housing (PSH & RRH)
- Lead-based paint remediation and disclosure applies to all ESG-funded shelters and all housing occupied by ESG participants (see [24 CFR part 35, subparts A, B, H, J, K, M and R](#))
- For additional information see:  
[https://www.hud.gov/program\\_offices/healthy\\_homes/lbp/hudguidelines](https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines)

# Overview of the ESG Housing & Shelter Standards

***What** are the core components of the ESG minimum standards for shelter and permanent housing?*

Shelter and housing standards addressed in the ESG Interim Rule include minimum standards for:

- Structure and Materials
- Access (*For Emergency Shelters Only*)
- Space and Security
- Interior Air Quality
- Water Supply
- Sanitary Facilities
- Thermal Environment
- Illumination and Electricity
- Food Preparation
- Sanitary Conditions
- Fire Safety



# When do **Housing Habitability Standards** Apply for the ESG Program?

- Any time ESG funds are used to help a program participant remain in or move into housing under the Rapid Re-housing or Homelessness Prevention components, *regardless of the type or amount of assistance provided*
- ESG funds *cannot* be used to help a program participant remain in or move into housing that does not meet the minimum habitability standards
- Recipient may establish standards that exceed or add to these minimum standards





# When do Housing Habitability Standards Apply for ESG Rapid Re-Housing (RRH) Projects?



- For RRH, habitability standards apply whenever a participant **moves into** a new permanent housing unit
  - Includes moving to a family or friend's home if that will be their permanent housing
  - Includes master-leased units
- Must pass inspection before lease signing
- ESG RRH funding can be utilized once inspection is passed and the program participant is placed in the unit
- *Exception:* when paying arrears for prior living unit or when paying application fees

# Housing Habitability Inspections

*How are they conducted and how often?*

- Inspection of permanent housing units is required, but does not need to be a direct physical inspection
  - Visual inspection options: live video streaming, walk-through video, or date-stamped photos
  - Best practice, when safe, is direct physical inspection with client and landlord / property manager
- Must be documented and maintained in case file for monitoring
- Frequency of inspections is not specified, but all units must remain habitable at all times.
- New inspection recommended if prior inspection  $\geq 1$  year ago.

## Minimum Standards for Permanent Housing

**Instructions:** Place a check mark in the correct column to indicate whether the property is approved or deficient with respect to each standard. The property must meet all standards in order to be approved. A copy of this checklist should be placed in the client file.

Approved	Deficient	Standard (24 CFR part 576.403(c))
		1. <i>Structure and materials:</i> The structure is structurally sound to protect the residents from the elements and not pose any threat to the health and safety of the residents.
		2. <i>Space and security:</i> Each resident is provided adequate space and security for themselves and their belongings. Each resident is provided an acceptable place to sleep.
		3. <i>Interior air quality:</i> Each room or space has a natural or mechanical means of ventilation. The interior air is free of pollutants at a level that might threaten or harm the health of residents.
		4. <i>Water Supply:</i> The water supply is free from contamination.
		5. <i>Sanitary Facilities:</i> Residents have access to sufficient sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.
		6. <i>Thermal environment:</i> The housing has any necessary heating/cooling facilities in proper operating condition.
		7. <i>Illumination and electricity:</i> The structure has adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There are sufficient electrical sources to permit the safe use of electrical appliances in the structure.
		8. <i>Food preparation:</i> All food preparation areas contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
		9. <i>Sanitary condition:</i> The housing is maintained in sanitary condition.
		10. <i>Fire safety:</i> <ol style="list-style-type: none"> <li>There is a second means of exiting the building in the event of fire or other emergency.</li> <li>The unit includes at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors are located, to the extent practicable, in a hallway adjacent to a bedroom.</li> <li>If the unit is occupied by hearing-impaired persons, smoke detectors have an alarm system designed for hearing-impaired persons in each bedroom occupied by a hearing-impaired person.</li> <li>The public areas are equipped with a sufficient number, but not less than one for each area, of battery-operated or hard-wired smoke detectors. Public areas include, but are not limited to, laundry rooms, day care centers, hallways, stairwells, and other common areas.</li> </ol>
		11. Meets additional recipient/subrecipient standards (if any).

# When do **Shelter Standards** Apply for the ESG Program?



When ESG funds are used for renovations or shelter operations under the Emergency Shelter component:

- Applies to non-congregate shelter settings, including a hotel/motel or Airbnb unit
- *Exception: temporary emergency shelters that have been determined necessary to prevent, prepare for, and respond to coronavirus*

# Shelter Inspections

*How are they conducted and how often?*

- If not otherwise exempted under CARES Act, Shelter inspection must take place on-site and **before** ESG funds are provided for shelter operations
- Must meet all standards for the entire period of ESG-funded shelter operations (e.g., 24 months)
- ESG funds can be used help a shelter meet minimum standards if needed
- Periodic, on-site inspection must be conducted each time the shelter receives funds (e.g., annually)
- The shelter must continue to meet minimum standards if it moves to a new site or structure

Minimum Standards for Emergency Shelters		
Instructions: Place a check mark in the correct column to indicate whether the property is approved or deficient with respect to each standard. A copy of this checklist should be placed in the shelter's files.		
Approved	Deficient	Standard (24 CFR part 576.403(b))
		1. <i>Structure and materials:</i> a. The shelter building is structurally sound to protect the residents from the elements and not pose any threat to the health and safety of the residents. b. Any renovation (including major rehabilitation and conversion) carried out with ESG assistance uses Energy Star and WaterSense products and appliances.
		2. <i>Access:</i> Where applicable, the shelter is accessible in accordance with: a. Section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; b. The Fair Housing Act (42 U.S.C. 3601 et seq.) and implementing regulations at 24 CFR part 100; and c. Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and 28 CFR part 35. 3. <i>Space and security:</i> Except where the shelter is intended for day use only, the shelter provides each program participant in the shelter with an acceptable place to sleep and adequate space and security for themselves and their belongings. 4. <i>Interior air quality:</i> Each room or space within the shelter has a natural or mechanical means of ventilation. The interior air is free of pollutants at a level that might threaten or harm the health of residents.
		5. <i>Water Supply:</i> The shelter's water supply is free of contamination.
		6. <i>Sanitary Facilities:</i> Each program participant in the shelter has access to sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.
		7. <i>Thermal environment:</i> The shelter has any necessary heating/cooling facilities in proper operating condition. 8. <i>Illumination and electricity:</i> a. The shelter has adequate natural or artificial illumination to permit normal indoor activities and support health and safety. b. There are sufficient electrical sources to permit the safe use of electrical appliances in the shelter. 9. <i>Food preparation:</i> Food preparation areas, if any, contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner. 10. <i>Sanitary conditions:</i> The shelter is maintained in a sanitary condition. 11. <i>Fire safety:</i> a. There is at least one working smoke detector in each occupied unit of the shelter. Where possible, smoke detectors are located near sleeping areas. b. All public areas of the shelter have at least one working smoke detector. c. The fire alarm system is designed for hearing-impaired residents. d. There is a second means of exiting the building in the event of fire or other emergency.
		12. If ESG funds were used for renovation or conversion, the shelter meets state or local government safety and sanitation standards, as applicable.
		13. Meets additional recipient/subrecipient standards (if any).

# Who Can Conduct Inspections?

ESG minimum standards inspections may be conducted by:

- ESG program staff (recipient/subrecipient staff); or
- Staff from or hired by an agency of the recipient/subrecipient (e.g., city department designated to conduct inspections, hired contractor); or
- Staff from another subsidy program that is providing assistance and also requires an inspection (e.g., Section 8, Public Housing)

Conducting inspections are **eligible ESG costs**:

- **HP and RRH:** Housing Relocation & Stabilization Services – Housing Search and Placement
- **Emergency Shelter:** Renovation or Operations



# Compliance with Minimum Standards

*What does it look like to assure projects are adhering to ESG minimum standards?*

## Project Readiness

- Written policies and procedures
- Inspection checklists
  - [ESG Minimum Habitability Standards for Emergency Shelters and Permanent Housing: Checklists](#) (HUD)
- Training for new staff and periodic refreshers
- Identified staff with assigned responsibilities for inspections and compliance monitoring
- Recordkeeping
  - Maintain inspection results in client case files
  - Include records of inspections and the completion of any necessary corrections
- Where possible, offer incentives or other supports to landlords for unit repairs

## Community Examples

### Policies, Procedures and Tools:

- Community Shelter Board (Columbus, OH), [Habitability and Lead-Based Paint Inspection Form](#)
- State of Illinois Department of Human Services, [ESG Program Policies and Procedures Manual](#)
- [North Carolina ESG Minimum Habitability Standards for Rapid Rehousing Checklist](#)

### Trainings:

- Santa Clara County CoC, [HUD Habitability Standards Training](#)
- Texas Department of Housing & Community Affairs, [ESG Learning Opportunity: ESG Learning Opportunity: Minimum Habitability Standards](#)



## FREQUENTLY ASKED QUESTIONS

# Frequently Asked Question: Food Service

**Question:** How do I know if a housing unit does not meet minimum standards for food preparation?



**Answer:** Use your best judgement. Examples of not meeting standards include:

- No source of refrigeration
- No ability to heat food
- No separation from sanitary facilities



# Frequently Asked Question: RVs, Trailers, Mobile Homes, and Tiny Homes

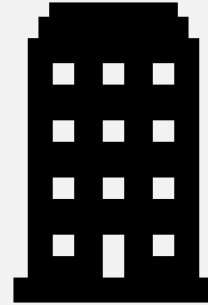


**Question:** Can an RV, travel trailer, or mobile home meet the ESG habitability standards for permanent housing?

**Answer:** Yes, if all ESG habitability standards are met, as well as applicable state and local government safety and sanitation standards.

# Frequently Asked Question: Appropriately Sized Units

**Question:** How do I know if a unit is appropriately-sized for a household to meet minimum habitability standards?



**Answer:** Each resident must be afforded adequate space and security for themselves and their belongings and an acceptable place to sleep. Additional occupancy standards can be established at the local level. Recipients should also support participant preferences – ask participants directly what they want and need to be safely housed.

# Frequently Asked Question: Inspection Training

**Question:** What training is required for ESG habitability standards?



**Answer:** The ESG Interim Rule does not specify. It is up to the recipient to determine how staff will be trained to conduct inspections. This should be documented in your project's policies and procedures.

# Frequently Asked Question: Utilities Connection for Inspection



**Question:** Can a habitability standards inspection occur if the utilities (electric, gas, and/or water) are not yet connected?

**Answer:** No, the unit would not pass the minimum habitability standards if the lights (electricity) and/or water is not yet connected.

# Frequently Asked Question: COVID-19 Temporary Emergency Shelter

**Question:** Can a shelter facility that does not meet ESG minimum standards serve as a temporary emergency shelter during the COVID-19 pandemic?



**Answer:** Yes, if a shelter is unable to meet ESG minimum standards for emergency shelter, it may still be eligible for ESG or ESG-CV funding for temporary emergency shelter. In this case, the structure must still meet people's basic needs, may only be used for a limited time in response to the COVID-19 crisis, and must be determined necessary for the community's coronavirus response by a local public health official.

# Frequently Asked Question: Essential Services & HMIS Activities

**Question:** Do minimum standards for emergency shelters apply to essential services or HMIS activities.

**Answer:** No, minimum standards for emergency shelters apply only when ESG funds are used for shelter operations and conversion, major rehabilitation, or other renovation.



# THANK YOU

## **Links to additional resources:**

HUD Exchange: <https://www.hudexchange.info/>

Disaster Response Rehousing: <https://disaster-response-rehousing.info/>

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