


# Consolidated Plan Conforming Amendments: An Overview of Changes

## About this Resource

The Homeless Emergency Assistance and Rapid Transition to Housing: Emergency Solutions Grants Program and Consolidated Plan Conforming Amendments (interim rule), published on December 5, 2011, includes conforming amendments to the Consolidated Plan (Con Plan) regulations at 24 CFR Part 91. The purpose of this resource is to identify changes to Con Plan requirements, provide the locations of requirements in the [eCon Planning Suite](#) template screens, and provide guidance on these requirements. This resource does not provide instructions for completing the screens in the eCon Planning Suite which is addressed in the [Con Plan in IDIS Desk Guide](#). HUD encourages recipients to review Part 91, as amended, because this document does not address all Con Plan requirements, only changes made in the interim rule.

The document is organized as follows:

- **Section 1** provides background information on the Con Plan, the conforming amendments to Part 91, changes to the Con Plan submission process, and data collection.
- **Section 2** describes Part 91 changes applicable to all Con Plan jurisdictions.
- **Section 3** explains Part 91 changes applicable only to ESG recipients.
- **Section 4** highlights Part 91 changes to ESG certifications.
- **Section 5** outlines Part 91 changes in the requirements for performance reporting.
- **Section 6** lists additional resources.

The sections highlighted with a  icon were new in the interim rule, and are intended to help focus the reader on changes made in the interim rule.

**Note:** On November 22, 2011, HUD conducted a webinar entitled [Changes to the Con Plan Regulations](#). This document complements and expands on the information provided in that webinar. Also note that this document is provided as a resource to help recipients and subrecipients understand the ESG Program Interim Rule. **Always refer to the program regulations to ensure compliance with program requirements.**

## 1. INTRODUCTION

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To receive funding from HUD, ESG program recipients must submit a Con Plan at least once every 5 years, an Annual Action Plan (Action Plan) for each year they receive funding, and a Consolidated Annual Performance and Evaluation Report (CAPER) at the end of every program

year. The Con Plan serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding for HUD's four formula grant programs: ESG, Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Housing Opportunities for Persons with AIDS (HOPWA). The CAPER measures program achievements against the goals established in the recipient's plan.

The Con Plan is designed to help states, insular areas and non-entitlement counties of Hawaii (territories) and local Con Plan jurisdictions assess their affordable housing, homeless assistance, and community development needs, and to make data-driven, place-based investment decisions. The Action Plan describes the actions to be taken and the resources to be used during the next year to address priority needs and objectives.

Under the [Homeless Emergency Assistance and Rapid Transition to Housing \(HEARTH\) Act](#), HUD implemented the interim rule, which became effective on January 4, 2012. The regulation for the ESG program includes conforming amendments to the Con Plan requirements at 24 CFR Part 91. Some changes apply to all Con Plan jurisdictions and some apply only to ESG recipients. However, all Con Plan jurisdictions, **including those that do not receive ESG funding**, must address and comply with all of the revised requirements in 24 CFR Part 91 that apply to their Con Plan and CAPER submissions.

[Opening Doors: Federal Strategic Plan to Prevent and End Homelessness](#) also prompted some changes intended to ensure that: (a) federal homeless assistance funding is well aligned and strategically targeted; and (b) mainstream housing resources are used strategically to contribute to local efforts to prevent and end homelessness.

### **The Con Plan as a Tool to End Homelessness**

The Con Plan is a tool that can assist Con Plan jurisdictions with strategic planning, prioritization, and the allocation of HUD formula grant funds targeted to preventing and ending homelessness. It provides an opportunity to focus Federal, state, and local resources on resolving the housing needs of those who are homeless and most at-risk of homelessness.

By using data from the local Homeless Management Information System (HMIS) and other sources, recipients can track progress over time against goals laid out in the Con Plan, which should be consistent with goals established under any other local strategic plan to end homelessness. Such use of data and coordination with other local stakeholders will allow community planners and funders to adjust strategies as needed and make better use of limited resources.

## **1.1 Integration of the Con Plan into HUD's Integrated Disbursement & Information System (IDIS)**

In May 2012, HUD's Office of Community Planning and Development (CPD) introduced the eCon Planning Suite, a collection of new online tools and resources to help recipients create more effective and data-driven Con Plans. Included in this collection of resources is the Consolidated Plan template in IDIS.

The Con Plan template facilitates the planning process by making demographic, housing affordability, and economic data readily accessible to recipients in the format that HUD requires. Further, by incorporating the Con Plan and Action Plans into IDIS, the various elements of the grants management cycle are integrated into a single system. This helps ensure cohesiveness among:

- the goals described in the Con Plan and Action Plan;
- the activities tracked in IDIS; and
- the outcomes reported in the CAPER.

Effective November 15, 2012, HUD required recipients to use IDIS to submit their Con Plan when their next multi-year strategy is due. Recipients that currently have an approved multi-year Con Plan are not required to use IDIS to submit their Action Plan until the next multi-year strategy is due. However, recipients have the option of submitting a stand-alone Action Plan in the system if they so choose. If recipients choose this option, they are only required to complete the screens for the Action Plan and enter information about Geographic Priorities, Priority Needs, and Goals from their previously approved Con Plan. Once a recipient submits a Con Plan or Action Plan in IDIS, all future plans, amendments, and CAPERs must be submitted in IDIS. However, HUD is requiring all ESG recipients to use the ESG-only portion of the CAPER template in IDIS beginning October 1, 2012, regardless of whether an approved Con Plan or Action Plan has been submitted in IDIS.

## 1.2 Data Collection

The eCon Planning Suite template screens are consistent with the interim rule and include the conforming HEARTH changes. When a recipient adds a new Con Plan into IDIS, IDIS automatically populates most of the tables for the needs assessment and market analysis with default data from the U.S. Census Bureau's American Community Survey (ACS)<sup>1</sup> and other sources. Recipients may use the default data sets provided by the system or replace or supplement the default data with reliable data sources, in accordance with 24 CFR 91.205 and 91.305.

**It is important to note that the default data does not include HMIS data, although CPD Maps does contain Point-In-Time (PIT) data at the CoC level.** When a Continuum of Care's (CoC) boundaries include multiple Con Plan jurisdictions, that CoC might need to disaggregate CoC-wide data for each Con Plan jurisdiction. Con Plan jurisdictions should consult the CoCs in their area to determine which data is attributed to the Con Plan jurisdiction's geographic boundaries. Con Plan jurisdictions should also consult with the applicable CoCs to align the CoC plans with the Con Plan and to access HMIS data required for the homeless needs assessment, discharge coordination policies, Homeless Inventory Count (HIC), and service activity chart data for the housing market analysis. States, territories, and local Con Plan

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<sup>1</sup> The American Community Survey (ACS) is an ongoing statistical survey that samples a small percentage of the population every year, giving communities the information they need to plan investments and services.

jurisdictions with multiple CoCs must compile relevant data from all of Continuums within their geographic area.

## 2. CHANGES APPLICABLE TO ALL CON PLAN JURISDICTIONS

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The interim rule incorporates changes in a number of areas that are applicable to **all** Con Plan jurisdictions, regardless of whether they receive ESG funds. This section describes those changes.

### 2.1 New and Revised Definitions

The interim rule, under 24 CFR 91.5, added several new definitions and made revisions to others. These definitions include:

- At Risk of Homelessness–new
- Chronically Homeless–revised
- Continuum of Care (CoC)–new
- Emergency Shelter–revised
- HMIS–new
- Rapid Re-housing Assistance–new
- Victim Service Provider–new

In addition, HUD published a final rule with a new definition of “homeless,” which is incorporated at 24 CFR 576.2. It is imperative that ESG recipients and subrecipients review these definitions in detail. As explained in subsequent sections of this guidance, these definitions relate to who is eligible for ESG assistance, the types of assistance different subpopulations may receive, characteristics a project must demonstrate to receive ESG funding, and administrative and reporting requirements for recipients and subrecipients.

### 2.2 New Requirements for Consultation (Screen PR-10)

The consolidated planning process requires Con Plan jurisdictions to consult with other public and private agencies when developing their Con Plan. Provisions of the interim rule at 24 CFR 91.100, 91.110, 91.200(b), and 91.215(l) establish additional consultation requirements for local and state governments. Screen PR-10 in the eCon Planning Suite captures consultation information.



The new consultation requirements apply to the portions of the plan that describe the Con Plan jurisdiction’s homeless strategy and the resources available to address the needs of people experiencing and at risk of homelessness. Specifically, Con Plan jurisdictions must consult with four types of groups:

1. All CoCs that serve the Con Plan jurisdiction’s geographic area, or, for States, each CoC within the state.
2. Public and private agencies that address housing, health, social services, victim services, employment, or education needs for:
  - Low-income individuals and families;
  - Homeless individuals and families, including homeless veterans;
  - Youth; and/or

- Other persons with special needs.
3. Publicly funded institutions and systems of care that might discharge persons into homelessness (e.g., health care facilities, mental health care facilities, foster care and other youth facilities, and corrections programs and institutions).
  4. Business and civic leaders.

## 2.3 New Requirements for the Housing and Homeless Needs Assessments

The Con Plan needs assessment, including input gathered through the consultation and citizen participation processes, should provide the information necessary for a Con Plan jurisdiction to prioritize needs, set 3- to 5-year strategies, and determine the types of projects to fund. Provisions at 24 CFR 91.205 and 91.305 of the interim rule introduce new requirements for the housing and homeless needs assessment portions of the Con Plan for local governments, territories, and States.

**Note:** Although it predominantly contains data for the **housing** needs assessment, screen NA-10 also includes several narratives pertaining to the **homeless** needs assessment, which are summarized below.

### *Housing Needs Assessment (Screen NA-10)*

In this section of the Con Plan, the Con Plan jurisdiction summarizes its estimated housing needs projected for the ensuing 3- to 5-year period. Needs should be described according to the categories listed in the regulations, which include income level, tenure, and household type, and by housing problems, including cost burden, overcrowding, and substandard housing conditions. Screen NA-10 captures this information.

While HUD has always required Con Plan jurisdictions to estimate the number and type of households that need housing assistance, the interim rule includes an additional household type: formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance. Although likely a small percentage, there might be some households that exhaust their eligibility for a rapid re-housing program and need additional assistance to remain stably housed. This is included so that Con Plan jurisdictions track these households, both to prevent relapses back into homelessness, but also to improve their community's ability to target short- and long-term housing subsidies in the future.



Screen NA-10 in the eCon Planning Suite requires Con Plan jurisdictions to provide a narrative that both describes the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance, and includes an estimate of the number and type of these households.

For states, the interim rule at 24 CFR 91.305(b)(1)(i)(F) and (G) added two additional required categories for which Con Plan jurisdictions must estimate the number and type of households in need of housing assistance:

- public housing residents; and
- families on the public housing and Section 8 tenant-based waiting list.

These categories were already included at 24 CFR 91.205(b)(1)(i) for local governments and territories. Screen NA-35 addresses these requirements.

### *Homeless Needs Assessment Requirements on Screen NA-10*

The purpose of these narratives is for Con Plan jurisdictions to identify predictors of homelessness in their community in order to determine how to allocate resources and meet local needs for homelessness prevention. This type of data should be helpful to Con Plan jurisdictions as they consider how to focus limited housing assistance resources.

The first bullet below is not a new requirement with the interim rule, but is important to note. This requirement described in the second bullet below is located in the housing needs assessment section of the regulation at 24 CFR 91.205(b) and 91.305(b), rather than the homeless needs assessment section at 24 CFR 91.205(c) and 91.305(c), even though it pertains to homeless needs.

- Describe the characteristics and needs of low- and extremely low-income individuals and families with children who are at risk of becoming homeless. This information may be evidenced by the characteristics and needs of individuals and families with children who are currently entering the homeless assistance system or appearing for the first time on the streets;
- Discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance;
- If a Con Plan jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimate;
- Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness.\*

\*Note: This narrative is only required if an ESG recipient has chosen to identify housing characteristics associated with instability and an increased risk of homelessness per 24 CFR 576.2(iii)(G) of the “At risk of homelessness” definition.

### *Homeless Needs Assessment (Screen NA-40)*

For this part of the Con Plan, Con Plan jurisdictions must describe the nature and extent of sheltered and unsheltered homelessness, by racial and ethnic group and including rural homelessness, within their geographic area. The data reported here is based on the data collected through the PIT count and Housing Inventory Count (HIC). The Con Plan regulations for local governments and territories require that, at a minimum, the Con Plan jurisdiction must use PIT and HMIS data to complete this section. Con Plan jurisdictions should work with local CoCs to estimate the Con Plan jurisdiction-level data that corresponds to their geographic area. CoC-level data is already available from [CPD Maps](#). Instructions for generating a CPD Maps report are in the [CPD Maps Desk Guide](#). Screens NA-10 and NA-40 capture the homeless needs assessment data.

The interim rule establishes that the following four subpopulations must be included in this description (see screen NA-40):

- Chronically homeless individuals and families;
- Families with children;
- Veterans and their families; and
- Unaccompanied youth.



Within each of these subpopulations, the description must include an estimate of the number of persons that fall into the following categories:

- The number of persons experiencing homelessness on a given night (sheltered and unsheltered);
- The number of persons who experience homelessness each year;
- The number of persons who lose their housing and become homeless each year;
- The number of persons who exit homelessness each year;
- The number of days that persons experience homelessness; and
- Other measures specified by HUD.

Additionally, the homeless needs assessment must include a brief narrative description of another new requirement that is captured on screen NA-10:

- The particular housing characteristics that have been linked with instability and increased risk of homelessness.

## 2.4 New Requirements for the Housing Market Analysis (Screen MA-30)

Provisions at 24 CFR 91.210 and 91.310 require recipients to describe, in their housing market analysis, the environment in which the Con Plan jurisdiction administers its programs. More specifically, Con Plan jurisdictions must assess their inventory of housing, facilities, and services to identify both the barriers and the resources available to address housing and homeless needs.

The interim rule added “housing” to 24 CFR 91.210(c) and 91.310(c), the section of the market analysis pertaining to the Con Plan jurisdiction’s inventory of facilities and services that meet the needs of homeless individuals and families. Con Plan jurisdictions must now identify those facilities, services, *and housing* that are targeted for chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth.



Another new requirement is that the inventory of services must include mainstream services such as health, mental health, and employment services, to the extent those services can complement services targeted to homeless persons, in addition to services targeted to homeless persons. Screen MA-30 captures this information.

Much of the information in the other housing market analysis screens is pre-populated in IDIS. However, Con Plan jurisdictions should work with the CoCs that cover their geographic area to obtain HIC and HMIS data to complete the inventory for homeless facilities, services, and housing on screen MA-30.

## 2.5 New Requirements for the Strategic Plan (Screen SP-30)

The Con Plan regulations require Con Plan jurisdictions to identify their priority needs and describe their strategies to address these needs. For States, the plan must also provide a summary of methods of distribution and funding criteria.

Provisions at 24 CFR 91.215 and 91.315 of the interim rule introduce a number of new requirements for the strategic plan. The subsections below identify each regulatory change or new requirement and pinpoint the screen in the eCon Planning Suite on which the data is collected.

### *Affordable Housing (Screen SP-45)*

In the affordable housing section of its strategic plan, the Con Plan jurisdiction must describe the rationale for its allocation priorities and use of funds. As in the past, Con Plan jurisdictions must describe how the housing problems and needs of extremely low-, low-, and moderate-income renters and owners affected their allocation decisions. The interim rule now requires Con Plan jurisdictions to describe how the needs of homeless persons and those at risk of homelessness affected their planning decisions. The interim rule gives Con Plan jurisdictions the flexibility to group together household and income types for discussion where the analysis would apply to more than one of them. This requirement is on screen SP-30.



The interim rule also requires Con Plan jurisdictions to include specific objectives that describe proposed accomplishments related to affordable housing and to specify the number of extremely low-income, low-income, and moderate-income families to whom the Con Plan jurisdiction will provide affordable housing over a specific time period. The interim rule added “homeless persons” as a subpopulation that Con Plan jurisdictions must include in the number of persons for whom they expect to provide affordable housing. Con Plan jurisdictions identify their goals and proposed accomplishments on screens SP-45 in the Strategic Plan and AP-20 in the Action Plan.

### *Homelessness (Screen SP-60)*

HUD has required Con Plan jurisdictions to include, in their homelessness strategy, a description of how they plan to reduce and end homelessness in four areas. Those areas remain generally the same in the interim rule; however, provisions at 24 CFR 91.215(d) and 91.315(d) add specific language (see bold text below):

1. Reaching out to homeless persons (**especially unsheltered persons**) and assessing their individual needs;
2. Addressing the emergency shelter and transitional housing needs of homeless persons;
3. Helping homeless persons (especially chronically homeless **individuals and families, families with children, veterans and their families, and unaccompanied youth**) make the transition to permanent housing and independent living, including:





- **Shortening the period of time individuals and families experience homelessness;**
  - **Facilitating access for homeless individuals and families to affordable housing units; and**
  - **Preventing individuals and families who were recently homeless from becoming homeless again.**
4. **Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are:**
- **Likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or**
  - **Receiving assistance from public and private agencies that address housing, health, social services, employment, education, and/or youth needs.**

This information is collected on screen SP-60.

### *Institutional Structure (Screen SP-40)*



Each Con Plan jurisdiction is required to provide a summary of the institutional structure through which it will carry out its housing, homeless, and community development activities. In the interim rule, the list of entities that may be included in this description is broadened to include the CoC, philanthropic organizations, and public departments and agencies in addition to those entities previously listed at 24 CFR 91.215(k) and 91.315(k). States, businesses, developers, community-based and faith-based organizations have also been added to the group of organizations. This change is intended to ensure that each Con Plan jurisdiction is thoughtful about the interplay between various parts of their local housing and services system.

The description of the institutional structure is addressed on screen SP-40, which also includes a Homeless Services Table, where Con Plan jurisdictions indicate the homelessness prevention, street outreach, and supportive services that are either available in the community, targeted to homeless, or targeted to people with HIV/AIDS.

### *Coordination (Screen PR-10)*

Building on the previous section, the provisions at 24 CFR 91.215(l) and 91.315(l) are intended to encourage greater coordination in the administration of housing and homeless assistance resources at the local level. The interim rule now requires Con Plan jurisdictions to specifically discuss their activities to enhance coordination with the CoC (in addition to public and assisted housing providers and private and government health, mental health, and service agencies). Additionally, while the regulation previously required Con Plan jurisdictions to describe their efforts in addressing the needs of persons that are chronically homeless, the



interim rule expands this requirement to include efforts to coordinate housing assistance and services for homeless persons, especially the four populations covered in *Opening Doors*: (1) chronically homeless individuals and families; (2) families with children; (3) veterans and their families; and (4) unaccompanied youth. In this section, Con Plan jurisdictions are also required to address the needs of persons who were recently homeless but now live in permanent housing.

Screen PR-10 captures this information.

## 2.6 Changes to Action Plan Requirements (Screen A-65)

Provisions at 24 CFR 91.220(i) and 91.320(h) of the interim rule, the Homeless and Other Special Needs Activities, require each Con Plan jurisdiction to describe 1-year goals and specific action steps for reducing and ending homelessness within the same four areas included in the strategic plan. Consistent with the regulatory changes to the strategic plan at 24 CFR 91.215(d) and 91.315(d), the interim rule adds more specific language to the Action Plan's homelessness section (see bold text below):



1. Reaching out to homeless persons (**especially unsheltered persons**) and assessing their individual needs;
2. Addressing the emergency shelter and transitional housing needs of homeless persons;
3. Helping homeless persons (especially chronically homeless **individuals and families, families with children, veterans and their families, and unaccompanied youth**) make the transition to permanent housing and independent living, including:
  - **Shortening the period of time individuals and families experience homelessness;**
  - **Facilitating access for homeless individuals and families to affordable housing units; and**
  - **Preventing individuals and families who were recently homeless from becoming homeless again.**
4. Helping low-income individuals and families avoid becoming homeless, **especially extremely low-income individuals and families who are:**
  - **Likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or**
  - **Receiving assistance from public and private agencies that address housing, health, social services, employment, education, and/or youth needs.**

Located on screen AP-65, the narratives should include a description of the link between the activities set up on screen AP-35 and the Con Plan jurisdiction's goals established in its strategic plan and Action Plan.

### 3. CHANGES APPLICABLE ONLY TO CON PLAN JURISDICTIONS RECEIVING ESG FUNDING

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In addition to the changes applicable to **all** Con Plan jurisdictions described in Section 2, the interim rule establishes a number of new Action Plan requirements that are applicable only to Con Plan jurisdictions receiving ESG funding (ESG recipients). ESG recipients must now address all of the following in their plans:

- Written standards for providing ESG assistance;
- Description of the centralized/coordinated assessment system(s) established by the CoC(s) for the ESG recipient's area;
- Process for making subrecipient awards and a description of how the ESG recipient intends to make its allocation available to private nonprofit organizations, and in the case of urban counties, funding to participating units of local government;
- Plan for reaching out to and consulting with homeless or formerly homeless individuals, if applicable;
- Performance standards for evaluating ESG activities; and
- Description of the ESG recipient's consultation with area CoC(s).

Each of these items is described in more detail below. Screen AP-90 captures the information described in Subsections 3.1 through 3.5, and screen PR-10 captures the information described in Subsection 3.6.

#### 3.1 Written Standards for Providing ESG Assistance (Screen AP-90)

If the ESG recipient is a local government or territory, it must include its written standards for providing ESG assistance in its Action Plan (24 CFR 91.220(l)(4)(i)) on screen AP-30 (see narrative 1 in the ESG section of this screen). These standards must be consistently applied by the ESG recipient and its subrecipients for all program participants.



Provisions at 24 CFR 91.320(k)(3)(i) require State ESG recipients to describe either its standards for providing assistance, or the requirement that its subrecipients establish and consistently apply standards. If the written standards are established by its subrecipients, the State may require these written standards to be established either (a) for each area covered by a CoC or for each area over which the services are coordinated and followed by each subrecipient providing assistance in that area; or (b) by each subrecipient and applied consistently within the subrecipient's program.

Provisions at 24 CFR 576.400(e) establish the minimum requirements for these written standards, which must include:

1. Standard policies and procedures for evaluating eligibility for ESG assistance;
2. Standards for targeting and providing essential services related to street outreach;

3. Policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG, including:
  - Standards regarding length of stay (if any); and
  - Safeguards to meet the safety and shelter needs of special populations (e.g., victims of domestic violence) and individuals and families who have the highest barriers to housing and are likely to be homeless for the longest periods of time;
4. Policies and procedures for assessing, prioritizing, and reassessing need for essential services in emergency shelter;
5. Policies and procedures for coordination among shelter providers, essential service providers, homelessness prevention and rapid re-housing providers, other homeless assistance providers, and mainstream housing and service providers. Provisions at 24 CFR 576.400(b) and (c) list all programs with which ESG-funded activities must be coordinated to the maximum extent practicable);
6. Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid re-housing or homelessness prevention services;
7. Standards for determining what percentage or amount of rent and utilities costs each program participant must pay while receiving homeless prevention or rapid re-housing assistance;
8. Standards for determining how long a particular program participant will be provided with rental assistance and whether or how the amount of that assistance will be adjusted over time; and
9. Standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a program participant, including any limits, if any, on the amount of assistance each participant could receive. This could include, for example, a maximum dollar amount of assistance or a maximum number of months a program participant could receive rental assistance (up to 24 months within a 3-year period).

### **3.2 Centralized or Coordinated Assessment System (Screen AP-90)**

Under the CoC Program interim rule, HUD has required each CoC—in consultation with recipients of ESG funds within the geographic area—to establish and operate a centralized or coordinated assessment system. Once such a system is in place, each ESG-funded program or project within the CoC’s geographic area must use that assessment system, and the ESG recipient must provide a description of the system in its Action Plan on Screen AP-90 (see narrative 2 in the ESG section of this screen). If a recipient has more than one CoC in its Con Plan jurisdiction that has established a centralized or coordinated assessment system, it must describe all such systems.



Provisions at 24 CFR 576.400(d) of the ESG Program interim rule and 24 CFR 578.7(a)(8) of the CoC Program interim rule include details regarding centralized or coordinated assessment system requirements, including the exception for victim services providers.

### 3.3 Process for Subrecipient Awards (Screen AP-90)



Provisions at 24 CFR 91.220(l)(4)(iii) require ESG recipients that are local governments or territories to describe, in the Action Plan on screen AP-90 (see narrative 3 in the ESG section of this screen), their process for making subrecipient awards and explain how they intend to make awards available to private nonprofit organizations, including community and faith-based organizations; and in the case of urban counties, to participating units of local government. State ESG recipients must describe in the Action Plan their process for making subrecipient awards and explain how they intend to make awards available to units of general local government and private nonprofit organizations, including community and faith-based organizations (91.320(k)(3)(iii)). As described in Subsection 3.6 below, ESG recipients' process for making subrecipient awards must be established in collaboration with the CoC(s) that serve their geographic area.

### 3.4 Reaching Out to and Consulting with Homeless or Formerly Homeless Individuals (Screen AP-90)



Provisions at 24 CFR 576.405(a) require ESG recipients that are a local government or territory to ensure homeless participation in their policy-making bodies. If it is unable to fulfill this requirement, 24 CFR 91.220(l)(4)(iv) requires that the ESG recipient specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities or services that receive funding under ESG. This requirement is met by completing narrative 4 in the ESG section of screen AP-90. Note that this requirement does not apply to State recipients.

### 3.5 Performance Standards (Screen AP-90)

Provisions at 24 CFR 91.220(l)(4)(v) and 91.320(k)(3)(iv) require ESG recipients to clearly describe their performance standards for evaluating ESG activities (on screen AP-90 (see narrative 5 in the ESG section of this screen)). Subsection 3.6 below describes how these performance standards must be established in consultation with the CoC(s) that serve the recipient's geographic area. The standards should address the degree to which ESG-funded service providers are succeeding in measures such as:



- Targeting those who most need assistance;
- Reducing the number of people living on the streets or in emergency shelters;
- Reducing the time people spend homeless; and
- Reducing program participants' housing barriers or housing stability risks.

While consulting on the performance standards for the ESG program, ESG recipients and the CoC(s) with which they collaborate might also consider the additional performance measures established for the CoC Program:

- Reducing additional episodes of homelessness;

- Reaching out to homeless individuals and families;
- Facilitating job and income growth for persons who are homeless; and
- Reducing first-time homelessness

### 3.6 Consultation with the Continuum of Care (Screen PR-10)

ESG recipients must consult with **each CoC serving its geographic area** regarding the allocation of ESG funds and other program-related decisions. This requirement means that a State must consult with all the CoCs within its boundaries, even those in areas covered by a separate Con Plan jurisdiction. It also means that one CoC may be consulted by multiple Con Plan jurisdictions preparing a Con Plan. For example, some CoCs include both a city and county, each of which prepares a separate plan. In such a case, both the city's and county's consultation process would include the same CoC.



Provisions at 24 CFR 91.100(d), 91.110(e), 91.220(l)(4)(vi), and 91.320(k)(3)(v) require each ESG recipient, as part of its Action Plan, to *describe* its consultation with each CoC that serves its geographic area. This information is captured on screen PR-10 in the eCon Planning Suite. Recipients must consult with CoCs on four key topics:

- Determining how to allocate ESG funds each program year;
- Developing performance standards for projects and activities assisted by ESG funds;
- Evaluating the outcomes of projects and activities assisted by ESG funds; and
- Developing funding, policies, and procedures for the administration and operation of HMIS.

HUD has published a guidance document that offers suggestions for these new consultation and collaboration requirements: [ESG State Recipient Consultation with Continuums of Care](#). For a listing of CoCs by geographic area with key contacts, see the CoC Contacts page on the “About Grantees” tab on HUDEXchange.info.

## 4. CHANGES TO CERTIFICATION REQUIREMENTS (SCREEN AD-25)

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Con Plan jurisdictions must provide a series of certifications as part of their Action Plan submission. The interim rule made no changes to the general, CDBG, HOME, or HOPWA certifications. However, provisions at 24 CFR 91.225(c)(5) and 91.325(c)(4)(v) did update all but one of the ESG program certifications. The one unchanged certification is for the safe and sanitary condition of buildings renovated with ESG funds. Because most updates are minor, this section only highlights substantial changes. Updated [ESG certifications](#) are posted on HUDEXchange.info (see Section 6 for the full link). The complete certifications required by the Con Plan are described at 24 CFR 91.225 and 91.325.

### Submitting Certifications in IDIS

Once a Con Plan jurisdiction has completed the data entry screens, return to screen AD-25 to add the attachments to the plan, including an SF-424 and the appropriate certifications for each CPD grant that the Con Plan jurisdiction will receive, as well as citizen participation comments. The recipient's highest elected official must sign both the SF-424 and the certifications and the recipient must mail the original signed documents to HUD.

#### 4.1 Matching Funds

Provisions at 24 CFR 91.325(c)(1) of the interim rule require that the State certification include the State's commitment to obtain any matching amounts required under 24 CFR 576.201 in a manner so that its subrecipients that are least capable of providing matching amounts receive the benefit of the exception under 24 CFR 576.201(a)(2).

Provisions at 24 CFR 576.201 describe the matching fund requirements to which the recipient must certify, which HUD has summarized in [this FAQ](#) (see Section 6 for the full link).

#### 4.2 Discharge Planning

Provisions at 24 CFR 91.225(c)(11) and 91.325(c)(2) of the interim rule require ESG recipients to certify that they will establish and implement, **to the maximum extent practicable and where appropriate**, policies and protocols for the discharge of persons from publicly funded institutions or systems of care in order to prevent the discharge from immediately resulting in homelessness.

Publicly funded systems include, but are not limited to, healthcare facilities, mental health facilities, foster care or other youth facilities, or corrections programs and institutions.

#### 4.3 Minimum Period of Use – Renovation, Rehabilitation, Conversion

HUD updated the eligible activity categories referred to in this certification to be consistent with the changes made to 24 CFR Part 576. When ESG funds are used for building renovation, rehabilitation, or conversion, 24 CFR 91.225(c)(1) through (c)(3) require local governments/territories to certify that the building will be used as a shelter for homeless individuals and families for a set period of time (3 or 10 years). Similarly, States must certify that *their subrecipients* will comply with the requirements at 24 CFR 91.325(c)(4)(i) through (c)(4)(iii).

The interim rule also separated the certifications for rehabilitation and conversion and more clearly defined the threshold for both 10-year and 3-year period of use requirements:

1. If the rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation;

2. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the building must be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion;
3. In all other cases where ESG funds are used for renovation, the building must be maintained as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

#### 4.4 Provision of Services

The interim rule updated the eligible activity categories referred to in this certification to be consistent with the changes made to 24 CFR Part 576. Additionally, the certification is more explicit about the conditions under which a recipient or subrecipient can change its site or structure:

Provisions at 24 CFR 91.225(c)(4) and 91.325(c)(4)(iv) require that if ESG funds are used for shelter operations or essential services related to street outreach or emergency shelter, the subrecipient must provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, 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.

#### 4.5 Consistency with the Con Plan

Provisions at 24 CFR 91.225(c)(10) of the interim rule add specificity to this certification, requiring local governments and territories to certify that all activities undertaken with ESG funds are consistent with the Con Plan jurisdiction's Con Plan. In accordance with 24 CFR 91.325(c)(4)(viii), State recipients must certify that all activities subrecipients undertake with assistance under ESG are consistent with the State's current HUD-approved Con Plan.

## 5. CHANGES TO PERFORMANCE REPORTING REQUIREMENTS

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Within 90 days after the close of its program year, a Con Plan jurisdiction is required to submit a Consolidated Annual Performance & Evaluation Report (CAPER) to HUD. To fulfill the ESG program reporting requirements at 24 CFR 576.500, ESG recipients and subrecipients must collect client-level data in the HMIS (or a comparable database, if applicable) for ESG-funded programs, and recipients must report that data in their CAPER. For more information about reporting requirements, see [Notice CPD-12-009](#), dated April 30, 2012, and [Notice CPD-13-06](#), dated August 22, 2013.

### 5.1 General Section of CAPER (Screen CR-20 & CR-25)



Provisions at 24 CFR 91.520(b) require all Con Plan jurisdictions, regardless of whether they receive ESG funding, to now report on the number of homeless persons served in the Affordable Housing section of the CAPER, which is on



screen CR-20. Con Plan jurisdictions must also evaluate their progress toward meeting the specific objectives for reducing and ending homelessness in the same four areas that Con Plan jurisdictions addressed in their strategic plan and Action Plan:

1. Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs;
2. Addressing the emergency shelter and transitional housing needs of homeless persons;
3. Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including:
  - Shortening the period of time individuals and families experience homelessness;
  - Facilitating access for homeless individuals and families to affordable housing units; and
  - Preventing individuals and families who were recently homeless from becoming homeless again.
4. Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are:
  - Likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or
  - Receiving assistance from public and private agencies that address housing, health, social services, employment, education, and/or youth needs.

This information is captured on screen CR-25.

## 5.2 ESG-Only Portion of the CAPER (Screens: CR-60, CR-65, CR-70, CR-75)

ESG recipients must now include the following information in the ESG-only portion of their CAPER:

- Number of persons assisted;
- Types of assistance provided; and
- Project or program outcomes data measured under performance standards developed in consultation with the CoC.



As of October 1, 2012, ESG recipients must complete the ESG-only portion of the CAPER in the eCon Planning Suite, regardless of whether an approved Con Plan or Action Plan has been submitted in IDIS. The option to complete an ESG-only CAPER, which excludes screens specific to the other CPD formula programs (CDBG, HOME, and HOPWA), is only available for ESG recipients that are not submitting a full CAPER in IDIS. Once a Con Plan jurisdiction begins submitting a full CAPER in IDIS, these screens will still be required. The ESG-only CAPER template screens are:

- CR-60 Subrecipient Information
- CR-65 Persons Assisted by ESG
- CR-70 ESG Assistance Provided
- CR-75 ESG Expenditures

Before submitting the CAPER to HUD, recipients are encouraged to reconcile the information in the narratives with the accomplishment and expenditure information within the other sections of IDIS and IDIS reports. ESG recipients should review the Notice CPD-13-06, the [CAPER Webinar for ESG Recipients and Subrecipients](#), and the Con Plan Desk Guide for specific guidance on how to complete and submit the ESG-only portion of the CAPER (see Section 6 for the links).

## 6. ADDITIONAL RESOURCES

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This section includes the web addresses of the documents that are hyperlinked in this document.

- eCon Planning Suite webpage on HUDexchange.info:  
[www.hudexchange.info/consolidated-plan/econ-planning-suite/](http://www.hudexchange.info/consolidated-plan/econ-planning-suite/)
- Con Plan Desk Guide, “The eCon Planning Suite: A Desk Guide for Using IDIS to Prepare the Con Plan, Action Plan, and CAPER/PER”:  
[www.hudexchange.info/resource/2641/econ-planning-suite-desk-guide-idis-conplan-action-plan-caper-per/](http://www.hudexchange.info/resource/2641/econ-planning-suite-desk-guide-idis-conplan-action-plan-caper-per/)
- HUD webinar, “Changes to the Con Plan Regulations”: [www.hudexchange.info/training-events/courses/changes-to-consolidated-plan-regulations-in-the-interim-esg-rule-webinar/](http://www.hudexchange.info/training-events/courses/changes-to-consolidated-plan-regulations-in-the-interim-esg-rule-webinar/)
- Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act:  
[www.hudexchange.info/resource/1715/mckinney-vento-homeless-assistance-act-amended-by-hearth-act-of-2009](http://www.hudexchange.info/resource/1715/mckinney-vento-homeless-assistance-act-amended-by-hearth-act-of-2009)
- Opening Doors: Federal Strategic Plan to Prevent and End Homelessness:  
[www.hudexchange.info/resource/1237/usich-opening-doors-federal-strategic-plan-end-homelessness/](http://www.hudexchange.info/resource/1237/usich-opening-doors-federal-strategic-plan-end-homelessness/)
- CPD Maps: Consolidated Plan and Continuum of Care Planning Tool:  
[www.hudexchange.info/resource/2129/cpd-maps-consolidated-plan-and-continuum-of-care-planning-tool/](http://www.hudexchange.info/resource/2129/cpd-maps-consolidated-plan-and-continuum-of-care-planning-tool/)
- CPD Maps Desk Guide: [www.hudexchange.info/resource/2405/cpd-maps-desk-guide/](http://www.hudexchange.info/resource/2405/cpd-maps-desk-guide/)
- ESG State Recipient Consultation with Continuums of Care:  
[www.hudexchange.info/resource/2071/emergency-solutions-grants-state-recipient-consultation-with-coc/](http://www.hudexchange.info/resource/2071/emergency-solutions-grants-state-recipient-consultation-with-coc/)
- ESG Program Certifications:  
[www.hudexchange.info/resource/1992/emergency-solutions-grants-esg-program-certifications/](http://www.hudexchange.info/resource/1992/emergency-solutions-grants-esg-program-certifications/)

- Match FAQ: [www.hudexchange.info/faqs/1086/what-sources-of-funds-can-be-used-as-cash-match-for-esg/](http://www.hudexchange.info/faqs/1086/what-sources-of-funds-can-be-used-as-cash-match-for-esg/)
- Notice CPD-12-009: Use of IDIS to Submit the Consolidated Plan: [www.hudexchange.info/resource/2674/notice-cpd-12-009-use-of-idis-to-submit-the-consolidated-plan/](http://www.hudexchange.info/resource/2674/notice-cpd-12-009-use-of-idis-to-submit-the-consolidated-plan/)
- Notice CPD-13-06: Guidance for Submitting the Portions of the CAPER Related to Homelessness and the ESG Program: [www.hudexchange.info/resource/3154/notice-cpd-13-06-guidance-for-submitting-portions-of-caper-related-to-homelessness-and-esg-program/](http://www.hudexchange.info/resource/3154/notice-cpd-13-06-guidance-for-submitting-portions-of-caper-related-to-homelessness-and-esg-program/)
- HUD webinar, “CAPER Webinar for ESG Recipients and Subrecipients”: [www.hudexchange.info/training-events/courses/caper-webinar-for-esg-recipients-and-subrecipients-webinar/394/](http://www.hudexchange.info/training-events/courses/caper-webinar-for-esg-recipients-and-subrecipients-webinar/394/)
- Continuum of Care contacts: [www.hudexchange.info/grantees/](http://www.hudexchange.info/grantees/)
- For more information about the Con Plan, visit the Con Plan page on HUD’s website at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/about/conplan](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/about/conplan)

Note: Please submit any questions about a Con Plan, Action Plan, or CAPER to the Ask A Question portal at [www.hudexchange.info/get-assistance/my-question](http://www.hudexchange.info/get-assistance/my-question). For questions about a specific issue, it might help to start with your local HUD field office as a resource.