

Minimum Habitability Standards for Shelter and Housing Policy



I. Introduction

The Emergency Solutions Grant (ESG) Program is a federal program operated by the U.S. Department of Housing and Urban Development (HUD) to make grants to states, local governments, and territories for the purposes of funding activities that directly serve people experiencing homelessness, including people at risk of homelessness. The California Department of Housing and Community Development (CA HCD) is a direct recipient of ESG from HUD. CA HCD administers an annual allocation of ESG and an additional one-time allocation of ESG made available under the CARES Act.

For the purposes of this document, “annual ESG” refers to CA HCD’s annual allocation of ESG, “ESG-CV” refers to CA HCD’s one-time allocation of CARES Act ESG, and “ESG” refers to the program in general and to aspects of the program that apply to both annual ESG and ESG-CV.

This ESG Minimum Habitability Standards for Shelter and Housing Policy (the “Policy”) defines the minimum standards for ESG-funded emergency shelter facilities and assisted housing.

A. Standards

The Emergency Solutions Grants (ESG) Program Interim Rule establishes different habitability standards for emergency shelters and for permanent housing (the Rapid Re-housing and Homelessness Prevention components).

Emergency Shelter Standards.

- Emergency shelters that receive ESG funds for renovation or shelter operations must meet the minimum standards for safety, sanitation, and privacy provided in §576.403(b).
- In addition, emergency shelters that receive ESG funds for renovation (conversion, major rehabilitation, or other renovation) also must meet state or local government safety and sanitation standards, as applicable.

Permanent Housing Standards.

- The recipient or subrecipient cannot use ESG funds to help a program participant remain in or move into housing that does not meet the minimum habitability standards under §576.403(c). This restriction applies to all activities under the Homelessness Prevention and Rapid Re-housing components.

Recipients and subrecipients must document compliance with the applicable standards. Note that these checklists do not cover the requirements to comply with the Lead-Based Paint requirements at §576.403(a). For more discussion about how and when the standards apply,

Emergency Solutions Grant Program (ESG)

see **ESG Minimum Standards for Emergency Shelters and Permanent Housing**, located at <http://OneCPD.info/esg>.

B. Applicability

This Policy applies to ESG grants funded using:

- Annual ESG
- ESG-CV

II. General Requirements

A. Overview

The following activities under the following ESG program components are required to comply with the minimum standards specified in this Policy:

- **Emergency Shelter (ESG-ES)**
 - *Any building for which ESG funds are used for conversion, major rehabilitation, or other renovation:* must meet state or local government safety and sanitation standards, as applicable,¹ as well as the minimum safety, sanitation, and privacy standards listed in Section 3(A) of this Policy
 - *Any emergency shelter that receives assistance for shelter operations:* must meet the minimum safety, sanitation, and privacy standards listed in Section 3(A) of this Policy
- **Homelessness Prevention (ESG-HP)**
 - ESG funds cannot be used to help a participant remain in or move into housing that does not meet the minimum habitability standards listed in Section 3(B) of this Policy
- **Rapid Re-Housing (RRH)**
 - ESG funds cannot be used to help a participant remain in or move into housing that does not meet the minimum habitability standards listed in Section 3(B) of this Policy

These standards are derived from the ESG Program interim rule, section 403.

The checklists in this Policy offer an optional format for documenting compliance with the standards. The checklists are intended to:

¹ Any applicable safety or sanitation standards are not listed in this Policy. CA HCD's direct subrecipients are responsible for identifying and establishing compliance with any applicable standards.

Emergency Solutions Grant Program (ESG)

- Provide a clear summary of the requirements and an adaptable tool so CA HCD and subrecipients can formally assess their compliance with HUD requirements, identify and carry out corrective actions, and better prepare for monitoring visits by HUD staff.
- Provide a tool for CA HCD to monitor that its subrecipient is in compliance with HUD requirements. Where non-compliance is identified, CA HCD can use this information to require or assist the subrecipient to make necessary changes.

B. Definitions

For the purposes of this Policy, “permanent housing” refers to any housing that a participant remains in or moves into as the result of ESG assistance under the ESG-HP or ESG-RRH program components.

A comprehensive and granular distinction between permanent housing and common types of temporary accommodations is beyond the scope of this policy, but in general, permanent housing is secured with a residential lease that meets all applicable state requirements, while temporary accommodations (including transitional housing and shelter) are not.

C. Organization and Checklist Completion

Prior to beginning the review, the subrecipient should organize relevant files and documents to help facilitate their review. For instance, this may include local or state inspection reports (fire-safety, food preparation, building/occupancy, etc.) or policy and procedure documents related to emergency shelter facility maintenance or renovations.

Carefully read each statement and indicate the shelter’s or unit’s status for each requirement (Approved or Deficient). Add any comments and corrective actions needed in the appropriate box. The reviewer should complete the information about the project, and sign and date the form. This template includes space for an “approving official,” if CA HCD or the subrecipient has designated another authority to approve the review. When the assessment is complete, review it with program staff and develop an action plan for addressing any areas requiring corrective action.

III. Checklists and Maintenance of Documentation

A. 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.

Emergency Solutions Grant Program (ESG)

Approved	Deficient	Emergency Shelter Standard (24 CFR part 576.403(b))
		<p>1. <i>Structure and materials:</i></p> <ul style="list-style-type: none"> 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.
		<p>2. <i>Access.</i> Where applicable, the shelter is accessible in accordance with:</p> <ul style="list-style-type: none"> 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.
		<p>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.</p>
		<p>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.</p>
		<p>5. <i>Water Supply:</i> The shelter's water supply is free of contamination.</p>
		<p>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.</p>
		<p>7. <i>Thermal environment:</i> The shelter has any necessary heating/cooling facilities in proper operating condition.</p>
		<p>8. <i>Illumination and electricity:</i></p> <ul style="list-style-type: none"> 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.

Emergency Solutions Grant Program (ESG)

Approved	Deficient	Emergency Shelter Standard (24 CFR part 576.403(b))
		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).

CERTIFICATION STATEMENT

I certify that I have evaluated the property located at the address below to the best of my ability and find the following:

Property meets all of the above standards.

Property does not meet all of the above standards.

ESG Recipient Name: California Department of Housing and Community Development

ESG Subrecipient Name (if applicable): _____

Emergency Shelter Name: _____

Street Address: _____

City: _____ State: California Zip: _____

Evaluator Signature: _____ Date of review: _____

Evaluator Name: _____

Approving Official Signature (if applicable): _____ Date: _____

Approving Official Name (if applicable): _____

Emergency Solutions Grant Program (ESG)

B. 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	Permanent Housing 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>

Emergency Solutions Grant Program (ESG)

Approved	Deficient	Permanent Housing Standard (24 CFR part 576.403(c))
		a. There is a second means of exiting the building in the event of fire or other emergency. b. 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. c. 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. d. 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.
		11. Meets additional recipient/subrecipient standards (if any).

CERTIFICATION STATEMENT

I certify that I have evaluated the property located at the address below to the best of my ability and find the following:

Property meets all of the above standards.

Property does not meet all of the above standards.

ESG Recipient Name: California Department of Housing and Community Development

ESG Subrecipient Name: _____

Program Participant Name: _____

Street Address: _____

Apartment: _____

City: _____ State: California Zip: _____

Evaluator Signature: _____ Date of review: _____

Evaluator Name: _____

Approving Official Signature (if applicable): _____ Date: _____

Approving Official Name (if applicable): _____

D. Maintenance of Documentation

Subrecipients are required to document compliance with applicable standards of by keeping copies of the checklists as follows for each program component:

- **Emergency Shelter (ESG-ES):** checklists must be maintained in the project file or other project-level documentation system
- **Homelessness Prevention (ESG-HP):** checklists must be maintained in the project participant's client file, participant file, HMIS record, or other participant-specific file location
- **Rapid Re-Housing (ESG-RRH):** checklists must be maintained in the project participant's client file, participant file, HMIS record, or other participant-specific file location