

ESG – Minimum Habitability Standards

- ❖ Shelters receiving ESG funding have to comply with accessibility
- ❖ Accessibility standards are not covered in this presentation.
- ❖ See 10 TAC Chapter 1, Subchapter B for more information.



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ESG Guidance

- ❖ Guidance is available online:
 - Emergency Solutions Grants (ESG) Program: Guidance for TDHCA Subrecipients:
<http://www.tdhca.state.tx.us/community-affairs/esgp/guidance-solutions.htm>



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ESG – Minimum Habitability Standards

- ❖ Minimum Standards do not apply for Essential Services provided under Street Outreach
- ❖ Minimum Standards do not apply to an emergency shelter receiving ESG for Homeless Management Information System (HMIS) costs.



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Emergency Shelter

- ❖ The Standards apply regardless of the amount of ESG funds involved.
- ❖ Includes matching funds.
- ❖ The building must meet the standards under §576.403(b) for:
 - ✓ Safety
 - ✓ Sanitation
 - ✓ Privacy standards
 - ✓ Any state or local government Safety and Sanitation standards.

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Permanent Housing

- ❖ ESG subcontractors cannot use ESG to help program participants remain or move into housing that does not meet the minimum habitability standards under §576.403(c)
- ❖ This applies to all activities for Homeless Prevention and Rapid Re-housing.
- ❖ The Standards apply regardless of the amount of ESG funds involved

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Permanent Housing (2)

- ❖ The Standards apply regardless of the amount of ESG funds involved including (not limited to):
 - Providing assistance for participant to stay in the existing home
 - Providing assistance to participant for moving into a new unit
 - Standard applies to the new unit.
 - Standard for the unit the applicant is leaving does not need an inspection

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Homelessness Prevention

- ❖ When Relocation or Stabilization Services are provided, the habitability standards apply for the current unit.
- ❖ Standards for the current unit applies when Stabilization Services are provided such as
 - Utility/Arrears
 - Rent
 - Case Management Services

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Rapid Re-housing – Habitability Applicability

- ❖ When Relocation or Stabilization Services are provided, the habitability standards apply for the new unit.
- ❖ If assistance with arrears is needed as part of rapid re-housing, no habitability inspections is required for the old unit so long as the participant will be rapidly re-housed in a different unit.

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Rapid Re-housing – Timing of Habitability

- ❖ If the program participant needs assistance to obtain housing, the unit must meet habitability standards *prior** to the participant signing the lease.

*An exception is if the lease has a clause that states that the client will be able to take possession of the property pending a satisfactory habitability inspection.

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Rapid Re-housing – Timing of Habitability (cont.)

- ❖ If assistance is used for ongoing services, the unit must meet habitability standards for the duration of assistance.
- ❖ If assistance is a one time assistance (utility, deposits), habitability must be met at the time of assistance.



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Standards and Inspections

- ❖ The minimum standards are listed in §576.403(b) and (c).
- ❖ “...must meet state or local government safety and sanitation standards, as applicable, and the following minimum safety, sanitation, and privacy standards...”
- ❖ “...subrecipient cannot use ESG funds to help a program participant remain or move into housing that does not meet the minimum habitability standards...”



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Inspections

- ❖ Inspections for ESG Habitability Standards do not need to be evaluated by a certified inspector.
- ❖ Inspections may be performed by:
 - Subrecipient ESG Program Staff
 - Staff hired by the Subrecipient (contractor)
 - Subrecipient Staff of another subsidized program such as Section 8
- ❖ Habitability must be performed and met prior to providing assistance to participant.



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Documentation of Inspections

- ❖ Subrecipients must document Inspections with written reports.
- ❖ Subrecipients can establish their own approaches to documenting compliance with written procedures and policies.
- ❖ Documentation includes inspection reports from the initial and follow-up inspections.
- ❖ There is a HUD inspection list that may be used to document the results of the on site inspections:
<http://www.tdhca.state.tx.us/community-affairs/esgp/guidance-solutions.htm>

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Paying for Inspections

- ❖ Charged as Emergency Shelter Component
 - As an emergency shelter renovation cost
 - As shelter operation costs
- ❖ Charged as Rapid Re-housing or Homeless Prevention
 - As a housing search and placement cost, if helping the program participant stay or move into a housing unit.
- ❖ Charged as an Administrative Cost
 - If recipient is inspecting a shelter
 - If the recipient is inspecting permanent housing

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Paying for Inspections (2)

- ❖ If the inspection is charged directly to ESG, Subrecipient must keep proper time logs, mileage logs tied to the property.
- ❖ If the inspection is charged to Administration, proper time sheets must be kept. Mileage must follow the agency's standard procedure for payment.

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Meeting Standards

- ❖ Meeting Standards
 - If standards are not met and subrecipient is out of compliance, remedial actions may be taken.
 - Remedial actions may include possible disallowed cost and a reduced score on the subsequent ESG application.



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Lead Based Paint

- ❖ For units constructed before 1978:
 - A copy of “Protect Your Family From Lead in Your Home,” must be presented to the Lessee:
<https://www.epa.gov/lead/protect-your-family-lead-your-home>
 - HUD’s disclosure form for rental properties must be presented to the tenants:
<http://www.tdhca.state.tx.us/pmcdocs/Disclosure-LeadBasedPaint-Hazards.pdf>



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Lead-Based Paint (2)

- ❖ For units constructed before 1978:
 - A visual assessment must be complete
 - At the time of inspection all painted surfaces must be free of deterioration. Cannot exceed two square feet or 10% of a component.



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Minimum Habitability Standards: Checklist

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Structure and Materials

Standard for Emergency Shelter	Standard for Permanent Housing
<p>1. <u>Structure and materials:</u> Must be structurally sound and protect the residents from the elements and not pose any threat to the H&S of the residents.</p>	<p>1. <u>Structure and materials:</u> Must be structurally sound and protect the residents from the elements and not pose any threat to the H&S of the residents.</p>

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Access

Standard for Emergency Shelter	Standard for Permanent Housing
<p>2. <u>Access:</u> The shelter must be accessible in accordance with 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 100; and Title II of the American Disabilities Act (42 U.S.C. 12131 at seq.) and 28 CFR part 35; where applicable.</p>	

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Space and Security

Standard for Emergency Shelter	Standard for Permanent Housing
<p>3. <u>Space and Security:</u> Except where the shelter is intended for day use.</p> <p>Each resident must be provided with adequate space and security for themselves and belongings. Each resident must have acceptable space to sleep.</p>	<p>2. <u>Space and Security:</u> Each resident must be provided with adequate space and security for themselves and belongings. Each resident must have acceptable space to sleep.</p>

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Space and Security – Quiz

❖ What is the limit to the number of persons allowed to live in a unit?

- A. No more than 2 people per bedroom
- B. No more than 1.5 persons per room
- C. No more than 3 adults per bedroom



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Space and Security – Answer

❖ What is the limit to the number of persons allowed to live in a unit?

C. No more than 3 adults per bedroom

- Texas Property Code states that there should be no more than 3 adults per bedroom.
- Stricter standard may be set by local city or county.
- Subrecipients may also include standard in written standards, though the written standards cannot conflict with city or county law

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Indoor Air Quality

Standard for Emergency Shelter	Standard for Permanent Housing
<p>4. <u>Indoor Air Quality</u> Each room or space within the Shelter must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of the residents.</p>	<p>3. <u>Indoor Air Quality</u> Each room or space must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of the residents.</p>

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Water Supply

Standard for Emergency Shelter	Standard for Permanent Housing
<p>5. <u>Water Supply:</u> The shelter's water supply must be free of contamination. Does the water appear safe?</p>	<p>4. <u>Water Supply:</u> The water supply must be free of contamination. Does the water appear safe?</p>

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Sanitary Facilities

Standard for Emergency Shelter	Standard for Permanent Housing
<p>6. <u>Sanitary Facilities:</u> Residents must have access to sufficient sanitary facilities that are in proper operating condition, are private, and adequate for personal cleanliness and disposal of human waste.</p>	<p>5. <u>Sanitary Facilities:</u> Residents must have access to sufficient sanitary facilities, that are in proper operating condition, are private, and adequate for personal cleanliness and disposal of human waste.</p>

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Thermal Environment

Standard for Emergency Shelter	Standard for Permanent Housing
<p>7. Thermal Environment: The housing must have any necessary heating and cooling units in proper operating conditions.</p>	<p>6. Thermal Environment: The housing must have any necessary heating and cooling units in proper operating conditions.</p>

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Illumination and Electricity

Standard for Emergency Shelter	Standard for Permanent Housing
<p>8. Illumination and Electricity: The structure must have adequate natural light or artificial illumination to permit normal indoor activities to support health and safety. There must be sufficient electrical sources to permit safe to use electrical appliances in the shelter.</p>	<p>7. Illumination and Electricity: The structure must have adequate natural light or artificial illumination to permit normal indoor activities to support health and safety. There must be sufficient electrical sources to permit safe to use electrical appliances in the structure.</p>

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Food Preparation

Standard for Emergency Shelter	Standard for Permanent Housing
<p>9. Food Preparation: Food preparation areas, if any, must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.</p>	<p>8. Food Preparation: Food preparation areas, must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.</p>

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Sanitary Conditions

Standard for Emergency Shelter	Standard for Permanent Housing
<p>10. <u>Sanitary Conditions:</u> The shelter must be maintained in a sanitary condition. Is the unit clean?</p>	<p>9. <u>Sanitary Conditions:</u> Housing must be maintained in a sanitary condition. Is the unit clean?</p>

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Fire and Safety

Standard for Emergency Shelter	Standard for Permanent Housing
<p>11. <u>Fire and Safety:</u> There must be at least one working smoke detector in each occupant unit of the shelter. Where possible, smoke detectors must be located near sleeping areas. The fire alarm system must be designed for hearing impaired residents. All public areas must have at least one working smoke detector. There must also be second means of exiting the building in the event of a fire or other emergency.</p>	<p>10. <u>Fire and Safety:</u> (i) There must also be second means of exiting the building in the event of a fire or other emergency.</p>

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Fire and Safety (ii)

Standard for Emergency Shelter	Standard for Permanent Housing
	<p><u>Fire and Safety:</u> (ii) Each unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors must be located to the extent practical, in a hallway adjacent to a bedroom. If the unit is occupied by hearing impaired persons, smoke detectors must have an alarm system designed for hearing impaired persons in each bedroom occupied by a hearing impaired person.</p>

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Fire and Safety (iii)

Standard for Emergency Shelter	Standard for Permanent Housing
	Fire and Safety (iii) The public areas of all housing must be 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, community rooms, day care centers, hallways, stairwells, and other common areas.

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Fire and Safety - Quiz

❖ When are bars acceptable on the windows?

A. When the neighborhood has a crime rate over 20%.

B. When there is more than one exit in the room.

C. When the owner pays for the bars.



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Fire and Safety - Answer

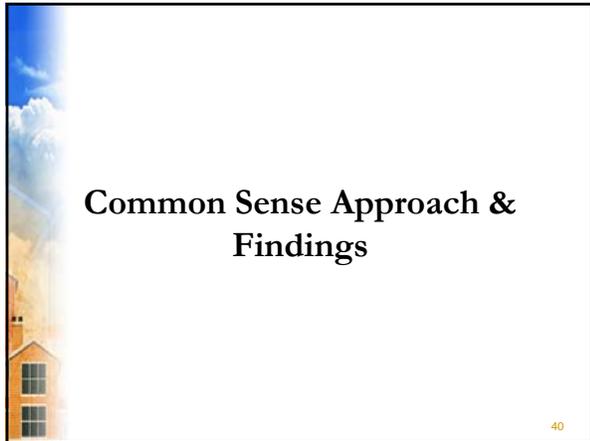


❖ When are bars acceptable on the windows?

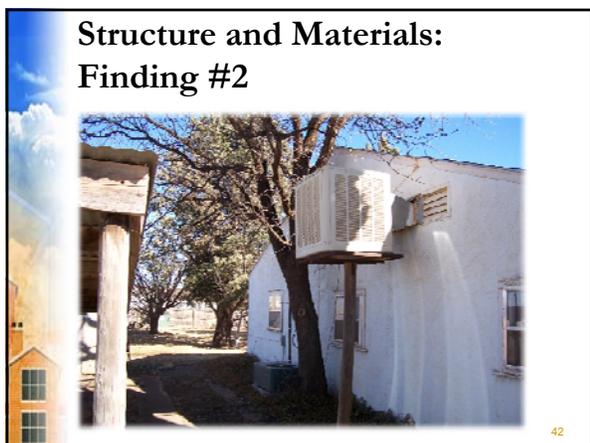
B. When there is more than one exit in the room

- Rooms need two means of exit.
- The window can count as a second means of exit.
- Exception: if bars are covering the second means of exit, the bars are allowed only if they are able to be detached from the inside.

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**Space and Security:
Finding #3**



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**Indoor Air Quality:
Finding #4**



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**Illumination and Electricity:
Finding #5**



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**Lead Safety:
Finding #9**



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Contact Information

**TEXAS DEPARTMENT
OF HOUSING AND
COMMUNITY AFFAIRS**
221 E. 11th Street, Austin, TX 78701
P.O. Box 13941, Austin, TX 78711-3941

Request for Community Affairs Program Assistance:
<https://tdhca.wufoo.com/forms/request-for-ca-program-assistance/>



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