

CHAPTER 41
SHELTER ASSISTANCE FUND
[Prior to 10/20/10, see 261—Ch 29]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

265—41.1(16) Purpose. The shelter assistance fund is created to support the costs of operations of shelters for the homeless and domestic violence shelters, essential services for the homeless, and evaluation and reporting of services for the homeless.

[ARC 9162B, IAB 10/20/10, effective 10/1/10; ARC 9281B, IAB 12/15/10, effective 1/19/11; ARC 1539C, IAB 7/9/14, effective 8/13/14; ARC 3426C, IAB 10/25/17, effective 11/29/17]

265—41.2(16) Definitions. When used in this chapter, unless the context otherwise requires:

“*Applicant*” means an eligible provider of homeless services which is applying for program funds.

“*Domestic violence shelter*” means a homeless shelter primarily or exclusively serving clients who are homeless due to domestic violence.

“*ESG*” means the Emergency Solutions Grant Program created pursuant to Title 42 of the U.S. Code (42 U.S.C. Section 11375) as well as parts of Title 24 of the Code of Federal Regulations (24 CFR Part 576).

“*HMIS*” means the Homeless Management Information System, which is a client-level data collection and management system implemented at the community level that allows for better coordination among agencies providing services to clients.

“*Homeless*” or “*homeless individual*” shall have the meaning set forth in 24 CFR Part 91.

“*Homeless shelter*” means a facility which provides temporary shelter with overnight sleeping accommodations for homeless persons and which does not require occupants to sign leases or occupancy agreements.

“*HUD*” means the U.S. Department of Housing and Urban Development.

“*IFA*” means the Iowa finance authority.

“*Nonprofit organization*” means an organization:

1. No part of the net earnings of which inure to the benefit of any member, founder, contributor, or individual;
2. That has a voluntary board;
3. That has a functioning accounting system or has designated a fiscal agent that will maintain a functioning accounting system for the organization;
4. That practices nondiscrimination in the provision of assistance; and
5. That has registered with the state of Iowa as a nonprofit corporation.

“*Program participant*” means any person or family who is homeless or at risk of becoming homeless and who seeks assistance from a recipient and is provided assistance utilizing SAF funds.

“*Recipient*” means any organization to which IFA distributes program funds.

“*SAF*” means shelter assistance fund according to Iowa Code section 16.41.

[ARC 9162B, IAB 10/20/10, effective 10/1/10; ARC 9281B, IAB 12/15/10, effective 1/19/11; ARC 0183C, IAB 6/27/12, effective 8/1/12; ARC 1539C, IAB 7/9/14, effective 8/13/14; ARC 3426C, IAB 10/25/17, effective 11/29/17]

265—41.3(16) Eligible applicants. City governments, county governments, local public housing authorities, instrumentalities of government, and nonprofit organizations are eligible applicants under the SAF program.

[ARC 9162B, IAB 10/20/10, effective 10/1/10; ARC 9281B, IAB 12/15/10, effective 1/19/11; ARC 1539C, IAB 7/9/14, effective 8/13/14]

265—41.4(16) Eligible activities. Eligible activities may include the following, where the activities are necessary to assist program participants:

1. Normal operating expenses for homeless and domestic violence shelters, including staff salaries, maintenance (including minor or routine repairs), rent, security, fuel, equipment, insurance, utilities, food,

furnishings, and supplies necessary for the operation of the shelter. Where no appropriate shelter is available for a homeless family or individual, eligible costs may also include a hotel or motel voucher for that family or individual. Eligible costs may also include the costs of third-party agencies' providing food either to one or more shelters or directly to program participants.

2. Essential services for individuals and families in homeless and domestic violence shelters, including case management, child care, education services, employment assistance and job training, outpatient health services (to the extent that such health services are otherwise unavailable), legal services, life skills training, mental health services (to the extent that such mental health services are otherwise unavailable), substance abuse treatment services (to the extent that such substance abuse treatment is otherwise unavailable), and transportation (transportation that is necessary to provide services).

3. Evaluation of services for the homeless, including the implementation of the HMIS.

[ARC 9162B, IAB 10/20/10, effective 10/1/10; ARC 9281B, IAB 12/15/10, effective 1/19/11; ARC 1539C, IAB 7/9/14, effective 8/13/14; ARC 3426C, IAB 10/25/17, effective 11/29/17]

265—41.5(16) Ineligible activities. As a general rule, any activity that is not authorized under the provisions of rule 265—41.4(16) is ineligible.

[ARC 9162B, IAB 10/20/10, effective 10/1/10; ARC 9281B, IAB 12/15/10, effective 1/19/11; ARC 1539C, IAB 7/9/14, effective 8/13/14]

265—41.6(16) Application procedures. IFA shall issue requests for applications periodically, as long as funds are available. Requests for applications may combine the ESG program with the SAF program. The applications shall be submitted on the forms or online system prescribed by IFA. Application requirements, priorities, and maximum and minimum grant awards will be established by IFA for each competition.

[ARC 9162B, IAB 10/20/10, effective 10/1/10; ARC 9281B, IAB 12/15/10, effective 1/19/11; ARC 9642B, IAB 7/27/11, effective 7/8/11; ARC 9828B, IAB 11/2/11, effective 12/7/11; ARC 0183C, IAB 6/27/12, effective 8/1/12; ARC 1539C, IAB 7/9/14, effective 8/13/14; ARC 3426C, IAB 10/25/17, effective 11/29/17]

265—41.7(16) Application review process. The following procedures will be used in the review of applications for most purposes.

41.7(1) Review; threshold criteria; eligible activities.

a. Review of applications. Applications will be reviewed by a panel appointed by IFA. Applications will be reviewed based on priorities established during each competition round. Review criteria include, but are not limited to, program design, applicant experience and capacity, community partnerships and need, performance, and budget and grant management.

b. Threshold criteria. IFA will identify threshold criteria that all programs are required to meet in order to be eligible.

c. Activities eligible during funding cycle. Each competition round will specify which of the total eligible program activities will be supported.

41.7(2) If an application contains an activity determined to be ineligible, at IFA's discretion, the ineligible activity may be deleted from the application or the application may be disqualified.

41.7(3) Before making final funding recommendations, IFA may review applications with other state agencies or other groups with expertise in the area of serving homeless persons. Consultation with other agencies is intended to avoid duplication and promote maximum utilization of funding sources.

41.7(4) Based on the review process, IFA may revise the overall funding request by activity or funding level and recommend a final funding figure to the IFA board of directors for approval.

41.7(5) IFA shall establish the period of funding for each competition.

[ARC 9162B, IAB 10/20/10, effective 10/1/10; ARC 9281B, IAB 12/15/10, effective 1/19/11; ARC 1539C, IAB 7/9/14, effective 8/13/14]

265—41.8(16) Matching contributions. IFA reserves the right to designate a portion or all of SAF funds to be used toward the matching contributions requirement imposed by HUD for ESG funds received by the state of Iowa. If SAF funds are designated as ESG matching contributions, they may not also be available to meet matching requirements of other grant moneys received by recipients. Recipients will be informed if SAF funds have been used toward the ESG matching requirement and will be responsible for ensuring

compliance with the matching requirements of other grant programs. The designation of any portion of SAF funds as ESG matching contributions does not change the amount, type, or recipient of any award; rather, it solely impacts a SAF grantee's potential to use SAF grant funds to meet the matching requirements of certain other grant programs.

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265—41.9(16) Funding awards.

41.9(1) Authorization. The IFA board of directors authorizes funding awards during each application cycle.

41.9(2) Right to negotiate. IFA reserves the right to negotiate the amount of the funding award, the scale of the project, and alternative methods for completing the project.

41.9(3) Special purpose awards. IFA may, at its discretion, make funding awards for evaluation of services for the homeless, including the implementation of the HMIS, apart from the application procedures and application review process for other activities.

[ARC 9162B, IAB 10/20/10, effective 10/1/10; ARC 9281B, IAB 12/15/10, effective 1/19/11; ARC 1539C, IAB 7/9/14, effective 8/13/14]

265—41.10(16) Requirements placed on recipients.

41.10(1) Participation by homeless individuals and families. To the maximum extent possible, SAF program recipients are required to involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted with SAF funds, in providing services assisted with SAF funds, and in providing services for occupants of facilities assisted with SAF funds.

41.10(2) Termination of assistance and grievance procedure. Recipients shall establish and implement a formal process to terminate assistance to individuals or families who violate program requirements. This process shall include a hearing that provides individuals a full opportunity to address issues of noncompliance.

41.10(3) Data reporting system. Recipients shall participate in the HUD-approved HMIS adopted by IFA as required in the executed contract, unless the recipient qualifies as a domestic violence shelter, in which case the recipient shall participate in required data collection and reporting activities using a comparable database as defined by HUD.

41.10(4) Ensuring confidentiality. Recipients shall develop and implement procedures to guarantee the confidentiality of records pertaining to any individual to whom family violence prevention or treatment services are provided. In addition, the address or location of any family violence shelter shall not be disclosed to any person except with written authorization of the shelter director.

41.10(5) Requirements for religious organizations. Recipients shall not engage in religious proselytizing or counseling using SAF funds, nor require attendance at religious services as a requirement or condition to receive assistance with SAF funds, nor limit services or give preference to persons seeking assistance with SAF funds on the basis of religion.

41.10(6) Prohibition against involuntary family separation. If a shelter provides services to families with children under the age of 18, the age of a child under the age of 18 shall not be used as a basis for denying any family's admission to shelter.

41.10(7) Lead-based paint. Recipients shall follow the federal rules for lead-based paint, including the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations in 24 CFR Part 35, Subparts A, B, H, J, K, M, and R, which apply to all shelters occupied by program participants.

41.10(8) Habitability standards. Recipients shall follow the federal rules for habitability, ensuring that shelters funded with SAF adhere to minimum habitability standards for being safe, sanitary, and adequately maintained, according to the regulations at CFR Part 576.403. Standards include considerations for the following: (1) structure and materials, (2) access, (3) space and security, (4) interior air quality, (5) water supply, (6) sanitary facilities, (7) thermal environment, (8) illumination and electricity, (9) food preparation, (10) sanitary conditions, and (11) fire safety.

41.10(9) Other requirements. IFA may, at its discretion, impose additional requirements on recipients, which will be described in the request for applications, the grant contract, or other guidance materials issued from time to time.

[ARC 9162B, IAB 10/20/10, effective 10/1/10; ARC 9281B, IAB 12/15/10, effective 1/19/11; ARC 9642B, IAB 7/27/11, effective 7/8/11; ARC 9828B, IAB 11/2/11, effective 12/7/11; ARC 0183C, IAB 6/27/12, effective 8/1/12; ARC 1539C, IAB 7/9/14, effective 8/13/14; ARC 3426C, IAB 10/25/17, effective 11/29/17]

265—41.11(16) Compliance with applicable federal and state laws and regulations. All recipients shall comply with the Iowa Code with respect to activities performed under this program. Use of SAF program funds shall comply with the following additional requirements.

41.11(1) Nondiscrimination and equal opportunity. All recipients shall comply with the following:

a. The requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. Sections 3601-19 and implementing regulations; Executive Order 11063 and implementing regulations at 24 CFR Part 107 (June 1, 1999); and Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2002d) and implementing regulations at 24 CFR Part 1 (June 1, 1999).

b. Affirmative action requirements as implemented with Executive Orders 11625, 12432, and 12138 which require that every effort be made to solicit the participation of minority and women business enterprises (MBE/WBE) in governmental projects.

c. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. Sections 6101-07).

d. The prohibitions against discrimination against disabled individuals under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

41.11(2) Review of financial statements. All recipients shall obtain from an independent certified public accountant an annual audit or an annual independent review of the agency's financial statements.

41.11(3) Conflict of interest. No person who exercises or has exercised any functions or responsibilities with respect to activities assisted under the SAF program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for the person or for those with whom the person has immediate family or business ties, during the person's tenure or during the one-year period following the person's tenure. Persons covered shall include any person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient.

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265—41.12(16) Administration.

41.12(1) Contracts. Upon selection of an application for funding, IFA will initiate a contract. Recipients shall remain responsible for adherence to the requirements of the SAF program rules. These rules and applicable federal and state laws and regulations shall be deemed to be part of the contract. Certain activities may require that permits or clearances be obtained from other state agencies before the start of the project. Funding awards may be conditioned upon the timely completion of these requirements.

41.12(2) Record keeping and retention. Financial records, supporting documents, statistical records, and all other records pertinent to the funded program shall be retained by the recipient and made available to IFA upon request. Proper record retention shall be in accordance with the following:

a. Records for any assisted activity shall be retained for five years after the end of the grant period and, if applicable, until audit procedures are completed and accepted by IFA.

b. Representatives of the state auditor's office and IFA shall have access to all books, accounts, documents, records, and other property belonging to or in use by a recipient pertaining to the receipt of assistance under these rules.

41.12(3) Reporting requirements. Recipients shall submit reports to IFA as prescribed in the contract. Reports include:

a. HMIS data reports. All recipients of SAF program funds are required to submit regular reports on clients served using the current HMIS reporting process as prescribed by IFA unless a recipient qualifies as

a domestic violence shelter, in which case the recipient shall submit reports using a comparable database. A comparable database must collect client-level data over time and generate unduplicated aggregate reports based on that data.

b. Requests for funds. Recipients shall submit requests for funds during the contract year at intervals and using forms as prescribed by IFA. IFA may perform any review or field inspections it deems necessary to ensure program compliance, including review of recipient records and reports. When problems of compliance are noted, IFA may require remedial actions to be taken. Failure to respond to notifications of need for remedial action may result in the remedies for noncompliance set forth in subrule 41.12(5).

41.12(4) Amendments to contracts. Any request to amend a contract shall be submitted in writing to IFA. IFA will determine if the request to amend is justified based on the material presented in the letter of request. No amendment is valid until approved in writing by IFA.

41.12(5) Remedies for noncompliance. At any time, IFA may, for cause, find that a recipient is not in compliance with the requirements under this program. Reasons for a finding of noncompliance include, but are not limited to, the recipient's use of program funds for activities not described in its application, the recipient's failure to complete approved activities in a timely manner, the recipient's failure to comply with any applicable state or federal rules or regulations, or the recipient's lack of continuing capacity to carry out the approved program in a timely manner. At its discretion, IFA may employ any of the following remedies for noncompliance:

a. Issue a warning letter stating that continued failure to comply with program requirements within a stated period of time will result in a more serious action.

b. Condition a future award.

c. Direct the recipient to stop incurring costs with grant funds.

d. Require that some or all of the awarded funds be remitted to the state.

e. Reduce the level of funds the recipient would otherwise be entitled to receive.

f. Elect not to provide future award funds to the recipient until appropriate actions are taken to ensure compliance.

g. Prohibit a future award of funds.

[ARC 9162B, IAB 10/20/10, effective 10/1/10; ARC 9281B, IAB 12/15/10, effective 1/19/11; ARC 9642B, IAB 7/27/11, effective 7/8/11; ARC 9828B, IAB 11/2/11, effective 12/7/11; ARC 0183C, IAB 6/27/12, effective 8/1/12; ARC 1539C, IAB 7/9/14, effective 8/13/14]

These rules are intended to implement Iowa Code sections 16.5(1)“r” and 16.41.

[Filed Emergency ARC 9162B, IAB 10/20/10, effective 10/1/10]

[Filed ARC 9281B (Notice ARC 9163B, IAB 10/20/10), IAB 12/15/10, effective 1/19/11]

[Filed Emergency ARC 9642B, IAB 7/27/11, effective 7/8/11]

[Filed ARC 9828B (Notice ARC 9643B, IAB 7/27/11), IAB 11/2/11, effective 12/7/11]

[Filed ARC 0183C (Notice ARC 0096C, IAB 4/18/12), IAB 6/27/12, effective 8/1/12]

[Filed ARC 1539C (Notice ARC 1459C, IAB 5/14/14), IAB 7/9/14, effective 8/13/14]

[Filed ARC 3426C (Notice ARC 3275C, IAB 8/30/17), IAB 10/25/17, effective 11/29/17]