

## CHAPTER 2-000 HOMELESS SHELTER ASSISTANCE TRUST FUND (HSATF)

2-001 Definitions: For use within the Homeless Shelter Assistance Trust Fund, the following definition of terms will apply.

Advisory Committee: A committee established in Neb. Rev. Stat, section 68-1605, to advise and assist the Department in establishing criteria, priorities, and guidelines for eligibility requirements, application requirements and dates, public notification, monitoring, and adoption and promulgation of rules and regulations.

Day Center: Any facility in which the primary purpose is to provide temporary (less than 24 hours a day) shelter for the homeless or near homeless in general or for specific populations of the homeless.

Provided services may include but are not limited to laundry services and bathing facilities. A day center does not provide sleeping facilities.

Homeless Person: An individual who:

1. Lacks a fixed, regular, and adequate nighttime residence;
2. Has a primary nighttime residence that is:
  - a. A publicly supervised or privately operated shelter designed to provide temporary living accommodations (including a congregate shelter, a hotel or motel operated as a shelter, and transitional housing for the mentally ill);
  - b. An institution that provides a temporary residence for individuals intended to be institutionalized; or
  - c. A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

An individual in prison or detained pursuant to state or federal law is not considered a homeless person.

Near Homeless Person: An individual who is at risk of becoming homeless.

Twenty-Four Hour Residential Housing: An ongoing program that assists persons having special housing needs with access to lodging, meals, transportation, counseling, housekeeping, care management, and/or personal emergency response needs.

2-002 Purpose: The purpose of the HSATF is to:

1. Assist in the alleviation of homelessness;
2. Provide temporary and permanent shelters for homeless persons;
3. Encourage the development of projects which link housing assistance to programs promoting the concept of self-sufficiency;
4. Address the needs of the migrant farmworker; and
5. Aid in defraying the expenses of administering the Homeless Shelter Assistance Trust Fund Act.

2-003 Grantee Appeal Rights: An applicant or grant recipient may appeal the Department's action according to the Administrative Procedure Act (Chapter 84, Article 9) if the Department:

1. Does not select a grant applicant for funding;
2. Cancels a grant, requests the return of unused grant funds, or requires another remedial action for failure to initiate a program in a reasonable period of time; or
3. Revokes funding commitments or seeks repayment of granted funds because of noncompliance.

2-004 Commitment of Funds: The Department needs to commit all funds available during a funding cycle. Any repaid funds may be reserved by the Department for the next funding cycle or for investment.

2-005 Set Aside of Emergency Discretionary Funds: The Department will set aside up to \$75,000 of the Homeless Shelter Assistance Trust Fund for investment in the Trust Fund by the state investment officer pursuant to Neb. Rev. Stat., sections 72-1237 to 72-1276. These funds will be used for emergency or for discretionary situations that occur outside of the annual HSATF program cycle related to the support of homeless and near homeless populations.

2-006 Organizations Eligible to Apply: Any community, neighborhood-based, housing assistance organization, institution, association, society, or corporation is eligible to apply for funding if it:

1. Provides temporary or permanent shelters for homeless persons;
2. Encourages the development of projects which link housing assistance to programs promoting the concept of self-sufficiency;
3. Addresses the needs of the migrant farm worker;
4. Is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; or
5. Provides residential housing for at least 8 hours of every 24-hour period, or serves as a day center for the homeless population.

2-007 Eligible Program Costs: Costs which are eligible for payment under the program are:

1. Client Services: Food, clothing, transportation, child care, medical assistance, medical and psychological counseling, substance abuse treatment and counseling, nutrition counseling, help in obtaining other assistance (federal, state, or local), staff salaries to provide the previously mentioned and case management services to homeless clients only.
2. Operations: The cost of grant administration up to five percent of the total grant amount. This includes rent, utilities, telephone, maintenance, office supplies, repairs, insurance, furniture and equipment, audits, security, and fuel.
3. Homeless Prevention: Short-term subsidies to defray rent and utility arrearages when there is an eviction or utility shut off notice, security deposits or first-month's rent to assist the homeless in obtaining housing, legal representation in eviction proceedings, mediation programs for landlord/tenant disputes, payments to prevent mortgage foreclosure, and salaries to provide case management to near-homeless clients in order to prevent homelessness. When there is an unusual circumstance such as a natural disaster, funds may be considered for use for homeless prevention.

4. Rehabilitation: Labor, materials, tools and other costs of maintenance and/or improvement of homeless facilities, installation of security devices, improvements to increase energy efficiency, changes necessary to make a facility handicapped accessible.

2-008 Grantee Performance Requirements: Grantees are expected to commence programs in a timely manner. Failure to initiate the program in a reasonable time period may be cause for termination or cancellation of the grant, return of unused grant funds at the time of termination, or remedial action on the part of the grantee.

Grant recipients must keep adequate records relating to the program, and all records must be retained in accordance with state laws. The Department may choose to verify the contents of successful applications and may conduct performance review monitoring and site visits. A site visit may include inspection of financial records, audits, forms used in the performance of the program, board meeting minutes, and other board records, etc.

2-008.01 Noncompliance: The Department may revoke funding commitments or seek repayment of funds granted, or both, if:

1. The terms of the program agreement have not been or are not anticipated to be fulfilled.
2. The Department finds that the application contained inaccuracies, omissions, errors, or misrepresentations.
3. The time schedule for program completion was misrepresented or has not been maintained.
4. Any property, real or personal, acquired or developed with HSAT funds passes or diverts from control of the grantee or is used for purposes other than the approved program purpose, lawful or unlawful.

2-008.01A Time Period for Remittance of Misused Funds: The grantee has a period of one year after notification by the Department to remit unlawfully used funds.

2-008.02 Annual Grantee Report Requirement: The grantee must report on the status of all program activity according to the schedule and data requirements identified in the grant agreement. The report must include data that can be used to measure the success or failure of the program, anticipated problems, or other pertinent matters. The grantee may be subject to a program compliance review by a site visit by Department staff.

2-008.03 Returned Funds: Any returned funds resulting from repayment by the grantee must be deposited in the HSATF account from which they were originally portioned, or disposed of pursuant to state law in the event the program should lapse or terminate. Returned or unspent funds are reallocated according to the allocation formula used for discretionary funds.

2-008.04 Disposal of Land and Buildings: Whenever the Department and the grantee mutually agree that facilities acquired or developed with HSAT funds are no longer of value for the program purposes, or that the grantee can show good cause why the land or building should no longer be used in accordance with the approved program purpose, the land or building may be disposed of with the Department's approval. The proceeds from the disposal must be returned to the HSATF account or an account as directed by state law.

2-008.05 Ineligibility: If the Department determines at any time that a grantee is in violation of the provision of the rules or grantee agreement, the grantee is ineligible for further assistance for subsequent programs until the matter has been resolved to the satisfaction of the Department.