

State of Montana
SUBSTANTIAL AMENDMENT
TO THE CONSOLIDATED PLAN 2008
ANNUAL ACTION PLAN HOMELESS
PREVENTION RAPID RE-HOUSING
PROGRAM (HPRP)



Governor Brian Schweitzer

Investing in Montana's Communities
Anna Whiting-Sorrell
Director
**DEPARTMENT OF PUBLIC HEALTH &
HUMAN SERVICES**
Emergency Shelter Grant Program

Amendment to:
Plan Year
April 1, 2008
through
March 31, 2009

DRAFT FOR PUBLIC
COMMENT
April 17, 2009

Prepared by:
Human & Community Services Division
Intergovernmental Human Services Bureau
Montana Department of Public Health & Human Services
1400 Carter Drive, P.O. Box 202956
Helena, MT 59620-2956
(406) 447-4260



**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
 Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

A. General Information

Grantee Name	State of Montana
Name of Entity or Department Administering Funds	Department of Public Health & Human Services
HPRP Contact Person (person to answer questions about this amendment and HPRP)	Jim Nolan
Title	Chief
Address Line 1	1400 Carter Drive
Address Line 2	
City, State, Zip Code	Helena, MT 59620
Telephone	(406) 447-4260
Fax	(406) 447-4287
Email Address	jnolan@mt.gov
Authorized Official (if different from Contact Person)	Hank Hudson
Title	Economic Security Services Branch Manager
Address Line 1	111 Sanders Street
Address Line 2	
City, State, Zip Code	Helena, MT 59620
Telephone	444-3470
Fax	(406) 447-4287
Email Address	hudson@mt.gov
Web Address where this Form is Posted	http://housing.mt.gov/Hous_CP_Apps.asp

Amount Grantee is Eligible to Receive*	\$3,731,327
Amount Grantee is Requesting	\$3,731,327

*Amounts are available at <http://www.hud.gov/recovery/homelesspreventrecov.xls>

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

B. Citizen Participation and Public Comment

1. Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment (limit 250 words).

Response: The State of Montana followed the approved Citizen Participation Plan guidelines for amending the Consolidated Plan with regard to public input. The Homeless Prevention Rapid Re-Housing Program (HPRP) is a substantial amendment. One public review meeting was held in Helena, MT on Wednesday, April 29, 2009 in the HHS Sanders Auditorium at 111 Sanders Street in Helena. The grantee advertised a public hearing for five consecutive days, beginning April 17, 2009 in the major newspapers in Montana. A draft of the substantial amendment was available for the public for a period of 13 days. Comments were accepted at the hearing in Helena, MT and in writing. The amendment was posted on the website and the Department of Commerce as follows: http://housing.mt.gov/Hous_CP_Apps.asp

Notification of the meeting was consistent with the Consolidated Plan:

- Posting dates, time and location on the Discovering Montana Calendar of events at: <https://app.mt.gov/cal/html/event/2009>;
 - Posting dates, times and locations of the public meeting on the MDOC Housing Consolidated Plan website at: http://housing.mt.gov/Hous_CP_CurrentEventEvents.asp;
 - Publishing advertisements in the state's major newspapers;
 - A mailing was made to Human Resource Development Councils (HRDCs) and to the statewide Continuum of Care organization in Montana via e-mail.
2. Provide the appropriate response regarding this substantial amendment by checking one of the following options:
 - Grantee did not receive public comments.
 - Grantee received and accepted all public comments.
 - Grantee received public comments and did not accept one or more of the comments.
 3. Provide a summary of the public comments regarding this substantial amendment. Include a summary of any comments or views not accepted and the reasons for non-acceptance.

Response: 3 comments were received, 2 written and 1 orally. There were no criticisms of the amendment offered, but several recommendations were made to help us implement HPRP.

Commenters re-emphasized that a true collaborative process be used at the local level. A recommendation was made that new approaches to addressing homelessness be explored. One commenter asked that we try to change public perceptions of homeless

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

people to show that they are not second or third class citizens. Another commenter emphasized that there be no discrimination between families and individuals in terms of who is served. A recommendation that links to applications for service be posted on the state's website and that we explore any means to ease access to services.

We agree with the commenters. We will do all we can to implement HPRP with their comments in mind.

C. Distribution and Administration of Funds

Reminder: The HPRP grant will be made by means of a grant agreement executed by HUD and the grantee. The three-year deadline to expend funds begins when HUD signs the grant agreement. Grantees should ensure that sufficient planning is in place to begin to expend funds shortly after grant agreement.

1. Check the process(es) that the grantee plans to use to select subgrantees. Note that a subgrantee is defined as the organization to which the grantee provides HPRP funds.

- Competitive Process
- Formula Allocation
- Other (Specify: _____)

2. Briefly describe the process(es) indicated in question 1 above (limit 250 words).

Response: The formula allocation used will be the same one used for disbursement of ESG via the Community Services Block Grant (CSBG). While recognizing that ESG, HPRP and CSBG are distinct from each other, the potentially eligible populations are similar and lend themselves to easy identification, outreach and service.

CSBG is the federal anti-poverty program and is administered in Montana by ten Community Action Agencies also known as Human Resource Development Councils (HRDC). HRDCs, by both state and federal law, are charged with identifying and addressing the problems of poverty within multi-county districts. Ending homelessness has been an important part of their mission since well before the enactment of the American Recovery and Reinvestment Act. Each HRDC receives funding based upon a formula that is mandated by the Administrative Rules of Montana, 53-10-502 and is a ratio of each HRDCs share of the state's poverty and general population.

HRDCs have always been our subgrantees for ESG and CSBG and have been active partners in development and maintenance of our statewide Continuum of Care (COC). In many cases, they are the grantees for the Federal Emergency Management Agency's Emergency Food and Shelter Grants Program. In our view, they are the natural conduit for HPRP funds and activities.

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

3. Briefly describe the process the grantee plans to use, once HUD signs the grant agreement, to allocate funds available to subgrantees by September 30, 2009, as required by the HPRP Notice (limit 250 words).

Response: Prior to the grant agreement, the Montana DPHHS (MDPHHS) will work with the HRDCs as they develop individual work plans and budgets. These will be the management tools that will describe the work expected to be performed and will be required to receive funds. The planning process will include ensuring a clear process for determining the type, level and duration of assistance for each program participant.

The HRDCs will be charged with the responsibility of determining how best to locally implement the HPRP. Each location has different needs. The HRDCs will develop their plans within their communities and will be required to collaborate with all agencies dealing with the problem of homelessness (i.e., Continuum of Care, Housing Opportunities for Persons with AIDS (HOPWA), Temporary Aid to Needy Families (TANF), charitable organizations, local governments and service groups. This process will be essential to identify eligible activities that meet the needs of individuals and families that are housed but at risk of becoming homeless and those that are experiencing homelessness. It will be important to create a plan and identify the activities to be carried out as well as a model for implementation that will ensure success. We will insist on plans that are inclusive, comprehensive and transparent. We will insist on a process that is well advertised and designed to not only invite, but encourage, local social service providers, homeless advocates, public officials, charitable organizations, faith based organizations and the public at large to participate.

Local involvement in the HRDC planning for HPRP implementation will be of paramount importance to MTDPHHS and will be ensured.

A contract between the Grantee and Subgrantees will be signed within 30 days of a HUD approved, signed grant agreement. Funds will be available as an advance once a signed contract is in place. This will ensure funding will be available immediately for HPRP.

4. Describe the grantee's plan for ensuring the effective and timely use of HPRP grant funds on eligible activities, as outlined in the HPRP Notice. Include a description of how the grantee plans to oversee and monitor the administration and use of its own HPRP funds, as well as those used by its subgrantees (limit 500 words).

Response: The MDPHHS will ensure effective and timely use of HPRP grant funds. The grantee will conduct face-to-face training sessions with the HRDC to ensure understanding of HPRP purpose, regulations, target clientele, and contract provisions. The grantee will make available best practices concerning homeless prevention, diversion and re-housing so that local approaches can utilize most recent and knowledgeable research and experiences in the field of homelessness.

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

Monthly programmatic and fiscal reports will be filed by the HRDCs and reviewed and analyzed by MDPHHS staff. Strict timelines for expending funds in accordance with plans will be enforced. Training will be provided to agencies not meeting expenditure or programmatic goals. If any agencies are underutilizing funds or underperforming, funds will be transferred to other HRDCs.

MDPHHS staff will schedule and conduct regular on-site monitoring visits to examine agency records and client files. Checklists will be developed and distributed beforehand as to what constitutes adequate documentation.

Program achievements will be posted on MDPHHS website. As requested by Montana legislature, presentation or reports will be submitted.

MDPHHS monitoring activities are overseen by the Department Branch Manager and, as needed by the Governor's Advisor on Human Services. Reports will be filed with the Department's Advisory Board.

D. Collaboration

1. Briefly describe how the grantee plans to collaborate with the local agencies that can serve similar target populations, which received funds under the American Recovery and Reinvestment Act of 2009 from other Federal agencies, including the U.S. Departments of Education, Health and Human Services, Homeland Security, and Labor (limit 250 words).

Response: The grantee will collaborate with the local agencies serving similar target populations. The grantee's designation of the HRDCS to serve as the conduit for HPRP funds demonstrates our commitment to working with local agencies. HRDC Boards of Directors, by federal law, are comprised of community organizations, local governments and low-income representatives. Not coincidentally, the HRDCS operate ARRA funding through a number of federal silos including Department of Energy, Department of Public Health and Human Services and the Department of Labor.

The grantee, the Montana Department of Public Health and Human Services, is the same agency that operates TANF, Medicaid, Aging Services, Vocational Rehabilitation and Child Support. Much of MDPHHS will be the recipient of ARRA and the Department has already established a collaborative task force to ensure that the programs, including HPRP are not operated in a vacuum. There will be a focus on housing stability and linking program participants to community resources and mainstream benefits.

In addition to the interagency task force, MDPHHS also participates in a collaborative effort with several ARRA stakeholders at the interagency level. These efforts will almost certainly be replicated at the local level and MDPHHS will be a major participant.

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

The Governor's Homeless Council is co chaired by both the Lieutenant Governor and a MDPHHS Branch Manager. It is staffed by MDPHHS. It will be an excellent forum to ensure local collaboration of HPRP and other activities across the human services spectrum.

2. Briefly describe how the grantee plans to collaborate with appropriate Continuum(s) of Care and mainstream resources regarding HPRP activities (limit 250 words).

Response: MDPHHS will coordinate HPRP activities with the Continuum of Care strategies for homeless prevention and ending homelessness. MDPHHS was a main player in establishing the statewide COC (the only Montana COC recognized by HUD). It has continued its role in the COC by supporting a part time staff member. Montana DPHHS was recognized by HUD for its support of and collaboration with, this COC by being presented with a John Gunther award.

Our intent is to meet with the COC to describe our plans for implementation of HPRP and ask for their guidance and input. Much of the membership of the COC is comprised of representatives of our HPRP designees, the HRDCs. We envision that HPRP will be implemented only after consultation and review of the COC.

3. Briefly describe how HPRP grant funds for financial assistance and housing relocation/stabilization services will be used in a manner that is consistent with the grantee's Consolidated Plan (limit 250 words).

Response: HPRP funds directly addresses two specific objectives of Montana's Consolidated Plan concerning homelessness. DH -2.6, addressing the needs of families facing homelessness by providing payments for one-time payments for homeless prevention; SL-1.2, improving access to essential services will both be components of our use of HPRP funds. DPHHS is an active and important participant in the development of the Consolidated Plan and will ensure that HPRP funds are used to advance the specific objectives identified in that document.

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

E. Estimated Budget Summary

HUD requires the grantee to complete the following table so that participants in the citizen participation process may see the grantee's preliminary estimated amounts for various HPRP activities. Enter the estimated budget amounts for each activity in the appropriate column and row. The grantee will be required to report actual amounts in subsequent reporting.

HPRP Estimated Budget Summary			
	Homelessness Prevention	Rapid Re-housing	Total Amount Budgeted
Financial Assistance ¹	\$ 1,334,999	\$ 718,845	\$ 2,053,844
Housing Relocation and Stabilization Services ²	\$ 718,846	\$ 387,071	\$ 1,105,917
Subtotal (add previous two rows)	\$ 2,053,845	\$ 1,105,916	\$ 3,159,761

Data Collection and Evaluation ³	\$ 385,000
Administration (up to 5% of allocation)	\$ 186,566
Total HPRP Amount Budgeted⁴	\$ 3,731,327

¹Financial assistance includes the following activities as detailed in the HPRP Notice: short-term rental assistance, medium-term rental assistance, security deposits, utility deposits, utility payments, moving cost assistance, and motel or hotel vouchers.

²Housing relocation and stabilization services include the following activities as detailed in the HPRP Notice: case management, outreach, housing search and placement, legal services, mediation, and credit repair.

³Data collection and evaluation includes costs associated with operating HUD-approved homeless management information systems for purposes of collecting unduplicated counts of homeless persons and analyzing patterns of use of HPRP funds.

⁴This amount must match the amount entered in the cell on the table in Section A titled "Amount Grantee is Requesting."

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

F. Authorized Signature

By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete, and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

Hank Oude

Signature/Authorized Official

5/15/09

Date

Economic Security Services Branch Manager

Title

Application for Federal Assistance SF-424

Version 02

*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application * If Revision, select appropriate letter(s) <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	*Other (Specify) _____
--	---	----------------------------------

3. Date Received:	4. Applicant Identifier:
--------------------------	---------------------------------

5a. Federal Entity Identifier:	*5b. Federal Award Identifier:
---------------------------------------	---------------------------------------

State Use Only:

6. Date Received by State:	7. State Application Identifier:
-----------------------------------	---

8. APPLICANT INFORMATION:

***a. Legal Name:** Montana Department of Health and Human Services

*b. Employer/Taxpayer Identification Number (EIN/TIN): 810302402	*c. Organizational DUNS: 051659352
--	--

d. Address:

***Street 1:** 1400 Carter Drive
Street 2: _____
***City:** Helena
County: Lewis and Clark
***State:** Montana
Province: _____
***Country:** _____
***Zip / Postal Code** _____

e. Organizational Unit:

Department Name: Department of Public Health and Human Services	Division Name: Human and Community Services, Intergovernmental Human Services Bureau
---	--

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr ***First Name:** Jim
Middle Name: _____
***Last Name:** Nolan
Suffix: _____

Title: Chief, Intergovernmental Human Services Bureau

Organizational Affiliation:
MT DPHHS

***Telephone Number:** (406) 447-4260 **Fax Number:** (406) 447-4287

*Email: jnolan@mt.gov

OMB Number: 4040-0004

Expiration Date: 01/31/2009

Application for Federal Assistance SF-424

Version 02

***9. Type of Applicant 1: Select Applicant Type:**

A.State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.257

CFDA Title:

Homeless Prevention and Rapid Rehousing Program

***12 Funding Opportunity Number:**

*Title:

Homeless Prevention and Rapid Rehousing Program (HPRP)

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Statewide

***15. Descriptive Title of Applicant's Project:**

Implementation of HPRP authorized by the Recovery Act. Will provide locally determined solutions to problems of homelessness prevention and services homeless persons to become rehoused.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant: Statewide

*b. Program/Project: Statewide

17. Proposed Project:

*a. Start Date: 8/1/09

*b. End Date: 7/3/11

18. Estimated Funding (\$):

*a. Federal	_____	\$3,731,327
*b. Applicant	_____	
*c. State	_____	
*d. Local	_____	
*e. Other	_____	
*f. Program Income	_____	
*g. TOTAL	_____	\$3,731,327

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

- Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

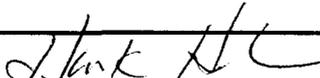
Prefix: Mr. _____ *First Name: Hank _____
Middle Name: _____
*Last Name: Hudson _____
Suffix: _____

*Title: Economic Security Services Branch Manager, Montana DPHHS

*Telephone Number: (406) 444-3470

Fax Number:

* Email: hudson@mt.gov

*Signature of Authorized Representative: 

*Date Signed: 5/15/09

Homelessness Prevention and Rapid Re-Housing Program (HPRP) Certifications

The HPRP Grantee certifies that:

Consolidated Plan – It is following a current HUD-approved Consolidated Plan or CHAS.

Consistency with Plan – The housing activities to be undertaken with HPRP funds are consistent with the strategic plan.

Confidentiality – It will develop and implement procedures to ensure:

- (1) The confidentiality of records pertaining to any individual provided with assistance; and
- (2) That the address or location of any assisted housing will not be made public, except to the extent that this prohibition contradicts a preexisting privacy policy of the grantee.

Discharge Policy – A certification that the State or jurisdiction has established a policy for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

HMIS – It will comply with HUD's standards for participation in a local Homeless Management Information System and the collection and reporting of client-level information.



Signature/Authorized Official

5/15/09

Date

Economic Security Services Branch Manager

Title

GENERAL CERTIFICATIONS FOR STATE OR LOCAL GOVERNMENT FOR THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP)

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the state, territory, or local government certifies that:

Affirmatively Further Fair Housing -- The state, territory, or local government will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction or state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Drug-Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about:
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

- (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency;
- 7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the state, territory, or local government's knowledge and belief:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- 3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Local Government, State, or Territory -- The submission of the consolidated plan is authorized under state law and local law (as applicable) and the jurisdiction or state possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with Plan -- The housing activities to be undertaken with HPRP funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

 5/15/09

Signature/Authorized Official Date

Economic Security Services Branch Manager
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The Grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).