

## **Recovery Housing Program Annual Action Plan: Substantial Amendment #6**

### **Program Summary:**

The West Virginia Department of Commerce, Division of Economic Development, Community Advancement & Development (WVCAD) is acting as the lead agency and partnering with West Virginia Alliance of Recovery Residences (WVARR), and our network of community providers in the Continuum of Care across the State. WVCAD proposes the creation of the West Virginia Recovery Housing Program (WVRHP) in response to the Department of Housing and Urban Development (HUD) Federal Register Notice Number FR-6225-N-01. The Recovery Housing Program (RHP) supports individuals in recovery on their path to self-sufficiency. By providing stable housing to support recovery, RHP aims to support efforts for independent living. More specifically, RHP provides the funds to develop housing or maintain housing for individuals. Assistance per individual is limited to no longer than 24 months or until permanent housing is secured, whichever is first. WVRHP would utilize two waivers which include the expanded limited clientele criteria to meet the low to moderate benefit National Objective and the addition of rehabilitation as a housing activity.

For many individuals, achieving and maintaining recovery from a substance use disorder (SUD) is hindered by a lack of safe, affordable housing that is supportive of recovery. The National Alliance of Recovery Residence (NARR) was formed in response to a call for recovery housing providers across the service spectrum to create a uniform language, standards, and ethical guidelines for all types of recovery residences. The NARR Standards promote the delivery of quality recovery support services in community-based, residential recovery settings. Through the will of the legislature, the West Virginia Alliance of Recovery Residences (WVARR) was created on September 18, 2018, becoming the 29<sup>th</sup> state affiliate of NARR, to develop and maintain a recovery residence certification process. The West Virginia Alliance of Recovery Residences (WVARR) is a non-profit entity that has been contracted by the state of West Virginia's Office of Drug Control Policy to develop, implement, and maintain a certification process for the state's non-treatment recovery residences based on nationally recognized best-practice standards and ethical principles established by the National Alliance of Recovery Residence (NARR). WVARR certification includes a four-step process, beginning with an administrative review, a structured interview, an onsite inspection of each residence, and on-going compliance management. Compliance management is facilitated through both a grievance process for current residents and community members and unannounced drop-by inspections. The certification also includes technical support and training for each residence or applicant during and after the process. In addition to certification, WVARR provides training and technical support to residence operators; hosts monthly open calls for recovery residence operators and staff; educates the public and other stakeholders about the recovery residence community and recovery residence certification; conducted the first-ever statewide assessment of recovery residences; developed processes to collect, monitor, and assess data from and about the recovery residence community, including resident surveys and outcomes; provides guidance and funding recommendations to state agencies; supports the recovery and recovery housing community through advocacy and outreach; and collaborates across diverse sectors and professions to ensure that people with substance use disorders are treated with dignity and respect and are able to access the highest quality care and support possible to achieve and maintain long-term recovery. This process ensures that individuals with SUD have access to safe, affordable, and supportive housing.

### **The Need:**

When WVARR was founded, there had never been any assessment of recovery housing in the state of West Virginia. Resource lists varied by county, region, and agency. The WVARR director compiled all the various resources identified to form a comprehensive list of all potential recovery housing programs in the state. The information collected revealed significant discrepancies in the information available for the recovery residences identified. Many did not have websites or descriptive information available; some only provided phone numbers or email addresses. Approximately 128 recovery residences were identified across the state, not including the 34 Oxford Houses. It is important to note that Oxford Houses will not be WVARR certified.

In November of 2018, WVARR was approved for Substance Abuse and Mental Health Services Administration (SAMHSA)-funded technical assistance (STR-TA) to develop a plan for conducting a statewide recovery housing capacity scan. The project was assigned to SAMHSA's Center for Social Innovation, who assisted WVARR staff in identifying goals and objectives for implementation. WVARR staff developed the 52-question survey with support and feedback from NARR, the WV Office of Drug Control Policy, and the WV Bureau of Behavioral Health. WVARR staff conducted the survey. The primary purpose of the survey was to get a comprehensive view of the number, type, and scope of recovery housing services provided in West Virginia. Information from the survey was intended to guide the operations and goals of state agencies (including WVARR), aid funding decisions related to capacity improvement and expansion in the state, educate and inform consumers and providers, and to serve as a foundation for forming a collaborative recovery housing network. Between December 2019 and February 2020, WVARR's Director and Assistant Director contacted each residence individually explaining the survey and asking them to complete one survey per residence their program operates. Out of the 128 identified non-Oxford residences, 99 individual responses were received before February 2020. An additional 19 responses were received between February 2020 and June of 2020 as new residences opened and existing programs expanded.

In 2024, WVARR identified 239 recovery residences, in addition to 26 Oxford Houses, totaling 265 recovery residences. Of these, 231 have initiated the certification process and 100 are WVARR-certified. WVARR has 1,449 certified beds, including 492 for women, 74 for women and children, 752 for men, and 131 co-ed beds. ***The housing scan found:***

### **Geographic Distribution**

The highest percentage of recovery residences are in Cabell County with 43%, followed by Kanawha with 22% and Wood with 6%. In terms of service areas, 80% of residences are open to all West Virginia residents and 13% serve residents out of state. In terms of specific counties served, the highest percentages were Fayette and Jackson with 11%, Cabell and Kanawha with 10%, and Clay, Greenbrier, Tyler, and Wetzel with 7%.

### **Property Description**

WVARR has identified 239 recovery residences, and a total capacity of 1,449 beds. The current bed capacity includes: 131 coed beds, 752 men's beds, 492 women's beds, and 74 beds for women and women with children. The gender or target population served for the remaining beds is unknown. Residences are operated in single family homes, multi-family homes, apartment complexes, and dormitory style housing. The average number of residents served per residence in West Virginia is 29 and the average fee per resident is \$477 per month. Of these identified residences, 100 are currently certified with WVARR. 231 have initiated the certification process. No residence is eligible

for the provisional certification if the property violations include anything relevant to resident health or safety.

### **Populations Served**

All residents in recovery must have a diagnosed substance use disorder. Approximately 53% of surveyed residences serve men, 38% serve women, and 9% have no gender requirements. Forty-one percent of residences reported the average length of resident stay was 6-9 months. Over one-third said the maximum length of stay was 18-24 months, while 28% said they do not implement a maximum length of stay. Eighty-four percent of residences require residents to actively seek or maintain employment or be enrolled in school. It is important to note that with the WV RHP program funding, there is a maximum of 24 months in which assistance can be used per individual, or until permanent housing is secured, whichever comes first.

### **Funding Sources**

Eighty-six percent of surveyed residences require residents to pay fees to cover the costs of housing, food, staff, and/or programmatic services, averaging \$477 per month resident. Ninety-one percent of residences do not accept third-party reimbursement (insurance) for services, although 9% reportedly bill Medicaid for peer support services delivered in the residence. Approximately 55% of residences receive funding from the West Virginia Bureau of Behavioral Health, and 21% receive federal funding from agencies like the Substance Abuse and Mental Health Services Administration (SAMHSA) or the United States Department of Housing and Urban Development (HUD).

### ***Important Findings and Recommendations:***

- The first month's payment (charged to incoming residents) for residences ranges from \$150 to \$1,500. The average first month's fee is \$477, which the resident is required to pay out of pocket
- The survey provided a comprehensive view of the number, type, and scope of recovery housing services provided in West Virginia. Information from the survey has been used to guide the operations and goals of state agencies (including WVARR, the WV ODCP, and the WV BBH), aid funding decisions related to capacity improvement and expansion in the state, educate and inform consumers and providers, and served as a foundation for forming a collaborative recovery housing network.
- Leadership at the WVDHHR, the State Opioid Response team, and the WV Alliance of Recovery Residences have identified the need for both recovery housing rehabilitation and housing vouchers for potential indigent recovery housing residents.
- The need for housing vouchers for indigent residents was identified in the finding that many people coming from treatment, the state's jails, or those that have experienced homelessness cannot afford to enter self-pay recovery residences independently.
- Twenty-two residences with 471 residents have been issued a provisional certification by WVARR based on the need for repairs and renovations on their physical properties. Funding support for recovery housing rehabilitation will assist those residences in becoming fully compliant with NARR and WVARR standards.

### **Resources:**

- WVCAD actively participates in the four CoCs across the state through the Emergency Solutions Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA).

- WVCAD and WVARR websites

- Substance Abuse and Mental Health Services Administration State Opioid Response (SOR) Grant - Federal funds were made available from the SOR grant for support of recovery housing boarding costs for individuals unable to meet recovery housing costs.
- The WV Alliance of Recovery Residences is currently contracted by the West Virginia Department of Human Services to administer a certification process for the state's recovery residence, at \$373,191 per year. WVAAR has been the designated certification agency since 2018.
  - Most recovery residences in West Virginia are fully sustained by program fees charged to the residents, which vary depending on the program, level of care, and services provided, averaging around \$477 per month, with 16 programs also requiring a deposit at move-in. Approximately 30% of West Virginia's recovery residences receive funding from the state, via grants from the WV Bureau of Behavioral Health or the WV Department of Homeland Security Justice & Community Services. Less than 10% receive funding from federal agencies, like the Substance Use Mental Health Services Administration (SAMHSA). Many receive grants from foundations and donations from private donors. Most residences estimate their cost per day per person averages between \$30 and \$46.
  - Recovery Point WV is the only program in the state that provides recovery housing services to residents at their five Level 3 facilities at no cost, except for using their EBT/SNAP benefits towards food costs. Their step-down housing (Level 2 and Level 1) does require payment, however, their daily costs per person with 4 residences allow people to come for free for a period ranging from 30-90 days.

### **Recovery Housing Program Funds (HUD)**

**Total: \$11,210,985**

*FY2020 Allocation:*

Total Award: \$1,585,000

Administrative (5%): \$79,250

Technical Assistance (3%): \$47,550

Recovery Housing Vouchers: \$500,000

Phase 2 and Phase 3 eligible projects: \$958,200

*FY2021 Allocation*

Total Award: \$1,452,510

Administrative (5%): \$72,625

Technical Assistance (3%): \$43,575

Recovery Housing Vouchers: \$500,000

Phase 2 and Phase 3 eligible projects: \$836,310

*FY2022 Allocation*

Total Award: \$1,524,782

Administrative (5%): \$76,239.10

Technical Assistance (3%): \$45,743.46

Recovery Housing Voucher: \$500,000

Phase 2 and Phase 3 eligible projects: \$902,799.44

*FY2023 Allocation*

Total Award: \$2,191,471  
Administrative (5%): \$109,573.55  
Technical Assistance (3%): \$65,744.13  
Recovery Housing Voucher: \$500,000  
Phase 2 and Phase 3 eligible projects: \$1,516,153.32

*FY2024 Allocation*

Total Award: \$2,228,611  
Administrative (5%): \$111,430.55  
Technical Assistance (3%): \$66,858.33  
Recovery Housing Voucher: \$500,000  
Phase 2 and Phase 3 eligible projects: \$1,550,322.12

*FY2025 Allocation*

Total Award: \$2,228,611  
Administrative (5%): \$111,430.55  
Technical Assistance (3%): \$66,858.33  
Recovery Housing Voucher: \$500,000  
Phase 2 and Phase 3 eligible projects: \$1,550,322.12

*The WV RHP Program will not be expecting program income.*

**Administration Summary:**

WVCAD manages the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), Recovery Housing Program (RHP), and Housing for Persons with AIDS (HOPWA) programs to address one of the three primary objectives of providing decent affordable housing, creating economic opportunities, and/or creating suitable living environments, which will provide an outcome of availability/accessibility, affordability, and/or sustainability.

The Recovery Housing Voucher Program activities and outcomes will be delivered and/or monitored by the project manager, Emily Birckhead, MSW with WVARR. Ms. Birckhead is the Executive Director of the West Virginia Alliance of Recovery Residences.

*Emily Birckhead, MSW*

*Executive Director*

*West Virginia Alliance of Recovery Residences*

*1116 Smith Street*

*Charleston, WV 25301*

*(304) 360-0165*

**A. Awards to Communities by Method of Distribution**

WVCAD, will allocate funds in a series of concurrent phases:

**Phase 1** is a Housing Voucher program which entails partnering with West Virginia Alliance of Recovery Residences, Inc. (WVARR) to offer housing assistance and utility support (as needed) to serve low-to-moderate income persons for their accommodation in recovery housing facilities. WVARR will collaborate with accredited recovery residences to identify program participants who

require support with rent and/or utilities while living in their recovery housing. This assistance will be available for a maximum of 24 months, or until the resident is permanently housed, whichever comes first. Priority will be given to entities with the greatest need and entities with the ability to deliver effective assistance in a timely manner. The service area is statewide, including all 55 counties. The objective is to assist persons with substance use disorders transition into permanent housing. It is expected that the program will assist approximately 300 individuals and/or families per funding year.

**Phase 2** will include an annual application process for eligible subrecipients as funding is available. Please note priority will be given to entitlement communities to ensure capacity. If funding is available, a notice regarding funding availability, an application workshop date, and application due date will be available to the public on or before January 15th. A mandatory application workshop will be available to discuss RHP overview, eligible activities, and required documentation for application submission. Dates & times for the workshop will be available on the WVCAD website. WVCAD will accept applications up to 60 days after the application workshop. Attendance for applicants is required either virtually or in-person. An application template will be available on the WVCAD website. The State of West Virginia may be open to funding the eligible activities listed below.

- o Public Facility Improvements - Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements for the purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder.
- o Acquisition of Real Property - For the purpose of providing stable, temporary housing to persons in recovery from a substance use disorder.
- o Disposition of Real Property - Disposition through sale, lease, or donation of otherwise real property acquired with RHP funds for the purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder. Eligible costs may include costs incidental to disposing of the property, such as preparation of legal documents, fees paid for surveys, transfer taxes, and other costs involved in the transfer of ownership of the RHP-assisted property.
- o Clearance and Demolition - Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites for the purpose of providing stable, temporary housing for individuals in recovery from a substance use disorder. Eligibility is limited to projects where RHP funds are used only for clearance and demolition.
- o New Construction - Expansion of existing eligible activities to allow RHP funds to be used for new construction of housing. New construction of housing is subject to the same requirements 24 CFR 570.202(b) that apply to rehabilitation activities.

**Phase 3** will consist of a rolling Rehabilitation and Reconstruction application process for eligible subrecipients striving to become WVARR certified, as funding is available.. A mandatory Technical Assistance session with WVCAD is required prior to submission of the application. Application templates will be available on the WVCAD website and may be provided by WVAAR staff to eligible recovery homes.

o Rehabilitation and Reconstruction

- Single Unit – publicly or privately owned residential building(s)
- Multi-Unit – publicly or privately owned residential building(s)
- Public Housing – owned or operated by a public housing authority.

**B. Activities Carried out Directly**

All activities will be carried out directly by WVCAD , or by an eligible entity selected through an application process such as, but not limited to, a non-profit, County Commission, or Municipality.

**C. Eligible Subrecipients**

WVCAD will execute an interagency agreement with WVARR for the Housing Voucher Program and with eligible entities selected during the application process for Phases 2 and 3. As noted above, eligible entities may include, but are not limited to the following: County Commissions, Municipalities, and Non-profits.

**D. Criteria for Evaluation of Applications and Applicants**

*i. Phase 1 Criteria*

Eligible applicants for a housing voucher must have a substance use disorder and (meet low-and-moderate income guidelines in which service is received or qualify as LMC) to meet the low to moderate income national objective. Applicants must be seeking housing and can apply at a WVARR-certified residence. Payments will be paid directly to the housing program which must be WVARR-certified or provisionally certified with access to support services and best practices provided by a contract with WVARR. RHP funds will assist the individual for not more than two years or until permanent housing is secured, whichever is first.

*ii. Phase 2 and 3 Criteria*

The following categories will be used when evaluating RHP applications. Each category has a maximum number of points; the number of points an applicant will earn in a particular category will be based on the quality of the documentation provided to show that they meet the criterion.

1. Regulatory Compliance Capacity - The applicant must be able to show that they have the capacity and experience required to execute a federally funded project while adhering to all relevant State and Federal regulations related to the receipt of such funds.

2. Project Experience - The applicant is required to show that they possess the skills and experience essential for executing the specific project outlined in their application.

3. Timeline - The suggested timeline for the project should clearly outline each phase in detail and provide a comprehensive rationale for the anticipated duration of each phase.

4. Overall Project Need - The applicant is required to illustrate the necessity of their proposed project by considering multiple factors. This includes the disparity between the number of individuals recovering from substance use disorders who require stable, temporary housing and the existing capacity to offer such housing in the applicant's selected service

area. Additionally, the applicant should assess the percentage of low-to-moderate income individuals in that area and clearly show their financial need for RHP funding.

5. Cost Reasonableness - The applicant is required to thoroughly articulate and substantiate the expenses associated with the proposed project, detailing how administrative costs are kept to a minimum and demonstrating compliance with 2 CFR 200 and state regulations.

6. Bonus Points- Bonus points (no more than 15) will be awarded to residences seeking WVAAR certification that are currently provisionally certified, proposed project is serving residents in Kanawha, Cabell, Raleigh, Monongalia, or Mercer county, and/or the proposed project will help provide accommodations to persons with disabilities and/or are handicapped.

*iii. Phase 3 Criteria*

iv. Eligible applicants must qualify based on ensuring the total cost is reasonable, at completion the facility must meet local and state building codes, HUD Quality Housing Standards (HQS), and be brought up to the WVARR adopted facilities standards. Substance Use Disorder Housing Facilities applicants can apply with WVCAD. Applicants must distinguish their status of a WVAAR certification. Proper documentation is required within the application process to support the WVARR certification status.

## **E. Entities with the Greatest Need**

Prioritization for Phase 2 and Phase 3 activities will be given based on the location of the proposed project. The West Virginia Department of Health and Human Resources Bureau for Public Health (Health Statistics Center) tracks Drug Overdose Mortality data by county. Thus far in 2025, the data shows that the top five counties with the highest fatal overdoses are currently the following: Cabell, Kanawha, Logan, Raleigh, and Mercer. WVCAD will award bonus points during the application scoring process to eligible projects that are located in one of the above listed counties.

### **Definitions:**

For this grant to ensure individuals with certain types of substance issues and co-occurring disabilities are not excluded and that the WV RHP Program does not exclusively target a specific type of substance use disorder, two definitions have been adopted as defined by Substance Abuse and Mental Health Services Administration (SAMHSA):

#### *Individual in Recovery (SAMHSA):*

A process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential

#### *Substance Use Disorder (SAMHSA):*

Substance use disorders occur when the recurrent use of alcohol and/or drugs causes clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home.

### **Anticipated Outcomes and Expenditure Plan:**

#### **Expenditures:**

WVCAD will comply with all RHP guidelines and expend at least 30% of the funds within year one as required. We anticipate spending 100% percent of the RHP funds before the end of the performance period, and acknowledge that Section 8071(d)(2) provides that no matching funds are required. The need for appropriate recovery housing to fill the gaps is substantial and based on our current work in this area we do not anticipate any barriers to spending down the funds expediently and effectively. WVCAD will consider prior performance and prior federal funding when choosing applicants to ensure these guidelines are met. Administrative activities will be limited to no more than 5% of the total allocated funds. Administrative expenses will be monitored quarterly to ensure compliance with the 5% cap. Administrative activities will consist of supporting grant projects and services through WVCAD, WVAAR, and other subrecipients if necessary. Activities include but are not limited to documentation and record keeping, financial and program administration, general compliance, and reporting. There is no program income anticipated to be received.

**Outcomes:**

WVCAD anticipates increasing access to safe, high quality recovery housing services for people with substance use disorders by:

- Increased fidelity of recovery housing by allowing more programs to fully meet national standards by becoming WVAAR certified.
- Increase access to recovery housing for those who may not have the resources to otherwise seek recovery support services by promoting the program with our partners.
- Increase the number of individuals in recovery who improve their health and wellness, live a self-directed life, and strive to reach their full potential.

**Deliverables:**

Increase the number of recovery housing in under-represented areas and populations (projected numbers are per each year of RHP Funds received by the state).

- Increase capacity of certified recovery housing by 168 beds
- Increase capacity of certified recovery housing serving under-represented areas and populations by 60 beds
- Increase access to safe, high quality recovery housing with SUD for 320 people
- Number expected to transition to permanent housing through RHP-assisted temporary housing is 30 people
- Increase connections to community support services for 320 people
- Increase number of individuals/families gaining competitive employment by 200
- WVCAD projects that 50% of individuals/families assisted with RHP funds will transition into permanent housing

WVCAD will meet performance data reporting requirements and report performance measures in the DRGR system. WVAAR and all other subrecipients will be required to report quarterly to WVCAD by the 15th working day of April, July, October, and January. On or before October 30, WVCAD will submit a Quarterly Performance Report (QPR) to HUD via the DRGR system. This report will include but is not limited to financial expenditures, project progress, the number of individuals assisted in RHP activities, and the number of individuals able to transition into permanent housing through RHP-assisted temporary housing.

**Citizen Participation Plan:**

The newspaper advertisement public comment period began on Monday, July 28, 2025 and ended on Monday, August 11, 2025, in accordance with the guidelines as set forth by the West Virginia Division of Economic Development Citizen Participation Plan. Comments were to be submitted either via mail, or email to 1900 Kanawha Blvd, East, Building 3, Suite 700, Charleston, WV 25305, or to the Contact Person, or designee, at the advertised email. No comments were received during the 15-day comment period. The Annual Action Plan as well as the Annual QPR is always available to the public at the WVCAD website, <https://wvcad.org/>. Consultations during the summer of 2025 were held between WVCAD and WVARR along with data gathering from WVARR during the development of the RHP AP.

**Partner Coordination:**

WVCAD conducted two consultations, during the composition of the original action plan, with the four Continuum of Cares and VASH/PHAs in the State most of which have membership which includes Emergency Solutions Grant (ESG), Housing Opportunities for Persons with AIDS (HOPWA), Public Housing Authorities (PHAs) and HUD VASH program service delivery agencies.

Other key partners for reducing fatal overdoses in WV include the WV State Police who are critical for programs that divert people from incarceration to treatment and recovery; the WV Supreme Court of Appeals makes treatment courts in WV a reality; treatment courts which serve adults, juveniles, and families; WV Behavioral Health Providers Association; and the WV Certification for Addiction and Prevention professionals who ensure the SUD workforce including Peer Recovery Support workers, counselors, and therapists, are properly trained and credentialed.

Funding will allow the program to further collaborate and expand to ensure resources from all housing and substance use providers are leveraged and no duplication occurs. Future collaborative partners may include but are not limited to:

- Private, faith-based, and public nonprofit recovery housing providers
- Help 4 WV, the state's 24-hour referral & crisis line
- WV Re-entry Council
- WV Peer Recovery Support Specialists (PRSS) that provide linkage & referrals (SOR funded)
- WV Housing Development Fund's Mountaineer Rental Assistance Program

**Subrecipient Management and Monitoring:**

The WVCAD has the capacity and ability to manage all the HUD program administrative management and monitoring requirements. There will be an interagency agreement between WVCAD and all subrecipients for the operational day to day program delivery. Once projects are at a completion percentage of 75%, WVCAD will administer an on-site monitoring to ensure compliance to meet the federal requirements. If a project does not pass the monitoring, a quality improvement plan will be constructed and put into effect with specifics to the project. An annual subrecipient desk monitoring will be carried out by WVCAD for all subrecipients to ensure compliance with the federal requirements for the RHP funds.

**Pre-Award/ Pre-Agreement Costs:**

Pre-Award/ Pre-Agreement Costs may be considered for reimbursement. This amount will not exceed more than 5% of the total project award and is limited to expenses related to application

preparation, and preliminary engineer reports that are incurred no more than two years prior to the executed contract if awarded.

**Certifications:**

**Each grantee must make the following certifications with its RHP Action Plan:**

(1) The grantee certifies that it has in effect and is following a residential anti displacement and relocation assistance plan in connection with any activity assisted with funding under the RHP program. The grantee certifies that it will comply with the residential anti-displacement and relocation assistance plan, relocation assistance, and one-for-one replacement housing requirements of section 104(d) of the Housing and Community Development Act of 1974, as amended (42 USC § 5304(d)) and 11 implementing regulations at 24 CFR part 42, as applicable, except where waivers or alternative requirements are provided.

(2) The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.

(3) The grantee certifies that the RHP Action Plan is authorized under state and local law (as applicable) and that the grantee, and any entity or entities designated by the grantee, and any contractor, subrecipient, or designated public agency carrying out an activity with RHP funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and the grant requirements. The grantee certifies that activities to be undertaken with RHP funds are consistent with its RHP Action Plan.

(4) The grantee certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.), and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided.

(5) The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135.

(6) The grantee certifies that it is following a citizen participation plan adopted pursuant to 24 CFR 91.115 or 91.105 (as imposed in notices for its RHP grant). Also, each unit of general local government receiving RHP assistance from a state must comply with the citizen participation requirements of 24 CFR 570.486(a)(1) through (a)(7) for proposed and actual uses of RHP funding (except as provided in Federal Register notices providing waivers and alternative requirements for the use of RHP funds).

(7) The grantee certifies that it is complying with each of the following criteria: (1) funds will be used solely for allowable activities to provide individuals in recovery from a substance use disorder stable, temporary housing for a period of not more than 2 years or until the individual secures permanent housing, whichever is earlier; (2) with respect to activities expected to be assisted with RHP funds, the RHP Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low and moderate-income individuals and families; (3) the aggregate use of RHP funds shall 12 principally benefit low- and moderate-income families in a manner that ensures the grant amount is expended for activities that benefit such persons; and (4) the grantee will not attempt to recover any capital costs of public improvements assisted with RHP grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (a) RHP grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than RHP; or (b) for purposes of assessing any amount against properties

owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient RHP funds (in any form, including program income) to comply with the requirements of clause (a).

(8) The grantee certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations, and that it will affirmatively further fair housing.

(9) The grantee certifies that it has adopted and is enforcing the following policies, and, in addition, must certify that it will require local governments that receive grant funds to certify that they have adopted and are enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and (2) a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

(10) The grantee certifies that the grant will be conducted and administered in conformity with the requirements of the Religious Freedom Restoration Act (42 U.S.C. 2000bb) and 24 CFR 5.109, allowing the full and fair participation of faith-based entities.

(11) The grantee certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out RHP eligible activities in a timely manner and that the grantee has reviewed the requirements of the grant.

(12) The grantee certifies that its activities concerning lead-based paint will comply with the requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe 13 Housing (24 CFR part 35)), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

(13) The grantee certifies that it will comply with environmental review procedures and requirements at 24 CFR part 58.

(14) The grantee certifies that it will comply with applicable laws.