

Recovery Housing Program Guidelines



Background

Section 8071 of the SUPPORT for Patients and Communities Act (SUPPORT Act) established the Recovery Housing Program (RHP) in order to provide stable, temporary housing to individuals in recovery from a substance use disorder. Section 8071 of the SUPPORT Act also requires funds appropriated or made available for RHP to be treated as Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (HCD Act), unless otherwise provided in Section 8071 or modified by waivers and alternative requirements. The U.S. Department of Housing and Urban Development (HUD) allocated \$1,657,114 in RHP funding to the State of Florida.

Under the State of Florida's RHP Program, public or private nonprofit organizations and units of general local government may submit applications to the Florida Department of Economic Opportunity (DEO) for a minimum of \$500,000 in funding for projects that will provide stable, temporary housing to individuals in recovery from a substance use disorder. DEO will award grants to one or more public or private nonprofit organizations or units of general local government that best meet the evaluation criteria defined in the Evaluation Criteria section.

DEO has identified a specific need for RHP services to the veteran's community within the state. Evaluation criteria is included that focuses on organizations with experience providing services to the veteran population.

Eligible Applicants

Eligible Applicants include public and private nonprofit organizations and units of general local government. For local government applicants, activities may either be carried out directly by the local government or by a nonprofit as a subrecipient. Applicants and subrecipients must not be on the federal debarment list. Local governments using nonprofit subrecipients will be required to enter into a subrecipient agreement that binds the subrecipient to RHP requirements and policies and is subject to review and approval by DEO.

Meeting the Low- to Moderate-Income Limited Clientele National Objective

Activities receiving RHP funding must meet the Low- to Moderate-Income (LMI) limited clientele national objective, as defined in [24 CFR 570.483\(b\)\(2\)](#) and modified by Federal Register [FR-6225-N-01](#). RHP activities cannot qualify with the LMI on area basis, slum and blight, or urgent need national objectives.

An LMI limited clientele activity is one that provides benefits to a specific group of persons rather than everyone in a defined service area. At least 51 percent of the beneficiaries of the activity must be LMI persons, meaning their household income is 80 percent or less of their area median income, according to [the latest data published by HUD](#). LMI status for direct benefit activities can be established through income certification. If a beneficiary is in a "presumed LMI" group (abused children, battered spouses, elderly persons, severely disabled, homeless, illiterate adults, persons living with AIDS, migrant farm workers, persons who meet the federal poverty limits, or persons insured by Medicaid), their LMI status can be presumed. Activities that do not provide an immediate direct benefit must target a presumed LMI group.

More information on the LMI limited clientele national objective can be found in [24 CFR 570.483\(b\)\(2\)](#) (note that Federal Register [FR-6225-N-01](#) modifies 24 CFR 570.483(b)(2)(i)(B) such that the LMI limited clientele national objective can apply to acquisition, rehabilitation, reconstruction, or new construction activities funded

by RHP, as well as 24 CFR 570.483(b)(2)(ii)(A) to add persons who meet the federal poverty limits or are insured by Medicaid to the list of presumed LMI groups).

Eligible Activities

Although RHP funds are treated as CDBG funds, they are limited to the eligible activities listed below. Regardless of which activity is chosen, **it must be for the purpose of providing stable, temporary housing to individuals in recovery from a substance use disorder.** Note that operating costs, staff pay, and planning-only activities are not eligible for RHP funding.

Public Facilities and Improvements	RHP funds may be used for the acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, as described in 24 CFR 570.201(c) or Section 105(a)(2) of the HCD Act .
Acquisition of Real Property	RHP funds may be used for acquisition under 24 CFR 570.201(a) or Section 105(a)(1) of the HCD Act .
Lease, Rent, and Utilities	RHP funds may be used to make payments for lease, rent, utilities, and associated costs (such as fees), for the purpose of providing stable, temporary housing, on behalf of an individual in recovery from a substance use disorder. An individual may be assisted for up to two years or until the assisted individual finds permanent housing, whichever is earlier. Payments may not be made directly to an individual in recovery from a substance use disorder. These payments may not have been previously paid from other sources and the payments must result in either a new service and/or a quantifiable increase in the level of an existing service above that which has been provided in the 12 calendar months prior to HUD's approval of DEO's RHP Action Plan.
Rehabilitation and Reconstruction of Single-Unit Residential Buildings	RHP funds may be used for the rehabilitation or reconstruction of publicly- or privately-owned single-unit residential buildings and improvements eligible under 24 CFR 570.202(a)(1) or Section 105(a)(4) of the HCD Act .
Rehabilitation and Reconstruction of Multi-Unit Residential Building	RHP funds may be used for the rehabilitation or construction of publicly- or privately-owned buildings and improvements with two or more permanent residential units that otherwise comply with 24 CFR 570.202(a) or Section 105(a)(4) of the HCD Act .
Rehabilitation and Construction of Public Housing	RHP funds may be used for rehabilitation or reconstruction of buildings and improvements owned and operated by a public housing authority to the extent eligible under 24 CFR 570.202(a) or Section 105(a)(4) of the HCD Act .
Relocation	RHP funds may be used for relocation payments and other assistance for permanently and temporarily displaced individuals and families in connection with activities using RHP funds, to the extent eligible under 24 CFR 570.201(i) and Section 105(a)(11) of the HCD Act .
New Construction	RHP funds may be used for new construction of housing.

Evaluation 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 that criterion. Generally, the applications with the highest overall score out of a possible total of 100 will be recommended for funding.

I. Regulatory Compliance Capacity (25 points)

Up to 25 points can be earned based on how well the applicant demonstrates that they have the capacity and experience necessary to carry out a federally-funded project and comply with all of the state and federal regulations associated with receiving those funds.

II. Project Experience (25 points)

Up to 25 points can be earned based on how well the applicant demonstrates that they have the capacity and experience necessary to carry out the type of project that they are proposing in their application.

III. Timeline (10 points)

Up to 10 points can be earned based on the reasonableness of the proposed timeline provided by the applicant and how it meets the requirements of the RHP timeframe listed below. The timeline must lay out each step of the project in detail and thoroughly justify the expected timeframe for each of those steps.

IV. Overall Project Need (20 points)

A total of 20 points can be earned based on how well the applicant demonstrates the need for the project they are proposing in their application. Several factors will be considered when determining overall need, including the gap between the number of individuals in recovery from a substance use disorder that are in need of stable, temporary housing, and the current capacity to provide such housing within the applicant's chosen service area, the percentage of low- to moderate-income individuals within the applicant's chosen service area, and the degree to which the applicant can demonstrate their financial need for RHP funding.

V. Assistance to Veterans (10 points)

A total of 10 points can be earned based on the degree to which the project proposed in the application will benefit the veteran population within its chosen service area.

VI. Cost Reasonableness (10 points)

A total of 10 points can be earned based on how adequately the cost of the project proposed in the application is explained and justified, the reasonableness of proposed costs, the extent to which administrative expenses are minimized, and how it meets the requirement that 30 percent of funds must be expended within the first six months.

Two-Year Limitation

Pursuant to Federal Register [FR-6225-N-01](#), RHP funds may only assist individuals in recovery from a substance use disorder for a cumulative period of not more than two years or until the individual secures permanent housing, whichever is earlier.

Timeframe

Federal Register [FR-6225-N-01](#) stipulates that a minimum of 30 percent of RHP funds must be expended within one year of the date those funds become available to the State of Florida for obligation and that 100 percent of program funds must be expended before September 1, 2027. RHP applications must be structured around projects that will take no more than 30 months to complete, with applicable administrative tasks such

as environmental review, developing plans and specifications, and procuring contractors taking no longer than six months to ensure that 30 percent of RHP funds are expended timely.

Definitions

Individual in Recovery

According to the Florida Substance Abuse and Mental Health (SAMH) Program and the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA), an individual in recovery is one who:

- Is overcoming or managing one's disease(s) or symptom(s) and making informed, healthy choices that support physical and emotional well-being;
- Has a stable and safe place to live;
- Is conducting meaningful daily activities;
- Is working toward the independence, income, and resources necessary to participate in society; and
- Has relationships and social networks that provide support, friendship, love, and hope.

Substance Use Disorder

As defined by 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.

Program Income

Federal Register [FR-6225-N-01](#) modifies [24 CFR 570.489\(e\)\(1\)](#) to include gross income received by subrecipients that was generated from the use of RHP funds to the definition of "program income." Any program income generated from the use of RHP funds that will not be used to continue the RHP-eligible activity from which it was derived must be returned to DEO.

Any income received and retained by a nonprofit operating within the State of Florida whose primary mission includes serving individuals in recovery from substance use disorder is excluded from the definition of program income.

Regulatory Compliance

As a result of RHP funds being treated as CDBG funds, public and private nonprofit organizations, and local governments that receive them are responsible for complying with all federal and state regulations governing the CDBG program. Appendix A contains a more comprehensive list of federal and state regulations governing the Recovery Housing Program. The following list is intended to provide applicants with a basic summary of some of the federal and state compliance requirements for compliance areas that must be addressed. If an applicant has compliance questions, they should contact DEO for technical assistance.

Audits

Pursuant to 2 CFR 200 Subpart F, recipients expending \$750,000 or more from all federal sources within a fiscal year are required to have a Single Audit conducted for that fiscal year.

Citizen Participation

Local government applicants must follow all applicable citizen participation requirements, such as those located at [24 CFR 570.486\(a\)](#). This includes providing opportunities for participation in all stages of the project, proper advertising of public hearings, and providing access to meetings, information, and records related to the project.

Examples of actions applicants may take to ensure adequate citizen participation in the application stage include meeting with community groups and leaders prior to public hearings, holding informational meetings for those citizens whose homes will be affected by the project, and distributing notices of meetings and public hearings directly to them. Applicants may also choose to distribute public hearing notices to local community action agencies, legal services offices, and other public and private organizations.

Local governments must hold one public hearing during the application phase for the purpose of developing proposed activities and one public hearing during the project for the purpose of reviewing program performance. Both hearings must be advertised in an MSA newspaper that serves the local government's jurisdiction and must be held no less than five days after the date of publication. A publisher's affidavit of the notice, minutes of the hearing signed by the local government clerk, and sign-in sheet (or equivalent) for the application public hearing must be submitted to DEO as a part of the application.

Civil Rights

Recipients must comply with applicable statutes and regulations prohibiting discrimination, including:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), which prohibits discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. Title VIII of the Civil Rights Act of 1968, the Fair Housing Act (42 U.S.C. 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability. Recipients will be required to carry out one Fair Housing activity that "affirmatively furthers Fair Housing" each year the RHP grant is active.
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), which prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

Conflicts of Interest

Pursuant to [24 CFR 570.489\(h\)](#) and [Section 112.3143](#), Florida Statutes, the following people or their immediate family members shall not have any direct or indirect financial interest in any contract, subcontract, or the proceeds thereof for work to be performed in connection with the grant during their tenure or for one year thereafter: (1) employees or agents of the subrecipient who exercise any function or responsibility for the RHP project; and (2) officials of the subrecipient including members of the governing body. Please note that subrecipients must comply with these regulations as well.

Environmental Review

Subrecipients of RHP funds are required to comply with the requirements of the National Environmental Policy Act of 1969 (NEPA) found at [24 CFR Part 58](#) and [Florida Executive Order 19-12](#) and complete the appropriate Environmental Review Record (ERR). Information on environmental review processes and forms can be found on the [CDBG Environmental Review Process](#) website.

Financial Management

DEO will monitor recipients to determine compliance with the financial requirements of [2 CFR Part 200](#), including 2 CFR 200.300-309 and 2 CFR 200.327-329, and other regulations applicable to the RHP Program, including [section 218.33, F.S.](#) Typically, ledgers, invoices, canceled checks, bank statements, and requisitions are reviewed to see whether the recipient has an adequate system of financial management. DEO staff may also make specific requests to review information or documentation relating to the financial management of the grant.

Labor Standards

Recipients will be required to comply with federal labor standards that typically apply to the CDBG program, including:

- [Davis-Bacon Act of 1931, as amended \(40 U.S.C. 3141-3148\)](#) and [Labor Standards Provisions of 29 CFR 5](#);
- [Contract Work Hours and Safety Standards Act of 1962, as amended \(40 U.S.C. 3701-3708\)](#);
- [Federal Fair Labor Standards Act of 1938, as amended \(29 U.S.C. 201-219\)](#); and
- [Copeland “Anti-Kickback” Act \(18 U.S.C. 874\)](#).

Lead-Based Paint Hazards

Projects involving rehabilitation of residential structures require compliance with the federal [Lead-Based Paint Hazard Reduction Act of 1992](#).

Procurements

The recipient must follow the procurement requirements outlined in 2 CFR 200.317-326. The procurement must reflect all applicable state and local laws, should promote free and open competition, and describe efforts to encourage minority and woman-owned businesses to submit bids/proposals. Recipients must contract for the procurement of goods, services, and construction projects, including design services, paid for with RHP funds.

Residential Anti-Displacement and Relocation Assistance Plan

For applicants, a plan for residential anti-displacement and relocation must be documented or submitted during the application process. If the RHP-funded project results in the displacement of any individuals, compliance with the plan must be documented, including the information made public and the means used to make it public.

SAM.gov Registration

Pursuant to 2 C.F.R. Part 25, each applicant must obtain a Unique Entity Identifier from the federal System for Award Management (SAM) prior to receiving a subgrant agreement from DEO.

Section 3

Section 3 of the Housing and Urban Development Act of 1968, as amended, contains requirements governing programs providing direct financial assistance to public subrecipients and related contractors (or subcontractors). These requirements include making opportunities in procurement and employment available to low-income residents and businesses. Subrecipients receiving more than \$200,000 in RHP funding must engage in qualitative efforts to contract with Section 3 businesses and provide Section 3 individuals with opportunities to work on the project.

Technical Assistance

DEO staff are available to provide assistance and information throughout the application process. Applicants are strongly encouraged to attend all scheduled webinars provided by DEO. The most current information about RHP is available at www.FloridaJobs.org/RHP. Questions regarding the Recovery Housing Program should be directed to RHP@DEO.myflorida.com.

Appendix A

Recovery Housing Program – State and Federal Statutes, Regulations, and Policies Contract Attachment

The Subrecipient agrees to, and, by signing this Agreement, certifies that, it will comply with the requirements of 24 CFR Part 570, subpart I, and § 570.200(j) and § 570.606 (HUD regulations concerning State Community Development Block Grant Programs). The Subrecipient also agrees to use funds available under this Agreement to supplement rather than supplant funds otherwise available. The Subrecipient further agrees to comply with all other applicable Federal, State, and local laws, regulations, and policies governing the funds provided under this Agreement, including, but not limited to the following:

1. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. part 200);
2. Florida Small Cities Community Development Block Grant Program Act (§§ 290.0401-290.048, F.S.);
3. Florida Small Cities Community Development Block Grant Program rules (chapter 73C-23, F.A.C.);
4. Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. §§ 5301-5321);
5. Rules and Procedures for Efficient Federal-State Funds Transfers (31 CFR Part 205);
6. Community Planning Act (§ 163.3164, F.S.);
7. Florida Small and Minority Business Assistance Act (§§ 288.703-288.706, F.S.);
8. CDBG Technical Memoranda (<https://www.hudexchange.info/programs/cdbg/cdbg-memoranda/>);
9. Applicable HUD Community Planning and Development Notices (<https://www.hudexchange.info/programs/cpd-notices/>);
10. Single Audit Act Amendments of 1996 (31 U.S.C. §§ 7501-7507);
11. Environmental Review Procedures for Entities Assuming HUD Responsibilities (24 CFR Part 58);
12. Environmental Criteria and Standards (24 CFR Part 51);
13. Flood Disaster Protection Act of 1973, as amended (42 U.S.C. §§ 4001-4129), Floodplain Management and Protection of Wetlands (24 CFR Part 55), and Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands);
14. National Environmental Policy Act of 1969, as amended (42 U.S.C. §§ 4321-4370h), and other provisions of law which further the purpose of this act;
15. National Historic Preservation Act of 1966, as amended (54 U.S.C. §§ 300301-320303), Protection of Historic Properties (36 CFR Part 800), and other provisions of law which further the purpose of this act;
16. Archaeological and Historic Preservation Act of 1974 and Reservoir Salvage Act of 1960, as amended (54 U.S.C. §§ 312501-312508);
17. Coastal Zone Protection Act of 1985 (§§ 161.52-161.58, F.S.);
18. Safe Drinking Water Act of 1974, as amended (42 U.S.C. §§ 1400-1465);
19. Federal Water Pollution Control Act of 1972, as amended (33 U.S.C. §§ 1251-1387);
20. Davis–Bacon Act of 1931, as amended (40 U.S.C. §§ 3141-3148), and Labor Standards Provisions of 29 CFR Part 5;
21. Contract Work Hours and Safety Standards Act of 1962, as amended (40 U.S.C. §§ 3701-3708);
22. Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1975 (42 U.S.C. §§ 6901-6992k);
23. Architectural Barriers Act of 1968 (42 U.S.C. §§ 4151-4157) and the Uniform Accessibility Standards, as applicable;
24. Federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§ 201-219);
25. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. §§ 4601-4655), and the applicable rules for Federal and Federally-Assisted Programs at 49 CFR Part 24;
26. Copeland “Anti-Kickback” Act (18 U.S.C. § 874);
27. Hatch Act of 1939, as amended (5 U.S.C. §§ 1501-1508);
28. 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 the applicable implementing regulations at 24 C.F.R. part 35 and 24 CFR Part 570, subparts A, B, J, K, and R;
29. Section 102 of HUD Reform Act of 1989 (42 U.S.C. § 3545) and HUD Reform Act regulations at 24 C.F.R. part 4;
 30. False Claims Act (31 U.S.C. §§ 3729-3733);
 31. Comprehensive Procurement Guideline for Products Containing Recovered Materials (40 CFR Part 247);
 32. Clean Air Act (42 U.S.C. §§ 7401-7671q.), and National Primary and Secondary Ambient Air Quality Standards (40 CFR Part 50); and
 33. Whistleblower Protection enacted by Section 828 of P.L. 112-239 and permanently extended under P.L. 114-261.