

**CERTIFICATION OF ASSURANCE OF COMPLIANCE**  
**Family Violence Prevention and Services (FVPS) Act Fund**

The applicant must complete a Certification of Assurance of Compliance-FVPS (Cal OES 2-104d), which includes details regarding Federal Grant Funds, Equal Employment Opportunity Program, Drug Free Workplace Compliance, California Environmental Quality Act, Lobbying, Debarment and Suspension requirements, Proof of Authority from City Council/Governing Board, Civil Rights Compliance, and the special conditions for Subaward with the above mentioned fund. The applicant is required to submit the necessary assurances and documentation before finalization of the Grant Subaward. In signing the Grant Subaward Face Sheet, the applicant formally notifies Cal OES that the applicant will comply with all pertinent requirements.

Resolutions are no longer required as submission documents. Cal OES has incorporated the resolution into the Certification of Assurance of Compliance, Section VII, entitled, "Proof of Authority from City Council/Governing Board." The Applicant is required to obtain written authorization (original signature) from the City Council/Governing board that the official executing the agreement is, in fact, authorized to do so, and will maintain said written authorization on file and readily available upon demand. This requirement does not apply to state agencies.

**CERTIFICATION OF ASSURANCE OF COMPLIANCE  
Family Violence Prevention and Services (FVPS) Act Fund**

I, \_\_\_\_\_ hereby certify that  
(official authorized to sign Subaward; same person as Section 15 on Subaward Face Sheet)

Subrecipient: \_\_\_\_\_

Implementing Agency: \_\_\_\_\_

Project Title: \_\_\_\_\_

is responsible for reviewing the *Subrecipient Handbook* and adhering to all of the Subaward requirements (state and/or federal) as directed by Cal OES including, but not limited to, the following areas:

**I. Federal Grant Funds**

Subrecipients expending \$750,000 or more in federal grant funds annually are required to secure an audit pursuant to OMB Uniform Guidance 2 CFR Part 200, Subpart F and are allowed to utilize federal grant funds to budget for the audit costs. See Section 8000 of the Subrecipient Handbook for more detail.

- The above named Subrecipient receives \$750,000 or more in federal grant funds annually.
- The above named Subrecipient does not receive \$750,000 or more in federal grant funds annually.

**II. Equal Employment Opportunity – (Subrecipient Handbook Section 2151)**

It is the public policy of the State of California to promote equal employment opportunity (EEO) by prohibiting discrimination or harassment in employment because of race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, and any other status protected by state or federal law. **Cal OES-funded projects certify that they will comply with all state and federal requirements regarding equal employment opportunity, nondiscrimination and civil rights.**

Please provide the following information:

Equal Employment Opportunity Officer: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### **III. Drug-Free Workplace Act of 1990 – (Subrecipient Handbook, Section 2152)**

The State of California requires that every person or organization subawarded a grant or contract shall certify it will provide a drug-free workplace.

### **IV. California Environmental Quality Act (CEQA) – (Subrecipient Handbook, Section 2153)**

The California Environmental Quality Act (CEQA) (*Public Resources Code, Section 21000 et seq.*) requires all Cal OES funded projects to certify compliance with CEQA. Projects receiving funding must coordinate with their city or county planning agency to ensure that the project is compliance with CEQA requirements.

### **V. Lobbying – (Subrecipient Handbook Section 2154)**

Cal OES grant funds, grant property, or grant funded positions shall not be used for any lobbying activities, including, but not limited to, being paid by or on behalf of the undersigned, 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 making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.

### **VI. Debarment and Suspension – (Subrecipient Handbook Section 2155)**

*(This applies to federally funded grants only.)*

Cal OES-funded projects must certify that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department of agency.

### **VII. Proof of Authority from City Council/Governing Board – (Subrecipient Handbook Section 1350)**

The above-named organization (applicant) accepts responsibility for and will comply with the requirement to obtain written authorization from the city council/governing board in support of this program. The applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of Cal OES, and that any cash match will be appropriated as required. It is agreed that any liability arising out of the performance of this Subaward, including civil court actions for damages, shall be the responsibility of the grant Subrecipient and the authorizing agency. The State of California and Cal OES disclaim responsibility of any such liability. Furthermore, it is also agreed that grant funds received from Cal OES shall not be used to supplant expenditures controlled by the city council/governing board.

The applicant is required to obtain written authorization from the city council/governing board that the official executing this agreement is, in fact, authorized to do so. The applicant is also required to maintain said written authorization on file and readily available upon demand.

### **VIII. Civil Rights Compliance**

The Subrecipient complies with all laws that prohibit excluding, denying or discriminating against any person based on actual or perceived race, color, national origin, disability, religion, age, sex, gender identity, and sexual orientation in both the delivery of services and employment practices and does not use federal financial assistance to engage in explicitly religious activities.

### **IX. Special Conditions for Grant Subaward with Family Violence Prevention and Services (FVPS) Act Funds**

1. Subrecipients should incorporate trauma-informed practices and interventions in all of their services funded by FVPS.
2. Subrecipients cannot impose conditions to admission to shelter by applying inappropriate screening methods (45 CFR § 1370.10(b)(10)).
3. Pursuant to 42 U.S.C. § 10406(c)(5), the applicant will comply with requirements to ensure the non-disclosure of confidential or private information, which includes, but is not limited to: a) Subrecipients will not disclose any personally identifying information collected in connection with services requested (including services used or denied), through Subrecipient-funded activities or reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for the FVPSA-funded activities or any other federal or state program and in accordance with 42 U.S.C. § 10406(c)(5)(B)(ii); b) Subrecipients will not release information compelled by statutory or court order unless adhering to the requirements of 42 U.S.C. § 10406(c)(5)(C); and c) Subrecipients may share non- personally identifying information in the aggregate for the purposes enunciated in 42 U.S.C. § 10406(c)(5)(D)(i) as well as for other purposes found in 42 U.S.C. § 10406(c)(5)(D)(ii) and (iii). Client-level data shall not be shared with a third party, regardless of encryption, hashing, or other data security measures, without a written, time-limited release as described in 42 U.S.C. § 10406(c)(5). This includes the prohibition of Subrecipients sharing client-level data with the state for data collection or monitoring purposes.
4. The address or location of any shelter or facility shall not be made public except with written authorization of the person or persons responsible for the operation of such shelter (42 U.S.C. § 10406(c)(5)(H)) and the confidentiality of records pertaining to any individual provided domestic violence services by any FVPSA-supported program will be strictly maintained. Shelters which choose to remain confidential must develop and maintain systems and protocols to remain secure, which must

include policies to respond to disruptive or dangerous contact from abusers (45 CFR § 1370.4(g)(1)).

5. Subrecipients must not discriminate on the basis of age, sex, disability, race, color, national origin, or religion (42 U.S.C. § 10406(c)(2)). No person shall, on the ground of actual or perceived sex, including gender identity, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part through FVPSA (45 CFR § 1370.5(a)). Subrecipients must provide comparable services to victims regardless of actual or perceived sex, including gender identity. This includes providing access to services for all victims, including male victims of family, domestic, and dating violence and not limiting services for victims with adolescent children (under the age of 18). Victims and their minor children must be sheltered or housed together unless requested otherwise by the victim (45 CFR § 1370.5(a)(1)).

However, no program or activity is required to include an individual in such program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the essential operation of that particular program or activity. If sex segregation or sex-specific programming is essential to the normal or safe operation of the program, grantees and subgrantees must provide comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming, including access to a comparable length of stay, supportive services, and transportation as needed to access services. In making this determination, Subrecipients should assess the facts and circumstances surrounding the specific program, including an analysis of factors that take into account established field-based best practices and the literature on the efficacy of such services, as applicable. An individual must be treated consistent with their gender identity (45 CFR § 1370.5(a)(2)), and as with all individuals served, transgender and gender nonconforming individuals must have equal access to FVPSA-funded shelter and nonresidential programs (45 CFR § 1370.5(a)(4)).

The [HHS Office for Civil Rights](https://www.hhs.gov/civil-rights/for-individuals/index.html) provides guidance to grantees in complying with civil rights laws that prohibit discrimination. Please see <https://www.hhs.gov/civil-rights/for-individuals/index.html>.

Subrecipients are required to take reasonable steps to provide services to persons with limited English proficiency (i.e., individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, including deaf and hard of hearing persons). HHS also provides guidance to recipients of federal financial assistance on meeting the legal obligation to take reasonable steps to provide meaningful access to [federally assisted programs by persons with limited English proficiency](http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/index.html). Please see <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/index.html>.

6. Per 45 CFR § 1370.5(d), all FVPSA-funded services must be provided without requiring documentation of immigration status since FVPSA-funded services do not fall within the definition of federal public benefit that would require verification of immigration status. HHS provides guidance regarding services to [HHS-funded services for immigrant survivors of domestic violence](http://www.hhs.gov/ocr/civilrights/resources/specialtopics/origin/domesticviolencefactsheet.html) ([www.hhs.gov/ocr/civilrights/resources/specialtopics/origin/domesticviolencefactsheet.html](http://www.hhs.gov/ocr/civilrights/resources/specialtopics/origin/domesticviolencefactsheet.html)) and [Joint Letter to Recipients of Federal Financial Assistance](http://www.acf.hhs.gov/fysb/resource/recipients-of-federal-financial-assistance-20160805) (<http://www.acf.hhs.gov/fysb/resource/recipients-of-federal-financial-assistance-20160805>).
7. Given the unique needs of victims of trafficking, FVPSA-funded programs are strongly encouraged to safely screen for and identify victims of human trafficking who are also victims or survivors of domestic violence or dating violence and provide services that support their unique needs (45 CFR § 1370.10(d)).
8. Grant funds will not be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim (42 U.S.C. § 10408(d)(1)).
9. No income eligibility standard will be imposed on individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out the FVPSA (42 U.S. C. § 10406(c)(3)).
10. No fees will be levied for assistance or services provided with funds appropriated to carry out FVPSA funded activities (42 U.S.C. § 10406(c)(3)).
11. The receipt of supportive services under FVPSA will be voluntary. No condition will be applied for the receipt of emergency shelter as described in 42 U.S.C. § 10408(d)(2) and 45 CFR § 1370.10(b)(10).

All appropriate documentation must be maintained on file by the project and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Subrecipient may be ineligible for subaward of any future grants if the Cal OES determines that any of the following has occurred: (1) the Subrecipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

**CERTIFICATION**

I, the official named below, am the same individual authorized to sign the Grant Subaward [Section 15 on Grant Subaward Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant Subrecipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Authorized Official's Signature: \_\_\_\_\_

Authorized Official's Typed Name: \_\_\_\_\_

Authorized Official's Title: \_\_\_\_\_

Date Executed: \_\_\_\_\_

Federal Employer ID #: \_\_\_\_\_ Federal DUNS # \_\_\_\_\_

Current System for Award Management (SAM) Expiration Date: \_\_\_\_\_

Executed in the City/County of: \_\_\_\_\_

**AUTHORIZED BY:** (not applicable to State agencies)

City Financial Officer

County Financial Officer

City Manager

County Manager

Governing Board Chair

Signature: \_\_\_\_\_

Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_