



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

JOYCE MASSEY-SMITH, MPA •
Director, Division of Aging and Adult Services

July 2, 2019

MEMO

To: Interested Parties

From: Misty Piekaar-McWilliams, DAAS Rule-Making Coordinator

Re: Proposed Repeal of Emergency Shelter Grants Program Administrative Rules – 04 NCAC 19N
Proposed Readoption of Emergency Shelter Grants Program Administrative Rules – 04 NCAC 19O
Proposed Repeal of Emergency Shelter Grants Program Administrative Rules – 04 NCAC 19P
Proposed Repeal of Emergency Shelter Grants Program Administrative Rules – 04 NCAC 19Q

The North Carolina Department of Health & Human Services – Division of Aging & Adult Services (“DAAS”) proposes to submit before the Office of Administrative Hearing’s Rules Review Commission (RRC) rules from 04 NCAC 19N, 19O, 19P and 19Q pursuant to [N.C.G.S. 150B-21.3A](#) as part of the periodic review and expiration rule process. These rules pertain to the Emergency Shelter Grants Program. In 2009, the Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act) revised the Emergency Shelter Grants Program and renamed it the Emergency Solutions Grant (ESG) program. Pursuant to 24 CFR §576.1, DAAS received authority from the US Department of Housing & Urban Development (HUD) to serve as a State recipient of ESG funds and has administered the ESG program since 2013 when the program was moved from the Office of Economic Opportunity to DAAS.

Pursuant to the periodic review mandates in N.C.G.S § 150B-21.3A(c), the Division’s ESG rules have been initially reviewed for a preliminary determination of whether each rule is:

1. **“Necessary with substantive public interest”**, meaning the agency determined that the rule is needed and
 - a. The agency has received public comments on the rule within the past two years; or
 - b. A rule affects the property interest of the regulated public and the agency knows or suspects someone may object to the rule; or
2. **“Necessary without substantive public interest”**, meaning the agency determined that the rule continues to be needed and the agency has not received public comments on the rules within the past two years; or
3. **“Unnecessary”**, meaning the agency determined the rule is obsolete, redundant or otherwise no longer needed.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF AGING AND ADULT SERVICES

LOCATION: 693 Palmer Drive, Taylor Hall, Raleigh, NC 27603
MAILING ADDRESS: 2101 Mail Service Center, Raleigh, NC 27699-2101
www.ncdhhs.gov • TEL: 919-855-3400 • FAX: 919-733-0443

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For purposes of this preliminary review, DAAS is to determine if a rule continues to be needed and what public interest there is in each rule.

The term “public comment” refers specifically to written comments objecting to a rule in part or in whole and received by the Division of Aging & Adult Services from a member of the public, including an association or other organization representing the regulated community or other members of the public. Rule 26 NCAC 05 .0207 specifies that your comment must address the content of the rule and not an opinion on a general condition or situation.

The results of the Division’s preliminary review report can be viewed on [DAAS](#) website. This preliminary review report is also posted on the [RRC](#) website. Please note any public comments concerning DAAS’ initial determination should be directed to misty.piekaar@dhhs.nc.gov and not submitted on-line to the Rules Review Commission.

Full text of current rules found at 04 NCAC 19N, 19O, 19P & 19Q is located on the [Office of Administrative Hearing’s](#) website. Please note this is an opportunity for interested parties to suggest changes they believe may be needed to update or improve a rule. Any needed rule amendments in which wording will be addressed is scheduled at a later date.

When submitting comments, please identify the rule by the specific number and title as listed on the report. Responses to comments will be submitted to the Rules Review Commission with the DAAS’ final report. Comments may be submitted in writing or through electronic mail from July 9, 2019, through September 9, 2019, to Misty Piekaar-McWilliams, Rulemaking Coordinator, NC Division of Aging & Adult Services, 2101 Mail Service Center, Raleigh, NC 27699-2101 or to misty.piekaar@dhhs.nc.gov.

Should you have any questions related to this memorandum or the proposed initial determinations, please contact Misty L. Piekaar-McWilliams, Division of Aging & Adult Services Rule-Making Coordinator, by phone at (919) 855-4980 or by e-mail at misty.piekaar@dhhs.nc.gov.

cc: Joyce Massey-Smith, Director, NC DAAS
Hank Bowers, Assistant Director, NC DAAS
Joseph Breen, Section Chief of Planning, ESG and Service Support Section, NC DAAS
Kim Crawford, ESG Homeless Programs Coordinator, NC DAAS
Joel Johnson, Assistant General Counsel, DHHS