



## **Written Standards for Continuum of Care and Emergency Solutions Grant Service Delivery**

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**CONTENTS..... 1- 3**

**GENERAL STANDARDS ..... 4**

    FAIR HOUSING .....4

    PARTICIPANT ELIGIBILITY..... 7

    COORDINATED ASSESSMENT .....10

    PROGRAM COORDINATION ..... 7

    HMIS..... 6

    INCOME DETERMINATION ..... 8

    CONNECTION WITH OTHER RESOURCES ..... 8

    TERMINATION OF ASSISTANCE ..... 10

    LEAD-BASED PAINT ..... 10

    SAFETY, SANITATION & PRIVACY ..... 14

    CONFLICTS OF INTEREST. .... 15

    HOMELESS PARTICIPATION..... 16

    FAITH-BASED ACTIVITIES..... 16

    PROHIBITION AGAINST INVOLUNTARY FAMILY SEPARATION ..... 17

    NONDISCRIMINATION/EQUAL OPPORTUNITY/AFFIRMATIVE OUTREACH ..... 17

    PROGRAM INCOME..... 17

    RECOVERED MATERIALS. .... 17

    DISPLACEMENT ..... 18

    RECORDS & RECORDKEEPING ..... 19

**STREET OUTREACH STANDARDS ..... 21**

    MINIMUM STANDARD..... 21

**EMERGENCY SHELTER STANDARDS.....21**

    MINIMUM STANDARDS ..... 21

**HOMELESSNESS PREVENTION AND RAPID RE-HOUSING STANDARDS ..... 22**

    ELIGIBILITY/PRIORITIZATION ..... 22

    PARTICIPANT CONTRIBUTION ..... 23

RENTAL ASSISTANCE DURATION AND ADJUSTMENT .....24

SERVICE TYPE, AMOUNT & DURATION ..... 24

RE-EVALUATIONS..... 28

**TRANSITIONAL HOUSING STANDARDS.....28**

ELIGIBILITY/PRIORITIZATION ..... 28

LIMITATION ON OCCUPANCY .....28

PARTICIPANT CONTRIBUTION ..... 29

PROGRAM FEES .....29

OCCUPANCY AGREEMENTS .....29

**PERMANENT SUPPORTIVE HOUSING STANDARDS..... 29**

ELIGIBILITY/PRIORITIZATION..... 30

Housing First. ....30

PARTICIPANT CONTRIBUTION..... 31

PROGRAM FEES..... 31

EMERGENCY TRANSFER PLAN ..... 32

EQUAL ACCESS GENDER IDENTITY RULE.....37

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## **General Standards**

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Each Emergency Solutions Grant (ESG) and Continuum of Care (CoC) funded service provider shall comply with the minimum written standards established by the Commission on Homelessness and Housing for Volusia and Flagler Counties (FL-504 Continuum of Care). Each provider may decide to set standards on their provision of ESG/CoC that exceed these minimum standards, but will at the very least comply with the following:

### **I. General Standards**

- a. **Fair Housing/Equal Opportunity and Equal Access to HUD Assisted or Inured Housing** It is the policy of the Commission on Homelessness and Housing for Volusia and Flagler Counties (CoHH) that the CoC, other Permanent Programs and Housing Recipients and subrecipients as well as other emergency shelter, transitional housing, housing and service providers who participate in the CoC, must comply with the accessibility requirements of the Fair Housing Act (24 CFR part 100), Section 504 of the Rehabilitation Act of 1973 (24 CFR part 8), and Titles II and III of the Americans with Disabilities Act, as applicable (28 CFR parts 35 and 36), Comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) (Nondiscrimination in Federally Assisted Programs); and other Federal civil rights statutes and regulations.

In accordance with the requirements of 24 CFR 8.4(d), recipients must ensure that their program's housing and supportive services are provided in the most integrated setting appropriate to the needs of persons with disabilities.

**i. Nondiscrimination: It is the policy of CoHH to comply with all Civil Rights Laws.**

1. Civil rights laws protect the rights of applicants and residents to equal treatment by CoHH in all of the programs operating under its purview. It is the policy of the CoHH to comply with all Civil Rights laws now in effect and subsequently enacted, including but not limited to:
  - a. Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex; 24 CFR § 1 and 100
  - b. Title VIII of the Civil Rights Act of 1968 (as amended by the

1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination; 24 CFR § 100

- c. Executive Order 11063; 24 CFR § 107
- d. Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities; 24 CFR § 8
- e. Age Discrimination Act of 1975, which establishes certain rights of the elderly; 24 CFR § 146
- f. Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units.); and
- g. Any applicable State laws or local ordinances.

**ii. Procedure**

- 1. Volusia Flagler County Coalition for the Homeless, as the Collaborative Applicant and lead agency for the CoHH, will monitor CoC participating agencies for adherence to Fair Housing/Equal Opportunity and Equal Access to HUD Assisted or Insured shelter and housing projects.
- 2. Volusia Flagler County Coalition for the Homeless will provide oversight so that all persons engaged for services are prioritized and referred through the FL-504 Coordinated Entry System – regardless of their race, color, national origin, age, religion, sex, sexual orientation, disability, or family status – are considered for services to include Prevention, Emergency Shelter, Transitional Housing and Permanent Housing opportunities.

**iii. § 578.93 Fair Housing and Equal Opportunity**

- 1. Nondiscrimination and equal opportunity requirements. The nondiscrimination and equal opportunity requirements set forth in 24 CFR 5.105(a) are applicable.
- 2. Housing for specific subpopulations. Recipients and subrecipients may exclusively serve a particular homeless subpopulation in transitional or permanent housing if the housing addresses a need identified by the Continuum of Care for the geographic area and meets one of the following:
  - a. The housing may be limited to one sex where such housing consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and

- the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex;
- b. The housing may be limited to a specific subpopulation, so long as admission does not discriminate against any protected class under federal nondiscrimination laws in 24 CFR 5.105 (e.g., the housing may be limited to homeless veterans, victims of domestic violence and their children, or chronically homeless persons and families).
  - c. The housing may be limited to families with children.
  - d. If the housing has in residence at least one family with a child under the age of 18, the housing may exclude registered sex offenders and persons with a criminal record that includes a violent crime from the project so long as the child resides in the housing.
  - e. Sober housing may exclude persons who refuse to sign an occupancy agreement or lease that prohibits program participants from possessing, using, or being under the influence of illegal substances and/or alcohol on the premises.
  - f. If the housing is assisted with funds under a federal program that is limited by federal statute or Executive Order to a specific subpopulation, the housing may be limited to that subpopulation (e.g., housing also assisted with funding from the Housing Opportunities for Persons with AIDS program under 24 CFR part 574 may be limited to persons with acquired immunodeficiency syndrome or related diseases).
  - g. Recipients may limit admission to or provide a preference for the housing to subpopulations of homeless persons and families who need the specialized supportive services that are provided in the housing (e.g., substance abuse addiction treatment, domestic violence services, or a high intensity package designed to meet the needs of hard-to-reach homeless persons). While the housing may offer services for a particular type of disability, no otherwise eligible individuals with disabilities or families including an individual with a disability, who may benefit from the services provided, may be excluded on the grounds that they do not have a particular disability.
3. Affirmatively furthering fair housing. A recipient must implement its programs in a manner that affirmatively furthers fair housing, which means that the recipient must:
    - b. The housing may be limited to a specific subpopulation, so long as admission does not discriminate against any protected class under federal nondiscrimination laws in 24 CFR 5.105 (e.g., the housing may be limited to homeless veterans, victims of domestic violence and their children, or chronically homeless persons and families).
    - c. The housing may be limited to families with children.
    - d. If the housing has in residence at least one family with a child under the age of 18, the housing may exclude registered sex offenders and persons with a criminal record that includes a violent crime from the project so long as the child resides in the housing.
    - e. Sober housing may exclude persons who refuse to sign an occupancy agreement or lease that prohibits program participants from possessing, using, or being under the influence of illegal substances and/or alcohol on the premises.
    - f. If the housing is assisted with funds under a federal program that is limited by federal statute or Executive Order to a specific subpopulation, the housing may be limited to that subpopulation (e.g., housing also assisted with funding from the Housing Opportunities for Persons with AIDS program under 24 CFR part 574 may be limited to persons with acquired immunodeficiency syndrome or related diseases).
    - g. Recipients may limit admission to or provide a preference for the housing to subpopulations of homeless persons and families who need the specialized supportive services that are provided in the housing (e.g., substance abuse addiction treatment, domestic violence services, or a high intensity package designed to meet the needs of hard-to-reach homeless persons). While the housing may offer services for a particular type of disability, no otherwise eligible individuals with disabilities or families including an individual with a disability, who may benefit from the services provided, may be excluded on the grounds that they do not have a particular disability.

- a. Affirmatively market their housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, sexual orientation, age, familial status, or handicap who are least likely to apply in the absence of special outreach, and maintain records of those marketing activities;
- b. Where a recipient encounters a condition or action that impedes fair housing choice for current or prospective program participants, provide such information to the jurisdiction that provided the certification of consistency with the Consolidated Plan;
- c. Provide program participants with information on rights and remedies available under applicable federal, State and local fair housing and civil rights laws.
- d. Accessibility and integrative housing and services for persons with disabilities.
- e. Volusia Flagler County Coalition for the Homeless, Inc. will ensure compliance with Title II and Title III of the ADA regulations as referenced in Volusia Flagler County Coalition's Section 504 Self Evaluation.

4. Visitability / Design

- a. Volusia Flagler County Coalition for the Homeless, Inc. will address visitability/design should new construction be an option; or if proposed rehabilitation can accommodate the visitability concept.
- b. New Construction: NA however should the agency pursue new construction, plans for new construction will address accessibility issues for persons with disabilities (including mobility impairment), and be located in areas that are accessible and that prohibit discrimination.
- c. Rehabilitation/Alterations: Not currently applicable. See above.

b. **Participant Eligibility:** Minimum standards for evaluating individual and family eligibility for assistance under Emergency Solutions Grant (ESG) and Continuum of Care (CoC) are:

- i. **Street Outreach:** People who are qualify as 'unsheltered homeless,' based on category (1)(i) of the "homeless" definition found at 24 CFR 576.2 are eligible for the following activities, in compliance with federal ESG rules (24 CFR 576.101): engagement, case management, emergency health and mental health services, transportation

- ii. **Emergency Shelter:** People who qualify as ‘homeless,’ based on categories (1, 2, or 4) of the “homeless” definition found at 24 CFR 576.2 are eligible for the following activities, in compliance with federal ESG rules (24 CFR 576.102): case management; child care; education, employment and life skills services; legal services; health, mental health and substance abuse services; transportation; *NOT ALLOWABLE:* Mortgage and mortgage arrearage payments.
- iii. **Rapid Re-housing:** CoC and ESG funded rapid rehousing will follow the standards as set forth below. People who qualify as ‘homeless,’ based on categories (1 or 4) of the “homeless” definition found at 24 CFR 576.2 and/or 578.3 and who are moving into a housing unit that meets HUD’s habitability and lead-based paint standards are eligible for the following activities, in compliance with federal ESG and CoC rules (24 CFR 576.104, 576.105, 576.106, 578.37, 578.51 and 578.77,). Persons who meet the ‘category 2’ homeless definition are eligible for CoC funded Rapid Rehousing provided the project was not funded under special NOFA conditions (reallocated projects) that limit eligibility to those living on the streets or in shelters. Additionally persons receiving rapid rehousing through the ESG program must have incomes at or below 30% of the area median income (AMI) at annual recertification.
- iv. **Housing Relocation and Stabilization Services:** moving costs, rent application fees (ESG only), security deposits, last month’s rent, utility deposits, utility payments,(ESG only) housing search/placement, housing stability case management, mediation and legal services, credit repair/budgeting/money management o Rental Assistance: short-term (up to 3 months) and medium-term (4-24 months) rental assistance, up to 24 months total during a 3-year period in tenant based or project-based housing The 24 months may include a one-time payment for up to 6 months of rent arrears on the tenant’s portion of the rent (arrearages covered under ESG only). Rent amount must not exceed HUD’s published Fair Market Rent and the HUD standard for rent reasonableness (24 CFR 982.507). There must be a rental assistance agreement between the landlord and agency and a written lease between tenant and landlord. Each provider offering rapid rehousing must reevaluate the need for continued assistance every 90 days. Continued assistance will be provided for up to three (3) months at a time. Eligibility and income shall be reviewed no less frequently than annually. Participants in rapid rehousing are required to meet with case managers no less frequently than monthly. *NOT ALLOWABLE:* Mortgage and mortgage arrearage payments.
- v. **Homelessness Prevention:** People who qualify as ‘at risk of homelessness,’ based on categories (2 or 4) of the “homeless” definition or based on the “At

risk of homelessness” definition found at 24 CFR 576.2 and who reside in a housing unit that meets HUD’s habitability and lead-based paint standards and have an annual income below 30% of Area Median Income (AMI), are eligible for the following services, in compliance with federal ESG rules (24 CFR 576.103, 576.105, 576.106):

- vi. **Housing Relocation and Stabilization Services:** Moving costs, rent application fees, security deposits, last month’s rent, utility deposits, utility payments, housing search/placement, housing stability case management, mediation and legal services, credit repair/budgeting/money management o Rental Assistance: short-term (up to 3 months) and medium-term (4-24 months) rental assistance, up to 24 months total during a 3-year period in tenant-based or project-based housing The 24 months may include a one-time payment for up to 6 months of rent arrears on the tenant’s portion of the rent. Rent amount must meet the federal requirements for Fair Market Rent (24 CFR 888) and the HUD standard for rent reasonableness (24 CFR 982.507). There must be a rental agreement between the landlord and agency and a written lease between tenant and landlord. NOT ALLOWABLE: Mortgage and mortgage arrearage payments.
- vii. **Transitional Housing:** Transitional housing facilitates the movement of homeless individuals and families to permanent housing within 24 months of entering the housing. Eligible persons for transitional housing meet the homeless definition based on categories 1, 2 and 4. Providers of transitional housing services shall arrange for or make available services to participants to assist them in securing permanent housing within specified time periods. Transitional housing may be provided in scatter site or single site locations. Individuals and families assisted in transitional housing shall be provided housing accommodations as well as a services program intended to address issues that may hinder the household from obtaining or maintaining stable long term housing.
- viii. **Permanent Supportive Housing for Persons with Disabilities:** Eligible households include individuals with disabilities and families in which one adult or child has a disability. To be served households must also meet the definition of homelessness according to category 1 and 4. Supportive services designed to meet the needs of program participants must be made available to participants. Permanent supportive housing may be provided on a scatter site or single site basis using tenant based rental assistance, leasing or operating costs to support the operations of a supportive housing facility as well as supportive services to meet resident needs.

Any permanent support housing developed in the continuum of care is required to follow the Housing First model described in these standards.

## II. Coordinated Assessment

- a. Minimum standards for centralized or coordinated assessment system are:
  - i. The Continuum of Care has developed and adopted a Coordinated Entry (centralized or coordinated assessment) system in accordance with HUD's requirements (24 CFR Part 578): all providers within the Continuum of Care's area, except for victim service providers, shall use that assessment system.
  - ii. A victim service provider may choose not to use the Continuum of Care's assessment system. However, all victim service providers are required to use a centralized or coordinated assessment system that meets HUD's minimum requirements.
  - iii. This shall include the use of a standardized assessment tool by all providers to determine the appropriate intervention to address the episode of homelessness and the prioritization of individuals and families for assistance based on the severity of their service needs and the length of time homeless.
  - iv. Ongoing training and support will be provided to all CoC and ESG funded providers in the assessment, prioritization and placement process.

## III. Program Coordination

- a. Minimum standards for program coordination consist of on-going system and program coordination and integration of ESG and CoC funded activities to the maximum extent practicable with the following:
  - i. Emergency shelter providers, essential services providers, homelessness prevention, transitional housing, permanent supportive housing and rapid rehousing assistance providers;
  - ii. Other homeless assistance providers, including:
    1. HUD-Veterans Affairs Supportive Housing (HUD-VASH);
    2. Education for Homeless Children and Youth Grants for State and Local Activities (McKinney-Vento Homeless Assistance Act);
    3. Grants for the Benefit of Homeless Individuals;
    4. Healthcare for the Homeless; ☐ Programs for Runaway and Homeless Youth;
    5. Projects for the Assistance in the Transition from Homelessness;
    6. Services in Supportive Housing Grants;
    7. Emergency Food and Shelter Program;
    8. Transitional Housing Assistance Grants for Victims of Sexual Abuse, Domestic Violence, and Stalking Program;
    9. Homeless Veterans Reintegration Program;
    10. Domiciliary Care for Homeless Veterans Program;
    11. VA Homeless Providers Grant and Per Diem Program;
    12. Health Care for Homeless Veterans Program;
    13. Homeless Veterans Dental Program;

- 14. Supportive Services for Veterans Families Program; and
- 15. Veterans Justice Outreach Initiative

- b. Mainstream service and housing providers:
  - i. Public housing programs assisted under section 9 of the U.S. Housing Act of 1937;
  - ii. Housing programs receiving Section 8 tenant based or project based assistance;
  - iii. Supportive Housing for Persons with Disabilities;
  - iv. HOME Investment Partnerships Program;
  - v. Temporary Assistance for Needy Families;
  - vi. Health Center Program;
  - vii. Head Start;
  - viii. Mental Health and Substance Abuse Block Grants;
  - ix. Services funded under the Workforce Investment Act; and
  - x. State Housing Related Assistance Program for Adults with Serious Mental Illness
- c. Commission on Homelessness and Housing (CoC) Networks:
  - i. Commission on Homelessness and Housing (CoC) Board of Directors meetings
  - ii. Commission Application Committee
  - iii. Commission Executive Committee
  - iv. Commission HMIS/Coordinated Entry Committee
  - v. Commission Attainable Housing Steering Committee
  - vi. Various other committees, task forces and workgroups.

#### **IV. Homeless Management Information System (HMIS)**

- a. Minimum standards for ESG data are:
  - i. Providers, except for victim service providers shall actively utilize the Homeless Management Information System (HMIS)
  - ii. Enter data on people served and assistance provided under ESG.
  - iii. Victim service providers shall actively utilize a comparable data system that meets HUD's standards (24 CFR 576.107).
  - iv. Commission on Homelessness and Housing will designate an HMIS Lead Agency through a Memorandum of Understanding that will be reviewed and renewed at three year intervals. The HMIS lead will be responsible for CoC, ESG, and NHAP HMIS activities. Continuity is a critical factor in a well-run HMIS system; therefore preference in the procurement may be granted to the existing provider. ☐ The HMIS provider will recommend to the CoC an HMIS software solution for the CoC.
  - v. The HMIS lead is responsible for:

1. Maintaining and updating the HMIS data system
2. Providing training and support to all HMIS users
3. HMIS Administrator
4. Generating regular reports based on HMIS data including counts of homeless persons and performance reports on CoC and ESG funded providers.
5. Providing reports to HUD as required including the Annual Homelessness Assessment Report (AHAR).
6. The CoC has also designated the HMIS lead to assist in implementing the system of coordinated Entry to be used in the CoC.

## **V. Income Determination**

- a. Minimum standards for determination of an individual or family's annual income consist of calculating income in compliance with 24 CFR 5.609.
  - i. Annual income is defined as: Annual income means all amounts, monetary or not, which:
    1. Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
    2. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
    3. Which are not specifically excluded in paragraph (c) of 24 CFR 5.609.
    4. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access. Individuals and families assisted under ESG are required to have annual incomes at or below 30% of Area Median.

There are no income limits for CoC assistance, but in all instances in which participants are charged rent or occupancy charges, the amount charged must be based on participant's verified annual income for all sources. In verifying income, ESG and CoC funded providers are required to obtain third party verification whenever possible. Self-certification or verification is to be accepted only when all efforts have been made to obtain third party verification have not produced results.

## **VI. Connection with Other Resources**

- a. Minimum standards for connection with other resources consist of assisting each participant to obtain, if applicable:
  - i. Appropriate support services including:
  - ii. Permanent housing;

- iii. Medical health treatment;
- iv. Behavioral health services;
- v. Counseling;
- vi. Supervision; and
- vii. Other services needed for independent living.
- viii. Other governmental and private assistance available to help with housing stability including:
  - 1. Medicaid;
  - 2. Medicare ;
  - 3. Supplemental Nutrition Assistance Program;
  - 4. Women, Infants and Children (WIC);
  - 5. Federal-State Unemployment Insurance Program;
  - 6. Supplemental Security Income (SSI);
  - 7. Social Security Disability Insurance (SSDI);
  - 8. Child and Adult Care Food Program; and
  - 9. Other available assistance.

## **VII. Termination of Assistance**

- a. Minimum standards for termination of assistance are:
  - i. In general – If a program violation occurs and the provider terminates assistance as a result, the termination shall follow an established process that recognizes the rights of the individuals affected. Termination shall only occur in the most severe cases after other remedies have been attempted.
  - ii. Due process rights for individuals and families facing program termination – When an ESG or CoC funded homeless assistance program seeks to terminate participation for any household, the required formal process shall minimally consist of:
  - iii. Written notice clearly stating the reasons for termination;
  - iv. Review of the decision that gives the participant opportunity to present objections to the decision and to have representation. Any appeal of a decision shall be heard by an individual different from and not subordinate to the initial decision-maker; and
  - v. Prompt written notice of the final decision on the appeal.
  - vi. Ability to provide further assistance – Termination will not bar the provider from providing later additional assistance to the same family or individual.

## **VIII. Lead-Based Paint**

- a. Minimum standards for all shelters and program participant-occupied housing consist of compliance with the lead-based paint remediation and disclosure requirements identified in 24 CFR 576.403, including the Lead-Based Paint Poisoning Prevention Act (42 USC 48214846), the Residential Lead-Based Paint Hazard

Reduction Act of 1992 (42 USC 4851-4856) and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M and R.

## **IX. Safety, Sanitation, & Privacy**

- a. Minimum standards for all shelters and program participant-occupied housing consist of compliance with the safety, sanitation & privacy requirements identified in 24 CFR 576.403 and 578.75, including:
  - i. Minimum standards for Emergency Shelters: Any building for which ESG funds were used for conversion, major rehabilitation or other renovation or that receives ESG assistance for shelter operations shall meet state/local government safety and sanitation standards, as well as the following:
    1. Structure and materials—The building must be structurally sound, protect participants from the elements and not pose any threats to their health or safety.
    2. Products and appliances—Any ESG funded renovation, including major rehabilitation and conversion, must use Energy Star products/appliances.
    3. Access—The shelter must comply with the applicable Rehabilitation, Fair Housing and Americans with Disabilities Acts and implementing regulations.
    4. Space and security—Unless it is a day shelter, it must provide appropriate places to sleep, adequate space, and security for residents and their belongings.
    5. Interior air quality—Each shelter room/space must have proper ventilation and be pollutant free.
    6. Water supply—Must be free of contamination.
    7. Sanitary facilities—Each participant must have access to sufficient, sanitary facilities that are in proper operating condition, private and adequate for personal cleanliness and disposal of human waste.
    8. Thermal environment—The shelter must have the necessary, properly operating heating/cooling facilities.
    9. Illumination and electricity—The shelter must have adequate and appropriate lighting and safe electrical sources.
    10. Food preparation—Any food preparation areas must be able to store, prepare, and serve safe and sanitary food.
    11. Sanitary conditions—The shelter must be in sanitary condition.
    12. Fire safety—Each occupied unit of the shelter must have at least one working smoke detector and when possible they should be near sleeping areas. The fire alarm system must be designed for hearing-impaired residents. All public areas must have at least one working

detector and there must be a second means of exiting the building in the event of an emergency.

- ii. **Minimum standards for Permanent and Transitional Housing:** Providers shall not use ESG or CoC funding to help someone remain or move into housing if the housing does not meet the following minimum habitability standards:
  1. Structure and materials—The building must be structurally sound, protect participants from the elements and not pose any threats to their health or safety.
  2. Space and security—Each resident must have adequate space and security for themselves and their belongings and an acceptable place to sleep. ☐ Interior air quality—Each room or space must have proper ventilation and be pollutant free.
  3. Water supply—Must be free of contamination.
  4. Sanitary facilities—Residents must have access to sufficient, sanitary facilities that are in proper operating condition, private and adequate for personal cleanliness and disposal of human waste.
  5. Thermal environment—The housing must have the necessary, properly operating heating/cooling facilities.
  6. Illumination and electricity—The structure must have adequate and appropriate lighting and safe electrical sources.
  7. Food preparation—All food preparation areas contain suitable space and equipment to store, prepare, and serve safe and sanitary food.
  8. Sanitary conditions—The housing must be in sanitary condition.
  9. Fire safety:
    - a. There must be a second means of exiting the building in the event of an emergency.
    - b. Each unit must include at least one properly working smoke detector on each occupied level of the unit, located when possible in a hallway adjacent to a bedroom.
    - c. If the unit is occupied by a hearing-impaired person, smoke detectors must have an alarm system designed for hearing-impaired persons in each bedroom he or she occupies.
    - d. The public areas of the housing must be equipped with a sufficient number of detectors, but not less than one for each area.

## X. Conflicts of Interest

- a. Minimum standards for conflicts of interest are:
  - i. Organizational conflicts of interest

1. ESG and CoC assistance will not be contingent on the individual's or family's acceptance or occupancy of emergency shelter or housing owned by the provider or a provider's subsidiary or parent.
  2. No provider, with respect to individuals or families occupying housing owned by the provider or a provider's subsidiary or parent, will carry out the initial evaluation under 24 CFR 576.401 or administer homelessness prevention assistance under 24 CFR 576.103.
- ii. Individual conflicts of interest
1. When procuring goods and services, the provider will comply with codes of conduct and conflict of interest requirements under 24 CFR 84.42 (private non-profit) or 24 CFR 85.36 (government).
- iii. All transactions/activities
1. No CoC board member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.
  2. Conflicts prohibited – No person involved with the ESG or CoC programs or who is in a position to participate in a decision-making process or gain inside information regarding the program's activities, shall obtain a financial interest or benefit from an assisted activity; have a financial interest in any related contract, subcontract, or assisted activity; or have a financial interest in the activity's proceeds (either himself or herself or those with whom he or she has family or business ties) during his or her tenure or for one year following tenure.
  3. Persons covered – These conflict of interest provisions apply to any employee, agent, consultant, officer or elected or appointed official of the provider's agency.
  4. Exceptions – A provider may request an exception to these provisions from HUD, only if he or she meets the threshold requirements identified in 24 CFR 576.404 and/or 578.95(d)(2)

## **XI. Homeless Participation**

- a. Minimum standards for homeless participation are:
- i. Each funded provider of CoC or ESG assistance must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or equivalent policymaking entity of the provider. (24 CFR 578.75(g))
  - ii. To the maximum extent possible, the provider shall involve homeless individuals and families in paid or volunteer work on the ESG or CoC funded

facilities, in providing services under ESG or CoC and in providing services for occupants of ESG or CoC funded facilities (24 CFR 576.405 and 578.75).

## **XII. Faith-Based Activities**

- a. Minimum standards for faith-based activities (24 CFR 576.406 and 578.87) are:
  - i. Providers receiving ESG/CoC funding shall not engage in inherently religious activities as part of the ESG/CoC-funded programs or services. Such activities must be offered separately from ESG/CoC-funded programs and services and participation must be voluntary.
  - ii. A religious organization receiving ESG/CoC funding retains independence from government and may continue with its mission provided that ESG/CoC funds are not used to support inherently religious activities. An ESG/CoC-funded organization retains its authority over its internal governance.
  - iii. An organization receiving ESG/CoC funding shall not discriminate against a participant or prospective participant based on religion or religious beliefs.
  - iv. ESG/CoC funding shall not be used for the rehabilitation of structures used specifically for religious activities, but may be used for rehabilitating structures that are used for ESG/CoC-eligible activities.

## **XIII. Probation against Involuntary Family Separation.**

- a. The age and gender of a child under age 18 must not be used as a basis for denying any family's admission to any housing or shelter receiving funding from either ESG or CoC (578.93(e))

## **XIV. Nondiscrimination/Equal Opportunity/Affirmative Outreach**

- a. Minimum standards shall comply with the requirements for nondiscrimination, equal opportunity and affirmative outreach identified in §576.407 and 578.93(a-b).

## **XV. Program Income**

- a. Minimum standards for private non-profit organizations for program income earned during the project period are that the program income shall be retained and used to finance the non-Federal share of the project or program. Records of the receipt and use of program income shall be retained. Program income may not be used to meet matching funding requirements.

## **XVI. Recovered Materials**

- a. Minimum standards for the procurement of recovered materials shall comply with the requirements identified in §576.407(f) and 578.99(b), including that the recipient and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.

The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

## **XVII. Displacement**

- a. Minimum standards for minimizing the displacement of persons (families, individuals, businesses, nonprofit organizations and farms) as a result of a project assisted under ESG and/or CoC shall comply with §576.408 and/or 578.83 and consist of:
  - i. **Minimizing displacement:** Consistent with ESG/CoC goals and objectives, the providers shall minimize displacing people as a result of ESG/CoC-funded projects. Temporary relocation not permitted - No temporary relocation shall be required for an ESG/CoC-funded project. When a tenant has to move for an ESG/CoC-funded project, the tenant shall be treated as permanently displaced and offered relocation assistance and payments.
  - ii. **Relocation assistance for displaced persons:** In general, a displaced person shall be provided relocation assistance and advised of his or her Fair Housing Rights.
  - iii. **Displaced Person:** A “displaced person” is defined as any person that moves from a permanent home as a result of ESG/CoC-funded acquisition, rehabilitation, or demolition of a project. A person does not qualify as a “displaced person” if the person:
    1. Was evicted based on a violation of the lease or occupancy agreement; violation of the law; and the recipient determines that the eviction was not undertaken to evade the obligation to provide relocation assistance.
    2. Moved into the property after the application was submitted but was provided with written notice that he or she would not qualify as a “displaced person.”
    3. The person is ineligible under 49 CFR 24.2.

4. HUD determines that the person was not displaced as a result of the project.
- iv. The State or the provider may request that HUD determine whether or not a displacement would be covered by this rule.
- v. **Real property acquisition requirements:** The acquisition of real property for an ESG/CoC funded project is subject to the URA and Federal government wide regulations.
- vi. **Appeals:** A person who disagrees with the recipient's determination concerning whether the person qualifies as a displaced person, or the amount of relocation assistance may file a written appeal. A low-income person who disagrees with the recipient's determination may submit a written request for review of that determination by HUD.

### **XVIII. Records & Recordkeeping**

- a. Minimum standards shall ensure sufficient written records are established and maintained to enable the State and HUD to determine whether ESG/CoC requirements are being met and comply with §576.500 and 578.103, including the following:
  - i. CoC records shall include the following documentation related to establishing and operating the Continuum of Care:
    1. Evidence that the Board selected meets the requirements of 578.5(b);
    2. Evidence that the CoC has been established and operated as set forth in subpart B of 24 CFR part 578 including published agendas and meeting minutes, an approved Governance Charter that is reviewed and updated annually, a written process for selecting a board that is reviewed and updated at least every five years, evidence required for designating a single HMIS for the CoC, and monitoring reports of recipients and sub-recipients.
    3. Evidence that the CoC has prepared the HUD application for funds in accordance with 578.9 ☐ Program participant records shall include written:
      4. Determination and verification/certification that the program participant met the criteria for being Homeless or At Risk of Homelessness and that an effort was made to obtain written third-party verification, when possible and applicable.
      5. For CoC funded projects, acceptable evidence of homeless status as set forth in 576.500(b).

6. Determination and verification/certification that the program participant was eligible or ineligible for the particular services and/or financial assistance.
  7. Determination and verification/certification that the program participant lacked sufficient resources and support networks to provide the assistance for Determination and verification/certification that the program participant met income requirements and that an effort was made to obtain written third party verification, when possible and applicable. This includes annual documentation of income for each program participant who receives housing assistance where rent or an occupancy charge is paid by the program participant.
  8. Determination and verification/certification that the only households served through permanent supportive housing meet HUD's requirements of having a family member be a person with disabilities. Identification of the specific services and financial assistance amounts that were provided to the program participant.
  9. When applicable, verification that the services were terminated in compliance with 576.402 and/or 578.91.
  10. When adopted by the Continuum of Care, a copy of the CoC-approved centralized or coordinated assessment of the program participant
  11. Copies of written leases and rental agreements, documentation of payments made, including dates of occupancy, and compliance with fair market rent, rent reasonableness and utility allowance requirements
  12. Determination and verification that the housing unit met HUD's habitability and lead-based paint standards
  13. Copy of individualized housing stability plan
  14. Notes verifying case management services were provided at least monthly, unless exempt from this requirement
  15. Notes verifying program participant's eligibility was re-evaluated at least every 3 months for homelessness prevention services or at least annually for rapid rehousing services
  16. Notes verifying program participant was assisted to obtain necessary mainstream and other resources
- ii. Program policies and procedures shall indicate:
1. Services are coordinated with Continuum(s) of Care, other homeless assistance/prevention programs and mainstream service and assistance programs.
  2. Compliance with HUD's ESG (24 CFR 576 and 578) requirements for:

- a. Shelter and housing standards
  - b. Conflict of interest
  - c. Homeless participation
  - d. Faith-based activity
  - e. Nondiscrimination, equal opportunity and affirmative outreach ☐ Uniform administrative rules (24 CFR part 84) ☐  
Environmental review
  - f. Lobbying and disclosure (24 CFR part 87)
  - g. Displacement, relocation and acquisition
  - h. Procurement (24 CFR 84.40-84.48)
- 3. Program participant records are kept secure and confidential for participation in HMIS or comparable database.
  - 4. Financial records shall include:
    - a. Supporting documentation for all costs charged to ESG or CoC grant.

### ***Street Outreach Standards***

#### **XIX. Street Outreach Minimum Standards**

- a. **Targeting/Engagement:** Providers of Street Outreach services shall target unsheltered homeless individuals and families, meaning those with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station airport or camping ground.
- b. **Assessment/Service Provision/Referral/Prioritization:** Individuals and families shall be offered an initial need and eligibility assessment and qualifying program participants, including those meeting special population criteria, will be offered the following Street Outreach services, as needed and appropriate: engagement, case management, emergency health and mental health, transportation services.

### ***Emergency Shelter Standards***

#### **XX. Emergency Shelter Minimum Standards**

- a. **Admission:** Providers of Emergency Shelter services shall admit individuals and families who meet the HUD definition of “homeless,” as specified in 24 CFR 576.2 (1, 2, & 4) and agencies’ eligibility criteria.

- b. **Assessment:** Individuals and families shall be offered an initial need and eligibility assessment and qualifying program participants, including those meeting special population criteria, will be offered Emergency Shelter services, as needed and appropriate. Assessment shall be based on the coordinated assessment process employed by the CoC.
- c. **Prioritization/Diversion/Referral:** When appropriate based on the individual's needs and wishes, the provision of or referral to Homeless Prevention or Rapid Rehousing services that can quickly assist individuals to maintain or obtain safe, permanent housing shall be prioritized over the provision of Emergency Shelter or Transitional Housing services.
- d. **Reassessment:** Program participants will be reassessed as case management progresses, based on the individual service provider's policies.
- e. **Discharge/Length of Stay:** Program participants shall be discharged from Emergency Shelter services when they choose to leave or when they have successfully obtained safe, permanent housing. Any Length of Stay limitations shall be determined by the individual service provider's policies and clearly communicated to program participants. Providers of shelter services are strongly encouraged not to discharge individuals and families who have not secured permanent housing and maintain those households in shelter until they can be placed in appropriate permanent housing.
- f. **Safety and Shelter Safeguards for Special Populations:** Safety and Shelter Safeguards shall be determined by the individual Special Population service provider's policies and clearly communicated to program participants.

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### ***Homeless Prevention and Rapid Re-Housing Standards***

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#### **XXI. Homeless Prevention and Rapid Re-Housing Minimum Standards**

- a. **Eligibility/ Prioritization:** Minimum standards for determining and prioritizing which eligible families and individuals shall receive homelessness prevention assistance and which eligible families and individuals shall receive rapid rehousing assistance are:
  - i. **Rapid Re-housing (RR):** To be eligible for RR Housing Relocation and Stabilization Services and Short-term and Medium-term Rental Assistance, people must:
    1. Meet the federal criteria under category (1) of the "homeless" definition in 24 CFR 576.2 [ESG funded programs]
    2. Meet the criteria under category (4) of the "homeless" definition in 24 CFR 576.2 and live in an emergency shelter or other place

- described in category (1) of the “homeless” definition. [ESG funded programs]
3. Program participant’s annual income, at annual review must be less than or equal to 30% of the Area Median Income [ESG Funded programs only] o Meet the federal requirements under categories 1, 2, or 4. (literally homeless, imminently losing primary nighttime residence, and fleeing domestic violence) for CoC funded projects
  4. All participants must lack sufficient resources or support networks to retain housing without ESG or CoC assistance.
- ii. **Homelessness Prevention (HP) ESG:** To be eligible for HP Housing Relocation and Stabilization Services and Short-term and Medium-term Rental Assistance, people must require HP services to prevent moving into an emergency shelter or another place described in category (1) of the “homeless” definition in 24 CFR 576.2, have an annual income below 30% of the median income for the area and:
    1. Meet the federal criteria under the “at risk of homelessness” definition in 24 CFR 576.2 OR
    2. Meet the criteria in category (2), or (4) of the “homeless” definition in 24 CFR 576.2.
  - iii. **Priority populations for Rapid Rehousing.** In providing rapid rehousing assistance, providers shall prioritize the following subpopulations:
    1. Families with children;
    2. Domestic violence survivors;
    3. Single persons without long term disabilities; and
    4. Veterans, especially those persons who have served in the US military but are not eligible for services from the Department of Veterans Affairs (VA) or who are unable to access services from the VA.
- b. **Participant Contribution:** Minimum standards for determining what percentage or amount of rent and utilities costs each program participant shall pay while receiving homelessness prevention or rapid rehousing assistance are:
- i. Participant’s income shall be verified prior to approval for initial and additional financial assistance. Documentation of the participant’s income and expenses, including how the participant is contributing to housing costs, if at all, shall be maintained in participant’s file. This file shall also contain a plan to sustain housing following the assistance, including either a plan to increase income or decrease expenses or both.
  - ii. Participants are not required to contribute rent. Providers funded under ESG or CoC may pay up to 100 percent of the reasonable rent and utility costs for program participants. Providers may, at their discretion, choose to impose rental charges on participants. In the event that providers elect to charge

rent or occupancy charges, these charges may not exceed those established in 24 CFR 578.77.

- iii. Any additional requirements regarding the percentage or amount of rent and utilities costs each program participant shall pay shall be determined by the individual service provider's policies and clearly communicated to program participants.
- c. **Rental Assistance Duration and Adjustment:** Minimum standards for determining how long a particular program participant shall be provided with rental assistance and whether and how the amount of that assistance shall be adjusted over time are:
- i. Participants receive approval for the minimum amount of financial assistance necessary to prevent homelessness. Documentation of financial need shall be kept in the participant's file for each month of financial assistance received. Participants shall not be approved for more rental assistance than can be justified given their income and expenses at a given time.
  - ii. Approval for rental assistance shall be granted in three month increments. Providers must re-assess the continuing need for rental assistance before approving an additional three month increment. In no event will assistance under rapid rehousing exceed 24 months in any 36 month period.
  - iii. Any additional requirements regarding how long a program participant shall be provided with rental assistance and whether and how the amount of that assistance shall be adjusted over time shall be determined by the individual service provider's policies and clearly communicated to program participants.
- d. **Service Type, Amount, & Duration:** Minimum standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a program participant, including the limits, if any, on the homelessness prevention or rapid rehousing assistance that each program participant shall receive, such as the maximum amount of assistance, maximum number of months the program participant may receive assistance; or the maximum number of times the program participant may receive assistance are:
- i. Financial Assistance
    - 1. **Use with other subsidies:** Payment for Financial Assistance costs shall not be provided to a participant who is receiving the same type of financial assistance through other public sources or to a participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments.
    - 2. **Rental application fees [ESG only]:** Payment shall only be made for fees charged by the owner to all applicants.
    - 3. **Security deposits:** Payment shall not exceed two (2) month's rent.

4. **Last month's rent:** Payment shall not exceed one (1) month's rent and shall be included in calculating the participant's total rental assistance.
5. **Utility deposits [ESG/CoC]:** Payment shall only be made for gas, electric, water and sewage deposits.
6. **Utility payments [ESG only]:**
  - a. Payment shall not exceed 24 months per participant, including no more than 6 months of utility payments in arrears, per service.
  - b. A partial payment counts as 1 month.
  - c. Payment shall only be made if the utility account is in the name of the participant or a member of the same household.
  - d. Payment shall only be made for gas, electric, water and sewage costs.
  - e. Participants shall not receive more than 24 months of utility assistance within any 3-year period.
  - f. Moving costs [ESG/CoC] – reasonable one-time moving expenses are eligible.
- e. **Housing Relocation and Stabilization Services:** Housing search and placement services Payment shall only be made for assisting participants to locate, obtain and retain suitable permanent housing through provision of the following services:
  - i. Assessment of housing barriers, needs and preferences
  - ii. Development of an action plan for locating housing
  - iii. Housing search
  - iv. Outreach to and negotiation with owners
  - v. Assistance with submitting rental applications and understanding leases
  - vi. Assessment of housing for compliance with ESG requirements for stability, lead-based paint and rent reasonableness
  - vii. Assistance with obtaining utilities and making moving arrangements
  - viii. Tenant counseling Payment for housing search and placement services shall not exceed 24 months during any 3-year period.
- f. **Housing stability case management:** Payment shall only be made for assessing, arranging, coordinating and monitoring the delivery of individualized services to facilitate housing stability for a participant who resides in permanent housing or to assist a participant in overcoming immediate barriers to obtaining housing through provision of the following services:
  - i. Using the centralized or coordinated assessment system
  - ii. Conducting the initial evaluation, including verifying and documenting participant eligibility
  - iii. Counseling

- iv. Developing, securing and coordinating services and obtaining Federal, State and local benefits
- v. Monitoring and evaluating participant progress
- vi. Providing information and referral to other providers
- vii. Developing an individualized housing and service plan ☐ Conducting re-evaluations

Payment for housing stability case management services provided while the participant is seeking permanent housing shall not exceed 30 days.

Payment for housing stability case management services provided while the participant is living in permanent housing shall not exceed 24 months.

- g. **Mediation [ESG only]:** Payment shall only be made for the cost of mediation between the participant and the owner or person with whom the participant is living, if it is necessary to prevent the participant from losing the permanent housing where he/she resides. Payment for mediation services shall not exceed 24 months during any 3-year period.
- h. **Legal services:** Payment shall only be made for the cost of legal services, if they are necessary to resolve a legal problem that prohibits the participant from obtaining permanent housing or will likely result in the participant losing the permanent housing where he/she resides. Payment for legal services shall not exceed 24 months during any 3-year period. Assistance may NOT be provided for immigration and citizenship matters. Payment arrangements may NOT include retainer or contingency fee agreements. Eligible subject matters for legal services include: child support, guardianship, paternity, emancipation, and legal separation, orders of protection for victims of domestic violence, appeal of benefit claim denials, landlord tenant disputes and resolution of outstanding criminal warrants. Only approved Legal Services provider through NHAP can provide ESG legal services.
- i. **Credit repair [ESG only]:** Payment shall only be made for the cost of assisting the participant in obtaining skills related to household budgeting, managing money, accessing a free personal credit report and resolving personal credit problems. Payment will not be made for a debt or modification of a debt. Payment for credit repair services shall not exceed 24 months during any 3-year period.
- j. **Rental Assistance:**
  - i. Payment shall not exceed 24 months total during a 3-year period in tenant-based or project-based (ESG only) housing.
  - ii. Payment for short-term rental assistance shall not exceed 3 months.

- iii. Payment for medium-term rental assistance shall be for more than 3 months, but shall not exceed 24 months.
  - iv. Payment for rent arrears shall not exceed 6 months and shall be a one-time payment, including any late fees [ESG funded projects only – CoC not eligible]
  - v. Except for a one-time payment of rental arrears on the participant’s portion, payment shall not be provided to a participant who is receiving tenant-based rental assistance or living in a unit receiving project-based assistance or to a participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments.  
[ESG only]
  - vi. Payment shall not exceed the Fair Market Rent established by HUD and shall comply with HUD’s standard of rent reasonableness (24 CFR 982.507).
  - vii. Calculation of the rental payment amount shall only include monthly rent for the unit, any occupancy fees under the lease (except for pet and late fees) and if the participant pays separately for utilities, the monthly utility allowance established by the public housing authority for the area in which the housing is located.
  - viii. Payment for shall only be made when there is a rental assistance agreement between the agency and the owner, which sets forth the terms under which rental assistance will be provided, including the prior requirements; a requirement that the owner provide the sub-recipient with a copy of any notice to vacate given to the participant or any complaint used to commence an eviction action; and the same payment due date, grace period and late payment penalty requirement as the participant’s lease.
  - ix. Payment of any late payment penalties incurred by the agency shall not be claimed for reimbursement.
  - x. Payment shall only be made when there is a legally binding, written lease for the rental unit between the participant and the owner, except for payment of rental arrears (ESG only).
  - xi. Payment shall only be made for units that have been inspected for HUD Housing Quality Standards and re-inspected no less frequently than annually. Rental assistance shall not be paid on behalf of any unit that does not meet Housing Quality Standards.
- k. **Tenant-Based Rental Assistance:** The rental assistance agreement with the unit owner shall be terminated without further payment if:
- i. The participant moves out of the unit
  - ii. The lease terminates and is not renewed
  - iii. The participant becomes ineligible to receive ESG/CoC rental assistance
- l. **Project-Based Rental Assistance [ESG only]:** Payment shall only be made under the following conditions:
- i. The lease has an initial term of one year

- ii. The rental assistance agreement covers one or more permanent housing units in the same building
- iii. Each unit covered by the agreement is only occupied by participants
- iv. Payment will only be made for up to 100% of the first month's rent, if the participant signs a lease and moves into the unit before the end of the month

Any additional requirements regarding the type, amount, and duration of housing stabilization and/or relocation services that will be provided to a program participant, including any limitations shall be determined by the individual service provider's policies and clearly communicated to program participants.

m. **Re-Evaluation:** Minimum standards for completing eligibility re-evaluations of individuals and families are:

**n. Timing:**

- i. **Homelessness Prevention:** participants shall be re-evaluated not less than once every three months
- ii. **Rapid Rehousing:** participants shall be re-evaluated not less than once annually

**o. Eligibility:**

- i. The participant shall have an annual income that is 30 percent of median family income for the area or less, as determined by HUD [ESG only]; and
- ii. The participant shall lack sufficient resources and support networks necessary to retain housing without ESG/CoC assistance.

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## ***Transitional Housing Standards***

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### **XXII. Transitional Housing Minimum Standards**

- a. **Eligibility/ Prioritization.** Minimum standards for determining and prioritizing which eligible families and individuals shall receive transitional housing are:
  - i. To be eligible for transitional housing people must: Meet the federal criteria under category (1), (2) or (4) of the "homeless" definition in 24 CFR 576.2
  - ii. Transitional housing shall be prioritized to serve the following populations of eligible homeless people:
    - 1. Youth
    - 2. Persons seeking to continue recovery in recovery-focused housing

3. Institutional re-entry (may not be eligible for CoC funding but needed from people leaving criminal justice and mental health facilities)
  4. Persons fleeing domestic abuse or violence where it is not possible to find units for rapid rehousing
- b. **Limitation on Occupancy.** No individual or family may be assisted in transitional housing for a period in excess of 24 months. No person shall be discharged from transitional housing into homelessness as a result of this limitation. Transitional housing programs are expected to place individuals and families into permanent housing within 12 months. Programs that maintain participants for longer than 24 months or those with over half their participants remaining for over 12 months may have their funding discontinued.
  - c. **Participant Contribution.** Individuals and families residing in transitional housing are not required to pay rent. Providers of transitional housing may impose occupancy charges. If the provider elects to charge rent or occupancy charges, the charges may not exceed those specified in 578.77.
  - d. **Program Fees.** No fee other than rent or occupancy charges as specified above may be charged to program participants. This includes meals, copayments for services, transportation and all other services that may be provided to program participants.
  - e. **Occupancy Agreements.** All individuals and families served in transitional housing must be provided an occupancy agreement for a minimum of a monthly term and which can be renewed provided that the household does not remain in transitional housing for longer than 24 months. The agreement must specify the requirements for program participation. With the exception of programs providing recovery focused services for persons with substance use disorders, residents in transitional housing may not be required to participate in disability related services. Participants may be required to participate in services that are not disability related and may discharge participants for failure to participate in these services. No person may be terminated from transitional housing without first being provided the right to appeal that decision in accordance with the due process provisions at 24 CFR 578.91(b)

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### ***Permanent Supportive Housing Standards***

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#### **XXIII. Permanent Supportive Housing Minimum Standards**

- a. **Eligibility/ Prioritization.** Minimum standards for determining and prioritizing which eligible families and individuals shall receive permanent supportive housing are:
  - i. To be eligible for permanent supportive housing people must: Meet the federal criteria under category (1) of the “homeless” definition in 24 CFR 576.2. Eligible households include individuals with disabilities and families in

which one adult or child has a disability.

- b. **Priority populations for Permanent Supportive Housing.** In providing permanent supportive housing, providers shall prioritize the following populations:
  - i. Persons who are highly vulnerable with severe service needs;
  - ii. Those who have been homeless for the longest period of time or who have had repeated episodes of homelessness over an extended period.
  - iii. Veterans.
- c. **Order of priority in CoC program funded permanent supportive housing beds dedicated to persons experiencing chronic homelessness, and PSH beds prioritized for occupancy by persons experiencing chronic homelessness.**
  - i. First priority: chronically homeless individuals and families with the longest history of homelessness and with the most severe service needs.
  - ii. Second priority: chronically homeless families and individuals with the longest history of homelessness.
  - iii. Third priority: chronically homeless individuals and families with the most severe service needs.
- d. **Order of priority in permanent supportive housing beds not dedicated or prioritized for persons experiencing chronic homelessness:**
  - i. First priority: homeless individuals and families with a disability and the most severe service needs;
  - ii. Second priority: homeless individuals and families with a disability with a long period of continuous or episodic homelessness.
  - iii. Third priority: homeless individuals and families with a disability coming from transitional housing.
- e. **Single, Prioritized Wait List for Permanent Supportive Housing.** FL -504 CoC will establish a single, prioritized wait list for permanent supportive housing. The wait list will be prioritized according to the order of priority identified above. The single priority waitlist and referral process will allow CoC participants to exercise freedom of choice. Participants may be offered access to housing that is not within their home communities but shall not require participants to relocate in order to obtain housing assistance.
- f. **Housing First.** Providers of permanent supportive housing shall use the Housing First model as outlined below. Any new projects funded by the CoC must use the Housing First model. Any existing permanent supportive housing project that has indicated in application to HUD that it employs the Housing First model must follow the standards as set forth below. Existing permanent supportive housing projects that have not indicated Housing First are 'grandfathered' from this policy.
  - i. **Housing First Projects**
    - 1. Housing is not contingent on compliance with services – participants are provided with a standard one year lease agreement. The lease agreement can only be terminated in accordance with the State of

## Florida Landlord and Tenant Act (Title VI, Chapter 82 Part II)

2. Participants are provided with services and supports to help maintain housing and prevent eviction.
  3. There is no requirement for sobriety prior to being offered housing and admission shall not be conditioned on credit or background checks. Criminal backgrounds will be considered only to the extent necessary to protect safety and well-being.
  4. Participants shall be given choice in their housing subject to program limitations.
  5. Participants are not required to participate in services but providers are required to persistently and consistently seek to engage participants.
  6. Providers are encouraged to support staff in implementing Evidence Based Practices that support Housing First (Critical Time Intervention, Motivational Interviewing, Stages of Change)
  7. Projects that are designated as Housing First shall be contractually obligated to follow these principles and will be subject to monitoring.
  8. Payment for rental assistance shall only be made when there is a rental assistance agreement between the agency and the owner, which sets forth the terms under which rental assistance will be provided, including the prior requirements; a requirement that the owner provide the sub-recipient with a copy of any notice to vacate given to the participant or any complaint used to commence an eviction action; and the same payment due date, grace period and late payment penalty requirement as the participant's lease.
  9. Payment of any late payment penalties incurred by the agency shall not be claimed for reimbursement.
  10. Payment shall only be made when there is a legally binding, written lease for the rental unit between the participant and the owner.
  11. Payment shall only be made for units that have been inspected for HUD Housing Quality Standards and re-inspected no less frequently than annually. Rental assistance shall not be paid on behalf of any unit that does not meet Housing Quality Standards.
- g. **Participant Contribution.** Individuals and families residing in permanent supportive housing are required to pay rent. Rent charges may not exceed those specified in 578.77.
- h. **Program Fees.** No fee other than rent or occupancy charges as specified above may be charged to program participants. This includes meals, copayments for services, transportation and all other services that may be provided to program participants

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## ***Emergency Transfer Plan***

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### **XXIV. Emergency Transfer Plan**

#### ***Protections for victims of domestic violence, dating violence, sexual assault, or stalking***

- a. The Violence Against Women’s Act (VAWA) final rule includes:
  - i. Continuation of the core protections – The rule codifies the core protection across HUD’s covered programs ensuring survivors are not denied assistance as an applicant, or evicted or have assistance terminated due to having been a victim of domestic violence, dating violence, sexual assault, and stalking, or for being affiliated with a victim.
  - ii. Emergency transfers – One of the key elements of VAWA’s housing protections are emergency transfers which allows for survivors to move to another safe and available unit if they fear for their life and safety. VAWA required HUD to adopt a model emergency transfer plan for housing providers and to explain how housing providers must address their tenants’ requests for emergency transfers.
- b. In accordance with Violence Against Women’s Act (VAWA) Rule, the grants that are awarded by the HUD Continuum of care (CoC) Program must comply with this Rule as outlined under 24CFR 578.99 (j), 24CFR 578.7(a)(9)(ii), (iii) and (v). and 24 CFR 578.7(d) as follows:
  - i. ***VAWA emergency transfer plan.*** FL -504 CoC has developed an emergency transfer plan for the Continuum of Care that meets the requirements under [§ 578.99\(j\) \(8\)](#).
    1. CoC Project Recipients/Housing Providers must comply with the Emergency Transfer Plan in accordance with 24CFR 578.99 (j).
    2. CoC Project Recipients/Housing Providers must make its emergency transfer plan available upon request and, when feasible, must make its plan publicly available HUD Form 5380 in accordance with VAWA. (See Attached form 5830).
    3. CoC Project Recipients/Housing Providers must implement an emergency transfer plan within their organization in based on the Model Emergency Transfer Plan provided in HUD Form 5381 for covered housing programs. (see attached Form 5831)
    4. Project Recipients/Housing Providers must modify the plan to adjust

- to the housing criteria that the project is funded under. Simply implementing the form as is will not be sufficient to meet this criteria.
5. Each Program Recipient/Housing Provider that is a covered housing provider under the HUD CoC program funding at should make available:
    - a. Provide for Internal emergency transfer to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
    - b. External emergency transfer refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit.
    - c. Safe unit refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.
    - d. Provide for Survivor Driven Practices: Trauma Informed Care and Victim Centered approaches are implemented in order to provide the time, space, support, that are necessary for survivors to reintegrate into the community.
  6. A tenant receiving rental assistance through, or residing in a unit subsidized under, a Project Recipients/Housing Provider who is a victim of domestic violence, dating violence, sexual assault, or stalking qualifies for an emergency transfer if:
    - a. The tenant expressly requests the transfer; and
    - b. The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or
    - c. In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.
  7. In accordance with the CoC and ESG Written standards (as amended) the Project Recipients/Housing Providers the emergency transfer must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories

of tenants seeking transfers and individuals seeking placement on waiting lists.

8. Project Recipients/Housing Providers must maintain strict confidentiality measures to ensure that the Project Recipients/Housing Provider does not disclose the location of the dwelling unit of the tenant to a person who committed or threatened to commit an act of violence, dating, sexual assault, or stalking against the tenant.
9. Project Recipients/Housing Providers must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.
10. Project Recipients/Housing Providers must follow policies for assisting a tenant in making an internal emergency transfer under VAWA when a safe unit is not immediately available, and these policies must ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that housing providers may already provide to other types of emergency transfer requests.
11. Project Recipients/Housing Providers must take reasonable efforts to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available. The plan must include policies for assisting a tenant who is seeking an external emergency transfer under VAWA out of the Project Recipients/Housing Providers 's program or project, and a tenant who is seeking an external emergency transfer under VAWA into the Project Recipients/Housing Providers 's program or project. These policies may include:
  - a. Arrangements with the COHH Coordinated Entry facilitator, including memoranda of understanding, to facilitate moves; and
  - b. Outreach activities to organizations that assist or provide resources to victims of domestic, dating violence, sexual assault, or stalking.
12. Project Recipients/Housing Providers cannot deny a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.
13. Project Recipients/Housing Providers must specify what will happen with respect to the non-transferring family member(s), if the family separates in order to effect an emergency transfer.
14. Project Recipients/Housing Providers may require documentation from a tenant seeking an emergency transfer, provided that:
  - a. The tenant's submission of a written request to the Project

Recipients/Housing Providers, where the tenant certifies that they meet the criteria in paragraph 5.(b) of this section, shall be sufficient documentation of the requirements in paragraph 5.(b) of this section;

- b. The Project Recipients/Housing Providers may, at its discretion, ask an individual seeking an emergency transfer to document the occurrence of domestic violence, dating violence, sexual assault, or stalking, in accordance with § 5.2007, for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence; and
  - c. No other documentation is required to qualify the tenant for an emergency transfer.
15. The Project Recipients/Housing Providers must keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. Requests and outcomes of such requests must be reported to [HUD](#) annually.
- c. In accordance with Violence Against Women’s Act (VAWA) Rule, the grants that are awarded by the HUD CoC Program must comply with this Rule as 24CFR 578.7(a)(9)(ii), (iii) and (v) as follows:
    - i. In consultation with Program Recipients/Housing Providers of [Emergency Solutions Grants](#) and CoC program funds as well as other housing providers within the geographic area, the FL-504 CoC has updated its CoC and ESG Written standards to include:
      - 1. Policies and procedures for determining and prioritizing eligible individuals and families who are identified through the Emergency Transfer Plan for Domestic Victims of Domestic Violence who will receive transitional housing assistance required under § 578.99(j)(8));
      - 2. If HP has no safe and available units for which a tenant who needs an emergency is eligible, HP will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move.
      - 3. At the tenant’s request, HP will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.
      - 4. Policies and procedures for determining and prioritizing eligible individuals and families who are identified through the Emergency Transfer Plan for Domestic Victims of Domestic Violence who will

- receive rapid rehousing assistance (these policies must include the emergency transfer priority required under [§ 578.99\(j\)\(8\)](#));
- d. For families living in units receiving tenant-based rental assistance (assisted units), if a program participant qualifies for an emergency transfer, but a safe unit is not immediately available for an internal transfer, that program participant shall have the priority over all other applicants for tenant based rental assistance, utility assistance and units for which tenant based rental assistance is provided.
  - e. For families receiving tenant-based rental assistance, the non-transferring family members(s) will continue to receive tenant-based rental assistance through the end of the term of the lease, if the family separates in order to effect and emergency transfer and the non-transferring family member(s) did not engage in criminal activity directly related to domestic violence dating violence, sexual assault or stalking.
  - f. Policies and procedures for determining and prioritizing eligible individuals and families who are identified through the Emergency Transfer Plan for Domestic Victims of Domestic Violence who will receive permanent supportive housing assistance (these policies must include the emergency transfer priority required under § 578.99(j)(8));
  - g. For families living in units that are otherwise assisted under this part, (assisted units), the required policies must provide that for program participants who qualify for an emergency transfer but a safe unit is not immediately available for an internal emergency transfer, the individual or family shall have priority over all other applicants for rental assistance, transitional housing, and permanent supportive housing projects funded under this part provided that: The individual or family member meets all the eligibility criteria required by Federal law or regulation or HUD NOFA; and the individual or family meets criteria or preferences established in accordance with 24 CFR 578.93(b)(1), (4), (6), or (7). The individual or family shall not be required to meet any other eligibility criteria or preference for the project. The individual or family shall retain their original homeless or chronically homeless status for the purposes of the transfer.
  - h. The HUD Emergency Transfer Plan Model contains only general provisions of an emergency transfer plan that apply across the covered HUD programs. Adoption of this model plan without further information will not be sufficient to meet a housing provider's responsibility to adopt an emergency transfer plan. Project Recipients/Housing must consult applicable regulations and program-specific HUD guidance when developing their own emergency transfer plans to ensure their plans contain all required element
  - i. The Collaborative Applicant, responsible for monitoring all HUD CoC and ESG funded programs will include the following as part of their monitoring:
    - i. Existence of an Emergency Transfer Plan by funded agencies
    - ii. Modification of the HUD 5381 Model Emergency transfer Plan specific to the

- program being implements
- iii. Implementation of HUD form: **Notice of Occupancy Rights under the Violence Against Women Act**
  - iv. Form 91067: Lease Addendum/Violence Against Women and Justice Department Reauthorization Act 2005
  - v.

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## *Equal access/ Gender Identify Rule*

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### **XXV. Policy on Gender Inclusion and Non-Discrimination with Respect to Sexual Orientation or Gender Identity**

All programs funded or regulated by the U.S. Department of Housing and Urban Development (HUD) must comply with regulations that guarantee equal access to housing in HUD programs regardless of sexual orientation or gender identity.<sup>12</sup> In an effort to achieve full compliance, the Volusia Flagler Continuum of Care (CoC FL-504) adopts the following policy:

#### **a. Definitions.**

For purposes of this policy:

1. Sexual orientation means one's emotional or physical attraction to the same and/or opposite sex (e.g. homosexuality, heterosexuality, or bisexuality).
2. Perceived gender identity means the gender with which a person is perceived to identify, based on that person's appearance, behavior, expression, other gender related characteristics, or the sex assigned to the individual at birth or identified in documents.
3. Gender identity means the gender with which a person identifies, if any, regardless of the sex assigned to that person at birth and regardless of that person's perceived gender identity.
4. Equal access means housing programs are open to all eligible individuals and families regardless of sexual orientation or, gender identity, and individuals will not be discriminated against based on actual or perceived gender identity, and where legitimate consideration of sex or gender is appropriate, such as in a facility providing temporary, or short term shelter that is not covered by the Fair Housing Act and which is legally permitted to operate as a single sex facility, the individual's own self-identified gender identity will govern.<sup>3</sup>

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<sup>1</sup> [https://www.hudexchange.info/resources/documents/EqualAccess\\_FinalRule\\_2.3.12.pdf](https://www.hudexchange.info/resources/documents/EqualAccess_FinalRule_2.3.12.pdf)

<sup>2</sup> <https://www.hudexchange.info/resources/documents/Equal-Access-Message-from-PDAS-Tregoning.pdf>

<sup>3</sup> <https://www.hudexchange.info/resources/documents/Equal-Access-Final-Rule-2016.pdf>

**b. Intent and Applicability.**

1. The CoC FL-504 is directed by HUD to facilitate the development of a comprehensive system of housing and services for persons experiencing homelessness in Volusia and Flagler Counties, specifically including the use of funding made available under the HUD Continuum of Care Program and other homelessness assistance programs. Accordingly, it is the intent of CoC FL-504 to guarantee equal access to housing and services in homelessness assistance programs regardless of sexual orientation or gender identity (Equal Access).
2. The adoption of this Equal Access policy is a direct reflection of CoC FL-504's commitment to Housing First and to low-barrier access to housing and services.
3. All agencies receiving funding through HUD or that is otherwise made available through CoC FL-504 must promote and ensure Equal Access.
4. Although not required, all non-HUD/CoC-funded member agencies are strongly encouraged to adopt internal policies and best practices that promote and ensure Equal Access.

**c. Equal Access Standard.**

CoC FL-504 will assess whether an agency and its programs and services promote and ensure Equal Access by the extent to which it:

1. Determines client eligibility for housing, programs and services regardless of their sexual orientation, gender identity, perceived gender identity, or marital status, and will not discriminate against anyone because they do not conform to gender or sex stereotypes;
2. Grants client's equal access to housing, programs and services in a manner consistent with their gender identity;
3. Declines to ask clients to provide anatomical information, documentation of (including ID), or physical or medical evidence of their gender identity;
4. Whenever necessary, takes steps to address privacy concerns raised by any residents or occupants, including persons in question, in an appropriate and non-discriminatory way;
5. Ensures that individuals are made aware of their right to Equal Access by providing notice of such rights, using methods such as by posting in public spaces, amending program forms and documentation; and *rights and responsibilities*
6. Participates in annual CoC training on service inclusion and non-discrimination (which many be incorporated into Housing First training).

**d. Implementation Timeline.**

CoC FL-504 will implement this policy with the following actions:

- a. Add an additional non-scoring question to the 2020 NOFA application asking if the applicant has adopted internal policies and practices that indicate adherence to the above CoC policy on gender inclusion and non-discrimination.
- b. CoC FL-504 will continue to offer training opportunities for providers building towards full compliance with regard to the above policy.