

# HOUSING FIRST SOLANO CONTINUUM OF CARE: WRITTEN STANDARDS FOR SERVICE

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The following standards will govern the Continuum of Care (CoC), Emergency Solutions Grant (ESG) and other funded projects in the Housing First Solano CoC. Each program may focus or operate a little differently; however, they will align with these overall standards.

## PURPOSE

The HEARTH Act requires the Housing First Solano CoC to have written policies and procedures that govern the provision of assistance to individuals and families. These policies and procedures provide guidance to local providers in administering funding assistance in the following areas:

- Policies and procedures for evaluating individuals' and families' eligibility for assistance;
- Policies and procedures for determining and prioritizing which eligible individuals and families will receive transitional housing assistance;
- Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid rehousing assistance;
- Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid rehousing assistance;
- Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance;

The policies and procedures are not intended to be in lieu of or in place of the Interim Regulations for the HEARTH Act, but are intended to clarify local decisions regarding program administration. All HUD funded providers must follow the Interim Regulations in its entirety.

With respect to assessment, prioritization, matching, and referral, these written standards are to be read in conjunction with the Housing First Solano Coordinated Entry System Policies and Procedures.

## KEY TERMS

- 1) **Housing First.** The evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing homeless or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services. HUD and the State of California encourage all recipients of funding for housing and homeless services to follow a Housing First approach to the maximum extent practicable.
  - Core Components of Housing First from CA SB1380:
    - (1) Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services.

- (2) Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of “housing readiness.”
- (3) Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts of crisis response systems frequented by vulnerable people experiencing homelessness.
- (4) Supportive services that emphasize engagement and problem solving over therapeutic goals and service plans that are highly tenant-driven without predetermined goals.
- (5) Participation in services or program compliance is not a condition of permanent housing tenancy.
- (6) Tenants have a lease and all the rights and responsibilities of tenancy, as outlined in California’s Civil, Health and Safety, and Government codes.
- (7) The use of alcohol or drugs in and of itself, without other lease violations, is not a reason for eviction.
- (8) In communities with coordinated assessment and entry systems, incentives for funding promote tenant selection plans for supportive housing that prioritize eligible tenants based on criteria other than “first-come-first-serve,” including, but not limited to, the duration or chronicity of homelessness, vulnerability to early mortality, or high utilization of crisis services. Prioritization may include triage tools, developed through local data, to identify high-cost, high-need homeless residents.
- (9) Case managers and service coordinators who are trained in and actively employ evidence-based practices for client engagement, including, but not limited to, motivational interviewing and client-centered counseling.
- (10) Services are informed by a harm-reduction philosophy that recognizes drug and alcohol use and addiction as a part of tenants’ lives, where tenants are engaged in nonjudgmental communication regarding drug and alcohol use, and where tenants are offered education regarding how to avoid risky behaviors and engage in safer practices, as well as connected to evidence-based treatment if the tenant so chooses.
- (11) The project and specific apartment may include special physical features that accommodate disabilities, reduce harm, and promote health and community and independence among tenants.

2) **Chronically Homeless.** The definition of “chronically homeless”, as stated in Definition of Chronically Homeless final rule is:

- a) A “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act as amended by the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 (42 U.S.C. 11360(9)), is someone who:

- i. lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
    - ii. Has been homeless and living as described in paragraph (a)(i) continuously for at least 12 months or on at least four separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (a)(i). Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering an institutional care facility;
  - b) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (a) of this definition, before entering the facility;
  - c) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (a) or (b) of this definition (as described in Section I.D.2.(a) of this Notice), including a family whose composition has fluctuated while the head of household has been homeless.
- 3) **Severity of Service Needs.** These Written Standards refers to persons who have been identified as having the most severe service needs.
- a) For the purposes of these Written Standards, this means an individual for whom at least one of the following is true:
    - i. History of high utilization of crisis services, which include but are not limited to, emergency rooms, jails, and psychiatric facilities; and/or
    - ii. Significant health or behavioral health challenges, substance use disorders, or functional impairments which require a significant level of support in order to maintain permanent housing.
    - iii. For youth and victims of domestic violence, high risk of continued trauma or high risk of harm or exposure to very dangerous living situations.
    - iv. When applicable CoCs and recipients of CoC Program-funded PSH may use an alternate criteria used by Medicaid departments to identify high- need, high cost beneficiaries.
  - b) Severe service needs as defined in paragraphs i.-iv. above should be identified and verified through data-driven methods such as an administrative data

match or through the use of a standardized assessment tool and process and should be documented in a program participant's case file. The determination must not be based on a specific diagnosis or disability type, but only on the severity of needs of the individual. The determination cannot be made based on any factors that would result in a violation of any nondiscrimination and equal opportunity requirements, see 24 C.F.R. § 5.105(a).

## PARTICIPANT ELIGIBILITY AND DOCUMENTATION STANDARDS

The Housing First Solano CoC/CAP Solano JPA funds or will fund the following program types: Permanent Supportive Housing, Transitional Housing, Planning, Rapid Rehousing, Joint Transitional Housing/Rapid Rehousing (Joint TH-RRH) hybrid permanent housing, and Coordinated Entry. As set forth in the HEARTH Act, there are four categories of eligibility: 1) Literally Homeless, 2) Imminent Risk of Homelessness, 3) Homeless Under Other Federal Statutes (subject to cap), and (4) Fleeing/Attempting to Flee Domestic Violence. The Housing First Solano CoC/CAP Solano JPA elects to serve categories 1, 2, and 4 due to the shortage of resources for those priority populations and excessive demand.

*Note:* Category 4 of the McKinney-Vento Homeless Definition was changed in the 2022 VAWA Reauthorization to:

Any individual or family who:

- (i) is experiencing trauma or lack of safety related to, or fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized;
- (ii) Has no other safe residence; and
- (iii) Lacks the resources to obtain other safe permanent housing.

Housing Providers are responsible for literally homeless, [chronically homeless](#), and disability documentation for their projects, as required and described below. As needed, the Coordinated Entry Operator, outreach staff, and emergency shelters will work with housing providers to document literal homeless status, length of homelessness and disabling conditions.

Documentation must be included in the case file, and/or scanned into the HMIS client record that demonstrates eligibility as follows:

- 1) Literally Homeless (in order of preference)
  - a) Third party verification (HMIS print-out, or written referral/certification by another housing or service provider); or
  - b) Written observation by an outreach worker; or

- c) Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;

If the provider is using anything other than a Third-Party Verification, the case file must include documentation of due diligence to obtain third party verification.

2) Imminent Risk of Homelessness

- a) A court order resulting from an eviction action notifying the individual or family that they must leave within 14 days; or
- b) For individual and families leaving a hotel or motel – evidence that they lack the financial resources to stay; or
- c) A documented and verified written or oral statement that the individual or family will be literally homeless within 14 days; and
- d) Certification that no subsequent residence has been identified; and
- e) Self-certification or other written documentation that the individual lacks the financial resources and support necessary to obtain permanent housing.

3) NOT APPLICABLE – Homeless Under Other Federal Statute

4) Fleeing/Attempting to Flee DV

- a) For victim service providers:
  - i. An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification or a certification by the intake worker.
- b) For non-victim service providers:
  - ii. Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and
  - iii. Certification by the individual or head of household that no subsequent residence has been identified; and
  - iv. Self-certification or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

**Documentation for Emergency Transfer Requests:**

If an eligible participant is requesting an Emergency Transfer through the Emergency Transfer Process outlined in Attachment IV then HUD requires that:

- a) The participant provide a written request from the tenant certifying that they meet the criteria for an Emergency Transfer; and
- b) The housing provider *may* ask the tenant for documentation of the occurrence leading to the request (as long as they have not already provided this documentation).
- c) No other documentation is required to qualify the tenant for an emergency transfer.

For each program participant who moved to a different Continuum of Care due to imminent threat of further violence under 24 CFR § 578.51(c)(3), the CoC program must retain:

- a) Documentation of the original incidence of violence. This may be written observation of the housing or service provider; a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom the victim has sought assistance; medical or dental records; court records or law enforcement records; or written certification by the program participant to whom the violence occurred or by the head of household.
- b) Documentation of the reasonable belief of imminent threat of further violence, which would include threats from a third-party, such as a friend or family member of the perpetrator of the violence. This may be written observation by the housing or service provider; a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom the victim has sought assistance; current restraining order; recent court order or other court records; law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts; or a written certification by the program participant to whom the violence occurred or the head of household.

As defined in the HEARTH Act, eligibility for Permanent Supportive Housing is limited to categories 1 and 4. Participants must also:

- 1) Enter from the street or shelter, or a transitional housing program to which they originally entered from the street or shelter (NOTE: if the project is designated for chronically homeless, they may only enter from the street or shelter. Individuals may lose their chronically homeless designation after they enter a transitional housing program); and
- 2) At least one member of the household must have a disability of long duration, verified either by Social Security or a licensed professional that meets the state criteria for diagnosing and treating that condition.

**Housing Provider Note re: [Chronic Homeless Verifications](#):**

- 100% of households served can use self-certification for three of their 12 months;
- 75% of households served need to use third party documentation for 9 months of their 12 months;

- 25% of households served can use self-certification as documentation for any and all months.
- Homeless documentation should be obtained within 180 days of the household moving into their unit (per HUD regulations) and does not need to delay housing the client. However, the CoC recommends that homeless verifications are obtained within 45 days of housing the client. Disability documentation must be collected within 45 days of moving into a unit.
- Due diligence is required when attempting to access any third party verification that can be documented.

## INCREASING PERMANENT SUPPORTIVE HOUSING BEDS FOR CHRONICALLY HOMELESS INDIVIDUALS AND FAMILIES

- 1) ***To the extent feasible, Housing First Solano CoC shall work to increase the number of CoC Program-funded PSH beds that are dedicated to persons experiencing chronic homelessness.*** Dedicated PSH beds are those which are required through the project’s grant agreement to only be used to house persons experiencing chronic homelessness unless there are no persons within Housing First Solano CoC that meet that criteria. If there are no persons within Housing First Solano’s geographic area that meet the definition of chronically homeless at a point in which a dedicated PSH bed is vacant, the recipient may then fill the bed through the Coordinated Entry System, following the order of priority for non-dedicated PSH established in these Written Standards. The bed will continue to be a dedicated bed, however, so when that bed becomes vacant again it must be used to house a chronically homeless person unless there are still no persons who meet that criterion within Housing First Solano CoC’s geographic area at that time. These PSH beds are also reported as “CH Beds” on a CoC’s Housing Inventory Count (HIC).
  
- 2) ***Prioritize non-dedicated PSH beds for use by persons experiencing chronic homelessness.*** Prioritization means implementing an admissions preference for chronically homeless persons for CoC Program-funded PSH beds. During the CoC Program competition project applicants for CoC Program-funded PSH indicate the number of non-dedicated beds that will be prioritized for use by persons experiencing chronic homelessness during the operating year of that grant, when awarded. These projects are then required to prioritize chronically homeless persons in their non-dedicated CoC Program-funded PSH beds for the applicable operating year as the project application is incorporated into the grant agreement. All recipients of non-dedicated CoC Program-funded PSH are encouraged to change the designation of their PSH to dedicated, however, at a minimum are encouraged to prioritize the chronically homeless as beds become vacant to the maximum extent practicable, until there are no persons within the CoC’s geographic area who meet that criteria.



## PRIORITIZING AND TARGETING ASSISTANCE FOR MANDATED PROJECTS

### COORDINATED ENTRY

The CoC has established a Coordinated Entry System (CES) for all CoC and ESG-funded program referrals in compliance with HCD ESG regulations, 25 CCR 8409; HUD Coordinated Entry Notices CPD-17-01 and CPD-16-11; VAWA Reauthorization Act of 2013; and the CoC Program Interim Rule, 24 CFR Part 578. Other funding sources also mandate recipient participation in the coordinated entry system. All projects mandated to participate in coordinated entry by their funding source will hereby be referred to as “mandated projects.”

The CoCs’ Coordinated Entry System provides a centralized process that coordinates program participant intake assessment and provision of referrals for all mandated projects. The CES covers the CoCs’ geographic area, is easily accessed by individuals and families seeking housing or services, and is well advertised. The CES uses the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT), a standardized assessment tool that ensures that the CoC prioritizes assistance for people with the most urgent and severe needs and those who have been homeless for the longest period of time.

The VI-SPDAT combines the strengths of two widely used existing assessments:

- The Vulnerability Index (VI), developed by **Community Solutions** using leading medical research, which helps determine the chronicity and medical vulnerability of homeless individuals.
- The Service Prioritization Decision Assistance Tool (SPDAT), developed by **OrgCode Consulting**, is an intake and case management tool. Based on a wide body of social science research and extensive field testing, the tool helps service providers allocate resources in a logical, targeted way.

The VI-SPDAT is designed to help calibrate the response based on the individual, not merely the general population category into which they may fall (e.g., vulnerable, chronically homeless, etc.). The tool helps identify the best type of support and housing intervention for an individual.

As set forth in the Housing First Solano CoC Coordinated Entry Policies and Procedures, providers administering mandated permanent housing (either Joint TH-RRH, RRH or PSH) shall use the CES to ensure housing is prioritized for those with the highest VI-SPDAT scores who are who are eligible for the provider’s program.

### PRIORITIZATION FOR PERMANENT HOUSING PROGRAMS

Housing First Solano CoC prioritizes individuals and families experiencing homelessness or individuals and families who at risk of homelessness according to the Housing First Solano CoC Coordinated Entry System Policies and Procedures.

Housing First Solano CoC has adopted the order of priority described in Notice CPD 16-11 as follows:

**ORDER OF PRIORITY IN COC PROGRAM-FUNDED PERMANENT SUPPORTIVE HOUSING BEDS DEDICATED TO PERSONS EXPERIENCING CHRONIC HOMELESSNESS AND PERMANENT SUPPORTIVE HOUSING PRIORITIZED FOR OCCUPANCY BY PERSONS EXPERIENCING CHRONIC HOMELESSNESS**

1) ***First Priority–Chronically Homeless Individuals and Families with the Longest History of Homelessness and with the Most Severe Service Needs.***

A chronically homeless individual or head of household as defined in 24 CFR 578.3 for whom both of the following are true:

- a) The chronically homeless individual or head of household of a family has been homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter for at least 12 months either continuously or on at least four separate occasions in the last 3 years, where the cumulative total length of the four occasions equals at least 12 months; and
- b) The CoC or CoC Program recipient has identified the chronically homeless individual or head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs (see Section I.D.3. of this Notice for definition of severe service needs).

2) ***Second Priority–Chronically Homeless Individuals and Families with the Longest History of Homelessness.***

A chronically homeless individual or head of household, as defined in 24 CFR 578.3, for which both of the following are true:

- a. The chronically homeless individual or head of household of a family has been homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter for at least 12 months either continuously or on at least four separate occasions in the last 3 years, where the cumulative total length of the four occasions equals at least 12 months; and,
- b. The CoC or CoC program recipient has not identified the chronically homeless individual or the head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs.

3) ***Third Priority–Chronically Homeless Individuals and Families with the Most Severe Service Needs.***

A chronically homeless individual or head of household as defined in 24 CFR 578.3

for whom both of the following are true:

- a) The chronically homeless individual or head of household of a family has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter on at least four separate occasions in the last 3 years, where the total length of those separate occasions equals less than one year; and
- b) The CoC or CoC program recipient has identified the chronically homeless individual or the head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs.

4) ***Fourth Priority–All Other Chronically Homeless Individuals and Families.***

A chronically homeless individual or head of household as defined in 24 CFR 578.3 for whom both of the following are true:

- The chronically homeless individual or head of household of a family has been homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter for on at least four separate occasions in the last 3 years, where the cumulative total length the four occasions is less than 12 months; and
- The CoC or CoC program recipient has not identified the chronically homeless individual or the head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs

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**ORDER OF PRIORITY IN PERMANENT SUPPORTIVE HOUSING BEDS NOT DEDICATED OR PRIORITIZED FOR PERSONS EXPERIENCING CHRONIC HOMELESSNESS**

1) ***First Priority–Homeless Individuals and Families with a Disability with Long Periods of Episodic Homelessness and Severe Service Needs.***

An individual or family that is eligible for CoC Program-funded PSH who has experienced fewer than four occasions where they have been living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter but where the cumulative time homeless is at least 12 months **and** has been identified as having severe service needs.

2) ***Second Priority–Homeless Individuals and Families with a Disability with Severe Service Needs.***

An individual or family that is eligible for CoC Program-funded PSH who is residing in a place not meant for human habitation, a safe haven, or in an emergency shelter and has been identified as having severe service needs. The length of time in which

households have been homeless should also be considered when prioritizing households that meet this order of priority, but there is not a minimum length of time required.

3) ***Third Priority–Homeless Individuals and Families with a Disability Coming from Places Not Meant for Human Habitation, Safe Haven, or Emergency Shelter Without Severe Service Needs.***

An individual or family that is eligible for CoC Program-funded PSH who is residing in a place not meant for human habitation, a safe haven, or an emergency shelter where the individual or family has not been identified as having severe service needs. The length of time in which households have been homeless should be considered when prioritizing households that meet this order of priority, but there is not a minimum length of time required.

4) ***Fourth Priority–Homeless Individuals and Families with a Disability Coming from Transitional Housing.***

An individual or family that is eligible for CoC Program-funded PSH who is currently residing in a transitional housing project, where prior to residing in the transitional housing had lived in a place not meant for human habitation, in an emergency shelter, or safe haven. This priority also includes individuals and families residing in transitional housing who were fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking and prior to residing in that transitional housing project even if they did not live in a place not meant for human habitation, an emergency shelter, or a safe haven prior to entry in the transitional housing.

## STANDARDS FOR ADMINISTERING ASSISTANCE

### CONFIDENTIALITY

The recipient and its subrecipients must develop and implement written procedures to ensure:

- (i) All records containing personally identifying information (as defined in HUD's standards for participation, data collection, and reporting in a local HMIS) of any individual or family who applies for and/or receives ESG assistance will be kept secure and confidential;
- (ii) The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter; and
- (iii) The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or

subrecipient and consistent with state and local laws regarding privacy and obligations of confidentiality.

(2) The confidentiality procedures of the recipient and its subrecipients must be in writing and must be maintained in accordance with this section.

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## RAPID REHOUSING ASSISTANCE

### ***Structure of Rapid Rehousing Assistance***

#### Goal of Assistance

- After receipt of assistance, a household is able to remain stably housed.

#### Subsidy Amount/Length of Time/Calculation

- Rental subsidies provided are based on client income. Initial assistance can be as much as 100% of rent depending on client income. Client will pay a percentage of their income in rent based on the program's assessment of the client's financial and family situation.
- Rental assistance would decline in steps based upon a fixed timeline at the program's discretion based upon the client's financial and family situation.

#### Subsidy Ending

- The goal is for households to "graduate" from the program once they no longer meet the eligibility requirements of the program's funding source and/or a Case Manager determines assistance can be terminated, whichever comes first.
- An assessment tool is used regularly to determine the need for ongoing assistance.
- If the household does not attain any of these goals, assistance ends at 24 months (or earlier time as set by the program).

#### Move In Assistance

- Move In Assistance will be targeted to households who are assessed as able to maintain their unit after the assistance. The amount of move-in assistance is determined by the program, within the limits set by the program's funding source.
- Move In Assistance may be provided as one-time assistance or in tandem with Rental Assistance/Rental Subsidies.

### ***Rapid Rehousing Eligibility Requirements***

In order to qualify for rapid rehousing, households must fall within the target population as well as satisfy the following criteria:

- 1) Meet the current HUD definition of literally homeless (Category 1); or

- 2) Meet the current HUD definition of fleeing/attempting to flee domestic violence (Category 4); or
- 3) Reside in a Joint TH-RRH component project;

AND

- 4) Be the highest priority household available
- 5) Other eligibility criteria created at the program level

### ***Requirements Related to Receiving Rapid Rehousing Resources***

#### Housing Requirements for Rapid Rehousing

All housing supported by rapid rehousing resources must meet all HUD requirements, including but not limited to, Housing Quality Standards, rent reasonableness standards, FMR (as relevant), environmental review, and others.

#### Service Requirements/Components for Rapid Rehousing

Case Managers will provide intensive case management services in order to assist households to successfully retain housing and move off the subsidy and into self-sufficiency. Services will be provided at the program offices and Case Managers will conduct home visits when appropriate. Services may include, but are not limited to:

- Intake and assessment
- A minimum of one monthly face-to-face case management meeting
- A minimum of one quarterly home visit
- Assistance with transportation, including accompaniment to appointments, home visits
- Verification of progress toward achievement of short and long term client objectives
- Referral to behavioral health resources
- Job search assistance
- Benefits assistance and advocacy
- Referral to vocational and training programs
- Mediation and negotiation with landlords
- Crisis intervention
- Referral to child care resources
- Referral to other services and resources
- Assistance with housing applications
- Budgeting and money management assistance
- Social and organized activities

During the clients' participation in the program, clients must meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability. The project is exempt from this requirement if the Violence Against Women Act of 1994 (42 U.S.C. 13925 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits the recipient carrying out the project from making its housing conditional on the participant's acceptance of services.

All clients may receive follow-up services for up to 6 months to ensure stability and assess the effectiveness of RRH programs. Note that one-time funding may not require intensive case management, dependent upon the type of assistance.

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## TRANSITIONAL HOUSING

- 1) Transitional Housing facilitates the movement of homeless individuals and families to PH within 24 months of entering TH.
- 2) All CoC funded TH programs must enter into a lease or occupancy agreement with tenants that must be at least one month in duration. The lease agreement or occupancy agreement must observe Fair Housing regulations.
- 3) Participants in TH rental assistance programs are expected to pay the higher of 30% of their income (monthly, adjusted) or 10% of monthly gross income toward rent (including utilities). If the participant has zero income, the participants are not required to pay rent, but their supportive services partner is expected to work with them to secure income (either earned or unearned) as soon as possible. In no circumstance can a tenant be charged an amount above the Rent Reasonableness standard established by HUD. Rents collected from residents of TH may be reserved in whole or part to assist the residents from they are collected to move to PH.
- 4) Participants in leasing programs may be charged an occupancy charge up to 30% of the monthly adjusted income; 10% of the family's gross income; or the portion of the family's welfare assistance.

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## JOINT TRANSITIONAL HOUSING-RAPID REHOUSING ASSISTANCE

During the 2017 CoC Competition (Section III.A.3.h. of the 2017 CoC NOFA), HUD announced that communities may create new Joint TH-RRH component projects. The Joint TH-RRH component project includes two existing program components - transitional housing and permanent housing-rapid rehousing - in a single project. When a participant is enrolled in the TH portion of a project, the TH section of the Written Standards above applies and when a participant is enrolled in the RRH portion of a project, the RRH section of the Written Standards above applies.

When a participant is enrolled in a Joint TH-RRH project, the recipient or subrecipient must be able to provide both components, including the units supported by the transitional housing component and the tenant-based rental assistance and services provided through the RRH component, to all participants. A program participant may choose to receive only the transitional housing unit or the assistance provided through the RRH component, but the recipient or subrecipient must make both types of assistance available.

### ***Joint TH-RRH Eligibility Requirements:***

- Individuals and families who meet the following criteria:
  - Residing in a place not meant for human habitation

- Residing in an emergency shelter
- Residing in TH being funded by another Joint Component project
- Fleeing/Attempting to Flee Domestic Violence (Category 4 of the HUD homeless definition)
- Receiving services from a VA-funded homeless assistance program and met one of the above criteria at initial intake to the VA's homeless assistance system

***Minimum Standards (In Addition to TH and RRH requirements outlined above):***

- The coordinated entry system does not determine which component the participant is enrolled in, that is subject to client choice and program availability at the time of referral.
- The maximum stay in a Joint TH-RRH project cannot exceed 24 months total between both project component types. There is no minimum length of stay in the TH portion of the project.
- The project must provide enough RRH assistance to ensure that at any given time a program participant may move from transitional housing to permanent housing. This may be demonstrated by identifying a budget that has twice as many resources for the RRH portion of the project than the TH portion, by having twice as many RRH units at a point in time as TH units, or by demonstrating that the budget and units are appropriate for the population being served by the project.
- Assistance in transitioning to and retaining permanent housing must be provided in a manner that meets participant needs (e.g., provides transportation to access needed services, safety planning, case management, etc).
- Incorporate client-choice by allowing participants to choose when they are ready to exit the crisis housing portion of the project and move to permanent housing, with providers assisting participants with this move. The program must offer both project components, but it is for the client to decide which program component to enroll in, whether it's both or just one component.

***HMIS Considerations:***

- Joint TH-RRH projects must be set up as two separate programs in HMIS. Clients will have one entry if they remain in one of the project components. Clients who move between program components within the same project will have two entries. An APR for each program component must be submitted to Sage annually.

***Homeless Status Retention:***

- Participants remain "homeless" while enrolled in the TH portion of the Joint TH-RRH project and are "housed" once moved into the RRH portion of the project. Participants in the TH portion of the project retain eligibility for entry into Dedicated-Plus projects.



- When participants are enrolled simultaneously in the same Joint TH-RRH project, eligibility is determined by looking at where the client is sleeping that night. If the participant is still sleeping in the TH portion of the project, they are still “homeless.”

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## PERMANENT SUPPORTIVE HOUSING

- 1) Permanent Supportive Housing is community-based housing without a designated length of stay.
- 2) All CoC funded PSH programs must enter into a lease agreement with tenants that must be at least one year in duration and renewable. The lease agreement must observe Fair Housing regulations.
- 3) Participants in PSH rental assistance programs are expected to pay the higher of 30% of their income (monthly, adjusted) or 10% of their gross monthly income toward rent (including utilities). If the participant has zero income, the participants are not required to pay rent, but their supportive services partner is expected to work with them to secure income (either earned or unearned) as soon as possible. In no circumstance can a tenant be charged an amount above the rent calculation standard established by HUD.
- 4) Participants must meet with a case manager once per month and be reevaluated once per year.
- 5) Participants in leasing programs may be charged an occupancy charge up to 30% of the monthly adjusted income; 10% of the family’s gross income; or the portion of the family’s welfare assistance.
- 6) CoC-funded PSH projects are strongly encouraged to prioritize or dedicate beds to chronically homeless individuals and families, including chronically homeless youth and domestic violence survivors.

To be eligible for PSH, participants must also enter from the street or shelter, or a transitional housing program to which they originally entered from the street or shelter (NOTE: if the project is designated for 100% chronically homeless persons, they may only enter from the street or shelter. Individuals may lose their chronically homeless designation after they enter a transitional housing program), and at least one member of the household must have a disability of long duration, verified either by Social Security or a licensed professional that meets the state criteria for diagnosing and treating that condition.

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## EMERGENCY SHELTER

Emergency shelters provide services coordinated to meet the immediate safety and survival needs of the individual or family served, including shelter, food, clothing and other support services. These services are provided in a minimally intrusive environment.

At a minimum, emergency shelters provide the following services directly on-site:

- Sleeping accommodations;
- Personal hygiene supplies and facilities, including toilets and wash basins; and
- Showers and/ or bathtubs (temporary shelters may provide referrals to other facilities for these services).

All households requesting shelter are screened at intake for other safe and appropriate housing options and resources to obtain or maintain their housing. People who have other safe and appropriate housing options or resources are diverted away from emergency shelter and instead offered problem-solving assistance and immediate linkage to homelessness prevention assistance, as needed, desired and available. Participants are also screened for information relevant to securing housing. The recipient or its subrecipient must conduct an initial evaluation to determine the eligibility of each individual or family's eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing. These evaluations must be conducted in accordance with the centralized or coordinated assessment requirements set forth under [§ 576.400\(d\)](#) and the written standards established under [§ 576.400\(e\)](#).

All households requesting shelter are also screened for critical health and safety needs to identify people with more severe service needs and provide and appropriate response. Access to emergency shelter is provided without preconditions, and participants are referred to other forms of homeless assistance in the CoC service area according to the CES Policies and Procedures.

Participants and staff understand that the primary goals of the emergency shelter are to:

- Provide temporary accommodation that is safe, respectful, and responds to individual needs; and
- Re-house participants in permanent housing as quickly as possible, regardless of other person issues or concerns.

Participants are assisted with creating and updating individualized Housing Plans designed to re-house and stabilize them as quickly as possible. Staff helping to re-house participants are aware of and know how to access a wide array of stabilizing community resources and housing options directly or through the CES. Participants are provided or connected to housing location and placement assistance, including financial assistance for move-in costs. Such assistance is offered without preconditions and with the understanding that housing may cost more than 30% of a participant's income. Participants are expected to be actively working on re-housing plans and engaging in related assistance to overcome immediate and direct barriers to securing housing. Participation in services unrelated to obtaining housing are voluntary.

Exits to other homeless situations are avoided, even when program rules are violated. People who pose an imminent risk of harm to themselves or others may be exited to more appropriate assistance. Participants only move to other emergency shelter or transitional housing when they choose to, it is more appropriate to fit their needs, and no permanent housing solution is available that is similar or a better match for their preferences and needs.

### Infectious Disease Policies in Shelters:

- Emergency shelters will adhere to Solano County Public Health standards and policies for responding to infectious disease. In general, shelters will:
  - o Make referrals to health care providers when a guest shows symptoms of tuberculosis (TB), lice or scabies.
  - o Notify guests when there is a possibility that they were exposed to a communicable disease that is spread through casual contact.
  - o Maintain guest confidentiality related to communicable diseases.
  - o Respond to any identified communicable disease, including consultation with a medical professional when determining if a guest is infected with a contagious communicable disease that might seriously endanger the health of other guests.
  - o A TB test will not be required as a condition of entry.
  - o An infectious disease that significantly increases the risk of harm to other guests may be a reason for denial or discharge. Guests with lice or scabies or exhibiting symptoms of TB shall be allowed to stay in the shelter unless the disease or infestation cannot be appropriately contained (e.g., due to close quarters of facility), in which case those guests may be discharged and referred to a health care provider for treatment.
  - o Noncompliance with treatment or containment measures that endangers other guests may be cause for discharge.

Solano County Public Health’s policies and procedures for preventing and responding to viral respiratory illnesses in congregate living settings are available here:

<https://www.solanocounty.com/civicax/filebank/blobdload.aspx?blobid=39954>

Emergency shelters will comply with California Code of Regulations, Title 8, Section 5199, regarding Aerosol Transmissible Diseases (ATD) control and worker and Guest safety expectations: <http://www.dir.ca.gov/title8/5199.HTML>. For additional guidance on this regulation and for information regarding best practices for control of infectious disease, please also refer to “Preventing Tuberculosis (TB) in Homeless Shelters” published by the Los Angeles County Department of Public Health: <http://publichealth.lacounty.gov/tb/docs/LATBGuidelinesforShelters.pdf>.

Additional information on norovirus is available [HERE](#).

### **Other Emergency Shelter Requirements**

#### 1. Lead-Based Paint

Subrecipients will comply with all lead-based paint requirements and maintain documentation. Generally, these provisions require the recipient to screen for, disclose the existence of, and take reasonable precautions regarding the presence of lead-based paint in leased or assisted units constructed prior to 1978.

ESG-funded programs are required to incorporate the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4846), and 24 CFR part 35, subparts A, B, H, J, K, M, and R apply to all shelters assisted under ESG program and all housing occupied by program participants.

## 2. Minimum standards for emergency shelters

Any building for which Emergency Solutions Grant (ESG) funds are used for conversion, major rehabilitation, or other renovation, must meet state or local government safety and sanitation standards, as applicable, and the following minimum safety, sanitation, and privacy standards. Any emergency shelter that receives assistance for shelter operations must also meet the following minimum safety, sanitation, and privacy standards. The subrecipient may also establish standards that exceed or add to these standards but at a minimum must include:

- Structure and materials: The structures must be structurally sound to protect residents from the elements and not pose any threat to the health and safety of the residents.
- Space and security: Each resident must be provided adequate space and security for themselves and their belongings: Each resident must be provided an acceptable place to sleep.
- Interior air quality: Each room or space must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.
- Water supply: The water supply must be free from contamination.
- Sanitary facilities: Residents must have access to sufficient sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.
- Thermal environment: The housing must have any necessary heating/cooling facilities in proper operating condition.
- Illumination and electricity: The structure must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the structure.
- Food preparation: All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
- Sanitary conditions: The housing must be maintained in a sanitary condition.
- Fire safety:
  - There must be a second means of exiting the building in the event of fire or other emergency.
  - Each unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors must be located, to the extent practicable, in a hallway adjacent to a bedroom. If the unit is occupied by hearing impaired persons, smoke detectors must have an alarm system designed for hearing-impaired persons in each bedroom occupied by a hearing-impaired person.
  - The public areas of all housing must be equipped with a sufficient number, but not less than one for each area, of battery-operated or hard-wired smoke detectors. Public areas include, but are not limited to, laundry rooms, community rooms, day care centers, hallways, stairwells, and other common areas.

Minimum Habitability Standards with Checklist:

<https://www.hudexchange.info/resource/3766/esg-minimum-habitability-standardsfor-emergency-shelters-and-permanent-housing/> Subrecipients must maintain documentation of the completed checklist (or equivalent documentation) should be placed in a file pertaining to the shelter.

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## STREET OUTREACH

Street outreach is the comprehensive and coordinated provision of essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. Examples of street outreach include engagement, case management, emergency health services, emergency mental health services, transportation, and services for special populations. Services are offered without precondition.

ESG- and CoC and other mandated funded street outreach programs will target for services individuals who meet the criteria under paragraph (1)(i) of the “homeless” definition under 24 CFR §576.2 and under 24 CFR 578. The program will accept referrals from the CES and admission is prioritized for people with the most urgent and severe needs.

Street Outreach services providers will screen individuals with the VI-SPDAT to identify acuity of housing and service needs as a part of the CES. They will then offer necessary and appropriate engagement, case management, emergency health and mental health, and transportation services. Participants are referred to homeless assistance in the CoC service area according to the CES Policies and Procedures.

Participants and staff understand that the primary goals of Street Outreach are to:

- Provide access to emergency shelter and services; and
- Re-house participants in permanent housing as quickly as possible, regardless of other personal issues or concerns.

Participants are assisted with creating and updating individuals Housing Plans designed to access emergency shelter and/or re-house and stabilize participants as quickly as possible. Staff helping participants are aware of and know how to access emergency shelter, transitional housing, and a wide array of housing options or other community resources directly or through the CoC’s CES.

Participants are provided or connected to housing location and placement assistance for move-in costs. Assistance is provided without preconditions and with the understanding that housing may cost more than 30% of their income. Participants are expected to be actively working on re-housing plans and engaging in related assistance to overcome immediate and direct barriers to housing. Participation in services unrelated to obtaining permanent housing is voluntary.

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## HOMELESSNESS PREVENTION

Homelessness Prevention and Diversion assistance will be provided to families and individuals who fall under the federal definition of “at-risk” of homelessness and who are

eligible for such services under a provider's criteria. See Appendix IX for additional information. Homelessness prevention and diversion service providers must develop and follow policies and procedures that define the package of services they offer, in answer to the following questions:

- What is the “standard” package of services that this project offers? Which of these services will the provider offer directly (using grant funds or match) and which, if any, will be offered via a contractor?
- What is the initial duration of the ‘standard’ package of services?
- What other services will the project offer on an as needed basis, however infrequently? Who decides when to offer these additional services?
- What is the process for developing a case management plan and what is the process for reassessing?

The services provided may not exceed but may be more limited than those eligible activities enumerated in the California Housing and Community Development Department's ESG Program Homelessness Prevention Policy.

Homeless prevention and diversion providers will prioritize services for families and individuals with the highest needs and barriers to retaining housing.

***Prevention and Diversion:*** The CoC is committed to further integrating prevention, diversion, and mainstream services into the coordinated entry system. Individuals and families who are homeless or at risk of homelessness may access prevention and diversion services through the coordinated entry process. If the pre-screening tool indicates that the person is not literally homeless, but is at risk of becoming homeless, then a referral should be made to a participating Prevention and Diversion provider for further assessment and support.

- If pre-screening questions indicate that a consumer may be at risk of homelessness, the client may be considered for prevention or diversion programs funded by Emergency Solutions Grant (ESG), Community Services Block Grant (CSBG), the Homeless Emergency Aid Program (HEAP) and other sources of funding. Unless otherwise designated by the funding source, those at risk of homelessness are:
  - o An individual or family who:
    - (i) Has an annual income below 30% of median family income for the area; AND
    - (ii) Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; AND
    - (iii) Meets one of the following conditions:
      - (A) Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance; OR
      - (B) Is living in the home of another because of economic hardship; OR
      - (C) Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; OR

- (D) Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; OR
- (E) Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; OR
- (F) Is exiting a publicly funded institution or system of care; OR
- (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved Con Plan; OR
- (H) Other (please explain)

- If pre-screening questions indicate that a consumer may be at risk of chronic homelessness, the client may be considered for housing that is funded by No Place Like Home (NPLH), even if the client is not literally homeless. For purposes of NPLH, those at risk of homelessness are:
  - Persons exiting institutionalized settings, such as jail or prison, hospitals, institutes of mental disease, nursing facilities, or long-term residential substance use disorder treatment who were Homeless prior to admission to the institutional setting;
  - Transition-Age Youth experiencing homelessness or with significant barriers to housing stability, including, but not limited to, one or more evictions or episodes of homelessness, and a history of foster care or involvement with the juvenile justice system; and/or
  - Persons, including Transition-Age Youth, who prior to entering into one of the facilities or types of institutional care listed herein had a history of being Homeless as defined under this subsection (f)(3): a state hospital, hospital behavioral health unit, hospital emergency room, institute for mental disease, psychiatric health facility, mental health rehabilitation center, skilled nursing facility, developmental center, residential treatment program, residential care facility, community crisis center, board and care facility, prison, parole, jail or juvenile detention facility, or foster care.
  - Having a history of being Homeless means, at a minimum, one or more episodes of homelessness in the 12 months prior to entering one of the facilities or types of institutional care listed herein.

Prevention and Diversion funded providers should verify in HMIS as to whether a client has received Prevention and Diversion services within the last 6 months. If a provider establishes that a client has received Prevention and Diversion services in the last 6 months they should confirm the amount of funding and/or services that were provided and determine if the client's needs would be best addressed through additional Prevention and Diversion funding or another type of services/housing.

Prevention and Diversion funded providers must define how, if the number of provider applicants exceed the provider's participant capacity, the provider will use its needs assessment process to triage participants for the purposes of ensuring that the provider

serves those with the greatest need who both will experience literal homelessness without assistance and will remain in permanent housing if they receive assistance.

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## STAFFING PLAN

Prevention and Diversion funded providers should evaluate the different staff roles in their Homelessness Prevention program and consider adjusting their structure if necessary, to increase capacity and ensure they have the right amount of staff with the appropriate skills. Common staff roles include:

- Case Manager – Staff primarily responsible for providing ongoing case management throughout the client’s time in the program, providing varying levels and focus on case management depending on which phase of Homelessness Prevention the household is in;
- Housing/Landlord Engagement Specialist – Staff primarily responsible for outreaching and engaging with landlords, doing property searches, supporting clients throughout the housing search process, including creating budgets, understanding the terms of the lease, and doing unit inspections. When programs have both staff positions, they would work closely together with clients while each holding distinct roles. Once the client is housed, the Case Manager would maintain ongoing contact with the client.
- Program Manager – Staff member responsible for overseeing the Homelessness Prevention program, including planning and projecting program budget, overseeing client/Case Manager assignments and ratios, determining when the program has capacity for additional clients, and approving rental subsidy models and exceptions to the approved model.

Training/Onboarding: Within 30 days of hire, new staff must be oriented to the basic program standards of practice. Staff who provide direct services and those who supervise staff that provide direct services should be trained in the core components of Homelessness Prevention, as well as the following:

- Housing First and Progressive Engagement approaches
- Trauma Informed services
- Harmed Reduction
- Coordinated Entry policies and procedures
- HMIS/CES requirements and procedures

The following are recommended caseload sizes based on acuity classifications and service needs:<sup>1</sup>

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<sup>1</sup> These caseload recommendations are adapted to the homelessness prevention context from the “Panel Guidance Document” prepared for Housing First Solano HUD CoC NOFA FY2021.



Acuity Classification	Caseload Size
High Acuity	1:10 – 1:15
Moderate Acuity	1:16 – 1:30
Low Acuity	1:31 – 1:40

## HIGH ACUITY

High acuity needs require small caseload sizes (1:10–1:15), high levels of coordination with other care providers (especially mental/behavioral health), and staff expertise in behavioral health and medical care coordination, fair housing for people living with disabilities, and evidence-based practices and service approaches.

## MODERATE-ACUITY NEEDS

Moderate-acuity needs allow for caseload sizes to be slightly larger (1:16–1:30). Similar to high acuity, moderate acuity needs require high levels of coordination with other care providers and staff expertise in behavioral health and medical care coordination, fair housing for people living with disabilities, and evidence-based practices and service approaches. Some individuals assessed and meeting moderate-acuity classifications served in Homelessness Prevention may need more than time-limited rental subsidy and services support.

## LOW-ACUITY NEEDS

Low-acuity needs allow for the largest caseload sizes (1:31–1:40). Care coordination and warm handoffs to other community providers remain essential, though the length of time support services are needed to stabilize may be less.

Providers should follow the above estimated caseloads unless they have established their own estimated caseloads in program Policies & Procedures. The programs' estimated caseloads must be sufficient to meet any commitments or projections regarding the number of participants to be served by the project during a given period.

## OBLIGATIONS FOR PROGRAMS THAT ARE DE-FUNDED OR REALLOCATED

When a project's funding is reallocated, the agency that was operating that project has certain responsibilities to the rest of the community and HUD, even if that agency is no longer operating any CoC Program- funded projects. Beginning with FY 2017 CoC Program grants, all agencies that wish to continue to receive CoC funding must agree to fulfill these responsibilities if their projects are defunded. These responsibilities, below, apply regardless of whether a project's funding was voluntarily reallocated, involuntarily reallocated, or denied by HUD as part of the national CoC Program competition.

Finding Housing for Clients Who Exit the Project: all project participants must be notified in writing at least 90 days prior to a project’s closure. This includes if the project is closing or reducing its size; changing program models so that current project participants cannot remain in the project; or otherwise transitioning in any way so that at least some project participants must leave the project temporarily or permanently. The project must plan to ensure project participants do not exit into homelessness, and to identify alternative, permanent housing for them. The agency should seek CoC and Coordinated Entry assistance as needed at the earliest opportunity if the agency needs help in securing housing for its clients.

Transferring a Client to Another Program/Project:

RRH or PSH programs that have been defunded, are ending, or closing should assess each client in the RRH/PSH program to determine whether each client is still in need of RRH/PSH, or whether they now need a different housing intervention (such as a Housing Authority voucher (without intensive case management), self-sufficiency, a skilled nursing facility, or some other intervention). If the client is still in need of RRH or PSH, the program from which the client is transferring should reference the Coordinated Entry Policies and Procedures to determine whether clients in the defunded/reallocated project have priority for RRH or PSH units under the CES prioritization. The project should also work with the field office to determine whether clients have eligibility to transfer into new projects of the same project component (PSH to PSH, RRH to RRH) and should follow the below guidance:

In the event that a program participant will be transferred from one program to another, the following process is meant to ensure that all steps are taken in order for the participant to seamlessly transition without interruption of services. All efforts will be made by both programs and the Coordinated Entry System to include an overlapping transition period between the two service providers to troubleshoot any issues that may arise during the process:

Who is Responsible?	Roles and Responsibilities
<p><i>Program <b>from which</b> the client is transferring</i></p>	<ul style="list-style-type: none"> <li>• Notify participant of the change in service provider</li> <li>• Obtain participant’s consent to transfer to project to provide client information to new service provider</li> <li>• Confirm that participant retains their original homeless (or chronically homeless) status from the time they entered PH (work with local HUD field office as needed)</li> <li>• Check for any additional eligibility requirements from the receiving program and verify eligibility with matcher</li> <li>• Confirm with matcher that all required eligibility documentation is on file and compliant</li> <li>• If the participant needs to move units (i.e., the defunded/reallocated project is project or sponsor based), locate a new housing unit for the participant.</li> <li>• Provide new program with participant information including:               <ul style="list-style-type: none"> <li>▪ HMIS identification number</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>▪ Landlord information</li> <li>▪ Program rent amount</li> <li>▪ Client anticipated last month of subsidy</li> <li>• Provide program participant files <ul style="list-style-type: none"> <li>○ Ensure all required documentation is on file and is compliant with Chapter 29 of the <a href="#">CPD Monitoring Handbook</a></li> <li>○ Document anything that is missing or deficient and address these issues</li> </ul> </li> <li>• Provide any additional documents or information identified as needed</li> <li>• Inform landlords of new program points of contact</li> <li>• Provide a warm handoff of client to new case management team</li> </ul>
<p><i>Program <b>to which</b> the client is transferring</i></p>	<ul style="list-style-type: none"> <li>• Review all participant files</li> <li>• Ensure all required documentation is on file and compliant, document anything that is missing or deficient</li> <li>• Confirm payments can begin at transition start period without any issues</li> <li>• Complete program entry in HMIS</li> </ul>

2023 Local HUD Field Office Guidance for PSH to PSH Transfers:

As long as the program participant is still enrolled in the original PSH project (i.e., they are still considered a program participant by the project), they may be assisted with CoC funds through a PSH transfer. This is because under the CoC Program, program participants may be transferred from one PSH project to another PSH project without needing to become homeless again. In general, this situation is possible when the individual or head of household had met the eligibility criteria for the CoC-funded PSH that they intend to transfer to at the time they entered their initial PSH project.

Within the CoC Program, once an eligible household is placed in permanent supportive housing, the household does not retain their homeless or chronically homeless status. However, under the CoC Program, permanent supportive housing projects may serve individuals and families from other permanent supportive housing projects as long as program participants originally met the eligibility requirements for the PSH project to which they are transferring at the time they entered their initial PSH project (Section 423(f) of the McKinney-Vento Act, as amended by the HEARTH Act). This means that an individual or family may transfer from one permanent supportive housing program to another under the CoC Program. This could occur if there were another permanent supportive housing program that better met the service needs of the program participant.

It is important to note, permanent supportive housing is intended to be PERMANENT and with no time limits and is intended to target disabled persons that are literally homeless that have not been successful at maintaining permanent housing on their own. A PSH recipient cannot determine when a program participant is "ready" to be transferred or

exited from a program. If a program participant believes that they are ready and indicate that they would like to move on, recipients can work with the program participant to transition out of the project.

### **Documentation Requirements for a PSH project transfer:**

If the program participant believes their needs will be better met by another permanent supportive housing project and transfers to another program, recipients or subrecipients accepting program participants from other permanent supportive housing projects must keep records on file demonstrating that:

1. the individual or family is transferring from another permanent supportive housing project;
2. the reason for the transfer; and
3. the individual or family met the eligibility requirements for permanent supportive housing prior to entering the original permanent supportive housing project.

### **If the CoC-funded PSH projects they intend to transfer into are dedicated for the chronically homeless please keep the following information in mind:**

- Program participants who met the definition of chronically homeless in effect at the time they entered the original PSH (including non-CoC funded PSH) may transfer into a project dedicated to individuals and families experiencing chronic homelessness. Program participants are ***not required*** to meet the definition of chronically homeless established in the [Defining Chronically Homeless Final Rule](#), unless they entered the original PSH project after January 15, 2016. This is because the final rule does not apply retroactively to program participants who were admitted to a CoC Program-funded permanent supportive housing program *prior* to January 16, 2016.
- Program participants who **did not** meet the definition of chronically homeless that was in effect at the time of program intake may be served by a CoC-funded PSH project that is **not dedicated** to serving individuals and families experiencing chronic homelessness.

### **Coordinated Entry Considerations**

All housing referrals for CoC- and ESG-funded projects (TH, RRH, HP, and PSH) must go through the CoC's CE process, as required in HUD's **Notice Establishing Additional Requirements for a Continuum of Care Centralized or Coordinated Assessment System** (CE Notice) and based on the policies documented in the CoC's CE policies and procedures and CoC written standards.

Note that when conducting project ***transfers within the same project type*** (e.g., PSH to PSH), HUD's **CE Notice** does not specify that project transfers must be conducted through the Coordinated Entry process; however, HUD would encourage communities to consider whether it should include in its policies and procedures a requirement to notify the CE when transfers occur. Including this notification requirement would allow the CoC's CE management entity to see patterns of project transfers and flag instances when agencies may be using project transfers to systematically circumvent the CoC's defined CE prioritization and referral policies. The CoC may want to address project transfers by establishing more rigorous review and approval of program transfers at a system level if issues come up. HUD supports, as a generally promising practice, the CE management

entity's review, processing and facilitation of program transfers but HUD's Notice CPD-17-01 does not explicitly establish this requirement.

### **Defining Permanent Supportive Housing (PSH)**

Permanent supportive housing for persons with disabilities (PSH) means permanent housing in which supportive services are provided to assist homeless persons with a disability to live independently. PSH can only provide assistance to individuals with disabilities and families in which one adult or child has a disability. Supportive services designed to meet the needs of the program participants must be made available to the program participants. It is important to note, permanent supportive housing is intended to be PERMANENT and with no time limits and is intended to target disabled persons that are literally homeless that have not been successful at maintaining permanent housing on their own.

In general, HUD allows CoCs to use their discretion to determine how non-HUD-funded projects are classified locally. For programs that have not yet been clearly defined as a specific project type on the Housing Inventory Count (HIC) or through local definitions, HUD would expect CoCs to make their determination based on the characteristics of the project, its program design, and its intended target population. Once the CoC makes this determination, the project must be reflected on the CoC's HIC (if it falls into one of the categories reported on the HIC) to ensure bed counts are reflected accurately by project type. For more information on the types of homeless projects to include in the HIC, please review [Notice CPD-21-12](#).

It is important to note, even if the project is not CoC-funded, a household's homeless or chronically homeless status when residing in that project would still be determined based on how the project is categorized.

As stated above, the CoC has the authority to determine how the project type is categorized locally, particularly for non-CoC-funded projects. Please note that in order for any project to be considered a homeless program the following conditions must be met:

- The primary intent of the program is to serve homeless persons; and
- The program verifies homeless status as part of its eligibility determination; and
- The actual program clients are predominantly homeless.

## WRITTEN PROCESS FOR TERMINATION OF ASSISTANCE

All programs that offer assistance to individuals or families funded by the Continuum of Care must comply with the Community Action Partnership Solano Joint Powers Authority (CAP Solano JPA) and Housing First Solano Continuum of Care (HFS CoC) [Participant Grievance Policy](#). This policy provides participants with the right to grieve any situation where they are denied services/discharged by a JPA or CoC-funded program, whether that denial is due to rule violations, non-compliance with program requirements, or not meeting eligibility requirements.<sup>2</sup> The goal of this policy is to provide program participants and service providers with a fair and equitable process.

All CoC-funded programs must post written rules, internal grievance procedures, the Participant Grievance Policy, and program eligibility requirements at all program sites. If the program routinely serves participants whose preferred language is other than English, the aforementioned information is to be posted in the appropriate languages. In addition, participants must be provided with eligibility requirements upon request and both a verbal and written description of program rules and grievance procedures at program intake. Proof of receipt as indicated by signed documents must be provided upon request. The Participant Grievance Policy will be posted on the CAP Solano JPA, HFS CoC and Resource Connect Solano websites and is available upon request.

CoC-funded programs are required to have internal policies and procedures, based on the core principals of Housing First, that allow for participants to grieve program decisions related to the denial of services. This internal grievance procedure allows participants to appeal a program decision that denies them services, and for programs to resolve grievances on their own. When possible, every effort should be made to resolve concerns directly with the party/parties involved via conflict resolution processes. A participant may file a grievance with the CAP Solano JPA/HFS CoC if they wish to grieve the program's internal decision after having made all reasonable attempts to resolve the matter through the agency's internal appeals process.

## RECORDKEEPING

Pursuant to HUD Notice CPD 16-11, Housing First Solano CoC and any recipient of CoC Program Funding will maintain evidence of implementing the prioritization requirements in these Written Standards. Evidence of following these orders of priority may be demonstrated by:

1. ***Evidence of Severe Service Needs.*** Evidence of severe service needs is that by which the recipient is able to determine the severity of needs as defined in Section I.D.3. of this Notice using data-driven methods such as an administrative data

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<sup>2</sup> This policy does not apply to the CoC's coordinated entry prioritization and referral process (see [HFS Coordinated Entry Policies and Procedures](#), Prioritization Scheme p. 16-17. It is inapplicable in cases where a referral to shelter or housing services (PSH or RRH) was not made due to adhering to the requirements in the Coordinated Entry prioritization or has not yet been made through Coordinated Entry for other reasons. Concerns about the coordinated entry referral prioritization may be made at CoC Coordinated Entry Workgroup meetings.

match or through the use of a standardized assessment. The documentation should include any information pertinent to how the determination was made, such as notes associated with case- conferencing decisions.

2. ***Evidence that the Recipient is Following the CoC's Written Standards for Prioritizing Assistance. Recipients must follow the CoC's written standards for prioritizing assistance, as adopted by the CoC.*** In accordance with the CoC's adoption of written standards for prioritizing assistance, recipients must in turn document that the CoC's revised written standards have been incorporated into the recipient's intake procedures and that the recipient is following its intake procedures when accepting new program participants into the project.
3. ***Evidence that there are no Households Meeting Higher Order of Priority within CoC's Geographic Area.***
  - a. When dedicated and prioritized PSH is used to serve non-chronically homeless households, the recipient of CoC Program-funded PSH should document how it was determined that there were no chronically homeless households identified for assistance within the CoC's geographic area – or for those CoCs that implement a sub-CoC 3planning and housing and service delivery approach, the smaller defined geographic area within the CoC's geographic area – at the point in which a vacancy became available. This documentation should include evidence of the outreach efforts that had been undertaken to locate eligible chronically homeless households within the defined geographic area and, where chronically homeless households have been identified but have not yet accepted assistance, the documentation should specify the number of persons that are chronically homeless that meet this condition and the attempts that have been made to engage the individual or family. Where a CoC is using a single prioritized list, the recipient of PSH may refer to that list as evidence.
  - b. When non-dedicated and non-prioritized PSH is used to serve an eligible individual or family that meets a lower order of priority, the recipient of CoC Program-funded PSH should document how the determination was made that there were no eligible individuals or families within the CoC's geographic area - or for those CoCs that implement a sub-CoC planning and housing and service delivery approach, the smaller defined geographic area within the CoC's geographic area - that met a higher priority. Where a CoC is using a single prioritized list, the recipient of PSH may refer to that list as evidence that there were no households identified within the CoC's geographic area that meet a higher order of priority.

All providers of ESG-funded services must follow HUD's prioritization of documentation of homelessness and 24 CFR 576.500. See Section 8 'Recordkeeping Requirements' and HUD webinar: Determining Homeless and At-Risk Status, Income and Disability Webinar.

Under no circumstances must the lack of third-party documentation prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach



services, or being immediately admitted to shelter or receiving services provided by a victim service provider. The basis of all determinations (eligibility, assistance needed, assistance provided, etc.) must be supported by the evidence documented in the case file.

Documentation will enable a supervisor or other entity charged with monitoring the program to readily identify the factors and process that resulted in the determination that each participant assisted met SCCDC and HUD requirements.

1. Proof of eligibility -Documentation of Homelessness, must follow HUD's prioritization of documentation of homelessness and 24 CFR 576.500.
2. Program Intake Documents including:
  - a) HMIS Release of Information;
  - b) Notice of Privacy Practices;
  - c) Participant grievance;
  - d) Participant consent form;
  - e) Release of Information if applicable;
  - f) Other subrecipient documentation.
3. Identification – if participant does not have ID it should not prevent them from entering the shelter. The case plan may focus on assisting participants with obtaining their ID if it will be needed for housing, employment, benefits, etc.
4. Assessment.
5. Case plans – should be focused on housing and addressing barriers to housing.
6. Case notes – should be focused on tasks related to participant plan and participant obtaining housing.
7. Any back-up documentation for services provided to participant. For example, if a participant was provided a bus pass to travel to employment, a copy of that bus pass should be in the participant file.
8. Copies of any documentation provided to the participant. For example, if a participant is given a warning letter for behavioral issues, a copy of that letter should be in the participant file.
9. Participant grievance, if applicable 10. Discharge/Termination forms used by agency.

All providers of ESG-funded services must also retain participants' records for 5 years from expenditure of the grant, and all data should be entered into HMIS, in accordance with federal regulations at 24 CFR 576.500.

Diversion and prevention service providers should maintain records in accordance with appendix xi – homeless prevention definitions and recordkeeping requirements.



### EMERGENCY TRANSFERS

Housing First Solano is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), Housing First Solano allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>3</sup> The ability of Housing First Solano to honor such request for tenants currently receiving assistance, however, may depend upon whether Housing First Solano has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that Housing First Solano and its CoC- and ESG-funded providers are in compliance with VAWA.

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L (hereby referred to as "a victim of domestic violence, dating violence, sexual assault, or stalking") is eligible for an emergency transfer, if:

- The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit and/or
- The tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

The ability to request an emergency transfer is available regardless of sex, gender identity, or sexual orientation and regardless of whether the tenant is in good standing. There are no limits on the number of emergency transfers a client may request.

### **Emergency Transfer Request Process**

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<sup>3</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

To request an emergency transfer, the tenant shall notify the management office of the HUD-funded housing provider that runs the program the tenant is enrolled in, and submit a written request (see Emergency Transfer Request Form in Attachment IV) for a transfer to a Safe Unit. The housing provider will provide reasonable accommodations to this policy for individuals with disabilities.

The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the housing provider's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Mandated housing providers operating within the geographic boundaries of Housing First Solano will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives their housing provider written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant.

See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants (Attachment V) for more information about mandated project housing providers' responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Priority, Timing, and Availability**

A tenant who is currently living in CoC or ESG-funded housing who qualifies for and requests an emergency transfer to avoid domestic violence, dating violence, sexual assault, or stalking will be given the highest priority for units they are eligible for as they become available through the Coordinated Entry System. Because moving a household from one CoC-funded home to another CoC-funded home does not result in a net decrease in the availability of CoC services, giving the highest priority to these emergency requests helps address the emergency nature of the tenant's needs without materially compromising the ability of other high-vulnerability clients to promptly receive housing opportunities.

CoC- and ESG-funded housing providers operating within the geographic boundaries of Housing First Solano cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. Such housing providers will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a

transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. Housing First Solano housing providers may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If a CoC- and ESG-funded housing provider operating within the geographic boundaries of Housing First Solano has no safe and available units for which a tenant who needs an emergency is eligible, the housing provider will work with Resource Connect Solano, Housing First Solano's Coordinated Entry System, to assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the housing provider 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.

### **Safety and Security of Tenants:**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

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## **NOTICE OF OCCUPANCY RIGHTS UNDER VAWA AND CERTIFICATION FORMS**

All households applying for or receiving CoC and ESG funded assistance must receive a Notice of Occupancy Rights and Certification Form (**Attachment V and Attachment VI**) at each of the following times:

- The household is denied assistance
- The household is admitted to the program
- The household receives notification of eviction
- The household is notified of termination of assistance

Evidence of compliance is not required to be kept in the case file but HUD encourages it. When feasible, proof that the household received the Notice of Occupancy Rights and Certification Form should be kept in the client case file.

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## LEASES, SUBLEASES, AND OCCUPANCY AGREEMENTS

**Lease Addendum:** Any lease, sublease, or other occupancy agreement between a tenant and a housing provider being subsidized by CoC or ESG funds must permit the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the housing provider determines that the program participant qualifies for an emergency transfer under the CoC's emergency transfer plan.

Housing providers that operate CoC or ESG tenant-based rental assistance must enter into a contract with the owner or landlord of the housing that requires the owner or landlord of the housing to comply with all provisions of VAWA regulations under 24 CFR part 5, subpart L. The CoC's lease addendum that meets these required standards is included as Attachment VIII. **If the Landlord requests it, the housing provider may edit the lease addendum to specify that the protections under 24 CFR part 5, subpart L only apply while the program participant receives tenant-based rental assistance under a CoC or ESG program.**

If the unit is vacant after an emergency transfer, rental assistance terminates. If any family member(s) remain in the unit after the emergency transfer is effectuated, they may continue to do so, unless the Landlord determines the remaining family member(s) violated the terms of the lease by engaging in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking or if the housing provider determines they are unable to continue to provide rental assistance to the remaining family member(s) due to the budget/financial constraints of having to serve two households instead of one or due to eligibility reasons. The housing provider will determine if rental assistance can continue for the remaining family member(s) and the Landlord will be notified within 5 days. Otherwise, household members remaining in the unit may continue to receive assistance if they were eligible for assistance prior to moving into the unit. Household members have 90 days to establish this eligibility. If the housing provider terminates assistance for the remaining member(s) or the Landlord terminates the lease, the housing provider should connect the remaining member(s) to the Coordinated Entry System.

**Lease Bifurcation:** per the lease addendum in Attachment VIII, in order to effect an emergency transfer, landlords may also bifurcate a tenant-based rental assistance lease to remove a household member from the lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, without evicting or terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant. Tenant-based rental assistance and any utility assistance shall continue for the family member(s) who are not evicted or removed.

If the lease is bifurcated, and the evicted tenant was the eligible tenant under the Housing Program, the Landlord and housing provider will provide the remaining tenants a period of 90 calendar days from the date of bifurcation of the lease to:

1. Establish eligibility for the same covered Housing Program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease, or

2. Work with the Coordinated Entry System to establish eligibility under another Housing Program to cover rental assistance, or
3. Find alternative housing.

The Housing Provider may extend the 90-calendar-day period and continue to pay rental assistance for an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the program or unless the time period would extend beyond the expiration of the lease. The client should be connected to the Coordinated Entry System as they exercise options 1-3 above.

## EDUCATION POLICIES

Consistent with the CoC Program Interim Rule 24 CFR §578.23, all CoC and ESG programs assisting families with children or unaccompanied youth must:

1. Take the educational needs of children into account when placing families in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education.
2. Inform families with children and unaccompanied youth of their educational rights, including providing written materials, help with enrollment, and linkage to McKinney Vento Liaisons as part of intake procedures.
3. Not require children and unaccompanied youth to enroll in a new school as a condition of receiving services.
4. Allow parents or the youth (if unaccompanied) to make decisions about school placement.
5. Not require children and unaccompanied youth to attend after-school or educational programs that would replace/interfere with regular day school or prohibit them from staying enrolled in their original school.
6. Post notices of students' rights at each program site that serves homeless children and families in appropriate languages.
7. Designate staff that will be responsible for:
  - a. Ensuring that homeless children and youth in their programs are in school and are receiving all educational services they are entitled to.
  - b. Coordinating with the CoC, the Department of Social Services, the County Office of Education, the McKinney Vento Coordinator, the McKinney Vento Educational Liaisons, and other mainstream providers as needed.
8. Comply with HUD's Final Rule on Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs (9/21/16). This includes:

- a. Treating children and unaccompanied youth according to the gender by which they self-identify and/or which they most closely identify;
- b. Ensuring equal access to programs and services for all children and unaccompanied youth and their families regardless of actual or perceived sexual orientation, gender identity, or marital status;
- c. Providing housing, services, and/or accommodations in accordance with each client's stated gender identity;
- d. Determining eligibility without regard to actual or perceived sexual orientation, gender identity, and/or the marital status of their family members; *and*
- e. Complying with all CoC Anti-Discrimination Policies related to Equal Access as noted below.

In order to ensure compliance and to assist providers in meeting these requirements, the CoC will provide training on these issues annually and will include consider these duties in the review and ranking process.

### **ANTI-DISCRIMINATION POLICIES:**

The Housing First Solano Continuum of Care anti-discrimination policies and procedures ensure all people experiencing homelessness within the CoC have equal access to the housing and services necessary to end homelessness. These anti-discrimination policies and procedures apply to staff, volunteers, and contractors at all partner agencies, including agencies that receive CoC and ESG funding. The CoC strongly encourages all agencies, regardless of funding source, to adopt these anti-discrimination policies.

Policies included:

- Family Separation Policy
- HUD Final Rule on Equal Access Policy and Gender Identity
- Grievance Policy
- Agency Anti-Discrimination Guidance

### **FAMILY ADMISSION/SEPARATION POLICIES**

Consistent with the CoC Program Interim Rule 24 CFR §578.93, neither CoC nor ESG program-funded projects may involuntarily separate families. The age and gender of a child under age 18 shall not be used as a basis for denying any family's admission to a project that receives CoC or ESG funds. The gender and marital status of a parent or parents also shall not be used as a basis for denying any family's admission to a project that receives CoC or ESG funds. In order to comply with HUD's Final Rule on Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs (9/21/16), CoC-funded agencies must serve family members together and in accordance with each family member's self-reported gender.

The CoC will work closely with providers to ensure that placement efforts are coordinated to avoid involuntary family separation, including referring clients for the most appropriate services and housing to match their needs.

A form shall be made available on the COC's website for any client who believes that they or a family member has experienced involuntary separation to report it to the CoC.

## HUD FINAL RULE ON EQUAL ACCESS AND GENDER IDENTITY

### HUD Final Rule on Equal Access

The Housing First Solano CoC, all CoC-funded agencies, the CoC Coordinated Entry System, and their staff, volunteers, interns, contractors, and board members are committed to complying with the requirements of the HUD Final Rule on Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs (9/21/16) ("HUD Final Rule on Equal Access") and all other all federal, state and local non-discrimination and privacy laws. CoC-funded housing, programs, and services shall be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

The CoC and CoC-funded agencies will:

1. Ensure equal access to programs and services for all individuals and their families;
2. Provide housing, services, and/or accommodations in accordance with each client's stated gender identity (i.e. individuals who self-identify as men will be treated as men, and individuals who self-identify as women will be treated as women); *and*
3. Determine eligibility without regard to actual or perceived sexual orientation, gender identity, and/or marital status.

The Rule applies to all recipients and subrecipients of HUD Community Planning and Development programs, and those who administer programs and services and provide temporary, emergency shelter funded by CPD programs. These programs include HOME Investment Partnerships Program, Continuum of Care program, Housing Trust Fund program, Housing Opportunities for Persons with AIDS, Emergency Solutions Grants, and Rural Housing Stability Assistance program.

### Procedures to Ensure Equal Access

- The CoC will provide training annually and as needed to CoC agencies and agency staff regarding the HUD Final Rule on Equal Access and related non-discrimination requirements.
- The CoC and CoC agencies will use appropriate, inclusive language in communications, publications, trainings, personnel handbooks and other policy documents that affirms the CoC's commitment to serving all eligible clients in adherence with the HUD Final Rule on Equal Access.
- To ensure clients are aware of their rights under the HUD Final Rule on Equal Access, CoC agencies shall post a notice of such in a conspicuous location and/or provide it to clients at time of program or project intake.
- The CoC and CoC agencies will not require that one's stated gender identity match the gender listed on their ID or documents. The CoC and CoC agency



intake materials will allow for clients to indicate their legal name as well as the name they request/prefer to be called; the CoC and CoC agencies share a commitment to honoring this request.

- CoC agencies will support clients who need assistance in changing gender markers on identification cards or benefit applications.
- In circumstances where an individual does not identify as male or female, and such information is relevant to placement and accommodation, the individual shall be asked which shelter space they would feel most comfortable and safest in. Shelter providers should be up front with the reason for asking a gender identity question, specifically how the answer is going to be used, so the person can answer in the way that makes them safest. E.g., “We have shelter beds/rooms that are separated by binary gender (men and women), but we know that is not how everyone identifies. That is why I’d like to ask you to select the gender identity(ies) that you most identify with (give inclusive list). Which shelter space would you feel most comfortable/safest in?”. Clients with prescribed hormones or other medications as part of their gender-affirming healthcare regime will have access to those medications while engaging in programs and services.

### **Procedures to Ensure Privacy**

- CoC agencies will ensure that all staff, volunteers, interns, contractors, and board members: (a) maintain the confidentiality of a client's legal name and gender at birth, and (b) understand the potential impact that disclosure can have on a client's progress to self-sufficiency.
- CoC agency staff will keep a client's transgender status confidential, unless the client gives permission to share this information. Similarly, a client's legal name (when different from the client’s preferred name) will be treated as confidential information.
- When possible, CoC agencies will ensure that construction or property rehabilitation includes and promotes privacy and safety in sleeping areas, bathrooms, and showers.
- If a CoC program only offers congregate bathrooms or showers, that program will provide an appropriate number of individual stalls (at least one of each) for toilets and shower heads.
- Where feasible, CoC agencies will offer individual gender-neutral bathrooms and gender-neutral shower rooms.
- CoC agency staff shall not ask questions or seek information concerning a person's anatomy or medical history beyond elements necessary for the purpose of providing services.
- CoC agency staff will honor the request of an individual for a private space to complete intake and data collection.

### **Procedures to Prevent and Correct Discrimination**

- CoC agencies will ensure that their staff, volunteers, interns, contractors, and board members understand that a client may appear to have a gender or sexual



orientation that is different from the client's self-identification, and that the client's self-identification must be honored.

- CoC agencies will take immediate action to resolve inappropriate behavior, harassment, or equal access issues by any person (staff, volunteers, contractors, interns, board members, or clients) and maintain relevant records documenting the action or intervention.
- CoC agencies shall not consider a client or potential client ineligible for programs or services because their appearance and/or behavior does not conform to gender stereotypes; they will serve all individuals that are eligible for the project/program.
- If a client needs to be moved due to discrimination, harassment, and/or safety concerns, CoC agency staff will have a preference for moving the client exhibiting a bias, rather than the person who is subject to the discrimination or harassment based upon their gender identity or gender expression.
- CoC agencies will honor the request of an individual for accommodations based on their personal safety and privacy concerns whenever feasible. In addition, they will not impose artificial rules or requirements on transgender or gender non-conforming clients to encourage them to "accommodate" or accept the gender conforming preferences or prejudices of other clients, residents, or agency personnel.
- CoC agency personnel and clients will use each client's preferred gender and pronoun, and will generally support each client's expression of their gender identity. Where agency personnel routinely do not comply with a client's stated preference in pronoun, the agency will ensure that appropriate personnel training and action is taken.
- When discussing risk and accommodation, CoC agencies will be alert to and correct any misinformation or inaccurate conclusions that transgender or gender non-conforming clients threaten the health or safety of other clients solely based on their non-conforming gender identity or expression.
- The CoC encourages CoC agencies to be aware of and to educate their clients, as appropriate, about reporting options should they have experience discrimination impacting their equal access to programs and services. Please see section above covering "Addressing Complaints of Discrimination."

### ***Affirmative outreach.***

The recipient or subrecipient must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. If it is unlikely that the procedures that the recipient or subrecipient intends to use to make known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, the recipient or subrecipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The recipient and its subrecipients must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to

persons with disabilities. Consistent with Title VI and Executive Order 13166, recipients and subrecipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.

## GRIEVANCE POLICY

All programs that offer assistance to individuals or families funded by the Continuum of Care must comply with the Community Action Partnership Solano Joint Powers Authority (CAP Solano JPA) and Housing First Solano Continuum of Care (HFS CoC) [Participant Grievance Policy](#). This policy provides participants with the right to grieve any situation where they are denied services/discharged by a JPA or CoC-funded program, whether that denial is due to rule violations, non-compliance with program requirements, or not meeting eligibility requirements. The goal of this policy is to provide program participants and service providers with a fair and equitable process. *See the grievance section above for additional information.*

## ATTACHMENT I: EMERGENCY TRANSFER REQUEST FORM

### **EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

#### **The requirements you must meet are:**

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.**

If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

**(2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

#### **OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

**Submission of Documentation:** If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records;

communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER**

1. Name of victim requesting an emergency transfer: \_\_\_\_\_

2. Your name (if different from victim's) \_\_\_\_\_

3. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_  
\_\_\_\_\_

4. Name(s) of other family member(s) who would transfer with the victim: \_\_\_\_\_  
\_\_\_\_\_

5. Address of location from which the victim seeks to transfer: \_\_\_\_\_  
\_\_\_\_\_

6. Address or phone number for contacting the victim: \_\_\_\_\_

7. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

8. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

9. Date(s), Time(s) and location(s) of incident(s): \_\_\_\_\_  
\_\_\_\_\_

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. \_\_\_\_\_

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.  
\_\_\_\_\_  
\_\_\_\_\_

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: \_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

HUD-5383	<a href="#">Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (12/2016)</a>
	<p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Arabic</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Armenian</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Cambodian</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Creole</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Hmong</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Japanese</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Korean</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Lao</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Mandarin</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Russian</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Somali</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Spanish</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Thai</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Vietnamese</a></p>

**ATTACHMENT II: NOTICE OF OCCUPANCY RIGHTS AND CERTIFICATION FORM FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING FORM**

NOTICE OF OCCUPANCY RIGHTS UNDER  
THE VIOLENCE AGAINST WOMEN ACT

U.S. Department of Housing and Urban Development  
OMB Approval No. 2577-0286  
Expires 06/30/2017

**[Insert Name of Housing Provider<sup>4</sup>]**

**Notice of Occupancy Rights under the Violence Against Women Act<sup>5</sup>**

**To all Tenants and Applicants**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>6</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **[insert name of program or rental assistance]** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

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<sup>4</sup> The notice uses HP for housing provider but the housing provider should insert its name where HP is used. HUD’s program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.

<sup>5</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>6</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

## **Protections for Applicants**

If you otherwise qualify for assistance under **[insert name of program or rental assistance]**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

## **Protections for Tenants**

If you are receiving assistance under **[insert name of program or rental assistance]**, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **[insert name of program or rental assistance]** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

## **Removing the Abuser or Perpetrator from the Household**

HP may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.



If HP chooses to remove the abuser or perpetrator, HP may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, HP must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, HP must follow Federal, State, and local eviction procedures. In order to divide a lease, HP may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking

### **Moving to Another Unit**

Upon your request, HP may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HP may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

**(2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

HP will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

HP's emergency transfer plan provides further information on emergency transfers, and HP must make a copy of its emergency transfer plan available to you if you ask to see it.

## **Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

HP can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HP must be in writing, and HP must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HP may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HP as documentation. It is your choice which of the following to submit if HP asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by HP with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought

assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.

- Any other statement or evidence that HP has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HP does not have to provide you with the protections contained in this notice.

If HP receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HP has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HP does not have to provide you with the protections contained in this notice.

### **Confidentiality**

HP must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

HP must not allow any individual administering assistance or other services on behalf of HP (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HP must not enter your information into any shared database or disclose your information to any other entity or individual. HP, however, may disclose the information provided if:

- You give written permission to HP to release the information on a time limited basis.
- HP needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires HP or your landlord to release the information.

VAWA does not limit HP's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

### **Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HP cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HP can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and

- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If HP can demonstrate the above, HP should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

### **Non-Compliance with The Requirements of This Notice**

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **the Housing First Solano Continuum of Care at ? or to the local HUD field office. The Housing First Solano local HUD field office is the Office of Community Planning and Development in San Francisco.**

### **For Additional Information**

You may view a copy of HUD's final VAWA rule at <https://www.congress.gov/bill/117th-congress/house-bill/1620/text>

Additionally, HP must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA or local resources, please contact the Domestic Violence Coordinated Entry Operator.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Certification form HUD-5382

HUD-5380	<a href="#">Notice of Occupancy Rights Under the Violence Against Women Act (12/2016)</a>
	<p>Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Arabic</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Armenian</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Cambodian</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Creole</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Hmong</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Japanese</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Korean</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Lao</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Mandarin</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Russian</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Somali</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Spanish</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Thai</a>  Notice of Occupancy Rights Under the Violence Against Women Act  - <a href="#">Vietnamese</a></p>

**ATTACHMENT III: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING, AND ALTERNATIVE DOCUMENTATION**

**CERTIFICATION OF  
DOMESTIC VIOLENCE,  
DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING,  
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017



**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. **Date the written request is received by victim:** \_\_\_\_\_

2. **Name of victim:** \_\_\_\_\_

3. Your name (if different from victim's): \_\_\_\_\_

4. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

5. Residence of victim: \_\_\_\_\_

6. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

7. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

8. Date(s) and times(s) of incident(s) (if known): \_\_\_\_\_

10. Location of incident(s): \_\_\_\_\_

In your own words, briefly describe the incident(s): _____ _____ _____ _____
--

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

HUD-5382	<a href="#">Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (12/2016)</a>
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Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Arabic](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Armenian](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Cambodian](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Creole](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Hmong](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Japanese](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Korean](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Lao](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Mandarin](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Russian](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Somali](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Spanish](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Thai](#)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - [Vietnamese](#)

**ATTACHMENT IV: VAWA LEASE ADDENDUM/LEASE TERMS FOR COC/ESG FUNDED PROJECTS**

**VIOLENCE, DATING VIOLENCE  
OR STALKING**

**U.S. Department of Housing  
and Urban Development**  
Office of Housing

OMB Approval No. 2502-0204  
Exp. 6/30/2017

**VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION  
ACT OF 2005**

TENANT	LANDLORD	UNIT NO. & ADDRESS
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This lease addendum adds the following paragraphs to the Lease between the above referenced Tenant and Landlord.

**Purpose of the Addendum**

The lease for the above referenced unit is being amended to include the provisions of the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA).

**Conflicts with Other Provisions of the Lease**

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

**Term of the Lease Addendum**

The effective date of this Lease Addendum is \_\_\_\_\_. This Lease Addendum shall continue to be in effect until the Lease is terminated.

**VAWA Protections**

1. The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.
3. Due to safety, privacy, and confidentiality concerns, to receive protection under the VAWA, the lessee is not required to provide the Landlord with the Certification of Domestic Violence that the individual is a victim of abuse (the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066), or other documentation to prove domestic violence occurred..

**Other Terms**

1. **Emergency Transfers:** The Landlord allows victims of domestic violence,

dating violence, sexual assault, or stalking to request an emergency transfer from the resident's current unit to another unit. The lease can be terminated by the Tenant without penalty if the Housing Provider determines that the Tenant qualifies for an Emergency Transfer under the Continuum of Care's (CoC) Emergency Transfer Plan. If the unit is vacant, rental assistance terminates.

If any family members remain in the unit, they may continue to do so, unless the Landlord determines the remaining family member violated the terms of the lease by engaging in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking or if the Housing Provider determines they are unable to continue to provide rental assistance to the remaining family member(s) due to budget/financial constraints of having to serve two households instead of one or due to eligibility reasons. The Housing Provider will determine if rental assistance can continue for the remaining family member(s) and the Landlord will be notified within 5 days. Otherwise, household members remaining in the unit may continue to receive assistance if they were eligible for assistance prior to moving into the unit. Household members have 90 days to establish this eligibility.

**2. Lease Bifurcation for Emergency Transfer:** the Landlord may bifurcate leases to evict, remove, or terminate assistance to a household member who engages in domestic violence-related criminal activity without evicting, removing, or terminating assistance to, or otherwise penalizing, a victim of such criminal activity who is also a tenant or lawful occupant. Tenant-based rental assistance and any utility assistance from the Housing Provider shall continue for the family member(s) who are not evicted or removed. If the lease is bifurcated, and the evicted tenant was the eligible tenant under the Housing Program, the Landlord will provide the remaining tenants a period of 90 calendar days from the date of bifurcation of the lease to:

- A. Establish eligibility for the same covered Housing Program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease, or
- B. Work with the Coordinated Entry System to establish eligibility under another Housing Program to cover rental assistance, or
- C. Find alternative housing.

The Housing Provider may extend the 90-calendar-day period and continue to pay rental assistance for an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the program or unless the time period would extend beyond the expiration of the lease.

**3. Occupancy Notices and Certifications:** the Landlord will notify the Tenant's Housing Provider before any lease is bifurcated and before any notice of eviction is provided so the Housing Provider can ensure Landlord or HP is providing Tenant with an Occupancy Notice and Certification at the time the Notice of Eviction is sent.

Tenant

Date

---

Landlord

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Date

Form **HUD-90066**  
(09/2008)

## ATTACHMENT V: HOMELESS PREVENTION DEFINITIONS AND RECORDKEEPING REQUIREMENTS

*To qualify for prevention assistance, whether “At-Risk” or “At-Imminent Risk”, households must first meet both of the following conditions:*

- Household income must be below 30% AMI (see Section 2 for documentation instructions)

**AND**

- Household lacks the financial resources and support networks necessary to obtain or remain in permanent housing, and no other housing options have been identified (see Section 3 for documentation instructions).

### **Section 1 – Housing Status Verification:**

Situation		Required Documentation
<b><i>At Imminent-Risk</i></b>	Household will imminently lose their primary nighttime residence within 14 days	A court order resulting from an eviction action notifying the individual or family that they must leave; <b>OR</b> For individual and families leaving a hotel or motel – evidence that they lack the financial resources to stay; <b>OR</b> A documented and verified oral statement.
	Fleeing or attempting to flee domestic violence	Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified.
<b><i>At-Risk</i></b>	Moved 2 or more times due to economic reasons in 60 days prior to application for assistance	Documentation of 2 moves within 60 days may include: HMIS records; OR Referral from housing/service provider; OR Letter from tenant/owner <p style="text-align: center;"><b>AND</b></p> Documentation of economic hardship may include: Notice of job loss; OR Health care bills indicating arrears; OR Utility bills indicating arrears

	<p>Living in the home of another due to economic hardship</p>	<p>Letter from tenant/homeowner  <b>AND</b>  Documentation of economic hardship may include:  Notice of job loss; <b>OR</b>  Health care bills indicating arrears; <b>OR</b>  Utility bills indicating arrears</p>
	<p>Losing housing within 21 days after application date</p>	<p>If primary tenant/homeowner: eviction notice or court order to leave within 21 days  <b>OR</b>  If living with another (doubled up): eviction letter from tenant/homeowner</p>
	<p>Living in a hotel/motel <u>not</u> paid for by charitable organizations or federal/state/local government programs</p>	<p>Letter from hotel/motel manager</p>
	<p>Living in severely overcrowded unit as defined by the U.S. Census Bureau</p>	<p>SRO or efficiency apartment: more than 2 people;  <b>OR</b>  Larger housing: more than 1.5 people per room  <b>AND</b>  Documentation of number of rooms in unit <i>and</i> number of individuals living in the unit:</p>
		<p>Lease; <b>OR</b></p>
		<p>Unit details from Tax Assessor’s Office</p>
	<p>Exiting publicly funded institution or system of care</p>	<p>Discharge paperwork  <b>OR</b>  Referral letter</p>



**Section 2 - Income Verification** *(all household members 18 years and older):*

Type of Income	Required Documentation
Wages and Salary Income	<p>Copy of most recent pay stub(s).</p> <p><b>OR</b></p> <p>Dated mail, fax, or email verification from employer that includes name of employer, client name, pay amount and frequency, average hours worked per week, amount of any additional compensation.</p> <p><b>OR</b></p> <p>Oral verification from employer that includes name of employer, client name, pay amount and frequency, average hours worked per week, amount of any additional compensation (complete Third Party Oral Verification form. Equivalent case notes may be substituted.).</p> <p><b>OR</b></p> <p>Self-declaration signed and dated by applicant that includes source of income, income amount, and frequency of income (complete Self-Declaration form).</p>
Self Employment and Business Income	<p>Copy of most recent federal and state tax return.</p> <p><b>OR</b></p> <p>Self-declaration that includes source of income, income amount and frequency of income (complete Self-Declaration form).</p>
Interest and Dividend Income	<p>Copy of most recent interest or dividend income statement.</p> <p><b>OR</b></p> <p>Copy of most recent federal and state tax return.</p> <p><b>OR</b></p> <p>Self-declaration that includes source of income, income amount, and frequency of income (complete Self-Declaration form).</p>
Pension/Retirement Income	<p>Copy of most recent payment statement or benefit notice from Social Security, pension provider, or other source.</p> <p><b>OR</b></p> <p>Dated mail, fax, or email verification from Social Security, pension provider, or other source that includes name of income source and income amount.</p> <p><b>OR</b></p> <p>Oral verification from source that includes name of income source and income amount (complete Third Party Oral Verification form. Equivalent case notes may be substituted.).</p> <p><b>OR</b></p> <p>Self-declaration signed and dated by applicant that includes source of income, income amount, and frequency of income (complete Self-Declaration form).</p>
Unemployment and Disability Income	<p>Copy of most recent payment statement or benefit notice.</p> <p><b>OR</b></p>

	<p>Dated mail, fax, or email verification from unemployment administrator or workers compensation administrator of former employer that includes name of income source and income amount.</p> <p><b>OR</b></p> <p>Oral verification from source that includes name of income source and income amount (complete Third Party Oral Verification form. Equivalent case notes may be substituted.).</p> <p><b>OR</b></p> <p>Self-declaration signed and dated by applicant that includes source of income, income amount, and frequency of income (complete Self-Declaration form).</p>
TANF/Public Assistance	<p>Copy of most recent payment statement or benefit notice.</p> <p><b>OR</b></p> <p>Dated mail, fax, or email verification from welfare administrator that includes name of income source and income amount.</p> <p><b>OR</b></p> <p>Oral verification from source that includes name of income source and income amount (complete Third Party Oral Verification form. Equivalent case notes may be substituted.).</p> <p><b>OR</b></p> <p>Self-declaration signed and dated by applicant that includes source of income, income amount, and frequency of income (complete Self-Declaration form).</p>
Alimony, Child Support, Foster Care Payments	<p>Copy of most recent payment statement, notices, or orders.</p> <p><b>OR</b></p> <p>Dated mail, fax, or email verification from child support enforcement agency, court liaison, or other source that includes name of income source and income amount.</p> <p><b>OR</b></p> <p>Oral verification from source that includes name of income source and income amount (complete Third Party Oral Verification form).</p> <p><b>OR</b></p> <p>Self-declaration signed and dated by applicant that includes source of income, income amount, and frequency of income (complete Self-Declaration form).</p>
Armed Forces Income	<p>Copy of pay stubs, payment statement, or other government issued statement indicating income amount.</p> <p><b>OR</b></p> <p>Dated mail, fax, or email verification from child support enforcement agency, court liaison, or other source that includes name of income source and income amount.</p> <p><b>OR</b></p> <p>Oral verification from source that includes name of income source and income amount (complete Third Party Oral Verification form).</p> <p><b>OR</b></p>

	Self-declaration signed and dated by applicant that includes source of income, income amount, and frequency of income (complete Self-Declaration form).
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**Section 3 – No Subsequent Residence and Insufficient Resources/Support Networks:**

<p>Please describe how the household lacks the financial resources and support networks necessary to obtain or remain in permanent housing, and that no other housing options have been identified.</p>	
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### Additional Information about Annual Household Income - Income Eligibility Determination

In addition to documenting homelessness or at-risk status at intake, households served must have an income at or below 30% of the Area Median Income (AMI). This level of income is part of the definition of “at-risk” which qualifies most households for prevention services. If a participant qualifies under the “Imminent Risk of Homelessness” or “Fleeing/Attempting to Flee Domestic Violence”, definition the income eligibility requirement must also be verified.

Eligibility redetermination must be conducted not less than once every six months. At that time, a case manager may decide to extend, decrease, or discontinue providing assistance. To continue to receive assistance, a household’s re-evaluation must demonstrate eligibility based on:

- Lack of Resources and Support Networks. The household must continue to lack sufficient resources and support networks to retain housing without HP assistance; AND
- Income. In addition, re-evaluation must demonstrate that the household’s annual income is less than or equal to 30 percent of the Area Median Income (AMI). Case managers may also require households to notify the case manager regarding changes in their income or other circumstances that affect their need for assistance (e.g. changes in household composition, stability, or support). When notified of any change, case managers must reevaluate eligibility and the amounts and types of assistance the household needs.

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### INCOME DEFINITION AND DOCUMENTATION

Income is any money that goes to, or on behalf of, the head of household or spouse (even if temporarily absent) or to any other household member. Annual income includes the current (within 30 days) gross income of all adult household member (18 years of age or older) and income attributable to a minor (SSI/SSP, child support, etc.) The following types of income must be included for income calculation purposes as indicated in the chart:

## Countable Income

- Earned Income (Gross income before taxes and deductions)
- Self-Employment / Business Income (Net income earned, i.e. total revenue minus business operating expenses. This also includes any withdrawals of cash from the business or profession for personal use.)
- Interest and Dividend Income
- Pension / Retirement Income (VA, SSA, annuities, pensions from a former job and other similar types of pension/retirement income)
- Armed Forces Income (Basic pay, special day and allowances excluding pay for exposure to hostile fire)
- Unemployment Benefits
- Disability Income (SSI/SSP, SSDI, private disability insurance, VA disability, State Disability Insurance)
- Workers Compensation
- Public Assistance / General Assistance income from government agencies excluding amounts designated for shelter, and utilities, WIC, food stamps and childcare.
- Alimony, Child Support and Foster Care payments received from organizations or persons not residing in the dwelling.
- Adoption Assistance Payments

Acceptable forms of income documentation include the most recent wage statement, unemployment compensation statement, public benefits statement, bank statement, third party statements (e.g. employer, government benefits administrator) or other written certification by the household of the amount of income that the household is reasonably expected to receive.

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### TIMELINESS OF INCOME DOCUMENTATION

Documentation that is dated within 30 days prior to the time of application is acceptable. However, a statement received any time within the twelve months prior to the time of application and reflecting current benefits received by a household is allowed.

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### DETERMINING AREA MEDIAN INCOME

Homelessness Prevention programs must ensure they are using the correct HUD Area Median Income thresholds prior to providing Homelessness Prevention assistance.

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## INCOME CALCULATION

Depending on pay periods used by the employer or the schedule of periodic payments, the following calculations convert the average wage into annual income:

- Hourly wage multiplied by Hours Worked per week multiplied by 52 weeks
- Weekly wage multiplied by 52 weeks
- Bi-Weekly (every other week) wages multiplied by 26 bi-weekly periods
- Semi-monthly wage (twice a month) multiplied by 24 semi-monthly periods
- Monthly wage multiplied by 12 months

Staff can calculate the household's annual income and eligibility using HUD's Income Eligibility Calculator (<https://www.hudexchange.info/incomecalculator/>). If using HUD's calculator, print the summary of the determination and keep in the household's case file. In order to use the Income Calculator, the user will need to set up a HUD exchange login.