



**SONOMA COUNTY
HOMELESS
COALITION**

Permanent Supportive Housing Standards

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RATIONALE

In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, the Continuum of Care must establish and consistently follow written standards for providing Continuum of Care assistance. At a minimum, these written standards must include 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 permanent supportive housing, including the emergency transfer priority required under § 578.99(j)(8)).

The County of Sonoma's Continuum of Care has adopted the following standards of care for Permanent Supportive Housing (PSH). PSH is service-enhanced housing in a safe environment that encourages maximum independence **for persons who do not need 24-hour care**. PSH programs are designed to increase clients' ability to live independently, promote community integration, and support recovery and wellness. PSH helps individuals and families to maintain stable residency in the community, develop personal support systems, and live as independently as possible. PSH programs are expected to provide decent, safe, sanitary, and affordable housing for chronically homeless, disabled persons and to help such individuals maintain long-term, stable, and successful tenancies.

Program Standards serve as a common policy framework for Sonoma County's CoC-funded Permanent Supportive Housing Programs. These policies have been developed through a working consensus process. While the Permanent Supportive Housing Program standards are not policies and procedures, they may be used as an outline for local agency policies and procedures and adopted policies should be incorporated into local manuals.

GUIDING PRINCIPLES

HOUSING FIRST

On September 29, 2016, Governor Jerry Brown signed Senate Bill 1380, making California a Housing First state. This requirement applies to any program providing housing or housing-based services to people experiencing homelessness or at risk of experiencing homelessness, whether the program was designed to address homeless or not.

The Housing First model is an approach to serving people experiencing homelessness that recognizes a homeless person must first be able to access a decent, safe place to live, that does not limit length of stay (permanent housing), before stabilizing, improving health, reducing harmful behaviors, or increasing income.

Under the Housing First approach, anyone experiencing homelessness should be connected to a permanent home as quickly as possible, and programs should remove barriers to accessing the housing, like requirements for sobriety or absence of criminal history. It is based on the "hierarchy of need:" people must access basic necessities like a safe place to live and food to eat before being able to achieve quality of life or pursue personal goals.

PSH projects are designed to serve the most vulnerable in the community. PSH leases and house rules should not have any different conditions than those that would be contained in a normal lease.

PROGRAM ELEMENTS

- a. Housing is not time limited, and the lease is renewable.

- b. Client choice in supportive services. Clients have the choice in what supportive services to engage in and are not required to participate in any supportive services if they choose. Clients receive specialized case management based on their needs and preferences.
- c. Leases and Rental agreements do not have provisions in them that are not found in other leases.

TRAUMA INFORMED CARE

Sonoma County PSH providers seek to provide a trauma-informed system of care. All PSH providers should work to bring evidence-based practices such as Seeking Safety and motivational interviewing into their programs. Trauma-informed services should include case management; onsite integrated health resources; ACEs-based programs; living skills programs focused on communication skills, grief/loss, and well-being.

TARGET GROUPS FOR PERMANENT SUPPORTIVE HOUSING

Individual agency missions or funding may designate eligibility of specific disabled homeless subpopulations (for example, transition-aged youth, persons with mental illness, etc.)

Referrals to Permanent Supportive Housing units will be filled through the Coordinated Entry System. These referrals will follow the prioritization process outlined in the Sonoma County Coordinated Entry Policies and Procedures and outlined below, ensuring those meeting the projects basic eligibility criteria, with the highest service needs, and longest lengths of homeless history are prioritized.

PRIORITIZATION FOR PERMANENT SUPPORTIVE HOUSING

Households are prioritized for PSH based on vulnerability and prioritization in HUD notice CDP-16-11:

- 1st priority: Chronically Homeless households with Severe Service Needs.
- 2nd Priority: Homeless households with a Disability with Severe Service Needs.
- 3rd Priority: Homeless households with a Disability Coming from Places Not Meant for Human Habitation, Safe Haven, or Emergency Shelter Without Severe Service Needs.
- 4th priority: Homeless households with a Disability Coming from Transitional Housing.

“Severe service needs” in this prioritization ranking are measured by the Total Prioritization Score, or the Enhanced Prioritization procedure.

Note: housing programs are required to document homeless history and disability according to their contracted requirements only. PSH referrals follow prioritization ranking procedure based on known homeless history and disability status at CES Case Conference.

OPERATIONS

ELIGIBILITY

Chronic Homelessness:

PSH projects prioritize beds for Chronically homeless individuals. When a participant exits a PSH program that bed must be filled by another chronically homeless participant, unless there are no more chronically homeless individuals in the CoC’s geographic area who meet that criterion, and the Coordinated Entry System has moved beyond the first priority group for referrals.

From HUD Notice CPD-14-012. 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 (42 U.S.C. 11360(9)), who:

- i. lives in a place not meant for human habitation, a safe haven, or in an emergency shelter;
- ii. 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;
- iii. (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;
- iv. (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.”

Disabling condition is defined as:

1. A substance use disorder, serious mental illness, post-traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability
2. A developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); OR
3. Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV)

And that condition meets all of the criteria below:

1. Is expected to be of long-continued and indefinite duration; AND
2. Substantially impedes the person’s ability to live independently; and
3. Is of such nature that the ability to live independently could be improved by more suitable housing conditions.

DEDICATED PROJECTS

Projects that are 100% CH dedicated must accept only chronically homeless individuals unless there are no more chronically homeless individuals in the CoC’s geographic area who meet that criteria.

DEDICATED PLUS

Dedicated plus provides more flexibility to communities, particularly those that have already dedicated 100 percent of the PSH resources to chronic homelessness, to expand their eligibility to serve persons with long histories of homelessness and severe service needs who would not meet the definition of chronic homelessness at project entry. The DedicatedPLUS concept applies at the project level to all CoC PSH projects. All new CoC PSH projects are required to either be

- (1) 100 percent dedicated to chronic homelessness or
- (2) DedicatedPLUS.

Renewal PSH projects may choose to change their classification to DedicatedPLUS as part of their project application.

DedicatedPLUS projects must serve individuals and families with one or more disability and who meet one or more of the following criteria at project entry:

1. Experiencing chronic homelessness;
2. Residing in a transitional housing project that will be eliminated and meets the definition of chronically homeless in effect at the time in which the individual or family entered the transitional housing project;
3. Residing in a place not meant for human habitation, emergency shelter, or safe haven; but the individuals or families experiencing chronic homelessness had been admitted and enrolled in a permanent housing project within the last year and were unable to maintain a housing placement;
4. Residing in transitional housing funded by a Joint TH and PH-RRH component project and who were experiencing chronic homelessness prior to entering the project;
5. Residing and has resided in a place not meant for human habitation, a safe haven, or emergency shelter for at least 12 months in the last three years, but has not done so on four separate occasions; or
6. Receiving assistance through a Department of Veterans Affairs (VA)-funded homeless assistance program and met one of the above criteria at initial intake to the VA's homeless assistance system.

Where there are no chronically homeless persons identified, Dedicated PSH beds included in DedicatedPLUS projects must fill the vacancy in accordance local prioritization standards. See Sonoma County Coordinated Entry policies and procedures and the “Prioritization for Permanent Supportive Housing” policy in this document. The recipient of DedicatedPLUS PSH projects must maintain records to document efforts to locate persons meeting the eligibility criteria. To justify serving a non-eligible household, a recipient of DedicatedPLUS projects must have documentation from the CoC that demonstrates that outreach is occurring regularly and that the CoC is making reasonable efforts to locate and identify all persons experiencing homelessness within the community.

VERIFICATION OF ELIGIBILITY

The Coordinated Entry Operator will provide the HMIS history, and coordinate providers who are familiar with participants’ history to support in documenting chronic homelessness, but ultimately it

is the responsibility of the housing provider to determine if a client is chronically homeless. The Sonoma County Homeless Coalition has developed resources for agencies to use to properly document chronic homelessness. Please see: <https://sonomacounty.ca.gov/health-and-human-services/health-services/divisions/homelessness-services/sonoma-county-homeless-coalition/coc-governance-and-compliance>

DOCUMENTATION IN ORDER OR PRIORITY

- 1) Third-party documentation (including HMIS)
- 2) Intake worker observations; or
- 3) Certification by the individual seeking assistance, which must be accompanied by the intake worker's documentation of the living situation of the individual or family seeking assistance and the steps taken to obtain evidence in paragraphs.

SELF CERTIFICATION VS. THIRD PARTY VERIFICATION

- 1) 100% of households served can use self-certification for 3 of their 12 months;
- 2) 75% of households served need to use 3rd party for 9 months of their 12 months; and
- 3) up to 25 % of program participants served by the project in an operating year, recipients may document up to the full 12 months through the individual or head of household's written certification of where they were living, but this must be accompanied by the intake workers notes that demonstrate that they have exercised due diligence to obtain a higher level of documentation.

DISABILITY VERIFICATION

The following are acceptable forms of disability verification. If they individual is referred without options 1-3 listed below, please note the provider will have only 45 days to collect the proper documentation for eligibility purposes.

1. Written verification of the disability from a professional licensed by the state to diagnose and treat the disability and his or her certification that the disability is expected to be long-continuing or of indefinite duration and substantially impedes the individual's ability to live independently;
2. Written verification from the Social Security Administration;
3. The receipt of a disability check (e.g., Social Security Disability Insurance check or Veteran Disability Compensation); or
4. Intake staff-recorded observation of disability that, no later than 45 days from the application for assistance, is confirmed and accompanied by evidence listed above.

TIMEFRAME FOR 3RD PARTY VERIFICATION OF HOMELESSNESS

Additional time is often needed to obtain the appropriate documentation of an individual or head of household's chronic homeless status. Therefore, although the final rule requires documentation of eligibility at intake to the project, it **does not require that all third-party documentation be acquired at the point of intake.**

HUD has determined that although the recipient must follow the order of priority for obtaining evidence as required in the final rule, **written self-certification at the point of intake for up to the**

full period of time homeless required by the definition of chronically homeless is sufficient (if no other documentation can be obtained at that point in time) for the recipient to enroll the household into the project. The recipient then *must* work to obtain the required third-party documentation within 180 days from the point in which the project participant is enrolled in the project. Project participants that have been enrolled in the project for less than 180 days may be excluded from the calculation for determining whether at least 75% of program participants have at least 9 months of third-party documentation.

Following the first 180 days from the point of a program participant's enrollment, if the recipient or subrecipient has not been able to obtain third-party documentation for at least 9 months of the individual or head of household's residence in a place not meant for human habitation, a safe haven, or an emergency shelter, then one of the following applies:

1. If the recipient or subrecipient has not already reached their 25 percent cap, the program participant can continue to be assisted in the project and the recipient or subrecipient must consider this program participant as counting towards their 25 percent allowance; or
2. If the recipient or subrecipient has already reached their 25 percent allowance, no additional CoC Program funds can be used to continue serving this household in that project. For this reason, HUD encourages recipients that are currently at their 25 percent allowance to use this additional time carefully and only for program participants where they are fairly certain that the required third-party documentation can be obtained. It is also for this reason that HUD encourages recipients and subrecipients to continue to obtain at least 9 months of third-party documentation for program participants, even after a program participant has been enrolled in the program for some time, because if a recipient is ultimately able to obtain 9 months of third-party documentation of a head of household's homeless status, then that household can be removed from the 25 percent calculation.

LEASE REQUIREMENTS

- 1) **Term:** Lease must have an initial term of 1 year that is automatically renewable.
- 2) **Lead-based paint:** If the housing unit was built before 1978, tenants must be provided with an EPA-approved information pamphlet on identifying and controlling lead-based paint hazards ("Protect Your Family From Lead In Your Home" pamphlet, currently available in many languages, English, Arabic, Chinese (Traditional and Simplified), French Korean, Polish, Russian Somali, Spanish, Tagalog, Vietnamese.) Lease must include an attachment (or language inserted in the lease itself) which includes a Lead Warning Statement and confirms that the landlord has complied with all notification requirements. This attachment is to be provided in the same language used in the rest of the contract. Landlords, and tenants, must sign and date the attachment.
- 3) **VAWA:** Leases must include an attachment (or language inserted in the lease itself) which includes all requirements listed under 24 CFR Part 5, Subpart L. Providers may use the sample Lease Addendum (HUD-91067) provided [here](#) or they may create their own lease addendum which incorporates all protections listed in 24 CFR Part 5, Subpart L.

PSH FILE CHECK LIST

The following information pertains to the required items in a participant file as it relates to the Continuum of Care Program. Documentation requirements may vary depending on the funding of the project as well as internal documentation requirements.

1. Documentation participants are entered into HMIS or a comparable database
2. Documentation participant was screened via centralized or coordinated assessment systems. 24 CFR 578.23(c)(9) Agencies can print referrals for client files before accepting the referrals. This will provide the documentation that the client has been assessed and referred via Coordinated Entry.
3. Homeless Management Information System (HMIS) Release of Information
4. HMIS HUD Demographics and Entry/Annual/Exit Assessment
5. Documentation of Homelessness at intake 24 CFR 578.103(a)(3)
6. Documentation of disability and homeless history of at least 12 months
7. Documentation of ongoing assessment of services 24 CFR 578.75(e)
8. Documentation of examination of income (initial and recertification) 24 CFR 578.103(a)(7)(i)
9. Documentation of initial and follow-up Housing Quality Standards inspections (Form) 24 CFR 578.75(b)
10. Lease/Occupancy Agreement/Sublease- signed lease agreement of at least 1 year that was renewable (for a minimum term of 1 month) and terminable only for cause, unless otherwise approved through a HUD waiver. This may be directly with the landlord if renting, or with a occupancy agreement, lease or sublease if grantee is using leasing assistance for the building.
11. Documentation of rent reasonableness 24 CFR 578.49(b)(1)
12. Documentation of rents charged (including utilities) do not exceed HUD-Fair Market Rents 24 CFR 578.49(b)(2)
13. Documentation supporting the correct/current utility allowance schedule is used 24 CFR 578.49(a)(3)
14. Documentation of occupancy charges with annual income calculations 24 CFR 578.77, 24 CFR 578.99(b)(6)
15. Lead Based Paint Disclosure (Form) 24 CFR Part 35

LENGTH OF ASSISTANCE

TYPICAL LENGTH OF ASSISTANCE

Because PSH is permanent, there is no time limit to assistance.

LIMIT ON TIME TO LOCATE RENTAL HOUSING (TENANT-BASED RENTAL ASSISTANCE)

Where a program provides rental assistance, extensions to the standard 90-day period to locate housing may be approved, up to 365 days. If housing cannot be located within 365 days, the case should be discussed at a case conferencing meeting and the project will explore housing alternatives that may align to meet the housing needs of the participant.

NUMBER OF TIMES A PERSON MAY EXIT AND RE-ENTER A PROGRAM

There is no limit to the number of times a person may exit and re-enter a program. Re-admission will be considered by senior program staff. Re-entry must be thoughtful in assessing the client's needs at

the time of re-entry and whether the person will be more successful in the program at the time of re-admission. In congregate or shared housing programs, the peaceful enjoyment of the premises by the occupants or neighbors must also be considered.

In general, individuals who are participating the Tenant-Based Rental Assistance (TBRA) programs should not be automatically exited from the program if they are evicted. Projects must consider all factors that led to the eviction and work with Coordinated Entry Case Conferencing to develop a plan to ensure that the individual is able to maintain stable housing. Exit from the program should be avoided if at all possible. Additionally, in the case that a participant is evicted, programs should assist the client in locating new housing.

RENT CALCULATION/ ANNUAL ASSESSMENTS

FREQUENCY OF INCOME/RENT CALCULATION

If the PSH household receives rental assistance, recipients or subrecipients must review a program participant's rent contribution initially, and at least annually thereafter, to determine the program participant's rent contribution. Adjustments to the rent contribution must be made as changes to their income are identified.

CHANGES TO HOUSEHOLD COMPOSITION

Depending on funding and program model or unit size, some programs may or may not accept the addition of household members to an assisted unit. If a family member is added or removed from the unit, an interim reexamination of the family income must be completed, and their rent amount adjusted accordingly.

RENT CALCULATION

24 CFR 578.77c establishes the following as the rent contribution that program participants must pay when the recipient or subrecipient is providing rental assistance payments on the program participant's behalf in TH and PSH projects. 24 CFR 578.77(b) establishes the maximum occupancy charge that recipients or subrecipients may charge program participants where the recipient or subrecipient is providing the program participant TH or PSH with funds other than rental assistance funds (e.g., by using leasing funds). There is no requirement, however, that recipients or subrecipients charge occupancy charges and many recipients and subrecipients choose not to impose occupancy charges on their program participants.

The rent contribution or the maximum occupancy charge is the highest of the following amounts (rounded to the nearest dollar):

- a) 30 percent of the family's monthly adjusted income (as outlined at Part 5.609 and 5.611(a));
- b) 10 percent of the family's monthly gross income; or
- c) If the family is receiving payments for welfare assistance from a public agency and a part of the payments (adjusted in accordance with the family's actual housing costs) is specifically designated by the agency to meet the family's housing costs, the portion of the payments that is designated for housing costs.

Below are the steps that must be taken to accurately determine a family's rent contribution.

INCOME CALCULATION

Agencies must develop policies and procedures for determination of family income and rent. Income must be calculated in accordance with 24 CFR 5.609 and 24 CFR 5.611(a). Recipients and subrecipients must examine a program participant's income initially, and if there is a change in family composition (*e.g.*, birth of a child) or a decrease in the resident's income during the year, the resident may request an interim reexamination, and the occupancy charge will be adjusted accordingly. Below are the basic steps for calculating a family's annual income.

- Identify household members
- Count the annual income of the head of household, spouse or co-head, and other family members 18 and older.
- Determine if the income is “included” or “excluded” for a list of income inclusions and exclusions, see: https://www.hud.gov/sites/documents/DOC_35699.PDF
- Input information into a rent calculation worksheet. HUD has developed a rent calculation worksheet that can be used to calculate rent. This resource can be found here: <https://www.hudexchange.info/resource/5654/coc-program-rent-determination-tools/>

DETERMINE THE DEPENDENT DEDUCTION

To determine the dependents deduction:

- Identify the number of dependents in the household. A dependent is a person who relied on another, especially a family member, for financial support. Examples of dependents are: persons under the age of 18, a household member who is disabled or handicapped, or a full-time student.
- Subtract a Dependent Allowance of \$480 per dependent from the annual income.

DETERMINE THE CHILDCARE DEDUCTION

To determine the childcare deduction:

- Identify the anticipated, reasonable childcare costs for children under age 13 (including foster children) that will allow a household member to work or pursue an education.
- Subtract any portion of that amount that will be a reimbursement.
- Deduct the anticipated, reasonable, unreimbursed costs from the annual income.

DETERMINE THE DISABILITY ASSISTANCE DEDUCTION

To determine the Disability Assistance Deduction:

- Identify the anticipated reasonable costs of either:
 - Attendant care for a disabled household member provided by a non-household member or
 - An “auxiliary apparatus” (*e.g.* Wheelchair, ramps) that enables a disabled household member or another household member to work.
- Subtract any portion of that amount that will be reimbursed.
- Subtract from the annual income anticipated, reasonable, unreimbursed costs that exceed 3 percent of the gross income up to the amount of earned income by the adult household member(s) as a result of disabled assistance.

DETERMINE THE MEDICAL EXPENSES DEDUCTION

To determine the medical expenses deduction:

- Identify the anticipated, reasonable costs of medical expenses incurred if the head of household, their spouse, or the sole household member is:
 - At least 62 years of age; or,
 - Handicapped or disabled
- Subtract any portion of that amount that will be reimbursed.
- Subtract from the annual income anticipated, reasonable, unreimbursed costs that exceed 3 percent of the gross income.

DETERMINE THE ELDERLY/DISABLED HOUSEHOLD DEDUCTION

To determine the elderly/disabled household deduction:

- Determine whether the head of household, their spouse, or co-head (or the sole member of the household) is:
 - At least 62 years old
 - Handicapped or disabled
- If yes, then the household is entitled to a \$400 elderly/disabled Household Deduction (each family is limited to only **one** deduction even if multiple members of the household qualify for this deduction)

DETERMINE THE ADJUSTED ANNUAL INCOME

To determine the adjusted annual income:

- Calculate the total income adjustment (the sum of):
 - Dependent Deduction
 - Childcare deduction
 - Disabled assistance deduction
 - Medical expenses deduction
 - Elderly/disabled household deduction
- Subtract the total income adjustments from the total annual income.

DETERMINE THE AMOUNT OF RENT

To determine the amount of resident rent:

- Calculate the following values:
 - 30 percent of the monthly adjusted income (divide the adjusted annual income by 12 and multiply by 0.3)
 - 10 percent of Monthly Gross income (divide the Total Annual Income by 12 and multiply by 0.1)
 - The portion of the family's welfare assistance, if any, that is designated for housing costs.
- In PSH with rental assistance, the rental amount is the **highest of these figures**.

- In projects supporting housing with leasing, the occupancy charge or rent cannot exceed the highest of these figures.

DETERMINING THE RENT CONTRIBUTION OR UTILITY REIMBURSEMENT

As detailed above, each program participant in transitional or permanent supportive housing on whose behalf rent is paid with CoC Program rental assistance funds must pay rent in the amount determined in 24 CFR 578.77(c). This amount, however, must be adjusted by the pre-determined reasonable utility consumption amount when the program participant is required to pay for utilities. For example, if the program participant's rent contribution is \$300, as determined above, and the reasonable monthly utility consumption amount is \$40 then the program participant is only required to contribute \$260 in rent. The recipient must pay the difference between \$260 and the rent specified on the program participant's lease.

Utility Reimbursement: If/when the recipient or subrecipient deducts the reasonable monthly utility consumption amount from the program participant's rent contribution or maximum occupancy charge amount (as determined by 24 CFR 578.77(c) or 24 CFR 578.77(b) respectively), the calculation equals a number less than \$0, then the recipient or subrecipient **must provide a utility reimbursement to the program participant.**

RENT REASONABLENESS AND FAIR MARKET RENT (FMR)

Using Continuum of care (CoC) Program funds for rental assistance and leasing requires adherence to rent reasonableness standards to determine whether a specific unit can be assisted. For more information: <https://files.hudexchange.info/resources/documents/RentReasonableChecklist.pdf>

DETERMINING THE REASONABLE MONTHLY UTILITY ALLOWANCE

For the purposes of determining the reasonable monthly utility consumption, recipients or subrecipients must use the local PHA's schedule of utility allowances, which are based on unit size and the utilities the program participant is expected to pay. Current utility schedule can be found here: <https://sonomacounty.ca.gov/CDC/Housing-Authority/Property-Owners/Utility-Allowances/>

RENT REASONABLENESS

HUD's rent reasonableness standard is designed to ensure that rents being paid are reasonable in relation to rents being charged for comparable unassisted units in the same market. When leasing and rental assistance funds are used to pay rent for individual housing units, the rent paid must be reasonable in relation to rents be charged for comparable units, taking into account the location, size, type, and age of unit, as well as any amenities, housing services, maintenance, and utilities provided by the owner. PSH providers should have a procedure in place to ensure that compliance with rent reasonableness standards is documented prior to a executing the lease for an assisted unit. Under the CoC Program, all units and structures for which rent is paid must be reasonable. For more information on how to determine rent reasonableness, please refer to: <https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/coc-leasing-rental-assistance-requirements/reasonableness/>

FAIR MARKET RENT

The other key standard in determining the level of CoC Program funds that can be used to pay rent for an eligible program participant is the Fair Market Rent (FMR) amount for the geography in which

the unit is located. HUD establishes FMRs to determine payment standards or rent ceilings for HUD-funded programs that provide housing assistance, which it publishes annually for 530 metropolitan areas and 2,045 non-metropolitan county areas.

The amount of CoC Program funds used for leasing an individual unit may not exceed the current FMR for that unit size and location. For each assisted unit, recipients and subrecipients must ensure that CoC Program leasing funds do not exceed the current published FMR for their geographic area (even if an earlier FMR was used as the basis for the recipient's CoC Program grant). The applicable FMR should be documented in the case file for each program participant assisted with leasing funds.

The amount of CoC Program funds used for rental assistance may exceed the current FMR for that unit size and location, as long as the contract rent is reasonable. For more information on determining FMR, refer to: <https://files.hudexchange.info/resources/documents/CoC-Rent-Reasonableness-and-FMR.pdf>

To obtain the most recent FMR, refer to: <https://www.huduser.gov/portal/datasets/fmr.html>

CASE MANAGEMENT

PSH providers must make supportive services available, but they are not a required component of the program. Individuals may elect to not participate in case management, but it should always be made available to them if they request.

ANNUAL ASSESSMENT OF SUPPORTIVE SERVICES

To the extent practicable, each project must provide supportive services for residents of the project and homeless persons using the project, which may be designed by the recipient or participants. Each recipient and subrecipient of assistance under this part must conduct an ongoing assessment of the supportive services needed by the residents of the project, the availability of such services, and the coordination of services needed to ensure long-term housing stability and must make adjustments, as appropriate.

EXCLUSIONS

REJECTION OF REFERRALS

Only four standardized options are available for rejecting a referral from Coordinated Entry: the participant does not meet eligibility requirements, the project is not currently accepting applications, the participant has disappeared or is not able to be located, or the participant refused the housing offer. Providers may not reject a referral without a consensus approval of all parties present at CES Case Conference.

REJECTION STANDARDS

Does not meet eligibility requirements:

The Sonoma County Homeless Coalition (SCHC) maintains a public website with eligibility requirements for all projects in the CoC's geographic area participating in Coordinated Entry. A housing provider may reject a referral only if the participant does not meet basic published eligibility requirements, inclusive of (when applicable) immediate safety risk or meeting activities of daily living (ADLs), or the provider has exhausted all options to document eligibility. Examples include single adults that were part of a family unit when assessed and have been referred to a families-only project, or non-veterans attempting to access SSVF funded units. An agency may not reject a participant on

presumed “fit” in housing or shelter. An agency may not reject a participant due to barriers in documenting eligibility without exhausting all possible options first.

Program no longer accepting applications:

If a program is no longer accepting applications, the referring agency and CE will work together to redirect the referral to another program within HMIS. This includes instances when a project serves multiple populations (ex: individuals and families) but only has openings for one population at a given type.

Unknown/disappeared

If referring agencies have exhausted all options to contact a referral, they may request to decline the referral as “unknown/disappeared.” Every attempt shall be made to contact the participant, including physical outreach, contacting subregional outreach workers, Coordinated Entry staff, and all known service providers.

Participant refused offer

If a participant refuses a referral. See Right of Refusal Policy in Coordinated Entry Policies and Procedures.

INELIGIBLE CLIENTS

For Chronically Homeless (CH) dedicated beds, an individual must have their homeless history documented within 180 days and disability verification within 45 days of project enrollment. If the project is unable to document 9 of the individual’s 12 months of housing status and they have exhausted their 25% for that allotment operating year of self-certified CH individuals, the project must stop providing assistance to the individual unless all eligible, chronically homeless individuals have been served and the community has moved to later PSH prioritization levels. See “time frame for third party documentation” above for more detail on CH documentation.

CRIMINAL BACKGROUND/SEX OFFENDERS

The CoC interim rule **does not** require providers to disqualify based on criminal background. Providers may request information related to an individual’s sex offender status but should use the information to determine the most appropriate housing placement and not to screen out and otherwise eligible individual. If the housing has in residence at least one family with a child under the age of 18, the housing may exclude registered sex offenders and persons with a criminal record that includes a violent crime from the project so long as the child resides in the housing. Additionally, providers must check their local jurisdictional restrictions related to sex offenders before placing an individual into a program.

WHEN NEEDS EXCEED SERVICES

When possible, Coordinated Entry will coordinate with medical providers when referrals are made at CES Case Conference to screen participants for their ability to meet their activities of daily living (ADLs). If an individual cannot meet their ADLs but has a supportive service in place (such as IHSS) that can meet this need, the client will be deemed able to live independently. Agencies will develop policies and procedures on how to assess a participant’s ability to meet their ADLs and how to accommodate client’s specific needs.

Providers will make every attempt to serve those who are referred to their projects; however, when a participant's level of need exceeds the services that can be offered, providers may not be able to continue to offer housing. Examples include:

- Severe physical or mental health impairment that requires professional services beyond that which the provider or their professional partners can provide,
- Participant's ongoing behavior becomes a threat to their own health and safety or the health and safety of others

Before termination is pursued, provider will consult with Coordinated Entry case conferencing to explore alternatives. Participants whose assistance are terminated are entitled to the same noticing and due process that is outlined in 24 CFR § 578.91 and outlined in the "termination" policy found in these standards. If after alternatives are explored, provider chooses to terminate assistance, they will attempt to refer the client to other community resources that have the professional capacity to serve the client.

TERMINATION/ TRANSFERS

PSH TRANSFERS

Individuals served in PSH projects can be transferred from one PSH program to another that better serves their needs. Transfers must be approved by a consensus of the CES Case conferencing group.

TERMINATION:

24 CFR § 578.91 states:

(a) *Termination of assistance.* The recipient or subrecipient may terminate assistance to a program participant who violates program requirements or conditions of occupancy. Termination under this section does not bar the recipient or subrecipient from providing further assistance at a later date to the same individual or family.

(b) *Due process.* In terminating assistance to a program participant, the recipient or subrecipient must provide a formal process that recognizes the rights of individuals receiving assistance under the due process of law. This process, at a minimum, must consist of:

(1) Providing the program participant with a written copy of the program rules and the termination process before the participant begins to receive assistance;

(2) Written notice to the program participant containing a clear statement of the reasons for termination;

(3) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and

(4) Prompt written notice of the final decision to the program participant.

(c) *Hard-to-house populations.* Recipients and sub recipients that are providing permanent supportive housing for hard-to-house populations of homeless persons must exercise judgment and examine all extenuating circumstances in determining when violations are serious enough to warrant termination so that a program participant's assistance is terminated only in the most severe cases.

ABSENCES FROM UNIT

In the event an adult household member is considered permanently absent, the housing provider will conduct a reexamination of the household's income and rental payment. The income, assets and allowances of any adult household members who is no longer part of the family will not be counted towards the household's rental payment.

If the project is supported by vouchers through a Housing Authority, the project will report the absence to the Housing Authority and will follow their absence from the unit policy. Otherwise, providers will refer to the following policies.

NON-INSTITUTIONAL ABSENCE FROM UNIT

Any member of the assisted household will be considered permanently absent if they are away from the unit for 60 or more consecutive days except when they are absent due to institutionalization.

RENTAL ASSISTANCE PAYMENTS

Rental assistance payments on behalf of the program participant are limited to 30 days after the participant has exited the project unless the participant is not considered absent under the policies below. For example, if someone is determined to be permanent absent in September of 2024, the last rental assistance payment would be October 2024. Rental assistance payments cannot exceed 90 days from the date the individual vacated the unit.

LEASING PAYMENTS

If a program participant is determined to be permanently absent, projects that use a master-lease model may continue to make leasing payments to the property owner in accordance with their lease agreement however, they are expected to fill the unit as quickly as possible.

TENANT PAYMENTS

Regardless of the type of absence, program participants must continue paying their rental portion and any utilities they are responsible for during the absence.

ABSENCE DUE TO INSTITUTIONALIZATION

If an assisted household member is staying in an institution (jail, hospital, skilled nursing facility etc.) for less than 90 days, they are not considered absent.

ABSENCES DUE TO MEDICAL REASONS

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the housing provider will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less 90 consecutive days, the family member may not be considered permanently absent.

ABSENCES DUE TO INCARCERATION

If an individual is absent from the unit for more than 90 days due to incarceration, they are considered permanently absent.

ABSENCE WHILE SEARCHING FOR HOUSING

This applies to only tenant-based interventions. If the participant is temporarily staying with family of friends while they are looking for permanent housing, and have been determined to be eligible for assistance, they are not considered absent.

INSTITUTIONAL ABSENCES BEYOND 90 DAYS

In the event a client is absent from a unit beyond 90 days, housing providers will turn over the unit and fill the vacancy with another eligible household. In these cases, the housing provider will leave the client enrolled in the project in HMIS for the duration of the absence. The housing provider would then be permitted to re-house the client in a new unit when they exit the institution. If the participant remains absent after 180 consecutive days, the project will exit the client from the project in HMIS.

REMAINING HOUSEHOLD MEMBERS

Surviving/remaining members of a household that has lost the qualifying household member due to long-term incarceration, death, or long-term institutionalization have the right to rental assistance until the end of the lease.

LEASE BIFURCATION OR EVICTION AS A RESULT OF DOMESTIC VIOLENCE

For permanent supportive housing projects, members of any household who were living in a unit assisted under this part at the time of a qualifying member's eviction from the unit because the qualifying member was found to have engaged in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, have the right to rental assistance under this section until the expiration of the lease in effect at the time of the qualifying member's eviction.

EVICTION

Eviction should be a last resort. If, however, a participant's behavior is causing a health and safety concern for themselves and others or their behavior is disrupting other participants, staff or neighbors' right to peaceful enjoyment of the premises repeatedly, a PSH provider may need to evict the client from the program. Before taking this action, the provider must make attempts to resolve the behavior and bring the situation to the CES case conferencing meeting to discuss a possible transfer to another PSH program that can better serve the client or discuss other potential options for the participant.

GRADUATION TO INDEPENDENT SUBSIDIZED HOUSING

The CoC recommends that PSH providers work with clients to establish other long-term subsidized housing options if the client is able to live independently without intensive supportive services. This includes assisting the client in signing up for affordable housing waiting lists and referring the client to Move-On programs when available.

REMEDIES AVAILABLE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING: **EMERGENCY TRANSFER PLAN**

BACKGROUND

The following policies and procedures are intended to ensure that Sonoma County Homeless Coalition-funded housing program clients, who are victims of domestic violence, dating violence, sexual assault, and

stalking who are at imminent risk of further harm, have a process to transfer from their existing housing unit to a new, safe housing unit. Requests for emergency transfers should be treated with the utmost urgency. Providers will reduce barriers to requesting these transfers and will communicate these policies to clients in their programs. This plan identifies clients who are eligible for an emergency transfer, how clients can request an emergency transfer, confidentiality protections related to transfers, the specific steps that providers are required to take to facilitate an emergency transfer, and guidance to clients on safety and security. Sonoma County Homeless Coalition providers will inform the Department of Health Services' Homelessness Services Team, (hereafter "Lead Agency") when they receive transfer requests, whether they can/have facilitated an internal transfer and whether they need to seek an external transfer. Sonoma County Homeless Coalition providers are encouraged to contact the Lead Agency with questions or concerns. Housing providers will provide reasonable accommodations to this policy for individuals with disabilities.

APPLICABILITY

These policies cover all projects with housing assistance (leasing and rental assistance) activities funded by, or under the purview of, the Sonoma County Homeless Coalition. These policies apply regardless of the type of funding (federal, state, local), (hereafter referred to as "Sonoma covered projects").:

ELIGIBILITY

A client receiving rental assistance through, or residing in a unit subsidized by, the Sonoma County Homeless Coalition who is a victim of domestic violence, dating violence, sexual assault, or stalking qualifies for an emergency transfer if:

(i) The client expressly requests the transfer; and

(ii)

(A) The client reasonably believes there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying; or

(B) In the case of a client who is a victim of sexual assault, either the client reasonably believes there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying, or the sexual assault occurred on the premises during the 365-calendar-day period preceding the date of the request for transfer. A client requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Requests may be made verbally, but clients are encouraged to make the request in writing if reasonable. Housing providers cannot require requests to be in writing and cannot require clients to be in good standing to qualify for an emergency transfer.

REQUESTING AN EMERGENCY TRANSFER

To request an emergency transfer, the client shall submit either a verbal or written request to any representative of their housing provider. The housing provider may request additional documentation of the occurrence for which the client is requesting an emergency transfer; however, the provider is not required to request documentation, and is encouraged to refrain from doing so except when there the provider receives substantively conflicting or inconsistent information. The client's request should include either:

1. A statement expressing that the client reasonably believes that there is a threat of imminent harm from further violence if the client were to remain in the same dwelling unit assisted under the Sonoma covered project; OR

2. A statement that the client was a sexual assault victim and that the sexual assault occurred on the premises during the 365-calendar-day period preceding the client's request for an emergency transfer.

Housing providers must approve emergency transfer requests from any client who submits a request and who meets criteria (1) or (2), above.

DOCUMENTATION AND RECORDKEEPING

Housing providers will maintain documentation of emergency transfers requests, either the written request completed by the client, or log of the time and date of the request, if the request was made verbally. Housing providers will maintain logs of steps taken to facilitate and internal transfer which include time frames. Housing providers will maintain logs of the outcome of those requests in client files. Housing providers will inform the Lead Agency when they receive a request within 3 working days so the Lead Agency can assist with the transfer and monitor for compliance with these policies.

If this is a transfer from PSH to PSH, the original documentation of that individual's Chronic Homeless Status shall be copied and provided to the new project for documentation of eligibility. Documentation of the stay at the original PSH should be included in the provided documentation; this can either be pulled from an HMIS report or written from the other service provider.

Programs must retain records of all emergency transfer requests and their outcomes for a period of 5 years following the grant year of the program in which the household was a participant and report them to HUD as required.

Written verification of the client's situation or any documents pertaining to the abuse shall not be stored electronically in HMIS for protection. This includes uploaded documents as well as case notes.

CONFIDENTIALITY

With the exception of the reporting requirements in this policy, the housing provider will keep confidential any information that the client submits in requesting an emergency transfer, and information about the emergency transfer, unless the client gives the housing provider time-limited written permission to release the information, or disclosure is required by law, or disclosure is required for use in an eviction proceeding or hearing regarding termination of assistance from Sonoma covered project. This includes keeping confidential the location of the dwelling unit of the client from the person(s) that committed the act(s) of domestic violence, dating violence, sexual assault, or stalking against the client. See the Notice of Occupancy Rights under the Violence Against Women Act For All Clients for more information about the provider's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, and stalking.

TYPES OF TRANSFERS

Internal emergency transfer refers to an emergency relocation of a client to another unit where the client would not be categorized as a new applicant; that is, the client may reside in the new unit without having to undergo an application process.

External emergency transfer refers to an emergency relocation of a client to another unit where the client would be categorized as a new applicant; that is the client must undergo an application process in order to reside in the new unit.

SAFE UNIT

A safe unit is defined as a unit that the victim of domestic violence, dating violence, sexual assault, or stalking deems is safe. [emphasis added] This unit may be outside the jurisdiction of Sonoma County.

INTERNAL TRANSFER

Where the client requests an internal emergency transfer, the program should take steps to immediately transfer the client to a safe unit if a unit is available.

If an internal transfer is available, the housing provider must allow the client to accept and complete the transfer. (If there are multiple clients requesting an internal transfer to the same unit, the housing provider must follow its internal policies and procedures to determine which client shall receive priority.) If an internal transfer is not immediately available, program staff will inform the client that they have the following options:

1. Wait for a safe unit to become available for an internal transfer,
2. Offer placement into a different project type if housing is not available (internal emergency shelter for example),
3. Request an external emergency transfer, and/or
4. Pursue both an internal and external transfer at the same time in order to transfer to the next available safe unit in the CoC.
5. Contact local victims' services providers (YWCA, Family Justice Center, Verity) to discuss any additional resources available for additional placements and resources.

Clients may pursue some, all, or none of the above options, may pursue multiple options at the same time, and may change which options they wish to pursue at any time.

EXTERNAL TRANSFER

If a client requests an emergency transfer and an internal transfer is not immediately available, the housing provider must offer the client an external transfer. External transfer clients have priority over all other applicants for Sonoma County Homeless Coalition funded housing assistance, provided the household meets all eligibility criteria required by the destination program and its funder(s).

After the agency communicates the client's emergency transfer request to the Coordinated Entry System, they will facilitate referral of the participant to the next available appropriate unit through the Coordinated Entry System. The client is not required to accept a transfer option. They can elect to wait for a different option. The household retains their original homeless status for purposes of the transfer. In this case, the client would be categorized as a new applicant; that is the client must undergo the CE referral process and any applications required in order to reside in the new unit. Providers will also refer clients to temporary housing options like shelter while they await a transfer.

TRANSFERS OUTSIDE SONOMA COUNTY

Incoming transfers:

The Sonoma County Homeless Coalition will accept up to 5 transfers requests a year from victims of domestic violence, dating violence, sexual assault or stalking who reside in another jurisdiction. Any additional external transfer requests will be reviewed on a case-by-case basis.

If the Lead Agency receives a request, they will provide the same priority and emergency transfer services described in this policy. The originating jurisdiction must provide all eligibility documentation at the time of the transfer request. The Sonoma County Homeless Coalition may delay a transfer request if eligibility documentation is not provided by the originating jurisdiction.

OUTGOING TRANSFERS

If a victim of domestic violence, dating violence, sexual assault, or stalking requests a transfer outside Sonoma County's jurisdiction, the Lead Agency will contact the Coordinated Entry lead in the receiving jurisdiction to coordinate this transfer. The Lead Agency cannot impose any enhanced priority and these transfers will follow the receiving jurisdiction's ETP process. The housing provider in Sonoma County will provide all eligibility documentation to the receiving jurisdiction's CE lead and housing provider.

CONTINUITY OF SERVICES

Housing providers will maintain supportive services during an emergency transfer. If a participant in a tenant-based rental assistance program needs an emergency transfer, the housing provider will assist the client in locating more suitable housing as quickly as possible through housing location services. Additionally, the provider will also refer the client to other services like PSH transfers, referrals to victim services providers and referrals to temporary housing options like shelter.

The housing provider will continue to assist the client until the client is able to secure alternate housing. The provider should bring the situation to the Lead Agency team and the CE operator for assistance with an external transfer.

EMERGENCY TRANSFER PRIORITY

Where the client requests an internal emergency transfer, the program shall take steps to immediately transfer the client to a safe unit if a unit is available or assist the client in locating more suitable housing. If an external program transfer is required, the participant shall be prioritized over all other referrals for the next available housing opportunity within the same program model, provided the participant meets all eligibility criteria. The participant shall retain their original homeless status for purposes of the transfer.

LEASE BIFURCATION

A project owner may bifurcate a lease in order to evict or terminate assistance to a client or occupant who commits acts of violence against family members or others. The abuser or offender may be evicted while preserving the rights of the survivor. Sonoma covered project providers may choose to continue to serve the offender with other resources to avoid homelessness.

If the offender is the qualifying household member, the remaining household members must have the opportunity to demonstrate eligibility to remain in the project permanently. If they cannot establish eligibility, the remaining household members must be allowed to remain in the housing until the end of the lease. The housing or supportive service provider must assist the remaining household members to find alternate housing at the end of the lease.

RESOURCES/HOTLINES

In all cases, please provide the individual seeking an emergency transfer or even contemplating an emergency transfer, with our local victims' services contact information. In case of an emergency, do not hesitate to call 9-1-1.

YWCA 24/7 domestic violence hotline: 707-546-1234

Verity 24/7 sexual assault crisis hotline: 707-545-7273

Family Justice Center Sonoma County (business hours only): 707-565-8255

TRAINING

Housing providers shall train their staff on this policy. All staff that work in a housing program shall receive this training as part of their initial training and annually. The Lead Agency has created trainings that can be used. Additionally, the lead agency and the Coordinated Entry operator shall offer this training to providers at least annually. The lead agency encourages providers to contact them for technical assistance if they have questions.

INFORMING PARTICIPANTS OF THEIR RIGHTS

Housing and supportive service providers shall inform clients of their rights under this policy upon intake into their programs. Housing and supportive service providers shall post flyers in their offices and in common spaces of assisted project-based units of this policy.

COSTS ASSOCIATED WITH ETPS

Sonoma County Homeless Coalition providers can include a budget line item for facilitating and ensuing compliance with these policies. Examples of eligible costs for emergency transfer facilitation include the costs of assessing, coordinating, approving, denying, and implementing a survivor's emergency transfer which includes:

- Assistance with moving costs. Reasonable moving costs to move survivors for an emergency transfer.
- Assistance with travel costs. Reasonable travel costs for survivors and their families to travel for an emergency transfer.
- Security Deposits. Grant funds can be used to pay for security deposits of the safe units the survivor is transferring to via an emergency transfer.
- Utilities. Grant funds can be used to pay for costs of establishing utility assistance in the safe unit the survivor is transferring to.
- Housing Fees. Fees associated with getting survivor into a safe unit via emergency transfer, includes but not limited to application fees, broker fees, holding fees, trash fees, pet fees where the person believes they need their pet to be safe, etc.
- Case management. Grant funds can be used to pay staff time necessary to assess, coordinate and implement emergency transfers.
- Housing navigation. Grant funds can be used to pay staff time necessary to identify safe units and facilitate moves into housing for survivors through emergency transfers.
- Technology to make an available unit safe. Grant funds can be used to pay for technology that the individual believes is needed to make the unit safe, including but not limited to doorbell cameras, security systems, phone and internet service when necessary to support security systems for the unit, etc.

Examples of eligible costs for monitoring compliance with the VAWA confidentiality requirements include the costs of ensuring compliance with the VAWA confidentiality requirements which includes:

- Monitoring and evaluating compliance with VAWA confidentiality requirements.
- Developing and implementing strategies for corrective actions and remedies.
- Program evaluation of confidentiality policies, practices and procedures.
- Training on compliance with VAWA confidentiality requirements.

- Reporting to Collaborative Applicant, HUD and other interested parties on compliance with VAWA confidentiality requirements
- Costs for establishing methodology to protect survivor information.
- Staff time associated with maintaining adherence to confidentiality requirements.

PROCEDURE/WORKFLOW

INTAKE

At intake and annually, client is informed of their rights under VAWA including the ability to request emergency transfers and lease provisions that are afforded to them under VAWA. The client is provided this information in writing.

EMERGENCY TRANSFER REQUEST

A client can request a transfer if they reasonably believe there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying; or

In the case of a client who is a victim of sexual assault, either the client reasonably believes there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying, or the sexual assault occurred on the premises during the 365-calendar-day period preceding the date of the request for transfer. A client requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Upon receipt of the verbal or written request, the Sonoma Covered project will contact the lead agency and inform them of the request within 3 business days. The Sonoma Covered project will acknowledge receipt of the request to the client within 3 business days. The Sonoma Covered project will inform the client of their ability/inability to provide an internal transfer within 5 business days of receipt of the request.

FACILITATING TRANSFER

- 1) Sonoma Covered project receives report, verbal or written, that a client residing in a covered project believe there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying; or in the case of a client who is a victim of sexual assault, either the client reasonably believes there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying, or the sexual assault occurred on the premises during the 365-calendar-day period preceding the date of the request for transfer.
- 2) Within 3 business days, Sonoma Covered project staff acknowledge receipt of request and inform the client that they are eligible to transfer their assistance to a safe unit. Safe unit is defined by the participant requesting the transfer.
- 3) Within 3 business days, the Sonoma Covered project contacts lead agency to inform them of the request.
- 4) Within 5 business days of receiving the request, Sonoma Covered project staff inform the client requesting the transfer of their ability/inability to complete an internal transfer. If an internal transfer is not immediately available, staff inform the client that they can;
 - a. Wait for a safe unit to become available for an internal transfer,
 - b. Offer placement into a different project type if housing is not available (internal emergency shelter for example),
 - c. Request an external emergency transfer, and/or

- d. Pursue both an internal and external transfer at the same time in order to transfer to the next available safe unit in the CoC.

Clients may pursue some, all, or none of the above options, may pursue multiple options at the same time, and may change which options they wish to pursue at any time.

- 5) Sonoma Covered project staff connects client to local victims' services providers (YWCA, Family Justice Center, Verity) to discuss any additional resources available for additional placements and resources.
- 6) If client requests an external transfer within Sonoma County, the Sonoma Covered project staff will inform the lead agency and the Coordinated Entry (CE) Operator of the request. The client will be given absolute priority over all other referrals. The Coordinated Entry operator will inform the covered project of the housing options that are available. If a project opening has specific eligibility criteria, the CE operator will coordinate with the Sonoma Covered project staff to see if the individual requesting the transfer meets the project's eligibility criteria.
- 7) When an external transfer is available, the CE operator will inform the Sonoma Covered project of the opening. The client can elect to take one of the available options or wait for another option. If the client elects to wait for another option, they maintain absolute priority for all future openings. The Coordinated Entry operator will inform the Sonoma Covered project staff of upcoming housing opportunities before they are presented at case conferencing. If/When the client selects a project, the CE operator will immediately make the referral to the project. The CE operator will inform the housing program receiving the referral of the special nature of the referral and that it will not be made in case conferencing. The CE operator will not share any information about the referral with the case conferencing group.
- 8) If the client requests a transfer outside Sonoma County, the Sonoma Covered project will inform the lead agency of the request and the jurisdiction the client is requesting a transfer to within 3 business days. The lead agency will contact the new jurisdiction to see if that jurisdiction will prioritize transfer requests from outside their jurisdiction. If the transfer is possible, the lead agency, in coordination with the Sonoma Covered project provider requesting the transfer, will facilitate completing the transfer. If the jurisdiction will not prioritize the individual for placement, the Sonoma Covered project requesting the transfer will inform the client. The client can decide to seek any of the transfer options listed in number 4 of this procedure.
- 9) If/When a transfer option is selected, the Sonoma Covered project that requested the transfer request will provide a "warm handoff" to the new project.
- 10) The Sonoma Covered project will inform the lead agency when the transfer is complete.

REASONABLE ACCOMMODATIONS

Individuals can make requests for reasonable accommodations to any project staff member, in any form, at any time. Project staff should be available to assist individuals with requests for reasonable

accommodations. Individuals making requests for reasonable accommodations must participate in assessment and an interactive process with staff for requested accommodations to be considered. A Notice of Rights must be provided to all applicants and participants; this notice shall inform individuals of their rights under disability nondiscrimination laws and the applicability of these laws.

A reasonable accommodation is a change, exception or adjustment to a program, service, building or dwelling unit that will allow a qualified person with a disability to

- Participate fully in a program;
- Take advantage of a service;
- Live in a dwelling

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. When a client requires an accessible feature(s), policy modification, or other reasonable accommodation, the project must provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the program. In such a case, if possible, the program will offer an alternative solution that would not result in fundamental alteration of the program or a financial or administrative burden.

NON-DISCRIMINATION

All projects must comply with the non-discrimination and equal opportunity provisions of Federal civil rights law as specified at 24 CFR 5.105 (a) and 24 CFR 5.2005, including but not limited to.

- Fair Housing Act
- Section 504 of the Rehabilitation Act
- Title VI of the Civil Rights Act
- Title II of the Americans with Disabilities Act
- HUD's Equal Access Rule
- Violence Against Women Act (VAWA) Protections
- Local and state non-discrimination laws

Services are provided to program participants are offered in a nondiscriminatory basis with respect to race; color; national origin or citizenship status; age; disability (physical or mental); religion; sex; sexual orientation or identity; genetic information; HIV or AIDS; medical conditions; political activities or affiliations; military or veteran status; status as a victim of domestic violence, assault or stalking; or any other federal, state or locally protected group.

EQUAL ACCESS FINAL RULE AND GENDER IDENTITY FINAL RULE

Providers of the Sonoma County Homeless Coalition are required to adhere to HUD's Equal Access Final Rule and HUD's Gender Identity Final Rule. Through the final rules, HUD ensures equal access to individuals in accordance with their gender identity in programs administered by HUD's Office of Community Planning and Development (CPD). HUD's housing programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status.

HOUSING FOR SPECIFIC SUBPOPULATIONS

Providers may exclusively serve a particular homeless subpopulation in a permanent housing project if the housing addresses a need identified by the Coalition for the geographic area and meets one of the following:

- 1) The housing may be limited to one sex where such housing consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex;
- 2) The housing may be limited to a specific subpopulation, so long as admission does not discriminate against any protected class under federal nondiscrimination laws in 24 CFR 5.105 (e.g., the housing may be limited to homeless veterans, victims of domestic violence and their children, or chronically homeless persons and families).
- 3) The housing may be limited to families with children. However, it may not restrict housing or services to families with a single-sex parent. For example, it is not permissible to have a project that only serves women with children, the project must serve all families with children, regardless of the head-of-household's gender.

PREVENTING FAMILY SEPARATION

Individuals and families presenting for service will be asked if there are additional family members not present at intake and ask if those family members wish to reside with the referred individual. Projects will not separate family members. Projects will not deny a client because they want to live with a family member unless it would cause overcrowding in the unit.

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

- 1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or,
- 2) A group of persons residing together, and such group includes, but is not limited to:
- 3) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - a. An elderly family;
 - b. A near-elderly family;
 - c. A disabled family;
 - d. A displaced family; and,
 - e. The remaining member of a tenant family.

If a group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, they are a family. A family must be served as such, regardless of how the present. Providers need to be able to serve every kind of family, regardless of the ages and sexes of the adults and children.

Examples

- 1) A program cannot separate out or deny assistance to adult men that present as part of the family (e.g., fathers, uncles, the mother's boyfriend, etc.)

- 2) A program may limit assistance to a household with children, it may not limit assistance to only one woman with children.
- 3) If two adults present together as a family for housing, the project must serve the two adults as a family and may not require proof of marriage and may not limit assistance to couples in a heterosexual relationship.
- 4) A household cannot reduce the size of a family because one child is in foster care. If a family presents for permanent housing and one child is in foster care, it would be acceptable to house them in a larger unit and document it is necessary for family reunification.

Please see HUD FAQ 1529 for additional information: <https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>

HOUSING QUALITY STANDARDS

UNIT SIZE

All units must be an appropriate size for the household. The unit must have at least one bedroom or living/sleeping room for each two persons in the household. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living room/sleeping room. If household composition changed during the term of assistance, providers may relocate the household to a more appropriately sized unit.

All units paid for with CoC leasing or rental assistance funds must meet certain basic Housing Quality Standards (HQS) prior to expending CoC funds on that unit. All units must additionally meet state and local codes.

- The recipient or subrecipient must **physically inspect all units** prior to expending CoC funds and must continue to do so annually throughout the grant period (see **HUD Inspection Checklist**). The annual review can take place during lease renewal.
- Inspectors do not need to be certified.
- The owner of the unit has 30 days to address and correct any deficiencies in the unit.
- The recipient or subrecipient must maintain documentation of compliance with HQS, including inspection reports.

LEAD-BASED PAINT REQUIREMENTS

CoC recipients and subrecipients are expected 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. To learn how to identify lead-based paint, the types of deterioration and how to repair the problem, please refer here:

<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>

GRIEVANCE PROCEDURE

PSH providers will develop their own policies and procedures for participant grievances. Grievances include: appeals of decisions that impact PSH participants (exits, extensions etc.) and grievances regarding PSH policies or perceived unfair/unequitable treatment by agency staff. Participants should

inform clients about their grievance policy upon intake or orientation. Copies of the grievance policy should be provided to participants upon intake into the PSH program. PSH staff will make grievance forms available to clients upon request. Clients should be informed of how their grievance will be handled and given a timeframe for completion of each step of the process.

SERVING UNDOCUMENTED INDIVIDUALS

I. PRWORA Restrictions and Exceptions

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”) restricted undocumented individuals from accessing a number of public benefits, including housing and homeless services. However, the PRWORA also created exceptions that allow access, regardless of the recipients’ immigration status, to programs and services that:

- deliver in-kind services at the community level;
- do not condition the provision of assistance on the program participants’ income or resources; and
- are necessary for the protection of life or safety.

II. Guidance from the U.S. Attorney General and HUD

The U.S. Department of Justice (DOJ) interpreted the above three-prong test to mean that all individuals, regardless of immigration status, should be given access to:

- “Short-term shelter or housing assistance for the homeless, for victims of domestic violence, or for runaway, abused or abandoned children,” and
- “Programs, services, or assistance to help individuals during periods of heat, cold, or other adverse weather conditions.”

To date, U.S. Department of Housing and Urban Development (HUD) has not issued any similar guidance clarifying which of its homeless assistance programs are subject to PRWORA’s noncitizen eligibility restrictions.³ However, in 2016, HUD, DOJ and the U.S. Department of Health and Human Services (HHS) issued guidance specifying that the following programs and services shall remain accessible to all eligible individuals, regardless of immigration status:

- Transitional Housing (for up to two years, where the recipients or sub-recipients of government funds own or lease the housing)
- Street Outreach Services
- Emergency Shelters
- Safe Havens
- ***Rapid Rehousing***

III. Exceptions to Verification Requirements for “Nonprofit Charitable Organizations”

While the PRWORA generally requires government agencies to verify the immigration status of applicants for public benefit programs, “nonprofit charitable organizations” are ***not*** required to verify the immigration status of applicants for federal, state, or local public benefits, including for Permanent Supportive Housing programs.

IV. Other Applicable Restrictions

Notwithstanding the PRWORA’s immigration-related restrictions, organizations or agencies that receive federal funding must not discriminate against individuals on the basis of race, national origin or any basis protected under the following:

- Title VI of the Civil Rights Act of 1964
- Fair Housing Act
- Violence Against Women Act
- Family Violence Prevention and Services Act
- Section 109 of Title I of the Housing and Community Development Act of 1974
- Any other applicable nondiscrimination law
- In addition, HUD, HHS and DOJ have advised that:
“Denying an individual a public benefit or treating an individual differently because of that individual’s race or national origin would violate one or more of these statutes. For example, a recipient of federal financial assistance may not deny benefits to applicants because they have ethnic surnames or origins outside the United States. Nor may the recipient single out individuals who look or sound “foreign” for closer scrutiny or require them to provide additional documentation of citizenship or immigration status. Also, because individuals might come from families with mixed immigration status, there may be some family members who are eligible for all benefits and others who are not eligible or who can receive only a more limited subset of those benefits. Therefore, benefits providers must ensure that they do not engage in practices that deter eligible family members from accessing benefits based on their national origin”.

Useful links:

- Full text of the PRWORA: <https://www.congress.gov/104/plaws/publ193/PLAW-104publ193.pdf>
- Joint Letter: <https://files.hudexchange.info/resources/documents/HUD-HHS-DOJ-Letter-Regarding-Immigrant-Access-to-Housing-and-Services.pdf>
- HUD Fact Sheet: <https://files.hudexchange.info/resources/documents/PRWORA-Fact-Sheet.pdf>
- DOJ Interim Guidance: <https://www.govinfo.gov/content/pkg/FR-1997-11-17/pdf/97-29851.pdf>
- CRS Report: <https://crsreports.congress.gov/product/pdf/R/R46462>

ADMINISTRATION

Eligible activities

LEASING

For Continuum of Care PSH, leasing costs are eligible under the Permanent Supportive Housing (PSH) component.

Recipients and subrecipients may choose to use CoC Program funds to lease a structure or a portion of a structure that will be used for PSH projects. Leasing funds may also be used to lease individual housing units for PSH.

Leasing funds can pay for the following activities:

1. Rent for the unit or structure (**§ 578.49(b)(1)**)
2. Security deposits for up to 2 months if the participant is leasing directly with the landlord provided the landlord is **NOT** the CoC recipient. (**§ 578.49(b)(4)**) If the CoC recipient owns the building or is master leasing the unit, leasing funds cannot be used to pay security deposits. However, a CoC recipient, acting as the landlord can bill the operating budget line item for repairs to damages caused by a client.

3. First and last month's rent (up to one month each, allowed as an advanced payment) (§ **578.49(b)(4)**)
4. Staff or related costs to carry out leasing activities including conducting Housing Quality Standards (HQS), paying landlords, etc.
5. Payments on unoccupied units while identifying a new program participant

TYPES OF RENTAL ASSISTANCE

1. Tenant-Based Rental Assistance (TBRA)

In TBRA, the program participants locate housing in the private rental market and enter into a lease with the property owner. Recipients/subrecipients may require participants to live in a specific structure for the first year, or a specific geographic area for the remainder of their participation in order to facilitate services.

As of July 2016, participants may use TBRA to rent units outside of the CoC's geographic area as long as the recipient meets certain requirements. For more information: <https://www.govinfo.gov/content/pkg/FR-2016-06-14/pdf/2016-13684.pdf>

2. Project-Based Rental Assistance (PBRA)

In PBRA, sponsor agencies rent units in the private market and then sublet the units to program participants. Sponsors may be private nonprofit organizations or community mental health agencies established as nonprofit organizations. If the participant moves, the sponsor may sublease to a different participant or use the SBRA in a different unit with the current participant. SBRA stays with the sponsor.

3. Sponsor-Based Rental Assistance (SBRA)

In PBRA, the recipient or subrecipient contracts for a particular unit or property and the participant then enters a lease with the landlord. If the participant moves, the PBRA stays with the unit for the next eligible participant.

SUPPORTIVE SERVICES

The CoC Interim Rule specifies which eligible supportive services can be paid for with CoC Program Supportive Service funds (§ **578.53(a)(1)**). All supportive services provided must help program participants obtain and maintain housing. Services not specified in the CoC Interim Rule are not eligible (§ **578.53(d)**).

Recipients and subrecipients are required to make available supportive services to program participants for the entire duration of their residence in the project.

ELIGIBLE SUPPORTIVE SERVICES:

Below is a list of eligible supportive services. Depending on the agency, some of these services may not be available. Agency program manuals will contain a list of the supportive services that they offer. PSH providers will work with clients to understand what services they need and can be offered.

- Annual Assessment of Services (§ 578.53(e)(1))
- Moving costs (§ 578.53(e)(2))
- Case management (§ 578.53(e)(3))
- Childcare (§ 578.53(e)(4))
- Education services (§ 578.53(e)(5))
- Employment assistance and job training (§ 578.53(e)(6))
- Food (§ 578.53(e)(7))
- Housing search and counseling services (§ 578.53(e)(8))
- Legal services (§ 578.53(e)(9))
- Life skills training (§ 578.53(e)(10))
- Mental health services (§ 578.53(e)(11))
- Outpatient health services (§ 578.53(e)(12))
- Outreach services (§ 578.53(e)(13))
- Substance abuse treatment services (§ 578.53(e)(14))
- Transportation (§ 578.53(e)(15))
- Utility deposits (§ 578.53(e)(16))

OPERATING COSTS

In general, the following costs are considered eligible:

- The costs of maintenance and repair of housing not included in the lease (§ 578.55(b)(1))
- Property taxes and insurance (§ 578.55(b)(2))
- Scheduled payments to a reserve fund for the future replacement of major buildings systems. Major building systems include structural support, roofing, cladding, weatherproofing, plumbing, electrical, heating, ventilation, and air conditioning (§ 578.55(b)(3))
- Security for a housing program if more than 50 percent of the units or building area are CoC-funded (§ 578.55(b)(4))
- Utilities including electricity, gas, heating oil or other heating/cooling costs, water, sewer, and trash removal (§ 578.55(b)(5))

- Furniture (office/apartment) that remains with the project. Mattresses are also eligible costs, even if they remain with the program participant (§ 578.55(b)(6))
- Equipment, including office equipment, appliances such as microwaves, refrigerators, stoves, washers and dryers, etc. that remain with the project (§ 578.55(b)(7))
- Staff time spent carrying out the above eligible operating activities that are part of the approved grant.
- Maintenance and Repair: Maintenance and repair include a property or unit's upkeep, including structural, electrical, and plumbing systems. It can include everything from leaky faucets to major repairs. It includes landscaping (non-beautification) and snow removal and salting.

PROJECT ADMINISTRATION

Under the Project Administration program component, CoC recipients and subrecipients may use these funds to support:

1. General management, oversight, and coordination (§ 578.59(a)(1))
2. Training on CoC requirements and attending HUD-sponsored CoC trainings (§ 578.59(a)(2))

Note: Recipients no longer need permission from HUD to spend CoC Program funds on conference attendance if the conferences includes a HUD or TA speaker assigned by HUD.

3. Carrying out environmental reviews (§ 578.59(a)(3))

Note: An environmental review must be conducted for all projects prior to CoC program funds being committed.

Ineligible Costs

Ineligible project administration costs include staff and overhead costs directly related to carrying out other eligible activities under the CoC Program (§ 578.43 – 578.57) (e.g., Leasing, Rental Assistance, Supportive Services) should be charged to those budget line items.

Example: Costs related to administering rental assistance such as calculating participant rent share or conducting housing quality inspections should be charged to the rental assistance budget line item rather than to project administration.

PROGRAM INCOME

Program income is defined as income received by the recipient or subrecipient directly generated by a grant-supported activity.

Use: Program income earned during the grant term shall be retained by the recipient, and added to funds committed to the project by HUD and the recipient, used for eligible activities in accordance with the requirements of this part. Costs incident to the generation of program income may be deducted from gross income to calculate program income, provided that the costs have not been charged to grant funds.

Rent and Occupancy Charges: Rents and occupancy charges collected from program participants are program income. In addition, rents and occupancy charges collected from residents of transitional housing may be reserved, in whole or in part, to assist the residents from whom they are collected to move to permanent housing.

REPORTING

Programs are required to be timely on any required reporting. If a program is not able to meet the deadline for a required report, the program administration will provide notice of an estimated time frame for when reports can be received.

PROGRAM MONITORING

PSH providers can expect the Sonoma County Department of Health Services Ending Homelessness Team to monitor their program annually to ensure adherence to these standards.

RESOURCES

PSH providers are encouraged to use all of the resources that HUD makes available to providers to better understand program rules and regulations and to better implement programs. Below are resources that can assist providers:

- CoC Interim Rule: <https://www.hudexchange.info/resource/2033/hearth-coc-program-interim-rule/>
- Continuum of Care Program 24 CFR Part 578: <https://www.law.cornell.edu/cfr/text/24/part-578>
- HUD Exchange CoC Virtual Binders: <https://www.hudexchange.info/programs/coc/>
- CoC Rent Calculation: <https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/coc-rent-calculation/overview/>
- CDC Service Providers webpage: <https://sonomacounty.ca.gov/CDC/Homeless-Services/Providers/>
- Sonoma County Housing Authority Utility Allowances: <https://sonomacounty.ca.gov/CDC/Housing-Authority/Property-Owners/Utility-Allowances/>
- Chronic homelessness Resources: <https://www.hudexchange.info/news/new-resources-on-documentation-of-chronic-homelessness/>
- HUD Exchange Lead Based Paint Housing Toolkit: https://www.hudexchange.info/programs/lead-based-paint/lshr-toolkit/introduction/?utm_source=HUD+Exchange+Mailing+List&utm_campaign=efb1c21d86-New+Lead+Safe+Housing+Rule+Toolkit&utm_medium=email&utm_term=0_f32b935a5f-efb1c21d86-19461893