

NEBRASKA BALANCE OF STATE CONTINUUM OF CARE  
WRITTEN STANDARDS  
For Programs Funded by CoC

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**Emergency Solutions Grant and Continuum of Care Service Delivery  
September 2023**

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## INTRODUCTION

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### Purpose

The U.S. Department of Housing and Urban Development Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) was signed into law on May 20, 2009. The HEARTH Act reauthorized the McKinney-Vento Homeless Assistance Act of 1987. The overall goal is to make homelessness rare, brief, and non-recurring by reducing the duration of time people spend homeless and reducing recidivism back into homelessness.

The Continuum of Care Interim Rule was published on July 31, 2012, and took effect on August 30, 2012. The purpose of the regulation is to:

- Return households who experience homelessness to permanent housing in less than 30 days;
- Consolidate the Supportive Housing Program, Shelter Plus Care Program, and the Section 8 Moderate Rehabilitation Program;
- Promote a community wide commitment to the goal of ending homelessness;
- Provide funding to quickly rehouse homeless individuals and families while minimizing trauma and dislocation;
- Promote access to mainstream benefits;
- Optimize self-sufficiency;
- Provide funding to support the CoC structure and process; and
- Solidify the CoC structure and process.

The Interim Rule requires CoCs to establish and consistently follow written standards for providing CoC assistance in consultation with recipients of the Emergency Solutions Grant (ESG) Program. Each Emergency Solutions Grant (ESG) and Continuum of Care (CoC) funded service provider shall comply with the minimum written standards established and approved by the BoS Continuum of Care. Each provider will at the very least comply with the standards established in this document.

## Programs Overview

### **Emergency Solutions Grant Program (ESG)**

The Emergency Solutions Grant Interim Rule broadened existing emergency shelter and homelessness prevention activities, placing greater emphasis on helping individuals and families to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness by expanding prevention as an eligible use and adding a rapid rehousing component. ESG eligible components are:

- Street Outreach
- Homeless Prevention
- Emergency Shelter
- Rapid Rehousing
- HMIS

The Nebraska Department of Health and Human Services office of the Nebraska Homeless Assistance Program (NHAP) is a recipient of the U.S. Department of Housing and Urban Development Emergency Solutions Grant Program Funds and administers this award to eligible organizations referred to as sub-recipients through a performance-based competition.

### **Continuum of Care Program**

A Continuum of Care System is a community and regional-based process that provides a comprehensive and coordinated housing and service delivery system. The U.S. Department of Housing and Urban Development (HUD) initiated the Continuum of Care process in 1994. The process promotes a coordinated, strategic planning approach for programs that assist families and individuals who are homeless or at risk of homelessness.

A Continuum of Care System has the goal of stably housing all persons who are homeless or at risk of homelessness in appropriate housing. This means identifying all homeless and at risk of homeless populations in communities, understanding their needs, and building a comprehensive and responsive system which encompasses homeless prevention, outreach, intake and assessment, emergency shelter, transitional programs, supportive housing, permanent housing, and all appropriate support services.

The University of Nebraska-Lincoln, Center on Children, Families, and the Law (CCFL) has been designated by the Nebraska Balance of State (BoS) CoC as the Collaborative Applicant.

## STANDARDS FOR ALL PROGRAM TYPES

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The BoS CoC practices a person-centered model that strongly incorporates participant choice and inclusion of subpopulations present in the Nebraska Balance of State, including but not limited to persons experiencing chronic homelessness, veterans, unaccompanied youth, youth ages 18-24, households with children, and victims of domestic violence or other life-threatening interpersonal violence.

### Fair Housing and Equal Opportunity

The Continuum of Care (CoC) does not tolerate discrimination or verbal, physical, or any other kind of harassment based on race, color, national origin, ancestry, religion, age, familial status, veteran status, disability, sex, actual or perceived sexual orientation, perceived or actual gender identity or expression, marital status, source of income, or other reasons prohibited by law. Discriminatory and prejudice-motivated comments or other behavior that creates a hostile environment will not be tolerated from staff, volunteers, contractors, or other clients. Any staff, contractor, or volunteer who refuses to work with an individual due to the individual's characteristics or demographics (e.g., race, ethnicity, gender identity and expression, sexual orientation) shall result in disciplinary action.

The CoC and all sub-recipient organizations receiving CoC or Emergency Solutions Grant (ESG) Program funds must comply with applicable equal access and nondiscrimination provisions of federal, state, and local civil rights laws. All recipients and sub-recipients of CoC and ESG Program funding must comply with the nondiscrimination and equal opportunity provisions of Federal civil rights laws as specified at 24 CFR.5.105 (a); including but not limited to:

- Fair Housing Act (42 USC 3601-19)
- 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

### Equity of Care

People of color and those identifying as LGBTQ+ comprise a disproportionate percentage of people experiencing homelessness. Equity of participant care is promoted at all levels of care, including access to services, staffing, case management, and program improvement.

### **Affirmatively Furthering Fair Housing**

Providers must have comprehensive non-discrimination policies in place and conduct assertive outreach to people least likely to engage in the homeless system. Organizations receiving CoC Program and ESG Program funding shall market housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, perceived or actual gender identity and expression, age, familial status, or disability. Organizations shall also provide program applicants and participants with information, in writing, on their rights and remedies under applicable federal, state, and local fair housing and civil rights. (80 FR 42271)

### **Integration and Accessibility**

Housing and supportive services must be offered in an integrated manner, such that persons with disabilities may enjoy a meaningful life within the community. Organizations shall offer housing and supportive services to enable individuals with disabilities to interact with nondisabled persons to the fullest extent possible. (24 CFR 578.93)

### **Reasonable Accommodations and Modifications for Persons with Disabilities**

Organizations are required to provide reasonable accommodations and modifications for persons with disabilities. For federally funded housing, the recipient is responsible for paying for the modification. Organizations must inform applicants during the intake process of their right to request reasonable accommodations or modifications. A reasonable modification is a structural change, and a reasonable accommodation is a change to rules, policies, or services so that a person with a disability has equal opportunity to use and enjoy a dwelling unit or common space. An example of a reasonable modification is installing a grab bar in the bathroom of a person with a disability, while examples of reasonable accommodations include permitting a person with a disability to have a service animal.

### **Discrimination Based on Actual or Perceived Gender**

*HUD's Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule (2012) and Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs (2016)* requires that HUD's housing projects be made available to individuals and families without regard to actual or perceived sexual orientation, gender identity, or marital status, and that access is provided in accordance with individuals' gender identity, including single-sex projects in which eligibility determinations must be made in accordance with an individual's gender identity. The final rule also prohibits owners and administrators of HUD-assisted or HUD-insured housing, approved lenders in an FHA mortgage insurance program, and any other recipients or sub-recipients of HUD funds from inquiring about sexual orientation or gender identity to determine eligibility for HUD-assisted or HUD-insured housing.

The 2016 rule amended the definitions of sexual orientation (“one’s emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality, heterosexuality, or bisexuality)”) and gender identity (“the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person’s perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person’s appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents”).

### **Reasonable Accommodations and Modifications for Transgender and Gender Non-Conforming Clients**

Reasonable accommodations may be made for any individual, transgender or non-transgender, who has expressed privacy needs. Reasonable accommodations are made according to each individual’s needs and the ability of the organization to provide such accommodations.

Under no circumstances will a transgender or gender non-conforming client be required to use alternative facilities—including as an “accommodation” for another person’s discomfort. Another person’s discomfort is not a reason to deny access to or equal treatment for the transgender person. Staff shall work with the person expressing discomfort to foster an understanding of gender identity for the purpose of creating an environment that respects and values all individuals.

### **Guidance for Placement of Transgender and Gender Non-Conforming Clients in Single-Sex Emergency Shelters or Other Facilities**

The 2016 amended Equal Access Rule provides requirements for temporary, emergency shelters and other buildings and facilities that are not covered by the Fair Housing Act (because they provide short-term, temporary accommodations that may include sex-segregated accommodations, which they sometimes do to protect the privacy and security of individuals when the buildings and facilities have physical limitations or configurations that require shared sleeping quarters or shared bathing facilities). For purposes of this rule, shared sleeping quarters or shared bathing facilities are those that are designed for simultaneous accommodation of multiple individuals in the same space. For example, a single-user bathing facility with a lock on the door is not designated for simultaneous occupancy by multiple individuals, so it is not a “shared bathing facility” for purposes of the Equal Access Rule or this rule. (24 CFR Part 5)

For assigning a participant to sex-segregated or sex-specific services, it is a requirement that intake staff and emergency housing providers ask a transgender or gender non-conforming participant which group or service the participant wishes to join. Projects may not subject the individual to intrusive questioning or ask them to provide anatomical information or documentary, physical, or medical evidence of the individual’s gender identity. The organizations must take reasonable steps to address safety and privacy concerns; the



organization should provide for privacy in bathrooms and dressing areas. For instance, organizations may install privacy curtains or partitions. When deciding how to house a survivor of domestic violence, an organization that provides sex-segregated housing may consider on a case-by-case basis whether a particular housing assignment would ensure the survivor's health and safety. A survivor's own views with respect to personal safety deserve serious consideration. The organizations should ensure that its services do not isolate or segregate survivors of domestic violence based upon actual or perceived gender identity.

### **Discrimination Based on Household Composition**

Organizations cannot discriminate against a group of persons presenting as a family based on the composition of the family, the age of any member of the family, the disability status of any member of the family, marital status, actual or perceived sexual orientation, or gender identity and expression. The people who present together for assistance, regardless of age or relationship, are considered a household and are eligible for assistance as a household.

Projects that serve families with children must serve all types of families with children; if a project targets a specific population, (e.g., homeless veterans), these projects must serve all families with children that are otherwise eligible for assistance, including families with children that are headed by a single adult or consist of multiple adults who reside together.

### **Prohibition Against Involuntary Family Separation**

In accordance with HUD's CoC and ESG program regulations and BoS CoC policy, involuntary family separation is prohibited in all projects, including but not limited to the following:

- The age or gender of a child under the age of 18;
- The gender of a parent or parents;
- The marital status of a parent or parents.

### **Prioritized Subpopulations and Fair Housing Implications**

Organizations shall comply with applicable civil rights laws, including the Fair Housing Act. Within this framework, these standards establish subpopulations to be prioritized for housing and services that align with the identified needs of the local community and the goals of the Federal Strategic Plan to End Homelessness. Subpopulations may be prioritized as long as doing so does not discriminate against any protected class under federal nondiscrimination laws (e.g., the housing may be limited to homeless veterans, survivors of domestic violence and their children, or chronically homeless households); subpopulations may also be prioritized according to who needs the specialized supportive services that are offered by the project (e.g., substance

use disorder treatment, domestic violence services, or a high intensity package of services designed to meet the needs of hard-to-reach homeless persons).

Dedicated versus Prioritized: Projects and/or beds that are dedicated to serving a specific subpopulation must continue serving only this subpopulation. (For instance, a Permanent Supportive Housing project that is dedicated to serving households experiencing chronic homelessness must continue serving those households). This means that if two otherwise eligible households are seeking admission into the program, one who falls within the designated prioritized subpopulation and one who does not, the household who is in the designated prioritized subpopulation must be given priority for admission.

If there are no persons on a waiting list or applying for entrance to the program who fall within the dedicated or first priority subpopulation, organizations should not hold the unit vacant. They should instead serve the next prioritized subpopulation who may benefit from the services being provided.

Fair Housing Implications: The Local Standards establish priority subpopulations by project type (i.e., Permanent Supportive Housing); organizations may not set more restrictive priorities. For instance, while a Permanent Supportive Housing project may prioritize households experiencing chronic homelessness with a qualifying disability per the Local Standards, beds may not be reserved to persons with a specific disability (i.e., physical disability). If an individual, who is otherwise qualified, but who does not have a physical disability, seeks admission and would benefit from the services offered, this person may not be excluded from the project. Organizations may reserve beds for persons with HIV/AIDS if the housing also receives funding from the Housing Opportunities for People with AIDS program (HOPWA).

## HMIS Participation

Providers, except for victim service providers, shall actively utilize the Homeless Management Information System (HMIS) to enter data on people served and assistance provided under ESG. Victim service providers shall actively utilize a comparable data system that meets HUD's standards (24 CFR 576.107).

Every four years, the BoS CoC will engage in a procurement process to select the HMIS lead and to manage the HMIS system. The HMIS lead will be responsible for CoC, ESG, and NHAP HMIS activities. Continuity is a critical factor in a well-run HMIS system. Therefore, preference in the procurement may be granted to the existing provider. The HMIS provider will recommend to the CoC an HMIS software solution for the CoC.

The BoS CoC has designated the University of Nebraska-Lincoln as the HMIS lead entity. The HMIS lead entity is responsible for:

- Maintaining and updating the HMIS data system

- Providing training and support to all HMIS users
- Supporting a HMIS coordinator in each of the CoC's regions
- Generating regular reports based on HMIS data including counts of homeless persons and performance reports on CoC and ESG funded providers.
- Providing reports to HUD as required including the Annual Homelessness Assessment Report (AHAR).

### Inclusive Intake Practices for Transgender and Gender Non-Conforming Clients

Clients shall report their own gender, and staff must document self-reported gender in HMIS and rely on the client's reported gender for the purposes of determining gender-appropriate accommodations. A person's gender does not depend on whether they have had surgery or other medical treatments or whether they are perceived to "pass" as the gender with which they identify. Transgender people presenting for intake shall not be turned away or referred to another agency or facility because of their transgender status, the length or extent of their gender transition, or because they do not meet the expectations of what a man or woman is supposed to look like.

Staff may not inquire into the medical or surgical status of a transgender client's transition outside of what is asked of all clients (i.e., medications and physical and mental health needs that can be addressed by our programs or partner referrals). Staff may not require a person's gender identity to match the gender listed on an ID or other documents, for the purposes of determining gender-appropriate accommodations or entering gender into HMIS.

### Violence Against Women Act (VAWA)

VAWA protection is available to all survivors of domestic violence, dating violence, sexual assault, and stalking regardless of sex, gender identity, or sexual orientation. VAWA requires that CoC and ESG programs: a) Provide participants with the HUD Notice of VAWA Occupancy Rights (form HUD-5380) and Self-Certification (form HUD-5383), b) Add lease addendums that includes VAWA protections, and c) Allow participants to make emergency transfers (form HUD-5381) when safety is a concern.

### Participant Inclusion

Each CoC-funded project is expected to engage participants in ongoing program evaluation and quality improvement processes. Toward that end, at a minimum, each project is required to

survey or interview participants at least annually to obtain feedback on program service quality, the housing and service environment, and opportunities for improvement.

Each CoC-funded organization must have the opportunity to have participant representation on a governing or decision-making body.

### Access to Mainstream Resources

Minimum standards for connection with other resources consist of assisting each participant to obtain, if applicable:

- Appropriate support services including permanent housing, medical health treatment, behavioral health services, counseling, supervision, and other services needed for independent living.
- Other governmental and private assistance available to help with housing stability including Medicaid, Medicare, Supplemental Nutrition Assistance Program (SNAP), Women Infants and Children (WIC), Federal-State Unemployment Insurance Program; Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI); child and adult care food programs, and other available assistance.

### Program Coordination

Minimum standards for program coordination consist of on-going system and program coordination and integration of ESG and CoC funded activities to the maximum extent practicable with the following:

- Emergency shelter providers, essential services providers, homelessness prevention, transitional housing, permanent supportive housing and rapid rehousing assistance providers;
- Other homeless assistance providers, including: HUD-Veterans Affairs Supportive Housing (HUD-VASH); Education for Homeless Children and Youth Grants for State and Local Activities (McKinney-Vento Homeless Assistance Act); Grants for the Benefit of Homeless Individuals; Healthcare for the Homeless; Programs for Runaway and Homeless Youth; Projects for the Assistance in the Transition from Homelessness; Services in Supportive Housing Grants; Emergency Food and Shelter Program; Transitional Housing Assistance Grants for Victims of Sexual Abuse, Domestic Violence, and Stalking Program; Homeless Veterans Reintegration Program; Domiciliary Care for Homeless Veterans Program; VA Homeless Providers Grant and Per Diem Program; Health Care for Homeless Veterans Program; Homeless Veterans Dental Program; Supportive Services for Veterans Families Program; and Veterans Justice Outreach Initiative

- Mainstream service and housing providers: Public housing programs assisted under section 9 of the U.S. Housing Act of 1937; Housing programs receiving Section 8 tenant based or project based assistance; Supportive Housing for Persons with Disabilities; HOME Investment Partnerships Program; Temporary Assistance for Needy Families; Health Center Program; State Children’s Health Insurance Program; Head Start; Mental Health and Substance Abuse Block Grants; Services funded under the Workforce Investment Act; and State Housing Related Assistance Program for Adults with Serious Mental Illness

### Participant Income Determination

Minimum standards for determination of an individual or family’s annual income consist of calculating income in compliance with 24 CFR 5.609. Annual income, all amounts (monetary or not) is defined as:

- Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- Which are not specifically excluded in paragraph (c) of 24 CFR 5.609.
- Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

Individuals and families assisted under ESG are required to have annual incomes at or below 30% of Area Median. There are no income limits for CoC assistance but in all instances in which participants are charged rent or occupancy charges, the amount charged must be based on participant’s verified annual income for all sources.

In verifying income, ESG and CoC funded providers are required to obtain third party verification whenever possible. Self-certification or verification is to be accepted only when all efforts have been made to obtain third party verification have not produced results.

### Program Income

Minimum standards for private non-profit organizations for program income earned during the project period are that the program income shall be retained and used to finance the non-Federal share of the project or program. Records of the receipt and use of program income shall be retained. Program income may be used to meet matching funding requirements.

## Access to Educational Resources

All BoS ESG and CoC providers are responsible for coordinating with local school district(s) in the following way (Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.)):

- Helping to identify children and young adults who are eligible for educational services. If a child or young adult does not have a fixed, regular, and adequate place to sleep at night, they are eligible. This includes those living in places not meant for human habitation, emergency shelters, transitional housing, motels/hotels, campgrounds, in doubled-up situations, or in housing that lacks utilities, is infested, or has other dangerous conditions.
- Helping to ensure that all families with children and young adults who qualify in are informed about their educational rights and their eligibility for educational services and they receive those services.
- Ensuring that the local school districts' homeless liaisons are aware the All Doors Lead Home Coordinated Entry processes for connecting homeless families and young adults to ESG and CoC resources, as well as helping to resolve any issues that might arise in linking eligible households to those resources.
- Helping to ensure that when placing families in emergency, transitional, or permanent housing, consideration is given to the educational needs of children, including placing children as close as possible to schools of origin and early childhood education programs.

## Conflicts of Interest

Minimum standards for conflicts of interest are:

### Organizational conflicts of interest

- ESG and CoC assistance will not be contingent on the individual's or family's acceptance or occupancy of emergency shelter or housing owned by the provider or a provider's subsidiary or parent.
- No provider, with respect to individuals or families occupying housing owned by the provider or a provider's subsidiary or parent, will carry out the initial evaluation under 24 CFR 576.401 or administer homelessness prevention assistance under 24 CFR 576.103.

Individual conflicts of interest: When procuring goods and services, the provider will comply with codes of conduct and conflict of interest requirements under 24 CFR 84.42 (private non-profit) or 24 CFR 85.36 (government).

All transactions/activities:

- No CoC board member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.
- Conflicts prohibited: No person involved with the ESG or CoC programs or who is in a position to participate in a decision-making process or gain inside information regarding the program's activities, shall obtain a financial interest or benefit from an assisted activity; have a financial interest in any related contract, subcontract, or assisted activity; or have a financial interest in the activity's proceeds (either themselves or those with whom they have family or business ties) during their tenure or for one year following tenure.
- Persons covered: These conflict-of-interest provisions apply to any employee, agent, consultant, officer or elected or appointed official of the provider's agency.
- Exceptions: A provider may request an exception to these provisions from HUD, only if they meet the threshold requirements identified in 24 CFR 576.404 and/or 578.95(d)(2).

### Termination of Assistance

If a program violation occurs and the provider terminates assistance as a result, the termination shall follow an established process that recognizes the rights of the individuals affected. Termination shall only occur in the most severe cases after other remedies have been attempted.

Due process rights for individuals and families facing program termination: When an ESG or CoC funded homeless assistance program seeks to terminate participation for any household, the required formal process shall minimally consist of:

- Written notice clearly stating the reasons for termination;
- Review of the decision that gives the participant opportunity to present objections to the decision and to have representation. Any appeal of a decision shall be heard by an individual different from and not subordinate to the initial decision-maker; and
- Prompt written notice of the final decision on the appeal.

Ability to provide further assistance: Termination will not bar the provider from providing additional assistance to the same family or individual later.

## Displacement

A “displaced person” is defined as any person that moves from a permanent home as a result of ESG/CoC-funded acquisition, rehabilitation, or demolition of a project. Minimum standards for minimizing the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted under ESG and/or CoC shall comply with §576.408 and/or 578.83 and consist of:

- Minimizing displacement: Consistent with ESG/CoC goals and objectives, the providers shall minimize displacement as a result of ESG/CoC-funded projects.
- Temporary relocation not permitted: No temporary relocation shall be required for an ESG/CoC-funded project. When a tenant must move for an ESG/CoC-funded project, the tenant shall be treated as permanently displaced and offered relocation assistance and payments.

Relocation assistance for displaced persons: Generally, displaced person shall be provided relocation assistance and advised of their Fair Housing Rights.

A person does not qualify as a “displaced person” if the person:

- Was evicted based on a violation of the lease or occupancy agreement or violation of the law and the recipient determines that the eviction was not undertaken to evade the obligation to provide relocation assistance.
- Moved into the property after the application was submitted but was provided with written notice that they would not qualify as a “displaced person.”
- The person is ineligible under 49 CFR 24.2.
- HUD determines that the person was not displaced as a result of the project. The State or the provider may request that HUD determine whether a displacement would be covered by this rule.

Real property acquisition requirements: The acquisition of real property for an ESG/CoC funded project is subject to the URA and Federal government-wide regulations.

Appeals: A person who disagrees with the recipient’s determination concerning whether the person qualifies as a displaced person, or the amount of relocation assistance may file a



written appeal. A low-income person who disagrees with the recipient's determination may submit a written request for review of that determination by HUD.

### Recovered Materials

Minimum standards for the procurement of recovered materials shall comply with the requirements identified in §576.407(f) and 578.99(b), including that the recipient and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

### Faith-based Activities

Minimum standards for faith-based activities (24 CFR 576.406 and 578.87) are:

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

## Records and Recordkeeping

Minimum standards shall ensure sufficient written records are established and maintained to enable the State and HUD to determine whether ESG/CoC requirements are being met and comply with §576.500 and 578.103, including the following:

- CoC records shall include the following documentation related to establishing and operating the Continuum of Care:
  - Evidence that the Board selected meets the requirements of 578.5(b);
  - Evidence that the CoC has been established and operated as set forth in subpart B of 24 CFR part 578 including published agendas and meeting minutes, an approved Governance Charter that is reviewed and updated annually, a written process for selecting a board that is reviewed and updated at least every five years, evidence required for designating a single HMIS for the CoC, and monitoring reports of recipients and sub-recipients.
  - Evidence that the CoC has prepared the HUD application for funds in accordance with 578.9.
- Program participant records shall include written:
  - Determination and verification/certification that the program participant met the criteria for being Homeless or At Risk of Homelessness and that an effort was made to obtain written third-party verification, when possible and applicable.
  - For CoC and ESG funded projects, acceptable evidence of homeless status as set forth in 24 CFR 576.500(b).
  - Determination and verification/certification that the program participant was eligible or ineligible for the particular services and/or financial assistance.
  - Determination and verification/certification that the program participant lacked sufficient resources and support networks to provide the assistance.
  - Determination and verification/certification that the program participant met income requirements and that an effort was made to obtain written third-party verification, when possible and applicable. This includes annual documentation of income for each program participant who receives housing assistance where rent or an occupancy charge is paid by the program participant.

- Determination and verification/certification that the only households served through permanent supportive housing meet HUD’s requirements of having a family member be a person with disabilities.
- Identification of the specific services and financial assistance amounts that were provided to the program participant.
- When applicable, verification that the services were terminated in compliance with 576.402 and/or 578.91.
- When adopted by the Continuum of Care, a copy of the CoC-approved coordinated entry assessment or Common Assessment of the program participant.
- Copies of written leases and rental agreements, documentation of payments made, including dates of occupancy, and compliance with fair market rent, rent reasonableness and utility allowance requirements.
- Determination and verification that the housing unit met HUD’s habitability and lead-based paint standards.
- Copy of individualized housing stability plan.
- Notes verifying case management services were provided at least monthly, unless exempt from this requirement.
- Notes verifying program participant’s eligibility was re-evaluated at least every 3 months for homelessness prevention services or at least annually for rapid rehousing services.
- Notes verifying program participant was assisted to obtain necessary mainstream and other resources.

The order of priority for obtaining evidence of homelessness and/or at risk of homelessness are: 1) third-party documentation, 2) intake worker observations and 3) self-certification.

Program policies and procedures shall indicate:

- Services are coordinated with Continuum(s) of Care, other homeless assistance/prevention programs and mainstream service and assistance programs.
- Compliance with HUD’s ESG/CoC (24 CFR 576 and 578) requirements for:
  - Shelter and housing standards
  - Conflict of interest

- Homeless participation
- Faith-based activity
- Nondiscrimination, equal opportunity, and affirmative outreach
- Uniform administrative rules (24 CFR part 84)
- Environmental review
- Lobbying and disclosure (24 CFR part 87)
- Displacement, relocation, and acquisition
- Procurement (24 CFR 84.40-84.48)
- Program participant records are kept secure and confidential.
- Participation in HMIS or comparable database.

Financial records shall include:

- Supporting documentation for all costs charged to ESG or CoC grant.
- Documentation showing ESG or CoC funds were spent on allowable costs in accordance with the requirements for eligible activities and costs principles.
- Documentation of the receipt and use of program income.
- Documentation of the receipt and use of matching funds.
- Copies of procurement contracts.

## GUIDING PRINCIPLES

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### Housing First

All housing providers funded by the CoC shall use the Housing First model as outlined below. Housing First is a programmatic and systems approach that prioritizes providing housing to people experiencing homelessness quickly without preconditions or service participation requirements, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life.

This approach is guided by the belief that people need basic necessities, like food and a place to live, before attending to anything less critical, such as getting a job, budgeting properly, or attending to substance use issues.

#### Core Elements of Housing First at the Project Level:

- Access to projects is not contingent on sobriety, minimum income requirements, lack of a criminal record (including status on the sex offender registry), completion of treatment, participation in services, status, or other unnecessary conditions.
- Projects do everything possible not to reject a household based on poor credit or financial history, poor or lack of rental history, minor criminal convictions, or behaviors that are interpreted as indicating a lack of “housing readiness.”
- People with disabilities are offered clear opportunities to request reasonable accommodations within application and screening processes and during tenancy, and building and apartment units include special physical features that accommodate disabilities.
- Housing and service goals and plans are highly tenant driven.
- Participation in services is voluntary and not a condition of tenancy but can and should be used to persistently engage participants to ensure housing stability.
- Services are informed by a harm-reduction philosophy that recognizes that drug and alcohol use and addiction are a part of some tenants’ lives. Tenants are engaged in nonjudgmental communication regarding drug and alcohol use and are offered education regarding how to avoid risky behaviors and engage in safer practices.
- Substance use in and of itself, without other lease violations, is not considered a reason for eviction.

- Tenants in supportive housing are given reasonable flexibility in paying their share of rent on time and offered special payment arrangements for rent arrears and/or assistance with financial management, including representative payee arrangements.
- Every effort is made to provide a tenant with the opportunity to transfer from one housing situation or project to another if a tenancy is in jeopardy. Whenever possible, eviction back into homelessness is avoided.
- Projects that cannot serve a household work through the coordinated entry process to ensure that the household has access to other housing and services such as: prevention assistance, homeless dedicated housing and services, and community-based affordable housing.

### Person-Centered and Trauma-Informed

A trauma-informed approach that is dignified, safe, and incorporates participant choice is utilized. This approach includes:

- Assistance is allocated effectively, and households are linked to the most appropriate intervention strategy.
- Reduction in the number of households experiencing homelessness.
- Reduced length of time a household experiences homelessness.
- Reduced returns to homelessness (recidivism).

### Strength-Based

An asset-based approach that focuses on the inherent strengths of participants and deploys these personal strengths to aid in the achievements of the participants' goals. Specifically:

- Every individual, group, family, and community have strengths.
- Trauma, illness, and struggle may be injurious, but they may also be sources of challenge and opportunity.
- There is no limit to a person's growth, achievement, or success.
- We best serve participants by collaborating with them.
- Every environment is full of resources.

## Coordinated Entry

The All Doors Lead Home Coordinated Entry system was created by the Balance of State (BoS) and Lincoln Continuum of Care (CoC) to effectively provide for and meet the requirements of the coordinated entry system for the most vulnerable homeless population in the BoS and Lincoln CoC that would be best served in Permanent Supportive Housing (PSH), Rapid Rehousing (RRH), Transitional Housing (TH), and Joint Transitional Housing - Rapid Rehousing (Joint TH-RRH) following a housing first model, in accordance with HUD's requirements (24 CFR Part 578, 24 CFR 576.400(d)). All CoC and ESG providers are required to use the established and approved All Doors Lead Home Coordinated Entry System to select individuals and/or families with the highest priority for their programming.

For further details on established Coordinated Entry protocols and procedures, see All Doors Lead Home Coordinated Entry Operations Manual.

AVAILABLE HOMELESS ASSISTANCE SERVICES

ELIGIBILITY BY COMPONENT				
COMPONENT	FUNDING	HOMELESS STATUS CATEGORY	TARGET POPULATION	INCOME
HOMELESSNESS PREVENTION	ESG	At-risk: 1, 2, 3 Homeless: 2, 4	See "ESG Homeless Prevention" Section for further eligibility criteria.	
EMERGENCY SHELTER	ESG	1, 2, 4	N/A	N/A
TRANSITIONAL HOUSING	CoC	1, 4	<ol style="list-style-type: none"> <li>1. Youth aged 18-24.</li> <li>2. Households fleeing Domestic Violence.</li> <li>3. Households in recovery from substance use disorder.</li> </ol>	N/A
RAPID REHOUSING	ESG, CoC	1, 4	<ol style="list-style-type: none"> <li>1. Common Assessment Priority score of 4-7.</li> <li>2. Households with the longest history of homelessness.</li> <li>3. People with Common Assessment Priority scores 9+ who do not qualify for PSH.</li> </ol>	No income requirement at entry.



<p><b>PERMANENT SUPPORTIVE HOUSING</b></p>	<p>CoC</p>	<p>1, 4</p>	<p>Dedicated or prioritized to households experiencing chronic homelessness, as defined by HUD.</p>	
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Homeless Prevention Standards

**Participant Eligibility and Service Provision**

People who qualify as ‘at risk of homelessness,’ based on categories (2) or (4) of the “homeless” definition or based on the “At risk of homelessness” definition found at 24 CFR 576.2 and who reside in a housing unit that meets HUD’s habitability and lead-based paint standards and have an annual income below 30% of Area Median Income (AMI), are eligible for the following services, in compliance with federal ESG rules (24 CFR 576.103, 576.105, 576.106):

- Housing Relocation and Stabilization Services: moving costs, rent application fees, security deposits, last month’s rent, utility deposits, utility payments, housing search/placement, housing stability case management, mediation and legal services, credit repair/budgeting/money management.
- Rental Assistance: short-term (up to 3 months) and medium-term (4-24 months) rental assistance, up to 24 months total during a 3-year period in tenant-based or project-based housing. The 24 months may include a one-time payment for up to 6 months of rent arrears on the tenant’s portion of the rent. The rent amount must meet the federal requirements for Fair Market Rent (24 CFR 888) and the HUD standard for rent reasonableness (24 CFR 982.507). There must be a rental agreement between the landlord and agency and a written lease between tenant and landlord. (NOT ALLOWABLE: mortgage and mortgage arrearage payments)

Street Outreach Standards

**Objectives**

- Reduce the number of unsheltered individuals and families without a fixed, regular, and adequate nighttime residence.
- Provide unsheltered homeless people with key services to address their immediate needs.

- Actively engage with and develop trusting relationships with unsheltered homeless individuals and families.
- Provide immediate support, interventions, and connections with appropriate homeless assistance programs and/or social services to unsheltered homeless individuals and families.
- Reduce the risk of mortality among people living without shelter.

### **Core Principles**

- Street outreach efforts are systemic, coordinated between service providers, and comprehensive regarding the unsheltered individual's or family's needs.
- Street outreach staff always use a person-centered, trauma-informed, and culturally sensitive approach.
- Staff emphasize the client's personal strengths and resources. Outreach efforts shall never make assumptions regarding what services a client may require or want to participate in.
- Street outreach efforts prioritize safety, overdose prevention, and harm reduction for unsheltered homeless clients.
- Street outreach always adopts a Housing First approach.
- Street outreach programs shall use evidence-based/informed practices and programs.

### **Participant Eligibility**

Those who qualify as 'unsheltered homeless,' based on category (1)(i) of the "homeless" definition found at 24 CFR 576.2 are eligible for the following activities, in compliance with federal ESG rules (24 CFR 576.101): engagement, case management, emergency health and mental health services, and transportation. ESG or CoC funding may impose additional eligibility requirements. Street outreach activities funded under ESG or CoC programs must comply with both regulatory requirements and program requirements.

## **Standards for Documenting Eligibility**

The documentation requirements detailed below are listed in order of preference. Service providers and/or referring agencies must provide documentation to prove eligibility for ESG- and/or CoC-funded homelessness support services:

- Written observation by the outreach worker; OR
- Written referral by another service/housing provider

## **Service Provision**

Street outreach staff are often the initial point of contact and can maintain contact with unsheltered homeless clients throughout the support process. Street outreach staff can also connect unsheltered individuals and families with mainstream resources and community-based services as needed. Therefore, street outreach staff must:

- Be educated and trained in the process of Coordinated Entry, how to perform the initial standardized assessment, and how to make referrals.
- Meet clients where they are geographically. This includes meeting unsheltered homeless people in locations and times that are convenient for them and working to maintain both the street outreach staff's and clients' safety.
- Meet clients where they are emotionally. This includes developing trusting and respectful relationships through active listening, persistence, consistency, and working to understand the client's situation and perspective without judgement.
- Be familiar with known local homeless locations.
- Maintain contact and open communication regarding housing status and resources utilized for unsheltered homeless clients.
- Collect client engagement data and document each client's progress toward securing permanent housing.
- Aid unsheltered homeless clients and/or connect them to additional support services.

## **Standards for Engagement**

The goals of engagement are to locate, identify, provide support to, and build relationships with clients that are focused on trust, respect, and client self-efficacy. Client engagement efforts should:

- Incorporate flexibility to meet and support clients based on their comfort level.
- Continue regularly engaging clients until they secure housing.
- Provide assessments to unsheltered homeless individuals and families with the purpose of identifying the most appropriate services to meet each client's needs, as well as prioritize service allocation based on the immediacy and severity of clients' needs.
- Explain to clients the services available to them and encourage clients to participate in said services, while emphasizing client choice and that service participation is not a program requirement.
- Connect individuals who do not meet the definition of 'unsheltered' to the Coordinated Entry System to provide access to appropriate services, such as overdose prevention and treatment services. These clients should not be enrolled for expanded street outreach services.
- Make repeated offers of appropriate services as necessary throughout engagement, as well as provide clients with multiple opportunities to decline services with which they are uncomfortable.

## **Standards for Case Management**

Street outreach services shall provide unsheltered homeless clients access to appropriate case management services based on the client's needs and desires. Case management efforts shall:

- Include regular and consistent case management services.
- Build respectful, trusting, and lasting relationships with unsheltered individuals and families.
- Identify, coordinate, implement, and assess the services available to and/or delivered to clients. Staff will engage participants in creating an individualized plan for clients to secure appropriate services and housing.
- Provide information on and access to essential services (e.g., emergency health and mental health services, overdose prevention and treatment services, or transportation to appropriate and available services).

- Assist clients in community participation and help them cultivate strong support networks, based on the client's desires and comfort level.
- Provide information on emergency shelters, encourage unsheltered clients to seek emergency shelter services, and advocate with local shelter providers to provide aid to unsheltered clients.

### **Standards for Referral to Services**

The goal of referring services is to connect unsheltered homeless individuals and families to appropriate assistance to support their health and safety, as well as to aid clients in securing permanent housing. Clients are not required to participate in the referred services to continue receiving street outreach assistance. Standards for referring clients to appropriate services include:

- Street outreach staff should be familiar with appropriate service providers, have sufficient knowledge of services available to unsheltered homeless clients, and understand how clients can be connected to said services.
- Street outreach staff will assess each client's needs and provide the appropriate referrals to address the client's needs and desires.
- Referrals to appropriate programs shall be made to eligible clients, without pre-conditions.
- Street outreach staff will follow the Coordinated Entry Policy regarding referrals, as well as adequately document referrals and referral outcomes.

Referrals are intended to help clients obtain the following services, if appropriate:

- Emergency medical and mental health treatment
- Housing opportunities
- Medical services
- Behavioral health services and counseling
- Veteran's benefits
- Medicaid/Medicare
- Food stability programs
- Supplemental Security Income (SSI)/Social Security Disability Insurance (SSDI)

- Supervision and other services to support independent living
- Transportation to services

### **Standards for Termination**

Termination from services shall be restricted to the most severe cases. Specifically, programs shall only terminate assistance when a participant has presented a severe risk to staff or other clients. If a previously terminated client requests assistance later, programs shall review their case to decide if the client will be provided with a chance to receive further assistance. Programs shall exercise sound judgement and consider all extenuating circumstances when deciding whether violations warrant termination from the program (24 CFR 576.402).

Generally, the program may terminate assistance through a formal process that is established by the program and recognizes the rights of affected individuals and families. The program is responsible for providing evidence that: 1) all extenuating circumstances were adequately considered, and 2) significant attempts were made to resolve challenges and help the individual or family continue program participation. Programs shall also include an established formal grievance procedure for program participants who believe their assistance was wrongly terminated.

### **Standards for Exiting**

Clients exiting street outreach programs shall be aided in securing housing and services that address their needs, while prioritizing access to permanent housing, to the extent possible. Exiting participants may also include those entering treatment facilities addressing needs related to mental health, physical health, or substance use. In such cases, recipients shall coordinate with treatment providers to facilitate a successful transition into the treatment program for the client. Whenever feasible, information regarding housing opportunities and additional appropriate resources shall be given to the client upon exiting the program.

When a client exits street outreach into a housing program: Based on the client's unique circumstances and to the degree practical, street outreach staff with a relationship to the client shall be involved in the client's transition process into a housing program for up to 90 days after the client has been enrolled in a housing program. During this transition time:

- Street outreach staff shall act in a support capacity as the client transitions into the new housing program.
- The case manager shall act as the primary advocate for the client under the housing program.

- The coordinated entry system will continue to be used to connect a client’s specific needs to available services.

The goal of providing clients with this transition process is to ensure the client feels prepared to enter a housing program, as well as provide consistency in the support staff they engage with as the client forms relationships with staff in the new program.

When a client no longer has contact with street outreach staff: If a client no longer has contact with street outreach staff, it is recommended that their HMIS status remains active for 90 days. If a client does not have contact with street outreach staff for more than 90 days, it is recommended that the client be exited. However, a client’s status may remain active for longer than 90 days without contact if service providers deem it appropriate. If a client re-establishes contact with street outreach staff after a prolonged period, it is recommended that reengagement efforts attempt to connect the client to staff members with whom they previously had a strong relationship.

### **Data and Documentation Requirements for Street Outreach**

Staff on street outreach projects may first create a client record with limited information (e.g., the project start date and a de-identified name for the client). Street outreach staff can then improve the data quality and completeness after the relationship with a client is established and as the client feels more comfortable disclosing personal information to staff.

Street Outreach Project Specific Data Elements: ESG-funded street outreach components are required to collect the information listed below to create the CSV-CAPER Report:

- Income and Sources
- Non-Cash Benefits
- Health Insurance
- Physical Disability
- Developmental Disability
- Chronic Health Condition
- HIV/AIDS Status
- Mental Health Disorder
- Substance Use Disorder
- Domestic Violence

- Current Living Situation
- Date of Engagement
- Coordinated Entry Activity (see HMIS Documentation Requirements for Street Outreach)
- Translation Assistance

For more information on program-specific data requirements, refer to the [ESG Program HMIS Manual](#) or the [HMIS Data Standards Manual](#).

HMIS Documentation Requirements for Street Outreach: Below provides a summary of the street outreach component item types to be recorded in the HMIS. Refer to the [CoC and ESG Program HMIS Manuals](#) for detailed information on HMIS documentation. Although HUD does not require all items listed below be in HMIS, collecting as many of the items as is practical is encouraged:

- Entry and Enrollment – Housing status must be entered for each client at the time of Entry. Enrollment shall be completed for all eligible participants.
- Current Living Situation – Generally, contacts between staff and a participant shall be recorded through the Current Living Situation Program Assessment. However, if street outreach staff are frequently engaging with clients (i.e., more than once a week), the Current Living Situation Program Assessment can be recorded weekly.
- Engagement – Engagement dates may be on or after the client’s enrollment date and shall be prior to the client’s exit date.
- Services – Record all eligible services for the dates on which the services occur.
- Exit – To the extent possible, staff shall complete the exit assessment, record the reason for exiting, and record the client’s destination when they exit.

## Emergency Shelter Standards

### **Participant Eligibility**

People who qualify as ‘homeless,’ based on categories (1), (2), or (4) of the “homeless” definition found at 24 CFR 576.2 are eligible for the following activities, in compliance with federal ESG rules (24 CFR 576.102): case management, childcare, education, employment and life skills services, legal services (not allowable: mortgage and mortgage arrearage payments), health, mental health and substance abuse services, and transportation.



## **Minimum Standards**

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

Assessment: Individuals and families shall be offered an initial evaluation to determine the eligibility of each individual’s 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.

The following Emergency Shelter services, as needed and appropriate, can be provided: Case management, childcare, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services, transportation, and services for special populations.

Prioritization/Diversion/Referral: When appropriate based on the individual’s needs and wishes, the provision of or referral to Rapid Rehousing services that can quickly assist individuals to maintain or obtain safe, permanent housing shall be prioritized for individuals who are literally homeless. Referrals to Transitional Housing shall be made for individuals who either meet special populations (TAY, Individuals fleeing domestic violence, institutional re-entry, and substance abuse recovery housing) or other populations for which transitional housing meets the needs of the homeless individual.

Reassessment: Program participants will be reassessed as case management progresses, based on the individual service provider’s policies.

Discharge/Length of Stay: Program participants shall be discharged from Emergency Shelter services when they choose to leave or when they have successfully obtained safe, permanent housing. Any Length of Stay limitations shall be determined by the individual service provider’s policies and clearly communicated to program participants. Providers of shelter services are strongly encouraged not to discharge individuals and families who have not secured permanent housing and maintain those households in shelter until they can be placed in appropriate permanent housing.

Safety and Shelter Safeguards for Special Populations: Safety and Shelter Safeguards shall be determined by the individual Special Population service provider’s policies and clearly communicated to program participants.

## Transitional Housing Standards

### **Participant Eligibility**

Transitional housing facilitates the movement of homeless individuals and families to permanent housing within 24 months of entering the housing. Eligible persons for transitional housing meet the homeless definition based on categories (1), (2), and (4). Providers of transitional housing services shall arrange for or make available services to participants to assist them in securing permanent housing within specified time periods. Transitional housing may be provided in scatter site or single site locations. Individuals and families assisted in transitional housing shall be provided housing accommodations as well as a services program intended to address issues that may hinder the household from obtaining or maintaining stable long-term housing.

### **Limitation on Occupancy**

No individual or family may be assisted in transitional housing for a period of more than 24 months. No person shall be discharged from transitional housing into homelessness as a result of this limitation. Transitional housing programs are expected to place individuals and families into permanent housing within 12 months. Programs that maintain participants for longer than 24 months or those with over half their participants remaining for over 12 months may have their funding discontinued.

### **Participant Contribution**

Individuals and families residing in transitional housing are not required to pay rent. Providers of transitional housing may impose occupancy charges. If the provider elects to charge rent or occupancy charges, the charges may not exceed those specified in 24 CFR 578.77.

### **Program Fees**

No fee other than rent or occupancy charges as specified above may be charged to program participants. This includes meals, copayments for services, transportation and all other services that may be provided to program participants.

### **Occupancy Agreements**

All individuals and families served in transitional housing must be provided with an occupancy agreement for a minimum of a monthly term and which can be renewed provided that the household does not remain in transitional housing for longer than 24 months. The agreement

must specify the requirements for program participation. Except for programs providing recovery focused services for persons with substance use disorders, residents in transitional housing may not be required to participate in disability related services. Participants may be required to participate in services that are not disability related and may discharge participants for failure to participate in these services. No person may be terminated from transitional housing without first being provided the right to appeal that decision in accordance with the due process provisions at 24 CFR 578.91(b).

## Rapid Rehousing Standards

### Participant Eligibility

CoC and ESG funded rapid rehousing will follow the standards as set forth below. People who qualify as ‘homeless,’ based on categories (1) or (4) of the “homeless” definition found at 24 CFR 576.2 and/or 578.3 and who are moving into a housing unit that meets HUD’s habitability and lead-based paint standards are eligible for the following activities, in compliance with federal ESG and CoC rules (24 CFR 576.104, 576.105, 576.106, 578.37, 578.51, and 578.77). Persons who meet the ‘category 2’ homeless definition are eligible for CoC funded Rapid Rehousing provided the project was not funded under special NOFO conditions (reallocated projects) that limit eligibility to those living on the streets or in shelters. Participants are those who demonstrate a lack of sufficient resources and support networks necessary to retain housing without ESG/CoC assistance. Additionally, persons receiving rapid rehousing through the ESG program must have incomes at or below 30% of the area median income (AMI) at annual recertification:

- Housing Relocation and Stabilization Services: moving costs, rent application fees (ESG only), security deposits, last month’s rent, utility deposits, utility payments (ESG only), housing search/placement, housing stability case management, mediation and legal services, credit repair/budgeting/money management.
- Rental Assistance: short-term (up to 3 months) and medium-term (4-24 months) rental assistance, up to 24 months total during a 3-year period in tenant- based or project-based housing. The 24 months may include a one-time payment for up to 6 months of rent arrears on the tenant’s portion of the rent (arrearages covered under ESG only). The rent amount must not exceed HUD’s published Fair Market Rent and the HUD standard for rent reasonableness (24 CFR 982.507). There must be a rental assistance agreement between the landlord and agency and a written lease between tenant and landlord. Each provider offering rapid rehousing must reevaluate the need for continued assistance every 90 days. Continued assistance will be provided for up to three (3) months at a time. Eligibility and income shall be reviewed no less frequently than annually. Participants in rapid rehousing are required to meet with case managers no less frequently than monthly, unless except from this requirement per HUD’s policy

priority of using a Housing First approach or Violence against Women Act (VAWA) regulations (NOT ALLOWABLE: Mortgage and mortgage arrearage payments.)

### **Prioritization**

#### All Doors Lead Home Coordinated Entry Prioritization Formula:

1. Chronic Status (after Documented up) – 10 points.
2. Common Assessment score (which captures service need, history, vulnerability, etc.)
3. Fleeing Domestic Violence – 1 point
4. Veteran – 1 point
5. TAY – 1 point
6. 0-3 months homeless – 0 points
7. 4-6 months – 2 points
8. 7-9 months – 4 points
9. 10-12 months – 6 points

### **Participant Contribution**

Minimum standards for determining what percentage or amount of rent and utilities costs each program participant shall pay while receiving homelessness prevention or rapid re-housing assistance are:

- Participant's income shall be verified prior to approval for initial and additional financial assistance. Documentation of the participant's income and expenses, including how the participant is contributing to housing costs, if at all, shall be maintained in participant's file. This file shall also contain a plan to sustain housing following the assistance, including either a plan to increase income or decrease expenses or both.
- Participants are not required to contribute rent. Providers funded under ESG or CoC may pay up to 100 percent of the reasonable rent and utility costs for program participants. Providers may, at their discretion, choose to impose rental charges on participants. If providers elect to charge rent or occupancy charges, these charges may not exceed those established in 24 CFR 578.77.

- Any additional requirements regarding the percentage or amount of rent and utilities costs each program participant shall pay shall be determined by the individual service provider’s policies and clearly communicated to program participants.

### **Rental Assistance Duration and Adjustment**

Minimum standards for determining how long a particular program participant shall be provided with rental assistance and whether and how the amount of that assistance shall be adjusted over time are:

- Participants receive approval for the minimum amount of financial assistance necessary to prevent homelessness. Documentation of financial need shall be kept in the participant’s file for each month of financial assistance received. Participants shall not be approved for more rental assistance than can be justified given their income and expenses at a given time.
- Approval for initial rental assistance shall be granted per the individual service provider’s written policy and protocols. Providers must re-assess the continuing need for rental assistance not less than once every 3 months for program participants receiving homelessness prevention assistance, and not less than once annually for program participants receiving rapid re-housing assistance. Any additional requirements regarding how long a program participant shall be provided with rental assistance and whether and how the amount of that assistance shall be adjusted over time shall be determined by the individual service provider’s policies and clearly communicated to program participants.

In no event will assistance under rapid rehousing or homelessness prevention exceed 24 months in any 36-month period.

### **Service Type, Amount, and Duration**

Minimum standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a program participant, including the limits, if any, on the homelessness prevention or rapid rehousing assistance that each program participant shall receive, such as the maximum amount of assistance, maximum number of months the program participant may receive assistance; or the maximum number of times the program participant may receive assistance are:

Financial Assistance: Financial assistance shall be used with other subsidies – Payment for financial assistance costs shall not be provided to a participant who is receiving the same type of financial assistance through other public sources or to a participant who has been provided with replacement housing payments under the URA, during the period of time covered by the

URA payments, except for a one-time payment of rental arrears on the tenant's portion of the rental payment or deposit for subsidized housing. Financial assistance includes:

- Rental application fees [ESG only] – Payment shall only be made for fees charged by the owner to all applicants.
- Security deposits – Payment shall not exceed two (2) months' rent.
- Last month's rent – Payment shall not exceed one (1) month's rent and shall be included in calculating the participant's total rental assistance.
- Utility deposits [ESG/CoC] – Payment shall only be made for gas, electric, water and sewage deposits.
- Utility payments [ESG only]:
  - Payment shall not exceed 24 months per participant, including no more than 6 months of utility payments in arrears, per service.
  - A partial payment counts as 1 month.
  - Payment shall only be made if the utility account is in the name of the participant or a member of the same household.
  - Payment shall only be made for gas, electric, water and sewage costs.
  - Participants shall not receive more than 24 months of utility assistance within any 3-year period.
- Moving costs [ESG/CoC] – reasonable one-time moving expenses are eligible.

Housing Relocation and Stabilization Services: Housing search and placement services – Payment shall only be made for assisting participants to locate, obtain and retain suitable permanent housing through provision of the following services:

- Assessment of housing barriers, needs, and preferences.
- Development of an action plan for locating housing
- Housing search
- Outreach to and negotiation with owners
- Assistance with submitting rental applications and understanding leases.

- Assessment of housing for compliance with ESG requirements for habitability, lead-based paint and rent reasonableness.
- Assistance with obtaining utilities and making moving arrangements.
- Tenant counseling.

Payment for housing search and placement services shall not exceed 24 months during any 3-year period.

Housing stability case management: Payment shall only be made for assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a participant who resides in permanent housing or to assist a participant in overcoming immediate barriers to obtaining housing through provision of the following services:

- Using the centralized or coordinated assessment system.
- Conducting the initial evaluation, including verifying and documenting participant eligibility
- Counseling
- Developing, securing, and coordinating services and obtaining Federal, State, and local benefits
- Monitoring and evaluating participant progress.
- Providing information and referral to other providers
- Developing an individualized housing and service plan
- Conducting re-evaluations

Payment for housing stability case management services provided while the participant is seeking permanent housing shall not exceed 30 days. Payment for housing stability case management services provided while the participant is living in permanent housing shall not exceed 24 months.

Mediation, Legal Services, and Credit Repair:

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

Rental Assistance:

- Payment shall not exceed 24 months total during a 3-year period in tenant-based or project-based (ESG only) housing.
- Payment for short-term rental assistance shall not exceed 3 months.
- Payment for medium-term rental assistance shall be for more than 3 months but shall not exceed 24 months.
- Payment for rent arrears shall not exceed 6 months and shall be a one-time payment, including any late fees [ESG funded projects only – CoC not eligible]
- Except for a one-time payment of rental arrears on the participant’s portion, payment shall not be provided to a participant who is receiving tenant-based rental assistance or living in a unit receiving project-based assistance or to a participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments. [ESG only]



- Payment shall not exceed the Fair Market Rent established by HUD and shall comply with HUD’s standard of rent reasonableness (24 CFR 982.507).
- Calculation of the rental payment amount shall only include monthly rent for the unit, any occupancy fees under the lease (except for pet and late fees) and if the participant pays separately for utilities, the monthly utility allowance established by the public housing authority for the area in which the housing is located.
- Payment for shall only be made when there is a rental assistance agreement between the agency and the owner, which sets forth the terms under which rental assistance will be provided, including the prior requirements, a requirement that the owner provide the subrecipient with a copy of any notice to vacate given to the participant or any complaint used to commence an eviction action, and the same payment due date, grace period and late payment penalty requirement as the participant’s lease.
- Payment of any late payment penalties incurred by the agency shall not be claimed for reimbursement.
- Payment shall only be made when there is a legally binding, written lease for the rental unit between the participant and the owner, except for payment of rental arrears (ESG only).
- Payment shall only be made for units that have been inspected for HUD Housing Quality Standards and re-inspected no less frequently than annually. Rental assistance shall not be paid on behalf of any unit that does not meet Housing Quality Standards.

Tenant-Based Rental Assistance: The rental assistance agreement with the unit owner shall be terminated without further payment if:

- The participant moves out of the unit.
- The lease terminates and is not renewed.
- The participant becomes ineligible to receive ESG/CoC rental assistance.

Project-Based Rental Assistance [ESG only]: Payment shall only be made under the following conditions:

- The lease has an initial term of one year.
- The rental assistance agreement covers one or more permanent housing units in the same building.
- Each unit covered by the agreement is only occupied by participants.

- Payment will only be made for up to 100% of the first month's rent, if the participant signs a lease and moves into the unit before the end of the month.

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

### Joint Transitional Housing-Rapid Rehousing Standards

A Joint Transitional Housing-Rapid Rehousing (Joint TH-RRH) component project contains a transitional housing (TH) and a rapid rehousing (RRH) component within a single project. Joint TH-RRH projects provide those experiencing homelessness access to low-barrier temporary housing and the support needed to quickly move into and maintain permanent housing.

#### **Participant Eligibility**

Eligible persons for Joint TH-RRH programs shall meet the homeless definition based on categories (1), (2), and (4), have an annual income that is 30% of the AMI as determined by HUD (ESG only), and lack sufficient resources and support networks necessary to retain housing without ESG/CoC assistance.

#### **TH Component Limitation on Occupancy**

Individuals and families in TH shall be moved into permanent housing as soon as possible, based on funding allowances, the client's unique circumstances, and RRH unit availability. Ideally, clients shall transition into permanent housing within 90 days of entering the Joint TH-RRH program. However, no person shall be discharged from transitional housing into homelessness because of this limitation. Transitional housing programs that maintain participants for an extended time may have their funding discontinued.

#### **Participant Contribution**

##### Transitional Housing component:

Those residing in TH are not required to pay rent. Transitional housing providers may impose occupancy charges. If the TH provider chooses to charge rent or occupancy charges, the charges may not exceed those specified in 24 CFR 578.77.

##### Rapid Rehousing component:

The minimum standards for determining what percentage or amount of rent and utilities costs each participant shall pay while receiving Joint TH-RRH assistance are:

- Project participant's income shall be verified prior to approval for initial and additional financial assistance. Documentation of the participant's income and expenses (including how the participant is contributing to housing costs, if applicable), shall be maintained in participant's file. This file shall also contain a plan to sustain housing following assistance, including either a plan to increase income, a plan to decrease expenses, or both.
- Participants are not required to contribute rent payments. Service providers funded under ESG or CoC may pay up to 100 percent of the reasonable rent and utility costs for a program participant. At their discretion, providers may choose to impose rental charges on participants. If providers elect to charge rent or occupancy charges, these charges may not exceed those established in 24 CFR 578.77.

Additional requirements regarding the percentage or amount of rent and utilities costs each program participant pays shall be determined by the individual service provider's policies and shall be clearly communicated to program participants.

### **TH Component Program Fees**

Other than rent or occupancy charges detailed above, no fees may be charged to TH program participants. This includes meals, copayments for services, transportation, and any additional services that may be provided to program participants.

### **TH Component Occupancy Agreements**

All project participants served in TH must be provided with an occupancy agreement for a minimum of one month, which can be renewed provided that the household does not remain in TH for an extended time, based on funding allowances and RRH unit availability. The agreement must specify the requirements for program participation. With the expectation of programs providing recovery-focused services for those with substance use disorders, TH residents are not required to participate in disability-related services. Participants may be required to participate in services that are not disability related. Failure to participate in these services may result in service providers discharging the participant from the program. No person may be terminated from TH without first being provided the right to appeal the decision in accordance with the due process provisions specified in 24 CFR 578.91(b).

## Services Offered

Transitional Housing Component: TH service providers will give clients options for services and arrange for services to aid program participants in securing permanent housing as quickly, effectively, and efficiently as possible. Services offered to clients may include but are not limited to diversion strategies, housing vouchers, and SOAR referrals. Services for the TH component can be provided in scatter site or single site locations. Those assisted in TH shall be provided housing accommodations and a services program to address challenges that may impede the household from securing or maintaining stable long-term housing.

Rapid Rehousing Component: CoC and ESG funded rapid rehousing will follow the standards set forth below. Those currently in TH as part of the TH-RRH project who are moving into a housing unit that meets HUD's habitability and lead-based paint standards are eligible for the following activities, in compliance with federal ESG and CoC rules (24 CFR 576.104, 576.105, 576.106, 578.37, 578.51 and 578.77):

- Housing Relocation and Stabilization Services: moving costs, rent application fees (ESG only), security deposits, last month's rent, utility deposits, utility payments (ESG only), housing search/placement, housing stability case management, mediation and legal services, and credit repair/budgeting/money management.
- Rental Assistance: short-term (up to 3 months) and medium-term (4-24 months) rental assistance, with no more than 24 months total assistance during a 3-year period in tenant- or project-based housing. The 24 months of assistance may include a one-time payment for up to 6 months of rent arrears on the tenant's portion of the rent (arrearages covered under ESG only). The rent amount must not exceed HUD's published Fair Market Rent and the HUD standard for rent reasonableness (24 CFR 982.507). There must be a rental assistance agreement between the landlord and service agency, as well as a written lease between the tenant and landlord. Each service provider offering rapid rehousing must reevaluate the need for continued assistance every 90 days. Assistance will continue to be provided for up to 3 months at a time. Program participant eligibility and income shall be reviewed at least annually. Participants in the rapid rehousing component are required to meet with case managers at least once a month, unless they are exempt from this requirement per HUD's policy priority of using a Housing First approach or Violence against Women Act (VAWA) regulations (Not Allowable: Mortgage and mortgage arrearage payments.)

### **Rental Assistance Duration and Adjustment**

See *Rapid Rehousing Standards – Rental Assistance Duration and Adjustment* for minimum standards to determine how long a program participant in the RRH component shall be provided with rental assistance and whether/how the amount of that assistance shall be adjusted over time.

### **Eligibility Re-evaluations for RRH component**

Individuals and families within the rapid rehousing component of the TH-RRH program shall be re-evaluated at least once annually. The participants shall have an annual income that is 30% of the AMI, as determined by HUD (ESG only), and lack sufficient resources and support networks necessary to retain housing without ESG/CoC assistance.

### **Service Types, Amount, and Duration**

See *Rapid Rehousing—Service Type, Amount, and Duration* for minimum standards to determine the type, amount, and duration of housing stabilization and/or relocation services to provide a participant within a TH-RRH program, such as the maximum amount of assistance, maximum number of months and the maximum number of months the participant may receive assistance.

## [Permanent Supportive Housing Standards](#)

### **Participant Eligibility**

Eligible households include individuals with disabilities and families in which one adult or child has a disability. To be served households must also meet the definition of homelessness according to categories (1) and (4). Supportive services designed to meet the needs of program participants must be made available to participants. Permanent supportive housing may be provided on a scatter site or single site basis using tenant based rental assistance, leasing, or operating costs to support the operations of a supportive housing facility as well as supportive services to meet resident needs.

### **Order of Priority for Permanent Supportive Housing**

Order of priority in CoC program funded permanent supportive housing beds dedicated to persons experiencing chronic homelessness, and PSH beds prioritized for occupancy by persons experiencing chronic homelessness.

- The CoC shall prioritize those experiencing chronic homelessness based on the length in time in which an individual or family has resided in a place not meant for human habitation, a safe haven, or an emergency shelter and the severity of the individuals or families service needs;
- Where there are no chronically homeless individuals and families within the CoC's geographic area, organizations are encouraged to follow the order of priority under *Order of Priority in permanent supportive housing beds not dedicated or prioritized for persons experiencing chronic homelessness*;
- Recipients of CoC Program-Funded PSH beds should also consider the goals and any identified target populations served by the project.
- Recipients must also practice due diligence when conducting outreach and assessment to ensure that chronically homeless individuals and families are prioritized for assistance based on their total length of time homeless and/or the severity of their needs. CoC Program-funded PSH providers are not required to allow units to remain vacant indefinitely while waiting for an identified chronically homeless person to accept an offer of PSH. Chronically homeless persons shall continue to be prioritized for PSH until they are housed.

#### Order of priority in permanent supportive housing beds not dedicated or prioritized for persons experiencing chronic homelessness:

- First priority — homeless individuals and families with a disability with a long period of continuous or episodic homelessness.
- Second priority — homeless individuals and families with a disability and the most severe service needs.
- Third priority — homeless individuals and families with a disability with a long period of continuous or episodic homelessness.
- Fourth priority — homeless individuals and families with a disability coming from transitional housing.

### **Participant Contribution**

Individuals and families residing in permanent supportive housing are required to pay rent. Rent charges may not exceed those specified in 24 CFR 578.77.

### **Program Fees**

No fee other than rent or occupancy charges as specified above may be charged to program participants. This includes meals, copayments for services, transportation and all other services that may be provided to program participants.