



WRITTEN STANDARDS

POLICIES AND PROCEDURE MANUAL

FOR

CONTINUUM OF CARE

AND

EMERGENCY SOLUTIONS GRANT

ESCAMBIA AND SANTA ROSA COUNTY



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INTRODUCTION

The CoC Program Interim Rule requires CoCs to establish and follow written standards for providing CoC assistance in consultation with recipients of the Emergency Solutions Grants (ESG) program (24 CFR 578.7(9)). The ESG Program Interim Rule requires the ESG recipient to establish and consistently follow written standards for providing assistance with ESG funds (24 CFR 576.400(e)). At a minimum, these written standards must include:

- Policies and procedures for evaluating individuals' and families' eligibility for assistance in the CoC and ESG Program.
- Policies and procedures for determining and prioritizing program participants enrolled in a TH, HP, RRH, or PSH project.

The goals of the written standards are to:

- Create consistent coordination and collaboration between CoC / ESG-funded projects within the Escambia and Santa Rosa County;
- Establish community-wide expectations on the operations of projects within the community;
- Ensure that the system is transparent to users and operators;
- Establish a minimum set of standards to manage the quality of CoC and ESG-funded projects operating in the community;
- Make local priorities transparent to CoC and ESG recipients and subrecipients.

Opening Doors Northwest Florida (NWFL) [CoC FL-511] is the designated Lead Agency for Escambia and Santa Rosa Counties in Florida and as such serves as the Continuum of Care (CoC) for this geographical region. Opening Doors NW FL has developed the following minimum standards for aiding with Emergency Solutions Grants (ESG) funds as required by 24 CFR 576.400(e). These minimum standards serve as the guiding principles for the programs and each entity may require additional operating procedures.

These standards are in accordance with the Emergency Solutions Grant Program Interim Rule, the Continuum of Care Program Interim Rule, and the HEARTH Homeless Definition Final Rule published by the U.S. Department of Housing and Urban Development (HUD). These standards were created in coordination with the Escambia and Santa Rosa County Continuum of Care which includes all jurisdictions within Escambia County, Santa Rosa County, and the City of Pensacola.

All recipients or subrecipients of ESG Program or CoC Program funding must follow these standards and the standards must be applied consistently across the entire CoC's defined geographic area. The CoC strongly encourages projects that do not receive ESG or CoC funds to utilize these

written standards. Recipients and subrecipients of ESG or CoC and other local funds may develop additional standards for administering program assistance, but these additional standards cannot conflict with those established by ODNWFL, the CoC Program, or ESG Program interim rules.

This document outlines the Written Standards for CoC and ESG Service Delivery which meet HUD's minimum requirements and addresses ODNWFL's expectations for all projects. For each project type, the standards outline the purpose of the project type, eligibility criteria, prioritization, minimum standards of assistance, client access, and performance standards.

The Pensacola, Escambia and Santa Rosa Counties CoC will treat these written standards as a **living document** that will evolve with regional needs and funder requirements.

FEDERAL AND STATE LEGISLATION

Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH)

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, consolidates three of the separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program, revises the Emergency Shelter Grants program and renames the program the Emergency Solutions Grants program, and creates the Rural Housing Stability program to replace the Rural Homelessness Grant program. The HEARTH Act also codifies in law the Continuum of Care planning process, long a part of HUD's application process to assist homeless persons by providing greater coordination in responding to their needs.

This final rule integrates the regulation for the definition of "homeless," and the corresponding recordkeeping requirements, for the Emergency Solutions Grants program, the Shelter Plus Care program, and the Supportive Housing Program. This final rule also establishes the regulation for the definition "developmental disability" and the definition and recordkeeping requirements for "homeless individual with a disability" for the Shelter Plus Care program and the Supportive Housing Program.

ESTABLISHED STANDARDS FOR COC AND ESG PROJECTS

In June 2010, the U.S. Interagency Council on Homelessness (USICH) released the new federal strategic plan geared toward preventing and ending homelessness. One of the goals of Opening Doors, the strategic plan is to ensure that homelessness is a rare, brief, and nonrecurring event. ODNWFL has adopted this initiative and is focused on improving access and coordination of housing services and improving essential services for highly vulnerable populations.

The following standards are applicable to all project types that receive CoC and/or ESG program funding to promote better access and outcomes within our homeless system response.

Homeless Participation:

All CoC and ESG recipients and subrecipients are required to follow the minimum standards for homeless participation. The minimum standards for homeless participation should be completed in accordance with 24 CFR 578.75 (CoC) and 24 CFR 576.405 (ESG).

- i) Each funded provider of CoC or ESG assistance must have at least one homeless individual or formerly homeless individual on the Board of Directors or equivalent policymaking entity of the provider.
- ii) If not possible, then, the provider should instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive funding under ESG.
- iii) For a CoC-funded provider, this requirement is waived if a recipient or subrecipient is unable to meet such requirement and obtains HUD approval for a plan to otherwise consult with homeless or formerly homeless persons when considering and making policies and decisions.
- iv) The plan must be included in the annual action plan required under 24 CFR 91.220.
- v) To the maximum extent possible, the provider shall involve homeless individuals and families in paid or volunteer work for their input in CoC and ESG programs.

Organizational Conflicts of Interest

An organizational conflict of interest arises when activities or relationships with other persons or organizations (the recipient or subrecipient) is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance. Such an organizational conflict would arise when a board member of an applicant participates in a decision concerning the award of a grant, or provision of other financial benefits to the organization that member represents. It would also arise when an employee of a recipient or subrecipient participates in making rent reasonableness determinations under § 578.49(b)(2) and § 578.51(g) and housing quality inspections of property under § 578.75(b) that the recipient, subrecipient, or related entity owns.

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 578.75(b) 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). 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.

Prohibited Conflicts of Interest

No person involved with the ESG or CoC programs who is in a position to participate in a decision-making process or gain inside information regarding the program's activities, shall obtain a financial interest or benefit from an assisted activity; have a financial interest in any related contract, subcontract, or assisted activity; or have a financial interest in the activity's proceeds (either himself or herself or those with whom he or she has family or business ties) during his or her tenure or for one year following tenure.

Covered Persons

These conflict-of-interest provisions apply to any employee, agent, consultant, officer, or elected or appointed official of the provider's agency. The key issues to consider are the individual's role in the organization, influence over ESG/CoC decisions, and access to inside information.

Exceptions

A recipient may request an exception to the individual conflicts of interest provision from HUD, only if he or she meets the threshold requirements identified in 24 CFR 576.404 and/or 578.95(d)(2).

POLICIES OF HOMELESS ASSISTANCE APPROACH

Housing First

Housing First is an approach to prioritize providing permanent housing solutions to individuals and families experiencing homelessness without prerequisites and barriers to entry, such as sobriety, treatment, or service participation requirements. Supportive services are offered to maximize housing stability and individual well-being, but participation is not required for housing and services have been found to be more effective when a person chooses to engage.

Housing First is premised on these five (5) cores principles:

- i) Immediate access to permanent housing with no housing readiness requirements. The key to the Housing First philosophy is that individuals are not required to demonstrate that they are ready for housing.
- ii) Consumer choice and self-determination. Housing First deploys a client-centered, client-rights based approach that emphasizes client choice in terms of housing and supports.

- iii) Recovery orientation. The Housing First Practice is more than focusing on meeting basic client needs, but on supporting recovery. The goal should be to focus on the client's well-being and ensure access to various supports that enable them to cultivate and maintain occupation, vocational, education, social, and recreational activities.
- iv) Individualized and client-driven supports. Individuals have unique needs, so there is no one-size fits all approach. The aim is to provide comprehensive support based on the acuity-level of the client and their distinctive needs.
- v) Social and community integration. Housing First strives to integrate people into their community, which requires social engagement and opportunities to participate in meaningful activities. Providers can help newly housed people to avoid social isolation that can compromise their stability.

Nondiscrimination Laws: Equal Access, Fair Housing, Americans with Disabilities Act, and Equal Access...Gender Identity Final Rule.

HUD is committed to enforcing the federal Fair Housing Act and other civil rights laws with the fundamental goal of making housing opportunities accessible to all. All recipients and subrecipients of ESG and/or CoC program funds must ensure full compliance with these federal laws and must also ensure compliance by all subrecipients receiving pass-through funding. It is important to HUD and supported by the CoC, that its own programs do not involve discrimination against any individual or family otherwise eligible for HUD-assisted housing and services, and that its policies and programs serve as models for equal housing opportunity. All recipients and subrecipients of ESG and/or CoC program funds must abide by the following equal access & nondiscrimination components:

- Providers must comply with all federal statutes and rules including the Fair Housing Act, the Americans with Disabilities Act, the Final Equal Access Rule, and Equal Access in Accordance with an Individual's Gender Identity Final Rule.
- All recipients of ESG and CoC program funds must have non-discrimination policies in place and assertively outreach to people least likely to engage in the homeless system. This includes, but is not limited to, chronically homeless, homeless veterans, youth, families with children, LGBTQ, and victims of domestic violence.
- ESG and CoC recipients and subrecipients recognize that individuals who present together for assistance, regardless of age, marital status, or relationship are considered a household and are eligible for assistance as a household.
- ESG and CoC projects that serve families with children must serve all types of families with children; if a project targets a specific population (e.g., women with children), 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 that reside together.

- The age and gender of a child under 18 must not be used as a basis for denying any family's admission to a project.
- This CoC practices a person-centered model that strongly incorporates participant choice and inclusion of subpopulations present in Escambia and Santa Rosa County, including, but not limited to chronically homeless, elderly (age 62+), youth, victims of domestic violence, families with children, LGBTQ, and homeless veterans.

Coordinated Entry Participation:

Under the requirements of the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act as well as requirements identified by the Continuum of Care (CoC) Program Interim Rule, and HUD's Notice Establishing Additional Requirements; ODNWFL has established a Coordinated Entry (CE) process that aims to increase the efficiency of the local crisis response system and improve fairness and ease of access to resources, including mainstream resources. CoC and ESG recipients and subrecipients are required to participate in the CE System through data entry and referrals. Additional goals of the Coordinated Entry process include:

- Reduce the burden on households experiencing a housing crisis by implementing a low-to-no barrier approach.
- Identify the most appropriate and available housing resource to facilitate a rapid and permanent exit from homelessness
- Prioritize the most vulnerable households with the longest time homeless for housing placement.
- Collect system-wide data within the HMIS to inform necessary shifts in resources, identify gaps, and enable data-driven decision making at the CoC, organizational and project levels.

HMIS Participation

A Homeless Management Information System (HMIS) is a locally administered, electronic data collection system that stores longitudinal client-level information about persons who access the homeless service system. All recipients and subrecipients of ESG and/or CoC program funds must enter and maintain their project data in the locally designated HMIS. All ESG and CoC recipients and subrecipients will be required to maintain sufficient data and technical standards as outlined in the PromisSE HMIS Policies and Procedures.

HMIS Participation Exceptions:

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 and the CoC Programs. However, victim service providers (VSPs) shall actively utilize a comparable data system that meets HUD's standards (24 CFR 576.107 and 578.7(b)).

Termination and Grievance Procedures

Minimum standards for termination of assistance are:

- In general: If a program violation occurs and the provider terminates assistance as a result, the termination shall follow an established process that recognizes the rights of the individuals affected. Termination shall only occur in the most severe cases after other remedies have been attempted. Termination of individuals and families in projects funded through the CoC program must be consistent with 578.91 and 576.402 for those projects funded through the ESG program.
- Due process rights for individuals and families facing program termination: When terminating assistance to an ESG program participant receiving rental assistance or housing relocation and stabilization services or to any CoC program participant, the required formal process shall minimally consist of:
 - i) Written notice clearly stating the reasons for termination.
 - ii) 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
 - iii) Prompt written notice of the final decision on the appeal.
 - iv) Ability to provide further assistance: Termination will not bar the provider from providing later, additional assistance to the same family or individual.

Displacement

A “displaced person” is defined as any person that moves from a permanent home because of ESG/CoC- funded acquisition, rehabilitation, or demolition of a project. Exceptions include:

- A person does not qualify as a “displaced person” if the person was evicted based on a violation of the lease or occupancy agreement; violation of the law; and
- The recipient determines that the eviction was not undertaken to evade the obligation to provide relocation assistance.
- Moved into the property after the application was submitted but was provided with written notice that he or she would not qualify as a “displaced person.”
- The person is ineligible under 49 CFR 24.2.
- HUD determines that the person was not displaced because of the project. Minimum standards for reducing the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) because of a project assisted under ESG and/or CoC shall comply with §576.408 and/or 578.83.

Minimizing Displacement

Consistent with ESG/CoC goals and objectives, the providers shall minimize displacing people because of ESG/CoC-funded projects. No provider may implement any project or activity funded with either ESG or CoC funds without specific approval of the CoC Board. Homeless assistance funding is limited and projects involving displacement will only be approved if there is a significant disproportionate benefit provided.

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:

- In general: A displaced person shall be provided relocation assistance and advised of his or her Fair Housing Rights.
- Real property acquisition requirements: The acquisition of real property for an ESG/CoC funded project is subject to the Uniform Act (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 with the CoC Lead Agency. If it is determined that the appeal has merit, the CoC Executive Committee will hear the appeal. The CoC Board will make a final determination.

Involuntary Family Separation:

The age and gender of a child under age 18 must not be used as a basis for denying any family's admission to any housing or shelter. All recipients and subrecipients of ESG and/or CoC program funds are required to comply with ESG and CoC program admission and prohibition against involuntary family separation standards (24 CFR 576.102(b) and 578.93(e)).

Program Income:

All recipients and subrecipients of ESG and/or CoC program funds must follow minimum standards for private non-profit organizations regarding the program's income during the project period. 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. Under the CoC Program, income may not be used to meet matching funding requirements. Under the ESG Program, program income is to be used as match, and ESG match funds must be used in accordance with 24 CFR § 576.201(f)28. This includes a requirement that matching funds must be contributed to the ESG program and expended for the recipient's or subrecipient's allowable ESG costs.

Recovered Materials:

All recipients and subrecipients of ESG and/or CoC program funds must follow minimum

standards for the procurement of recovered materials and 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 Act²⁹, 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.

Lead-Based Paint Standards:

All recipients and subrecipients of ESG and/or CoC program funds must follow minimum standards for compliance with the lead-based paint remediation and disclosure requirements identified in 24 CFR 576.403 and 578.99(f), including the Lead-Based Paint Poisoning Prevention Act³⁰, the Residential Lead- Based Paint Hazard Reduction Act of 1992³¹ and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M and R.

Faith-Based Activities:

All recipients and subrecipients of ESG and/or CoC program funds must follow minimum standards for faith-based activities (24 CFR §576.406 and §578.87).

- 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.

Minimum Program Standards for System Coordination

All recipients and subrecipients of ESG and/or CoC program funds are expected to

maintain the minimum standards for on-going system and program coordination and integration of ESG and CoC funded activities to the maximum extent practicable. This includes coordination with the following:

- Street Outreach (SO) providers
- Emergency Shelter (ES) providers
- Homelessness Prevention (HP) providers
- Transitional Housing (TH) providers
- Permanent Supportive Housing (PSH) providers
- Rapid Re-housing (RRH) assistance providers

Other Homeless Assistance Programs:

- 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 and Unaccompanied Youth;
- Projects for the Assistance in the Transition from Homelessness;
- Services in Supportive Housing Grants;
- Emergency Food and Shelter Program

Mainstream Services and Housing Programs:

- Public housing programs assisted under section 9 of the U.S. Housing Act of 1937;
- Housing programs receiving Section 8/Housing Choice/EHV tenant based or project-based assistance;
- Supportive Housing for Persons with Disabilities;
- HOME Investment Partnerships Program;
- Temporary Assistance for Needy Families
- Other essential services providers
- 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
- 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
- Connections with Other Resources:

All recipients and subrecipients of ESG and/or CoC program funds are expected to follow the minimum standards for assisting each participant in connecting with other supportive and stabilization resources (as applicable). Appropriate supportive services and stabilization resources include the following:

Supportive Services:

- Permanent housing;
- Medical health treatment;
- Behavioral health services;
- Counseling;

Stabilization Services:

- Medicaid;
- Medicare;
- Supplemental Nutrition Assistance Program;
- Women, Infants, and Children (WIC);
- Federal-State Unemployment Insurance Program;
- Supervision; and

Other services needed for independent living

- Supplemental Security Income (SSI);
- Social Security Disability Insurance (SSDI);
- Child and Adult Care Food Program; and
- Other available assistance

Income Determination:

All recipients and subrecipients of ESG and/or CoC program funds are expected to comply with the minimum standards for determining an individual’s or family’s annual income. This includes calculating income in compliance with 24 CFR §5.609. Annual income is defined as all amounts, monetary or not, which:

- 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.

There are no income limits for CoC assistance but in all cases in instances in which participants are charged rent or occupancy charges, the amount charged must be based on the participants' verified annual income for all sources.

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

Records and Recordkeeping:

All recipients and subrecipients of ESG and/or CoC program funds must follow the minimum standards, which include, ensuring sufficient written records are established and maintained to enable the ESG recipient, the CoC and HUD to determine whether ESG/CoC requirements are being met and comply with §576.500 and §578.103.

Program Policies & Procedures:

Services are coordinated with Continuum(s) of Care, other homeless assistance/prevention programs and mainstream service and assistance programs.

Compliance with HUD's ESG and CoC (24 CFR §576 and §578) requirements for:

Shelter and Housing:

- Conflict of interest
- Homeless participation
- Faith-based activity
- Nondiscrimination, equal opportunity, and affirmative outreach
- Uniform administrative rules (24 CFR part 84)
- Program participant records are kept secure and confidential
- Participation in HMIS or comparable database
- Homeless status
- At risk of homelessness status
- Determination of ineligibility
- Annual income
- Program participant records
- Centralized or coordinated assessment systems and procedures
- Rental assistance agreements and payments
- Environmental review
- Lobbying and disclosure (24 CFR part 87)
- Displacement, relocation, and acquisition
- Procurement (24 CFR §84.40-84.48)

- Utility allowance
- Emergency shelter facilities
- Services and assistance provided
- Coordination with CoCs and other programs
- Matching
- Financial records
- Subrecipients and contractors
- Period of record retention
- Access to records
- Reports

CoC Records and Documentation:

- 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

ESG Program Participation Records:

- Evidence of homeless status or at risk of homelessness status, as applicable
- The services and assistance provided to the program participant including, as applicable, the security deposit, rental assistance, and utility payments.
- Compliance with applicable requirements for providing services to that program participant under the program components and eligible activities (576.101-576.106).
- Compliance with applicable requirements for providing services to that program participant under the provision on determining eligibility and the amount and type of assistance (576.401(a) and (b)).
- Compliance with applicable requirements for providing services to that program participant under the provision on using appropriate assistance and services (576.401(d) and (e)).

Case Management:

- 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.
- Notes documenting reported changes in the program participant.

Eligibility Requirements:

- A copy of the CoC-approved coordinated assessment of the program participant and recording that information in HMIS. This assessment must be periodically updated for all homeless participants.
- Determination and verification/certification that the program participant was eligible for the services and/or financial assistance
- Determination and verification/certification of the program participant's homeless or at risk of homelessness status
- Determination and verification/certification that the program participant lacked sufficient resources and support networks to obtain the assistance from other sources.
- Determination and verification/certification that the program participant met income requirements, as applicable, and that an effort was made to obtain source documents or 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.
- When applicable, determination that individual or family was ineligible for ESG assistance, which should include the reason for that determination in sufficient detail that the logic behind determination is clear.
- For CoC funded projects, acceptable evidence of homeless status as set forth in 578.3

Financial Assistance Information Requirements:

- Identification of the specific services and financial assistance amounts that were provided to 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.

Housing Relocation & Stabilization Requirements:

- When applicable, verification that the services were terminated in compliance with 576.402 and/or 578.91.
- Copy of individualized housing stability plan
- For CoC funded projects, acceptable evidence of homeless status as set forth in 578.3

Permanent Supportive Housing (PSH) Only Requirements:

- Determination and verification/certification that the only households served through permanent supportive housing dedicated for chronically homeless individuals and families meet the definition of chronic homelessness.
- Units that are prioritized for the chronically homeless must maintain documentation that: the participant met the definition of chronic homeless on program entry or that there were not eligible chronically homeless participants at the time of project vacancy and this can be documented by the Coordinated Entry System.
- 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.

Homelessness Prevention (HP) Only Requirements:

- 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.

Rapid Rehousing (RRH) Only Requirements:

- Determination and verification/certification that the program participant met the criteria for being Category 1 or Category 4 Homeless (as long as the individuals/families fleeing or attempting to flee DV are also literally homeless) and that an effort was made to obtain written third-party verification, when possible and applicable.

Financial Records Requirements:

- 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 (24 CFR 576 and 578) and costs principles (2 CFR Part 200)
- Time sheets and time allocation for all personnel paid for with CoC and/or ESG funding
- Documentation of the receipt and use of program income
- Documentation of the receipt and use of matching funds
- Copies of procurement contracts

C. Emergency Shelter Programs – ESG Only

An effective crisis response system provides immediate and low-barrier access to safe and decent shelter to anyone that needs it and aims to house people as quickly as possible. Emergency shelters, and other types of crisis housing, play a critical role in the community's system response and strategy to end homelessness.

Participant Eligibility:

People are eligible for these services if they qualify as “homeless” based on categories (1, 2, or 4) of the “homeless” definition found at 24 CFR 576.232. Eligible activities, in compliance with federal ESG rules (24 CFR 576.102) in addition to the provision of decent, safe, and sanitary emergency shelter accommodations include:

- Case management;
- Child Care;
- Education,
- Employment and Life Skills Services;
- Legal Services;
- Health,
- Mental Health and Substance Abuse Services;
- Transportation

Minimum Standards

Safety, Sanitation, & Privacy:

- Any building for which ESG funds were used for conversion, major rehabilitation, or other renovation or that receives ESG assistance for shelter operations shall meet state/local government safety and sanitation standards, as well as the following:
- Structure and materials: The building must be structurally sound, protect participants from the elements and not pose any threats to their health or safety.
- Products and appliances: Any ESG funded renovation, including major rehabilitation and conversion, must use Energy Star and WaterSense products/appliances.
- Access: The shelter must comply with the applicable Rehabilitation, Fair Housing and Americans with Disabilities Acts and implement regulations.
- Space and security: Unless it is a day shelter, it must provide appropriate places to sleep, adequate space, and security for residents and their belongings.
- Interior air quality: Each shelter room/space must have proper ventilation and be pollutant free.
- Water supply: Must be free of contamination.
- Sanitary facilities: Each participant must have access to sufficient, sanitary facilities that are in proper operating condition, private and adequate for personal cleanliness and disposal of human waste.
- Thermal environment: The shelter must have the necessary, properly operating heating/cooling facilities.
- Illumination and electricity: The shelter must have adequate and appropriate lighting and safe electrical sources.
- Food preparation: Any food preparation areas must be able to store, prepare, and serve safe and sanitary food.
- Sanitary conditions: The shelter must be in sanitary condition.

- Fire safety: Each occupied unit of the shelter must have at least one working smoke detector and when possible, they should be near sleeping areas. The fire alarm system must be designed for hearing-impaired residents. All public areas must have at least one working detector and there must be a second means of exiting the building in the event of an emergency.

Shelter Diversion:

Shelter Diversion is a strategy that prevents homelessness at the front door by helping to identify immediate alternate housing arrangements and, if necessary, connecting people experiencing homelessness with services and financial assistance to help them return to permanent housing. Diversion should be attempted with all households seeking homeless services assistance.

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. No provider funded under ESG or the CoC program may serve homeless persons in Category 3 until it has been notified by ODNWFL that a request has been made to serve this population and the request has been approved by HUD.

Assessment:

- Individuals and families shall be assessed for Coordinated Entry using the CoC-Approved Coordinated Entry assessment, and that assessment must be recorded into HMIS.
- Families and individuals remaining in shelter for longer than thirty (30) days shall be reassessed by a Case Manager for housing every 30-45 days.

Intake:

When appropriate, based on the individual’s needs and wishes, the provision of or referral to Homelessness Prevention (HP) or Rapid Rehousing (RRH) services that can quickly assist individuals to maintain or obtain safe, permanent housing shall be prioritized over the provision of Emergency Shelter (ES) or Transitional Housing (TH) services. Emergency shelters will prioritize shelter services for those:

- Individuals and families lacking other resources in the community even if limited assistance could be provided to end their homelessness.
- Are literally homeless and in the absence of shelter are likely to be living in an unsheltered setting.
- Individuals and families vulnerable to injury or illness if not sheltered. Transgender placement will be based on gender self-identification.

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.

D.Homeless Prevention (HP) and Rapid Rehousing (RRH) Programs

Rapid Re-Housing (RRH) and Homelessness Prevention (HP) Programs provide housing relocation and stabilization services and short or medium-term rental assistance to help a family or individual retain permanent housing or move as quickly as possible to permanent housing and achieve stability in that housing.

Participant Eligibility:

Homelessness Prevention (HP):

To be eligible for HP Relocation and Stabilization Services and Short-Term and Medium-Term Rental Assistance, people must qualify as "at risk of homelessness" based on categories (2 or 4) of the HUD "homeless" definition or based on the "at risk of homelessness" definition found at 24 CFR 576.2, require HP services to prevent moving into an emergency shelter or another place described in category

(1) of the "homeless" definition in 24 CFR 576.2, have an annual income below 30% of the median income for the area and be a resident of Escambia or Santa Rosa County for at least 30 days prior to requesting assistance. (24 CFR 576.103, 576.105, 576.106)

Rapid Re-Housing (RRH):

CoC and ESG funded rapid rehousing will follow the standards as set forth during the NOFA under which the program funds were awarded.

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 participants verified annual income for all sources. All participants must lack sufficient resources or support networks to retain housing without ESG or CoC assistance. Individuals & families assisted under ESG are required to have annual incomes at or below 30% of the area median at annual assessment.

Eligible Activities for HP and RRH:

- Housing Relocation & Stabilization Services:
- Moving Costs;
- Rent Application Fees;
- 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

RRH 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. Project-based rental assistance for RRH allowable for ESG funded programs only.

- 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 (arrears covered under ESG only).
- Rent amount must not exceed HUD's published Fair Market Rent (ESG funded rapid rehousing only) and the HUD standard for rent reasonableness (ESG and CoC funded rapid rehousing) (24 CFR 982.507).
- There must be a rental assistance agreement between the landlord and agency and a legally binding, written lease between tenant and landlord.
- 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.

HP Assistance: Short-Term (up to 3 months) and Medium-Term (4-24 months) Rental Assistance, up to 24 months total during a 3- year period in tenant-based or project-based housing

- The 24 months may include a one-time payment for up to 6 months of rent arrears on the tenant's portion of the rent. Rent amount must meet the federal requirements for Fair Market Rent (24 CFR 888) and the HUD standard for rent reasonableness (24 CFR 982.507). There must be a rental agreement between the landlord and agency and a written lease between tenant and landlord.

Prioritization / Diversion / Referral:

When appropriate, based on the individual's needs and wishes, the provision of or referral to Homelessness Prevention (HP) or Rapid Rehousing (RRH) services that can quickly assist individuals to maintain or obtain safe, permanent housing shall be prioritized over the provision of Emergency Shelter (ES) or Transitional Housing (TH) services. ESG and/or CoC Program-funded RRH and ESG Prevention projects must serve participants referred from the local Coordinated Entry System, which prioritizes the following characteristics:

- Households with the highest service needs
- Households with the longest history of homelessness
- Households sleeping in an unsheltered

Relocation Assessment:

Rapid Re-Housing and Homelessness Prevention is matched to individuals by the local Coordinated Entry assessment, which is reviewed on an ongoing basis by the Coordinated Entry Committee and CoC Board. All CoC and ESG-funded agencies are encouraged to participate in that process.

Exceptions:

There may be instances in which a household scored higher or lower on the assessment tool than expected. To ensure an appropriate housing assignment is made for every special circumstance, the CoC will hold monthly case conferencing sessions to override the automated system score when necessary.

Service providers must attend case conferencing, or send a representative, to manually override the Coordinated Entry system score.

Subpopulations:

In providing RRH or Homelessness Prevention assistance, providers will receive referrals based on the prioritization established in the local Coordinated Entry Policies and Procedures. This prioritization will be updated periodically through the Coordinated Entry Committee based on subpopulation data and community input.

Participant Contribution:

Minimum standards for determining what percentage or amount of rent and utilities costs each program participant shall pay while receiving Homelessness Prevention (HP) or Rapid-Rehousing (RRH) 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.
- Providers must establish policies concerning notification of changes in participant income and/or family composition. Providers may establish a minimum income change required to be reported of no greater than Fifty Dollars (\$50) per month and a maximum period in which the income change must be reported of no greater than thirty (30) days.
- 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, these charges may not exceed those established in 24 CFR 576.106 or 578.77 for CoC program and as limited, below.
- CoC providers may but are not required to impose occupancy charges but if they elect to

- do so, the charges must be universally and consistently applied to all participants served.
- Participants are not required to contribute rent for the initial three (3) months in which the participant receives rental assistance. Participants who are assessed to require rental assistance beyond the initial three-month term will be expected to pay rent based on income as calculated at: 24 CFR 5.609, for CoC and ESG and 24 CFR 5.611(a) and as limited by 578.77(b) for CoC only.
 - The maximum occupancy charge will not exceed the highest of 30% of the household's adjusted income or 10% of the total monthly income.
 - Providers may not impose 'minimum rents'. Any occupancy charges imposed must be based on participant's income and may not exceed those established in 24 CFR 578.77.
 - Providers are expected to provide hardship exemptions to any rental charges if such charges could lead to the loss of housing for the assisted household.
 - ODNWFL policy is that sufficient financial assistance should be provided to ensure the likelihood of positive housing outcomes after assistance and that every effort should be made to limit assistance to that which is necessary for housing stability.
 - 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.
 - The calculation of participant's income, the level of financial assistance provided, whether a hardship exemption is granted are all decisions that must be appealable to the provider and, if the participant is not satisfied with the response, to the CoC.

Rental Assistance Duration and Adjustment:

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

- Participants shall 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 quarterly assessment. Participants shall not be approved for more rental assistance than can be justified given their income and expenses at a given time.
- Providers must re-assess the continuing need for rental assistance before approving an additional increment. In no event will assistance under rapid rehousing exceed 24 months in any 36-month period.
- 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.

Limitations on Financial Assistance:

Financial assistance provided to participants under ESG and CoC funded prevention and rapid rehousing services may not exceed the limitations set forth below:

- Prohibition on use with other subsidies: Payment for Financial Assistance costs shall not be provided to a participant who is receiving the same type of financial assistance through other public sources or to a participant who has been provided with replacement housing payments under the URA, during the period covered by the URA payments.
- Rental application fees: Payment shall only be made for fees charged by the owner to all applicants.
- Security deposits: Payment shall not exceed two (2) month's 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: 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: Reasonable one-time moving expenses are eligible. Rental Assistance (ESG Only):

Payment shall not exceed 24 months total during a 3-year period in tenant- based or project-based housing.

- Payment for short-term rental assistance shall not exceed 3 months.
- Payment for medium-term rental assistance 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
- Prohibition on use with other subsidies: 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 covered by the URA payments.
- Payment 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 rental assistance shall only be made when there is a rental assistance agreement between the provider 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.
- For rental arrears an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records.
- Payment shall only be made for units that have been inspected for HUD Housing Quality Standards and ESG standard for fire safety (576.403(c) (10)) and re-inspected no less frequently than annually for Rapid Rehousing and Homelessness Prevention. Rental assistance shall not be paid on behalf of any unit that does not meet Housing Quality Standards and ESG fire safety standards.

Limitations on 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 Limitations on 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.

Housing Relocation and Stabilization Services – Service Type, Amount, and Duration:

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 detailed in the following subsections.

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.

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

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 Coordinated Entry 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 and supporting the participant in accomplishing the plan.
- Conducting re-evaluations

Under the Rapid Re-Housing component, Payment for housing stability case management services provided while the participant is seeking permanent housing shall not exceed 30 days for ESG funded services. Payment for housing stability case management services provided while the participant is living in permanent housing shall not exceed 24 months. Housing stability case managers are expected to meet with participants in their homes, or a location convenient for the participant, and must have a minimum of one contact per month with participants. All contact between case managers and program participants shall be documented in case notes in the local HMIS.

Mediation (ESG Only):

Payment shall only be made for the cost of mediation between the participant and the owner or person with whom the participant is living, if it is necessary to prevent the participant from losing the permanent housing where he/she resides. Payment for mediation services shall not exceed 24 months during any 3-year period.

Legal Services:

Necessary legal services regarding matters that interfere with the program participant's ability to obtain or retain housing are eligible costs, including:

- Child support
- Guardianship
- Paternity
- Emancipation
- Legal separation
- Resolution of outstanding criminal warrants
- Appeal of veterans and public benefit claim denials
- Orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking

Re-Evaluations:

Minimum standards for completing eligibility re-evaluations of individuals and families are listed below.

Homeless Prevention (HP):

- Participants shall be re-evaluated not less than once every three months.

Rapid Re-Housing (RRH):

- Participants shall be re-evaluated not less than once annually. Eligibility:
 - The participant shall have an annual income that does not exceed 30 percent of median family income for the area or less, as determined by HUD at the time of annual re- evaluation [ESG only]; and
 - The participant shall lack sufficient resources and support networks necessary to retain housing without ESG/CoC assistance.

E. Transitional Housing (TH) Programs – CoC Only

Transitional Housing (TH) is designed to provide homeless individuals and families with interim stability and support to successfully move to and maintain permanent housing. ESG funds may not be provided to help individuals to remain in or move to transitional housing.

Minimum Standards:

Transitional housing facilitates the movement of homeless individuals and families to permanent housing within 24 months of entering the program. Eligible persons for transitional housing meet the homeless definition based on categories 1 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 scattered 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.

Safety, Sanitation, and Privacy:

Providers shall not use ESG or CoC funding to help someone remain or move into transitional housing that does not meet the following minimum habitability standards:

- a. Structure and Materials: The building must be structurally sound, protect participants from the elements and not pose any threats to their health or safety.
- b. Space and security: Each resident must have adequate space and security for themselves and their belongings and an acceptable place to sleep.
- c. Interior air quality: Each room or space must have proper ventilation and be pollutant free.
- d. Water supply: Must be free of contamination.
- e. Sanitary facilities: Residents must have access to sufficient, sanitary facilities that are in proper operating condition, private and adequate for personal cleanliness and disposal of human waste.
- f. Thermal environment: The housing must have the necessary, properly operating heating/cooling facilities.
- g. Illumination and electricity: The structure must have adequate and appropriate lighting and safe electrical sources.
- h. Food preparation: All food preparation areas contain suitable space and equipment to store, prepare, and serve safe and sanitary food.
- i. Sanitary conditions: The housing must be in sanitary condition.
- j. Fire safety:
 - i. There must be a second means of exiting the building in the event of an emergency.
 - ii. Each unit must include at least one properly working smoke detector on each occupied level of the unit, located when possible in a hallway adjacent to a bedroom.
 - iii. If the unit is occupied by a hearing-impaired person, smoke detectors must have an alarm system designed for hearing-impaired persons in each bedroom he or she occupies.
 - iv. The public areas of the housing must be equipped with enough detectors, but not less than one for each area.

Participant Eligibility:

Transitional Housing (TH) programs will receive referrals based on the prioritization established

in the local Coordinated Entry Policies and Procedures. This prioritization will be updated periodically through the Coordinated Entry Committee based on subpopulation data and community input. The following target populations are HUD's preferred focus for Transitional Housing:

- k. Youth,
- l. Persons seeking to continue recovery in recovery-focused housing,
- m. Institutional re-entry (may not be eligible for CoC funding but needed for people leaving criminal justice and mental health facilities),
- n. Persons fleeing domestic abuse or violence where it is not possible to find units for rapid rehousing

Limitations 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 because of this limitation.

Transitional housing programs are expected to place individuals and families into permanent housing as quickly as possible.

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 fees other than rent or occupancy charges 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 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 expectations for safety in housing and program expectations. Residents in transitional housing MAY NOT be discharged for failure to participate in 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).

F. Permanent Supportive Housing (PSH) Programs – CoC Only

Permanent Supportive Housing (PSH) for persons with disabilities is permanent housing with indefinite leasing or rental assistance paired with supportive services to assist homeless persons

with a disability or families with an adult or child member with a disability achieve housing stability.

Minimum Standards:

Minimum standards for all shelters and program participant-occupied housing consist of compliance with the safety, sanitation & privacy requirements identified in 24 CFR 576.403 and 578.75. Providers shall not use ESG or CoC funding to help someone remain or move into housing if the housing does not meet the following minimum habitability standards:

- a. Structure and Materials: The building must be structurally sound, protect participants from the elements and not pose any threats to their health or safety.
- b. Space and security: Each resident must have adequate space and security for themselves and their belongings and an acceptable place to sleep.
- c. Interior air quality: Each room or space must have proper ventilation and be pollutant free.
- d. Water supply: Must be free of contamination.
- e. Sanitary facilities: Residents must have access to sufficient, sanitary facilities that are in proper operating condition, private and adequate for personal cleanliness and disposal of human waste.
- f. Thermal environment: The housing must have the necessary, properly operating heating/cooling facilities.
- g. Illumination and electricity: The structure must have adequate and appropriate lighting and safe electrical sources.
- h. Food preparation: All food preparation areas contain suitable space and equipment to store, prepare, and serve safe and sanitary food.
- i. Sanitary conditions: The housing must be in sanitary condition.
- j. Fire safety:
 - i. There must be a second means of exiting the building in the event of an emergency.
 - ii. Each unit must include at least one properly working smoke detector on each occupied level of the unit, located when possible in a hallway adjacent to a bedroom.
 - iii. If the unit is occupied by a hearing-impaired person, smoke detectors must have an alarm system designed for hearing-impaired persons in each bedroom he or she occupies.
 - iv. The public areas of the housing must be equipped with enough detectors, but not less than one for each area.

Participant Eligibility:

Individuals and families who meet the federal criteria under category (1) or (4) of the “homeless” definition in 24 CFR 576.2. Eligible households include individuals with disabilities and families in which one adult or child has a disability.

- k. All referrals must come from the local Coordinated Entry System and prioritization method.
- l. If no Chronically Homeless Individuals or Families remain, CE will prioritize

following HUD's Established Order of Priority for Permanent Supportive Housing (Notice CPD 16-11).

- i. Households must meet the HUD definition of homelessness
 - ii. One adult or child member of the household must have a disability
- m. Must follow any additional eligibility criteria set forth in the NOFA through which a project was funded and the grant agreement (e.g. Projects originally funded under the Samaritan Housing Initiative must continue to serve chronically homeless individuals and families; projects funded under the Permanent Supportive Housing Bonus must continue to serve the homeless population outlined in the NOFA under which the project was originally awarded).
- n. Programs may not establish additional eligibility requirements beyond those specified here and those required by funders.

Housing First for PSH Projects:

Providers of Permanent Supportive Housing shall use the Housing First model as outlined below. Any new projects funded by the CoC must use the Housing First model.

Minimum Requirements:

- o. Housing is not contingent on compliance with services – participants are provided with a standard one-year lease agreement. The lease agreement can only be terminated in accordance with Florida State statutes including 83.56, F.S. and court rulings.
- p. Participants are provided with services and supports to help maintain housing and prevent eviction.
- q. There is no requirement for sobriety prior to being offered housing and admission shall not be conditioned on credit or background checks.
- r. There is no program requirement for a criminal background check unless required by a landlord, and the participant should not be charged for the cost of obtaining a criminal background check.
- s. Participants shall be given choice in their housing subject to program limitations.
- t. Participants are not required to participate in services, but providers are required to do affirmative outreach to engage participants.
- u. Providers are encouraged to support staff in implementing Evidence Based Practices that support Housing First (Critical Time Intervention, Motivational Interviewing, Stages of Change)
- v. Permanent Supportive Housing Projects funded by the CoC are contractually obligated to follow these principles and will be subject to monitoring.

Additional Requirements for PSH Projects w/ Rental Assistance:

- w. 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.

- x. Payment for rental assistance shall only be made when there is a rental assistance agreement between the provider 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.
- y. Payment of any late payment penalties incurred by the agency shall not be claimed for reimbursement.
- z. Payment shall only be made when there is a legally binding, written lease for the rental unit between the participant and the owner.

Participant Contribution:

Rent charges may not exceed those specified in CFR

578.7734. Appeals Process:

All CoC and ESG funded providers must provide a written copy of their program's rules and the termination process, and the right to appeal, before the participant begins to receive assistance. The initial appeal of any decision shall be made to the ESG or CoC funded provider pursuant to the process described below. Should the participant not be satisfied with the appeal decision, he/she has the right to appeal that decision to the CoC Board. The CoC Board shall follow the process for appeals specified below.

Reasons for Appeal:

- aa. The decision whether to admit the participant into the program
- bb. The determination of the household's income or the households calculated rent
- cc. payment/occupancy charge
- dd. Denial of a request to add a member to the assisted household
- ee. Whether to terminate the participation of any participant

Minimum Appeal Requirements:

- ff. Participants may request an appeal verbally or in writing.
- gg. The provider will respond to the appeal request as soon as practicable but no later than one month following the request.
- hh. As part of the appeal, the participant may present written or oral objections before a person other than the person (or a subordinate of that person) who made the decision that is subject to appeal.
- ii. The participant may be represented in the appeal but neither the CoC, ESG recipient nor the provider is responsible for providing or funding someone to represent the participant.
- jj. A written response must be promptly provided to the participant.

Appeals of Decisions to Terminate:

kk. These decisions must be made in compliance with 24 CFR 576.402 or 578.91.

Appeals of Decisions Other Than to Terminate the Participant from the Program:

- ll. These appeals are initiated by the participant. The participant must notify the CoC or ESG funded provider that he/she wishes to appeal a decision or determination of the provider.

Appeals to the CoC Board:

If the participant is not satisfied with the response to his/her appeal from the CoC or ESG funded provider, the appeal may be made to the Board.

Minimum Requirements:

- mm. The appeal may be in writing, orally or both.
- nn. The participant may be represented but the CoC Board is not responsible for providing representation.
- oo. The CoC Board may designate a subcommittee to hear appeals.
 - i. If the appeal has been designated to a subcommittee, the participant shall have the right to appeal to the CoC Board.
- pp. Appeals shall be addressed within sixty (days) of receipt of the appeal by the Board.
- qq. Participants will receive prompt written notification of the outcome of the appeal.

Participant Termination:

Participants who are to be terminated must be provided written notice containing a clear statement of the reasons for termination.

Minimum Requirements:

- rr. Participants may request an appeal verbally or in writing.
- ss. The provider will respond to the appeal request as soon as possible but no later than one month following the request.
- tt. As part of the appeal, the participant may present written or oral objections before a person other than the person (or a subordinate of that person) who made the decision that is subject to appeal.
- uu. The participant may be represented in the appeal but neither the CoC, ESG recipient, nor the provider is responsible for providing or funding someone to represent the participant.
- vv. A written response must be promptly provided to the participant.
- ww. The appeal may be in writing, orally or both.
- xx. The participant may be represented but the CoC Board is not responsible for providing representation.
- yy. The CoC Board may designate a subcommittee to hear appeals.
 - i. If the appeal has been designated to a subcommittee, the participant shall have the right to appeal to the CoC Board.

- zz. Appeals shall be addressed within sixty (days) of receipt of the appeal by the Board.
- aaa. Participants will receive prompt written notification of the outcome of the appeal.

G. Street Outreach (SO) – ESG Only

Essential Services related to reaching out to unsheltered homeless individuals and families, connecting them with emergency shelter, housing, or critical services, and providing them with urgent, non- facility- based care. Street Outreach (SO) providers are a critical part of the community crisis response system and should make rapid connections to permanent housing through the local Coordinated Entry system.

Minimum Standards:

People are eligible for these services if they are “unsheltered homeless” based on category (1)(i) of the “homeless” definition found under 24 CFR 576.2 are eligible for the following activities, in compliance with federal ESG rules (24 CFR 576.101): engagement, case management, emergency health and mental health services, transportation.

Affirmative Outreach:

Providers of Street Outreach services shall target unsheltered homeless individuals and families, meaning those with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including:

- a. a car
- b. park
- c. abandoned building
- d. bus, train station, or airport
- e. camping ground

Participant Eligibility:

Individuals and families who qualify as homeless under paragraph (1)(I) of the “homeless” definition under 24 CFR § 576.2, which is an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

Assessment / Service Provision / Referral / Prioritization:

Individuals and families shall be offered an initial need and eligibility assessment. Families and individuals engaged through Street Outreach should complete a Coordinated Entry Assessment and enter that information into HMIS as soon as is practicable. Qualifying program participants, including those meeting special population criteria, will be offered the following Street Outreach services, as needed and appropriate:

- f. Engagement;
- g. Case management;
- h. Emergency Health and Mental Health;
- i. Transportation Services

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 obtain safe, permanent housing shall be prioritized over the provision of or referral to emergency shelter or transitional housing services. All recipients of ESG and/or CoC program funds are required to prioritize individuals who meet the "literally homeless" definition.

Addendum

Duplication of Benefits Policy

This policy is relevant for all client financial assistance programs, including ESG-CV activities that are used to prevent, prepare for, and respond to coronavirus. This policy will become effective September 30, 2022.

Definition of Duplication of Benefits (DOB)

A duplication of benefits (DOB) occurs when a person, household, business, government, or other entity receives financial assistance from multiple sources for the same purpose, and the total assistance received for that purpose is more than the total need for assistance. All grantees are bound by Section 312 of the Stafford Act, as amended, and the OMB Cost Principles within 2 CFR part 200 that require that all costs must “be necessary and reasonable for the performance of the Federal award.”

The ESG recipient is responsible for ensuring that all ESG-CV requirements are met, including the prevention of a duplication of benefits. This includes assistance provided to subrecipients as well as ensuring that ESG recipients and subrecipients accurately evaluate and monitor for and prevent the duplication of benefits provided for program participants.

ESG Recipient and Subrecipient Responsibilities

The ESG recipient is responsible for ensuring that all ESG-CV requirements are met, including the prevention of a duplication of benefits. This includes assistance provided to subrecipients as well as ensuring that ESG recipients and subrecipients accurately evaluate and monitor for and prevent the duplication of benefits provided for program participants.

Subrecipient Evaluation

For all awards made to subrecipients, the ESG recipient will conduct the following activities:

1. Prior to awarding any grants to a subrecipient, the ESG recipient will establish a list of potential federal, state, local, and non-governmental funding sources that may present a potential duplication of benefit for the activity(ies) proposed by the subrecipient.
2. The ESG recipient will request subrecipients to report the receipt or anticipated receipt of any funding from other sources (i.e., the funding sources identified in step one or from other sources identified by the subrecipient). Emergency Solutions Grant – CARES Act (ESG-CV) Sample ESG-CV Duplication of Benefits Policies and Procedures
3. Prior to issuing award, the ESG recipient will assess whether the ESG-CV funds will duplicate funding that is already received or is likely to be received by the subrecipient. The ESG recipient will document this finding in the program file and complete the DOB analysis (summarized below).

4. The ESG recipient will include a clause or attachment to the subrecipient grant agreement that the subrecipient will repay all assistance that the ESG recipient determines to be duplicative.

Program Participant Evaluation

Either the ESG recipient or subrecipient will be responsible for evaluating if a DOB occurs for each program participant who receives ESG-CV financial assistance or rental assistance costs under the Homelessness Prevention or Rapid Rehousing component to ensure that the provision of ESG assistance does not cause a DOB.

Prior to assisting program participants, the following steps shall be taken:

1. As part of the intake process, recipient or subrecipient staff will complete a DOB Checklist with prospective program participants, which identifies all housing or other assistance that they have received, or are currently or anticipate receiving, and certifies to the accuracy of the information provided. Integrate checklist questions into the intake process as much as possible to avoid repeating questions already asked and answered.
2. ESG recipient or subrecipient evaluates the information provided in the DOB checklist and uses it to conduct the DOB analysis (summarized below).
3. ESG recipient or subrecipient provides assistance that it determines to be non-duplicative based on the DOB analysis.

DOB Analysis – Determination and Verification

HUD CoC and ESG recipients and subrecipients (including those that receive ESG-CV) must ensure program funds awarded to program participants are not or will not duplicate, with any other form of eligible assistance. Using the Duplication of Benefits (DOB) Checklist form, program staff must ensure that program participant DOB evaluation is performed.

TYPES OF ASSISTANCE

There are a variety of funding sources that may be considered a DOB depending on the funding source, purpose, and use. Assistance considered to be a potential DOB includes:

- Other Federal CARES Act funding (e.g., US Treasury, SBA, FEMA, USDA, HHS, Dept. of Labor, EDA)
- Cash awards
- Insurance proceeds
- Grants
- Awards or assistance under local, state, and private or nonprofit organizations (e.g. Community Action Agency, Low-Income Home Energy Assistance Program, Family Investment Program)
- Other HUD grants (e.g., HOME, CDBG)

Assistance not considered to be a potential DOB includes:

- Personal assets such as money in a checking or savings account (excluding insurance other assistance deposited into the program participant's account);
- Unemployment benefits;
- Retirement accounts;
- Credit cards and lines of credit;
- In-kind donations (although these non-cash contributions known to the grantee reduce total need);
- Assistance provided for a different purpose than the ESG-eligible activity, or a general, non-specific purpose (e.g., "disaster relief/recovery") and not used for the same purpose;
- Funds not available to the program participant, like when insurance funds must be used for a forced mortgage payoff;
- Some types of loans: Declined or cancelled subsidized loans (including SBA loans);
- Private loans;
- Government-subsidized loans, provided that all Federal assistance is used toward a loss suffered because of a major disaster or emergency.

DOB PROCEDURES RECIPIENT PROCEDURES

As part of the application process, HUD CoC and ESG recipients and subrecipients must have each applicant complete a DOB analysis indicating that the proposed activities are not anticipated to result in a duplication of benefit at the activity level. Further, analysis is required at the program participant level when financial assistance is provided to the participant for housing relocation or stabilization services as described in 24 CFR 576.105(a) as amended by CPD Notice 21-08.

The recipients and subrecipients are responsible for ensuring that a DOB does not occur when carrying out funded activities. The Continuum of Care or its appointed CoC Lead staff are responsible for monitoring and ensuring subrecipient compliance.

HUD CoC and ESG recipients who carry out activities directly will adopt and follow the subrecipient policies and procedures from the pass-through entity.

SUBRECIPIENT POLICIES AND PROCEDURES

All subrecipients are responsible for adopting the Continuum's DOB Policies and Procedures and ensuring compliance for projects at the activity and rental assistance level. Subrecipients are responsible for using the following process to analyze and determine if a DOB exists at the activity or financial assistance level.

For any subrecipient providing rental assistance or other financial assistance, duplication of benefit provisions must be established for the individual or entity receiving the cash payment. For example, if the subrecipient makes a rental assistance payment on behalf of a program participant to a landlord that is later deemed to be duplicative in nature, the subrecipient must collect the duplicated payment from the landlord and **cannot** collect the duplicated payment from the program participant without prior written authorization from the recipient or the pass-through entities.

CoC FL-511 Subrecipient DOB Policies and Procedures are included as Appendix II.

Duplication of Benefits (DOB) Checklist

Instructions for Case Manager

This form shall only be used to document the duplication of benefits determination for financial assistance or rental assistance under federal homelessness prevention or rapid re-housing components. Case Managers are responsible to separately determine: 1) the program participant's eligibility; and 2) the appropriate amount of federally funded grant assistance.

If a program participant has applied for and received financial assistance or rental assistance from other entities, the case manager should ensure that the proposed federally funded grant assistance will not result in a duplication of benefits.

If a program participant has applied for and not yet received a response from another source of assistance, the case manager should identify which applications, if approved, would constitute a duplication of benefits. The program participant shall withdraw those applications prior to receiving federally funded grant assistance through your organization.

Directions: Prior to completing this checklist, the case worker shall determine the appropriate amount of assistance necessary to meet the program participant's unmet financial assistance or rental assistance needs.

Program Participant Duplication of Benefits Evaluation

Program Participant HMIS ID (or comparable database ID): _____

1. Has the program participant previously applied for any other types of federal, state, local or private financial or rental assistance?

☐ **No**, the program participant has not applied for any other forms of assistance (skip to Question 2)

☐ **Yes**, applied for and was **denied** assistance. Select all that apply:

- ☐ Security deposit ☐ utility deposits ☐ first month's rent ☐ Last month's rent
☐ rent payment assistance ☐ rental arrears (#__ of months) ☐ moving costs
☐ utility payment assistance

Program Name	Amount	Requested Period of Assistance	Date Applied

☐ **Yes**, applied for and **has not yet received** an application approval or disapproval. Select all that apply:

- ☐ Security deposit ☐ utility deposits ☐ first month's rent ☐ Last month's rent
☐ rent payment assistance ☐ rental arrears (#__ of months) ☐ moving costs
☐ utility payment assistance

List forms of assistance applied for and not yet received:

Program Name	Amount	Requested Period of Assistance	Date Applied

☐ **Yes**, applied for and **received** assistance. Select all that apply:

- ☐ Security deposit ☐ utility deposits ☐ first month's rent ☐ Last month's rent
☐ rent payment assistance ☐ rental arrears (#__ of months) ☐ moving costs
☐ utility payment assistance

List forms of assistance received, the amount, and the period of assistance:

Program Name	Amount	Period of Assistance (<i>from MM/DD/YYYY – to MM/DD/YYYY</i>)

2. Does the program participant anticipate applying for additional assistance in the next six months?
☐ Yes ☐ No ☐ Unsure

Case Manager Name:	
Case Manager Signature:	Date:

Case Manager DOB Determination (Office Use Only)

If the program participant has applied for other sources of financial or rental assistance and not yet received a response indicating their application was approved or denied, did they withdraw any applications that would constitute a potential duplication of benefits? ☐ YES ☐ NO

The proposed use of federal funds would constitute a duplication of benefits for services eligible to rapid rehousing and homeless prevention program participants and further assistance cannot be provided at this time. ☐ YES ☐ NO

The proposed use of federal funds would not constitute a duplication of benefits for services eligible to rapid rehousing and homeless prevention program participants and is eligible to receive financial assistance.

☐ YES ☐ NO

Appendix II

To determine a duplication of benefits analysis, the HUD CoC and ESG (ESG-CV) recipient or its subrecipient shall complete the following steps by project type:

1. Assess Need - Determine the amount of need (total cost of the activity);
 - Determine the total amount of need for the activity (e.g., Emergency Shelter, Temporary Emergency Shelter, Street Outreach, Rapid Re-housing, Homelessness Prevention, HMIS, Administration).
 - Need can be assessed for the entire jurisdiction or for each project.
2. Determine Assistance - Determine the amount of assistance that has or will be provided from all sources to pay for the cost;
 - Determine the amount of funding that has or will be provided from all non- HUD CoC, ESG, or ESG-CV funding sources to pay for the activity cost(s).
3. Calculate Maximum Level of Award - Determine the amount of assistance already provided compared to the need to determine the maximum HUD CoC, ESG, or ESG-CV award;
 - Compare the amount of assistance (Step 2) to the total need (Step 1) to determine the maximum possible HUD CoC, ESG, or ESG-CV award.
 - A copy of the Duplication of Benefits Checklist is included as Appendix I.
4. Document Analysis - Document calculation and maintain adequate documentation justifying determination of maximum award that can be provided without causing a duplication.
 - Document steps 1-3 and HUD CoC, ESG, or ESG-CV award amount to verify that the amount of assistance awarded is equal to or lower than the maximum level of award.

Loans

Private loans are not considered a form of financial assistance and therefore are not included in the calculation of duplication of benefits. A private loan is a loan that is not provided by or guaranteed by a governmental entity, and that requires the ESG-CV applicant (the borrower) to repay the full amount of the loan (principal and interest) under typical commercial lending terms, for example, the loan is not forgivable and is not subsidized. For DOB calculations, private loans are not financial assistance and need not be considered in the DOB calculation, regardless of whether the borrower is a person or entity.

Subsidized loans are included in the DOB calculation unless an exception applies:

1. All or a portion of the subsidized loan was declined (applicant never accepted the loan by signing loan documents).
2. All or a portion of the loan amount was cancelled (and therefore will not be distributed to program participant or subrecipient).
3. The subsidized loan is covered by amendments to section 312 of the Stafford Act contained in the Disaster Recovery Reform Act of 2018. Under these amendments, a subsidized loan is not a duplication if: a) all

assistance is provided before October 5, 2023; b) the subsidized loan was provided for a disaster declared between January 1, 2016, and December 31, 2021; and c) all Federal assistance is used toward a loss suffered as a result of a major disaster or emergency.² Further, the ESG recipient may elect to structure programs related to the repayment of subsidized loans in accordance with the policies and requirements under FR-6169-N-01.

Compliance and Recapture of Funds

If a program participant or subrecipient is determined to have a duplication of benefits, the ESG recipient or its designee shall withhold future pay requests and the approved project budget will be amended. If all funds have been expended when additional DOBs are identified or the DOB exceeds the amount of future payments, then the subrecipient or third parties issued payment on behalf of the program participant (e.g., landlords receiving rental assistance payments) will be required to repay the funds to the ESG recipient. The recipient must repay these recouped funds to its HUD Treasury Account (see Sections 8.2 and 8.3 of the Using IDIS Online for the ESG Program Manual for information about how to return funds.). If necessary, the ESG recipient will reprogram these funds to alternative ESG-CV eligible projects.

Monitoring

The ESG recipient shall verify DOB calculations are correct for program participants or third parties either by evaluating subrecipient-managed programs or ESG recipient-managed programs. Monitoring may include desk reviews, remote monitoring, or in-person monitoring. Documentation must be kept in the program participant file as well as the subrecipient file. Documentation should include:

- Maximum level of award calculation:
 - Amount of need;
 - Amount of all sources of assistance provided;
 - Final award calculation.
- Signed checklist certifying other forms of assistance that have been received or are anticipated to be received.

Based on the risk of duplication of benefits of an individual activity or program, the ESG recipient may establish more frequent monitoring or oversight of a subrecipient to mitigate the risk of duplication of benefits from occurring. The risk of duplication of benefits will be determined if other federal or non-federal programs are funding similar activities in the jurisdiction, creating a greater chance of duplication of benefits occurring.