

Lead Me Home

Monterey and San Benito Counties
Continuum of Care

Written Standards

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I. Purpose and Application

The HEARTH Act requires Continuums of Care (CoC) to adopt written standards that govern the provision of assistance to eligible individuals and families under the Act. The Monterey and San Benito Counties Lead Me Home Continuum of Care (LMH CoC) adopts the following written standards to comply with the HEARTH Act requirements and to ensure that all persons experiencing homelessness in the LMH CoC receive the same information and support in accessing and maintaining housing and services. All programs receiving CoC and Emergency Solutions Grant (ESG) funding are required to abide by these written standards. The LMH CoC strongly encourages programs that do not currently receive CoC funds to accept and utilize these written standards to ensure consistency of care across the CoC.

Individual programs within the LMH CoC may have established their own individual policies and procedures or written standards. This document is not intended to replace those policies and procedures created by individual programs. However, program policies should not be contrary to these written standards and should comply in all respects with the HEARTH Act and the Department of Housing and Urban Development (HUD) Continuum of Care Interim Regulations.

Compliance with Eligibility Requirements and Applicable Program Standards

Providers must ensure programs conform to applicable eligibility and other requirements established by federal and state rules. Those requirements may include, but are not limited to: the McKinney-Vento Homeless Assistance Act, as amended by the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act (42 USC 11302); the U.S. Department of Housing and Urban Development (HUD) Continuum of Care Program Interim Rule, 24 CFR Part 578; CoC Final Rule Defining “Homeless”; CoC Final Rule Defining “Chronically Homeless”; federal ESG regulations and definitions, including CFR 576.1 et seq., 24 CFR 576.400 et. seq; California Department of Housing and Community Development (HCD) ESG regulations, 25 CCR 8400 et seq.; Notice on Coordinated Entry, CPD 17-01; Notice on Order of Priority in CoC Program-Funded Permanent Supportive Housing Beds, CPD 16-11; Final Rule: Violence Against Women Reauthorization Act 2013 – Implementation in HUD Housing Programs (24 CFR 200 et. seq) (VAWA); Final Rule on Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs (24 CFR Part 5), and other regulations set forth governing eligible use of CoC and ESG funds. Where not specifically set forth below, those regulations are incorporated by reference into these written standards.

II. Housing First (25 CCR § 8409; WIC § 8255)

The LMH CoC has adopted a Housing First approach in all its programs and prioritizes placing individuals and families experiencing homelessness into permanent housing without barriers or preconditions. Housing First has been identified as a best practice by the Department of Housing and Urban Development (HUD), United States Interagency Council on Homelessness (USICH), and is required by all state-funded homelessness programs. Housing First core practices include, but are not limited to the following:

- A. Coordinated entry referrals for permanent housing are prioritized based on duration or chronicity of homelessness, vulnerability to early mortality, or high utilization of crisis services.
- B. Programs accept and aim to immediately place into permanent housing all individuals experiencing homelessness regardless of sobriety or substance use, minimum income, credit or financial history, rental history, criminal convictions unrelated to tenancy, completion of treatment, participation in services, or behaviors that indicate a lack of “housing readiness.”
- C. Supportive services are voluntary and participation in services is not a precondition to permanent housing tenancy. Service plans are highly tenant-driven and emphasize engagement and problem solving over therapeutic goals. Ongoing participation in services or compliance with service plan is not a condition of maintaining a permanent housing tenancy.
- D. Services are informed by a harm-reduction philosophy that recognizes drug and alcohol use and addiction as a part of tenants’ lives, where tenants are engaged in nonjudgmental communication regarding drug and alcohol use, and where tenants are offered education regarding how to avoid risky behaviors and engage in safer practices, as well as connected to evidence-based treatment if the tenant so chooses.
- E. Substance use in and of itself, without other lease violations, is not a reason for eviction.
- F. Whenever possible, eviction back into homelessness is avoided. Every effort is made to provide a tenant the opportunity to transfer from one housing situation or program to another if a tenancy is in jeopardy.
- G. People who are homeless or on the verge of homelessness should be returned to or stabilized in permanent housing as quickly as possible and connected to resources necessary to sustain that housing.
- H. Case managers and service coordinators are trained in and actively employ evidence-based practices for client engagement, including, but not limited to, motivational interviewing and client-centered counseling.
- I. Programs that cannot serve someone work through the coordinated entry system to ensure that those individuals or families have access to housing and services elsewhere.
- J. The project and specific apartment may include special physical features that accommodate disabilities, reduce harm, and promote health and community and independence among tenants.

Programs that cannot adopt a Housing First model for any reason must communicate with the LMH CoC Lead Agency and work on a plan to implement Housing First.

III. Prioritization

With the exception of emergency shelters, which serve people on first-come, first-served basis, the LMH CoC has established priorities for referring individuals and families experiencing homelessness to housing and services. The LMH CoC uses a Coordinated Entry System called Coordinated Assessment and Referral System (CARS) to prioritize for assistance the following vulnerable populations:

- a) Chronically homeless
- b) Non-chronically homeless with severe service needs
- c) Youth and young adults, ages 18-24
- d) Families with children
- e) Veterans
- f) Medically frail
- g) Domestic violence survivors.

The LMH CoC has also adopted the HUD Notice CPD-16-11 regarding the order in which eligible households should be served in all CoC-funded PSH programs. See CARS Policies and Procedures for details at <https://chspmontereycounty.org/wp-content/themes/chsp/img/CARS-Policies-and-Procedures-September-2019.pdf>.

A. Chronically Homeless

The LMH CoC prioritizes for placement in Permanent Supportive Housing (PSH) chronically homeless individuals and families and those who are not chronically homeless but have high service needs. Chronically homeless individuals and families are prioritized for assistance based on their total length of time homeless and/or the severity of their needs.

B. Permanent Supportive Housing (PSH) Beds Dedicated to Chronically Homeless (HUD Notice CPD-16-11)

CoC-funded PSH programs that are dedicated or prioritized for persons experiencing chronic homelessness will prioritize chronically homeless clients based on the length of time in which an individual or family has resided in a place not meant for human habitation, a safe haven, or an emergency shelter and the severity of the individual's or family's service needs.

If there are no persons within the CoC's geographic area that meet the definition of chronically homeless at a point in which a dedicated PSH bed is vacant, the recipient may then follow the order of priority for non-dedicated PSH below. The bed will continue to be a dedicated bed, however, so when that bed becomes vacant again it must be used to house a chronically homeless person unless there are still no persons who meet that criterion within the CoC's geographic area at that time.

C. Permanent Supportive Housing (PSH) Beds Not Dedicated to Chronically Homeless (HUD Notice CPD-16-11)

First Priority: Homeless individuals and families with a disability with long periods of episodic homelessness and severe service needs.

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

Second Priority: Homeless individuals and families with a disability with severe service needs.

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

Third Priority: Homeless individuals and families with a disability coming from places not meant for human habitation, safe haven, or emergency shelter without severe service needs.

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

Fourth Priority: Homeless individuals and families with a disability coming from transitional housing.

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

D. Prioritization of ESG-Funded Activities (25 CCR § 8409)

The LMH CoC adopts the recommended order of priority established in 25 CCR 8409 for ESG-funded activities. The CoC will prioritize access to assistance for people with the most urgent and severe needs, including, but not limited to, survivors of domestic violence. ESG-funded activities shall seek to prioritize people who:

- a) Are unsheltered and living in places not designed for human habitation, such as cars, parks, bus stations, and abandoned buildings
- b) Have experienced the longest amount of time homeless
- c) Have multiple and severe service needs that inhibit their ability to quickly identify and secure housing on their own, and
- d) For Homelessness Prevention services, people who are at greatest risk of becoming literally homeless without an intervention and are at greatest risk of experiencing a longer time in a shelter or on the street should they become homeless.

E. Families with Children

For families with children, the LMH CoC seeks to mediate or prevent homelessness whenever possible and reduce the length of homelessness through rapid rehousing, shelter, or

transitional housing with the goal of moving families into permanent housing within 30 days of entering homelessness. All providers serving families with children will utilize Housing First approach to quickly house families regardless of criminal history, income, substance use, or history of domestic violence.

F. Emergency Transfer Priority (24 CFR § 5.2005)

Survivors of domestic violence, dating violence, sexual assault, or stalking who are eligible for, and expressly request an emergency transfer, must receive an immediate transfer to a safe available unit for which they are eligible. If a safe unit is not immediately available, the survivor shall have priority over all other applicants for next available project-based rental assistance unit, tenant-based rental assistance, utility assistance, transitional housing, and at minimum be connected to a victim service provider for emergency shelter. The individual/family shall retain their original chronically homeless status for the purposes of the emergency transfer.

IV. Program Standards

A. Housing Requirements for All Programs

- A. All CoC-funded housing must meet all HUD requirements, including Housing Quality Standards, rent reasonableness standards, Fair Market Rent (as relevant), environmental review, Violence Against Women Act, Fair Housing and Equal Access rules.
- B. Housing supported with CoC and ESG funds must also comply with any local or state laws related to occupancy standards, habitability, housing and safety codes.
- C. For Permanent Supportive Housing (PSH) and Rapid Rehousing (RRH) programs, the initial lease or rental agreement term must be for at least one year, renewable, and terminable only for cause. The lease renewal must be for at least one-month term.
- D. Where possible, PSH housing will be provided in community settings that are readily accessible by public transportation and convenient to shopping and other community services.
- E. All programs will provide a living environment that is secure, accessible, offer supportive services, and encourage maximum independence.

B. Permanent Supportive Housing (PSH)

Program Design and Goals

Permanent Supportive Housing (PSH) is community-based permanent housing with case management and is the most intensive housing intervention available under the CoC program. PSH can only provide assistance to individuals with disabilities and families in which one adult or child has a disability. Supportive services designed to meet the needs of the program participants must be made available to the program participants.

PSH programs must follow Housing First approach and admit eligible program participants without preconditions and take all reasonable steps to reduce barriers to housing, including working with landlords to limit the criteria used to exclude applicants or evict participants.

Duration and Client Contribution

- A. There can be no predetermined length of stay in a PSH program. After entering the PSH program, the household may remain stably housed in the program or exit to another permanent housing location.
- B. All participants in CoC-funded PSH programs must enter into a lease or occupancy agreement for an initial term of at least one year. The lease must be renewable after one year and terminable only for cause. Lease renewal must be for at least one-month term. The lease agreement must observe Fair Housing regulations, VAWA requirements, and any relevant state or local laws. For more information on VAWA, see page 17.
- C. CoC-funded PSH programs must comply with CoC Program requirements regarding client portion of rent, occupancy charges, Fair Market Rent and Rent Reasonableness.
 - 1. Participants in PSH rental assistance programs are expected to pay the higher of 30% of their income (monthly, adjusted) or 10% of their gross monthly income toward rent (including utilities). If the participant has zero income, the participant is not required to pay rent, but their case manager is expected to work with them to secure income (either earned or unearned) as soon as possible. In no circumstance can a tenant be charged an amount above the rent calculation standard established by HUD.
 - 2. Participants in leasing programs may be charged an occupancy charge up to 30% of the monthly adjusted income, 10% of the family's gross income, or the portion of the family's welfare assistance.

Eligibility Requirements

In order to qualify for PSH assistance, households must satisfy all of the following criteria:

- A. Meet the HUD definition of homeless under Category 1 or Category 4.
- B. Participants who are homeless under Category 1 and are entering from transitional housing must have entered the transitional housing program from emergency shelter or a place not meant for human habitation. (NOTE: if the project is designated for chronically homeless, the participant may only enter from the street or shelter. Individuals may lose their chronically homeless designation after they enter a transitional housing program).
- C. The individual or at least one member of the household must have a disability of long duration, verified either by Social Security or a licensed professional that meets the state criteria for diagnosing and treating that condition.
- D. Be the highest priority household available according to the orders of priority established in the LMH CoC Coordinated Entry System (CARS) policies and procedures.
- E. All CoC-funded PSH projects are strongly encouraged to prioritize or dedicate beds to chronically homeless individuals and families, including chronically homeless youth and domestic violence survivors.

F. PSH participant eligibility must be evaluated at least once per year.

Services for Permanent Supportive Housing (PSH) Program Participants

Case Managers will offer case management services throughout each participant's stay in PSH, to assist households to maintain housing stability.

- A. PSH programs, through collaborative arrangement or by referral, must offer services to all clients that are tailored to each client's needs. The level and type of services offered should meet each client's identified needs, including but not limited to the following:
1. Legal assistance
 2. Information and assistance around tenants' rights and landlord-tenant relationships
 3. Daily living skills training
 4. Budgeting and money management skills and training
 5. Skills and training in maintaining a household
 6. Assistance applying for and retaining mainstream benefits (SSI, CalWORKS, MediCal, veterans' benefits, etc.)
 7. Vocational and employment assistance or training
 8. Employment search
 9. Interpersonal communication skills
 10. Transportation
 11. Childcare and educational support
 12. Parenting information and education
 13. Conflict resolution
 14. Helping clients connect to meaningful daily activities
 15. Social, cultural, or recreational activities
 16. Opportunities for peer-to-peer education and support
 17. Support groups; and other services to maintain, preserve, and promote independence, including optimal physical, social, and psychological development and functioning
 18. Mental health counseling and education
 19. Substance abuse education and counseling
 20. Effective use of health care (medical/ dental/mental health/psychiatric)
 21. Preventive health services.
- B. Case managers will offer case management contact with clients at least once per month.
- C. PSH programs are encouraged to maintain a client to case manager ratio at or below twenty clients to one FTE case manager.

C. Rapid Rehousing Assistance (RRH) (24 CFR § 578.37(a)(1))

Program Design and Goals

The Rapid Rehousing (RRH) provides short- (up to 3 months) or medium-term (3-24 months) tenant-based rental assistance as necessary to help a homeless individual or family, with or

without disabilities, move as quickly as possible into permanent housing and achieve stability in that housing. An RRH program may also provide supportive services to support long-term housing stability of a program participant. Program should provide the least amount of assistance to individuals and families to ensure their housing stability. An RRH program aims to house participants in permanent housing as quickly as possible without preconditions.

Rental Subsidy and Move-In Assistance

- A. The amount of a rental subsidy is calculated based on a program participant's income. Program participants will pay a percentage of their income in rent based on the program's assessment of the client's financial and family situation.
- B. Initial assistance can be as much as 100% of rent, depending on client income, and decrease on a fixed timeline at the program's discretion based upon the client's financial and family situation.
- C. One-time move-in assistance may be offered in addition to an ongoing rental subsidy. When offered without an ongoing subsidy, move-in assistance may be offered only to households who are assessed as able to maintain their housing on their own after the move-in assistance. The amount of move-in assistance is determined by the program based on program participant's need and within the limits set by the program's funding source.

Eligibility Requirements

- A. In order to qualify for Rapid Rehousing assistance, a household must meet the current HUD definition of "literally homeless" and any other eligibility criteria created at the program level.
- B. Program admission is prioritized for people with the most urgent and severe needs identified in the Coordinated Assessment and Referral System (CARS).
- C. Program participant's eligibility must be re-assessed at least annually.

Services for RRH Program Participants

- A. Case management services will be offered in order to assist households to successfully retain housing, move off the subsidy and attain self-sufficiency.
- B. Program participants must meet with a case manager at least once per month to assist the program participant in ensuring long-term housing stability.
- C. Case management and services are offered in a manner consistent with Housing First principles which prohibit the program from making its housing conditional upon the participant's acceptance of services.
- D. Services may include, but are not limited to:
 - 1. Assistance with creating and updating individualized Housing Plans, designed to house and stabilize participants as quickly as possible
 - 2. Assistance with housing search and application

3. Assistance with transportation, including accompaniment to appointments
4. Referral to behavioral health resources
5. Job search assistance
6. Referral to vocational and training programs
7. Benefits assistance and advocacy
8. Mediation and negotiation with landlords
9. Crisis intervention
10. Referral to childcare and educational resources
11. Budgeting and money management assistance
12. Social and organized activities.

Exiting Rapid Rehousing (RRH) Program

Participants graduate from an RRH program when they attain housing stability, no longer meet the eligibility requirements, or at 24 months after admission into the program, whichever comes first. All program participants may receive follow-up services for up to six months following graduation from the program to ensure housing stability and assess the effectiveness of the RRH programs.

D. Transitional Housing (TH)

Program Design and Goals

Transitional Housing (TH) programs serve a range of populations, including single adults, youth and families with children. Regardless of target population, program design and services should further the goal of transitioning participants to permanent housing. Upon exit from the program, participants move into a permanent housing situation and are able to maintain housing stability. Transitional Housing may serve as a bridge to permanent housing for households that have been accepted into a permanent housing program but do not yet have a unit.

In alignment with national priorities and evidence-based practices, the LMH CoC encourages TH programs to prioritize and target the following populations:

- a) Transitional age youth, including single youth, pregnant youth, and/or youth-led households
- b) Families with children
- c) Veterans
- d) Medically frail
- e) Persons with experience of domestic violence or other forms of severe trauma
- f) Individuals and head of household struggling with substance abuse, or early in recovery from substance abuse.

Transitional Housing (TH) programs must adopt a Housing First approach, unless otherwise required by law, a condition of a particular source of funding, or necessary to serve a target

population in recovery from substance abuse. Programs unable to adopt Housing First approach must communicate with the LMH CoC Lead Agency.

Subsidy Amount and Calculation

1. CoC-funded TH programs must comply with CoC Program requirements regarding client portion of rent, occupancy charges, FMR and Rent Reasonableness.
2. Participants are expected to pay the higher of 30% of their income (monthly, adjusted) or 10% of their gross monthly income toward rent (including utilities). If the participant has zero income, the participant is not required to pay rent, but their case manager is expected to work with them to secure income (either earned or unearned) as soon as possible. In no circumstance can a tenant be charged an amount above the rent calculation standard established by HUD.
3. Rents collected from residents of TH may be reserved in whole or in part to assist the residents to move to permanent housing.
4. All participants in CoC-funded TH programs must enter into a lease or occupancy agreement, so that participants retain full tenants' rights during their residency in the program.

Eligibility Requirements

In order to qualify for Transitional Housing, households must satisfy all of the following criteria:

- a) For CoC-funded programs, meet the HUD definition of homeless Category 1, Category 2, or Category 4.
- b) Be the highest priority household available within the target population served by the program, as identified through Coordinated Assessment.
- c) Other eligibility criteria created at the program level.

Services for Transitional Housing (TH) Program Participants

Case managers will provide case management services at a level that meets the needs of each participant in order to assist households to exit the program into permanent housing and achieve self-sufficiency.

Transitional Housing programs must develop service plans with participants and provide or offer referrals for identified services that address each participant's ongoing needs. Service planning should be initiated at intake and re-assessed annually throughout the individual's or family's term of residence in the program and updates should be entered into HMIS within one month of annual anniversary.

Services offered to TH residents may include, but are not limited to:

- a) Crisis intervention
- b) Legal assistance
- c) Service coordination

- d) Emergency and ongoing identification of medical and health needs and referral for care;
- e) Public benefits eligibility assessment and application assistance
- f) Educational and employment assistance
- g) Exit planning, housing search, and relocation assistance
- h) Education related to activities of daily living (life skills)
- i) Preventive health education, including information about prevention of HIV/AIDS, Tuberculosis and Sexually Transmitted Disease
- j) Substance abuse and mental health counseling
- k) Support groups
- l) Structured social/recreational activities
- m) Parenting education
- n) Job referral and placement
- o) Childcare and educational resources
- p) Transportation
- q) Domestic violence counseling, and
- r) Other appropriate services as necessary for the service population.

Exiting Transitional Housing (TH) Program

Transitional Housing programs must facilitate the movement of homeless individuals and families to permanent housing within 24 months of entering TH. A homeless individual or family may remain in TH for a period longer than 24 months if permanent housing for the individual or family has not been located or if the individual or family requires additional time to prepare for independent living. However, HUD may discontinue assistance for a transitional housing project if more than half of the homeless individuals or families remain in that project longer than 24 months.

V. Program Record Keeping Requirements

Programs receiving CoC and ESG funds must establish and maintain standard operating procedures for ensuring that program funds are used in accordance with HUD requirements and must establish and maintain sufficient records to enable HUD to determine whether the program is meeting the record-keeping requirements, including:

- A. Evidence of program participants' homelessness or at-risk status
- B. Records of a reasonable belief of imminent threat of harm for the purposes of determining domestic violence victim status
- C. Program participants' annual income and assets
- D. Record of services provided to homeless and at-risk program participants and annual assessment and adjustment of services provided for those remaining in the program for more than one year
- E. Housing standards and inspection reports
- F. A copy of the lease or tenant rental agreement.

Program participants records must be maintained for 5 years after the expenditure of all funds from the grant under which the program participant was served.

For a list of documents that can be used to show eligibility, see Appendix A: Definitions.

VI. Transferring Between Programs

- A. Program participants may transfer between programs within the same program type (PSH to PSH) or from one program type to another (PSH to RRH) if their current program is not meeting their needs or for safety-related reasons.
- B. Transfers from one program to another can be made so long as the individual or family meets the eligibility criteria under the program to which they are transferring and the requirements for the project in the Notice of Funding Availability (NOFA) for the year the project was awarded.
- C. Requests for transfer between programs will be reviewed and facilitated within the CARS Coordinated Entry System and are subject to availability.
- D. Except for VAWA transfers, clients may initiate the transfer by getting reassessed in CARS. The CARS Referral Coordinator may contact the agency the client is leaving to gather more information about the reason for transfer. The Referral Coordinator will also work with the client to see if there is anything they can do to keep the client in the current unit due to the extended wait times for all programs and a shortage of available units.
- E. Individuals and families residing in Transitional Housing do not maintain their chronically homeless status when transferring into other CoC-funded programs.
- F. Individuals and families receiving Rapid Rehousing assistance maintain their chronically homeless status for the purposes of eligibility for other permanent housing programs serving chronically homeless.

Transfers Related to Domestic or Intimate Partner Violence or Stalking:

When a program participant requests a transfer related to domestic or intimate partner violence or stalking, the CARS Coordinated Entry System will prioritize that transfer over all others.

VII. Educational Policies (24 CFR § 578.23)

Programs assisting families with children or unaccompanied youth must:

- A. Take the educational needs of children into account when placing families in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt children's education.
- B. Inform families with children and unaccompanied youth of their educational rights, including providing written materials, help with enrollment, and linkage to McKinney-Vento Liaisons as part of intake procedures.
- C. Allow parents or unaccompanied youth to make decisions about school placement and not require transferring to a new school as a condition of receiving assistance.

- D. Not require children and unaccompanied youth to attend programs or services that would interfere with their regular school activities.
- E. Post notices of student's rights at each program site that serves homeless children and families in appropriate languages.
- F. Designate staff that will be responsible for:
 - 1. Ensuring that homeless children and youth in their programs are in school and are receiving all educational services they are entitled to.
 - 2. Coordinating with the CoC, the Department of Social Services, the County Office of Education, the McKinney-Vento Coordinator, the McKinney-Vento Educational Liaisons, and other mainstream providers as needed.

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

VIII. Non-Discrimination Policies (24 CFR 578.93)

The LMH CoC does not tolerate discrimination on the basis of race, color, national origin, ancestry, religion, sex, age, familial status, disability, HIV/AIDS diagnosis, actual or perceived sexual orientation, gender identity or expression, marital status, source of income, genetic information, or other reasons prohibited by law. All CoC- and ESG-funded agencies must comply with applicable equal access and nondiscrimination provisions of federal and state civil rights laws during every phase of the coordinated assessment process and the provision of homeless services and housing. All agencies must ensure that their housing and supportive services are made accessible for persons with disabilities. Transgender people using homeless shelters should be placed and accommodated in accordance with their gender identity.

The LMH CoC is committed to making its coordinated assessment process available to eligible individuals and families, who will not be steered toward any particular housing facility or neighborhood because of the above-listed characteristics or for any other reason prohibited by law. Some programs may limit enrollment based on requirements imposed by funding sources and/or state or federal law. All such programs will avoid discrimination to the extent allowed by their funding sources and authorizing legislation.

All locations where persons are likely to access or attempt to access the coordinated assessment system will include signs or brochures displayed in prominent locations informing participants of their right to file a discrimination complaint and containing the contact information needed to file a discrimination complaint. The requirements associated with filing a discrimination complaint, if any, will be included on the signs or brochures.

Individuals may file a discrimination complaint by submitting the following information in writing to CHSP within 30 days of the incident: individual's name and contact information, the name of the agency against which the complaint is being filed, and a description of the incident that is the basis for the complaint. The CHSP will contact the agency identified by the individual in the complaint and provide the agency with an opportunity to respond to the complaint. The CHSP will review the complaint and the agency response and may conduct further investigation as appropriate. The CHSP will make the final determination about whether the incident constitutes discrimination and whether any action should be taken to address the incident.

The LMH CoC will conduct an Annual Racial Disparity Assessment of its programs using the program and homeless data available to evaluate the racial disparities in access to services and housing, and outcomes for clients exiting CoC- and ESG-funded programs. The LMH CoC will conduct Fair Housing and Equal Access trainings and CoC and ESG providers are required to attend at least annually.

IX. Family Separation Policies (24 CFR § 578.93(e))

Consistent with the CoC Program Interim Rule, CoC- and ESG-funded projects may not involuntarily separate families. The age and gender of a child under age 18 must not be used as a basis for denying any family's admission to a project that receives CoC or ESG funds. The gender and marital status of a parent or parents may also not be used as a basis for denying any family's admission to a project that receives CoC or ESG funds. The LMH CoC will work closely with providers to coordinate placement of families to avoid involuntary family separation, including referring clients for the most appropriate services and housing to match their needs.

X. Serving Clients Fleeing Domestic Violence (24 CFR 5.2005, et seq., 24 CFR 578.103)

Violence Against Women Act (VAWA), reauthorized in 2013, expanded protections for victims of domestic violence, sexual assault, dating violence, and stalking in CoC and ESG funded programs. VAWA protections apply to all survivors regardless of age, sex, gender identity, race, national origin, familial status, disability, and sexual orientation, and extend to individuals affiliated with victim, including spouses, parents, siblings, children, and anyone residing in the household. VAWA protects CoC and ESG program participants against denial of assistance and termination of assistance or eviction based on survivor status and factors directly related to domestic violence, including job history, credit history, criminal history, or rental history. VAWA protections must be documented in the lease or rental agreement.

A. VAWA Rule Components

A client cannot be denied assistance, terminated from a program or evicted based on a status as a victim of domestic violence, sexual assault, dating violence, and stalking.

An applicant cannot be denied access to housing or evicted based on factors directly related to the victimization, such as job history, credit history, criminal record, or rental history.

A tenancy may be terminated if:

1. There is an actual and imminent threat to other tenants or employees if the tenant is not evicted or terminated from assistance. Imminent threat means a physical danger that is real, might occur immediately, and could result in death or serious bodily harm, or
2. For reasons unrelated to the victimization as stipulated in the lease agreement.

Confidentiality of Domestic Violence Survivors:

All efforts shall be made to protect the privacy and safety of domestic violence survivors and to uphold client choice by presenting a range of housing and service options. The CoC housing and services providers must take the following measures to ensure the confidentiality of the domestic violence survivors is protected:

1. Information submitted by survivors, including status as a survivor and any information submitted in the request for emergency transfer must be kept confidential.
2. Employees, landlords, or owners do not have access to the clients' personal information unless explicitly authorized to carry out the work.
3. Providers cannot ask program participants for Personally Identifiable Information (PII) as a condition of providing housing or related housing services.
4. Victim Services Providers (VSP) cannot enter survivors' information into HMIS or any shared database even if it has been encoded, encrypted, hashed or otherwise protected. Programs may record client-level data in a comparable internal database and must be able to generate aggregate data for inclusion in reports.
5. Programs cannot disclose survivors' information to any other entity unless:
 - a. Survivor has given informed, written, time-limited consent,
 - b. Required for use in eviction proceeding or hearing regarding termination of assistance, or
 - c. Otherwise required by law.
6. The location of Domestic Violence shelters and programs shall not be made public.

Notice of Occupancy Rights:

A VAWA Notice of Occupancy Right and Victim Self-Certification Form (HUD Form-5380) must be given to a tenant by the CoC or ESG recipient or sub-recipient when:

1. A program participant applies and is admitted to permanent housing or transitional housing.
2. An individual or family applies and is denied permanent housing or transitional housing.
3. A program participant receives notification of eviction.
4. A program participant is notified of termination of assistance.
5. In a tenant-based rental assistance, notice must also be given by the owner when a tenant receives notice of eviction.

Documentation of Survivor Status:

If an applicant or tenant requests protection under VAWA, the CoC or ESG recipient or subrecipient may:

1. Provide the requested protection based solely on the applicant or tenant's request, or
2. Ask the applicant or tenant to provide supporting documentation. A documentation request must be made in writing and provide applicant or tenant with a minimum of 14 business days to respond.

The provider must give the applicant the ability to provide any of the following documentation as certification of the victim status:

1. HUD-5382: Victim Self-Certification Form completed by the applicant or tenant. No third-party verification is required unless more than one applicant or participant provides documentation of survivor status and the documentation conflicts or submitted documentation conflicts with existing information already available.
2. A written statement that complies with 24 CFR 5.2007
 - a. By an employee, agent, or volunteer of a victim services provider, an attorney, a medical or mental health professional from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse
 - b. Signed by the applicant or tenant, and
 - c. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking.
3. Record of a court or law enforcement agency
4. Another type of statement or evidence, as determined by the housing provider.

Staff responsible for coordinated intake and assessment shall receive training on protecting the safety and privacy of individuals who are fleeing or attempting to flee violence. The LMH CoC will provide training on VAWA and the rights of survivors of domestic violence at least annually.

B. Lease Requirements

All agreements between the landlord or owner and a tenant in CoC- or ESG- assisted housing must have a VAWA lease addendum and must include the following elements:

1. If the tenant qualifies for an emergency transfer based on domestic violence, the tenant can break the lease and move out without any penalty.
2. Tenants cannot be evicted or denied access to housing on the basis of or as a direct result of being a survivor of domestic violence.
3. The lease terms and terms of assistance.
4. Limitation of VAWA protections.
5. Landlord or owner must coordinate with the CoC- or ESG- service provider on emergency transfers.

6. Landlords or owners must notify the recipient before a lease is bifurcated and/or a notice of eviction is provided.
7. For CoC program, if a notice of eviction is given to a tenant, the tenant must also be provided with the notice of VAWA rights and a HUD VAWA self-certification forms.

C. Lease Bifurcation

Lease bifurcation allows the abuser/offender of domestic violence to be evicted while preserving the lease and housing rights for the survivor. Only a project owner may bifurcate a lease in order to evict or terminate assistance to a tenant or occupant who commits acts of violence against family members or others.

Subject to available resources, CoC and ESG recipients may choose to continue to serve the perpetrator with other resources to avoid homelessness.

In CoC-funded PSH where the abuser/offender is the only eligible household member to receive the housing assistance based on a disability, VAWA 2013 requires:

1. The survivor must have the opportunity to demonstrate eligibility for the housing program in question.
2. If they cannot establish eligibility for that program, then the remaining family members would be allowed to stay in the housing until the end of the lease.
3. The CoC service provider should work with the remaining family members to find alternate housing at the end of the lease.

D. Emergency Transfers for Survivors of Domestic Violence (24 CFR 578.99(j)(8); 24 CFR 5.2005(e))

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking may request an emergency transfer from the tenant's current unit or program to another safe unit or program of client's choice if:

1. The client reasonably believes that they are threatened with imminent harm if they stay in the same unit, or
2. In the case of sexual assault, if the sexual assault occurred on the premises within 90 days of the request for transfer.

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of the CoC to honor such request may depend on whether another dwelling unit is available. There is no limit on the number of transfers a tenant may request.

The LMH CoC has adopted an Emergency Transfer Plan for victims of domestic violence as an addendum to the Coordinated Entry System CARS policies and procedures and is fully incorporated herein.

XI. System Performance Monitoring and Reallocation Policy

The LMH CoC has adopted a System Performance Monitoring Plan and a Reallocation Policy to regularly monitor the performance of its programs and reallocate funds when programs are underperforming. The System Performance Monitoring Plan are fully incorporated herein and can be accessed at <https://chspmontereycounty.org/continuum-of-care/coc-monitoring-program/>.

XII. Drug-Free Workplace (2 CFR § 2429; 2 CFR § 182)

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et. seq.) and HUD's implementing regulations at 2 CFR § 2429 apply to any recipient of HUD grant or cooperative agreement. To comply with the requirements of the Drug-Free Workplace Act, all HUD-funded agencies must make a good faith effort, on a continuing basis, to maintain a drug-free workplace, including:

1. Providing a Drug-Free Workplace statement to each employee who will be engaged in the performance of any Federal award that:
 - a. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in your workplace.
 - b. Employees must abide by the terms of the statement.
 - c. Actions will be taken against employees for violating that prohibition, including terminating an employee or requiring the employee to participate in a drug abuse assistance or rehabilitation program.
 - d. An employee must notify their employer in writing if they are convicted for a violation of a criminal drug statute occurring in the workplace and must do so no more than five calendar days after the conviction.
2. There are two actions a CoC- or ESG- funded agency must take if an employee is convicted of a drug violation in the workplace:
 - a. The agency must identify all known workplaces under each agency award, and
 - b. The agency must notify each HUD office with which it currently has an award, and if any workplace changes during the performance of the award, must inform the agency awarding official.

Specific timelines for notification and agency action are prescribed by the Drug-Free Workplace Act and related regulations at 2 CFR 2429 and 2 CFR 182 and should be thoroughly reviewed by each HUD-funded agency.

XIII. Updating Written Standards

These Written Standards will be reviewed at least annually in consultation with ESG recipient and updated as needed.

Appendix A: Definitions

At Risk of Chronic Homelessness

For the purposes of No Place Like Home (NPLH) funding only, an adult or older adult with a Serious Mental Disorder or Seriously Emotionally Disturbed Children or Adolescents who meet one or more of the criteria below:

- (1) Persons exiting an institution who were homeless prior to admission.
- (2) Transition-Age Youth experiencing homelessness or with significant barriers to housing stability (one or more evictions or episodes of homelessness) AND a history of foster care or juvenile justice system involvement.
- (3) Persons, including Transition-Age Youth, with a history of homelessness prior to entering an institution.

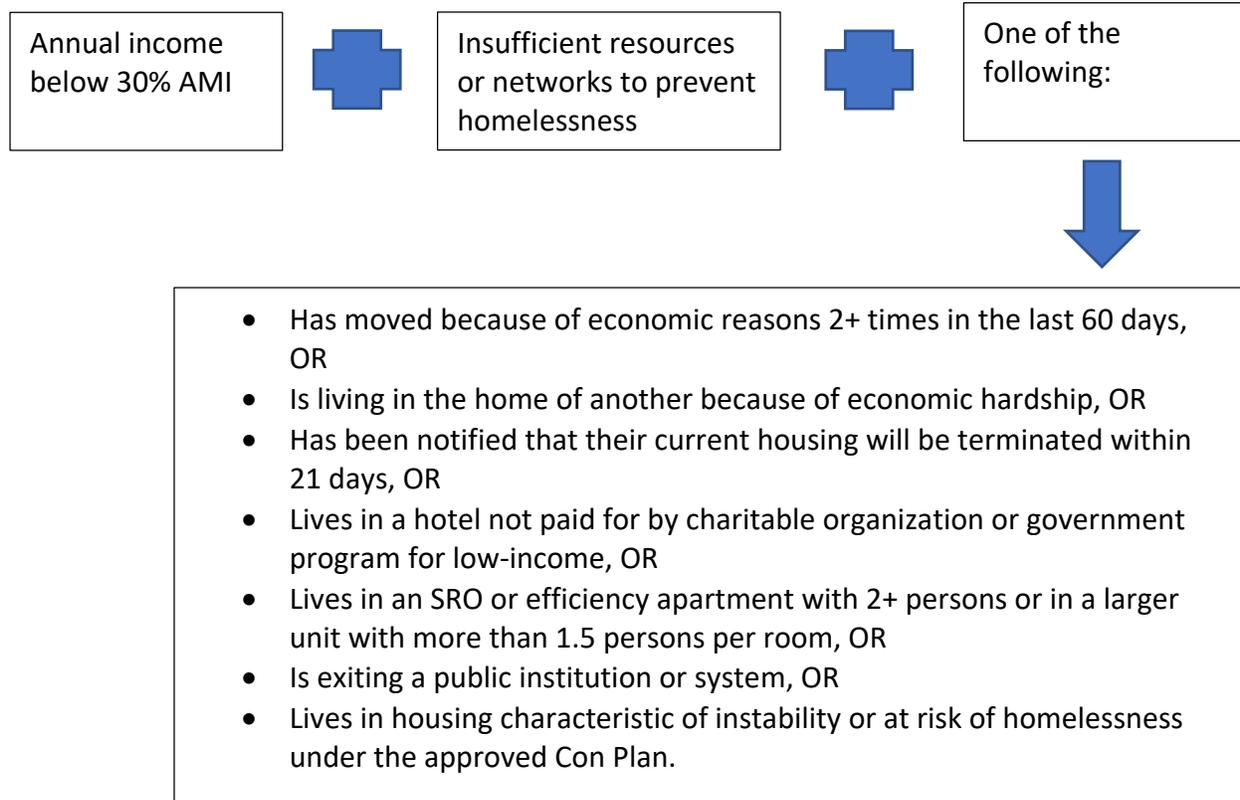
A **History of Being Homeless** means having one or more episodes of homelessness in the 12 months prior to entering an institution. (Local CES may set longer time period).

For the purposes of No Place Like Home (NPLH) funding, **institutions** include a state hospital, hospital behavioral health unit, hospital emergency room, institute for mental disease, psychiatric health facility, mental health rehabilitation center, skilled nursing facility, developmental center, residential treatment program, residential care facility, community crisis center, board and care facility, prison, parole, jail or juvenile detention facility, or foster care. **Length of time** spent in an institution is irrelevant for the definitions 1 through 3 of At Risk of Chronic Homelessness. Persons who resided at a publicly or privately-operated **temporary housing** (congregate shelters, transitional, interim, or bridge housing, or hotels or motels) in the 12 months prior to entry into an institution may qualify as At Risk of Chronic Homelessness.

At Risk of Homelessness

For ESG-funded Homeless Prevention programs, individuals and families who do not meet the definition of "homeless" under any of the categories established in HUD Homeless Definition final rule, the McKinney-Vento Act allows Homeless Prevention assistance to be provided to persons who are "at risk of homelessness." There are three categories of "at risk":

Category 1: Individuals and Families



Category 2: Unaccompanied Youth and Children

A child or youth who does not qualify as homeless under the homeless definition but qualifies as homeless under another Federal statute.

Category 3: Families with Children and Youth

An unaccompanied youth who does not qualify as homeless under the HUD homeless definition, but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) of that child or youth is living with him or her.

Chronically Homeless (24 CFR § 91.5, 24 CFR § 578.93)

An individual with a disability, who:

1.

A. Is living in a place not meant for human habitation, safe haven, or emergency shelter, AND

B. Has been living as described above for:

 - At least 12 months, OR
 - At least 4 separate occasions in 3 years.
 - Occasions separated by a break of at least 7 nights
 - Stays in an institution of less than 90 days is not a break in homelessness.

OR

2.

A. Residing in an institutional care facility (jail, treatment facility, hospital) fewer than 90 days, AND

B. Was living in a place not meant for human habitation, safe haven, or emergency shelter prior to entering an institution.

OR

3.

A family with an adult head of household (or a minor, if there is no adult in the family) who meets all of the definitions 1 or 2 above.

 - Family composition may fluctuate during the period of homelessness. However, at least one member of the family must meet the definition.

Chronically Homeless Documentation Required:

Each individual occasion needs to be fully documented. Breaks can be documented by self-report. For each project:

- 100% of households served can use self-certification for 3 months of their 12 months
- 75% of households served need to use 3rd Party documentation for 9 months of their 12 months, and
- 25% of households served can use self-certification as documentation for any and all months.

Coordinated Entry System (CES)

Coordinated Entry is a process developed to ensure that all people experiencing a housing crisis have fair and equal access and are quickly identified, assessed for, referred, and connected to housing and assistance based on their strengths and needs. The LMH CoC Coordinated Entry System is called the Coordinated Assessment and Referral System (CARS). CARS policies can be accessed at <https://chspmontereycounty.org/coordinated-entry/>.

Disability

A condition that is:

1.
 - A physical, mental, or emotional impairment (including one caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury)
 - Expected to be long-continuing or of indefinite duration
 - Substantially impedes the individual's ability to live independently, AND
 - Could be improved by the provision of more suitable housing conditions.

OR

2. A developmental disability

OR

3. Acquired immunodeficiency syndrome (AIDS) or any condition arising from it.

Documenting Disability: a disability status can be verified by:

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

Dedicated Permanent Supportive Housing Beds

Dedicated Permanent Supportive Housing (PSH) beds are those which are required through the project's grant agreement to only be used to house persons experiencing chronic homelessness unless there are no persons within the CoC that meet that criteria.

Emergency Shelter

The term "Emergency Shelter" refers to facilities providing shelter in a permanent location, for a limited period of time, to individuals and families having neither a home nor the means to obtain a home or other temporary lodging. All Emergency Shelters should strive to provide or connect clients to case management and other supportive services which support residents' transition to stability, such as substance abuse treatment, mental health counseling, job training and placement, and permanent housing.

Homeless

As set forth in the HEARTH Act, there are four categories of participants eligible for homeless assistance: 1) Literally Homeless, 2) Imminent Risk of Homelessness, 3) Homeless Under Other Federal Statutes, and 4) Fleeing or Attempting to Flee Domestic Violence. The LMH CoC elects to serve Categories 1, 2, and 4 due to limited resources for these priority populations.

Category 1: Literally Homeless

An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- Has a primary nighttime residence that is a public or private place not meant for human habitation
- Is living in a publicly or privately-operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs), OR
- Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Documentation Required (in order of preference):

- Written observation by the outreach worker, or
- Written referral by another housing or service provider, or
- Certification by the individual or head of household seeking assistance stating that they were living on the streets or in shelter.

- For individuals exiting an institution – one of the forms of evidence above and:
 - Discharge paperwork or written/oral referral, or
 - Written record of intake worker’s due diligence to obtain above evidence and certification by individual that they exited institution.

Category 2: Imminent Risk of Homelessness

An individual or family who will imminently lose their primary nighttime residence, provided that:

- Residence will be lost within 14 days of the date of application for homeless assistance;
- No subsequent residence has been identified, and
- The individual or family lacks the resources or support networks needed to obtain other permanent housing.

Documentation Required:

- A court order resulting from an eviction action notifying the individual or family that they must leave, or
- For individual and families leaving a hotel or motel – evidence that they lack the financial resources to stay, or
- A documented and verified oral statement, and

- Certification that no subsequent residence has been identified, and
- Self-certification or other written documentation that they individual lack the financial resources and support necessary to obtain permanent housing.

Category 3: Homeless under other Federal

Not applicable to LMH CoC.

Category 4: Fleeing or Attempting to Flee Domestic Violence

Any individual or family who:

- Is fleeing, or is attempting to flee, domestic violence
- Has no other residence, and
- Lacks the resources or support networks to obtain other permanent housing.

Documentation Required:

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

[Homeless Management Information System \(HMIS\)](#)

A Homeless Management Information System (HMIS) is a local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness. Each Continuum of Care (CoC) is responsible for selecting an HMIS software solution that complies with HUD's data collection, management, and reporting standards. The LMH CoC HMIS policies can be found at <https://chspmontereycounty.org/hmis/>.

[Homelessness Prevention and Diversion](#)

Prevention and Diversion services use problem-solving strategies to prevent a housing crisis from occurring and to prevent people who face such crises from experiencing homelessness.

Prevention and diversion strategies may include cross-system collaboration (healthcare, corrections, homeless system of care), financial assistance, mediation with landlords, legal services, conflict resolution, helping to connect with families or friends, and other supports. Every person who comes in contact with homeless emergency shelters or coordinated entry points should receive an assessment for diversion and prevention assistance.

[Housing First Model](#)

Housing First is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as minimum income, sobriety, treatment or service participation requirements. Studies have shown that Housing First yields higher housing retention rates, reduces the use of costly crisis services and institutions, and helps people achieve better health and social outcomes. Housing First has been identified as a best practice by the Department of Housing and Urban Development (HUD), United States Interagency Council on Homelessness (USICH), and is required by all state-funded homelessness programs, including HEAP.

[Permanent Housing](#)

Permanent Housing (PH) is community-based housing without a designated length of stay in which formerly homeless individuals and families live as independently as possible. Under PH, a program participant must be the tenant on a lease (or sublease) for an initial term of at least one year that is renewable and is terminable only for cause. Further, leases (or subleases) must be renewable for a minimum term of one month. The CoC Program funds two types of permanent housing: **Permanent Supportive Housing (PSH)** for persons with disabilities and **Rapid Rehousing (RRH)**.

[Permanent Supportive Housing \(PSH\)](#)

A type of permanent housing program 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.

[Rapid Rehousing \(RRH\)](#)

A type of permanent housing program which offers time-limited rental subsidies and case management. The aim of Rapid Rehousing is to move individuals and families into permanent housing as rapidly as possible, and to provide supports necessary for clients to achieve independence and long-term housing stability.

[Reasonable Accommodation](#)

A change in a shelter or service provider's usual rules, policies, or practices when a change is necessary and reasonable for a participant with a disability to fully use and enjoy the program. The accommodation has to be directly related to the individual's disability.

Severity of Need (HUD Notice CPD-16-11)

For the purposes of these standards, persons with most severe service needs means an individual for whom at least one of the following is true:

- History of high utilization of crisis services, which include but are not limited to, emergency rooms, jails, and psychiatric facilities.
- Significant health or behavioral health challenges, substance use disorders, or functional impairments which require a significant level of support in order to maintain permanent housing.
- For youth and victims of domestic violence, high risk of continued trauma or high risk of harm or exposure to very dangerous living situations.
- When applicable, CoCs and recipients of CoC Program-funded PSH may use an alternate criteria used by Medicaid departments to identify high need, high cost beneficiaries.

Supportive Services

The supportive services only (SSO) program component allows recipients and subrecipients to provide services to homeless individuals and families not residing in housing operated by the recipient. SSO recipients and subrecipients may use the funds to conduct outreach to sheltered and unsheltered homeless persons and families, link clients with housing or other necessary services, and provide ongoing support. SSO projects may be offered in a structure or structures at one central site, or in multiple buildings at scattered sites where services are delivered. Projects may be operated independent of a building (e.g., street outreach) and in a variety of community-based settings, including in homeless programs operated by other agencies.

Transitional Housing (TH)

Transitional Housing programs offer housing combined with an array of support services, for an extended, but not permanent length of time where clients may pay a percentage of their income towards their housing cost. Transitional housing is designed to provide people with the structure and support they need to address critical issues contributing to their homelessness and to teach the skills necessary to maintain permanent housing and maximum self-sufficiency.

Sexual Assault

Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Domestic Violence

Includes felony or misdemeanor crimes of violence committed by an intimate partner.

Dating Violence

Violence committed by a person in a social relationship of intimate nature with the victim, which is determined by the length of the relationship, type of relationship, and frequency of interactions.

Stalking

A conduct directed at a specific person that would cause a reasonable person to fear their safety or the safety of others or suffer substantial emotional distress.

Victim Service Provider (VSP)

Private nonprofit organization whose primary mission is to provide direct services to victims of domestic violence. This term includes permanent housing providers, including rapid rehousing, domestic violence programs (shelters and non-residential), domestic violence transitional housing programs, dual domestic violence and sexual assault programs, and related advocacy and supportive services programs.

