

Westchester County Continuum of Care Partnership for the Homeless
NY-604-Yonkers, Mount Vernon/Westchester County COC

Continuum of Care Assistance Policies

Continuum of Care Program (24 CFR Part 578) describes in § 578.7 Responsibilities of the Continuum of Care, subsection (a) Operate the Continuum of Care (9), the Continuum of Care must:

“In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and consistently follow written standards for providing Continuum of Care assistance.”

This subsection also states that at a minimum, written standards must include “policies and procedures for evaluating individuals’ and families’ eligibility for assistance” for:

1. permanent supportive housing;
2. rapid rehousing; and
3. transitional housing.

These written standards will continue to be developed as HUD provides more guidance.

This subsection also states that written standards must also include:

“policies and procedures for determining and prioritizing which eligible individuals and families will receive” transitional housing, rapid rehousing, and permanent supportive housing assistance.

Goals of the Written Standards

The CoC recognizes and supports HUD’s goals for local written standards and strives to meet its obligations under the HEARTH Act in a way that helps to enhance its systemic response to homelessness. These standards are meant to:

- Establish community-wide expectations on the operations of projects within the community
- Ensure that the system is transparent to participants and providers
- Establish a minimum set of standards and expectations in terms of the quality expected of projects
- Make the local priorities transparent to recipients and subrecipients of funds and all community stakeholders
- Create consistency and coordination between projects within the Westchester County CoC.

The Westchester County CoC expects recipient and subrecipients to administer their assistance in compliance with the CoC's written standards. Recipients and subrecipients of CoC and local funds may develop additional standards for administering program assistance, but these additional standards may not conflict with those established by the Westchester County CoC or HUD regulations. Other agencies that serve homeless persons within Westchester County are strongly encouraged to adopt the standards and practices discussed in this document.

Guiding Principles

Westchester County CoC commits to the following Guiding Principles as part of its overall approach to ending and preventing homelessness throughout the CoC. These Guiding Principles shall inform program and policy decisions of the CoC and its funded or affiliated housing and service providers.

Housing First

Housing First is a programmatic and systems approach that centers on providing people who are homeless with housing quickly and then providing services as needed. Westchester County CoC incorporates the Housing First approach as well as non-discrimination policies into the coordinated entry system and its funding priorities.

- Housing is not contingent on compliance with services.
- Participants are expected to comply with a standard lease or occupancy agreement and are provided with services and supports to help maintain housing and prevent eviction.
- Services are provided in housing to promote housing stability and well-being.
- All programs are expected to ensure low barriers to program entry for program participants.

Non-Discrimination

Westchester County CoC commits to a policy of non-discrimination for all CoC projects and activities. Elements of this principle include:

- Providers must have non-discrimination policies in place and assertively outreach to people least likely to engage in the homeless system.
- Providers must comply with all federal statutes including the Fair Housing Act and the Americans with Disabilities Act.
- Westchester County CoC practices a person-centered model that strongly incorporates participant choice and inclusion of subpopulations present in Westchester, including, but not limited to, homeless veterans, youth, families with children, and victims of domestic violence.
- Westchester County CoC is committed to abiding by the Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity Final Rule published in 2012.

Client Choice

Given the geography of the Westchester County CoC, the CoC strives to ensure that clients seeking assistance are provided choice in the types and duration of services they receive, dependent on available resources. This choice is limited by the prioritization strategies outlined in this document, with fair discretion where possible. To the degree possible based on resources and the prioritization mechanisms described in this document, and where safety is not compromised, clients are given choice in:

- The type of services they receive, by whom, and over what time period
- The location and type of housing they access

- The elements and goals of their housing stability plans

Written Standards for Permanent Supportive Housing

A. Background information

In regards to Permanent Supportive Housing, § 578.7 Responsibilities of the Continuum of Care (a) (9) of the HEARTH Act Interim Rule notes that:

In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and consistently follow written standards for providing Continuum of Care assistance. At a minimum, these written standards must include:

- Policies and procedures for evaluating individuals' and families' eligibility for assistance under this part;
- Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance.

Permanent supportive housing is considered permanent housing. HUD's regulatory definition of "permanent housing" states:

"The term 'permanent housing' means community-based housing without a designated length of stay, and includes both permanent supportive housing and rapid re-housing."

HUD also states:

"Additionally, in the regulatory definition of "permanent housing," HUD clarifies that to be permanent housing, "the program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long. HUD has determined that requiring a lease for a term of at least one year that is renewable and terminable only for cause, assists program participants in obtaining stability in housing, even when the rental assistance is temporary. These requirements are consistent with Section 8 requirements."

B. Eligible clients

Per the 2016 CoC NOFA V.G.2.(4):

(a) The only persons who may be served by any non-dedicated permanent supportive housing beds are those who come from the streets, emergency shelters, safe havens, institutions, or transitional housing.

- i. Homeless individuals and families coming from transitional housing must have originally come from the streets or emergency shelters.
- ii. Homeless individuals and families with a qualifying disability who were fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions and are living in transitional housing are eligible for permanent supportive housing even if they did not live on the streets, emergency shelters, or

safe havens prior to entry in the transitional housing.

iii. Persons exiting institutions where they resided for 90 days or less and came from the streets, emergency shelter, or safe havens immediately prior to entering the institution are also eligible for permanent supportive housing.

(b) The only persons who may be served by dedicated or prioritized permanent supportive housing beds are persons experiencing chronic homelessness as defined in 24 CFR 578.3, including individuals, families, and unaccompanied youth.

In addition, per § 578.37 (i) Permanent supportive housing for persons with disabilities (PSH). PSH can only provide assistance to individuals with disabilities and families in which one adult or child has a disability.

Eligible clients must also meet eligibility criteria as defined in the NOFA under which the program was funded and match any identified target populations served by a specific project as defined in the Project Application to HUD.

C. Prioritizing Permanent Supportive Housing

On 7/25/16 HUD published rules¹ in Notice CPD 16-11 detailing how local Continuums of Care (CoCs) must prioritize Chronically and non-Chronically homeless people into CoC-funded Permanent Supportive Housing (PSH)². The Westchester CoC Board adopted the order of priority described in Notice CPD 16-11 on 08/02/17.

The following details implementation of the HUD order of priority for Westchester County CoC:

1) When Chronically Homeless individuals or families are located within the geographic area of the CoC, Westchester County CoC will place individuals in **PSH units dedicated or prioritized for persons experiencing chronic homelessness** in the following order:

1. CH individuals and families who match the goals and any identified target populations served by the project with the most severe needs.
2. CH individuals and families who match the goals and any identified target populations served by the project who have been homeless in emergency shelters or places not meant for human habitation for the longest amount of time.

2) Westchester County CoC will place individuals in **PSH units not dedicated or not prioritized for persons experiencing chronic homelessness** in the following order; in addition, Westchester County CoC will place individuals in **PSH units dedicated or prioritized for persons experiencing chronic homelessness** when there are no CH individuals and families who match the goals and any identified target populations served by the project in the following order:

1. Homeless individuals and families with a disability who have been homeless for more than 365 days and with the most severe needs (and then for the longest amount of time).
2. Homeless individuals and families with a disability who have been homeless for less than 365 days and with the most severe needs (and then for the longest amount of time).
3. Homeless individuals and families with a disability coming from emergency shelters or places not meant for human habitation.
4. Homeless individuals and families with a disability coming from transitional housing.

Severity of need must be determined using CoC-wide objective assessment tools, adjusted when necessary by well-documented and fairly applied professional judgment. Westchester CoC currently uses VI-SPDAT score to assess severity of need.

The CoC is dedicated to eradicating veteran homelessness and Chronic Homelessness. First priority within all categories above will be veterans. Essentially, this means that if two households present for assistance and both fall under the same order of priority (e.g. both chronically homeless with the same VI-SPDAT score and length of time homeless), but one is a veteran household and the other is not, the veteran household should be prioritized first. In general, the CoC will prioritize any

¹ <https://www.hudexchange.info/resources/documents/notice-cpd-16-11-prioritizing-persons-experiencing-chronic-homelessness-and-other-vulnerable-homeless-persons-in-psh.pdf>

² Note: only individuals and families with disabilities can be placed in CoC-funded PSH.

veteran households who are not eligible for VA housing or services by targeting those Veterans to the most appropriate CoC-funded projects.

Westchester County will prioritize otherwise eligible households in a nondiscriminatory manner. Program implementation, including any prioritization policies, will be implemented consistent with the nondiscrimination provisions of the Federal civil rights laws, including, but not limited to the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, and Title II or III of the Americans with Disabilities Act, as applicable. For example, while it is acceptable to prioritize based on level of need for the type of assistance being offered, prioritizing based on specific disabilities would not be consistent with fair housing requirements or program regulations.

HUD notice 14-012 sets “Recordkeeping Requirements for Documenting Chronic Homeless Status.” HUD stated that this notice “establishes recordkeeping requirements for all recipients of CoC Program-funded PSH that are required to document a program participant’s status as chronically homeless as defined in 24 CFR 578.3 and in accordance with 24 CFR 578.103.

Per the Emergency Transfer Plan adopted by the Westchester County CoC, priority will be given to current PSH participants who are victims of domestic violence, dating violence, sexual assault, or stalking who request an emergency transfer from the tenant’s current unit to another unit if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit or if the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

Where it is impossible or unsafe to transfer these participants to a new unit in the current PSH project, emergency transfers will be prioritized over all other referrals, and will receive the next available bed placement for which they match the goals and any identified target populations served by the new PSH project.

D. Recipient Recordkeeping Requirements

In addition to any other records required in 24 CFR 578.103, recipients of CoC Program-funded PSH must retain:

- 1) Documentation of qualifying homelessness:
 - Written referral by another housing or service provider(s) indicating the entry and exit dates from the previous housing for homeless persons; or
 - Written observation by an outreach worker indicating the dates of contact with the homeless persons living in a place not meant for human habitation; or
 - Certification by the individual or head of household seeking assistance of living on the streets or an emergency shelter; or
 - Record of service produced by HMIS for Emergency Shelter (and Transitional Housing) indicating the entry and exit dates from the previous housing for homeless persons

For individuals exiting an institution where they resided for 90 days or less – one of the forms of evidence above and:

- Discharge Paperwork from the institution indicating the entry and exit dates from that institution

Individuals or families entering PSH from Transitional Housing must provide evidence of the stay in the Transitional Housing in addition to the immediately prior stay in emergency shelter or the streets (or evidence of fleeing Domestic Violence).

2) Documentation of disability:

- 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; or
- Written verification from the Social Security Administration; or
- The receipt of a disability check (e.g., Social Security Disability Insurance check or Veteran Disability Compensation);

3) Documentation of annual household income including client contribution calculation form and source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement).

4) Records of supportive services and assistance provided to program participants, including evidence that the recipient or subrecipient has conducted an annual assessment of services for those program participants that remain in the program for more than a year and adjusted the service package accordingly, and including case management services.

For clients that are enrolled in projects that are required by grant agreement to document chronically homeless status of program participants in some or all of its PSH beds must maintain the following records:

- Written Intake Procedures;
- Evidence of Chronically Homeless Status
 - Evidence that the homeless occasion was continuous, for at least 365 days;
 - Evidence that the household experienced at least four separate homeless occasions over 3 years with a cumulative duration of 365 days;
 - Evidence of diagnosis with one or more of the following disabling conditions as described above: substance use disorder, serious mental illness, developmental disability (as defined in Section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability.

E. Written Standards

Written Standard #1: No Designated Length of Stay

- **Program participants are provided housing without a designated length of stay that permits them to live as independently as possible.**

In Program Components and Eligible Costs (Subpart D) of the Preamble of the HEARTH Act (see p. 25) the following is noted:

“Consistent with the definition of permanent housing in section 401 of the McKinney-Vento Act and § 578.3 of this interim rule, the permanent housing component is community-based housing without a designated length of stay that permits formerly homeless individuals and families to live as independently as possible. The interim rule clarifies that Continuum of Care funds may be spent on two types of permanent housing: permanent supportive housing for persons with disabilities (PSH) and rapid rehousing that provides temporary assistance (i.e., rental assistance and/or supportive services) to program participants in a unit that the program participant retains after the assistance ends.”

Written Standard #2: Lease Agreement

- **The program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long.**

On page 12 of the Preamble of the HEARTH Act Interim Rule,

“HUD clarifies that to be permanent housing, “the program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long. HUD has determined that requiring a lease for a term of at least one year that is renewable and terminable only for cause, assists program participants in obtaining stability in housing, even when the rental assistance is temporary. These requirements are consistent with Section 8 requirements.”

Also, § 578.77 Calculating occupancy charges and rent (a) states the following about occupancy agreements:

“(a) Occupancy agreements and leases. Recipients and subrecipients must have signed occupancy agreements or leases (or subleases) with program participants residing in housing.”

Written Standard #3: Restricted Assistance and Disabilities

- **Permanent supportive housing can only provide assistance to individuals with disabilities and families in which one adult or child has a disability.**

§ 578.37 Program components and uses of assistance (a) (1) (i) states that:

“Permanent supportive housing for persons with disabilities (PSH). 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.”

Written Standard #4: Supportive Services

- **Supportive services designed to meet the needs of program participants must be made available to the program participants.**

§ 578.37 Program components and uses of assistance (a) (1) (i) states that:

“Permanent supportive housing for persons with disabilities (PSH). 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.”

Written Standard #5: Duration of Supportive Services Assistance

- **Supportive services to enable program participants to live as independently as possible must be provided throughout the duration of their residence**

§ 578.53 Supportive services (b) (2) states that:

“Permanent supportive housing projects must provide supportive services for the residents to enable them to live as independently as is practicable throughout the duration of their residence in the project.”

Written Standard #6: Shared Housing - One Person per Bedroom

- **Two individuals in a shared housing situation must have their own lease and their own bedroom unless the two individuals are presented together as a household**

Written Standard #7: Program Income

- **Program income generated from rent and occupancy charges may be collected from program participants and added to funds committed to the project by HUD and used for eligible program activities**

§ 578.97 Program income includes the following:

“(a) Defined. Program income is the income received by the recipient or subrecipient directly generated by a grant-supported activity.

(b) Use. Program income earned during the grant term shall be retained by the recipient,

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

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

Also, § 578.49 Leasing (b) (7) states the following about program income:

“Program income. Occupancy charges and rent collected from program participants are program income and may be used as provided under § 578.97.”

Written Standard #8: Calculating Occupancy Charges and Rent

if occupancy charges are imposed, they may not exceed the highest of: 1) 30 percent of the family’s monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child-care expenses); 2) 10 percent of the family’s monthly income; or 3) If the family is receiving payments for welfare assistance from a public agency and a part of the payments (adjusted in accordance with the family’s actual housing costs) is specifically designated by the agency to meet the family’s housing costs, the portion of the payments that is designated for housing costs.

§ 578.77 Calculating occupancy charges and rent (b) (1) (2) (3) notes the following about occupancy agreements:

“(b) Calculation of occupancy charges. Recipients and subrecipients are not required to impose occupancy charges on program participants as a condition of residing in the housing. However, if occupancy charges are imposed, they may not exceed the highest of: (1) 30 percent of the family’s monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child-care expenses);

(2) 10 percent of the family’s monthly income; or

(3) If the family is receiving payments for welfare assistance from a public agency and a part of the payments (adjusted in accordance with the family’s actual housing costs) is specifically designated by the agency to meet the family’s housing costs, the portion of the payments that is designated for housing costs.”

Written Standard #9: Examining Program Participant’s Initial Income

a program participant’s initial income must be examined at least annually to determine

the amount of the contribution toward rent payable by the program participant and adjustments to a program participant's contribution toward the rental payment must be made as changes in income are identified.

§578.77 Calculating occupancy charges and rent (c)(2) states that:

“Recipients or subrecipients must examine a program participant’s income initially, and at least annually thereafter, to determine the amount of the contribution toward rent payable by the program participant. Adjustments to a program participant’s contribution toward the rental payment must be made as changes in income are identified.”

§578.103 Recordkeeping requirements (7) (i) (ii) states that the recipient or subrecipient must keep records for each program participant that document:

“(i) The services and assistance provided to that program participant, including evidence that the recipient or subrecipient has conducted an annual assessment of services for those program participants that remain in the program for more than a year and adjusted the service package accordingly, and including case management services as provided in § 578.37(a)(1)(ii)(F); and

(ii) Where applicable, compliance with the termination of assistance requirement in § 578.91.”

Written Standard #10: Verifying Program Participant’s Initial Income

each program participant must agree to supply the information or documentation necessary to verify the program participant’s income.

§578.77 Calculating occupancy charges and rent (c)(3) states that:

“As a condition of participation in the program, each program participant must agree to supply the information or documentation necessary to verify the program participant’s income. Program participants must provide the recipient or subrecipient with information at any time regarding changes in income or other circumstances that may result in changes to a program participant’s contribution toward the rental payment.”

§578.103 Recordkeeping requirements (6) (i) (ii) (iii) and (iv) states that the following documentation of annual income must be kept by recipient or subrecipient:

“(i) Income evaluation form specified by HUD and completed by the recipient or subrecipient; and

(ii) Source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement) for the assets held by the program

participant and income received before the date of the evaluation;

(iii) To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., employer, government benefits administrator) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period; or

(iv) To the extent that source documents and third-party verification are unobtainable, the written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the 3-month period following the evaluation."

Written Standard #11: Recalculating Occupancy Charges and Rent

if there is a change in family composition (e.g., birth of a child) or a decrease in the resident's income during the year, the resident may request an interim reexamination, and the occupancy charge will be adjusted accordingly.

§ 578.77 Calculating occupancy charges and rent (b) (4) notes the following about recalculating occupancy charges and rent:

"(4) Income. Income must be calculated in accordance with 24 CFR 5.609 and 24 CFR 5.611(a). Recipients and subrecipients must examine a program participant's income initially, and if there is a change in family composition (e.g., birth of a child) or a decrease in the resident's income during the year, the resident may request an interim reexamination, and the occupancy charge will be adjusted accordingly."

Written Standard #12: Termination of Assistance

- **Assistance may be terminated to a program participant who violates program requirements or conditions of occupancy by providing a formal process that recognizes the due process of law.**

On page 37 of the Preamble of the HEARTH Act, the following is stated concerning termination of assistance:

"The interim rule provides that a recipient may terminate assistance to a participant who violates program requirements or conditions of occupancy. The recipient must provide a formal process that recognizes the due process of law. Recipients may resume assistance to a participant whose assistance has been terminated.

Recipients that are providing permanent supportive housing for hard-to-house populations of homeless persons must exercise judgment and examine all circumstances in determining whether termination is appropriate. Under this interim rule, HUD has

determined that a participant’s assistance should be terminated only in the most severe cases. HUD is carrying over this requirement from the Shelter Plus Care program.”

§578.91 states the following regarding Termination of assistance to program participants:

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

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

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

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

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

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

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

Written Standard #13: Maintenance of Housing Assistance

PSH projects will not administer drugs tests, impose income requirements, require employment, or require services (case management, mental health, behavioral health) as a condition of housing. Providers are encouraged to practice Trauma Informed Practices, Motivational Interviewing, and Client-Centered Housing Stability Planning. This standard may be flexible in cases of immediate safety concerns other extreme circumstances.

II. Determining Written Standards for Rapid Rehousing

A. Background information

In regards to rapid rehousing, § 578.7 Responsibilities of the Continuum of Care (a) (9) of the HEARTH Act Interim Rule notes that:

In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and consistently follow written standards for providing

Continuum of Care assistance. At a minimum, these written standards must include:

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

Rapid rehousing is considered permanent housing. HUD's regulatory definition of "permanent housing" states:

"The term 'permanent housing' means community-based housing without a designated length of stay, and includes both permanent supportive housing and rapid re-housing."

HUD also states:

"Additionally, in the regulatory definition of "permanent housing," HUD clarifies that to be permanent housing, "the program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long. HUD has determined that requiring a lease for a term of at least one year that is renewable and terminable only for cause, assists program participants in obtaining stability in housing, even when the rental assistance is temporary. These requirements are consistent with Section 8 requirements."

Types of rapid rehousing assistance include:

- Rental assistance;
- Case management;
- Supportive services;
- Security deposits.

B. Eligible Clients

To be eligible for Rapid Re-housing, clients must be “Literally Homeless” or Category 1 according to the HUD Homeless Definition, which is:

(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) Has a primary nighttime residence that is a public or private place not meant for human habitation;

(ii) 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

(iii) 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

Certain CoC-funded RRH may also serve clients who are Fleeing or Attempting to Flee Domestic Violence & Human Trafficking /Category 4 according to the HUD Homeless Definition, which is:

(4) Any individual or family who:

(i) Is fleeing, or is attempting to flee, domestic violence;

(ii) Has no other residence; and

(iii) Lacks the resources or support networks to obtain other permanent housing

Eligible clients must also meet eligibility criteria as defined in the NOFA under which the program was funded. To date, CoC-funded Rapid Re-housing is restricted to clients living in a place not meant for human habitation or emergency shelters.

In addition to homeless status, the criteria for program entry are: (1) the need for the subsidy to achieve permanent housing and the (2) willingness to work with staff throughout and after the subsidy period to increase income, budget effectively, and increase life skills as needed to foster the sustainability of permanent housing after the subsidy period.

C. Prioritizing Rapid Rehousing

Recently, HUD provided guidance for rapid rehousing in terms of prioritizing subpopulations. HUD noted in a SNAPS In Focus: Rapid Re-Housing As a Model and Best Practice, August 6, 2014, that:

“Rapid re-housing can be effective for many populations, such as families with children, youth aging out of foster care, domestic violence survivors, single adults, and veterans, but should be targeted to those households that would not be able to get out of homelessness without the assistance. It is particularly a key strategy for achieving the Opening Doors goal of ending family, youth, and child homelessness by 2020.

Rapid re-housing should prioritize people with more challenges, including those with no income, poor employment prospects, troubled rental histories, and criminal records. Providers should link participants with community resources that will help them achieve

longer-term stability and well-being. Now is the time for communities to be working together to establish written standards for administering rapid re-housing and thinking strategically about how this type of assistance will be used most effectively within the CoC.”

Recently, HUD also noted on www.hudexchange.info/resources/documents/Rapid-Re-Housing-Brief.pdf that:

“Rapid re-housing is an effective intervention for many different types of households experiencing homelessness, including those with no income, with disabilities, and with poor rental history. The majority of households experiencing homelessness are good candidates for rapid re-housing. The only exceptions are households that can exit homelessness with little or no assistance, those who experience chronic homelessness and who need permanent supportive housing, and households who are seeking a therapeutic residential environment, including those recovering from addiction.”

According to OrgCode, Rapid Re-Housing Projects should prioritize households with a VI-SPDAT score of at least 4. Rapid Re-Housing is usually the most appropriate intervention for Individuals that score between a 4 and 7 and for families that score between a 4 and 8.

Thus, the Westchester County CoC will prioritize individuals and families for Rapid Re-housing in the following order:

1. Homeless individuals and families with a VI-SPDAT score between 4 and 7 (or 8 for families) that have the most severe needs.
2. Homeless individuals and families with a VI-SPDAT score between 4 and 7 (or 8 for families) that have been homeless for the longest amount of time.
3. Homeless individuals and families with a VI-SPDAT score between 4 and 7 (or 8 for families) within the following subpopulations: families with children, youth ages 18-24, domestic violence survivors, and veterans.
4. Homeless individuals and families with a VI-SPDAT score below 4 or above 7 (or above 8 for families) that otherwise meet the eligibility criteria, and who are not appropriate for Permanent Supportive Housing, that have the most severe needs.

Clients that can exit homelessness with little or no assistance, those who experience chronic homelessness and who need permanent supportive housing, and households who are seeking a therapeutic residential environment, including those recovering from addiction will not be prioritized for Rapid Re-housing.

Per the Emergency Transfer Plan adopted by the Westchester County CoC, priority will be given to current Rapid Re-housing participants who are victims of domestic violence, dating violence, sexual assault, or stalking who request an emergency transfer from the tenant’s current unit to another unit if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit or if the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

Where it is impossible or unsafe to transfer these participants to a new unit in the current Rapid Re-housing project, emergency transfers will be prioritized over all other referrals, and will receive the next available bed placement for which they match the goals and any identified target populations served by the new Rapid Re-housing project.

D. Recipient Recordkeeping Requirements

In addition to any other records required in 24 CFR 578.103, recipients of CoC Program-funded Rapid Re-housing must retain:

- 1) Documentation of qualifying homelessness:
 - Written referral by another housing or service provider(s) indicating the entry and exit dates from the previous housing for homeless persons; or
 - Written observation by an outreach worker indicating the dates of contact with the homeless persons living in a place not meant for human habitation; or
 - Certification by the individual or head of household seeking assistance of living on the streets or an emergency shelter; or
 - Record of service produced by HMIS for Emergency Shelter (and Transitional Housing) indicating the entry and exit dates from the previous housing for homeless persons

For individuals exiting an institution where they resided for 90 days or less – on of the forms of evidence above and:

- Discharge Paperwork from the institution indicating the entry and exit dates from that institution

For clients fleeing or attempting to flee domestic violence:

- Oral statement by the individual or head of household that they are fleeing. 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 documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

- 2) Documentation of Annual household income including income evaluation form and source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement).
- 3) Records of supportive services and assistance provided to program participants, including evidence that the recipient or subrecipient has conducted an annual assessment of services for those program participants that remain in the program for more than a year and adjusted the service package accordingly, and including case management services.

E. Written Standards

Written Standard #1: Lease Agreement

- **The program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long.**

On page 12 of the Preamble of the HEARTH Act Interim Rule,

“HUD clarifies that to be permanent housing, “the program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long. HUD has determined that requiring a lease for a term of at least one year that is renewable and terminable only for cause, assists program participants in obtaining stability in housing, even when the rental assistance is temporary. These requirements are consistent with Section 8 requirements.”

Written Standard #2: Rental Assistance

- **Program participants may receive short-term (up to 3 months) and/or medium-term (for 3 to 24 months) tenant-based rental assistance**

§ 578.37 Program components and uses of assistance (a) (1) (ii) states that:

“Continuum of Care funds may provide supportive services, as set forth in § 578.53, and/or **short-term (up to 3 months) and/or medium-term (for 3 to 24 months) tenant-based rental assistance**, as set forth in § 578.51(c), 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.”

Written Standard #3: Amount of Rental Assistance

Rapid Re-housing rent assistance programs are designed to close the gap between homeless households' available funds for housing (earned income and local subsidies) and the cost of available affordable housing, to allow homeless clients to achieve permanent housing and exit homeless shelters.

RRH will close the gap between other housing subsidies and 40% or less of earned income, and the affordable rental market.

Standards for determining the share of rent and utilities costs that each program participant must pay, if any, will be based on the following guidelines:

- The maximum amount of rent that a participant will pay can be up to 100% of the rental amount;
- The maximum percentage of income paid by participants towards rent at program completion shall be no more than 40%. However, in certain circumstances, on a case-by-case basis, there may be participants whose rental share may exceed 40% of the rent based

on their financial circumstances. In general, the goal will be that participants pay generally no more than 40% of their income in rent;

- Housing subsidies from other sources can be fully applied to housing. Rapid Rehousing rental assistance will provide 30% to 70% of rental costs (plus utilities); participants funds (including earned income and local subsidies) will provide 30% to 70% of rental costs (plus utilities).
- 100% of the cost of rent in rental assistance may be provided to program participants. However, to provide the best chance for households to become successfully independent, and to maximize the number of households that can be served with rapid re-housing resources, it is expected that the level of assistance provided will be the minimum necessary for each household to be stably housed for the longterm;
- The rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units.

The rental subsidy will not be provided beyond 24 months. The goal is to terminate rental assistance for all clients after 12 months. Clients will continue to receive voluntary monthly case management services for up to 6 months after the end of the rental assistance period.

§ 578.37 Program components and uses of assistance (a) (1) (ii) (F) states that a Continuum of Care:

“May set a maximum amount or percentage of rental assistance that a program participant may receive, a maximum number of months that a program participant may receive rental assistance, and/or a maximum number of times that a program participant may receive rental assistance. The recipient or subrecipient may also require program participants to share in the costs of rent. For the purposes of calculating rent or rapid rehousing, the rent shall equal the sum of the total monthly rent for the unit and, if the tenant pays separately for utilities, the monthly allowance for utilities (excluding telephone) established by the public housing authority for the area in which the housing is located.”

Written Standard #4: Duration of Assistance

- The rental subsidy will not be provided beyond 24 months. The goal is to terminate rental assistance for all clients after 12 months. Clients will continue to receive voluntary monthly case management services for up to 6 months after the end of the rental assistance period.
- It is expected that program participants will only receive minimum level of assistance necessary to be stably housed for the long-term.

§ 578.37 Program components and uses of assistance (a) (1) (ii) states that:

“Continuum of Care funds may provide supportive services, as set forth in § 578.53, and/or short-term (up to 3 months) and/or medium-term (for 3 to 24 months) tenant-based rental assistance, as set forth in § 578.51(c), 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.”

Written Standard #5: Security Deposits including Last Month’s Rent

- **Program participants may receive funds for security deposits in an amount not to exceed 2 months of rent.**

§ 578.51 Rental assistance (a) (2) states that:

“Grant funds may be used for security deposits in an amount not to exceed 2 months of rent. An advance payment of the last month’s rent may be provided to the landlord, in addition to the security deposit and payment of first month’s rent.”

Written Standard #6: Receiving Rental Assistance through Other Sources

- **Rental assistance cannot be provided to a program participant who is already receiving rental assistance, or living in a housing unit receiving rental assistance or operating assistance through other federal, State, or local sources.**

§ 578.51 Rental assistance (a) Use states that:

“Grant funds may be used for rental assistance for homeless individuals and families. Rental assistance cannot be provided to a program participant who is already receiving rental assistance, or living in a housing unit receiving rental assistance or operating assistance through other federal, State, or local sources.”

Written Standard #7: Case Management

- Program participants must meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability.

§ 578.37 Program components and uses of assistance (a) (1) (ii) (F) states the following requirement:

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

Written Standard #8: Supportive Services

- **Program participants may receive supportive services as set forth in § 578.53 (see Appendix A)**

§ 578.37 Program components and uses of assistance (a) (1) (ii) states that:

“Continuum of Care funds may provide **supportive services**, as set forth in § 578.53, and/or short-term (up to 3 months) and/or medium-term (for 3 to 24 months) tenant-based rental assistance, as set forth in § 578.51(c), 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.”

Written Standard #9: Duration of Supportive Services

- **Program participants may receive supportive services for no longer than 6 months after rental assistance stops**

§ 578.37 Program components and uses of assistance (a) (1) (ii) (F) states that the Continuum of Care “May provide supportive services for no longer than 6 months after rental assistance stops.”

Written Standard #10: Re-evaluation

- **Program participants must be re-evaluated, with their income and rental assistance needs recertified, not less than quarterly, in order to determine whether program participants lack sufficient resources and support networks necessary to retain housing without Continuum of Care assistance and the types and amounts of assistance that the program participant needs to retain housing.**

§ 578.37 Program components and uses of assistance (a) (1) (ii) (E) states that the Continuum of Care:

“Must re-evaluate, not less than once annually, that the program participant lacks sufficient resources and support networks necessary to retain housing without Continuum of Care assistance and the types and amounts of assistance that the program participant needs to retain housing. The recipient or subrecipient may require each program participant receiving assistance to notify the recipient or subrecipient of changes in the program participant’s income or other circumstances (e.g., changes in household composition) that affect the program participant's need for assistance. When notified of a relevant change, the recipient or subrecipient must reevaluate the program participant’s eligibility and the amount and types of assistance that the program participant needs.”

III. Determining Written Standards for Transitional Housing

A. Background Information

This section proposes written standards for transitional housing based upon information provided in the HEARTH Act.

Under § 578.3 Definitions of the HEARTH Act, the following is stated:

“Transitional housing means housing, where all program participants have signed a lease or occupancy agreement, the purpose of which is to facilitate the movement of homeless individuals and families into permanent housing within 24 months or such longer period as HUD determines necessary. The program participant must have a lease or occupancy agreement for a term of at least one month that ends in 24 months and cannot be extended.”

B. Eligible Clients

To be eligible for Transitional Housing, clients must be homeless under one of the four Categories of the HUD Homeless Definition, which is:

(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) Has a primary nighttime residence that is a public or private place not meant for human habitation;

(ii) 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

(iii) 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

(2) Individual or family who will imminently lose their primary nighttime residence, provided that:

(i) Residence will be lost within 14 days of the date of application for homeless assistance;

(ii) No subsequent residence has been identified; and

(iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

(i) Are defined as homeless under the other listed federal statutes;

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;

(iii) Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and

(iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers

- (4) Any individual or family who:
- (i) Is fleeing, or is attempting to flee, domestic violence;
 - (ii) Has no other residence; and
 - (iii) Lacks the resources or support networks to obtain other permanent housing

Eligible clients must also meet eligibility criteria as defined in the NOFA under which the program was funded and any other project specific eligibility criteria.

C. Prioritizing Transitional Housing

Westchester County CoC will prioritize individuals and families for Transitional Housing in the following order:

1. Homeless individuals and families within the following subpopulations:
 - families with children,
 - youth ages 18-24,
 - domestic violence survivors,
 - veterans,
 - households with severe service needs that threaten their immediate health or safety and who cannot safely live in an independent living environment but for whom institutional recovery or treatment services are not desired or available.
2. Homeless individuals and families that have been homeless for the longest amount of time.

All chronically homeless individuals and families will not be served through transitional housing.⁴ Such households will be served by permanent supportive housing through a Housing First approach.

Per the Emergency Transfer Plan adopted by the Westchester County CoC, priority will be given to current Transitional Housing participants who are victims of domestic violence, dating violence, sexual assault, or stalking who request an emergency transfer from the tenant's current unit to another unit if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit or if the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

Where it is impossible or unsafe to transfer these participants to a new unit in the current Transitional Housing project, emergency transfers will be prioritized over all other referrals, and will receive the next available bed placement for which they match the goals and any identified target populations served by the new Transitional Housing project.

D. Written Standards

Written Standard #1:

The program participant must have a lease or occupancy agreement for a term of at least one month that ends in 24 months and cannot be extended”; in exceptional cases a “homeless individual or family may remain in transitional housing 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” as noted in § 578.79 Limitation on transitional housing.

Under § 578.51 Rental assistance, (l) Leases (2) Initial lease for transitional housing, the following is required:

“Program participants in transitional housing must enter into a lease agreement for a term of at least one month. The lease must be automatically renewable upon expiration, except on prior notice by either party, up to a maximum term of 24 months.”

Written Standard #2:

Assistance in transitioning to permanent housing must be provided to participants. Permanent housing plans should be established immediately upon intake to the Transitional Housing program, even if those plans anticipate a prolonged length of stay in TH prior to moving to PH.

⁴ Chronically homeless households are no longer considered chronically homeless once they become residents of transitional housing programs. As a result, such households are no longer eligible for permanent supportive housing beds that are dedicated or prioritized to serve only chronically homeless households. In addition, HUD strongly encourages permanent supportive housing providers to fill vacant beds with chronically homeless households.

Supportive services must be made available to program participants “throughout the duration of their residence” and such services “may also be provided to former residents of transitional housing and current residents of permanent housing who were homeless in the prior 6 months, for no more than 6 months after leaving transitional housing or homelessness, respectively, to assist their adjustment to independent living.”

Under § 578.53 Supportive services (b) Duration, the following is also noted:

(1) “For a transitional housing project, supportive services must be made available to residents throughout the duration of their residence in the project.”

(3) “Services may also be provided to former residents of transitional housing and current residents of permanent housing who were homeless in the prior 6 months, for no more than 6 months after leaving transitional housing or homelessness, respectively, to assist their adjustment to independent living.”

Written Standard #3:

Recipients and subrecipients of funding for transitional housing “are not required to impose occupancy charges on program participants as a condition of residing” in transitional housing. However, if occupancy charges are imposed, they may not exceed the highest of:

(1) 30 percent of the family’s monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child-care expenses);

(2) 10 percent of the family’s monthly income; or

(3) If the family is receiving payments for welfare assistance from a public agency and a part of the payments (adjusted in accordance with the family’s actual housing costs) is specifically designated by the agency to meet the family’s housing costs, the portion of the payments that is designated for housing costs.

(4) Income. Income must be calculated in accordance with 24 CFR 5.609 and 24 CFR 5.611(a). Recipients and subrecipients must examine a program participant’s income initially, and if there is a change in family composition (e.g., birth of a child) or a decrease in the resident’s income during the year, the resident may request an interim reexamination, and the occupancy charge will be adjusted accordingly.

Under § 578.77 Calculating occupancy charges and rent, the following guidelines are provided:

“(a) Occupancy agreements and leases. Recipients and subrecipients must have signed occupancy agreements or leases (or subleases) with program participants residing in housing.

(b) Calculation of occupancy charges. Recipients and subrecipients are not required to impose occupancy charges on program participants as a condition of residing in the housing. However, if occupancy charges are imposed, they may not exceed the highest of:

(1) 30 percent of the family’s monthly adjusted income (adjustment factors

include the number of people in the family, age of family members, medical expenses, and child-care expenses);

(2) 10 percent of the family's monthly income; or

(3) If the family is receiving payments for welfare assistance from a public agency and a part of the payments (adjusted in accordance with the family's actual housing costs) is specifically designated by the agency to meet the family's housing costs, the portion of the payments that is designated for housing costs.

(4) Income. Income must be calculated in accordance with 24 CFR 5.609 and 24 CFR 5.611(a). Recipients and subrecipients must examine a program participant's income initially, and if there is a change in family composition (e.g., birth of a child) or a decrease in the resident's income during the year, the resident may request an interim reexamination, and the occupancy charge will be adjusted accordingly."

Written Standard #4:

Assistance for a transitional housing project may be discontinued "if more than half of the homeless individuals or families remain in that project longer than 24 months."

Under § 578.79 Limitation on transitional housing, the following is stated:

"A homeless individual or family may remain in transitional housing 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."