

# Albuquerque CoC Written Standards for Administering Rapid Re-Housing

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## **Introduction**

In accordance with Title 24 of the Code of Federal Regulations (24 CFR) 91.220(l)(4)(i), 576, and 578, the City of Albuquerque (CABQ), through the Albuquerque Strategic Collaborative (ABQ CoC Membership), has developed the following Written Standards with input from the Albuquerque CoC-RRH Work Group. These standards apply to all programs that receive Continuum of Care (CoC) Rapid Re-Housing (RRH) funding in the Albuquerque CoC and are intended as the set minimum standards for administering these funds. Albuquerque CoC-RRH programs may develop additional standards for administering program assistance, but these additional standards cannot be in conflict with those established by the ABQ CoC, HUD CoC Program Interim Rule, or the most recent HUD CoC Notice of Funding Availability (NOFA). In addition, all CoC-RRH projects must comply with the applicable NOFA under which the project was originally awarded and any additional eligibility requirements imposed by future NOFAs. The purpose of these standards is to outline key elements of the HUD regulations and priorities set by the Albuquerque CoC, and to ensure that the CoC-RRH programs are administered fairly and methodically. The Albuquerque CoC-RRH Work Group and the Albuquerque Strategic Collaborative will continue to build upon and refine this document to address the needs of those in the community experiencing homelessness.

### CoC Rapid Re-Housing Summary

CoC Rapid Re-Housing is designed to help individuals and families experiencing homelessness to transition into permanent housing quickly. Enrollment in an Albuquerque CoC-RRH program should rely heavily on a case management approach that ensures long-term stability for program participants. Providers are expected to implement a case management plan that, through connection to community resources and mainstream benefits, will increase household income and housing stability.

The benefit of the CoC-RRH is that the program is flexible, allowing providers to tailor assistance to the unique needs of each household. Features of rapid re-housing include three core components:

- **Housing Identification:** Housing identification services to recruit landlords and help households find appropriate rental housing in the community.

- Move-In and Short-to-Medium Term Rental Assistance: Financial assistance to cover move-in costs, deposits, and the rental or utility assistance necessary to allow individuals and families to move immediately out of homelessness and stabilize in permanent housing.
- Case Management and Services: Case management and services help households overcome barriers to acquiring and maintaining permanent housing.

### **Participation in the New Mexico Coordinated Entry System (NM-CES)**

Coordinated Entry System (CES) is a community wide process for facilitating access for Continuum of Care resources designated for individuals and families experiencing homelessness. This system ensures that every homeless individual or family is assessed using a common assessment tool, is known by name, is provided assistance based on the individual or family's unique needs, and is matched to the most appropriate service strategy or housing intervention. The common assessment tool used by CES is the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT), and is a self-identifying survey. Completed VI-SPDATS and corresponding prioritization lists, used to make referrals for housing and resources, are entered into a shared database, known as the NM Homeless Management Information System (HMIS) database.

The New Mexico Coalition to End Homelessness (NMCEH) serves as the Lead Agency for the statewide Coordinated Entry System (CES), has staff dedicated to the operation of the system, and provides oversight for the Albuquerque CoC's use of the CES, ensuring system coordination among emergency shelters, essential service providers, homelessness prevention providers, transitional housing providers, permanent housing providers, other homeless assistance providers, and mainstream services and housing.

All Albuquerque CoC funded projects are required to participate in the NM-CES (24 CFR part 578). Requirements of participation are as follows:

- Providers will operate within an agency that serves as an access point for anyone that experiences homelessness and presents at that agency for assistance; where, at a minimum, one staff member is trained in administering the VI-SPDAT, and one staff member is trained and registered in HMIS and trained in NM-CES Prioritization List navigation. Providers will have 60 days to allow for new staff to be trained and registered, in the event that staff turnover removes trained staff.

- To the maximum extent possible, households presenting for assistance will be assessed using the VI-SPDAT. Where the provider is unable to administer the VI-SPDAT, households that present for service will be provided appropriate referrals to NM-CES.
- Providers will submit all completed VI-SPDAT surveys to NM-CES within three business days of being completed.
- Providers will post NM-CES provided notice about the Coordinated Entry System, to include contact information, in a public space, viewable by anyone presenting for housing or services.
- Providers will have a current NM-HMIS data sharing agreement.
- Providers will select all program participants using NM-CES, using the prioritization and tenant selection process outlined in these standards.
- Providers will not add stipulations to applicant referral requests that are not explicitly outlined in HUD regulations or the project application submitted to HUD for that operating year.
- Providers will not use answers in the VI-SPDAT or NM-HMIS records to deny housing or services to any program applicant.
- Providers will not make updates to a participant's answer(s) in the VI-SPDAT without the participant's knowledge and consent.

### **Fair Housing**

Providers will not prohibit access to CoC-RRH funded programs to anyone that would otherwise be eligible for assistance based on race, color, religion, national origin, sex, age, familial status, disability type, actual or perceived sexual orientation, gender identity or marital status. Providers will post publically a HUD issued Fair Housing notice, in a place that is visible to all program participants and persons who present for assistance or services, and provide participants with written notice of their rights under Fair Housing at program entry.

### **Equal Access**

Units of general local government and nonprofit organizations shall make it known that facilities and services supported by this grant are available to any person (who otherwise meets the eligible criteria for the program) in accordance with the Equal Access Rule (24 CFR 5.105(a)(2)) which prohibits discriminatory eligibility determinations in HUD-assisted or HUD-insured housing

programs based on actual or perceived sexual orientation, gender identity, or marital status, including any projects funded by the CoC, ESG and HOPWA Programs.

It is allowable for housing programs to exclusively serve families with children, but they must serve all types of families with children including both male and female headed households. The housing may also be limited to one sex, where such housing consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex.

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

Any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Providers cannot discriminate against a group of people presenting as a family based on the composition of the family, the age of any members of the family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity. Further, the age and gender of a child under age 18 must not be used as a basis for denying any family's admission to CoC-RRH.

### **Affirmative Outreach**

Providers must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. If it is unlikely that the procedures that the recipient intends to use to make known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, the recipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The provider must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested person's information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities.

Consistent with Title VI and Executive Order 13166, providers are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.

Providers will market their program in an ongoing effort to assure that potential participants who are least likely to access the program, (without regard to race, color, national origin, sex, religion, familial status, sexual orientation, and disability) have access to the program. Providers will develop, and document efforts, to follow a written strategy to provide public notice and conduct outreach to educate those least likely to access resources. At a minimum, affirmative marketing strategies will include efforts to communicate information regarding services and resources available through the program, eligibility requirements, and information about the NM-CES and how the program participates in the NM-CES.

### **Prioritization**

Albuquerque CoC-RRH programs have established a prioritized focus, based on the identified needs of the community, where in, households with minor children with a medium service need would best benefit from short-to-medium term rental assistance with support services.

Albuquerque CoC-RRH recipients will adopt and follow the prioritization and tenant selection method outlined in these Written Standards for placing all households in their programs.

Households experiencing homelessness, defined under category 1 or category 4 in these standards, will be selected in the following order of priority:

First Priority: Households with minor children identified by the NM-CES, with a VI-SPDAT score of 10 or lower will be prioritized first, in descending order.

Second Priority: If there are no households identified by the NM-CES that meet the first priority standards, households with minor children with a score of 11 or higher, will be prioritized in ascending order.

Third Priority: If there are no households identified by the NM-CES that meet the first or second priority standards, households without minor children that have a score of 9 or lower, will be prioritized, in descending order.

Forth Priority: If there are no households identified by the NM-CES that meet the first three priority standards, households without minor children that have a score of 10 or higher will be prioritized in ascending order.

Where a program has the available funds to place a household with minor children, those households will be prioritized over households without minor children. In the event that there are two households that have the same VI-SPDAT score, the household with the longest length of homelessness, as self-reported in the VI-SPDAT, will be prioritized first. In the event that there are two households that have the same VI-SPDAT score, and self-report the same length of homelessness, the household that presented first will be prioritized first.

### Special Population Focus

Some Albuquerque CoC-RRH programs may be designated for a special population such as domestic violence survivors, youth, veterans, and families with minor children. Prioritization and participant selection for programs that have an explicitly stated special population focus in the recipient's annual HUD CoC Application will be limited to households that meet the criteria for the program's designated special population.

Currently, the only special population designation served within the Albuquerque CoC is survivors of domestic violence. CoC-RRH programs for domestic violence survivors can be successful in providing safe residency for participants and unique case management as it pertains the circumstance that these households face. Providers are required to accept referrals from NM-CES for participants that would benefit from this unique program, without instituting additional barriers such as pass through from a specific emergency shelter, or referral through a domestic violence hotline.

### **Participant Selection**

All Albuquerque CoC-RRH providers will select program participants through referrals from the NM-CES. To ensure rapid referrals and program intake, providers should not wait until requesting a referral to notify NM-CES of upcoming available funds. If a provider is aware that they will be requesting a referral, because program participants will be exiting the program, the program is new, or the program will be expanding capacity, they should notify NM-CES immediately.

### Referral Process

When CoC-RRH providers are ready to accept new participants into their program, they will submit a referral request to NM-CES. NM-CES will provide a referral in accordance with the following:

- NM-CES will have five business days to provide the program with an appropriate referral and completed CoC Common Application, in accordance with the prioritization established by these Written Standards.

- NM-CES is not permitted to provide referrals that would violate these Written Standards or HUD regulations. If NM-CES is unable to provide a referral, because the request is out of compliance, they will provide notice, to include the reason for refusing to provide a referral, within five business days. It will be the responsibility of the provider to, within five business days of receiving the notice, either modify the request for referral, or contact the CoC Lead for assistance in finding a resolution.
- If NM-CES is unable to provide a referral, because there are no households available within the CES that meet the eligibility criteria for that program, they will provide written notice within five business days. The provider would then be responsible for selecting an applicant outside of the CES, using the prioritization system outlined in these standards, and must include the notice provided by NM-CES in the selected participant's program file.

NMCES will provide a completed CoC Common Application for the applicant to the CoC-RRH provider, along with any available supporting documentation, and will assist with connecting the applicant being referred in connecting with the CoC-RRH provider to the maximum extent practical.

- The provider must make contact with the program applicant within three business days of receiving a referral, and notify NM-CES immediately if not able to reach the applicant after three attempts using all available methods.
- In the event that the applicant is not reachable by NM-CES or the provider within three business days of attempted contact, the provider will send the CoC Common Application back to NM-CES listing inability to contact the client as reason for denial, and a new referral will be issued by NM-CES within three business days.

The CoC-RRH provider must give the applicant and NM-CES a specified date, time, and location for the initial eligibility determination and program intake meetings that accommodate the applicant's schedule.

- If the program applicant fails to attend a scheduled meeting, the provider must notify NM-CES immediately. If neither the program nor NM-CES are able to contact the applicant for three business days, the provider will send the CoC Common Application back to NM-CES listing inability to contact the client as reason for denial and a new referral will be issued by NM-CES within three business days.



- If the program applicant fails to attend three scheduled meetings within a two-week timeframe, the provider will send the CoC Common Application back to NM-CES listing inability to determine eligibility as reason for denial, and a new referral will be issued by NM-CES within three business days.

The CoC-RRH provider must make an eligibility determination within ten business days of receiving a referral. Once an eligibility determination is made, regardless of the outcome, the provider must submit confirmation or denial of eligibility and intake to NM-CES within one business day, using the CoC Common Application.

- If a program applicant is determined to be eligible for the program, and accepts the offer to participate in the program, the applicant will be accepted into the program. The date of eligibility determination will be the official program intake date, and listed as such in HMIS.
- If a program applicant is determined to be ineligible, based on one of the approved reasons listed in the CoC Common Application, or if the program applicant declines to participate in the program, NM-CES will send a new referral within five business days of receiving the returned CoC Common Application.

If a referral is denied for one of the above reasons, NM-CES and the CoC-RRH provider will both notify the program applicant verbally, and when possible, in writing as quickly as possible.

### **Eligibility Determination**

CoC-RRH providers are responsible for ensuring that program participants are eligible for CoC Rapid Re-Housing prior to program intake. The requirements for participant eligibility are imposed by the current NOFA through which the project is operating. Currently, to receive Albuquerque CoC Rapid Re-Housing assistance, participants must qualify as “homeless” based on Category 1 or 4 of the “homeless” definition found in 24 CFR 576.2.

CoC-RRH providers will determine eligibility based solely on HUD eligibility requirements and may not add additional eligibility requirements for CoC-RRH housing programs. Providers may not require applicants to provide additional documentation, beyond HUD’s documentation requirements, as part of the eligibility determination process. HUD currently only requires documentation of homelessness.

CoC-RRH providers have the primary responsibility to collect HUD required documentation of homelessness to verify eligibility. Applicants are expected to assist in collecting documentation when possible, but providers are responsible for determining and providing the level of support needed in this task. Definitions for eligibility based on homeless status categories are outlined below.

A. Homeless Category 1: Literal Homelessness

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; or
- Is living in a publically or privately operated shelter designated to provide temporary living arrangements (including congregate shelters and hotels/motels paid for by charitable organizations or by federal, state, or local government programs; or
- Is exiting an institution where they have resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately prior to entering that institution.

B. Homeless Category 4: Fleeing/attempting to flee domestic violence.

Individual or family who is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, and also:

- Has no other residence; and
- Lacks the resources or support networks to obtain other permanent housing.

### **Eligibility Record Keeping Requirements**

CoC-RRH providers must establish and follow written intake procedures to verify and document that program applicants meet HUD's definition of either Category 1 homelessness or Category 4 homelessness at time of program intake.

#### Documentation for Category 1: Literal Homelessness

Documentation showing literal homelessness at time of program intake must verify that the applicant is experiencing literal homelessness within 24 hours of program intake date. Providers

must make reasonable effort to obtain documentation providing evidence of homeless status in the order of priority listed below, starting with third-party documentation, and moving to intake worker observation, before accepting self-certification by the program applicant.

1. Third-Party Documentation: Certification provided by an outside source, or records contained in an HMIS database that show shelter stays are acceptable evidence of third-party documentation.
2. Intake Worker Observation: Documented verification that a designated intake worker has physically observed the eligible living situation of the applicant at program entry.
3. Self-Certification: Where the evidence above is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described above and a certification by the applicant seeking assistance that states that they are residing in a place not meant for human habitation or emergency shelter.

For individuals residing in an institution (including a jail, substance abuse or mental health treatment facility, or hospital) for fewer than 90 days, acceptable evidence includes:

1. Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution that demonstrates the person resided there for less than 90 days. All oral statements must be recorded by the intake worker; or
2. Certification from the person seeking assistance. Where the evidence above is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in the paragraph above and a certification by the individual seeking assistance that states that they are exiting or have just exited an institution where they resided for less than 90 days; and evidence of literally homeless status prior to entry.

#### Documentation for Category 4: Fleeing/Attempting to Flee Domestic Violence

Documentation showing Category 4 homelessness at time of program intake must verify that applicant is experiencing Category 4 homelessness within 24 hours of program intake date.

Documentation requirements vary slightly for victim service providers and non-victim service providers, with requirements outlined below.

- A. For victim service providers, documentation should include an oral statement by the applicant seeking assistance which states that they are fleeing, have no subsequent residence, and lack the resources to obtain housing that is certified by the applicant and intake worker.
- B. For non-victim service providers, documentation should include an oral statement by the applicant seeking assistance which states that they are fleeing, have no subsequent residence, and lack the resources to obtain housing that is certified by the applicant and intake worker; and where the safety of the applicant or other household members is not jeopardized by obtaining or documenting this information in the file, the self-certification must be verified by a written observation by the intake worker or a written referral by third party, with only the minimum amount of information necessary to document that the applicant meets the eligibility requirements for Category 4 homelessness.

Once a CoC program determines that an applicant is eligible, the applicant should be admitted into the program and assisted in locating and securing housing as quickly as possible. Providers may collect additional information and documentation needed to determine appropriate housing options, including income, rental history and criminal background history. Once the housing process has begun, the provider may continue to meet with and assess the participant in order to assist the participant with identifying goals and desired supports and services.

### **Homeless Management Information System (HMIS) Requirements**

All CoC-RRH providers are required to enter participants in the NM Homeless Management Information System (NM-HMIS) at first contact, reassessment, and exit, per current data standards. Programs that are specifically forbidden by other statutes or regulations (e.g., domestic violence victim service providers) must participate utilizing an approved comparable database to meet reporting requirements. Albuquerque CoC-RRH domestic violence (DV) providers shall actively utilize the Osnum comparable database system and shall be in compliance with all data quality standards set forth by HUD.

All providers must collect and maintain common data fields as determined by current HUD data standards in effect, and considering all relevant regulations. This requirement helps to ensure coordination between service providers through the Coordinated Entry System (NM-CES), while avoiding duplication of services and client data, and provides an opportunity to document homelessness for eligibility of assistance. Recipients must enter and maintain all data required to

complete all reporting requirements established by HUD, the City, and the CoC. All NM-HMIS participating agencies must also adhere to the policies and procedures outlined in the NM-HMIS Standard Operating Procedures, including timely, accurate, and complete data quality management.

#### Confidentiality of Records

All CoC-funded programs must uphold all privacy protection standards established by the NM-HMIS Standard Operating Procedures and relevant federal and State of New Mexico (State) confidentiality laws and regulations that protect client records. Confidential client records may only be released with the participant's or the participant's guardian's consent, unless otherwise provided for in the pertinent laws and regulations. All required HMIS forms can be found within the NM-HMIS database program.

#### Verbal Explanation

Prior to every participant's initial assessment, CoC-funded programs must provide a verbal explanation that the participant's information will be entered into an electronic database that stores client information and an explanation of the NM-HMIS Client Consent Form terms. Participants should also be informed that they may be removed from the database at any time at their request.

#### Written Consent

After being provided a verbal explanation, each participant who agrees to have his or her personal protected information (PPI) entered into the NM-HMIS must sign the NM-HMIS Client Consent Form. Exception: verbal consent to enter PPI into the NM-HMIS may be obtained during a phone screening, outreach, or diversion, provided that the provider obtains the participant's written consent at the next available opportunity. Households that do not sign the consent are entered into NM-HMIS using only an identifier number.

#### Privacy Policy

Providers must establish a written privacy policy, which must be posted in a place where all participants may easily view it, and will be provided upon a participant's request.

## **Securing and Maintaining Housing**

CoC-RRH providers will assist participants, to the maximum extent practicable, in reducing barriers to securing or maintaining housing, including connection to appropriate resources, efforts to resolve matters related to poor rental history or bad credit, and obtaining identification.

Providers will follow Housing First Principles. Participants will not be screened out for having too little or no income, a history of or active substance abuse, a criminal record (except for state mandated restrictions), or a history of victimization from domestic violence, sexual assault, or childhood abuse. Participants will not be terminated from the program for failure to participate in supportive services, failure to make progress on a service plan, loss of income or failure to improve income, or any other activity not covered in a lease agreement typically found for unassisted persons in the City of Albuquerque.

Providers will assist participants, to the maximum extent practicable, in identifying potential housing opportunities. Participants will select their own housing. Providers will not restrict housing choices, or deny assistance or services based on the participant's choice to accept or deny a housing opportunity.

Providers will establish clear and consistent policies and procedures that outline a 30-day timeframe for program participants to secure housing after program intake. Providers may grant up to two additional 30-day extensions, for program participants that are actively addressing barriers to securing housing in well-documented and extraordinary circumstances.

At program intake, providers will give program participants, in writing, notice of time limits for securing housing. If program participants do not secure housing within the established timeframe, they will be terminated from the program, in accordance with the provider's termination policy.

## **Rent Reasonableness**

For participants receiving rental assistance, household rent must comply with HUD's standard of rent reasonableness, meaning that 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. These rent restrictions are intended to help ensure that program participants can remain in their housing after

their assistance ends. Providers will evaluate rent reasonableness at program intake and at least once annually. Documentation of rent reasonableness evaluations will be kept in participant files.

### **Habitability Standards**

CoC-RRH program participants receiving rental assistance must meet HUD minimum habitability standards for permanent housing. Providers must document compliance with this standard by signing and completing a current Housing Quality Standards Inspection Form before the participant signs the lease and before the provider administers any CoC rental assistance or services specific to the unit. In addition, providers must inspect all units annually to ensure that the units continue to meet habitability standards.

### **Lead-Based Paint Requirements**

All HUD-funded housing programs occupied by program participants are required to incorporate lead-based paint remediation and disclosure requirements. Generally, these provisions require the provider to screen for, disclose the existence of, and take reasonable precautions regarding the presence of lead-based paint in leased or assisted units constructed prior to 1978.

CoC-funded programs are required to incorporate the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4846), and 24 CFR part 35, subparts A, B, H, J, K, M, and R in the unit.

### **Lease Agreement**

Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit. The program participant must be the tenant on a lease for a term of at least one year that is renewable and terminable only for cause. The lease must be renewable for terms that are a minimum of one month.

### **Income Verification**

All program participants will provide proof of income, or to certify that they have no income at program enrollment, when they provide notice that their income has changed, or at re-evaluation of program eligibility. Providers will complete the HUD rent calculation form to determine the maximum portion that the participant may pay toward rent, to meet utility reimbursement requirements, and to support the completion of a needs assessment. CoC-RRH providers must follow guidelines found under 24 CFR 5.609 when calculating income.

CoC-RRH providers must require program participants to notify them regarding changes in their income or other circumstances that affect their need for assistance (e.g. changes in household composition, stability, or support).

### **Income Record Keeping Requirements**

The following order of priority will be followed in collecting documentation to verify income:

1. **Source Documents.** Source documents for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation (e.g. wage statement, unemployment compensation statement, public benefits statement, bank statement).
2. **Third Party Verification.** A written statement by the relevant third party (e.g. employer, government benefits administrator, or the written certification by the 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 for which representative data is available.
3. **Self-Certification.** If source documents and third-party verification are unobtainable, a written certification by the program participant of the amount of income the program participant received for the most recent period representative of the most recent period for which representative data would be available.

### **Rent Calculation**

All adult program participants will provide proof of income, or certify that they have no income at program intake. Providers will complete the HUD rent calculation form, at program enrollment, to support the completion of a needs assessment and to meet utility reimbursement requirements.

CoC-RRH program participants will not be required to contribute a portion of their income towards rent until the end of their first three full calendar months after lease signing. Income verification and rent calculation will be completed again prior to the end of the second full month of rental assistance, and program participants will be informed in writing of their portion of the rent, starting at the fourth month.

*Example: Participant A enters program and signs a lease on July 10<sup>th</sup>. Program staff and Participant A will go through income verification at program intake. Income and need for continued assistance will be reassessed before the close of September. If Participant A no longer lacks the necessary resources and support networks to maintain independent permanent housing, the participant will be notified of program exit as of*



*the end of October, with a minimum of 30 days' notice. If Participant A still lacks the necessary resources and support networks to maintain independent permanent housing, rent will be calculated and Participant A will begin paying their portion of rent as of the first of November.*

Once program participants enter month four of rental assistance, they will be expected to contribute a portion of their income toward rent, in accordance with section 3(a)(1) of the U.S. Housing Act of 1937 (42 U.S.C. 1437a(a)(1)). This statute states that the household must pay the highest of:

- (a) 30 percent of the households monthly adjusted income (adjustment factors include the number of people in the household, age of family members, medical expenses, and child-care expenses);
- (b) 10 percent of the household's monthly income; or
- (c) If the household is receiving payments for welfare assistance from a public agency and a part of the payments (adjusted in accordance with the household's actual housing costs) is specifically designated by the agency to meet the household's housing costs, the portion of the payments that is designated for housing costs. *(New Mexico residents are not eligible for this form of assistance.)*

If at any point, a household has a monthly income that is calculated to cover their entire rent and utility obligation, they should be reassessed for graduation from the program.

CoC-RRH providers are not permitted to provide rental assistance to a program applicant 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.

## **Rent Payments**

Program participants receiving rental assistance funds pay their portion of rent directly to the landlord. The difference between the total rent and the amount paid by the program participant is then paid by the provider. CoC-RRH providers may not use CoC funds to cover the cost of the program participant's rent, or late payment penalties, if the program participant fails to pay his or her portion of rent.

Providers must make timely payments to each landlord or property owner in accordance with the rental assistance agreement. All rent payments must go directly to a third-party (directly to landlord). Providers are solely responsible for paying late payment penalties, that are incurred as a result of late payments on the agency portion of rent, with non-CoC funds.

## Utilities

For program participants residing in CoC-RRH, if the Public Housing Authority's monthly allowance for utilities exceeds the amount the program participant is required to pay for a rent contribution, the program participant must be reimbursed for the difference. Where a utility reimbursement is owed to the program participant this amount would need to be paid in one of the following ways:

1. Pay the program participant directly. The recipient or subrecipient can pay the utility reimbursement directly to the program participant.
2. Pay the Utility Company on Behalf of the Program Participant. The recipient or subrecipient can pay the utility reimbursement to the utility company on behalf of the program participant. If the recipient or subrecipient chooses to do this, the recipient or subrecipient must have the permission of the program participant and must notify the program participant in writing of the amount paid to the utility company (to allow the program participant to pay any outstanding amounts).

Note: CoC-RRH providers must maintain records of the program participant's permission to pay the utility company directly and the notification(s) to the program participant of the amount(s) paid on their behalf. In either method, the budget line item that the recipient uses to pay the utility reimbursement depends on the type of assistance provided. If the program participant is receiving rental assistance, the utility reimbursement may be paid with rental assistance funds. If the program participant lives in CoC-RRH for which leasing or operating funds are used, the utility reimbursement may be paid with operating funds. In no case may leasing funds awarded under the CoC Program be used to pay for those utilities that are not included in the recipient or subrecipient's lease. To the extent the utility reimbursement would be an eligible cost under the CoC Program, recipients or subrecipients may also use program income or matching funds to pay for the utilities.

## Security Deposit

RRH providers may also use funds to pay for security deposits, in an amount not to exceed 2 months of actual 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 the first month's rent.

### Application fees

CoC-RRH providers may pay one application fee for a participant during the housing search process with CoC-RRH funds.

### **Case Management**

CoC-RRH 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. Additional case management will be provided on a case-by-case basis based on demonstrated need.

Case managers must work with the program participant to develop a plan to assist the program participant in retaining permanent housing after the assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses, other public or private assistance for which the program participant will be eligible and likely to receive, and the relative affordability of available housing in the community. Identification of housing goals outlined in their plan should be led by the participant, with support and information provided by the case manager.

While case managers may encourage trust and build relationships by discussing non-housing related topics with participants, the primary purpose and ultimate goal of all participant interactions should be to ensure that the participant maintains permanent housing once assistance ends. Interactions with participants will be documented in participant files, and include details about progress towards housing goals and connection to other resources.

If program participants do not meet with a case manager not less than once per month, it is the responsibility of the program to continue to attempt to engage with the participant, in an effort to identify the cause and begin meeting with the participant. If efforts to engage the participant are unsuccessful, this must be documented in the participant's file.

Case management assistance will also be documented in the participant's file and in NM-HMIS in accordance with the NM-HMIS Standard Operating Procedures, or a comparable database (DV providers). Case management assistance may continue as "after-care," as needed and on a case-by-case basis, for up to 6 months after the participant is no longer receiving rental assistance.

## Coordination with Other Targeted Homeless Services

CoC-RRH providers must coordinate and integrate, to the maximum extent practicable, CoC-funded activities with other programs targeted to homeless people in the Albuquerque CoC. Efforts to coordinate with other targeted homeless services must be documented by providers. These programs may include, but are not limited to:

- Emergency Solutions Grant Program (24 CFR 576)
- Section 8 Moderate Rehabilitation Program for Single Room Occupancy Program for Homeless Individuals (24 CFR 882)
- HUD-Veterans Affairs Supportive Housing (HUD-VASH) (division K, title II, Consolidated Appropriations Act, 2008, Pub. L. 110–161 (2007), 73 FR 25026 (May 6, 2008))
- Education for Homeless Children and Youth Grants for State and Local Activities (title VII–B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.))
- Grants for the Benefit of Homeless Individuals (section 506 of the Public Health Services Act (42 U.S.C. 290aa– 5))
- Healthcare for the Homeless (42 CFR part 51c)
- Programs for Runaway and Homeless Youth (Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.))
- Projects for Assistance in Transition from Homelessness (part C of title V of the Public Health Service Act (42 U.S.C. 290cc–21 et seq.))
- Services in Supportive Housing Grants (section 520A of the Public Health Service Act)
- Emergency Food and Shelter Program (title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.))
- Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (section 40299 of the Violent Crime Control and Law Enforcement Act (42 U.S.C. 13975))
- Homeless Veterans Reintegration Program (section 5(a)(1)) of the Homeless Veterans Comprehensive Assistance Act (38 U.S.C. 2021)
- Domiciliary Care for Homeless Veterans Program (38 U.S.C. 2043)
- VA Homeless Providers Grant and Per Diem Program (38 CFR part 61)

- Health Care for Homeless Veterans Program (38 U.S.C. 2031)
- Homeless Veterans Dental Program (38 U.S.C. 2062)
- Supportive Services for Veteran Families Program (38 CFR part 62)
- Veteran Justice Outreach Initiative (38 U.S.C. 2031)

### **Connection to Other Federal, State, Local, and Private Assistance**

CoC-RRH providers must assist each program participant, as needed, to obtain other Federal, State, local, and private assistance available to assist the program participant in obtaining housing stability. Assistance provided to program participants must be documented by the provider. Assistance programs include:

- Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Women, Infants and Children (WIC)
- Federal-State Unemployment Insurance Program
- Social Security Disability Insurance (SSDI)
- Supplemental Security Income (SSI)
- Child and Adult Care Food Program
- Public housing programs
- Housing programs receiving tenant-based or project-based assistance
- Supportive Housing for Persons with Disabilities
- HOME Investment Partnerships Program
- Temporary Assistance for Needy Families (TANF)
- Health Center Program
- State Children’s Health Insurance Program
- Mental Health and Substance Abuse Block Grants
- Services funded under the Workforce Investment Act

## **Child School Enrollment and Connection to Services**

Providers will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including Title 1, early childhood programs such as Head Start, and parts B and C of the Individuals with Disabilities Education Act. Providers that serve households with children will post publically, and provide for households with children at intake, notice of education services available within the community, and document efforts to verify that children are enrolled in school and connected to appropriate services at least once annually.

Providers will also take the educational needs of children into account when families are placed 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 such children's education.

## **VAWA Emergency Transfer Plan**

In accordance with HUD VAWA protections (24 CFR 5.2005), providers will develop a written VAWA Emergency Transfer Plan, based on HUD's model emergency transfer plan (HUD form 5381), that provides participants who report that they are under actual or imminent threat with the opportunity to secure safe housing. The VAWA Emergency Transfer Plan must include the following:

### Unit Transfer

Program participants who have complied with all program requirements during their residence and who have been a victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believe they are imminently threatened by harm from further domestic violence, dating violence, sexual assault, or stalking (which would include threats from a third party, such as a friend or family member of the perpetrator of the violence), if they remain in the assisted unit, and are able to document the violence and basis for their belief, may retain assistance and will be moved, at their request, to another unit as quickly as possible. See recordkeeping requirements to ensure proper documentation of imminent threat of harm (24 CFR 5.2005).

### Notice of Occupancy Rights

Program participants must be provided with a "Notice of Occupancy Rights under the Violence Against Women Act" under the following circumstances:

- At the time the applicant is denied assistance or admission to the CoC program; or
- At the time the individual is provided assistance or admission to the CoC program; or
- With any notification of eviction or notification of termination of assistance.

The “Notice of Occupancy Rights under the Violence Against Women Act” must be made available in multiple languages.

#### Prohibited Basis for Denial or Termination of Assistance or Eviction

A household applying for or receiving assistance through a CoC housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis, or as a direct result of the fact that the applicant or participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or participant otherwise qualifies for admission, assistance, participation, or occupancy.

Program participants may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if:

- The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant; and
- The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault or stalking.

#### **Length of Program Stay**

The maximum length of assistance under a CoC-RRH program is 24 months. No household will receive more than a cumulative total of 24 months of RRH assistance, administered by any CoC or ESG provider within the State of New Mexico, within a 36-month period. All households accepted into an Albuquerque CoC-RRH program will be automatically enrolled for the first three full months of rental assistance. Each household will receive a full assessment prior to the end of the second full month of rental assistance, to determine need for continued assistance. At a minimum, the assessment should include review of income, access to mainstream benefits, budget management, transportation, childcare, social support systems, and other areas of demonstrated need. If the household is determined to need continued assistance, they will remain in the program and work with case management staff to meet their goals.

If the household income is higher than the rental assistance threshold, the households will not be eligible to receive rental assistance, but is still eligible to remain in the program and receive supportive services. The household will be assessed using a full service need assessment. If the full service need assessment determines that the household is lacking the financial resources and/or social supports to maintain permanent housing independently, the household will continue to be enrolled in the program for up to 12 consecutive months. Households will continue to be assessed every three months, first using the initial assessment and graduating to the full assessment if necessary, for the remainder of their participation in the program. If a household is determined to be able to maintain permanent housing without assistance from the CoC-RRH provider, the provider will give written and verbal notice to both the household and the landlord at a minimum of 30 days prior to program assistance ending. Under the circumstances outlined below, providers may grant 90-day extensions past the 12-month program, for up to a total of 24 months of rental assistance, and document reasons for extensions in the participant's file.

Outlined below are cause for granting an extension:

- Participant is taking active steps to pay off debt;
- Participant is taking active steps to secure or increase income;
- Participant has had a recent significant change in their income or financial obligations; or
- Participant is facing extraordinary circumstances that have been reviewed and certified by a designated staff person as a valid reason for granting an extension.

### **Termination of Assistance**

Providers may terminate assistance to participants who violate program requirements as outlined below, in accordance with 24 CFR 576.402 (a)(b)(c).

If a program participant violates written program requirements, the provider may terminate assistance in accordance with a formal process established by the provider that recognizes the rights of individuals affected. The provider must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases.



When terminating rental assistance or housing relocation and stabilization services, the required formal process shall minimally consist of:

- A written notice to the program participant containing a clear statement of the reasons for termination; and
- 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
- Prompt written notice of the final decision to the program participant.

Termination does not bar the provider from administering further assistance at a later date to the same household.

### **Participant Grievances**

Providers must create a formal standardized grievance process, which they must incorporate in their internal policy and procedures and at a minimum include:

- An established escalation process if no resolution is found through initial efforts; and
- A designated grievance liaison within the agency; and
- A standard grievance form that can be filled out and returned to a grievance liaison; and
- Participants are informed of their right to file a grievance at initial intake; and
- Participants are provided with notice of their right to contact the agency's Director, the CoC Lead and/or HUD to include contact information; and
- Notice that services will not be denied based on complaints or grievances.

### **Documentation Requirements**

CoC RRH programs are required to keep back up documentation in the participant's hard-copy or electronic file of the following:

- Applicant's CoC Common Application
- Eligibility determination and supporting documentation
- Initial and subsequent participant lease
- Initial and subsequent HQS inspection form

- Initial and subsequent income verification and documentation
- Initial and subsequent rent reasonableness verification
- Initial and subsequent rent calculation (using the HUD authorized form)
- Initial and subsequent verification of child school enrollment and connection to appropriate resources (for households with school-aged children only)
- Verification that participant received a copy of notice of Fair Housing Rights, lead-based paint warnings, notice of occupancy rights under VAWA, their lease, and program policies to include grievance and termination procedures at time of program intake
- All supportive service assessments and case management interactions
- All communications and notices related to the landlord or property owner, grievances or incident reports, VAWA transfers, or program graduation/termination

### **Environmental Review**

An annual environmental review will be conducted by all providers to demonstrate there are no hazardous materials present that could affect the health and safety of the occupants. All CoC activities are subject to environmental review under HUD's environmental regulations in 24 CFR part 58. The recipient, or any contractor of the recipient of CoC-RRH funds, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a CoC project, or commit or expend HUD or local funds for CoC eligible activities, until an environmental review under 24 CFR part 58 has been performed.

### **HUD Compliance**

CoC-RRH providers will regularly attend and participate in CoC membership meetings (the Albuquerque Strategic Collaborative), and meet deadlines set by HUD and the CoC Lead to complete all required HUD activities to include, but not limited to, Annual Progress Reports, CoC renewal project applications, requests for documentation or response prompted by monitoring visits or participant complaints, annual Albuquerque CoC renewal project review conducted by the IRC, and any data and narrative needed to complete the CoC Housing Inventory Chart and Point-in-Time Count, the System Performance Measures report, and the CoC Collaborative Application.

## **Homeless Representation**

Providers must ensure that not less than one homeless individual or formerly homeless individual participates on the board of directors or other equivalent policymaking entity of the agency, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under the Continuum of Care grant.

If the provider is unable to meet requirements outlined in the above paragraph, it must instead develop and implement a plan, to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive funding under Continuum of Care grant.

To the maximum extent practicable, the provider must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under CoC, in providing services assisted under CoC, and in providing services for occupants of facilities assisted under CoC. This involvement may include employment or volunteer services.