



New Mexico Coalition to End Homelessness

Common Standards for Administering Albuquerque and New Mexico Balance of State Continuum of Care (CoC) Permanent Supportive Housing Assistance

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The New Mexico Coalition to End Homelessness (NMCEH) is required to establish policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance. Permanent Supportive Housing (PSH) is targeted to households who need services in order to maintain housing with prioritization given to households who have been homeless for long periods of time or have experienced repeat episodes of homelessness. At a minimum, candidates for PSH must meet the Eligibility Requirements.

Use of the Common Standards and the Coordinated Entry System are requirements under the Continuum of Care (CoC) program. The CoC Impartial and Independent Review Committees will evaluate whether CoC programs have adhered to the standards and fully utilized the Coordinated Entry System, along with other evaluation criteria, when making annual renewal determinations.

1. Eligibility Requirements:

1. Must meet HUD's definition of homeless as defined in the HEARTH Homeless Definition Final Rule;¹
2. Must meet any additional criteria stipulated in the CoC Notice of Funding Availability for the grant year under which the program is operating;
3. Must have a member of the household with a severe or significant disabling condition.

2. Defining Level of "Service Needs"

The VI-SPDAT score should be used to determine the level of "service need." The higher the VI-SPDAT score, the higher the service need. When identifying which households have the most severe service needs, PSH projects should look for households with the highest VI-SPDAT scores who meet their program requirements. PSH projects should serve families that have at least a VI-SPDAT score of 9 and individuals that have at least a VI-SPDAT score of 8. In some cases, as described below, a PSH project may serve a household with a lower score than 9 (for families) or 8 (for individuals) if the household has a severe service need that is not captured by the VI-SPDAT. In this case, the process for an exception is that the staff of the agency making the exception will write a letter explaining the reason for the exception and the agency must keep a copy of the letter in their file.

1 <https://www.hudexchange.info/resource/1928/hearth-defining-homeless-final-rule/>

3. Participation in Coordinated Entry System

Albuquerque and Balance of State CoC PSH programs must use the statewide Coordinated Entry System (CES) to identify which individual or family they will house when they have an opening. The CES uses the VI-SPDAT (Vulnerability Index – Service Prioritization Decision Assistance Tool) as its common assessment tool. The VI-SPDAT helps determine the vulnerability of a homeless household and which type of supportive housing would best meet their needs. Based on a household's answers to the VI-SPDAT, the household receives a vulnerability score between 0-17 for individuals and 0-23 for families. The score includes duration of homelessness, physical health, behavioral health, and other factors to come up with an overall assessment of vulnerability. Each household's VI-SPDAT is entered in the Homeless Management Information System (HMIS), which calculates the score. All agencies that participate in the CES are able to view in HMIS the homeless households that have completed the VI-SPDAT and are part of the CES.

All programs that receive CoC funding are required to participate in the CES. In addition to filling housing openings through the CES, all CoC agencies are also required to conduct VI-SPDATs with household individuals and families that are seeking supportive housing. The overall share of VI-SPDATs that each CoC program is expected to conduct will be worked out at the local level.

4. Prioritization:

A. Dedicated and Prioritized Beds:

PSH projects, with dedicated chronic homeless beds, must follow the prioritization system listed below when filling an open bed. PSH projects that have beds that are **not** dedicated to chronically homeless people must prioritize at least 85% of open beds for households who meet HUD's definition of chronic homelessness, using the prioritization system listed below. This prioritization system is from HUD's Notice CPD-16- 11: Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing and Recordkeeping Requirements for Documenting Chronic Homeless Status.²

When filling an opening for a dedicated or prioritized bed(s), PSH programs must:

- 1) First identify the chronically homeless households in the CES with the highest VI-SPDAT score;
- 2) Of the households with the highest VI-SPDAT score, identify the household with the longest history of living in a place not meant for human habitation, a safe haven or in an emergency shelter (either continuously or the cumulative total length of at least 4 episodes over the last 3 years);
- 3) In the event that there are two households with the same VI-SPDAT score and same length of homelessness, the PSH should offer the housing opening to the household that first presented for assistance.

PSH programs will be able to use the CES to identify potential applicants in the priority order listed above.

B. Non Dedicated and Non Prioritized Beds:

onic- homelessness-and-other-vulnerable-homeless-persons-in-psh/

A PSH project with non-dedicated beds may fill up to 15% of their openings in their operating year with non-chronically homeless households. In this case, agency staff must write a letter explaining the reason that the household has been given priority and the agency must maintain written documentation on file. The PSH project must use the following prioritization system when filling openings with a non-chronically homeless household. This prioritization system is from Notice CPD-16-11: Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing and Recordkeeping Requirements for Documenting Chronic Homeless Status.

First Priority: Homeless Individuals and Families with a Disability with Long Periods of Homelessness and Severe Service Needs

- The individual has a VI-SPDAT score of 13 to 17 or the family has a VI-SDPAT score of 16 to 23, or the PSH program can document a severe service need in absence of a high VI-SDPAT score
- Within households that score as listed above, priority should be given to the household with the longest history of living or residing in a place not meant for human habitation, a safe haven or in an emergency shelter (either continuously or the cumulative total length of all episodes over the last 3 years)

Second Priority: Homeless Individuals and Families with Disability Coming from Places Not Meant for Human Habitation, Safe Havens or Emergency Shelters with Less Severe Service Needs

- The individual has a VI-SPDAT score of 8 to 12 or the family has a VI-SDPAT score of 9 to 15, or the PSH program can document a high service need in absence of a high VI-SDPAT score

Third priority: Homeless Individuals and Families with a Disability Coming from Transitional Housing

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

PSH programs will be able to use the CES to identify potential applicants in the priority order listed above.

5. Due Diligence

When a PSH program has an upcoming opening for a dedicated or prioritized chronic homeless bed(s), the program must use due diligence to find and house a chronically homeless household using the process described below.

In order to expedite this process, the CES staff will work with the people on the CES list who appear to be chronically homeless and have the appropriate VI-SPDAT score to gather the required documentation ahead of time. In this way there may be chronically homeless people with full documentation ready to house when an opening occurs.

The PSH program should contact the potential clients and begin the process of documenting chronic homelessness, if it has not been done ahead of time, using the New Mexico Chronic Homelessness Documentation Packet. In order to document chronic homelessness a total of 12 months of homelessness must be documented. The PSH program should accept a chronically homeless household if:

- The qualifying household member has third party documentation for at least 9 months of homelessness and self-certification for the remaining three months OR
- The qualifying household member does not have 3rd party verification for at least 9 months, but has the self-certification for the time periods needed that are not covered by 3rd party verification AND less than 25% of the PSH program's current households used self-certification for more than 3 months.

The PSH program should document its due diligence to identify and house a chronically homeless household using the due diligence form in the New Mexico Chronic Homelessness Documentation Packet.

If the PSH agency has accepted chronically homeless people into its program who are self-certified for more than three months, the agency should continue to seek third party documentation for the full 9 months for these clients, in order to free up a space for a new household that must use self-certification for 4 or more **months**.

6. Policy of a PSH Project Cannot Locate a Chronically Homeless Person or Family

The purpose of this policy is to ensure that PSH programs do not have to leave beds unfilled because they cannot identify a chronically homeless household. If the program is **not** able to identify a chronically homeless household in their service area within **14 days** of the bed(s) becoming available, the program should proceed with filling the bed(s) with a non-chronically homeless household using the prioritization system for Non Dedicated and Non Prioritized Beds on Page 3.

If the agency thinks that the person they chose for the opening might actually be chronically homeless, they should work with the client after they are housed to try to document the chronic homelessness.

7. Documentation of Homelessness, Chronic Homelessness and Disability

A. Documentation of Homelessness Status

Homelessness must be documented as required under the Homeless Definition Final Rule. This can be found at: <https://www.hudexchange.info/resource/1928/hearth-defining-homeless-final-rule/>

B. Documentation of Chronic Homelessness Status

Chronic homelessness must be documented as required under the Defining Chronic Homeless Final Rule. This document can be found at:

<https://www.hudexchange.info/resource/4847/hearth-defining-chronically-homeless-final-rule/>. PSH projects are encouraged to use the New Mexico Chronic Homelessness Documentation Packet to ensure they are documenting chronic homelessness correctly.

C. Documentation of Disability

Disability must be documented as required under the Homeless Definition Final Rule. This can be found at: <https://www.hudexchange.info/resource/1928/hearth-defining-homeless-final-rule/>

8. Operation

A. Length of Stay

There is no maximum length of stay in Permanent Supportive Housing programs. Residents may stay in permanent supportive housing until they find a different permanent housing situation that better meets their needs, provided they abide by the terms of their lease.

B. Client Rent and Occupancy Charges

i. All clients enrolled in permanent supportive housing programs that receive leasing funds may be required to pay an occupancy charge or rent. If rent or occupancy charges are imposed they may not exceed the highest of:

a) 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);

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

(c) 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.

ii. All clients enrolled in permanent supportive housing programs that receive rental assistance funds must pay a contribution 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 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);

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

(c) 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.

C. Fair Market Rent and Rent Reasonableness Standards

i. For PSH projects that receive leasing funds, the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services. In addition, the rents may not exceed rents currently being charged for comparable units, and the rent paid may not exceed HUD-determined fair market rents.

ii. For PSH projects that receive rental assistance funds, , the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services. Rents may exceed HUD fair market rents, as long as the rent is reasonable in relation to rents being charged for comparable units.

9. Continuum of Care Common Application

This section of the Common Standards has also been adopted by the Albuquerque Continuum of Care, and only applies to Albuquerque Continuum of Care projects.

A. When to Use the CoC Common Application

All CoC housing programs will use the Continuum of Care Common Application to determine whether a household is eligible for their program. When a CoC housing program has an opening, the program should identify the highest priority household in the Coordinated Entry System (CES), using the prioritization system described in these Common Standards.

The head of household for the identified household should then complete the Common Application, if it has not already been completed. The CoC housing program staff, CES staff or any other service provider (regardless of whether the provider receives CoC funding) may assist the applicant with completing the Common Application. The CoC housing program should not have multiple applicants complete a Common Application in advance of an opening in order to create a waitlist of potential participants.

All CoC housing programs are strongly encouraged to contact CES staff directly for a referral when they have an opening as this is the most efficient way to utilize the prioritized CES list. CES will provide a referral as soon as possible. The referral will include any documentation the CES staff has completed or collected up to that point. Such documentation may include a completed Common Application and documentation of current or prior episodes of homelessness. The housing program is responsible for completing all remaining required documentation, and for reviewing all documentation (including that provided by CES) to ensure it is accurate and complete.

B. Using the CoC Common Application to Determine Eligibility

CoC housing programs will determine eligibility based solely on the information in the CoC Common Application and on the accompanying HUD required documentation that verifies homelessness, chronic homelessness (if applicable) and disability (if applicable). CoC housing programs may not supplement the CoC Common Application with additional questions or another application to determine eligibility for specific CoC housing programs. CoC housing programs may not require applicants to provide additional documentation, beyond HUD's documentation requirements, as part of the eligibility determination process. HUD only requires documentation of homelessness, chronic homelessness (if applicable) and disability (if applicable).

CoC housing program staff have the primary responsibility to collect HUD required documentation of homelessness, chronic homelessness (if applicable) and disability (if applicable) to verify the information reported in the Common Application. Applicants are expected to assist in collecting documentation when possible, but CoC programs are responsible for determining and providing the level of support needed in this task.

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. Program staff 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 CoC

program may continue to meet with and assess the participant in order to assist the participant with identifying goals and desired supports and services.

A CoC housing program may find an applicant ineligible for the following reasons:

- 1) The applicant does not meet HUD requirements for the CoC Housing Program, as described in Section 1 of the Common Standards.
- 2) The applicant does not meet the CoC housing program's specific eligibility requirements as stated in the most recent CoC Project Application.
- 3) The applicant is not permitted to participate in services provided by this agency due to a history of dangerous or threatening behavior to agency staff.
- 4) The applicant does not respond to the CoC housing programs after several attempts have been made to reach the applicant using all contact methods listed on the applicant's application.

C. Next Steps for CoC Common Application Once Eligibility Determination is Made

Intake staff are responsible for completing all boxes on the "For Internal Use Only" page of the application.

If the applicant is determined eligible and admitted into the program, the "For Internal Use Only" page of the application must be submitted to NMCEH CES System staff within 48 hours of an eligibility determination.

If the applicant is denied entry to the program, the reason must be clearly recorded in this section "For Internal Use Only" page of the application. The applicant's completed CoC Common Application should be submitted to the CES within 48 hours of an eligibility determination (unless the CES already has a copy of the applicant's completed application, in which case only the the "For Internal Use Only" needs to be submitted). CES staff will follow-up with any denied applicants regarding other housing options.

D. Domestic Violence Providers

CoC housing programs that specifically serve survivors of domestic violence will use the CoC Common Application. Domestic violence providers will keep hard copies of the completed CoC Common Application in the applicant's file. The completed application will not be shared with the CES or with other housing providers unless the applicants gives explicit permission to do so.

E. Effective Date

This policy becomes effective 45 days from the adoption of this language in the Common Standards.

10. Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

This section of the Common Standards has also been adopted by the NM Balance of State Continuum of

Care, and only applies to Balance of State Continuum of Care projects.

A. Emergency Transfers

Each CoC project is concerned about the safety of its participants, and such concern extends to participants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ each CoC project allows participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the participant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of each CoC project to honor such request for participants currently receiving assistance, however, may depend upon a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the CoC project has another dwelling unit that is available and is safe to offer the participant for temporary or more permanent occupancy.

This plan identifies participants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to participants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that all Continuum of Care projects are in compliance with VAWA.

B. Eligibility for Emergency Transfers

A participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit. If the participant is a victim of sexual assault, the participant 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.

A participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Participants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

C. Emergency Transfer Request Documentation

To request an emergency transfer, the participant shall submit a written request for transfer to the CoC project's management office. The CoC project will provide reasonable accommodations to this policy for

¹ Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

individuals with disabilities. The participant's written request for an emergency transfer should include either:

1. A statement expressing that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the CoC project's program; OR
2. A statement that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the participant's request for an emergency transfer.

D. Confidentiality

The CoC project will keep confidential any information that the participant submits in requesting an emergency transfer, and information about the emergency transfer, unless the participant gives the CoC project written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the participant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about the CoC project's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

E. Emergency Transfer Timing and Availability

The CoC project cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The CoC project will, however, act as quickly as possible to move a participant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a participant reasonably believes a proposed transfer would not be safe, the participant may request a transfer to a different unit. If a unit is available, the transferred participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the participant has been transferred. The CoC project may be unable to transfer a participant to a particular unit if the participant has not or cannot establish eligibility for that unit.

If the CoC project has no safe and available units for which a participant who needs an emergency is eligible, the CoC project will assist the participant in identifying other housing providers who may have safe and available units to which the participant could move. At the participant's request, the CoC project will also assist participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan. If the participant needs to move out of the local area, the CoC project will reach out to the New Mexico Coalition to End Homelessness for assistance in identifying units in other communities.

F. Safety and Security of Participants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the participant is urged to take all reasonable precautions to be safe.

Participants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Participants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>. Participants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

G. Attachment: New Mexico organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.