

Albuquerque Continuum of Care
Written Standards for Administering
CoC Housing

Approved 9/4/2024

Introduction

In accordance with Title 24 of the Code of Federal Regulations (24 CFR Part 578), the City of Albuquerque (CABQ), through the Albuquerque CoC Board and with the support of the Albuquerque Strategic Collaborative (ASC/CoC Membership), have developed the following Written Standards. These standards apply to all projects that receive Continuum of Care (CoC) funding in the Albuquerque CoC and are intended as the set minimum standards for administering these funds. Albuquerque CoC projects may develop additional standards for administering project assistance, and any additional standards cannot be in conflict with those established by the ABQ CoC, HUD CoC Program Interim Rule, the most recent HUD CoC Notice of Funding Availability (NOFA), or limit access to those that would otherwise benefit from assistance. In addition, all CoC 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 programs are administered fairly and methodically. The ABQ CoC Board, along with the ASC Membership will continue to build upon and refine this document to address the needs of those in the community experiencing homelessness.

Contents

Introduction	2
I. Overarching Standards	7
A. System Participation	7
1. Homeless Management Information System	7
a. Confidentiality of Records	7
b. Verbal Explanation	7
c. Written Consent	7
d. Privacy Policy	7
2. Coordinated Entry System	8
B. Retention and Maintenance of Program Records	9
1. Eligible and Non-Eligible Applicants for Services	9
2. Participant Files	9
3. Documentation Requirements	9
C. Homeless Representation	10
D. Housing Quality Standards	10
E. Lead-Based Paint Requirements	10
F. Environmental Review	11
G. Equal Access and Fair Housing	11
1. Prohibition Against Involuntary Family Separation	11
2. Affirmatively Furthering Fair Housing	12
3. Accessibility and Integrative Housing and Services for Persons with Disabilities	12
a. Geographic Mobility of Housing for Rental Assistance	12
H. Termination of Assistance and Grievances	13
1. Termination	13
2. Grievances	14
I. HUD Compliance	14
J. Child School Enrollment and Connection to Services	15
K. VAWA Emergency Transfer Plan	15
L. Connection to Appropriate Services	16
M. Coordination with Other Services and Assistance	17
1. Securing and Maintaining Housing	18
3. Supportive Services	19
N. Match	20
1. Cash Match	20
2. In-Kind Match	21
M. Independent Review Committee (IRC)	21
II. Permanent Supportive Housing	25
A. Prioritization for CoC PSH	25

1. Evidence of Service Need	25
2. Order of Priority	25
3. Evidence That There Are No Households Meeting the First Order of Priority Within the CoC's Geographic Area	26
4. Transfers from One CoC PSH Program to Another CoC PSH Program	26
B. Participant Selection	27
1. Referral Process	28
C. Eligibility Determination	29
1. Qualifying Disability	29
2. Literal Homelessness	29
3. Chronic Homelessness	30
D. Record Keeping Requirements	30
1. Documenting Disability	30
2. Documenting Homelessness	31
3. Order of Priority for Collecting Eligibility Documentation	31
4. Order of Preference for Third Party Verification	31
a. HMIS Records	32
b. Institutional Records	32
c. Verification by a Housing or Service Provider or a Community Member	33
d. Documenting Breaks in Homelessness	33
E. Standards Specific to Leasing and Operations Funded Programs	33
1. Fair Market Rent	34
2. Leasing and Occupancy Agreements	34
3. Rent Responsibility and Payment	34
4. Vacant Units	34
5. Security Deposits	34
6. Property Ownership Restrictions	35
F. Standards Specific to Rental Assistance Programs	35
1. Lease Agreement	35
2. Rental Agreement	35
3. Rent Payments	35
4. Security Deposit	35
G. Program and Participant Contributions	36
1. Income Verification	36
2. Income Record Keeping Requirements	36
3. Rent Reasonableness	36
4. Rent Calculation	36
5. Application Fees	37
6. Utility Cost	37

H. Supportive Services for PSH	38
1. Connection to Alternative Housing Options	38
III. Rapid Re-Housing	39
A. Prioritization for CoC RRH	39
1. Evidence of Service Need	40
2. Special Population Focus	40
B. Participant Selection	40
1. Referral Process	41
C. Eligibility Determination	42
D. Record Keeping Requirements	43
1. Documenting Category 1: Literal Homelessness	43
2. Documenting Category 4: Fleeing/Attempting to Flee Domestic Violence	44
E. Length of Program Stay	44
F. Lease Agreement	45
G. Security Deposit	45
H. Participant and Project Contributions	45
1. Income Verification	45
2. Income Record Keeping Requirements	45
3. Rent Reasonableness	46
4. Rent Calculation	46
5. Rent Payments	47
6. Application Fees	47
7. Utility Cost	47
I. Property Ownership Restrictions	48
J. Supportive Services for RRH	48
IV. Transitional Housing	50
A. Prioritization for CoC TH	50
1. Evidence of Service Need	50
2. Special Population Focus	51
B. Participant Selection	51
1. Referral Process	51
C. Eligibility Determination	52
D. Record Keeping Requirements	53
1. Documenting Category 1: Literal Homelessness	53
3. Documenting Category 4: Fleeing/Attempting to Flee Domestic Violence	54
E. Fair Market Rent	55
F. Leasing and Occupancy Agreements	55
G. Rent Responsibility and Payments	55
H. Vacant Units	55

I. Property Ownership Restrictions	55
J. Participant and Project Contributions	56
1. Income Verification	56
2. Income Record Keeping Requirements	56
3. Rent Reasonableness	56
4. Rent Calculation	56
5. Utility Cost	57
a. Maintaining Financial Records	57
K. Supportive Services for TH	58

I. Overarching Standards

A. System Participation

All CoC grant recipients and subrecipients are all required to participate in supporting foundational systems that support the coordination of services within the community.

1. Homeless Management Information System

All CoC providers are required to enter participants into the Homeless Management Information System (HMIS) or a comparable database approved by HUD (for the Albuquerque CoC this is currently only Osnum). A comparable database is defined as a data collection/information system used by a victim service provider or legal service provider that collects client-level data over time and generates unduplicated aggregate reports based on the data in accordance with the requirements of 24 CFR 580. The comparable database must comply with all HMIS data information, security, and processing standards, as established by HUD in the notice. CoC funded activities must comply with HUD's standards on participation, data collection and reporting under a local HMIS. See 24 CFR 576.107 for eligible activities.

a. Confidentiality of Records

All CoC providers shall uphold all privacy protection standards established by the HMIS Standard Operating Procedures and relevant Federal and State of New Mexico 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 HMIS database program.

b. Verbal Explanation

Prior to every participant's initial assessment, subrecipients 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 NMHMIS Client Consent Form terms. Participants should also be informed that they may be removed from the database at any time at their request.

c. Written Consent

After being provided a verbal explanation, each participant who agrees to have their personal protected information (PPI) entered into NMHMIS must sign the NMHMIS Client Consent Form.

Exception: Verbal consent to enter PPI into NMHMIS may be obtained during a phone screening, outreach, or diversion, provided that the recipient or subrecipient obtains the participant's written consent at the next available opportunity (which should take place on the average within 14-days). Households that do not sign the consent form are entered into NMHMIS using only an identifier number.

d. Privacy Policy

CoC 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.

2. Coordinated Entry System

Albuquerque Coordinated Entry System (CES) is a community-wide process for facilitating access to Continuum of Care (CoC) and Emergency Solutions Grants (ESG) resources, designated for individuals and families experiencing homelessness. CES ensures that every individual or family experiencing homelessness is assessed using a common assessment tool, is known by name, is provided assistance based on their 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 (NMHMIS).

The New Mexico Coalition to End Homelessness (NMCEH) serves as the Lead Agency for the Albuquerque 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. They ensure 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 CoC providers are required to participate in the local CES (24 CFR part 578). Requirements of participation are as follows:

- CoC providers operate as an agency that will serve 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 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 previously trained staff.
- To the maximum extent practicable, 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 CES.
- CoC providers will submit all completed VI-SPDAT surveys to CES within three business days of being completed.
- CoC providers will post notices about CES in a public space, including contact information, to be viewable by anyone presenting for housing or services.
- CoC providers will have a current NMHMIS data sharing agreement.
- CoC providers will select all program participants using CES, using the prioritization and tenant selection process outlined in these standards.
- CoC providers will not add stipulations to applicant referral requests that are not explicitly outlined in HUD regulations or the program application submitted to HUD for that operating year.
- CoC providers will not deny housing or services to any program applicant based on specific or individual answers to the VI-SPDAT questions. Rather providers must use the overall summary score for prioritization and should not use those individual answers as a part of eligibility determination.

- CoC providers will not make updates to a participant's answer(s) in the VI-SPDAT without the participant's knowledge and consent.
- CoC providers will be asked to complete a Memorandum of Understanding between themselves and CES in order to serve as a CES access point.
- Agencies that elect to drop program grants will be required to participate in the process of transferring their grant to the new agency, including offering technical assistance to and participating in meetings with the new agency to discuss program specifications. This may include meetings between program managers, case managers, and fiscal staff from both agencies.

B. Retention and Maintenance of Program Records

Sufficient records must be established and maintained to demonstrate that CoC requirements are being met (24 CFR 578.103). The requirements for record keeping in the CoC projects are outlined within the Written Standards for Administering CoC Housing. Specific requirements for each project type are outlined within the appropriate Written Standards for that project type.

1. Eligible and Non-Eligible Applicants for Services

CoC providers shall maintain documentation on all households seeking assistance in accordance with the Written Standards for Administering CoC Housing.

If determined ineligible, documentation must reflect the reasons. Sufficient records must be established and maintained to demonstrate that CoC requirements are being met. Documentation of participant eligibility and assistance provided must be retained for six (6) years after the expenditure of all funds from the grant under which the program participant was served.

2. Participant Files

Participant files should document homeless eligibility, including a detailed record of services provided to each participant. Any information requested on the APR and required as per the HUD Data Standards should be a regular part of recordkeeping procedures for nonprofits. Participant files should reflect dates, types, program costs, etc. of all services in order to document both efficient grant management and the success of the project. Records must be retained for at least six (6) years after the end of the grant period.

3. Documentation Requirements

CoC PSH providers 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, occupancy agreement, and/or rental agreement
- 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

C. Homeless Representation

CoC providers must ensure that no less than one individual with lived experience of homelessness (either current or past experience) 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, in accordance with 24 CFR 578.75(g).

If the CoC provider is unable to meet requirements outlined in the above paragraph, it must instead develop and implement a plan, to consult with individuals with lived experience of homelessness 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 CoC providers must involve individuals and families with lived experience of homelessness in constructing, renovating, maintaining, and operating facilities assisted under the CoC, in providing services assisted under the CoC, and services for occupants of facilities assisted under the CoC. This involvement may include employment or volunteer services.

D. Housing Quality Standards

Housing leased with CoC program funds, or paid in full or in part with CoC rental assistance funds must meet the applicable Housing Quality Standards (HQS) under 24 CFR 982.401. CoC providers are expected to conduct a physical HQS inspection of a housing property or unit prior to being able to provide any assistance on behalf of a program participant. Assistance cannot be provided for units that fail to meet HQS, unless the owner corrects any deficiencies within 30-days of the initial inspection and the CoC provider verifies that all deficiencies have been corrected. CoC providers are expected to re-inspect all units at least once annually to ensure that the units continue to meet HQS. Shared living programs must complete an annual inspection on all units. Programs that use project-based vouchers or operate master lease units may not complete their own HQS inspections. These programs are required to contract or draft a Memorandum of Understanding with a certified outside agency to complete their HQS inspection prior to a client moving in.

E. Lead-Based Paint Requirements

All HUD-funded housing programs occupied by CoC project participants are required to incorporate lead-based paint remediation and disclosure requirements (24 CFR 578.75 (b)). 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.

F. Environmental Review

In accordance with the CoC Interim Rule, 24 CFR 578.31, an annual environmental review will be conducted by CoC 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 50. The provider, or any contractor of the provider of CoC funds, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a CoC program, or commit or expend HUD or local funds for CoC eligible activities, until an environmental review under 24 CFR part 50 has been performed.

G. Equal Access and Fair Housing

CoC providers 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 programs funded by the CoC, ESG, and HOPWA Programs.

It is allowable for housing programs to exclusively serve families with children, and 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.

CoC providers shall not prohibit access to CoC-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. Subrecipients will post publicly a HUD issued Fair Housing notice, in a place that is visible to all program participants and persons who present for assistance or services.

1. Prohibition Against Involuntary Family Separation

CoC providers must follow the guidance listed on 24 CFR 578.93 (e). 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. Subrecipients cannot discriminate, or limit access, 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 the project.

2. Affirmatively Furthering Fair Housing

CoC providers must implement their programs in a manner that affirmatively furthers fair housing. This means that providers must market their housing and services to eligible persons, on a nondiscriminatory basis, who are least likely to apply in the absence of special outreach. CoC providers must also maintain records of those marketing activities. It is expected that CoC providers will document within their policies and procedures their strategies for marketing to persons who would otherwise not access their services. Additionally, it is expected that CoC providers will supply program participants with information on their rights and remedies available under the applicable federal, state and local fair housing and civil rights laws.

CoC 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. CoC 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 CES and how the program participates in the CES.

In the event that a CoC provider encounters a situation or action that impedes fair housing choice for current prospective program participants, the CoC provider should notify the City of Albuquerque, the jurisdiction that provided the certification of consistency with the Consolidated Plan.

3. Accessibility and Integrative Housing and Services for Persons with Disabilities

The CoC providers must comply with the requirements of the Fair Housing Act (24 CFR part 100), Section 504 of the Rehabilitation Act of 1973 (24 CFR part 8), and the Titles II and III of the Americans with Disabilities Act (28 CFR parts 35 and 36). CoC programs must be provided in the most integrated setting appropriate to the needs of the persons with disabilities.

The CoC providers must take appropriate steps to ensure effective communication to persons with disabilities including, and not limited to, adopting procedures that will make available 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 persons.

a. Geographic Mobility of Housing for Rental Assistance

In accordance with 24 CFR 578.51 (c)(4), participants receiving tenant based rental assistance may choose housing outside of a project's geographic area while retaining their original voucher. This is to accommodate those who are unable to find units within FMR or those who are unable to connect to appropriate supportive services in the original geographic area.

Participants receiving tenant-based rental assistance may choose housing outside of a project's geographic service area as long as the project is still able to meet all supportive service requirements in the geographic area where the participant chooses housing. This also allows for participants to move between CoCs.

If the project cannot provide the required services directly through its own employees due to geographic distance, the project may contract with another local agency to provide the required supportive services with a contract or a memorandum of understanding between the agency holding the voucher and agencies providing supportive services.

If the project is unable to meet the requirements of this part, either directly or through a third-party contact, the project may refuse to permit the participant to retain the tenant-based rental assistance if the participant chooses to move outside of the project's geographic area.

Projects permitting a participant to move outside of the project's geographic area should monitor any increases in the amount of rental assistance paid in the new geographic area, as drastic changes in FMR could negatively affect the project's unit capacity.

H. Termination of Assistance and Grievances

1. Termination

CoC providers may terminate assistance to participants who violate program requirements or a condition of occupancy, including non-payment of rent as outlined below, in accordance with 24 CFR 578.91.

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, in an effort to only terminate a program participant's assistance only in the most severe cases.

CoC providers must have a formal, written termination policy and procedure that shall minimally consist of:

- Providing participants with a written copy of the program rules and termination process before they begin receiving assistance (CoC providers should ensure program participants understand this process, especially when engaging with someone with disabilities that may impact comprehension); **AND**
- Dated written notice to the program participant that clearly states the reasons for termination; **AND**
- The opportunity for the participant to present a written or oral objection to a person other than the person (or a subordinate of that person) who made or approved the termination (see Grievances for further guidance); **AND**
- Prompt written notice of the final decision to the program participant.

Termination does not bar the subrecipient or other CoC funded projects from administering further assistance at a later date to the same individual or household.

*In cases where an objection is presented orally/verbally, the agency should document the statement/objection in its entirety and in writing to keep on record. Clients terminated by a program for violent or threatening behavior may be bypassed by Coordinated Entry for openings in the same program, unless the agency and CES agree to readmit that client. Agencies are encouraged to create a policy regarding the readmission of clients previously terminated for violent or threatening behavior. If the client is referred to a new program, CES will be required to disclose the reasons for the client's termination and assist the provider in identifying appropriate support for the client..

2. Grievances

Grievance procedures are used if the participant wants to file a complaint against the agency or staff members (about a decision or action).

CoC providers must create a formal standardized grievance process, which they must incorporate in their internal policy and procedures. Policies must outline the escalation process for clients who are unsatisfied with the outcome of a decision or action made by the agency.

- Agencies must have an internal escalation of grievances leading up to the program director and/or the Board of Directors (unless there are extenuating circumstances);
- The CoC Lead – in this case NMCEH – is to be approached if the participant/s has exhausted all grievance or appeal options within the agency and the participant is still not satisfied with the outcome; **AND**
- A standard grievance form that can be filled out and returned to an identified liaison within the agency or a that can be completed by the identified liaison when documenting an oral grievance; **AND**
- Informing participants of their right to file a grievance at initial intake; **AND**
- Notice that services will not be denied based on complaints or grievances.

It is expected that providers will do all they reasonably can to resolve the issue at the agency level first. If a program participant has a grievance that was unable to be addressed by the agency, the program participant is able to contact the local CoC and should be informed of this by the CoC provider. Escalated grievances should come to the CoC Team at coc@nmceh.org. If the CoC is unable to help the program participant resolve the problem, or if the program participant has a complaint regarding the administration of the program or the performance of the program itself, then the participant can submit an inquiry to the local HUD field office.

CoC providers should NOT include HUD in their grievance procedure, the CoC will work with a program participant, if necessary, to escalate beyond the CoC.

*In cases where a grievance or appeal is presented orally/verbally, the agency should document the statement in its entirety and in writing to keep on record. It should also show that the client has verbally consented to presenting the information orally/verbally, and have the client sign the dictated document.

I. HUD Compliance

CoC 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, and not limited to: Annual Progress Reports, CoC renewal program applications, requests for documentation or responses prompted by monitoring visits or participant complaints, annual Albuquerque CoC renewal program review conducted by the Independent Review Committee (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.

J. Child School Enrollment and Connection to Services

CoC 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, parts B and C of the Individuals with Disabilities Education Act, and connection to services which can support parenting and education for youth. 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.

K. 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:

1. Unit Transfer

Program participants who have been a victim of domestic violence, dating violence, sexual assault, or stalking, and who 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, may retain assistance and will be moved, at their request, to another unit as quickly as possible.

Such participants will be moved to the top of the Coordinated Entry System priority list. Participating agencies are also encouraged to collaborate to facilitate a timely transfer to another unit where the victim of domestic violence feels safe. Thus, both a centralized, formal Coordinated Entry response and an informal CoC-wide effort will go into effect when program participants reveal that they are experiencing or are in imminent danger of experiencing domestic violence in order to facilitate a timely transfer to another unit. Participants seeking unit transfers under VAWA and in a rental assistance program can also utilize the mobility option outlined above in the section: Geographic Mobility of Housing for Rental Assistance Projects. This is applicable to VAWA under 24 CFR 578.51 (c)(3).

2. Notice of Occupancy Rights

All program participants must be provided with a “Notice of Occupancy Rights under the Violence Against Women Act:”

- At the time the individual is provided assistance or admission to the CoC program;
- The “Notice of Occupancy Rights under the Violence Against Women Act” must be made available in multiple languages.

L. Connection to Appropriate Services

The key to the success of any program is a screening and assessment process, which thoroughly explores a household’s situation and pinpoints their individual housing and service needs. Based upon the assessment, households should be referred to the housing and services most appropriate to their situations and needs. Albuquerque Coordinated Entry System staff and VI-SPDAT trained intake staff assist to better match households with the most appropriate assistance. Rapid re-housing funding will be available to those who are literally homeless or are homeless as a result of fleeing domestic violence, to ultimately move into permanent housing and achieve housing stability.

CoC providers must assist each participant, as needed, to obtain appropriate supportive services, including assistance in obtaining permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living; housing stability case management; and other Federal, State, local, or private assistance available to assist the participant in obtaining housing stability including:

- Medicaid
- Supplemental Nutrition Assistance Program
- 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, and
- Other mainstream resources such as housing, health, social services, employment, education services and youth programs that an individual or family may be eligible to receive

M. Coordination with Other Services and Assistance

CoC 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 the subrecipients. 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)

1. Securing and Maintaining Housing

CoC 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, including and not limited to:

- Participants will not be screened out for having too little or no income
- Participants will not be screened out for having a history of or active substance abuse
- Participants will not be screened out for having a criminal record (except for state-mandated restrictions)
- Participants will not be screened out for having 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.
- Participants will not be terminated for failure to make progress on a service plan
- Participants will not be terminated for loss of income or failure to improve income
- Participants will not be terminated for any activity not covered in a lease agreement typically found for unassisted persons in the State of New Mexico.

- Participants will not be immediately terminated from Rental Assistance Programs if they are evicted.
 - Programs should exercise judgment when using eviction as a cause for termination of assistance.

All CoC and ESG providers are expected to adopt this Housing First approach and continually lower the barriers to entry for prospective clients and avoid screening out clients based on real or perceived barriers to success. A provider that repeatedly rejects referrals of high-needs clients based on an inability to safely accommodate those clients must attempt to improve its capacity to serve high-needs clients. The CoC will provide training and technical assistance on this topic upon request. The CoC's Independent Review Committee is encouraged to reallocate the funding of low-capacity providers that cannot or will not make diligent efforts to improve their capacity to serve high-needs clients.

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 additional 30-day extensions, for program participants that are actively addressing barriers to securing housing in well-documented and extraordinary circumstances. If circumstances require extensions, providers should clearly document this within the file. HUD expects that the CoC will have an average move-in time of 30-days.

At program intake, providers will give program participants, in writing, a 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, and will be redirected back to the Coordinated Entry System if returning to or continuing experiencing homelessness.

Agencies are strongly encouraged to establish a policy in which once a client is determined to be eligible for a program, the case manager and client discuss housing requirements and expectations for both parties and come to an agreement on what constitutes a suitable housing unit..

3. Supportive Services

CoC programs must ensure that participants have access to supportive services, to include meeting with a case manager or support services staff not less than once per month to assist the program participant in ensuring long-term housing stability. Additional case management and support services should be offered on a case-by-case basis based on demonstrated need.

CoC programs should offer to support participants in developing a plan to assist the participant in retaining permanent housing, taking into account all relevant considerations, such as the program participant's current or expected income and expenses, and other public or private assistance for which the program participant will be eligible and likely to receive. Identification of goals outlined in their plan should be led by the participant, with support and information provided by the case

manager. Interactions with participants will be documented in participant files, and include details about progress towards goals and connection to other resources.

Case management assistance will be documented in the participant's file and in NMHMIS in accordance with the NMHMIS Standard Operating Procedures, or a comparable database (DV providers). Case management assistance for RRH and TH may continue as aftercare, as needed and on a case-by-case basis, for up to 6 months after the participant is no longer receiving rental assistance (24 CFR 578.37 (a)(1)(ii)(C) for RRH and 24 CFR 578.53 (b)(3) for TH).

CoC programs may not require participants to engage in case management or supportive services to remain in the program. Providers must maintain the minimum level of contact necessary to ensure that the participant is still occupying the unit funded through the program. All participant interactions should be documented in the participant file, regardless of engagement in supportive services.

Specifics to program type for supportive services are outlined in the appropriate sections.

As outlined in 24 CFR 578.53 (e) eligible uses of supportive services funds are:

- Annual Assessment of Services ([§ 578.53\(e\)\(1\)](#))
- Moving costs ([§ 578.53\(e\)\(2\)](#))
- Case management ([§ 578.53\(e\)\(3\)](#))
- Childcare ([§ 578.53\(e\)\(4\)](#))
- Education services ([§ 578.53\(e\)\(5\)](#))
- Employment assistance and job training ([§ 578.53\(e\)\(6\)](#))
- Food ([§ 578.53\(e\)\(7\)](#))
- Housing search and counseling services ([§ 578.53\(e\)\(8\)](#))
- Legal services ([§ 578.53\(e\)\(9\)](#))
- Life skills training ([§ 578.53\(e\)\(10\)](#))
- Mental health services ([§ 578.53\(e\)\(11\)](#))
- Outpatient health services ([§ 578.53\(e\)\(12\)](#))
- Outreach services ([§ 578.53\(e\)\(13\)](#))
- Substance abuse treatment services ([§ 578.53\(e\)\(14\)](#))
- Transportation ([§ 578.53\(e\)\(15\)](#))
- Utility deposits ([§ 578.53\(e\)\(16\)](#))

Supportive services funds can also be used for providing for a supportive services facility not contained in a housing structure, such as costs of day-to-day operations, maintenance, repair, building security, furniture, utilities, and equipment, see 24 CFR 578.53 (a).

N. Match

All CoC Funded programs need to provide match funds of 25% the total awarded funds every grant year, minus any leasing funds or where there is an agreement with HUD otherwise. These match dollars are to help support the program, and are in the form of either cash, in-kind, or both. Cash and in-kind match have different methods of tracking as outlined by HUD, commitment of match is

required at application and grant agreement, and once the contract is executed recipients and subrecipients are required to keep track of match expenditure on eligible activities.

General eligible activities include:

- Acquisition
- Rehabilitation
- New Construction
- Leasing
- Rental Assistance
- Supportive Services
- Operating Costs
- HMIS
- Project Administration

1. Cash Match

When the source of match is cash, written documentation should be provided on the source agency's letterhead, signed and dated by an authorized representative, and, at a minimum, should include the following:

1. Amount of cash to be provided to the recipient for the project;
2. Specific date the cash will be made available;
3. The actual grant and fiscal year to which the cash match will be contributed;
4. The time period during which funding will be available; and
5. Allowable activities to be funded by the cash match.
 - a. Note that cash match can be used to pay agency staff who are performing eligible activities.

2. In-Kind Match

In-kind match is utilized when another provider incurs the cost of an appropriate eligible activity that supports your agency's clients. Entering into an in-kind match agreement with a 3rd party service provider requires the signing of a Memorandum of Understanding between agencies, including listing out what services and costs will be provided by the 3rd party service provider. If the recipient/subrecipient does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in the same labor market. Therefore, recipients/subrecipients must document standardized local rates for specific types of services as a basis for match commitments. For example, common in-kind services include outpatient mental health visits, medications, alcohol, and substance abuse therapeutic sessions, and employment training/day programs.

Recipients/subrecipients should regularly check with 3rd party providers of in-kind match, not only to ensure that they are providing adequate documentation but also to determine if:

1. Their fee structure and/or standardized pricing has changed; and/or
2. The type(s) of services provided to program participants has changed.

M. Independent Review Committee (IRC)

All projects selected for renewal are reviewed, scored and ranked by the IRC. Renewal projects will be ranked above any new project applications. The process of IRC review has two steps: meeting threshold criteria (see chart below) to begin the scoring process, and then being reviewed and graded on scoring criteria. In 2022, the IRC's scoring criteria included HMIS data quality and timeliness, housing placement and retention, utilization of capacity, and income increase and retention, with extra points available for timely and complete responses to IRC requests.

Appendix A-Threshold Criteria Chart

Area of Focus	Criteria	Pass	Pass with Comment	Fail
HUD Review	Outstanding HUD compliance issues as reported by HUD to NMCEH for the purpose of the IRC review.	No known unresolved compliance issues.	Compliance issues that are unresolved, but do not put the project at imminent risk of losing funding.	Compliance issues that are unresolved and put the project at imminent risk of losing funding.
Fiscal Stability	The agency's two most recently completed financial audits.	No findings on the most recently completed agency financial audit.	Unresolved findings, material weaknesses, or significant deficiencies identified during the most recently completed financial audit.	Unresolved findings, material weaknesses, or significant deficiencies identified during the most recently completed financial audit that are repeated from the previous financial audit and/or are significant enough in volume or nature that the IRC determines that the lack of financial stability puts the agency at risk of being unable to execute and/or operate the project.
Monitoring Visit Findings	***The project's most recently completed monitoring reports from HUD, the City of Albuquerque (if applicable), the NM Mortgage Finance Authority (if applicable) and NMCEH.***	No unresolved findings, concerns, or corrective actions.	Findings, concerns, or corrective actions listed in monitoring reports that are unresolved.	Findings, concerns, or corrective actions listed in monitoring reports that are unresolved and significant enough in nature that the IRC determines the project is at risk of being unable to operate the project in compliance with HUD regulations and would put the project at imminent risk of losing funding.

Area of Focus	Criteria	Pass	Pass with Comment	Fail
*Unexpended Funds	Project's current LOCCS drawdown reports showing expenditures for two most recently completed operating years, as well as the drawdowns for the current operating year.	Project has expended a minimum of 90% of the project funds for the most recently completed operating year and are within 30% of expected drawdowns for the current operating year	Project has expended at least 90% of project funds for one of the two most recently completed operating years, but is not within 30% of expected drawdowns for the current operating year.	Project has expended less than 90% of project funds for the two most recently completed operating years, and is currently not within 30% of the expected drawdowns for the current operating year.**
*Annual Progress Reports (APR)	APR submissions in SAGE database and any additional correspondence with HUD surrounding the APR, if applicable.	Project submitted their most recently completed APR on time and with no outstanding and overdue HUD required corrections	Project did not submit their most recently completed APR, or any required corrections, by the HUD required deadline.	Prior to the final ranking decision being made by the IRC, the project has not submitted an APR, and the HUD deadline for response has passed; or has not submitted required corrections, and the HUD deadline for response has passed.
HMIS	Project confirmation that they have an active HMIS administrator and HMIS user on staff.	Project has a registered HMIS administrator and user.	Project does not have a registered HMIS administrator and user, but is willing and able to send a staff member to the next available HMIS training.	Project is unwilling or unable to have an active HMIS administrator or user.
CES	Project confirmation that they have at least one current staff member who has been trained in conducting the VI-SPDAT.	Project has at least one current staff member trained in conducting the VI-SPDAT.	Project does not have a current staff member trained in conducting the VI-SPDAT, but will send a staff member to the next available training.	Project is unwilling or unable to have a current staff member trained in conducting the VI-SPDAT.
Project Policies	Project confirmation that their	All required policies are	Project is in the process of	Project is unwilling or unable

	<p>policies and procedures include the following HUD required policies: Non-discrimination and Equal Access, Child School Enrollment, VAWA, and Affirmative Marketing.</p>	<p>adopted by the project.</p>	<p>adopting some or all of the listed policies.</p>	<p>to adopt the required policies.</p>
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*New projects that have not completed a full operating year will automatically “pass” this measure.

**If a project receives a “fail” for this measure, the IRC will consider the viability of the project continuing operations if the portion of funds not being expended is reallocated, rather than the full grant. If considered still viable, the amount reallocated will be calculated based on the current amount that the project is behind in expending funds, rounded to the nearest \$10,000 increment. If the project is considered eligible for renewal through a “pass with comment.” If the project is not considered viable at the listed amount, the entire amount for that project will be reallocated.

***If any of the project is still in process to respond to their monitoring findings or concerns from any funder, they can provide updates to the IRC up to the scoring criteria deadline.

II. Permanent Supportive Housing

CoC Permanent Supportive Housing is designed to aid individuals and families experiencing homelessness with a disability with stable permanent housing. Enrollment in an Albuquerque CoC PSH 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 PSH is that the program is not time limited, allowing providers to tailor assistance to the unique needs of each household without limited rental assistance.

A. Prioritization for CoC PSH

In accordance with HUD's Notice CPD-16-11: Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing, prioritizing CoC PSH for chronically homeless households is not a one-size-fits-all approach and should only be offered to those households that truly need the level of support provide by this program. In order to use the limited resources available within the community in the most effective way possible, the Albuquerque CoC is committed to prioritizing PSH for those most in need through an established order of priority.

The Albuquerque CoC has developed an order of priority to establish a process for prioritizing placement into PSH through the CES. The overarching intent of this order of priority is to ensure that chronically homeless households with the longest length of time homeless and the most severe service need are prioritized over other eligible households.

1. Evidence of Service Need

The CoC has approved the use of a standard common assessment tool, the VI-SPDAT detailed in these standards, as the assessment tool to determine the level of "service need," wherein the higher the calculated numerical value reported on the VI-SPDAT, the higher the service need. The VI-SPDAT covers 6 domains of acuity for families and individuals experiencing homelessness. No additional criteria may be used to determine a participant's service need, as determination must not be based on a specific diagnosis or disability type, but only on the severity of needs of the individual. The determination cannot be made based on any factors that would result in a violation of any nondiscrimination and equal opportunity requirements, see 24 CFR § 5.105(a).

2. Order of Priority

First Priority: The order of priority established prioritizes chronically homeless households with the most severe service needs. Chronically homeless households are offered housing interventions in descending order from highest VI-SPDAT score to 11.

Second Priority: In the event that there are no chronically homeless households identified within the Albuquerque CoC geographical coverage area, households that are not chronically homeless with the most severe service need will be prioritized first.

The following applies when there are two households with identical service need score presenting for housing at the same time:

- The household with the longest history of homelessness will be offered the housing intervention first, in descending order from longest to shortest time homeless.
- Where there are two households with matching service need score and length of homelessness, the household that had been identified in the community first, as recorded in HMIS, will be offered the housing intervention first.
- Where there are two households with matching service need score and length of homelessness, a household that has never been previously housed through a CoC program may be prioritized over a household that has previously been housed.

*Note: The order of priority established above will be followed in the context of each program's construction and target population. Referrals will follow the household construction designation (with or without children) in accordance with the program's contractual obligation to the City of Albuquerque and HUD. Once a program's contractual obligation is met, programs may request referrals for additional households of either construction, based on capacity to serve that household construction (e.g. with or without children, not household size).

3. Evidence That There Are No Households Meeting the First Order of Priority Within the CoC's Geographic Area

In the event that CES is unable to locate a household that meets the first order of priority outlined in these Written Standards, the CES will document how it was determined that there were no chronically homeless households that met a higher priority identified for assistance within the CoC's geographic area at the point in which a vacancy became available, as outlined in the *Notice CPD-16-11: Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing*. This documentation will include evidence of all outreach efforts that had been undertaken to locate eligible chronically homeless households within the Albuquerque CoC defined geographic coverage area and, where chronically homeless households have been identified but have not yet accepted assistance, the documentation should specify the number of persons that are chronically homeless that meet this condition and the attempts that have been made to engage the individual or family.

Subrecipients must keep this documentation on file for any non-chronically homeless households placed in CoC PSH.

4. Transfers from One CoC PSH Program to Another CoC PSH Program

PSH is intended to be permanent, with no time limits, and is intended to target disabled persons that are literally homeless that have not been successful at maintaining permanent housing on their own. Under rare circumstances, CoC PSH programs may serve individuals and families from other CoC PSH programs who met the eligibility requirements for the new CoC PSH program at the time that they entered the original CoC PSH program. Section 423(f) of the McKinney-Vento Act, as amended by the HEARTH Act.

Once an eligible household is placed in CoC PSH, the household does not retain their homeless or chronic homeless status, and can be transferred between CoC PSH programs, under certain circumstances. Eligible households that request a transfer, that were also chronically homeless prior to entering the original CoC PSH that they are currently participating in, or who are otherwise eligible for a transfer under the Albuquerque CoC VAWA Emergency Transfer Plan, will be prioritized for available CoC PSH openings over households that are not yet participating in CoC PSH.

This means that an individual or family may transfer from one CoC PSH program to another, under the CoC Program Rule. A transfer can occur if there is another CoC PSH program that better meets the service needs of the program participant, a transfer is needed under the VAWA Emergency Transfer Plan, or where the current CoC PSH program in which they reside is ending operations or is reducing in size.

A CoC PSH provider cannot determine when a program participant is "ready" to be transferred or exited from a program and must forward the request for transfer to the NMCEH CoC Team before it is sent to CES. CoC PSH providers cannot look for or make decisions regarding transferring participants outside of the NMCEH CoC Team and CES. Transfers are not guaranteed for all current participants receiving CoC PSH assistance that may seek a transfer due to eligibility requirements, availability of funds, or program designation. CoC PSH providers accepting program participants from other CoC PSH programs must keep records on file including a CoC transfer sheet, demonstrating that the individual or family is: (1) transferring from another CoC PSH program; (2) the reason for the transfer; and (3) confirmation that the participant met the eligibility requirements for PSH prior to entering the original PSH program.

CoC Transfers between PSH programs may take an indeterminate amount of time to occur, this is based on availability/openings in PSH programs. Clients requesting a transfer between PSH programs will be placed in the next available program for a the next available agency, clients will not be placed in other PSH programs operated by the agency (unless there is a clear demonstrated need that a different PSH program at the agency can support the client better) and agencies will only excepted from availability to client is there is a reported history of safety concerns. Once the transfer process begins, both agencies are notified by the NMCEH CoC Team along with CES and once housing has been transferred or a new housing is secured, agencies must notify each other to exit the client appropriately in HMIS.

*Note: Programs transferring a participant from one CoC PSH to another under the VAWA Emergency Transfer Plan must follow the additional processes and documentation requirements outlined in these standards under VAWA Emergency Transfer Plan.

B. Participant Selection

All Albuquerque CoC PSH providers will select program participants through a prioritized referral process from CES. To ensure rapid referrals and program intake, providers should not wait until requesting a referral to notify 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 CES immediately.

1. Referral Process

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

- Once an opening is available, CES will have 10 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.
- CES will be required to make at least 3 attempts over 5 days following a referral request to contact the first priority client. If the client does not make contact by the end of the 5 day period, CES will move on to the second priority client and so on. All attempts at contact must be documented in the clients progress notes in HMIS
- CES is not permitted to provide referrals that would violate these Written Standards or HUD regulations. If 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.

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

- The provider must make contact with the program applicant within 5 business days of receiving a referral, and notify 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 CES or the provider within three business days of attempted contact, the provider will send the CoC Common Application back to CES listing inability to contact the client as reason for denial, and a new referral will be issued by CES within 5 business days.

The PSH provider must give the applicant and CES a specified date, time, and location for all meetings pertaining to eligibility determination and program intake that accommodate the applicant's schedule.

- If the program applicant fails to attend a scheduled meeting, the provider must notify CES immediately. If neither the program nor CES are able to contact the applicant for 5 business days, the provider will send the CoC Common Application back to CES listing inability to contact the client as reason for denial and a new referral will be issued by CES within 5 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 CES listing inability to determine eligibility as reason for denial, and a new referral will be issued by CES within 5 business days.

The PSH 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 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 approved reasons listed in the CoC Common Application, or if the program applicant declines to participate in the program, 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, the CoC PSH provider will notify the program applicant verbally, and when possible, in writing as quickly as possible.

C. Eligibility Determination

CoC PSH providers are responsible for ensuring that participants are eligible for CoC Permanent Supportive Housing prior to program intake. The requirements for participant eligibility are imposed by the current NOFA through which the program is operating. Currently, to receive Albuquerque CoC PSH assistance, heads of household must qualify as “chronically homeless” based on the “Final Rule for Defining Chronic Homelessness” definition found in 24 CFR parts 91 and 578, meaning that the applicant, serving as the head of household, meets the following three conditions: has a qualifying disability, is experiencing literal homelessness at time of program intake, and has experienced a history of literal homelessness that meets the standard for chronic homelessness.

CoC PSH providers will determine eligibility based solely on HUD eligibility requirements and may not add additional eligibility requirements for CoC PSH housing programs.

1. Qualifying Disability

A Qualifying Disability is defined as:

1. A physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury that meets the following criteria:
 - a. Is expected to be long-continuing or of indefinite duration; **AND**
 - b. Substantially impedes the individual’s ability to live independently; **AND**
 - c. Could be improved by the provision of more suitable housing conditions; **OR**
2. A developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); **OR**
3. The disease of acquired immunodeficiency syndrome (AIDS) or any condition arising from the etiologic agency for acquired immunodeficiency syndrome (HIV).

2. Literal Homelessness

Literal homelessness, Category 1, is defined, by HUD, as currently living in one of following:

1. Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - a. Has a primary nighttime residence that is a public or private place not meant for human habitation; **OR**

- b. Is living in a publicly 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**
- c. 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.

3. Chronic Homelessness

The applicant must have experienced at least 12 months of literal homelessness under one of the following conditions:

1. Continuously, were the applicant has experienced 12 consecutive months of literal homelessness immediately prior to intake, with no breaks in literal homelessness lasting longer than six days; **OR**
2. The applicant has experienced at least four separate occurrences of literal homelessness within the three years immediately prior to intake, that total at least 12 months of literal homelessness. Each occurrence must be separated by a break in literal homelessness of seven or more days.

D. Record Keeping Requirements

CoC PSH providers must meet specific record-keeping requirements when documenting participant eligibility for this program. This section will address the methods that programs must use, in order to establish written documentation that shows a program applicant meets the eligibility criteria for PSH programs.

CoC PSH providers have the primary responsibility to collect HUD required documentation of homelessness and disability 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 to complete this task.

1. Documenting Disability

Programs must document that a participant has a qualifying disability at program intake using one of the following:

- Written verification by a professional licensed to diagnose and treat the qualifying disability; **OR**
- Written verification from the Social Security Administration, which may include an award/benefit verification letter that specifies that benefits were awarded for a disability; **OR**
- The receipt of a current disability check, where an SSDI or Veteran Disability check establishes a disability with no further clarification needed, but an SSI check must clarify that it is for a disability; **OR**
- If one of the above is not available at intake, a documented observation made by the person determining eligibility, known as an “intake worker observation,” where additional documentation in the form of written verification by a licensed professional, written

verification from the social security administration, or the receipt of a current disability check is also obtained within 45 days of program intake.

Note: Medical records or treatment plans do not qualify as appropriate documentation of a disability, and should therefore not be used in determining the eligibility of an applicant.

2. Documenting Homelessness

HUD does not require documentation showing that an applicant is literally homeless for every day of the 12 months used to determine eligibility for chronic homelessness. One documented day within a calendar month is enough to establish homelessness for that entire calendar month, unless there is documentation showing that the applicant had a break in literal homelessness during that month.

For literal homelessness status at time of intake, documentation must show that the applicant was literally homeless *within 14 days* of eligibility determination.

HUD has established additional specific record-keeping requirements and standards for documenting homelessness status for current literal homelessness, and chronic homelessness that are outlined below.

3. Order of Priority for Collecting Eligibility Documentation

HUD has established an “Order of Priority” for documenting literal homelessness. This order of priority establishes guidelines for how program staff should prioritize different forms of documentation, with attempts to collect higher-priority documentation before moving on to lower-priority documentation. Reasonable efforts should be made to follow the order of priority established by HUD. The order of priority is as follows:

1. Third Party Verification – Intake staff should make a reasonable effort to obtain third party documentation for current literal homelessness and for all 12 months showing chronic homelessness. For months that cannot be covered by third party documentation, the effort to do so should be recorded as due diligence.
2. Intake Worker Observation – Where applicable, intake worker observation should take priority over self-certification of literal homelessness.
3. Self-Certification – For any month that the applicant must document literal homelessness because third-party verification or intake-worker observation is not available, the applicant must provide self-certification of their living situation during that month.
4. All 12 months used to establish chronic homelessness, must be covered by one of the following: third party verification, intake worker observation, or self-certification by applicant.

4. Order of Preference for Third Party Verification

In order to build the strongest case possible for documenting literal homelessness and chronic homelessness, the following order of preference should be used when collecting third party verification.

1. HMIS

2. Third Party Verification provided by a housing or service provider or institutional documentation.
3. Third Party Verification provided by a community member that does not have a personal relationship with the applicant.
4. Third Party Verification provided by a community member that has a personal relationship with the applicant.

a. HMIS Records

HMIS records can be used to establish shelter stays only. Outlined below are the detailed instructions that must be followed in pulling HMIS records, as provided by the local HUD field office.

1. An HMIS record should be a “screen shot” that includes Client name, Shelter name, and entry/exit dates.
2. The local HUD field office has asked that programs generate a “Client Event Report.” To do this, programs must:
 - a. Log into ServicePoint, and click on “REPORTS”,
 - b. Click on “ART”,
 - c. Once in the “ART” directory, open the “PUBLIC FOLDER”,
 - d. In the “PUBLIC FOLDER”, open the “CoC and MFA” sub-directory,
 - e. Select the “409 – CLIENT EVENT HISTORY” report,
 - f. There is only one user prompt within this report, enter the desired “HMIS CLIENT ID”, and
 - g. Save the report.
3. A printed hard copy of the report and retain the “CLIENT TRANSACTION DETAIL” tab information in the participant file.
4. It is important to note when using HMIS records, HMIS relies on user input to be timely and accurate, so program staff should discuss with the applicant their own memory of shelter stays and encounters and not assume that every encounter and shelter stay is recorded, properly or at all, in HMIS.

b. Institutional Records

Institutions, such as hospitals or prisons, can provide official records that confirm institutional stays or literal homelessness at time of intake. If an individual qualifies as chronically homeless because he or she has been residing in an institutional care facility for less than 90 days and was living in a shelter or place not meant for human habitation immediately prior to entering the institutional care facility, evidence must include one of the following:

- Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institutional care facility stating the beginning and end dates of the time residing in the institutional care facility. All oral statements must be recorded by the intake worker; **OR**
- Where the evidence listed above is not obtainable, a written record of the intake worker’s due diligence in attempting to obtain that evidence and certification by the individual seeking assistance that states that he or she resided for fewer than 90 days; and third party

verification or self-certification that the individual was living in a shelter or place not meant for human habitation immediately prior to entering the institutional care facility.

c. Verification by a Housing or Service Provider or a Community Member

Third party contacts have different authorization to provide verification, based on their relationship with the applicant. Housing and service providers who know the applicant in their professional capacity, such as shelter staff, housing staff from other programs, doctors, teachers, case managers, therapists, or police officers can verify living situations that they see or that they hear about. If they hear about a living situation, they need to clarify that it is their professional opinion that the information is accurate.

Outreach Workers must physically observe an applicant's living situation to verify current literal homelessness, but may provide verification for previous months of homelessness that they either observed or were told about at the time of the encounter.

Community Members such as shopkeepers, volunteers, neighbors, family members or friends may only provide third-party verification for living situations that they physically observed.

Written verification is always preferred over oral verification. There are two circumstances where oral verification is appropriate.

- When it is not possible to obtain written verification.
- When written verification that has already been provided is not complete, and requesting updated written verification is burdensome, program staff can document oral conversations where they obtained clarification about the details of the third-party's encounter with the applicant.
- Written third party verification must include a printed name, signature, and contact information of the person providing verification. Details of the verification must provide either the specific date or the month for which verification is being provided, exactly where the applicant was residing, the third party's relationship to the applicant, and why the third party is able to provide verification.

If the written verification is provided by a housing or service provider, the document should be on letterhead. If verification is being provided because the applicant reported their homelessness status to the housing or service provider, then the verification must include certification that the provider believes the information to be accurate.

d. Documenting Breaks in Homelessness

When documenting episodic chronic homelessness, any breaks in literal homelessness need to be documented and all breaks can be documented using self-certification by the applicant. A minimum of three separate breaks must be documented in the file, in order to establish episodic chronic homelessness.

E. Standards Specific to Leasing and Operations Funded Programs

Below are standards applicable ONLY to CoC PSH providers that operate with leasing or operations funds.

1. Fair Market Rent

CoC PSH providers utilizing leasing or operating funds to pay for rental assistance are required to meet Fair Market Rent standards (FMR). HUD establishes FMR to determine payment standards or rent ceilings for HUD-funded programs that provide housing assistance, which it publishes annually for 530 metropolitan areas and 2,045 non-metropolitan county areas. Federal law requires that HUD publish final FMRs for use in any fiscal year on October 1, the first day of the HUD fiscal year. FMRs for each fiscal year can be found by visiting HUD's website. Providers must evaluate FMR at lease signing and at least once annually.

2. Leasing and Occupancy Agreements

For leasing and operations programs, the lease must be between the CoC PSH provider and the landowner/owner of the property. An additional occupancy agreement or sublease must also be signed between the grantee and program participant that formalize their housing rights and outlines program expectations regarding continued occupancy in the housing. The occupancy agreement must be for a term of at least one year and be automatically renewable upon expiration for terms that are a minimum of one month long, except if prior notice is provided by either party.

3. Rent Responsibility and Payment

CoC PSH providers utilizing leasing or operating funds are responsible for 100% of the rent or subleasing costs, even in circumstances where the program participant does not pay their portion in a given month. Payment of rent is made directly to the landowner or owner based on actual cost. Leasing funds may be used to pay up to 100% of the costs of leasing a structure.

CoC PSH providers operating leasing programs can collect the portion of the client's rent as program income under 24 CFR 578.49(b)(7). Collecting of program income in this manner must be clearly shown in the programs' accounting.

CoC PSH providers are not permitted to provide leasing or operations 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.

4. Vacant Units

CoC PSH providers utilizing leasing or operating funds must continue to pay rent on a temporarily vacant unit that is still under contract or lease.

5. Security Deposits

CoC PSH programs may use leasing 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.

Multiple security deposits for the same participant are allowable when a household must be relocated to a different unit (e.g., if FMR and/or rent reasonableness changes or if household composition changes). Any refund of the initial deposit must be returned to the provider.

6. Property Ownership Restrictions

Leasing funds cannot be used to lease units or structures owned by the provider, or their parent, subsidiary, or affiliated organization. HUD has the authority, however, to grant an exception to the ownership clause for good cause. Providers that use project-based vouchers or operate master lease units may not complete their own HQS inspections. These programs are required to contract or draft a Memorandum of Understanding with a certified outside agency to complete their HQS inspection prior to a client moving in.

F. Standards Specific to Rental Assistance Programs

Below are the standards applicable ONLY to CoC PSH providers that operate with rental assistance funds.

1. Lease Agreement

Each program participant receiving rental assistance must have a legally binding written lease for the rental unit. The 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.

2. Rental Agreement

The CoC PSH providers must have a written agreement with the landowner governing the payment of rental assistance. Providers must make timely payments to each landlord or property owner in accordance with this rental agreement. All rent payments must go directly to a third-party (directly to the landlord). Providers are solely responsible for paying late payment penalties that are incurred by the program with non-CoC funds.

3. 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 participant is then paid by the provider. CoC PSH 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 their 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 the 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.

4. Security Deposit

CoC PSH programs may use rental assistance 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.

**Note: The standards outlined below are no longer separated by program funding type, and are applicable to all CoC PSH programs.*

G. Program and Participant Contributions

1. 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, and at annual assessment. 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 PSH providers must follow guidelines found under 24 CFR 5.609 when calculating income.

CoC PSH providers must require program participants to notify them regarding changes in their income.

2. 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 provider'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.

3. Rent Reasonableness

Program participant 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, taking into account location, size, type, quality, amenities, facilities, and management and maintenance of each unit. Reasonable rent 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.

4. Rent Calculation

Participants will be required 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:

- 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 childcare expenses); **OR**
- 10 percent of the household's monthly income; **OR**
- 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.)*

CoC PSH 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.

5. Application Fees

CoC PSH providers may pay for application fees for a participant during the housing search process. The CoC PSH provider may only pay for one application fee at a time, but the CoC PSH provider does not have to limit to one application fee per participant. CoC PSH providers are allowed to pay multiple application fees per participant as long as they are necessary, reasonable and within the grant budget (e.g. participant has zero income). The CoC PSH program policies and procedures should provide a standard for distribution of application fees that can be applied consistently across the program.

6. Utility Cost

According to CPD Notice 17-11, if electricity, gas, and water are included in the lease total, these utilities may be paid from leasing funds. If rental unit utilities are not covered by the lease, these utility costs are an operating cost. If a structure is being used as a supportive service facility, then these utility costs are a supportive service cost.

Programs can require the program participants to pay for utilities that are not included in the lease. If the participant is required to pay utilities, then a utility allowance must be factored into the rent calculation determination. 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 provider can pay the utility reimbursement directly to the program participant.
2. Pay the Utility Company on Behalf of the Program Participant. The provider can pay the utility reimbursement to the utility company on behalf of the program participant. If the provider chooses to do this, the provider 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 PSH 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 provider uses to pay the utility reimbursement depends on the type of assistance provided. In no case may leasing funds awarded under the CoC Program be used to pay for those utilities that are not included in the provider's lease. To the extent the utility reimbursement would be an eligible cost under the CoC Program, providers may also use program income or matching funds to pay for the utilities.

H. Supportive Services for PSH

CoC PSH programs may not require participants to engage in case management or supportive services to remain in the program. If a participant chooses not to access supportive services, this must be notified that they have the right to access these services at any time, and their choice to opt-out must be documented in the participant file. Regardless of case management participation, providers must maintain the minimum level of contact necessary to ensure that the participant is still occupying the unit funded through the program. All participant interactions should be documented in the participant file, regardless of engagement in supportive services.

However, case managers for PSH clients are highly encouraged to provide more intensive case management services for these clients if at all possible. For example, a high-needs PSH client may require biweekly meetings with their case manager in order to maintain their housing stability.

1. Connection to Alternative Housing Options

Though there is no time limit for participation in CoC PSH, there is no guarantee that funds will be renewed past the current HUD grant term. Annual funding amounts are based on program scoring, the score received by the Albuquerque Consolidated Application, and congressional appropriations. Providers are expected to educate participants on all available housing options, and assist interested participants in seeking alternative long term rental assistance and mainstream support services.

At a minimum, providers must notify all participants of open enrollment periods for Albuquerque and Bernalillo County Housing Authority Section 8 and Project Based housing applications. To the maximum extent practical, programs must assist participants who elect to submit applications for these programs in accessing the application, collecting necessary information and documentation, and maintaining confirmation information.

2. Obligation to Continue Providing Services

If a client's lease is not renewed by a landlord, or their lease is terminated, unless this lease termination coincides with termination from the program, the agency and the client's case worker are required to continue assisting the client in finding new housing for as long as the client is a member of the program.

III. Rapid Re-Housing

CoC Rapid Re-Housing is referred to as Permanent Housing: Rapid Re-Housing by HUD (PH-RRH) and 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

A. Prioritization for CoC RRH

Albuquerque CoC RRH programs have established a prioritized focus, based on the identified needs of the community, where 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 CES, with a VI-SPDAT score of 13 or lower will be prioritized first, in descending order.

Second Priority: If there are no households identified by the CES that meet the first priority standards, households with minor children with a score of 14 or higher, will be prioritized in ascending order.

Third Priority: If there are no households identified by the CES that meet the first or second priority standards, households without minor children that have a score of 12 or lower, will be prioritized, in descending order.

Fourth Priority: If there are no households identified by the CES that meet the first three priority standards, households without minor children that have a score of 13 or higher will be prioritized in ascending order.

The following applies when there are two households with identical service need score presenting for housing at the same time:

- The household with the longest history of homelessness will be offered the housing intervention first, in descending order from longest to shortest time homeless.
- Where there are two households with matching service need score and length of homelessness, the household that had been identified in the community first, as recorded in HMIS, will be offered the housing intervention first.
- Where there are two households with matching service need score and length of homelessness, a household that has never been previously housed through a CoC program may be prioritized over a household that has previously been housed.

1. Evidence of Service Need

The CoC has approved the use of a standard assessment tool, The VI-SPDAT detailed in these standards, as the assessment tool to determine the level of “service need.” Whereas the higher the calculated numerical value reported on the VI-SPDAT, the higher the service needed. As the VI-SPDAT covers 6 domains of acuity for families and individuals experiencing homelessness. No additional criteria can be used to determine a participant’s service need, as determination must not be based on a specific diagnosis or disability type, but only on the severity of needs of the individual. The determination cannot be made based on any factors that would result in a violation of any nondiscrimination and equal opportunity requirements, see 24 CFR 5.105(a).

2. 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 to the circumstance that these households face. Providers are required to accept referrals from 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.

B. Participant Selection

All CoC RRH providers will select program participants through referrals from CES. To ensure rapid referrals and program intake, providers should not wait until requesting a referral to notify 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 CES immediately.

1. Referral Process

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

- CES will have 10 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.
- CES will be required to make at least 3 attempts over 5 days following a referral request to contact the first priority client. If the client does not make contact by the end of the 5 day period, CES will move on to the second priority client and so on. All attempts at contact must be documented in the clients progress notes in HMIS
- CES is not permitted to provide referrals that would violate these Written Standards or HUD regulations. If 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 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 CES in the selected participant's program file.

CES 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 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 CES or the provider within three business days of attempted contact, the provider will send the CoC Common Application back to CES listing inability to contact the client as reason for denial, and a new referral will be issued by CES within three business days.

The CoC RRH provider must give the applicant and 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 eligibility/intake meeting, the provider must notify CES immediately. If neither the program nor CES are able to contact the applicant for three business days, the provider will send the CoC Common Application back to CES listing inability to contact the client as reason for denial and a new referral will be issued by 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 CES listing inability to determine eligibility as reason for denial, and a new referral will be issued by 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 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, 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, CES and the CoC RRH provider will both notify the program applicant verbally, and when possible, in writing as quickly as possible.

C. 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.

3. Homeless Category 1: Literal Homelessness
 - a. 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; **OR**
 - ii. Is living in a publicly 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**
- iii. 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.
- 4. Homeless Category 4: Fleeing/attempting to flee domestic violence.
 - a. Individual or family who is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, **AND** also:
 - i. Has no other residence; **AND**
 - ii. Lacks the resources or support networks to obtain other permanent housing.

D. 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.

1. Documenting 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.

2. Documenting 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.

1. 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.
2. 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.

E. 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 are 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.

F. 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.

G. 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.

H. Participant and Project Contributions

1. 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).

2. 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.

3. 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.

4. 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 the program and signs a lease on July 10th. 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:

- 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);
- 10 percent of the household's monthly income; or

- 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.

5. 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 their 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.

6. Application Fees

CoC RRH providers may pay for application fees for a participant during the housing search process. The CoC RRH provider may only pay for one application fee at a time, but the CoC RRH provider does not have to limit to one application fee per participant. CoC RRH providers are allowed to pay multiple application fees per participant as long as they are necessary, reasonable and within the grant budget (e.g. participant has zero income). The CoC RRH program policies and procedures should provide a standard for distribution of application fees that can be applied consistently across the program.

7. Utility Cost

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.

I. Property Ownership Restrictions

Leasing funds cannot be used to lease units or structures owned by the provider, or their parent, subsidiary, or affiliated organization. HUD has the authority, however, to grant an exception to the ownership clause for good cause. Providers that use project-based vouchers or operate master lease units may not complete their own HQS inspections. These programs are required to contract or draft a Memorandum of Understanding with a certified outside agency to complete their HQS inspection prior to a client moving in.

J. Supportive Services for RRH

CoC RRH program participants may meet with a case manager not less than once per month, it is strongly encouraged to stress the need of these monthly meetings to participants as they 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 NMHMIS in accordance with NMHMIS 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.

2. Obligation to Continue Providing Services

If a client's lease is not renewed by a landlord, or their lease is terminated, unless this lease termination coincides with termination from the program, the agency and the client's case worker are still required to continue assisting the client in finding new housing.

IV. Transitional Housing

Transitional housing (TH) is designed to provide homeless individuals and families with the interim stability and support to successfully move to and maintain permanent housing. Transitional housing may be used to cover the costs of up to 24 months of housing with accompanying supportive services.

A. Prioritization for CoC TH

Albuquerque CoC TH 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 without minor children identified by the 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 CES that meet the first priority standards, households without 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 CES that meet the first or second priority standards, households with minor children that have a score of 13 or lower, will be prioritized, in descending order.

Fourth Priority: If there are no households identified by the CES that meet the first three priority standards, households without minor children that have a score of 14 or higher be prioritized in ascending order.

The following applies when there are two households with identical service need score presenting for housing at the same time:

- The household with the longest history of homelessness will be offered the housing intervention first, in descending order from longest to shortest time homeless.
- Where there are two households with matching service need score and length of homelessness, the household that had been identified in the community first, as recorded in HMIS, will be offered the housing intervention first.
- Where there are two households with matching service need score and length of homelessness, a household that has never been previously housed through a CoC program may be prioritized over a household that has previously been housed.

1. Evidence of Service Need

The Albuquerque CoC has approved the use of a standard assessment tool, The VI-SPDAT detailed in these standards, as the assessment tool to determine the level of “service need.” Whereas the higher the calculated numerical value reported on the VI-SPDAT, the higher the service needed. As the VI-SPDAT covers 6 domains of acuity for families and individuals experiencing homelessness.

No additional criteria can be used to determine a participant's service need, as determination must not be based on a specific diagnosis or disability type, but only on the severity of needs of the individual. The determination cannot be made based on any factors that would result in a violation of any nondiscrimination and equal opportunity requirements, see 24 CFR 5.105(a).

2. Special Population Focus

Some Albuquerque CoC TH programs may be designated for a special population which includes but is not limited to domestic violence survivors, human trafficking survivors, youth, veterans, and chronic homelessness. 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.

B. Participant Selection

All Albuquerque CoC TH providers will select program participants through referrals from CES. To ensure rapid referrals and program intake, providers should not wait until requesting a referral to notify 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 CES immediately.

1. Referral Process

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

- CES will have 10 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.
- CES will be required to make at least 3 attempts over 5 days following a referral request to contact the first priority client. If the client does not make contact by the end of the 5 day period, CES will move on to the second priority client and so on. All attempts at contact must be documented in the clients progress notes in HMIS

CES will provide a completed CoC Common Application for the applicant to the TH provider, along with any available supporting documentation, and will assist with connecting the applicant being referred to the TH 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 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 CES or the provider within three business days of attempted contact, the provider will send the CoC Common Application back to CES listing inability to contact the client as reason for denial, and a new referral will be issued by CES within three business days.

The TH provider must give the applicant and CES a specified date, time, and location for all meetings pertaining to eligibility determination and program intake that accommodate the applicant's schedule.

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

The TH 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 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 approved reasons listed in the CoC Common Application, or if the program applicant declines to participate in the program, 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, the CoC TH provider will notify the program applicant verbally, and when possible, in writing as quickly as possible.

C. Eligibility Determination

CoC TH providers are responsible for ensuring that program participants are eligible for CoC Transitional 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 Transitional Housing assistance, participants must qualify as "homeless" based on Category 1 or 4 of the "homeless" definition found in 24 CFR 576.2.

CoC TH providers will determine eligibility based solely on HUD eligibility requirements and may not add additional eligibility requirements for CoC TH 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 TH 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.

1. Homeless Category 1: Literal Homelessness
 - a. 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; **OR**
 - ii. Is living in a publicly 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**
 - iii. 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.
2. Homeless Category 4: Fleeing/attempting to flee domestic violence.
 - a. Individual or family who is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, **AND** also:
 - i. Has no other residence; **AND**
 - ii. Lacks the resources or support networks to obtain other permanent housing.

D. Record Keeping Requirements

CoC TH providers must establish and follow written intake procedures to verify and document that program applicants meet HUD's definition of either Category 1 homelessness, Category 2 homelessness or Category 4 homelessness at time of program intake.

1. Documenting Category 1: Literal Homelessness

Documentation showing literal homelessness at time of program intake must verify that 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.

3. Documenting 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.

1. 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.
2. 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.

E. Fair Market Rent

CoC TH providers utilizing leasing or operating funds to pay for rental assistance are required to meet Fair Market Rent standards (FMR). HUD establishes FMR to determine payment standards or rent ceilings for HUD-funded programs that provide housing assistance, which it publishes annually for 530 metropolitan areas and 2,045 non-metropolitan county areas. Federal law requires that HUD publish final FMRs for use in any fiscal year on October 1, the first day of the HUD fiscal year. FMRs for each fiscal year can be found by visiting HUD's website. Providers must evaluate FMR at lease signing and at least once annually.

F. Leasing and Occupancy Agreements

For leasing and operations programs, the lease must be between the CoC TH provider and the landowner/owner of the property. An additional occupancy agreement or sublease must also be signed between the grantee and program participant that formalize their housing rights and outlines program expectations regarding continued occupancy in the housing. The occupancy agreement must have an initial term of at least one month, be for a term of at least one year and be automatically renewable upon expiration for terms that are a minimum of one month long, except if prior notice is provided by either party. The lease can have a maximum term of 24 months.

G. Rent Responsibility and Payments

CoC TH providers utilizing leasing or operating funds are responsible for 100% of the rent or subleasing costs, even in circumstances where the program participant does not pay their portion in a given month. Payment of rent is made directly to the landowner or owner based on actual cost. Leasing funds may be used to pay up to 100% of the costs of leasing a structure.

CoC TH providers are not permitted to provide leasing or operations 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.

H. Vacant Units

CoC TH providers utilizing leasing or operating funds must continue to pay rent on a temporarily vacant unit that is still under contract or lease.

I. Property Ownership Restrictions

Leasing funds cannot be used to lease units or structures owned by the provider, or their parent, subsidiary, or affiliated organization. HUD has the authority, however, to grant an exception to the ownership clause for good cause. Providers that use project-based vouchers or operate master lease units may not complete their own HQS inspections. These programs are required to contract or draft a Memorandum of Understanding with a certified outside agency to complete their HQS inspection prior to a client moving in.

J. Participant and Project Contributions

1. 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, and at annual assessment. 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 TH providers must follow guidelines found under 24 CFR 5.609 when calculating income.

CoC TH providers must require program participants to notify them regarding changes in their income.

2. 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 provider'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.

3. Rent Reasonableness

Program participant 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.

4. Rent Calculation

CoC TH rental assistance project participants will be required 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 childcare 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.*)

CoC TH 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.

5. Utility Cost

If electricity, gas, and water are included in the lease total, these utilities may be paid from leasing funds. If rental unit utilities are not covered by the lease, these utility costs are an operating cost. If a structure is being used as a supportive service facility, then these utility costs are a supportive service cost.

Programs can require the program participants to pay for utilities that are not included in the lease. If the participant is required to pay utilities, then a utility allowance must be factored into the rent calculation determination. 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 provider can pay the utility reimbursement directly to the program participant.
2. Pay the Utility Company on Behalf of the Program Participant. The provider can pay the utility reimbursement to the utility company on behalf of the program participant. If the provider chooses to do this, the provider 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 TH 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 provider uses to pay the utility reimbursement depends on the type of assistance provided. In no case may leasing funds awarded under the CoC Program be used to pay for those utilities that are not included in the provider's lease. To the extent the utility reimbursement would be an eligible cost under the CoC Program, providers may also use program income or matching funds to pay for the utilities.

a. Maintaining Financial Records

HUD expects CoC TH providers that operate projects where the utilities are the responsibility of the program participant to maintain records demonstrating compliance with the requirements clarified in this Notice. All records must be maintained in compliance with 24 CFR 578.103. The following is a list of records that should be maintained to demonstrate compliance:

1. Recipient records. The following records should be maintained in the recipient or subrecipient's records.
 - a. Utility schedules used to determine the reasonable monthly utility consumption amount.
 - b. Occupancy Charges policy, if applicable: 1) Is a charge imposed (yes/no)? 2) If yes, what percent will be charged of the participants; and 3) Are there any exceptions?
2. Program participant records. The following records should be maintained in each program participant's record.
 - a. The annual income calculation as set forth in 24 CFR 578.103(a)(6).
 - b. The amount of the program participant's rent contribution, occupancy charge, or utility reimbursement and how the amount was determined.

- c. Where a utility reimbursement is due to the program participant, evidence that the utility reimbursement was paid in accordance with Section D of this Notice. Where the utility reimbursement is paid directly to the utility company, the written permission of the program participant to pay the utility company directly as well as the documentation provided to the program participant that the utility was paid.

K. Supportive Services for TH

To facilitate the movement of program participants into permanent housing, transitional housing projects should provide a wide range of supportive services to participants while they reside in the program that meets the needs of their program participants. Recipients can require program participants to take part in supportive services that are not disability-related services as a condition of participation in the program. For example, if the purpose of the project is to assist participants with substance use issues, projects may require participants to take part in substance use treatment services.

CoC TH 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 subrecipient 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 NMHMIS in accordance with NMHMIS 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.