

**Appendix 1 to AP-90**

**Snohomish County  
HOME Homebuyer Program Guidelines for Resale and Recapture  
Approved by PAB on September 19, 2019**

**I. Resale/Recapture Provisions**

Resale and recapture provisions apply to the use of HOME funds for homebuyer assistance programs. Snohomish County will allow for the use of either resale or recapture provisions, as appropriate.

HOME funds are limited to gap financing. Subsidy layering and/or underwriting must demonstrate that there are no more HOME funds invested, alone or in combination with other funds, than are necessary to provide quality, affordable, and financially viable housing for at least the duration of the affordability period. The Maximum HOME subsidy per household may not exceed \$50,000.

Resale or recapture provisions are triggered when, during the period of affordability, the housing ceases to be the principal residence of the buyer who was assisted with HOME funds. These provisions are imposed for the duration of the period of affordability on all HOME-assisted homebuyer projects through a written agreement with the homebuyer, and are enforced via lien, deed restrictions, or covenants running with the land. The resale or recapture provisions are triggered by any transfer of title, either voluntary or involuntary, during the established HOME period of affordability.

Under resale, the **period of affordability** is based on the total amount of HOME funds invested in the housing. Under recapture, the period of affordability is based on the direct HOME subsidy that enabled the homebuyer to purchase the unit. The resale and recapture period of affordability is outlined in the following table:

If the total HOME investment (resale) or direct subsidy (recapture) in the unit is:	Minimum HOME Period of Affordability
Up to \$15,000	5 years
\$15,000 to \$40,000	10 Years
\$40,000 & Over	15 Years

The County must be notified of any possible foreclosures or transfers in lieu of foreclosure during the period of affordability to ensure that resale and recapture provisions are followed. The County will recoup any net proceeds from available funds due to foreclosure.

Applicants for HOME funding will need to propose resale or recapture provisions at the time of application for funding and demonstrate how the provisions are consistent with the resale or recapture guidelines.

## **II. Resale guidelines as referenced in 24 CFR 92.254(5)(ii).**

Resale provisions must be used in situations where HOME funding will be provided as development subsidies (as opposed to direct assistance to the low-income buyer) and where assistance is provided to homebuyers in the form of grants. When resale provisions are proposed, they must ensure that:

- The property will be sold to a low-income buyer who will use the property as a principal residence;
- The price at resale will provide the original HOME-assisted buyer with a fair return on investment;
- The housing will continue to be affordable throughout the period of affordability to a reasonable range of low-income buyers; and
- The agency will have the right of first refusal to purchase the property.

A fair return on investment will be based on the repayment of the owner's initial investment, any improvements to the property, and a percent of the appreciation of median home prices in the area based on the number of years the property was owned.

Affordable to a reasonable range of low-income buyers is defined as a price affordable to a family at 75% of the area median income or below that will not pay more than 30% of their income for PI (principal and interest).

Additional HOME funds can be used, if available, if gap financing is needed for a subsequent low-income homebuyer to purchase the home.

## **III. Recapture Guidelines as referenced in 24 CFR 92.254 (5)(ii).**

Recapture provisions will be used when the home, purchased using HOME funds as financial assistance that reduces the purchase price for the homebuyer, or as gap

financing, is no longer the homebuyer's principal residence during the period of affordability.

The County has selected the following options for recapture of funds under the HOME program:

- Recapture of the entire direct HOME subsidy;
- Reduction in the amount recaptured based on the amount of time during the period of affordability in which the buyer has occupied the home;
- Share of net proceeds (sales price minus loan repayments, other than the HOME loan, and closing costs).

#### **A. Recapture Entire Direct HOME Subsidy Method**

The **direct HOME subsidy** is the amount of HOME assistance, including any program income that enabled the homebuyer to buy the unit. The direct subsidy includes downpayment, closing costs, interest subsidies, or other HOME assistance provided directly to the homebuyer.

The County will be responsible for the enforcement of the recapture provisions and will require the subrecipient to obtain the recaptured funds from the homeowner. Recaptured funds must be used by the subrecipient for other eligible HOME activities or returned to the County. The subrecipient is responsible to monitor that the homeowners continue to use the home as their primary residence.

In the event of recapture, Snohomish County or subrecipient shall collect from net proceeds all HOME funds, including outstanding principal, plus interest, plus shared appreciation (as defined in Section III (C)). **Net proceeds** is defined as the sales price minus superior loan repayment (other than HOME funds) and any closing costs.

In the event that net proceeds are insufficient to repay the HOME funds, the amount to be recaptured shall be any funds remaining after payment of all superior non-HOME debt and closing costs that are subtracted from the sale price of the home. In no event shall the borrower be required to use funds other than net proceeds to repay the HOME Funds.

#### **B. Reduction During Affordability Period**

In the event that the homebuyer transfers the property either voluntarily or involuntarily during the period of affordability, the direct HOME subsidy will be reduced on a pro-

rata basis for the time the homebuyer has owned and occupied the housing, measured against the required affordability period. The resulting ratio will be used to determine how much of the direct HOME subsidy would be recaptured. The pro-rata amount recaptured cannot exceed what is available from net proceeds. The formula is as follows:

$$\frac{\text{\# of Years Occupied}}{\text{Period of Affordability}} \times \text{Total Direct HOME Subsidy} = \text{Recapture Amount}$$

### C. Shared Net Proceeds (shared appreciation)

If the net proceeds are not sufficient to recapture the entire HOME investment or a reduced amount as described above, plus enable the homebuyer to recover the amount of the downpayment and any investment in the form of capital improvements made by the homebuyer since purchase, the County or subrecipient may share the net proceeds:

1. To calculate the amount of net proceeds (or shared appreciation) to be returned:

Divide direct HOME subsidy by the sum of the direct HOME subsidy and the homebuyer's investment, multiply by the net proceeds to calculate the amount of HOME investment to be returned.

$$\frac{\text{Direct HOME Subsidy}}{\text{Direct HOME Subsidy} + \text{Homebuyer Investment}} \times \text{Net Proceeds} = \text{HOME Recapture}$$

2. To calculate the amount of net proceeds (or shared appreciation) available to the homebuyer:

Divide the homebuyer's investment by the sum of the direct HOME subsidy and the homebuyer's investment, multiply by the net proceeds to calculate the amount of homebuyer investment to return to the homebuyer:

$$\frac{\text{Homebuyer Investment}}{\text{Direct HOME Subsidy} + \text{Homebuyer Investment}} \times \text{Net Proceeds} = \text{Amount to Homebuyer}$$

## IV. Special Considerations for Single-Family Properties With More Than one Unit

- A. If HOME funds are used to assist a HOME eligible homebuyer to acquire one unit in single family housing containing more than one unit, the resale and recapture affordability requirements listed on Page 1, apply only to the assisted unit.

- B. If the HOME funds are used to help a HOME eligible homebuyer purchase or acquire one or more rental units along with the homebuyer unit, the HOME rental affordability requirements at 24 CFR 92.252 apply to the rental units.
- C. HOME funds may be used to assist HOME eligible homebuyers through lease-purchase programs for existing housing and for housing to be constructed, but the homebuyer must qualify as a low-income family at the time the lease-purchase agreement is signed.
- D. If HOME funds are used to acquire housing that will be resold to a homebuyer through a lease-purchase program and the housing is not transferred to the homebuyer within forty-two months after the project completion, the rental housing affordability requirements at 24 CFR 92.252 will apply.





# **HEARTH**

*The Continuum of Care Program*

*Emergency Solutions Grants Program*

## **Local Standards**

Funded through the

U.S. Department of Housing and Urban Development  
McKinney-Vento Homeless Assistance Act as amended

## Table of Contents

I.	Introduction.....	1
II.	Program Overviews .....	4
	a. Emergency Solutions Grants Program.....	4
	b. Continuum of Care Program .....	4
III.	Coordination Among Providers.....	6
	a. Coordinated Entry System.....	6
	b. Fair Housing and Equal Opportunity .....	6
	i. Affirmatively Furthering Fair Housing.....	6
	ii. Integration and Accessibility .....	6
	iii. Reasonable Accommodations and Modifications for Persons with Disabilities .....	6
	iv. Discrimination Based on Household Composition .....	7
	v. Preventing Involuntary Family Separation .....	7
	vi. Equal Access in Accordance with Gender Identity .....	7
	vii. Prioritized Subpopulations and Fair Housing Implications .....	8
IV.	Policies & Procedures .....	9
	a. Emergency Shelter (ESG only) .....	9
	i. Admission.....	9
	ii. Service Requirement.....	9
	iii. Lease Requirement .....	10
	iv. Duration of Assistance.....	10
	v. Exiting.....	10
	b. Transitional Housing (CoC only) .....	10
	i. Admission.....	10
	ii. Service Requirement.....	11
	iii. Lease Requirement .....	11
	iv. Duration of Assistance.....	11
	v. Exiting.....	11
	c. Homelessness Prevention (ESG Only).....	11
	i. Admission.....	11
	ii. Service Requirement.....	12

iv.	Duration of Assistance.....	13
v.	Exiting.....	13
d.	<b>Rapid Rehousing .....</b>	<b>13</b>
i.	Admission.....	13
ii.	Service Requirement.....	14
iii.	Lease Requirement .....	14
iv.	Duration of Assistance.....	14
v.	Exiting.....	14
e.	<b>Permanent Supportive Housing (CoC only) .....</b>	<b>14</b>
i.	Admission.....	14
ii.	Service Requirement.....	15
iii.	Lease Requirement .....	15
iv.	Duration of Assistance.....	15
v.	Exiting.....	15
f.	<b>All Project Types .....</b>	<b>15</b>
i.	Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.....	15
ii.	Victim Service Providers.....	15
iii.	Veterans .....	16
iv.	Youth.....	16
v.	High Needs .....	16
vi.	Mobility for Participants Receiving Tenant-Based Rental Assistance .....	16
vii.	Education Services .....	17
viii.	Low-Barrier and Housing First.....	17
V.	<b>Components and Eligible Activities.....</b>	<b>19</b>
a.	<b>Emergency Solutions Grant.....</b>	<b>19</b>
i.	Eligible ESG Components.....	19
ii.	Eligible ESG Activities.....	19
b.	<b>Continuum of Care .....</b>	<b>21</b>
i.	Eligible CoC Components.....	21
ii.	Eligible CoC Activities.....	23
VI.	<b>Participant Eligibility .....</b>	<b>29</b>
a.	<b>Eligibility By Component .....</b>	<b>29</b>

b.	Homeless Eligibility Criteria .....	30
c.	Income 24 CFR § 576.103 .....	30
d.	Disability .....	31
e.	Chronic Homelessness .....	31
i.	Definition of Chronic Homelessness 24 CFR § 578.3 .....	31
ii.	Chronically Homeless Veterans .....	32
iii.	Chronic Homelessness and Rapid Rehousing .....	33
f.	Special Considerations for Serving a Person Who May be Undocumented .....	33
g.	Special Considerations for Households if Individual Members are Residing in Different Places .....	33
VII.	Documentation Standards for Eligibility for Assistance.....	35
a.	Eligibility Overview .....	35
b.	Homeless Verification .....	35
c.	Disability Verification .....	37
d.	Special Considerations for Documenting Chronic Homelessness .....	37
i.	Documenting Duration of Homelessness.....	38
ii.	Documenting Disability .....	38
iii.	Documenting Severity of Service Needs for Prioritization .....	38
VIII.	Changes in Household Composition.....	39
a.	Documenting Homelessness .....	39
b.	Household Composition Considerations .....	40
c.	Transfers to Suitable Units.....	40
IX.	Shared Housing.....	40
X.	Determining Income and Calculating Participant Rent .....	42
a.	Income Definition .....	42
b.	Income Inclusions Examples.....	42
c.	Income Exclusions.....	43
d.	Deductions.....	44
e.	Income Review Requirements.....	44
f.	Annualizing Wages and Periodic Payments.....	44
g.	Calculating Rent (or Occupancy Charge) .....	45
h.	Utility Allowances .....	46

8

	i.	Program Income .....	46
XI.		Termination of Participation, Denial and Grievance Procedures.....	47
XII.		Confidentiality of Participant Records.....	48
XIII.		Housing Requirements .....	48
	a.	Inspection Requirements .....	48
		i. Emergency Shelter (ESG) .....	48
		ii. Rapid Rehousing (ESG).....	48
		iii. Transitional Housing, Permanent Supportive Housing, Rapid Rehousing (CoC).....	48
	b.	Suitable Dwelling Size .....	49
	c.	Lead-Based Paint Requirements.....	50
		i. Lead Hazard Information Pamphlet .....	50
		ii. Disclosure .....	50
		iii. Visual Assessments .....	51
		iv. Exemptions to the Requirement .....	51
	d.	Rent Reasonableness and Fair Market Rent.....	51
	e.	Housing Agreements .....	53
XIV.		Recordkeeping Requirements .....	54
	a.	Initial Consultation & Eligibility Determination.....	54
	b.	Income and Participant Rent .....	54
	c.	Housing Stability Plan .....	54
	d.	Individual Support Plan.....	54
	e.	Assistance in obtaining mainstream and other resources .....	55
	f.	Proof of Complete Inspection .....	55
	g.	Proof of Complete Lead Based Paint Visual Assessment.....	55
	h.	Rent Reasonableness and Fair Market Rent.....	55
	i.	Housing Agreements .....	56
	j.	Case Notes and Record of Services Received .....	56
XV.		Reporting Requirements.....	57
XVI.		Homeless Management Information Systems Participation.....	58
XVII.		Performance Standards.....	58

## Appendices

A – Income Eligibility Documentation Standards

B – Step-by-Step Guide to Compliance with Lead-Based Paint Visual Assessment Requirements

C – Violence Against Women Act Written Standards

## Attachments

A – Orders of Priority for Permanent Supportive Housing Beds

B – Rent Reasonableness Policies & Procedures

C – Rent Reasonableness Certification

D – Rental Assistance Agreement

## I. Introduction

Snohomish County is the Collaborative Applicant (CA) for the Everett/Snohomish County Continuum of Care. Staff support is provided to the Partnership to End Homelessness (Continuum of Care Board) by the Snohomish County Office of Community & Homeless Services (OCHS). The standards contained within this document shall be applied to all projects funded within the Everett/Snohomish County Continuum of Care. Standards that apply only to subrecipients of Snohomish County will be differentiated by the term “Subrecipient”; all other standards will refer to “recipient.”

### Purpose for Standards

The purpose of the *Standards* is to:

- ✓ Provide detail on participant eligibility;
- ✓ Outline the allowable activities; and
- ✓ Provide standards for documenting eligibility.

For Subrecipients of Snohomish County, this document is incorporated into the Specific Terms and Conditions (Exhibit A) of the signed agreement (hereinafter Contract) between the County and its Subrecipient. Local policies and procedures are subject to change at any time.

### Overview of the HEARTH Act

The U.S. Department of Housing and Urban Development (HUD) Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) was signed into law on May 20, 2009. The HEARTH Act reauthorizes the McKinney-Vento Homeless Assistance Act of 1987, but with some important changes, including:

- The consolidation of HUD’s competitive grant programs, the Supportive Housing Program (SHP), Shelter Plus Care Program (SPC) and the Section 8 Moderate Rehabilitation Program;
- The revision of the Emergency Shelter Grants Program and renaming it as the Emergency Solutions Grants (ESG) Program;
- The creation of a Rural Housing Stability Assistance Program;
- A change in HUD's definition of homelessness and chronic homelessness;
- A simplified match requirement;
- An increase in prevention resources; and,
- An increased emphasis on performance.

The HEARTH Act implementation is occurring in stages, including the publication of the following regulations:

#### ❖ **Definition of Homeless (Final Rule) Docket No. FR-5333-F-02**

This final rule was published on December 5, 2011 and provided the definition of “homeless”, “disability”, and “developmental disability”. Additionally, the rule established clear recordkeeping requirements for verifying eligibility to receive assistance.

❖ **Defining “Chronically Homeless” (Final Rule) Docket No. FR-5809-F-01**

This final rule was effective on January 4, 2016, and HUD expected compliance with this definition for all new admissions as of January 16, 2016. The final rule changed the definition that was in effect in the CoC Program interim rule: key changes included requiring an individual or head of household to have been living in a place not meant for human habitation, in an emergency shelter, or in a safe haven for the last 12 months continuously or on at least four occasions in the last three years *where those occasions cumulatively total at least 12 months*; replacing the term “disabling condition” with “homeless individual with a disability”; and defining an occasion by a break of at least seven nights not residing in an emergency shelter, safe haven, or a place not meant for human habitation. The final rule also established recordkeeping requirements for documenting chronic homelessness.

❖ **Emergency Solutions Grant (Interim Rule) 24 CFR § 576**

The interim rule revises the Emergency Shelter Grants Program and renames it the Emergency Solutions Grants Program to broaden existing emergency shelter and homelessness prevention activities and to add short- and medium-term rental assistance and support services to rapidly rehouse homeless people. There is now a greater emphasis on helping people quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. The key changes that reflect this new emphasis are the expansion of the homeless prevention component and the addition of the rapid rehousing assistance component.

❖ **Conforming Amendments to the Consolidated Plan (Interim Rule) 24 CFR § 91**

This interim rule updated the annual action plan requirements, revising the homeless needs narrative to describe the local one-year goals and specific action steps for reducing and ending homelessness. In addition, the ESG narrative section was revised to include new requirements such as written standards for the provision of ESG assistance, performance standards for evaluating ESG activities, and a homeless outreach and consultation strategy.

The annual report requirements were updated to include an evaluation of the jurisdiction’s progress in meeting its specific objectives in reducing and ending homelessness. The ESG narrative section was also revised to include additional reporting information on ESG, including the evaluation of the outcomes for ESG activities measured under the new performance standards developed.

❖ **Homeless Management Information System (Pending)**

❖ **Continuum of Care (Interim Rule) 24 CFR § 578**

The Continuum of Care (CoC) Interim Rule was published on July 31, 2012 and took effect on August 30, 2012. The purpose of the regulation is to:

- ✓ Codify the CoC Planning Process;
- ✓ Return individuals and families who experience homelessness to permanent housing in less than 30 days;
- ✓ Consolidate the Supportive Housing Program (SHP), Shelter Plus Care Program (SPC) and the Section 8 Moderate Rehabilitation Program;
- ✓ Promote a community wide commitment to the goal of ending homelessness;
- ✓ Provide funding to quickly rehouse homeless individuals and families while minimizing trauma and dislocation;

- ✓ Promote access to mainstream benefits;
- ✓ Optimize self-sufficiency;
- ✓ Provide funding to support the CoC structure & process; and
- ✓ Codify the CoC structure & process.

❖ **Rural Housing Stability Assistance Program (Proposed Rule)**

The overall goal of the HEARTH Act is to reduce and ultimately end homelessness by reducing the duration of time people spend homeless and reducing recidivism back into homelessness. Currently, Snohomish County has funding through the Emergency Solutions Grants Program and the Continuum of Care Program to undertake projects that work toward this goal.

## II. Program Overviews

### a. Emergency Solutions Grants Program

The Emergency Solutions Grants (ESG) Program is designed to respond to crisis and provide emergency assistance to prevent homelessness and enable homeless households to move toward independent living. ESG funds are authorized under the McKinney-Vento Homeless Assistance Act and are intended to help improve the quality of existing emergency shelters for the homeless, make additional shelters available, meet the costs of operating these facilities, rapidly rehouse homeless individuals and families, provide essential services to them, and to prevent homelessness. ESG projects will be required to assist people in moving to permanent housing and reduce the time spent in shelters and on the streets.

Recent changes to ESG funding have further defined the purpose and expanded the breadth of activities and going forward, the funds will be used for a variety of assistance, including: *Emergency Shelter, short- or medium-term Rental Assistance, Housing Search and Placement, and Housing Stability Case Management*. The Homelessness Prevention component includes various housing relocation and stabilization services and short- and medium-term rental assistance. The Rapid Rehousing component includes similar services and assistance to help people who are homeless move quickly into permanent housing and achieve stability in that housing. The funds under this program are intended to target households who would be unsheltered but for this assistance. Snohomish County is a recipient of HUD ESG Program funds and will administer this award for eligible agencies referred to as Subrecipients.

### b. Continuum of Care Program

The Continuum of Care (CoC) Program consists of projects that provide housing and supportive services to formerly homeless individuals and families. The goal of projects funded under the CoC Program is to assist households with attaining and sustaining permanent housing as quickly as possible. In Snohomish County, CoC Program funds are currently used to support various projects, including Transitional Housing, Permanent Supportive Housing, and Rapid Rehousing. In addition to these allowable project components, the interim rule also allows funding to be used to provide, to a limited degree, Prevention.

Snohomish County is the recipient for the majority of the awarded projects under the CoC Program. The County, as the Collaborative Applicant (CA) for the Everett/Snohomish County Continuum of Care, contracts with various non-profit service providers to carry out these projects. These agencies are referred to as Subrecipients. Within the Everett/Snohomish County CoC, some agencies may also have direct contracts with HUD.

#### *Policy on Project Selection*

Annually, HUD publishes a Notice of Funding Availability (NOFA) for the CoC Program competition. The County will notify community members and key stakeholders that the application is available and will publish all parts of the CoC Consolidated Application on the Snohomish County website with a deadline for project applications to be submitted to the County. During this competitive process, the County develops objective scoring criteria based on the criteria from the NOFA and local priorities that are consistent with the Federal Strategic Plan to Prevent and End

Homelessness. The Project Review Committee (PRC), an independent body, scores projects locally and recommends projects for inclusion in the application submitted to HUD. The County shall notify project applicants in a timely manner, per the NOFA guidelines, whether the project application(s) will be included in the CoC Consolidated Application submission. If a project is not recommended for funding, the County will notify the project applicant, in writing, of this decision.

These guidelines will be updated as necessary throughout the grant period and will continue to expand and include a variety of project components. The County reserves the right to revise the guideline as deemed necessary and will to the extent practicable or as required by HUD, consult with the Everett/Snohomish County Continuum of Care, ESG subrecipients, CoC recipients/subrecipients, homeless or formerly homeless or other interested parties.

### III. Coordination Among Providers

The County and the Continuum of Care have been engaged in planning activities to:

- ✓ Increase systems coordination among the various housing and service providers;
- ✓ Improve access for participants;
- ✓ Better target funding; and
- ✓ Better address the housing and service needs in our community.

The County, CoC and ESG (Sub)/Recipients will coordinate and integrate, to the maximum extent practicable, CoC- and ESG-funded activities as well as other homeless programs within the area covered by the Everett/Snohomish County CoC with other mainstream housing, health, social services, employment, education, and youth programs, including those identified in 24 CFR § 576.400(b) and (c).

#### a. Coordinated Entry System

The Continuum of Care's Coordinated Entry (CE) system has been developed in accordance with the HUD Continuum of Care Regulations. Participation in this system is mandatory for ESG and CoC (Sub)/Recipients. See the Snohomish County Continuum of Care: Coordinated Entry Policies and Procedures, incorporated herein by reference.

#### b. Fair Housing and Equal Opportunity

##### i. Affirmatively Furthering Fair Housing

Recipients shall market housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or handicap; and, shall provide program applicants and participants with information, in writing, on their rights and remedies under applicable federal, state, and local fair housing and civil rights laws. 24 CFR § 578.93(c). Subrecipients shall submit these written materials to the County as requested. The County shall review these documents for potential violations of fair housing laws and shall assist Subrecipients in coming into compliance with this requirement. If the County encounters a condition or action that impedes fair housing choice, the County shall work with the applicable jurisdiction(s) that provided the Certification of Consistency with the Consolidated Plan to address and remedy the violation(s). 24 CFR § 578.93(c)(2).

##### ii. Integration and Accessibility

Housing and supportive services must be offered in an integrated manner, such that persons with disabilities may enjoy a meaningful life within the community. See *Olmstead v. L.C.* (527 U.S. 581 (1999) 138 F.3d 893). Recipients shall offer housing and supportive services to enable individuals with disabilities to interact with nondisabled persons to the fullest extent possible. 24 CFR § 578.93(d). Reasonable accommodations and modifications must be offered when appropriate. See Reasonable Accommodations and Modifications below.

##### iii. Reasonable Accommodations and Modifications for Persons with Disabilities

Recipients are required to provide reasonable accommodations and modifications for persons with disabilities. A reasonable accommodation is defined as changing the rules, policies, or services so that a person with a disability has equal opportunity to use and enjoy a dwelling unit or common space. Permitting a person with a disability to have a service animal is an

example of a reasonable accommodation. A reasonable modification is defined as modifying a structure so that a person with a disability has the full enjoyment of the housing and related facilities. Installing a grab bar in the bathroom of a person with a disability is an example of a reasonable modification. For federally-funded housing, the recipient bears the burden of paying for the modification. Recipients must inform applicants during the intake process of their right to request a reasonable accommodation or modification.

**iv. Discrimination Based on Household Composition**

A recipient receiving funds under the ESG or CoC Programs cannot discriminate against individuals or families 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. However, housing *may* be limited to families with children who are under the age of 18.

Refer to the Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, “2012 Equal Access Rule,” (77 FR 5662); Equal Access in Accordance With an Individual’s Gender Identity in Community Planning and Development Programs, “CPD Equal Access Rule,” (81 FR 64782); and HUD’s Frequently Asked Question regarding the definition of “family,”

<https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included>.

**v. Preventing Involuntary Family Separation**

In an effort to maintain family unity, for housing serving families with children, the age and gender of a child under age 18 shall not be used as a basis for denying any family’s admission. 24 CFR § 578.93(e). Additionally, recipients may not deny admission to any member of the family (e.g., 15-year old son).

**vi. Equal Access in Accordance with Gender Identity**

Recipients must follow HUD’s requirements regarding equal access per the 2012 Equal Access Rule (77 FR 5662) and the CPD Equal Access Rule (81 FR 64782).

Projects, including single-sex emergency shelters, must provide all individuals, including transgender individuals and other individuals who do not identify with the sex they were assigned at birth, with access to programs, benefits, services, and accommodations in accordance with their gender identity without being subjected to intrusive questioning or being asked to provide documentation.

Recipients’ policies and procedures must reflect that equal access is provided to individuals and families based on their gender identity. It is also recommended that recipients use this Notice to notify applicants and participants of the Equal Access rule requirements.

Once an individual or family is admitted for assistance, Recipients must take nondiscriminatory steps that may be necessary and appropriate to address privacy concerns raised by participants and, as needed, update admissions, occupancy, and operating policies and procedures in accordance with the CPD Equal Access Rule (81 FR 64782).

## vii. Prioritized Subpopulations and Fair Housing Implications

Recipients shall comply with applicable civil rights laws, including the Fair Housing Act. Within this framework, these standards establish subpopulations to be prioritized for housing and services that align with the identified needs of the local community and the goals of the Federal Strategic Plan to End Homelessness. Subpopulations may be prioritized as long as doing so does not discriminate against any protected class under federal nondiscrimination laws in 24 CFR § 5.105; subpopulations may also be prioritized according to who needs the specialized supportive services that are offered by the project. 24 CFR § 578.93(b)(2) and (7).

### 1. *Dedicated versus Prioritized*

Projects and/or beds that are *dedicated* to serving a specific subpopulation must continue serving only this subpopulation. (For instance, a Permanent Supportive Housing project that is dedicated to serving chronically homeless individuals must continue serving only chronically homeless individuals). Projects and/or beds that are not currently dedicated to serving a specific subpopulation must give the designated subpopulations priority for admission, in the order established by these standards, when a bed becomes available through turnover. This means that if two otherwise eligible individuals are seeking admission into the program, one who falls within the designated prioritized subpopulation and one who does not, the individual who is in the designated prioritized subpopulation must be given priority for admission. **For both dedicated and prioritized beds, if there are no persons on a waiting list or applying for entrance to the program who fall within the dedicated or first priority subpopulation, recipients should not hold the unit vacant, but instead should serve the next prioritized subpopulation who may benefit from the services being provided.**

### 2. *Fair Housing Implications*

The Local Standards establish priority subpopulations by project type (i.e. Permanent Supportive Housing); recipients may not set more restrictive priorities unless a federal statute or executive order specifically authorizes this limitation, or unless expressly authorized by 24 CFR § 578.93(b)(1) to (7). For instance, while a Permanent Supportive Housing project may prioritize chronically homeless persons with a qualifying disability per the Local Standards, beds may not be reserved to persons with a *specific* disability (i.e. physical disability). If an individual who is otherwise qualified but who does not have a *physical* disability seeks admission and would benefit from the services offered, this person may not be excluded from the project. Alternatively, for example, recipients may reserve beds for persons with HIV/AIDS if the housing also receives funding from the Housing Opportunities for People with AIDS program (HOPWA).

## IV. Policies & Procedures

To best meet the needs of the community and in accordance with 24 CFR § 576 and 24 CFR § 578, the following policies and procedures have been established to ensure consistent practices in regard to admission, service requirements, duration of assistance, and exiting for all homeless housing projects within the Everett/Snohomish County Continuum of Care. All projects must use the Snohomish County Coordinated Entry system, which follows the adopted Orders of Priority, Attachment A.

### a. Emergency Shelter (ESG only)

The overarching goal of ESG projects is to reduce the time spent homeless. ESG Emergency Shelter funds are intended to respond to crisis and provide short-term emergency assistance to enable homeless households to move toward independent living by obtaining permanent housing as quickly as possible.

#### i. Admission

To the extent practicable, recipients will prioritize individuals and families who are currently living in Snohomish County who have an identified prior residence as living in places not designed for, or not ordinarily used as, a regular sleeping accommodation including a car, a park, an abandoned building, a bus or train station, an airport, or a campground. Recipients that are defined as Victim Service Providers will exclusively serve individuals and families who are fleeing or attempting to flee domestic violence. *See Section IV, Victim Service Providers, and Table 6.2, Category 4, for additional details.* All participants served in Emergency Shelter must meet the appropriate eligibility requirements as described in Section VI, Participant Eligibility.

#### ii. Service Requirement

Each participant will be assessed to identify needs and barriers to obtain housing and increase self-sufficiency. An initial evaluation and assessment must be completed at program entry, including verifying and documenting eligibility. If a participant's stay in Emergency Shelter is longer than 30 days, then the recipient must reassess and document the need for continued services every 30 days while the participant continues in shelter. The reassessment must show that the participant needs additional time in shelter to obtain other housing, and would be unsheltered without ESG assistance.

Obtaining appropriate housing, particularly permanent housing, and addressing the most immediate and manageable barriers is the priority for emergency shelters. Given the expected short-period of assistance, the focus is on those barriers that can be addressed during the timeframe of assistance. Each participant will have a housing stability/service plan that may include longer-term solutions to other barriers or risk-factors that might destabilize a household after assistance has ended. *See Section XIV, Recordkeeping Requirements.* This plan is to be completed at program entry and updated at least every 30 days for Emergency Shelter. The plan will be derived from the assessment and include at a minimum, housing stability goals and other goals as appropriate to the essential services identified in the Subrecipient's ESG Application and Statement of Work (Exhibit B) of the Contract. Each participant will participate in developing her/his own individualized housing stability/service plan to obtain housing and maintain housing stability after ESG-funded assistance ends.

Recipients may use their current evaluation and assessment form, reassessment form, tracking method, and housing stability/service plan, or develop new forms or other tracking methods. The evaluation, assessment, reassessment, housing stability/service plan, and goals must be documented according to the recipient's protocols for documentation, and at a minimum must be in a format that is readily available for monitoring. Essential services must be tied directly to the needs and barriers identified in the assessment and recipients are encouraged to build on the participants' strengths to attain housing stability and increase self-sufficiency.

**iii. Lease Requirement**

In ESG-Emergency Shelters, participants must *not* be required to sign a lease or occupancy agreement. For additional information, refer to Section XIII, [Housing Requirements](#).

**iv. Duration of Assistance**

ESG-Emergency Shelters must operate a maximum 90-day project model. To the extent practicable, participants will be assisted in obtaining housing within 30 days of entry into the emergency shelter. All ESG-shelters will strive to reduce the average length of stay. However, participants may stay longer in order to prevent them from becoming homeless, on the streets, or other places not meant for human habitation.

The County works with the Continuum of Care community stakeholders to develop policies for the maximum allowable length of stay in emergency shelters as well as to identify benchmarks to enhance efficient utilization of the homeless services system. These policies and benchmarks will be updated during the applicable funding rounds. Updates will be communicated through revisions to these Local Standards and in Subrecipient contracts.

**v. Exiting**

To the degree practicable, participants exiting emergency shelter will be assisted in accessing housing that best fits their needs, with a preference for assisting participants to access permanent housing. Exits may also include participants entering treatment facilities to address mental health, substance abuse, or medical needs; recipients will coordinate with the treatment provider to support a successful transition. When possible, housing options or other resources should be provided at exit, so that participants have knowledge of where to go when treatment is completed.

**b. Transitional Housing (CoC only)**

The policies and procedures in this Section b apply only to Transitional Housing funded under the CoC Program.

**i. Admission**

To the extent practicable, recipients will prioritize individuals and families who are currently living in Snohomish County; cannot be more appropriately served by another program or system of care; have an identified prior residence as living in places not designed for, or not ordinarily used as, a regular sleeping accommodation including a car, a park, an abandoned building, a bus or train station, an airport, or a campground; lack a support network and have no other options or resources for housing. Further, recipients shall prioritize participants who qualify for an emergency transfer consistent with the VAWA Written Standards, as described

in Appendix C. Transitional Housing is reserved for persons with high barriers who require longer-term interventions. All participants served in Transitional Housing must meet the appropriate eligibility requirements as described in Section VI, Participant Eligibility.

**ii. Service Requirement**

For Transitional Housing projects, supportive services must be made available to participants throughout the duration of their residence in the project. Services must be necessary to assist participants to obtain and maintain permanent housing. Each participant must have an individual support plan in place, derived from recipients' ongoing, at least annual, assessment of participant needs and services must be adjusted accordingly. See Section XIV, Recordkeeping Requirements.

**iii. Lease Requirement**

Participants must sign a lease or occupancy agreement that is for a term of at least one (1) month but no more than twenty-four (24) months and cannot be extended. For additional information, refer to Section XIII, Housing Requirements.

**iv. Duration of Assistance**

Transitional Housing facilitates the movement of homeless households to permanent housing within 24 months of entry. Services may also be provided to former residents of Transitional Housing for no more than 6 months after leaving Transitional Housing to assist their adjustment to independent living.

*Limitation on Transitional Housing*

If permanent housing for a participant has not been located or if the participant requires additional time to prepare for independent living, Transitional Housing may be extended beyond the 24-month limit. However, if more than fifty percent (50%) of participants remain in the project beyond twenty-four (24) months, HUD may discontinue assistance for the project.

**v. Exiting**

The sole purpose of Transitional Housing is to assist participants to obtain permanent housing. Except in extenuating circumstances, participants will exit transitional housing to permanent housing within 24 months.

**c. Homelessness Prevention (ESG Only)**

Homelessness Prevention is intended to prevent households from moving into emergency shelter or other homeless situations.

**i. Admission**

Prevention assistance will be prioritized for individuals and families who are currently living in Snohomish County, cannot be more appropriately served by another program or system of care, lack a support network and have no other options or resources for housing. Prevention projects must collect documentation that participants would become homeless but for this assistance. All participants served under Prevention must meet the appropriate eligibility requirements as described in Section VI, Participant Eligibility.

ii. **Service Requirement**

Prevention projects must require the participant to develop a plan on how they will retain permanent housing after assistance ends and to meet with a case manager not less than once per month\* to assist the participant in maintaining long-term housing stability as set forth in 24 CFR § 576.401 (e)(1)(i). *See Section XIV, Recordkeeping Requirements.*

**\*Exception:** Recipients that also receive funding under the Violence Against Women Act of 1994 (VAWA) or the Family Violence Prevention and Services Act (FVSP) are exempt from the requirement to meet with participants monthly because these programs prohibit making housing conditional on the participant's acceptance of services. *See § 576.401(e)(2). See also Victim Service Providers.*

Re-evaluation of eligibility is required for Prevention; re-evaluation must occur at least every three (3) months. Re-evaluations must be documented in each participant's file and demonstrate that the participant lacks sufficient resources and support networks necessary to retain housing without assistance. Re-evaluations must also demonstrate that the household's annual income is less than or equal to 30% of the Area Median Income (AMI). Projects must follow evaluation and participant eligibility rules and regulations as set forth in 24 CFR § 576.401(a) through (e).

All supportive services will be provided as necessary to help participants maintain permanent housing, or move as quickly as possible into permanent housing and achieve stability in that housing. Supportive services are limited with ESG funds and may be used only to provide housing relocation and stabilization services. Prevention assistance must be provided in accordance with the housing relocation and stabilization services requirements in 24 CFR § 576.104 and 576.105, the short- and medium-term rental assistance requirements in 24 CFR § 576.106, and the written standards and procedures established under 24 CFR § 576.400.

*Rent Subsidy Models*

Prevention funds are used to assist participants to remain in permanent housing and regain stability. Or, where the current housing does not meet the participant's needs, the participant may move to more suitable housing. Funds may be used to provide short-term (up to 3 months) or medium-term (4 to 24 months) rental assistance over a 3-year period. Funding requirements may be further limited or defined by the Everett/Snohomish County Continuum of Care in Notices of Funding Availability (NOFAs) or Requests for Proposals (RFPs) but at a minimum, all participants served in Prevention projects must have an identified rent subsidy model prior to receiving assistance or moving into a unit and this must be consistent throughout their term of service. The steps must be known (and documented) in advance and act as deadlines for increasing income. Whether the rent subsidy is based on participants' income or a fixed rate, the subsidy declines in "steps" until the participants assume full responsibility for monthly housing costs either by:

- Using a fixed timeline; or
- When the participant has reached specific goals

Rent assistance will be graduated, so the participants' share of rent will increase until they pay full rent. Should participants experience a situation that prevents them from achieving the graduated subsidy goal, then the subsidy may be extended or adjusted with a revised graduated subsidy established. Participants must be in compliance with the program and

working on their housing stability plan to be considered for an extension or revised graduated subsidy plan.

Participants may receive up to two (2) subsequent financial assistance payments after their graduated subsidy has ended if they were compliant with their housing stability plan and they experienced a hardship that prevented them from making their payment. Hardships may include a job loss or reduction in pay/hours, medical expenses, or other similar situation. The participant must not have exited the program to receive assistance. However, at no time may the rental assistance exceed 24 months in any three (3) year period.

**iii. Lease Requirement**

For ESG-Homelessness Prevention, participants must sign a legally binding, written lease agreement; however, there are no requirements regarding a minimum term or other standards. For additional information, refer to Section XIII, Housing Requirements.

**iv. Duration of Assistance**

For participants seeking permanent housing, housing stability case management may not exceed 30 days. Once permanent housing is obtained, rental assistance may not exceed 24 months during any three (3) year period, although the assistance may be further limited or defined by the Everett/Snohomish County Continuum of Care. A graduated subsidy model must be identified and applied to all participants as outlined above in Section c.ii, Service Requirement.

**v. Exiting**

Prior to the assistance ending, a plan must be in place that identifies how the participant will maintain stability in permanent housing. If the participant is not yet able to retain permanent housing, they will be re-assessed. Participants may receive additional assistance to prevent them from becoming homeless, on the streets, or other places not meant for human habitation. However, participants may not receive more than 24 months of rental assistance in any three (3) year period.

**d. Rapid Rehousing**

Rapid Rehousing is a type of permanent housing that offers supportive services, as needed, and/or short-term (up to three (3) months) or medium-term (three (3) to 24 months) rental assistance in order to help homeless individuals or families move as quickly as possible into permanent housing and achieve stability. 24 CFR § 578.37(a)(1)(ii). Participants may locate housing of their choice in the private rental market within Snohomish County.

Rapid Rehousing projects must comply with the Office of Community and Homeless Services (OCHS) Rapid Rehousing Guide, which is incorporated herein by reference.

**i. Admission**

Recipients of Rapid Rehousing projects must accept new participants only through the Snohomish County Coordinated Entry System. Rapid Rehousing projects must collect documentation that participants would become homeless but for this assistance. Rapid Rehousing assistance will be prioritized for individuals and families according to the adopted Orders of Priority, Attachment A, which include policies for prioritizing participants who

qualify for an emergency transfer consistent with the VAWA Written Standards, as described in Appendix C. All participants served under Rapid Rehousing must meet the appropriate eligibility requirements as described in Section VI, Participant Eligibility, and as further described in the OCHS Rapid Rehousing Guide.

**ii. Service Requirement**

Refer to the OCHS Rapid Rehousing Guide.

**iii. Lease Requirement**

Refer to the OCHS Rapid Rehousing Guide. For CoC-Rapid Rehousing, participants must sign a lease that is for an initial term of one (1) year, that is terminable only for cause, and that automatically renews upon expiration (goes month-to-month). For ESG-Rapid Rehousing, participants must sign a legally binding, written lease agreement; however, there are no requirements regarding a minimum term or other standards. For additional information, refer to Section XIII Housing Requirements.

**iv. Duration of Assistance**

Refer to the OCHS Rapid Rehousing Guide.

**v. Exiting**

Refer to the OCHS Rapid Rehousing Guide.

**e. Permanent Supportive Housing (CoC only)**

Permanent Supportive Housing provides assistance to individuals with disabilities and families in which one adult or child has a disability. The policies and procedures in this Section e apply to all Permanent Supportive Housing within the Everett/Snohomish County Continuum of Care.

**i. Admission**

Recipients of Permanent Supportive Housing projects must accept new participants only through the Snohomish County Coordinated Entry System. Permanent Supportive Housing projects will be prioritized for individuals and families with the longest histories of homelessness and the most severe service needs, according to the adopted Orders of Priority, Attachment A, which include policies for prioritizing participants who qualify for an emergency transfer consistent with the VAWA Written Standards, as described in Appendix C. See also HUD CPD-16-11, Notice on Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing. All participants served in Permanent Supportive Housing must meet the appropriate eligibility requirements as described in Section VI, Participant Eligibility.

*Severe Service Needs*

The most severe service needs, which should be identified and verified through data-driven methods (e.g., an administrative data match or through the use of a standardized assessment tool and process), means that at least one (1) of the following is true:

- History of high utilization of crisis services, which include but are not limited to, emergency rooms, jails, and psychiatric facilities; and/or

- Significant health or behavioral health challenges, substance use disorders, or functional impairments which require a significant level of support in order to maintain permanent housing.
- For youth and victims of domestic violence, high risk of continued trauma or high risk of harm or exposure to very dangerous living situations.

**ii. Service Requirement**

Permanent Supportive Housing projects must offer supportive services for the participants that enable them to live as independently as is practicable throughout the duration of their residence in the project. Each participant must have an individual support plan in place, derived from recipients' ongoing, at least annual, assessment of participants' needs and services must be adjusted accordingly. *See Section XIV, Recordkeeping Requirements*. Services must be necessary to assist participants obtain and maintain housing.

**iii. Lease Requirement**

Participants must sign a lease that is for an initial term of one (1) year, that is terminable only for cause, and that automatically renews upon expiration (goes month-to-month). For additional information, refer to Section XIII Housing Requirements.

**iv. Duration of Assistance**

There is no designated length of stay for participants of this type of housing.

Participants receiving rental assistance are permitted to be out of their unit for the purpose of brief institutional stays (jail, hospital, treatment) for a period not to exceed 90 days per occurrence.

**v. Exiting**

Permanent Supportive Housing is intended to be available to participants for as long as it provides housing assistance that meets their needs. Successful exits from Permanent Supportive Housing include exiting to other permanent housing destinations.

**f. All Project Types**

*Safeguards, Safety and Needs of Special Populations*

**i. Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

The 2013 reauthorization of the Violence Against Women Act (VAWA) and HUD's final rule (81 FR 80798), which implements the requirements of VAWA, provide protections to victims of domestic violence, dating violence, sexual assault, and stalking under programs funded by HUD, including the CoC Program, ESG Program, and HOME Investment Partnerships (HOME) Program. Recipients are required to comply with the VAWA final rule and the locally adopted VAWA Written Standards, including Emergency Transfer Plan. The VAWA Written Standards, including the Emergency Transfer Plan, are located in Appendix C.

**ii. Victim Service Providers**

The term 'victim service provider' means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such organizations include rape crisis centers, battered women's shelters,

domestic violence transitional housing programs, and other programs (Section 401(32) McKinney-Vento Act).

Projects serving individuals or families who qualify under Category 4 of the Defining “Homeless” Rule (persons fleeing or attempting to flee domestic violence) must follow all related federal and state laws, follow confidentiality policies, and have written policies and procedures regarding the provision of specific services to meet the safety and special needs of this population.

**iii. Veterans**

Projects serving veterans experiencing homelessness must prioritize those veterans who are ineligible for Veterans Affairs (VA) services, and work closely with the local Department of Veterans Affairs and coordinate resources with VA-funded housing and services (e.g. HUD-Veterans Affairs Supportive Housing (HUD-VASH), Supportive Services for Veteran Families (SSVF), etc.). Veterans must be screened for eligibility for VA-funded housing and/or services.

**iv. Youth**

HUD’s definition of youth includes unaccompanied children under age 18 or youth between the ages of 18 and 24. Projects serving youth must prioritize youth based upon vulnerability to victimization, length of time homeless, unsheltered homeless, lack of access to family and community support networks, and current or past sexual exploitation.

It is important to note that youth are not responsible for obtaining their own eligibility documentation; instead, intake workers are responsible for documenting the youth’s eligibility (including homelessness status). Further, intake workers must consider the youth’s safety concerns before contacting third parties: intake workers must *not* contact anyone that the youth does not want contacted because of fears for his/her safety.

**v. High Needs**

Projects serving individuals and families with very high needs must provide shelter/housing and services that meet the special needs for these populations.

**vi. Mobility for Participants Receiving Tenant-Based Rental Assistance**

Participants who are receiving Tenant-Based Rental Assistance and have complied with all program requirements during their residence may retain the rental assistance and move to a different Continuum of Care geographic area in two (2) circumstances:

1. The recipient is able to meet *all program* requirements, either directly or through a third-party contract or agreement, in the geographic area where the participant chooses housing, 24 CFR § 578.51(c)(2) and (4);

or

2. If the participant has been a victim of domestic violence, dating violence, sexual assault, or stalking, and:
  - a. The participant:
    - Reasonably believes they are imminently threatened by harm from further domestic violence, dating violence, sexual assault, or stalking if they remained in the unit;

- Is able to document the violence and basis for their belief;
  - Moves to protect their health and safety; and
- b. The recipient is able to meet *statutory* requirements, either directly or through a third-party contract or agreement, in the geographic area where the participant chooses housing, including:
- HQS inspections;
  - Addressing the supportive service needs of participants; and
  - Ensuring that children are enrolled in school and connected to appropriate services in the community.

If each item in paragraph 2 is met, the recipient may continue to serve the participant in the new geographic area even if the recipient cannot meet all *regulatory* requirements, 24 CFR § 578.51(c)(3).

**vii. Education Services**

The educational needs of children and youth must be accounted for, to the maximum extent practicable, and families with children and unaccompanied youth must be placed as close as possible to the school of origin so as not to disrupt the children’s education. Projects that serve homeless families with children and/or unaccompanied youth must have policies and practices in place that are consistent with the laws related to providing education services to children and youth. These recipients must have a designated staff person to ensure that children and youth are enrolled in school and receive education services, as appropriate. 42 U.S.C. 11432 et. seq. Homeless families with children and unaccompanied youth must be informed of their eligibility for McKinney-Vento education services as well as other State and local education services. Recipients shall maintain documentation in the participant’s case file to demonstrate that these requirements have been met and that applicants and participants understand their rights.

*Collaboration with McKinney-Vento Local Education Liaisons*

Recipients must document whether school-aged children are eligible for McKinney-Vento services and whether the child is connected with a local education liaison. If the child is not already engaged, recipients must refer the family directly to the liaison at their school of choice. All applicants/participants with school-aged children must be provided with documentation that explains their rights under the McKinney-Vento Act and that provides contact information for the liaison at every school district within Snohomish County.

*Collaboration with State Educational Coordinators*

Recipients must also document that they have discussed the Washington State Early Childhood Education and Assistance Program (ECEAP), a free preschool program, with income-eligible families who have children between the ages of four (4) to five (5) years old.

**viii. Low-Barrier and Housing First**

Recipients that indicated in the applicable CoC Project Application that the project would follow a Low-Barrier and Housing First approach must operate the project accordingly. All other projects are strongly encouraged to use a Low-Barrier and Housing First approach to facilitate homeless individuals’ and families’ rapid return to housing.

A housing first approach allows eligible homeless individuals and families to enter the project without barriers, such as income or sobriety requirements, or service participation

requirements. Application and admission policies should be as streamlined and short as possible to move eligible individuals and families into permanent housing as quickly as possible. Projects using a housing first approach offer supportive services; however, participation in these services is based on the needs and desires of the program participant.

To be considered Housing First, the project must follow a Low-Barrier approach (as described below) *and* must *not* terminate participants from the program for the following reasons:

1. Failure to participate in supportive services
2. Failure to make progress on a service plan
3. Loss of income or failure to improve income
4. Being a victim of domestic violence
5. Any other activity not covered in a lease agreement typically found in the project's geographic area

To be considered Low-Barrier, participants must *not* be screened out based on the following:

1. Having too little or no income
2. Active or history of substance abuse
3. Having a criminal record with exceptions for state-mandated restrictions
4. History of domestic violence (e.g., lack of a protective order, period of separation from abuser, or law enforcement involvement)

Persons may be terminated from the program *only* when violations of the lease are serious, and only in the most severe cases. Use of alcohol or drugs in of itself (without other lease violations) is not a reason for program termination. It is important to note that a participant may be evicted from the housing unit, but this does not mean that the recipient must terminate the participant from the program; the recipient may continue serving the participant in another housing unit.

## V. Components and Eligible Activities

This section will help to determine and define the allowable activities within a project as defined by the project component under both ESG and CoC. Components define a type of project (e.g., Transitional Housing) and have a set of allowable activities (e.g., Supportive Services). Activities are a set of allowable costs. For example, a phone line for a case manager might be considered a Supportive Services activity under the Transitional Housing component for the CoC Program.

ESG and CoC Programs each have five (5) eligible components that are detailed in [Table 5.1](#) (ESG) and [Table 5.7](#) (CoC). Rapid Rehousing, Homeless Prevention and HMIS are allowable components of both funding sources; however, the activities that are allowable vary by Program. Street Outreach and Emergency Shelter are eligible under ESG only. Permanent Supportive Housing, Transitional Housing and Supportive Services Only are unique to the CoC Program. It is important to become familiar with the allowable activities under the funded component. The areas in grey are currently not being funded.

The funded components of a project are described in the contract with HUD for direct recipients or with Snohomish County for Subrecipients.

### a. Emergency Solutions Grant

#### i. Eligible ESG Components

<i>Table 5.1</i>		<i>ESG Eligible Components</i>		
Street Outreach	Emergency Shelter	Homelessness Prevention	Rapid Rehousing	HMIS

#### ii. Eligible ESG Activities

##### 1. *Street Outreach 24 CFR § 576.101 (ESG Only)*

ESG funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people, referred to as Street Outreach. However, there are no Street Outreach projects being funded with ESG at this time. Policies will be developed at the time that the Everett/Snohomish County Continuum of Care chooses to fund projects under this component.

<i>Table 5.2</i>		<i>ESG Street Outreach - Eligible Activities</i>			
<i>Essential Services</i>					
Engagement	Case Management	Emergency Health Services	Transportation	Emergency Mental Health Services	Services for Special Populations

##### 2. *Emergency Shelter 24 CFR § 576.102 (ESG Only)*

###### *Definition*

Emergency Shelter is defined as any facility, where the primary purpose is to provide “a temporary shelter for the homeless in general, or for specific populations of the homeless people and which does not require occupants to sign leases or occupancy agreements.

Any project that was funded under a Fiscal Year 2010 Emergency Solutions Grant may continue to be funded under ESG (24 CFR § 576.2).” However, because of the limited number of funding sources for which emergency shelter costs are eligible, Emergency Shelter will be prioritized for funding under ESG.

<b>Table 5.3</b>			
<b>ESG Emergency Shelter – Eligible Activities</b>			
<i>Essential Services</i>			
Case Management	Child Care	Education Services	Employment Assistance & Job Search
Outpatient Health Services	Legal Services	Life Skills Training	
Mental Health Services	Substance Abuse Treatment Services	Transportation	Services for Special Populations
<i>Renovation</i>			
<i>Shelter Operations</i>			
<i>Assistance Required Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970</i>			

3. Homelessness Prevention 24 CFR § 576.103 (ESG Only)

*Definition*

Homelessness Prevention provides housing relocation, stabilization services and short- and medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in Category 1 of the Defining “Homeless” Rule, see [Table 6.2](#). Snohomish County is not currently pursuing projects for which this definition would apply. Policies will be developed at the time that the Everett/Snohomish County Continuum of Care chooses to fund projects under this component.

<b>Table 5.4</b>	
<b>ESG Homelessness Prevention – Eligible Activities</b>	
<i>Housing Relocation &amp; Stabilization Services</i>	
<i>Short- and/or Medium-Term Rental Assistance</i>	

4. Rapid Rehousing 24 CFR § 576.104 (ESG)

*Definition*

Rapid Rehousing provides housing relocation, stabilization services and short- and medium-term rental assistance to help homeless individuals or families move as quickly as possible into permanent housing and achieve stability in that housing.

*Please note: Rapid Rehousing varies between ESG and CoC Program Regulations. Refer to the [OCHS Rapid Rehousing Guide](#).*

<b>Table 5.5</b>	
<b>ESG Rapid Re-Housing – Eligible Activities</b>	
<i>Housing Relocation &amp; Stabilization Services</i>	
<i>Short- and/or Medium-Term Rental Assistance</i>	

5. *HMIS Component 24 CFR § 576.107 (ESG)*

Section 416(f) of the McKinney-Vento Act requires for the first time that ESG-funded projects participate in the Homeless Management Information System (HMIS). The ESG interim rule makes certain costs eligible to the extent necessary to enable this participation. HUD published a proposed rule on HMIS, 24 CFR part 580, that will govern HMIS when it is published as final.

*Please note: the HMIS Component varies between the ESG and CoC Program Regulations. See Section V.b for CoC information on the HMIS component and HMIS eligible activities.*

County policy is to share HMIS funds with Subrecipients. The amount available will be determined at the time of award and through the contracting process and shall be based upon funding available. If a Subrecipient receives funding allocated for HMIS costs, they must track the time spent entering HMIS data separately on a timesheet and provide back-up documentation when requested. A different line item will be provided on Subrecipient Invoices with the expectation of the HMIS time being reported separately.

6. *Administrative Costs (ESG)*

<i>Table 5.6</i>	<i>ESG Administrative Costs</i>
Snohomish County Human Services Department retains all administrative funds to manage contracts, complete monitoring and cost reimbursement activities.	

**b. Continuum of Care**

**i. Eligible CoC Components**

<i>Table 5.7</i>	<i>CoC Eligible Components</i>			
Permanent Housing (PH)	Transitional Housing (TH)	Supportive Services Only (SSO)	HMIS	Prevention (HPC* Only)
<i>Including:</i>				
PSH**   RRH***				
*High Performing Community (as designated by HUD) **Permanent Supportive Housing ***Rapid Rehousing				

1. *Permanent Housing 24 CFR § 578.37(a)(1)(CoC)*

*Definition*

Permanent Housing is community-based housing, the purpose of which is to provide housing without a designated length of stay. Under the CoC Program, Permanent Housing includes both Permanent Supportive Housing and Rapid Rehousing.

a. Permanent Supportive Housing 24 CFR § 578.37(a)(1)(i)(CoC)

*Definition*

Permanent Supportive Housing provides assistance to individuals with disabilities and families in which one adult or child has a disability. Supportive Services designed to meet the needs of the participant must be made available to the participant.

b. Rapid Rehousing 24 CFR § 578.37(a)(1)(ii)(CoC)

*Definition*

CoC funds under Rapid Rehousing may be used to provide supportive services and/or short-term (up to 3 months), and/or medium-term (3 to 24 months) tenant-based rental assistance.

*Please note: Rapid Rehousing varies between ESG and CoC Program Regulations. Refer to the OCHS Rapid Rehousing Guide.*

2. Transitional Housing 24 CFR § 578.37(a)(2)(CoC)

*Definition*

Transitional Housing is housing that facilitates the movement of homeless individuals and families to permanent housing within 24 months.

3. Supportive Services Only 24 CFR § 578.37(a)(3) (CoC)

*Definition*

Projects that contain a Supportive Services Only (SSO) component provide supportive services to unsheltered and sheltered homeless persons for whom the recipient is not providing housing or housing assistance. The lack of housing or housing assistance provision is the defining difference between a project that is considered to be an SSO project, versus a project that is considered to be a housing project even if the only activities funded under the CoC are services. The County is not currently funding projects for which this definition would apply.

4. HMIS 24 CFR § 578.37(a)(4)(CoC)

Under the CoC Program, only the Homeless Management Information System (HMIS) Lead, in this case Snohomish County, may apply for a project with an HMIS component; however, HMIS may be an eligible cost for a recipient if permitted by the contract.

*Please note: the HMIS Component varies between the ESG and CoC Program Regulations. See Section V.a for ESG information on HMIS eligible activities and Section V.b for CoC information on HMIS eligible activities.*

5. Prevention 24 CFR § 578.37(a)(5)(CoC)

Homelessness Prevention is an eligible component under the CoC Program only for Continuums of Care that are designated as a High Performing Community (HPC) as defined by Subpart E of 24 CFR § 578. Snohomish County is not currently designated as an HPC.

ii. **Eligible CoC Activities**

The CoC Program allows for a number of different eligible activities. Each project’s ability to expend funds for the costs listed below is limited by the project’s component, project application, Subrecipient Contract with the County and the NOFA.

Please note that the following is a list of all eligible activities under the CoC Interim Rule. Costs such as *CoC Planning Activities* and *UFA Costs* are eligible only if the County is funded for such activities, and then only the County, as the Collaborative Applicant, can bill to them. Acquisition, Rehabilitation, New Construction and Relocation are onetime costs and the County is not currently pursuing such activities due to limited funding. In the table below, activities have been shaded in grey to indicate that they are not billable.

<b>Table 5.8 CoC Eligible Activities</b>			
CoC Planning Activities	UFA* Costs		Acquisition
Rehabilitation	New Construction		Leasing
Rental Assistance	Supportive Services		Operating Costs
HMIS	Project Administration	Relocation Costs	Indirect Costs

\*Unified Funding Agency

As mentioned above, the CoC Program authorizes a variety of eligible activities; however, projects may charge costs to the grant only that are agreed upon in the contract between the Subrecipient and Snohomish County or between the direct recipient and HUD. Therefore, activities that are not being utilized locally have not been included below.

<b>Table 5.9 CoC Eligible Activities* by Component</b>		PH: PSH	PH: RRH	TH
Housing Costs**	Leasing	X		X
	Rental Assistance	X	X	X
	Operating	X		X
Supportive Services		X	X	X
HMIS		X	X	X
Administration		X	X	X
Indirect Costs		X	X	X

\* Refer to Eligible CoC Activities below.  
 \*\*The following Housing Costs may not be combined in the same project:  
 - Rental Assistance and Leasing  
 - Rental Assistance and Operating

1. *Leasing 24 CFR § 578.49 (CoC)*

Leasing funds under the CoC Program may be used to lease a structure or individual units to provide housing or supportive services to homeless persons. Funds cannot be used to lease units or structures owned by the recipient, Subrecipient, their parent organization(s), or other organizations more fully described in 24 CFR § 578.49(a) unless authorized by HUD.

Where utilities are included in the rent amount, utilities (electricity, gas, water) are considered a leasing cost. Where the utilities are separate from the rent, they are considered an operating cost. Utilities for supportive service structures are considered a supportive services cost regardless of utilities being included or excluded from the rent amount.

Leasing funds may be used to pay a security deposit but it must not exceed two months of actual rent. It is permissible to pay first and last month's rent.

<b>Table 5.10</b>		<b>CoC Leasing – Eligible Costs*</b>	
<i>Length of Housing Assistance</i>			
Transitional Housing <i>Up to 24 months</i>		Permanent Supportive Housing <i>Unlimited</i>	
<i>Model of Assistance</i>			
Structure(s)	Portion of Building(s)	Individual Units	
<i>Other Eligible Costs</i>			
Vacancy Payment – Recipients must abide by the terms of the master lease and pay rent for the unit regardless of whether the unit is occupied. However, the recipient must make every effort to house an eligible participant in the vacant unit as quickly as possible.			
Utilities (electricity, gas, water) – only if included in the rent		Security Deposits – not to exceed 2 months of rent	
* Damages are not an eligible Leasing cost.			

<b>Table 5.11</b>		<b>CoC Leasing – Key Requirements</b>	
Unit Rent Standard	Rent paid by the recipient for a unit must be reasonable in comparison to similar units, cannot exceed comparable unassisted units and cannot exceed Fair Market Rent. <i>See Section XIII.d, <u>Rent Reasonableness and Fair Market Rent</u>.</i>		
Unit Lease – Master Lease and Sublease	Agencies must have a “master” lease agreement with the landlord/owner. Leasing costs are paid directly to the landlord/owner in accordance with the master lease. Recipients must have a sublease in place with participants. <i>See Section XIII.e, <u>Housing Agreements</u>.</i>		
Participant Rent	Agencies are not required to have participants pay rent, but if they choose to charge participants rent, the rent must be calculated in accordance with 24 CFR § 578.77, and cannot exceed the highest of 30% of the participant’s adjusted monthly income, 10% of the participant’s monthly income, or the welfare rent. For further guidance on calculating rent, refer to Section X.g, <u>Calculating Rent (or Occupancy Charge)</u> . Any participant rent that is collected is considered Program Income and must be used for eligible costs in accordance with 24 CFR § 578.97.		

2. *Rental Assistance 24 CFR § 578.51 (CoC)*

Rental assistance funds may be used to provide homeless individuals or families with short-, medium- or long-term rental assistance as outlined below. Rental assistance cannot be provided to participants who are already receiving rental assistance, or living

in a housing unit receiving rental assistance or operating assistance through other federal, State, or local sources.

*Administering Rental Assistance*

Contracting for and making rental assistance payments to landlords, as well as conducting Housing Quality Standards (HQS) Inspections are considered to be a service delivery cost of rental assistance and is therefore an eligible cost under this section. Other eligible costs of administering rental assistance include: examining participant income and family composition; providing housing information and assistance; and receiving new participants into the program.

<b>Table 5.12</b>			<b>CoC Rental Assistance – Eligible Costs</b>		
<i>Length of Housing Assistance</i>					
Short-Term <i>Up to 3 months</i>		Medium-Term <i>From 3 to 24 months</i>		Long-Term <i>&gt;24 months</i>	
<i>Model of Assistance</i>					
Tenant Based <i>Participants choose unit</i>		Sponsor Based <i>Participants reside in housing owned or leased by Sponsor</i>		Project Based <i>Units are provided through a contract with the owner</i>	
<i>Other Eligible Costs</i>					
Vacancy Payment – up to 30 days following end of the month when unit vacated		Property Damage – may not exceed one month’s rent; one-time cost per participant at the time participant exits unit		Security Deposits – not to exceed 2 months of rent	
<i>Administering Rental Assistance – Eligible Costs</i>					
Processing rental payments to landlords		Examining participant income and family composition		Providing housing information and assistance	
Inspecting units for compliance with Housing Quality Standards (HQS)			Receiving new participants into the program		

<b>Table 5.13 CoC Rental Assistance – Key Requirements</b>	
Unit Rent Standard	The unit rent must be <u>reasonable</u> in comparison to similar units and cannot exceed comparable unassisted units. <i>See Section XIII.d, <u>Rent Reasonableness and Fair Market Rent</u>.</i>
Unit Lease – Lease and Rental Assistance Agreement	Participants must have a lease agreement with the landlord/owner of housing. In addition, recipients may make rental assistance payments only to landlords/owners with whom the recipient has a rental assistance agreement. The rental assistance agreement must include the terms under which rental assistance will be provided, the term of the agreement, that the landlord/owner will provide the recipient with a copy of all written notices to the participant (including notices to vacate, notices of noncompliance, etc.). <i>See Section XIII.e, <u>Housing Agreements</u>.</i>
Participant Rent	Except in <u>Rapid Rehousing</u> projects, participants must contribute toward their rent in accordance with 3(a)(1) of the U.S. Housing Act of 1937 (42 USC 1437a(a)(1)). Changes to rental payment amounts must be made as changes in income are identified (no less than annually). For further guidance on calculating rent, refer to Section X.g, <u>Calculating Rent (or Occupancy Charge)</u> .

3. *Supportive Services 24 CFR § 578.53 (CoC)*

Supportive Services funds may be used to provide supportive services that address the special needs of participants. Services must be limited to those which assist participants in obtaining and maintaining housing. Ongoing, at least annual, assessments of service needs are required and services should be adjusted accordingly. Where supportive services are provided within a facility not contained in a housing structure, the costs of operation of the facility are eligible, including maintenance, repair, building security, utilities and equipment.

The following table is a complete list of eligible costs under this component. *See 24 CFR § 578.53(e) for additional details about what these costs include.*

<b>Table 5.14 CoC Supportive Services – Eligible Costs</b>		
Annual Assessment of Service Needs	Assistance with Moving Costs	Case Management
	Food	Housing Search & Counseling Services
Employment Assistance & Job Training	Outpatient Services	Outreach Services
	Education Services	Legal Services
Mental Health Services	Substance Abuse Treatment Services	Transportation
Child Care	Utility Deposits	Direct Provision of Services
Life Skills Training		

4. *Operating Costs 24 CFR § 578.55 (CoC)*

Operating funds may be used to pay the day-to-day costs of operation of transitional and permanent housing in a single structure or individual units. Operating costs for

supportive service facilities are considered supportive services; see *Section V.b, Supportive Services*.

<b>Table 5.15</b>		<b>CoC Operating – Eligible Costs</b>	
<i>Model of Assistance</i>			
Structure		Individual Units	
<i>Eligible Costs</i>			
Repair & Maintenance	Property Tax & Insurance	Scheduled payments to reserve	Security*
Electricity, Gas & Water	Furniture		Equipment
*Where >50% of the units are paid for with grant funds			

<b>Table 5.16</b>		<b>CoC Operating – Key Requirements</b>	
Unit Rent Standard	Not applicable.		
Unit Lease	Participants must have a lease or occupancy agreement with the recipient. See <i>Section XIII.e, Housing Agreements</i> .		
Participant Rent	Agencies are not required to have participants pay rent, but if they choose to charge participants rent, the rent must be calculated in accordance with 24 CFR § 578.77, and cannot exceed the highest of 30% of the participant’s adjusted monthly income, 10% of the participant’s monthly income, or the welfare rent. For further guidance on calculating rent, refer to Section X.g, <u>Calculating Rent (or Occupancy Charge)</u> . Any participant rent that is collected is considered Program Income and must be used for eligible costs in accordance with 24 CFR § 578.97.		

5. *HMIS 24 CFR § 578.57 (CoC)*

HMIS funds may be used to pay the costs of contributing data to the Snohomish County Homeless Management Information System (HMIS).

*Please note: the HMIS Component varies between the ESG and CoC Program Regulations. See Section V.a for ESG information on HMIS eligible activities and Section V.b for CoC information on the HMIS component.*

<b>Table 5.17</b>		<b>CoC HMIS – Eligible Costs</b>	
Purchasing/Leasing Computer Hardware	Purchasing Software or Software Licenses	Purchasing/Leasing Equipment (telephones, fax machines, furniture)	Obtaining Technical Support
Leasing Office Space	Electricity, Gas, Water, Phone Service, High Speed Data Transmission	Salaries for Operating HMIS	Costs of Staff to Travel and Attend HUD Sponsored/ Approved Training on HMIS
Staff travel Costs to Conduct Intake		Participation Fees Charged by the Lead	

6. *Project Administration 24 CFR § 578.59 (CoC)*

CoC-funded projects may apply to use up to 10% of their project funds to pay for administrative costs. The NOFA may further limit project requests for administrative costs. For instance, during the FY2013 NOFA, local projects were limited to requesting no more than 7% in order to receive maximum points in this section of the application.

For projects through Snohomish County, administrative funds are split between the County (50%) and the Subrecipient (50%) for all projects unless determined otherwise by the County and Subrecipient.

Staff and overhead costs directly related to carrying out eligible costs are considered eligible under those activities and are not considered project administration.

<i>Table 5.18</i>		<i>CoC Administrative Costs</i>	
<i>General Management &amp; Oversight</i>			
Preparing Budgets & Schedules	Assure Compliance	Development of Agreements to Carry Out Program Activities	
Monitoring for Progress & Compliance	Preparing HUD Reports	Coordinating Resolution of Findings	
Evaluating Results & Objectives		Managing/Supervising Staff Who Engage in General Management & Oversight	
<i>Training on CoC Requirements</i>		<i>Environmental Reviews</i>	

7. *Indirect Costs 24 CFR §578.63*

Indirect costs are eligible under the CoC Program and must be in accordance with OMB Uniform Guidance.

## VI. Participant Eligibility

Eligibility for assistance under CoC and ESG Programs is determined by HUD Regulations 24 CFR § 578, and 24 CFR § 576 respectively. Eligibility is further defined by project component. The table below provides an overview of eligibility by component and funding type. Eligibility may be further restricted by the contract.

### a. Eligibility By Component

<i>Table 6.1</i>		<i>Eligibility By Component</i>					
Component	Funding	Homeless Status Category*			Income**	Disability	Chronic Homeless (CH)
		1	2	4	30%		
<u>Shelter</u>	ESG	X	X	X	N/A		
<u>Prevention</u>	ESG		X	X	X		
<u>RRH</u>	ESG / CoC	X			Required at Revaluation Only		
<u>Transitional</u>	CoC	X	X	X	N/A		
<u>PSH</u>	CoC	X			N/A	X	Prioritized
PSH – CH Dedicated	CoC	X***			N/A	X	X

X = Required  
 N/A = Not Applicable  
 \*Homeless Status Categories are established by the Defining “Homeless” Rule; see Table 5.2 for corresponding categories  
 \*\*Participant’s annual income may not exceed the specified % of median family income for the area (AMI), as determined by HUD  
 \*\*\*Permanent Supportive Housing that is dedicated to chronically homeless households must serve only persons who qualify as chronically homeless who are coming from a place not meant for human habitation, safe haven, or emergency shelter. While persons in transitional housing are considered to be Category 1 homeless, they do not qualify as chronically homeless.

**b. Homeless Eligibility Criteria**

In order to receive assistance, persons must meet the HUD definition of homeless as detailed below in Table 6.2 for the duration of their participation in ESG projects, and at entry for CoC projects.

<i>Table 6.2</i>		<i>Homeless Eligibility Criteria</i>	
<b>Cat.</b>	<b>Description</b>	<b>Component</b>	<b>Criteria</b>
<b>1</b>	<b>Literally Homeless</b>	<i>Emergency Shelter</i> <i>Transitional Housing</i> <i>Rapid Rehousing</i> <i>Permanent Supportive Housing</i>	<b>A household is literally homeless if they lack fixed, regular &amp; adequate nighttime residence, meaning:</b> <ul style="list-style-type: none"> <li>• Sleeping in a place not designed for, or not ordinarily used as, a regular sleeping accommodation, including a car, a park, an abandoned building, a bus or train station, an airport, or a campground.</li> <li>• Living in a shelter designated to provide temporary living arrangements, including congregate shelters, transitional housing, hotels/motels paid for by charitable organizations, or federal/state/local government programs.</li> <li>• Exiting an institution such as a jail or hospital where they resided for 90 days or less AND was residing in an emergency shelter or place not meant for human habitation immediately before entering the institution.</li> </ul>
<b>2</b>	<b>Imminent Risk of Homelessness</b>	<i>Emergency Shelter</i> <i>Transitional Housing</i> <i>Prevention</i>	<b>A household that will imminently lose their primary nighttime residence provided that:</b> <ul style="list-style-type: none"> <li>• The residence will be lost within 14 days of the application for assistance</li> <li>• No subsequent residence has been identified; AND</li> <li>• The individual or family lacks the resources or support networks needed to obtain other permanent housing</li> </ul>
<b>3</b>	<b>Unaccompanied Youth</b>	<i>Not Applicable</i>	<i>Snohomish County is not currently pursuing projects for which this definition would apply</i>
<b>4</b>	<b>Fleeing or Attempting to Flee Domestic Violence</b>	<i>Emergency Shelter</i> <i>Transitional Housing</i> <i>Prevention</i>	<b>Households fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or other dangerous or life threatening conditions related to violence, who:</b> <ul style="list-style-type: none"> <li>• Have no identified subsequent residence; AND</li> <li>• Lack the resources and support networks needed to obtain other permanent housing.</li> </ul>

**c. Income 24 CFR § 576.103**

Income limits are based on Area Median Income (AMI) and are updated at least annually by HUD. Projects that have an income eligibility requirement must ensure they are using the most current information available. Current income limits can be found at <http://www.huduser.org/portal/datasets/il.html>

**d. Disability**

In order to qualify for Permanent Supportive Housing, the homeless household must have an adult or child member with a disability that meets the definition below (Docket No. FR-5333-F-02).

<i>Table 6.3</i>	<i>Disability</i>
Physical, Mental or Emotional Impairment	
A person shall be considered to have a disability if he or she has a disability that:	
(i)	is expected to be long-continuing or of indefinite duration;
(ii)	Substantially impedes the individual’s ability to live independently;
(iii)	Could be improved by the provision of more suitable housing conditions; and
(iv)	Is a physical, mental, or emotional impairment, including impairment caused by alcohol or drug abuse, posttraumatic stress disorder, or brain injury.
Developmental Disability	
A person will also be considered to have a disability if he or she has 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)	
HIV/AIDS	
A person will also be considered to have a disability if he or she has acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).	
Other Considerations	
Notwithstanding the preceding provisions of this definition, the term <i>person with disabilities</i> includes, except in the case of the Single Room Occupancy (SRO) component, two or more persons with disabilities living together, one or more such persons living with another person who is determined to be important to their care or well-being, and the surviving member or members of any household described in the first sentence of this definition who were living, in a unit assisted under this part, with the deceased member of the household at the time of his or her death. (In any event, with respect to the surviving member or members of a household, the right to rental assistance under this part will terminate at the end of the grant period under which the deceased member was a participant.)	

**e. Chronic Homelessness**

Some projects under the CoC Program are specifically dedicated to or prioritized for persons with a disability who have had several episodes of homelessness or an extended duration of homeless, which is referred to as *Chronic Homelessness*.

**i. Definition of Chronic Homelessness 24 CFR § 578.3**

A homeless individual with a disability who lives in a place not meant for human habitation, a safe haven, or in an emergency shelter and who has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least twelve (12) months or on at least four (4) separate occasions in the last three (3) years, as long as the combined occasions equal at least twelve (12) months and each break in

homelessness separating the occasions included at least seven (7) consecutive nights of not living in a place not meant for human habitation, a safe haven, or in an emergency shelter.

A person who meets the chronic homeless definition as described above, but who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days, and who was on the streets or in emergency shelter immediately before entering the institution, also qualifies as chronically homeless.

Chronically homeless persons also includes a family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all the criteria of chronic homelessness, including a family whose composition has fluctuated while the head of household has been homeless.

<i>Table 6.4</i>		<i>Duration of Homelessness</i>	
<b>Duration</b>	<b>Definition</b>		
<b>Continuous, for at least twelve (12) months</b>			
On the streets or in emergency shelter continuously, without a break, for at least twelve (12) months			
<b>Continuous</b>	A stay on the streets or in emergency shelter without a break.		
<b>Break</b>	At least seven (7) or more consecutive nights not residing on the streets or in emergency shelter.  Stays in institutional care facilities for fewer than 90 days do not constitute a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility.		
<b>Twelve (12) Continuous Months</b>	Twelve (12) consecutive calendar months.  NOTE: If the person has a documented encounter with a homeless service provider on a single day within a given month, this is sufficient to consider the person homeless for the entire calendar month, unless there is evidence of a break in homelessness. This applies ONLY if the encounter is documented by third-party documentation – a self-declaration is insufficient.		
<b>At least four (4) separate occasions in the last three (3) years where the combined occasions equal at least twelve (12) months</b>			
On the streets or emergency shelter on four (4) separate, distinct, and sustained occasions in the last three (3) years, as long as the combined occasions equal at least twelve (12) months and each break in homelessness separating the occasions included at least seven (7) consecutive nights of not living in a place not meant for human habitation, a safe haven, or in an emergency shelter			
<b>Occasion</b>	<b>Separate and Distinct</b>	Stay on the streets or in emergency shelter is interrupted by a Break (period of seven (7) or more consecutive nights residing in a place other than on the streets or in emergency shelter).	
	<b>Sustained</b>	Stay on the streets or in emergency shelter is more at least one (1) night.	
<b>Three (3) years</b>	Thirty-six (36) consecutive calendar months		
<b>Twelve (12) Total Months</b>	Four (4) separate occasions on the streets or emergency shelter that equal a cumulative total of twelve (12) months, meaning twelve (12) calendar months.		

ii. **Chronically Homeless Veterans**

The Department of Veteran’s Affairs (VA) conducts an initial verification of status and subsequently provides services to qualified veterans through a single episode of care. This VA

“episode of care” may consist of services provided by different VA providers and/or different VA programs. Veterans who have been identified as chronically homeless through the VA’s initial intake maintain this status throughout his/her episode of VA care. Therefore, projects that are dedicated to or prioritized for chronically homeless persons may serve a person documented as chronically homeless by the VA, no matter the services received during his/her episode of VA care (i.e., a project may serve a person identified as chronically homeless by the VA, even if (s)he was in VA-transitional housing).

**iii. Chronic Homelessness and Rapid Rehousing**

Persons identified as chronically homeless prior to enrolling in a rapid rehousing project *maintain* their status as chronically homeless while they receive rapid rehousing assistance. However, chronic homelessness must be documented (as described in Section VII, Documentation Standards) prior to entering the rapid rehousing program. Therefore, projects that are dedicated to or prioritized for chronically homeless persons may serve a person who is receiving rapid rehousing assistance as long as his/her chronic homeless status was documented prior to entering the rapid rehousing project.

**f. Special Considerations for Serving a Person Who May be Undocumented**

Eligibility for the receipt of public benefits is restricted by The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which provides that people who are undocumented are not to receive public benefits. The Act further specifies how to inquire into a person’s status. However, programs that are necessary for the protection of life or safety, which provide short-term shelter or housing assistance, non-cash services at the community level, which is not means-tested are exempt.

This exemption does not apply to permanent housing programs however. HUD clarifies this matter through the SHP Desk Guide as such, “[...] nonprofit organizations are not required to, but may, verify an applicant’s citizenship or immigration status before providing assistance. If a nonprofit elects to verify citizenship or immigration status, they must follow the procedures required by the Act and should consult with their legal counsel on how to comply.”

**g. Special Considerations for Households if Individual Members are Residing in Different Places**

Persons presenting together as a household may be served together, regardless of marital status, actual or perceived sexual orientation, or gender identity. Refer also to Section III.b.iv, Discrimination Based on Household Composition.

The implications of this are that household members may be residing in different places at entry. In order to determine the household’s eligibility for assistance, the recipient must determine eligibility based on the status of:

1. The adult head of household; or
2. The minor head of household when no adult is present.

If there is more than one (1) adult in the household, the household may choose which adult is considered to be the head of household for the purposes of determining eligibility.

Please note that the person, whose eligibility qualifies the entire household, must meet all of the applicable eligibility requirements for the project.

Refer also to HUD's Frequently Asked Question, <https://www.hudexchange.info/faqs/2318/how-should-recipients-determine-a-family-eligibility-for-assistance/>.

## VII. Documentation Standards for Eligibility for Assistance

### a. Eligibility Overview

Participants must be deemed eligible as described in Section VI, Participant Eligibility. The tables below describe the required documentation for each funding source and project component and details the type of documentation required to meet federal requirements and local standards. Required documentation must be clearly noted and documented in the participant’s case file. The County has developed standard forms that may be used by recipients to document eligibility; these forms are located on the County’s Continuum of Care Program webpage: <https://snohomishcountywa.gov/2748/CoC-Program>.

### b. Homeless Verification

Intake staff are required to document homelessness for all persons seeking assistance. Determination and documentation of eligibility must be based on homeless status at intake; intake is the time the individual or family enters the project and begins receiving assistance under the grant program.

Unless otherwise noted, the general order of priority for obtaining evidence is third-party documentation first, intake worker observations second, and certification by the person seeking assistance third. However, for homeless assistance projects that provide emergency assistance, such as emergency shelter and street outreach, a lack of third-party documentation must not prevent an individual or family from being immediately admitted. Persons seeking emergency assistance may certify his/her homelessness via sign-in sheet.

Cat.	Description	Component	Documentation
<b>1</b>	<b>Literally Homeless</b>	<i>Emergency Shelter</i>  <i>Rapid Rehousing</i>  <i>Transitional Housing</i>  <i>Permanent Supportive Housing</i>	1. Written observation by outreach worker of the conditions where the individual or family is living; OR  2. Written referral by another housing or service provider; OR  3. Certification by the household seeking assistance/self-declaration*.  4. For households exiting an institution – one of the above AND discharge paperwork or written/oral referral, OR written record of intake worker’s due diligence to obtain evidence AND self-declaration* by individual that they exited institution.

2	Imminent Risk of Homelessness	<i>Emergency Shelter</i> <i>Prevention</i> <i>Transitional Housing</i>	1. Court order resulting from an eviction action notifying the household they must leave; OR  2. For household leaving hotel/motel that they were paying for, evidence that they lack the financial resources to stay; OR  3. Documented and verified oral statement; AND  a. Certification that no subsequent residence is identified; AND b. Self-declaration* or other written documentation that the individual lacks the financial resources and support necessary to obtain permanent housing.
4	Fleeing/Attempting to Flee Domestic Violence	<i>Emergency Shelter</i> <i>Prevention</i> <i>Transitional Housing</i>	<b>For victim service providers:</b>  Self-declaration/oral statement by the household seeking assistance which states: they are fleeing, they have no subsequent residence, and they lack resources. The statement must be certified by intake worker.  <b>For non-victim service providers:</b>  1. Self-declaration/oral statement by household seeking assistance which states: they are fleeing, they have no subsequent residence, and they lack resources.  2. If the household is not jeopardized, the oral statement that the household is fleeing must be verified by intake worker or by written referral by an organization from which assistance was sought for domestic violence.
*Self-Declarations must generally be accompanied by intake worker documentation of due diligence to obtain third-party verification.			

***Due Diligence***

Written documentation of due diligence must describe efforts to obtain third-party documentation (e.g. phone logs, email correspondence, copies of certified letters), and must be signed and dated by intake staff as true and complete.

Due diligence is not defined by HUD; locally, it is interpreted to mean making reasonable attempts to obtain third-party documentation. Intake workers must document these reasonable attempts, the outcome of the effort, and obstacles encountered. "Reasonable attempts" means that the intake worker, with the assistance of the applicant, creates a comprehensive list of third parties who may have knowledge of the applicant's homelessness, and that more than one (1) attempt was made to contact each identified third-party.

**c. Disability Verification**

<i>Table 7.2</i>	<i>Disability Verification</i>
	1. Written verification of the disability from a professional licensed* by the state to diagnose and treat the disability and his or her certification that the disability is expected to be long-continuing or of indefinite duration and substantially impedes the individual’s ability to live independently; OR
	2. Written verification from the Social Security Administration; OR
	3. The receipt of a disability check; OR
	4. Intake staff-recorded observation of a disability that, no later than 45 days of the application for assistance, is confirmed and accompanied by evidence (as outlined in this table number 1, 2, 3 or 5)**; OR
	5. Other documentation approve by HUD.
	*An exception to the licensing requirement is made only for persons certified as a Chemical Dependency Professional (CDP), as defined in Chapter 18.205 RCW; this exception does not extend to a certified Chemical Dependency Professional – Trainee (CDP-T).
	**Recipients are discouraged from admitting participants into their project without confirmation of a qualifying disability and documented evidence of that disability. Recipients that choose to admit participants under Category 4 of the table above, do so at their own risk. If confirmation of disability and evidence are not attained within 45 days, the recipient will not be reimbursed for costs incurred for that participant.

**d. Special Considerations for Documenting Chronic Homelessness**

For each person applying to the project, written documentation must be provided by an appropriate third party that verifies the person’s status as chronically homeless. Letters may be written and signed by either homeless shelter providers, homeless outreach workers or other homeless service providers. An HMIS printout that demonstrates that the individual or family meets the criteria for chronic homelessness may be substituted for a letter. Letters and HMIS printouts must:

- ✓ Be on letterhead stationery with the name, address and phone number of the agency;
- ✓ Contain the full name of the participant;
- ✓ Contain dates verifying the timeframe of homelessness including both a start date and completion date; and
- ✓ Be signed by a staff member whose title appears on the letter.

If all other efforts to obtain third-party documentation have been exhausted and unsuccessful, a participant self-declaration may be used in the absence of any other documentation. However, this should be a rare exception; recipients must document their attempts to obtain documentation in order to demonstrate due diligence and must document the situation in which the individual has been living. Self-declarations should be used only in the rarest and most extreme cases (e.g. where the individual has been in a place not meant for human habitation in a secluded area without any contact with anyone for that period). For at least 75 percent of the chronically homeless households assisted by a recipient in a project during an operating year, no more than three (3) months of living on the streets or emergency shelter may be documented by self-declaration.

Recipients should expect that chronic homeless documentation for the majority of participants will be pieced together from several sources.

**i. Documenting Duration of Homelessness**

To properly document the length of time homeless, documentation must include the start and end date of each occasion of homelessness.

<b>Table 7.3 Documenting Duration of Homelessness</b>	
<b>Definition</b>	<b>Documentation</b>
<p><b>Continuous, for at least twelve (12) months:</b> On the streets or emergency shelter continuously, without a break, for at least twelve (12) months.</p>	<p>At least nine (9) of the 12 months must be documented through third-party documentation for at least 75 percent of the chronically homeless households assisted in a project during an operating year.</p> <p>Breaks in homelessness may be documented through self-certifications.</p>
<p><b>At least four (4) separate occasions in the last three (3) years:</b> On the streets or emergency shelter on four (4) separate, distinct, and sustained occasions in the last three (3) years.</p>	<p><u>NOTE: third-party documentation of a single encounter with a homeless service provider on a single day within one (1) month is sufficient to consider an individual as homeless and living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter for the entire calendar month (e.g., a documented encounter on May 5, 2015, counts for May 1 to May 31, 2015).</u></p>

**ii. Documenting Disability**

Refer to Disability Verification, Table 7.2 above.

**iii. Documenting Severity of Service Needs for Prioritization**

Chronically homeless individuals or families with the most severe service needs must be prioritized for permanent supportive housing projects. Severe service needs must be identified and verified through data-driven methods such as an administrative data match or through the use of a standardized assessment tool that can identify the severity of needs, such as the Investing in Futures Housing Assessment. This determination must be based on the severity of the needs of the individual, not on a specific diagnosis or disability type.

Further information regarding documenting Chronic Homelessness can be found in HUD’s Notice on Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing, located at:

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

Refer also to HUD’s Defining Chronic Homelessness Final Rule, located at: <https://www.hudexchange.info/resources/documents/Defining-Chronically-Homeless-Final-Rule.pdf>.

## VIII. Changes in Household Composition

Projects are frequently targeted to serving specific homeless populations and/or subpopulation(s) per the project application, contract, and/or applicable regulations. For instance, one project may be targeted to serve homeless individuals while another may be targeted to serve homeless families with children. Please note that in targeting services to a specific population, recipients must comply with all applicable fair housing and civil rights laws. Occasionally, a household that is enrolled in the project subsequently desires to change their household composition (e.g., add or remove a household member). Recipients must follow these policies and procedures in approving or disapproving requests to change household composition.

For the purposes of these Local Standards, the following definitions apply.

<i>Table 8.1</i>		<i>Applicable Definitions</i>		
Definition	Description			
<b>Family</b>	Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any <i>group of persons</i> presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability. A child who is temporarily away from the home because of placement in foster care is considered a member of the family. Refer also to Section III.b.iv, <u>Discrimination Based on Household Composition</u> .			
	Projects serving families may be targeted to serve households with children, households without children, or households with only children; however, projects may not discriminate against homeless households with children.			
	A <b>household with children</b> is composed of at least one adult and one child (minor under the age of 18).	A <b>household without children</b> is composed of multiple adults, but no children under the age of 18.	A <b>household with only children</b> is composed of multiple persons, all of whom are under age 18.	
<b>Individual</b>	An individual is a single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person.			
	Projects serving individuals may be targeted to serve households without children or households with only children; however, projects may not discriminate against homeless households with children.			
	A <b>household without children</b> is composed of a single adult only.		A <b>household with only children</b> is composed of a single person under age 18.	

### a. Documenting Homelessness

At project entry, intake staff *must* obtain documentation of homelessness (or chronic homelessness) for the head of household (or other household member, as applicable) in order to establish eligibility. After enrollment, new household members *may* be permitted to join the household. However, minimum considerations should be taken into account. Refer to Section VIII.b, Household Composition Considerations.

If the original household seeks to add member(s) to the household, intake staff should, to the extent possible, obtain documentation of homelessness (or chronic homelessness) for any new members of the household. This is particularly important in the event of a household break-up subsequent to enrollment: the project is permitted to continue serving (albeit separately) those household members that continue to need the housing/services offered and whose eligibility was documented at entry.

**b. Household Composition Considerations**

Changes in household composition raise several issues that must be considered prior to permitting the change. Refer to the Table below for examples of minimum considerations.

<i>Table 8.2</i>		<i>Minimum Considerations</i>	
<b>Consideration</b>	<b>Description</b>		
<b>Fair Housing</b>	Projects must follow fair housing laws and requirements. Refer to Section III.b., <u>Fair Housing and Equal Opportunity</u> .		
<b>Eligibility</b>	The new family member(s) need not meet the eligibility requirements of the project, unless expressly required by the application, contract, or regulation, as long as the head of household’s eligibility was documented at entry. Refer to Section VI, <u>Participant Eligibility</u> .		
<b>Terms of Occupancy</b>	The terms of occupancy (i.e., lease agreement) must not prohibit a change in household composition. Refer to Section XIII.e, <u>Housing Agreements</u> .		
<b>Housing Requirements</b>	The unit must meet all applicable housing requirements, such as suitable dwelling size. Refer to Section XIII, <u>Housing Requirements</u> .		
<b>Rent or Occupancy Charges</b>	The income of all household members must be considered where participants pay rent or an occupancy charge. Refer to Section X., <u>Determining Income and Calculating Participant Rent</u> .		

**c. Transfers to Suitable Units**

If a change in household composition causes the unit to be unsuitable (i.e., of unsuitable dwelling size, etc.), transfers to a suitable unit may be made within the same project. If the recipient cannot accommodate the household within the same project, the recipient must contact Snohomish County for further guidance.

**IX. Shared Housing**

Projects may serve separate families in a shared housing situation; this is a situation where a family chooses to live in a unit with another family, both of whom do not wish to be considered together as one (1) family. This type of shared housing situation may be particularly appealing for participants of rapid rehousing projects, where the goal is for participants to maintain housing without an ongoing subsidy.

For shared housing situations, the following requirements must be followed.

<b>Table 9.1</b>		<b>Shared Housing Requirements</b>	
<b>Requirement</b>	<b>Description</b>		
<b>Choice</b>	The decision to live in shared housing must be the families' choice. The separate families must also determine that they do not wish to be considered together as one (1) family.		
<b>Eligibility</b>	For all project types, with the exception of rapid rehousing, each family must be eligible for the project (except for reasonable accommodations).  For rapid rehousing projects, only the assisted family must be eligible. In a rapid rehousing project where an eligible family shares a housing unit with an ineligible family, assistance may not be provided on behalf of an ineligible family. Refer to Section VI, <u>Participant Eligibility</u> .		
<b>Housing Requirements</b>	The unit must meet all applicable housing requirements, such as suitable dwelling size. Refer to Section XIII.		
<b>Unit Rent</b>	The cost and size of the unit must be reasonable and appropriate. Refer to Section XIII.d., <u>Rent Reasonableness and Fair Market Rent</u> .		
<b>Rent or Occupancy Charges and Rent Subsidies</b>	Where participants pay rent (or an occupancy charge) or receive a rent subsidy, each family's rent/rent subsidy will be calculated separately. The income of all family members must be considered where participants pay rent or an occupancy charge. Refer to Section X., <u>Determining Income and Calculating Participant Rent</u> .		

## X. Determining Income and Calculating Participant Rent

### a. Income Definition

Income must be calculated in accordance with 24 CFR § 5.609. Income is money that is paid to, or on behalf of, the head of household or spouse (even if temporarily absent) or to any other household member, and are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and which are not specifically excluded in 24 CFR § 5.609(c). Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

Documents and information collected to verify income should be recent. Documentation dated within 30 days is acceptable. However, for public assistance benefits, (e.g., SSI, food stamps), a benefits statement received any time within the twelve months prior to the time of application and reflecting current benefits received by a household is allowed. A copy of a recent bank statement indicating direct deposit is also acceptable.

### b. Income Inclusions Examples

<i>Table 10.1</i>	<i>Income Inclusions Examples</i>
<i>Not an exhaustive list; refer to 24 CFR § 5.609(b)</i>	
(1)	The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
(2)	The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including lump sum payment for delayed start of a periodic payment;
(3)	Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay;
(4)	Welfare assistance. Welfare or other payments to families or individuals, based on need, that are made under program funded, separately or jointly, by Federal, State or local governments (e.g., Social Security Income (SSI) and general assistance available through state welfare programs);
(5)	Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;
(6)	Net income from the operation of a business or profession;
(7)	Interest, dividends, and other net income of any kind from real and personal property;
(8)	All regular pay, special pay and allowances of a member of the Armed Forces, except special hostile fire pay.

**c. Income Exclusions**

<b>Table 10.2</b>		<b>Income Exclusions</b>	
<i>Not an exhaustive list; refer to 24 CFR § 5.609(c)</i>			
(1)	Income from employment of children (including foster children) under the age of 18 years;		
(2)	Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);		
(3)	Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);		
(4)	Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;		
(5)	Income of a live-in aide, as defined in 24 CFR § 5.403;		
(6)	Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;		
(7)	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;		
(8)	Amounts received under training programs funded by HUD;		
	Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);		
	Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;		
	Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;		
	Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;		
(9)	Temporary, nonrecurring or sporadic income (including gifts);		
(10)	Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;		
(11)	Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);		
(12)	Adoption assistance payments in excess of \$480 per adopted child;		
(13)	Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.		
(14)	Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;		
(15)	Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or		
(16)	Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR § 5.609(c) apply.		

**d. Deductions**

For income calculations for the purpose of determining a participant’s rent or occupancy charge under the CoC Program, mandatory income deductions must be made per 24 CFR § 5.611(a).

<i>Table 10.3</i>		<i>Mandatory Deductions</i>
<i>Refer to 24 CFR § 5.611(a)</i>		
(1)	\$480 for each dependent;	
(2)	\$400 for any elderly family or disabled family;	
(3)	The sum of the following, to the extent the sum exceeds three percent of annual income:	
	(a)	Unreimbursed medical expenses of any elderly family or disabled family; and
	(b)	Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
(4)	Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.	

**e. Income Review Requirements**

Refer to Section X.g., Calculating Rent, for further detail. For projects providing rental assistance, participants must agree to supply the information or documentation necessary to verify the participant’s income. Participants must also provide the recipient with information at any time regarding changes in income or other circumstances that may result in changes to a participant’s contribution toward rent. Refer to 24 CFR § 578.77(c)(3).

<i>Table 10.4</i>		<i>Income Review Requirements</i>
<b>Funding</b>	<b>Activity</b>	<b>Frequency</b>
ESG	Rental Assistance	Initially, annually and as changes in income are identified
CoC	Leasing	Initially, annually and per tenant request for change in household composition or decrease in income
	Operating	
	Rental Assistance	Initially, annually and as changes in income are identified

**f. Annualizing Wages and Periodic Payments**

When calculating income based on hourly, weekly, or monthly payment information, add the gross amount earned in each payment period that is documented and divide by the number of payment periods. This provides an average wage per payment period. Depending on pay periods used by the employer or the schedule of periodic payments, the following calculations convert the average wage into annual income:

- ✓ Hourly Wage multiplied by Hours Worked per Week multiplied by 52 weeks
- ✓ Weekly Wage multiplied by 52 weeks
- ✓ Bi-Weekly (every other week) Wage multiplied by 26 bi-weekly periods
- ✓ Semi-Monthly Wage (twice a month) multiplied by 24 semi-monthly periods

- ✓ Monthly Wage multiplied by 12 months

Standards and procedures for documenting income are further detailed in Appendix A: Income Eligibility Documentation Standards.

**g. Calculating Rent (or Occupancy Charge)**

Guidelines for charging participants rent (or an occupancy charge) are dependent on the funding source, component, and activity type. While participants *must* be charged rent in some circumstances (i.e., CoC-permanent supportive housing providing *rental assistance*), participants *may* be charged rent in other circumstances (i.e., CoC-*leased* permanent supportive housing); however, under no circumstances may participants be charged a “program fee.” A program fee includes any fee assessed by the recipient other than rent (or an occupancy charge); examples include: fees for laundry or cleaning services, child care, transportation, or case management.

Funding	Component	Activity	Required to Charge Rent?	Calculation
ESG	Rapid Rehousing	Rental Assistance	Yes	According to <u>Rapid Rehousing Guide</u> .
	Prevention	Rental Assistance	Yes	Prevention projects must use a Graduated Subsidy Model. Policies will be developed at the time that the Everett/Snohomish County Continuum of Care chooses to fund projects under this component.
CoC	Rapid Rehousing	Rental Assistance	Yes	According to <u>Rapid Rehousing Guide</u> .
	Transitional Housing or	Leasing	No, but may	May not exceed the highest of ( <i>rent may not be rounded up</i> ): 1) 30 percent of the family’s monthly adjusted income; 2) 10 percent of the family’s monthly income; or 3) If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family’s actual housing costs, is specifically designated by such agency to meet the family’s housing costs, the portion of such payments which is so designated.
		Operating	No, but may	
Permanent Supportive Housing	Rental Assistance	Yes	Rent must be calculated in accordance with section 3(a)(1) of the U.S. Housing Act of 1937 (42 USC 1437a(a)(1)):  A family shall pay as rent the highest of the following amounts, <i>rounded to the nearest dollar</i> :  A) 30 percent of the family’s monthly adjusted income; B) 10 percent of the family’s monthly income; or C) If the family is receiving payments for welfare assistance from a public agency and a part of such	

				payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.
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**h. Utility Allowances**

In calculating participant rent or occupancy charges, a utility allowance must be applied where the cost of utilities (excluding telephone, but including gas, oil, electric, sewage, water, or trash removal) are not included in the rent. The local Public Housing Authority (PHA) establishes the utility allowance schedule annually for Snohomish County. Apply the utility allowance for the appropriate unit size and building type. Refer to Section XIII.b., Suitable Dwelling Size.

This requirement is not applicable for ESG-Rapid Rehousing.

*Utility Reimbursements under the CoC Program*

Recipients must reimburse participants for any amount that the reasonable tenant-paid utility costs (per the PHA's utility allowance schedule) exceeds the calculated participant rent contribution/maximum occupancy charge; refer to CPD-17-11, Determining a Program Participant's Rent Contribution, Occupancy Charge or Utility Reimbursement in the Continuum of Care (CoC) Program when the Program Participant is Responsible for Utilities.

Utility reimbursements must be paid in one (1) of the following ways:

1. Directly to participants;

or

2. To the utility company on behalf of participants if the recipient:
  - a. Has permission of the participant; and
  - b. Notifies the participant in writing of the amount paid to the utility company on the participant's behalf.

The recipient must maintain records of the participant's permission to pay the utility company directly and notification(s) to the participant of the amount(s) paid on their behalf.

**i. Program Income**

Program income is considered to be any rent (or occupancy charges) and any other income that is received by the recipient directly generated by a grant-supported activity. Program income must be retained by the recipient, committed to the project, and used to cover any eligible costs (not limited to the costs identified in the project budget). For ESG-projects, program income may be used to meet the match requirement. By contrast, for CoC-projects, program income generally may *not* be used to meet the match requirement; however, for designated fiscal year awards, HUD has permitted program income to be used as match, so long as the funds are expended on eligible CoC Program costs that supplement the recipient's project. Check with Snohomish County for further guidance.

## **XI. Termination of Participation, Denial and Grievance Procedures**

Recipients must have written termination, denial, and grievance policies and/or procedures. The policies and/or procedures should be readily available to applicants and participants of assistance. With the exception of high volume shelters where it is acceptable to have policies posted in a public place, applicants and participants must receive written information about program policies. It is important to effectively communicate these policies and/or procedures to ensure that they are fully understood.

### ✓ **Denial and Grievance**

Causes of denial of assistance include, but are not limited to, the person's ineligibility or failure to provide verifiable evidence of eligibility, etc. Established procedures should describe:

- Circumstances in which persons may not qualify or would be denied;
- Notification of denial; and
- A person's right to review a recipient's decision.

### ✓ **Termination of Participation and Grievance**

Involuntary termination from any project funded under the HEARTH Act places the participant at great risk because (s)he will likely exit to a place that is less safe than the project in which (s)he is currently participating. Termination is a last option. Recipients are encouraged to limit rules of participation to only that which constitutes immediate danger. For example, in a communal living project, it would not be appropriate to terminate a participant's housing because (s)he did not complete her/his chores. Recipients are encouraged to find other strategies to increase participants' contributions to their community by encouraging engagement rather than threatening loss of housing.

That being said, there may be instances where termination cannot be avoided. The written grievance procedure must include:

- Written notice to the participant containing a clear statement of the reason(s) for termination;
- A review of the decision, in which the participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision. This may include the participant's right to question or confront staff involved; and
- Prompt written notice of the final decision.

For projects where participants are required to request a review of the termination decision, participants must be given an adequate amount of time to submit their request. The review must be held at a mutually agreeable time.

## **XII. Confidentiality of Participant Records**

Recipients must have policies and/or procedures to ensure that participant records, including electronic records, are maintained in a confidential manner as per RCW 43.185C.030, 24 CFR § 578.103(b), and 24 CFR § 576.500(x), and keep records or files pertaining to participants under lock and key with designated personnel only granted access to those documents. All records that contain protected identifying information (e.g. Name, Social Security Number, Date of Birth, etc.) of persons applying for and/or receiving housing and/or services must be kept secure and confidential.

The procedures must also ensure that the address or location of any family violence project will not be made public, except with written authorization of the person responsible for the operation of the project; and that the address or location of any housing of a participant will not be made public, except as provided under a preexisting privacy policy of the recipient and consistent with State and local laws regarding privacy and obligations of confidentiality.

## **XIII. Housing Requirements**

### **a. Inspection Requirements**

All housing assisted with ESG and CoC Program funds must meet the minimum housing standards; housing standards vary by Program and component type.

#### **i. Emergency Shelter (ESG)**

Projects that receive ESG funds for shelter operations must comply with minimum safety, sanitation and privacy standards as outlined in 24 CFR § 576.403. Inspections to ensure compliance must be done before assistance is provided and at least annually.

#### **ii. Rapid Rehousing (ESG)**

Projects providing ESG-Rapid Rehousing assistance are required to perform Habitability Standards inspections and maintain documentation of these inspections as defined in 24 CFR § 576.403(c). These inspections must be done before assistance is provided and at least annually. Recipients of ESG-Rapid Rehousing may adopt more stringent requirements that exceed or add to the requirements in 24 CFR § 576.403(c). HUD Housing Quality Standards (HQS) inspection procedures *are not* considered sufficient because HQS is less stringent in the areas of fire safety and interior air quality. However, the HQS form may be amended to include the more stringent safety and interior air quality requirements. A record of the inspections must be kept for each assisted unit and must be readily available.

#### **iii. Transitional Housing, Permanent Supportive Housing, Rapid Rehousing (CoC)**

All CoC-housing, including transitional housing, permanent supportive housing, and rapid rehousing must meet applicable housing quality standards (HQS) under 24 CFR § 578.75(b). HQS requirements are contained within 24 CFR § 982.401, which state the performance and acceptability criteria for the key aspects of housing quality listed in Table 11.1.

Snohomish County has adopted more stringent requirements for Interior Air Quality than those contained in 24 CFR § 982.401, and requires that all units have carbon monoxide detectors in compliance with WAC 51-51-0315. A carbon monoxide detector must be installed

outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each occupied level of the unit.

<i>Table 13.1 Housing Quality Standards – Key Aspects</i>	
Sanitary facilities	Food preparation and refuse disposal
Space and security	Thermal environment
Illumination and electricity	Structure and materials
Interior air quality	Water supply
Access	Site and neighborhood
Sanitary condition	Smoke detectors

Physical inspections of units to ensure compliance with HQS must be completed prior to the issuance of assistance. Additionally, recipients must inspect all units at least annually (at least every twelve (12) months) to ensure ongoing compliance with HQS. Deficiencies must be remedied within thirty (30) days of inspection, with the exception of emergency failures, which must be corrected within twenty-four (24) hours, see below. Payment may not be issued beyond the annual recertification date for units that do not meet HQS.

For housing leased with CoC Program funds, or for which rental assistance payments are made with CoC funds, recipients must comply with applicable conflict of interest requirements and shall not conduct HQS inspections of property that the recipient or a related entity owns. See 24 CFR § 578.95(c).

*Emergency Fails*

The following deficiencies constitute an emergency fail and repairs must occur and be verified within twenty-four (24) hours (rather than the standard thirty (30) days) of inspection (24 CFR 982.401(a)).

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Natural gas leaks or fumes
- Electrical problem which could result in shock or fire
- No heat when outside temperature is below 40°F and the temperature inside the unit is below 55°F
- Utilities not in service
- No running hot water
- Broken glass where someone could be injured
- Obstacle which prevents entrance or exit
- Lack of functioning toilet
- Inoperable smoke detector

**b. Suitable Dwelling Size**

Recipients must establish guidelines for establishing the appropriate unit size; these guidelines must be applied consistently for all participants of like size and household composition. Agency

standards cannot have a disproportionate impact on specific family composition (i.e., non-traditional households).

Participants must be placed in units that are of suitable size: the unit must have at least one (1) bedroom or living/sleeping room for each two (2) persons. 24 CFR § 578.75(c). Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room. 24 CFR § 578.75(c)(1).

Participants should be assisted in choosing a unit with the smallest number of bedrooms needed without overcrowding. Except in limited circumstances (i.e., request for reasonable accommodation, etc.), participants should not be assisted in units with a greater number of bedrooms than is needed.

If household composition changes during the term of assistance, households should be assisted in relocating to a more appropriately sized unit and continue to access appropriate services. 24 CFR § 578.75(c)(1). Refer also to Section VIII.c, Transfers to Suitable Units.

### **c. Lead-Based Paint Requirements**

Recipients must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and the regulation at 24 CFR § 35. The applicable parts of 24 CFR § 35 are as follows:

1. For ESG-funded shelters and housing occupied by project participants, recipients must comply with subparts A, B, H, J, K, M and R.
2. For CoC-funded housing that receives project-based or sponsor-based rental assistance, recipients must comply with subparts A, B, H, and R.
3. For CoC-funded housing that receives tenant-based rental assistance, recipients must comply with subparts A, B, M, and R.
4. For CoC-funded residential property receiving leasing, services or operating costs, recipients must comply with subparts A, B, K and R.

#### **i. Lead Hazard Information Pamphlet**

Recipients must ensure that all participants who reside in housing that was constructed pre-1978 receive the “Protect Your Family” lead-based paint hazard brochure; this form is available at: <http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>. Sharing this information with participants (or ensuring they have received it from property owners/managers) is an important opportunity to educate participants about the potential hazards related to lead and their rights as tenants. Informed tenants are more likely to watch for potential problems in their home and proactively work with landlords to address any issues.

#### **ii. Disclosure**

In addition, owners of pre-1978 housing must disclose the presence of lead-based paint and provide participants with any existing documentation on known lead-based paint hazards in the unit. Recipients must document that participants received this information and maintain this documentation in the participant files; this form is available at: <http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>.

### iii. Visual Assessments

The lead-based paint visual assessment requirement exists to protect vulnerable families from potential health hazards. Refer also to Appendix B: Step by Step Guide to Compliance with Lead Based Paint Visual Assessment Requirements.

A lead-based paint visual assessment must be completed for all units that meet the following conditions:

1. The household is moving into or remaining in a unit that is being assisted with either ESG or CoC funds; and
2. The unit was constructed prior to 1978.
3. For ESG- and CoC-tenant-based rental assistance, there must also be a child under the age of six (6) or a pregnant woman who is, or will be, living in the unit.

For units and facilities that meet these conditions, recipients must conduct a visual assessment at least annually. For rental units, a visual assessment must be conducted prior to providing rent assistance and on an annual basis thereafter (as long as assistance is provided). The recipient must maintain the inspection record in each participant's file.

Visual assessments must be conducted by a HUD-Certified Visual Assessor. Agency staff may complete the Visual Assessment Training at <http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>. The certificate of completion must be maintained on record and be readily available for review. For rental units, documentation must be kept with the HQS or Habitability Standards Worksheet, as applicable, and maintained in the participant file.

### iv. Exemptions to the Requirement

There are certain exemptions to the lead-based paint requirements in the following circumstances:

- It is a residential property for which construction was completed on or after January 1, 1978.
- It is a zero-bedroom or SRO-sized unit; or
- It meets any of the other exemptions described in 24 CFR § 35.115(a).

If any of the conditions outlined above are met, recipients need to document the condition to demonstrate that the unit is exempt from the lead-based paint requirements.

### d. Rent Reasonableness and Fair Market Rent

Where applicable, adherence to rent reasonableness and/or Fair Market Rent (FMR) must be determined before assistance is provided and no less than annually.

When determining rent reasonableness and Fair Market Rent, recipients must compare the unit's gross rent with the applicable standard. Gross rent includes the entire housing cost: rent plus the cost of any utilities that must (according to the lease) be the responsibility of the tenant. Utilities include gas, oil, electric, water, sewer, and trash, and exclude telephone, cable, or satellite television service, and internet service.

*Rent Reasonableness*

All ESG- and CoC-units and structures for which rent is paid must be reasonable in relation to rents being charged for comparable unassisted units in the same market; reasonable rents must also not exceed rents currently being charged by the same owner for comparable unassisted units. Refer to the Rent Reasonable Policies and Procedures, Attachment B, for further guidance.

*Fair Market Rent*

Annually (effective October 1), HUD determines Fair Market Rent (FMR) by geographic area; FMRs are based on the results of a local rent survey and reflect the gross rent estimates. Snohomish County falls within the Seattle-Bellevue, WA HUD Metro FMR Area.

FMRs are published here: <http://www.huduser.gov/portal/datasets/fmr.html>

<b>Table 13.2</b>		<b>Unit Rent Standard By Component</b>	
<b>Activity</b>	<b>Funding</b>	<b>Requirement</b>	<b>Frequency of Review</b>
Leasing	CoC	<p><b>Rent Reasonable</b> The unit’s gross rent must be rent reasonable. Units with gross rents that exceed rent reasonableness standards may not be leased with CoC funds.</p> <p><b>Fair Market Rent</b> As long as the unit’s gross rent is rent reasonable, the gross rent <i>may</i> exceed FMR; however, the amount paid with CoC-leasing funds may not exceed the current published FMR. Therefore, if the gross rent exceeds FMR, CoC leasing funds may pay for a portion of the rent up to the FMR amount and the difference must be paid with other, non-CoC funds.</p> <p><b>Maximum CoC-Leasing Payment</b> The maximum amount of rent that can be paid for with CoC-leasing funds is the lower of the rent reasonableness standard and FMR.</p>	Initially, Annually
Rental Assistance	CoC	<p><b>Rent Reasonable</b> The unit’s gross rent must be rent reasonable. Units with gross rents that exceed rent reasonableness standards may not be assisted with CoC-rental assistance funds.</p> <p><b>Fair Market Rent</b> As long as the unit’s gross rent is rent reasonable, the gross rent and the amount paid with CoC-rental assistance funds <i>may</i> exceed FMR.</p> <p><b>Maximum CoC-Rental Assistance</b> The maximum amount of rental assistance that can be paid for with CoC-funds is the rent reasonableness standard.</p>	Initially, Annually

Rental Assistance	ESG	<p><b>Rent Reasonable</b> The unit's gross rent must be rent reasonable. Units with gross rents that exceed rent reasonableness standards may not be assisted with ESG-rental assistance funds.</p> <p><b>Fair Market Rent</b> The unit's gross rent must be equal to or less than the FMR. Units with gross rents that exceed FMR may not be assisted with ESG-rental assistance funds.</p> <p><b>Maximum ESG-Rental Assistance</b> The maximum amount of rental assistance that can be paid for with ESG-funds is the lower of the rent reasonableness standard and FMR.</p>	Initially, Annually
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**e. Housing Agreements**

Different types of housing agreements are required depending on the component and activity.

**i. Lease Agreements**

Participants must have a written lease agreement with the landlord/owner of the housing unit (or for CoC-leasing projects, a written sublease with the recipient). For CoC-permanent housing, in addition to the minimum requirements listed below, the lease must be for a term of at least one (1) year that is renewable (for a minimum term of one (1) month) and terminable only for cause. For CoC-transitional housing, in addition to the minimum requirements listed below, the lease must be for a term of at least one month that ends in 24 months and cannot be extended.

At a minimum, written lease agreements must contain:

- Name of participant
- Name of landlord/owner
- Address of dwelling unit
- Occupancy (who is permitted to live at the dwelling unit)
- Term of agreement (lease start and end dates)
- Dwelling unit rent and date due
- Deposits (if any, and for what/term)
- Signature of participant/date
- Signature of landlord/owner/date

**ii. Master Lease Agreements (CoC Leasing)**

Where units or structures are leased with CoC leasing funds, the recipient must have a master lease agreement with the landlord/owner. For CoC-leasing projects, the lease agreement between the recipient and participant is a sublease agreement; therefore, the master lease agreement must permit subleases. The master lease must be written, legally binding, and must allow the required lease agreement provisions (as described above) to be met.

**iii. Rental Assistance Agreements (ESG- and CoC-Rental Assistance)**

Recipients may make rental assistance payments only to landlords/owners with whom the recipient has a rental assistance agreement. The rental assistance agreement must include the terms under which rental assistance will be provided, the term of the agreement, that the landlord/owner will provide the recipient with a copy of all written notices to the participant (including notices to vacate, notices of noncompliance, etc.). For a sample rental assistance agreement, refer to Attachment D.

## **XIV. Recordkeeping Requirements**

In order to receive assistance, the following information must be documented in the participant file. Documentation must be retained for five (5) years after the expenditure of all funds from the grant under which the participant was served, unless a greater period of time is specified in the contract.

**a. Initial Consultation & Eligibility Determination**

The participant must lack sufficient resources and support networks to obtain/retain housing and this must be documented in the file. The participant must receive an initial consultation and eligibility assessment to determine housing status eligibility (and other eligibility requirements, as applicable) and the appropriate type of assistance needed to regain stability in permanent housing.

**b. Income and Participant Rent**

Please see Section X, Determining Income and Calculating Participant Rent, for full detail. Income documentation and completed calculations of participant rent must be maintained in each participant file; forms must be signed and dated by the staff person who completed the calculation.

**c. Housing Stability Plan**

The Housing Stability Plan (ESG-Emergency Shelter, ESG-Prevention, CoC- and ESG-Rapid Rehousing) must include:

- ✓ Needs assessment to identify barriers and specific housing and self-sufficiency goals
- ✓ Action steps to retain permanent housing after assistance ends
- ✓ Households receiving assistance from a victim service provider may be exempted from the case management requirement.

**d. Individual Support Plan**

The Individual Support Plan (CoC-Transitional Housing and CoC-Permanent Supportive Housing) must include:

- ✓ Problem Identification
- ✓ Goals
- ✓ Action Plan
- ✓ Outcomes

Per 24 CFR § 578.53, projects must complete an assessment of the service needs of participants at least annually. Services must be adjusted accordingly.

**e. Assistance in obtaining mainstream and other resources**

Participants must receive appropriate supportive services and referrals essential to achieving independent living through other federal, state, local, and private assistance.

**f. Proof of Complete Inspection**

Please see Section XIII, Housing Requirements, for full detail.

- ✓ Habitability (ESG)
- ✓ Housing Quality Standards (CoC)

Completed inspection forms must be retained in the file and must contain the date the inspection was performed and the signature of the staff person who performed the inspection.

**g. Proof of Complete Lead Based Paint Visual Assessment**

See Section XIII, Housing Requirements, for full detail. Completed assessments must be retained in the file and must contain the date the inspection was performed and the signature of the staff person who performed the inspection.

**h. Rent Reasonableness and Fair Market Rent**

See Section XIII, Housing Requirements, for full detail.

*Rent Reasonableness*

Documentation of rent reasonableness ensures that rents being paid are reasonable in relation to rents being charged for comparable unassisted units in the same market. Please see the Rent Reasonableness Policies and Procedures, Attachment B, for further detail.

Recipients must maintain in each participant file:

- ✓ Rent Reasonableness Certification Form (Attachment C) to document rent reasonableness; and
- ✓ As applicable, Rent Reasonableness Certification – Supplemental Analysis form (Attachment C) used to compare rents on a unit-by-unit basis

In addition, recipients must maintain a copy of:

- ✓ Dupre + Scott Snohomish County Rent Reasonableness Survey, which is published annually

*Fair Market Rent*

Recipients must ensure that participant files contain applicable FMR data to document the FMR for the participant's unit size and geographic area.

Recipients must:

- ✓ Use the Rent Reasonableness Certification Form (Attachment C) to document FMR

**i. Housing Agreements**

See Section XIII, Housing Requirements, for full detail. Fully executed housing agreements must be maintained for each unit that is assisted.

**j. Case Notes and Record of Services Received**

Files must contain case notes that align with either the Housing Stability Plan or the Individual Support Plan, be legible, dated and contain a record of the staff member responsible for each note.

## **XV. Reporting Requirements**

Subrecipients shall follow the reporting requirements as outlined in the Contract with the County. The County reserves the right to request additional information or prescribe or change reporting requirements.

Recipients shall participate in Snohomish County Continuum of Care activities, which include participation in planning activities, the annual Point-in-Time (PIT) count of individuals and families experiencing homelessness, and completion of the annual Housing Inventory Count (HIC), which includes project data on beds, units, HMIS participation, services, and financial expenditures.

An Annual Performance Report (APR) is currently required for the CoC Program. With the exception of Victim Service Providers, which are required to track required data in a comparable database, the majority of the data required for the APR will be generated from the Snohomish County Homeless Management Information System (HMIS). Recipients are required to report on financial data and provide narratives regarding project performance.

## **XVI. Homeless Management Information Systems Participation**

Recipients will participate in the Snohomish County Homeless Management Information System (“Snohomish County HMIS”), which is administered by the County’s Human Services Department. The Snohomish County HMIS is an electronic database that collects data on persons experiencing homelessness who receive coordinated entry, navigation services, outreach, homelessness prevention and intervention services, emergency shelter, transitional housing, supportive services not linked with housing, and permanent housing, including rapid rehousing, permanent supportive housing, and other permanent housing.

*HMIS Participation will include:*

- Technical set up;
- Staff training;
- Development and adherence to an HMIS implementation schedule;
- Adherence to the requirements set forth in the Local HMIS Data Quality Plan, including timely data entry, internal monitoring of data quality, and timely correction of data;
- Adherence to requirements as set forth in the Snohomish County HMIS Policy and Procedures Manual; and
- Adherence to the requirements set forth in the “Agency Partner Agreement” and “User Policy, Code of Ethics and Responsibility Statement” executed by the Recipient and the Recipient’s staff.

## **XVII. Performance Standards**

The Partnership to End Homelessness (PEH) CoC Board has delegated authority to Snohomish County, as the Collaborative Applicant (CA) and HMIS Lead, to establish performance standards for CoC- and ESG-funded projects in consultation with its Subrecipients. Performance standards are established by project type, based upon HUD’s national targets, as well as local targets that account for the unique needs of the homeless population and subpopulations within the Everett/Snohomish County CoC. To set these performance targets, the County reviews HUD established performance areas, including those for High-Performing Communities and those included in the application review criteria in the CoC Program Notice of Funding Availability (NOFA), as well as HMIS and performance data for CoC- and ESG-funded projects. See the Everett/Snohomish County Continuum of Care Performance Standards, incorporated herein by reference, which are posted to the PEH CoC Board webpage.

The County will monitor project performance on an ongoing basis through HMIS data as well as annually through the Annual Performance Report (APR). In addition:

- Annually, for CoC-funded projects, after HUD has published the Notice of Funding Availability (NOFA), the Project Review Committee (PRC) scores projects locally and recommends projects for funding. See *Section II, Policy on Project Selection*. Project data, including project performance, is compiled for County and PRC review.
- Once Subrecipients are selected and projects begin operating, the County utilizes a Program Monitoring Tool – Subrecipient Risk Assessment to assess whether Subrecipients qualify as “high risk,” which is determined, in part, by a review of project performance.

The County will take the following action against poor performers:

- Provide technical assistance (TA)
- Provide a corrective action plan if:
  - o TA is not implemented by the Subrecipient; or
  - o The poor performance is of serious concern; or
  - o Prior TA was not followed by the Subrecipient.
- Review all necessary materials and conduct on-site visit(s) as needed
- Follow contracting procedures for suspension or termination of the Contract if the Subrecipient fails to respond and correct the issue(s)
- Request funds be returned if necessary and appropriate.

## Appendix A

### Income Eligibility Documentation Standards

While Snohomish County has established standards for various types of income, the County recognizes that in some instances only applicant self-declaration may be possible. This method should be used only as a *last resort* when all other verification methods are not possible or reasonable. **When using applicant self-declaration, Projects must document why a higher verification standard was not used. Be sure to include this in the case file.**

**Gross Income** is the amount of income earned before any deductions (such as taxes and health insurance premiums) are made. **Current Income** is the income that the household is currently receiving. Income recently terminated should not be included.

Type of Income	Acceptable Types of Documentation
<b>Wages and Salary</b> 24 CFR § 5.609(b)(1)	<p>Obtain copy of most recent pay stub(s) and include in participant file.</p> <p><i>OR Written 3<sup>rd</sup> Party Verification</i></p> <p>Mail, fax or email verification of income request to employer. At a minimum, written verification must include: name of employer and participant name, pay amount and frequency, average hours worked per week, amount of any additional compensation and be signed and dated by employer. Copy kept in participant file.</p> <p><i>OR Oral 3<sup>rd</sup> Party Verification</i></p> <p>Contact the employer by phone or in person. At a minimum, oral verification must include: name of employer and participant name, pay amount and frequency, average hours worked per week, amount of any additional compensation and be signed and dated by staff who obtained the information. Copy kept in participant file.</p> <p><i>OR Self Declaration</i></p> <p>Obtain signed and dated self-declaration from the participant. At a minimum must include source of income, income amount and frequency, and be signed. Copy kept in participant file. Case manager must document attempts to obtain written and oral verification.</p>
<b>Self-Employment and Business Income</b> 24 CFR § 5.609(b)(2)	<p>Obtain copy of most recent federal and state tax return from the applicant and keep copy in participant file.</p> <p><i>OR Self Declaration</i></p> <p>Obtain signed and dated self-declaration from the participant. At a minimum must include source of income, income amount and frequency and be signed. Copy kept in participant file. Case manager must document attempts to obtain written and oral verification.</p>

<p><b>Interest and Dividend Income</b> 24 CFR § 5.609(b)(3)</p>	<p>Obtain copy of most recent interest or dividend income statement from participant and keep copy in participant file.</p> <p><i>OR</i></p> <p>Obtain copy of most recent federal and state tax return from the applicant and keep copy in participant file.</p> <p><i>OR Self Declaration</i></p> <p>Obtain signed and dated self-declaration from the participant. At a minimum must include source of income, income amount and frequency and be signed. Copy kept in participant file. Case manager must document attempts to obtain written and oral verification.</p>
<p><b>Pension/Retirement Income</b> 24 CFR § 5.609(b)(4)</p>	<p>Obtain copy of most recent payment statement or benefit notice from Social Security, pension provider or other source. Copy kept in participant file.</p> <p><i>OR Written 3<sup>rd</sup> Party Verification</i></p> <p>Mail, fax or email verification of income request to Social Security, pension provider or other source. At a minimum, written verification must include: name of income source, income amount and be signed and dated by income source representative. Copy kept in participant file.</p> <p><i>OR Oral 3<sup>rd</sup> Party Verification</i></p> <p>Contact the source by phone or in person. At a minimum, oral verification must include: Name of income source, income amount and be signed and dated by income source representative. Copy kept in participant file.</p> <p><i>OR Self Declaration</i></p> <p>Obtain signed and dated self-declaration from the participant. At a minimum must include source of income, income amount and frequency and be signed. Copy kept in participant file. Case manager must document attempts to obtain written and oral verification.</p>
<p><b>Unemployment and Disability Income</b> 24 CFR § 5.609(b)(5)</p>	<p>Obtain copy of most recent payment statement and or benefit notice. Copy kept in participant file.</p> <p><i>OR Written 3<sup>rd</sup> Party Verification</i></p> <p>Mail, fax or email verification of income request to unemployment administrator, workers compensation administrator of former employer. At a minimum, written verification must include: name of income source, income amount and be signed and dated by income source representative. Copy kept in participant file.</p> <p><i>OR Oral 3<sup>rd</sup> Party Verification</i></p> <p>Contact the source by phone or in person. At a minimum, oral verification must include: Name of income source, income amount and be signed and dated by income source</p>

	<p>representative. Copy kept in participant file.</p> <p><i>OR Self Declaration</i></p> <p>Obtain signed and dated self-declaration from the participant. At a minimum must include source of income, income amount and frequency and be signed. Copy kept in participant file. Case manager must document attempts to obtain written and oral verification.</p>
<p><b>TANF/Public Assistance</b> 24 CFR § 5.609(b)(6)</p>	<p>Obtain copy of most recent payment statement and or benefit notice. Copy kept in participant file.</p> <p><i>OR Written 3<sup>rd</sup> Party Verification</i></p> <p>Mail, fax or email verification of income request to welfare administrator. At a minimum, written verification must include: name of income source, income amount and be signed and dated by income source representative. Copy kept in participant file.</p> <p><i>OR Oral 3<sup>rd</sup> Party Verification</i></p> <p>Contact the source by phone or in person. At a minimum, oral verification must include: name of income source, income amount and be signed and dated by income source representative. Copy kept in participant file.</p> <p><i>OR Self Declaration</i></p> <p>Obtain signed and dated self-declaration from the participant. At a minimum must include source of income, income amount and frequency and be signed. Copy kept in participant file. Case manager must document attempts to obtain written and oral verification.</p>
<p><b>Alimony, Child Support, Foster Care Payments</b> 24 CFR § 5.609(b)(7)</p>	<p>Obtain copy of most recent payment statement, notices or orders. Copy kept in participant file.</p> <p><i>OR Written 3<sup>rd</sup> Party Verification</i></p> <p>Mail, fax or email verification of income request to child support enforcement agency, court liaison or other source. At a minimum, written verification must include: name of income source, income amount and be signed and dated by income source representative. Copy kept in participant file.</p> <p><i>OR Oral 3<sup>rd</sup> Party Verification</i></p> <p>Contact the source by phone or in person. At a minimum, oral verification must include: name of income source, income amount and be signed and dated by income source representative. Copy kept in participant file.</p> <p><i>OR Self Declaration</i></p> <p>Obtain signed and dated self-declaration from the participant. At a minimum must include source of income, income amount and frequency and be signed. Copy kept in participant file. Case manager must document attempts to obtain written and oral verification.</p>

## Appendix B

### Step-by-Step Guide to Compliance with Lead-Based Paint Visual Assessment Requirements

Childhood lead poisoning is a major environmental health problem in the United States, especially for low-income families in poor living conditions. If not detected early, children with high levels of lead in their bodies can suffer from damage to the brain and nervous system, behavioral and learning problems (such as hyperactivity), slowed growth, hearing problems, and headaches.

To prevent lead-poisoning in young children, recipients must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulation found at 24 CFR § 35.

#### Visual Assessment

Visual assessments are only triggered under certain circumstances:

- The household is moving into or remaining in a unit that is being assisted with either ESG or CoC funds; AND
- The unit was constructed prior to 1978.
- For ESG- and CoC-tenant-based rental assistance, there must also be a child under the age of six (6) or a pregnant woman who is, or will be, living in the unit.

#### Determining the Age of the Unit

Projects should use formal public records, such as tax assessment records, to establish the age of a unit. These records include the year built or age of the property and are available online at: <http://snohomishcountywa.gov/175/Assessor>. Assessor records should be printed for the participant file. If you have trouble finding this information online, contact Snohomish County.

#### Conducting a Visual Assessment

A visual assessment must be conducted prior to providing assistance to the unit and on an annual basis thereafter (as long as assistance is provided). Visual assessments must be conducted by a HUD-Certified Visual Assessor. It is important to note that a HUD-Certified Visual Assessor is not equivalent to a Certified Clearance Examiner. Anyone may become a HUD-Certified Visual Assessor by successfully completing a 20-minute online training on HUD's website at: <http://www.hud.gov/offices/lead/training/visualassessment/h00101.html>. Certifications must be maintained by the recipient and be readily available for review.

The training teaches individuals how to identify deteriorated paint and how deteriorated paint must be treated. Projects may choose to have their program staff complete the visual assessments, or they may procure services from a contractor.

## **Making Assistance Determinations**

If a visual assessment reveals problems with paint surfaces, Project cannot approve the unit for assistance until the deteriorating paint has been repaired. Recipients may work with the property owner/manager to complete needed paint stabilization activities and clearance, work with the household to locate a different (lead-safe) unit, or refer the participant to a different program if assistance cannot be provided.

## **Locating a Certified Lead Professional and Further Training**

To locate a certified lead professional in your area:

- Call your state government (health department, lead poison prevention program, or housing authority).
- Call the National Lead Information Center at 1-800-424-LEAD (5323).
- Go to the U.S. Environmental Protection Agency website at <https://www.epa.gov/lead>.

Lead professionals, training providers, and HUD-sponsored Lead Safe Work Practices training listings can be accessed at [www.leadlisting.org](http://www.leadlisting.org) or 1-888-LEADLIST.

For more information on the Federal training and certification program for lead professionals, contact the National Lead Information Center (NLIC) at <http://www.epa.gov/lead/pubs/nlic.html> or 1-800-424-LEAD to speak with an information specialist.

The Lead Safe Housing Rule as well as a HUD training module to help recipients of funds effectively implement the requirements of the Lead Safe Housing Rule in their programs can be accessed at [https://www.hud.gov/program\\_offices/healthy\\_homes/enforcement/lshr](https://www.hud.gov/program_offices/healthy_homes/enforcement/lshr).

Appendix C

*Violence Against Women Act*  
**Written Standards**

## Table of Contents

<b>I.</b>	<b>Introduction.....</b>	<b>68</b>
	a. Background .....	68
	b. Purpose .....	68
	c. VAWA and Other Laws .....	69
	d. Nondiscrimination and Equal Opportunity .....	69
	e. Language and Communication Services .....	69
	f. Applicability .....	70
	1. Types of Housing.....	70
	2. Types of Activities by Funding Sources .....	70
	3. Period of Applicability .....	71
	g. Definitions .....	71
<b>II.</b>	<b>Confidentiality (24 CFR 5.2007(c)) .....</b>	<b>73</b>
	a. Confidential Information.....	73
	b. Protection of Confidential Information .....	73
<b>III.</b>	<b>VAWA Protections for Applicants and Tenants (24 CFR 5.2005) .....</b>	<b>74</b>
	a. Notice to Applicants and Tenants (24 CFR 5.2005(a)) .....	74
	1. Notice of Occupancy Rights under VAWA (24 CFR 5.2005(a)(1)(i)) .....	75
	2. Certification Form (24 CFR 5.2005(a)(1)(ii)) .....	76
	3. VAWA Reauthorization Act of 2013: Implementation in HUD Housing Programs Final Rule (81 FR 80724).....	76
	4. Emergency Transfer Plan (24 CFR 5.2005(e)).....	76
	b. Prohibited Basis for Denial, Termination of Assistance, or Eviction (24 CFR 5.2005(b)) .....	76
	1. In General (24 CFR 5.2005(b)(1)) .....	77
	2. Termination on the Basis of Criminal Activity (24 CFR 5.2005(b)(2)).....	77
	c. Construction of Lease Terms and Terms of Assistance (24 CFR 5.2005(c)) .....	78
	d. Limitations of VAWA Protections (24 CFR 5.2005(d)(1)).....	78
	e. Limitations of VAWA Protections in Evicting or Terminating Assistance (24 CFR 5.2005(d)(2), (3)) .....	79
	f. Emergency Transfer (24 CFR 5.2005(e)) .....	80
<b>IV.</b>	<b>Housing Agreements.....</b>	<b>80</b>
	a. Required Provisions.....	80

1.	Agency Leases Non-Agency-Owned Housing from Owner/Landlord .....	81
2.	Tenant Leases Non-Agency-Owned Housing from Owner/Landlord.....	81
3.	Tenant Leases Agency-Owned Housing .....	83
V.	Remedies Available to Survivors (24 CFR 5.2009).....	84
a.	Lease Bifurcation (24 CFR 5.2009(a)).....	84
b.	Lease Bifurcation – Time to Establish Eligibility (24 CFR 5.2009(b)) .....	84
c.	Promoting Housing Stability (24 CFR 5.2009(c)) .....	85
VI.	Documentation and Verification (24 CFR 5.2007(a), (b)).....	86
VII.	Emergency Transfer Plan (24 CFR 5.2005(e)) .....	88
a.	Eligibility for Emergency Transfers .....	89
b.	Emergency Transfer Documentation .....	89
1.	Emergency Transfer Requests .....	89
2.	Records of Emergency Transfers .....	90
c.	Confidentiality .....	91
d.	Emergency Transfer Timing and Availability .....	91
e.	Emergency Transfer Prioritization .....	91
1.	Homeless Housing Providers .....	91
2.	Other Housing Providers .....	92
f.	Safety and Security of Tenants .....	93
g.	Emergency Transfer Costs.....	94
IX.	Assistance to Non-Survivors .....	94

**Appendices**

A – Notice of Occupancy Rights under the Violence Against Women Act

B – Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation

C – Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

## I. Introduction

For help for victims of domestic violence, dating violence, sexual assault, or stalking, call:

**Domestic Violence Services of Snohomish County**  
24-hour crisis hotline: 425-25-ABUSE (425-252-2873)

### a. Background

In accordance with the Violence Against Women Act (VAWA), the protections described in these VAWA Written Standards are intended to increase opportunities for individuals and families receiving assistance under certain federal programs to live in safe housing and to reduce the risk of homelessness for individuals and families who might otherwise be evicted, be denied housing assistance, or flee their homes (81 FR 80724, Executive Summary 80725).

The 2013 reauthorization of the Violence Against Women Act (2013 VAWA), enacted on March 7, 2013, extended and expanded protections for victims of domestic violence, dating violence, sexual assault, and stalking (hereinafter referred to as “Survivors”). These protections apply, regardless of sex, gender identity, or sexual orientation.

It is important to note that despite the name of the Act, these VAWA Written Standards ensure protections are provided consistently for *all* individuals and families seeking assistance, ***regardless of sex, gender identity, or sexual orientation.***

Under the 2013 VAWA, these protections are now applicable to the Continuum of Care (CoC), Emergency Solutions Grant (ESG) and HOME Investments Partnership Program (HOME), which are federal programs administered by the U.S. Department of Housing and Urban Development (HUD). HUD published the VAWA Reauthorization Act of 2013: Implementation in HUD Housing Programs Final Rule (81 FR 80724), effective December 16, 2016, which implements the requirements of the 2013 VAWA for applicable HUD programs.

In compliance with VAWA 2013 and the HUD Final Rule, these VAWA Written Standards detail VAWA requirements as adopted locally by the Everett/Snohomish County Continuum of Care (CoC) and the Snohomish County HOME Consortium for its CoC, ESG, and HOME Programs.

### b. Purpose

The Snohomish County Division of Housing and Community Services (HCS) administers programs that provide a wide-range of community development and housing-related services to Snohomish County residents. HCS contracts with agencies (hereinafter referred to as “Agencies”) to administer these projects.

These VAWA Written Standards are intended to ensure that projects operating within the Everett/Snohomish County CoC and the Snohomish County HOME Consortium that are funded by HUD through the CoC, ESG, and HOME Programs, provide protections to Survivors in compliance with VAWA.

**c. VAWA and Other Laws**

VAWA protections and these Written Standards do not replace or supersede any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. (24 CFR 5.2011).

All applicable fair housing and civil rights statutes and requirements apply in the implementation of VAWA requirements. (24 CFR 5.2011).

VAWA does not limit Snohomish County's or the Housing Provider's duty to honor court orders about access or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up (24 CFR 5.2005(d)(1)).

**d. Nondiscrimination and Equal Opportunity**

Agencies and Owners/Landlords of housing must comply with applicable nondiscrimination and equal opportunity requirements in the operation of their programs and projects; these requirements extend to implementation of the VAWA requirements. Survivors cannot be discriminated against on the basis of any protected characteristics, including race, color, national origin, religion, sex, familial status, disability, or age. Programs and projects must also be operated consistently with HUD's Equal Access Rule at 24 CFR 5.105(a)(2), which requires that HUD-assisted and HUD-insured housing are made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status (24 CFR 5.2001(a)).

**e. Language and Communication Services**

Agencies and Owners/Landlords of housing must comply with applicable nondiscrimination and equal opportunity requirements regarding language and communication services in the operation of their programs and projects; these requirements extend to implementation of the VAWA requirements. Agencies and Owners/Landlords of housing must ensure that they are able to communicate effectively with applicants and tenants.

Agencies and Owners/Landlords of housing must provide, upon request, reasonable accommodations to individuals with disabilities. This may include providing appropriate auxiliary aids and services (e.g. accessible formats, sign language interpreters) as well as making changes to program rules, policies, or practices necessary to ensure effective communication (e.g. reasonable accommodation to put emergency transfer request in writing).

Agencies and Owners/Landlords of housing must also take reasonable steps to ensure meaningful access to their programs for applicants and tenants with Limited English Proficiency, as needed, including, but not limited to, translation services. HUD encourages Agencies and Owners/Landlords of housing to strive to ensure that all applicants and tenants have notice of their rights under VAWA

and, to assist in this effort, HUD has translated the required Notice of Occupancy Rights and Certification into several languages.

**f. Applicability**

While these VAWA Written Standards provide consistent requirements across programs and projects, certain funding sources have specific requirements per applicable rules and regulations.<sup>1</sup> For funding sources with specific requirements, these Written Standards specify the funding source; for requirements that are the same for all programs and projects, these Written Standards do not distinguish between funding sources.

**1. Types of Housing**

These VAWA Written Standards apply to homeless housing interventions (Transitional Housing and Permanent Housing, including Rapid Rehousing, Permanent Supportive Housing, and Other Permanent Housing) and to HOME rental housing (Rental Housing assisted with HOME funds and HOME Tenant-Based Rental Assistance (TBRA)).

***Emergency Shelters***

At a minimum, Emergency Shelters must comply with the core statutory provisions provided under VAWA 2013 that prohibit denial of admission or eviction or termination to an individual solely on the basis or as a direct result of the fact that the individual is a Survivor (24 CFR 576.604(a)(2), 24 CFR 576.409(f)).

**2. Types of Activities by Funding Sources**

The funding sources<sup>2</sup> administered by HCS that have Program-specific requirements are:

<b>Program</b>	<b>Type of Funding</b>
Continuum of Care (CoC)	Acquisition, rehabilitation, new construction, leasing, rental assistance, and operating costs (24 CFR 578.99(j))
Emergency Solutions Grants (ESG)	Rental assistance and emergency shelter (24 CFR 576.409(a) and (f))
HOME Investment Partnerships (HOME)	Rental Housing Units (acquisition, rehabilitation, new construction) and Tenant-Based Rental Assistance (TBRA) (24 CFR 92.359(a))

<sup>1</sup> When assistance is provided under more than one (1) housing program and there is a conflict between VAWA protections or remedies under those programs, the individual seeking the VAWA protections or remedies may choose to use the protections or remedies under any or all of those programs, as long as the protections or remedies would be feasible and permissible under each of the programs (24 CFR 5.2001(b)(2); 81 FR 80724, Preamble 80734).

<sup>2</sup> For specific requirements by funding source, these VAWA Written Standards assume an advanced level of knowledge of applicable program requirements and regulations; refer also to the Snohomish County HEARTH Local Program Standards and to the Office of Housing and Community Development HOME Program Policies.

### 3. Period of Applicability

These VAWA Written Standards shall apply to programs and projects for the periods specified below:

Type of Funding	Period of Applicability
All Programs, except for the Programs and types of funding specified below that have Program-specific requirements	These VAWA Written Standards shall apply to the housing for the period that assistance is provided with Program funds.
CoC acquisition, construction, rehabilitation	These VAWA Written Standards shall apply to the housing for a period of 15 years from the date of initial occupancy or date of initial service provision (24 CFR 578.99(j)(5)(ii)).
HOME Rental Housing Units (Acquisition, Rehabilitation, New Construction)	These VAWA Written Standards shall apply to the owner of the housing for the duration of the affordability period (24 CFR 92.359(f)).

### g. Definitions

The following definitions apply to these VAWA Written Standards:

<p><b>Actual and Imminent Threat</b> (24 CFR 5.2003)</p>	<p>A physical dangers that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:</p> <ul style="list-style-type: none"> <li>- The duration of the risk,</li> <li>- The nature and severity of the potential harm,</li> <li>- The likelihood that the potential harm will occur, and</li> <li>- The length of time before the potential harm would occur.</li> </ul>
<p><b>Affiliated Individual</b> (24 CFR 5.2003)</p>	<p>With respect to an individual, means:</p> <ol style="list-style-type: none"> <li>(1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or</li> <li>(2) Any individual, tenant, or lawful occupant living in the household of that individual.</li> </ol>
<p><b>Dating Violence</b> (24 CFR 5.2003)</p>	<p>Violence committed by a person:</p> <ol style="list-style-type: none"> <li>(1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and</li> <li>(2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:               <ol style="list-style-type: none"> <li>i. The length of relationship;</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>ii. The type of relationship; and</li> <li>iii. The frequency of interaction between the persons involved in the relationship.</li> </ul>
<b>Domestic Violence</b> (24 CFR 5.2003)	<p>Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or who has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.</p> <p>The term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.</p>
<b>Housing Provider</b>	<p>Housing Providers include:</p> <ul style="list-style-type: none"> <li>(1) Agencies that are designated as a Subrecipient of Snohomish County to administer program(s) on behalf of Snohomish County;</li> <li>(2) The Owner or Landlord of the housing that receives program assistance, which may include (nonprofit or for-profit) Owners/Landlords of housing in the community or Owners of HOME-assisted rental housing; and</li> <li>(3) For the HOME Program, Snohomish County as the Participating Jurisdiction.</li> </ul> <p>The applicable Housing Provider varies by provision; <i>refer to each provision for further detail on the applicable Housing Provider(s).</i></p> <p>Snohomish County does not directly operate housing projects or rental assistance programs under its CoC, HOME, or ESG programs. Snohomish County has contractual relationship with covered housing providers such as agencies administering rental assistance through the CoC, HOME, or ESG programs and owners of HOME Rental Housing projects to provide this housing. Snohomish County’s responsibilities include providing oversight and monitoring of these entities to assist them in fulfilling their obligations under the 2013 VAWA and to ensure compliance with these VAWA Written Standards.</p>
<b>Sexual Assault</b> (24 CFR 5.2003)	Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.
<b>Stalking</b> (24 CFR 5.2003)	<p>Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:</p> <ul style="list-style-type: none"> <li>(1) Fear for the person’s individual safety or the safety of others; or</li> <li>(2) Suffer substantial emotional distress.</li> </ul>

<b>Survivors</b>	Victims of domestic violence, dating violence, sexual assault, or stalking.
<b>Tenants</b> (81 FR 80724, Preamble 80730)	An assisted individual or family and the members of the household on their lease.  Does not include guests or unreported members of a household. A live-in aide or caregiver is not a tenant, unless otherwise provided by the program.

## II. Confidentiality (24 CFR 5.2007(c))

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
CoC 24 CFR 578.99(j)(2)(iii)	- Agencies - Owner/Landlord
ESG 24 CFR 576.409(b)(4))	- Agencies - Owner/Landlord
HOME Rental Housing Units (acquisition, rehabilitation, new construction) (24 CFR 92.359(a)(2)(ii))	- Owner/Landlord - Snohomish County, as the Participating Jurisdiction
HOME TBRA (24 CFR 92.359(a)(2)(ii))	- Agency administering HOME TBRA program on behalf of Snohomish County - Owner/Landlord - Snohomish County, as the Participating Jurisdiction

### a. Confidential Information

Any information submitted to a Housing Provider, including the fact that an individual is a Survivor, shall be maintained in strict confidence by the Housing Provider (24 CFR 5.2007(c)). Confidential information includes but is not limited to:

- All records containing protected identifying information of any applicant or tenant;
- The fact that an individual is a Survivor; and
- The address or location of any applicant or tenant, including the address of the new dwelling unit to which the Survivor is transferred under the Emergency Transfer Plan 24 CFR 5.2005(e)(4).

### b. Protection of Confidential Information

The Housing Provider **shall not**:

1. Allow any individual administering assistance on behalf of the Housing Provider or any persons within their employ (e.g., contractors) or in the employ of the Housing Provider to have access to confidential information unless explicitly authorized by the Housing Provider for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law (24 CFR 5.2007(c)(1)).
2. Enter confidential information into any shared database or disclose such information to any other entity or individual, except to the extent that the disclosure is:
  - a. Requested or consented to in writing by the Survivor in a time-limited release;
  - b. Required for use in an eviction proceeding or hearing regarding termination of assistance from the program; or
  - c. Otherwise required by applicable law (24 CFR 5.2007(c)(2)).

**III. VAWA Protections for Applicants and Tenants (24 CFR 5.2005)**

Applicants and tenants protected under VAWA may invoke VAWA protections on more than one (1) occasion and cannot be subjected to additional conditions that adversely affect their tenancy because they have invoked VAWA protections. Survivors do not need to contact authorities, such as police, or initiate legal proceedings against an abuser or perpetrator to qualify for VAWA protections (81 FR 80724, Preamble 80731).

**a. Notice to Applicants and Tenants (24 CFR 5.2005(a))**

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
All Programs, except for the Program(s) specified below that have Program-specific requirements	<ul style="list-style-type: none"> <li>- Agencies</li> <li>- Owner/Landlord</li> </ul>
CoC (24 CFR 578.99(j)(4))	<ul style="list-style-type: none"> <li>- Agencies</li> </ul>
ESG (24 CFR 576.409(c))	<ul style="list-style-type: none"> <li>- Agencies</li> </ul>
HOME Rental Housing Units (Acquisition, Rehabilitation, New Construction) (24 CFR 92.359(c)(1))	<ul style="list-style-type: none"> <li>- Owner/Landlord</li> </ul>
HOME TBRA (24 CFR 92.359(c))	<ul style="list-style-type: none"> <li>- Agency administering HOME TBRA program on behalf of Snohomish County</li> <li>- Snohomish County, as the Participating Jurisdiction</li> </ul>

Housing Providers must provide the “Notice of Occupancy Rights under the Violence Against Women Act” and “Certification Form,” as described below, to all applicants and tenants at each of the three (3) following times:<sup>3</sup>

- 1) When the applicant is denied assistance from or admission to the program or project;
- 2) When the applicant is admitted into the program or project (e.g., begins receiving assistance); and
- 3) When the tenant receives any notification of eviction or notification of termination of assistance.

In addition to the requirements above, the following additional program-specific requirements apply:

Type of Funding	Additional Program-Specific Requirements
CoC Rental Assistance (24 CFR 578.99(j)(4)(ii))	Agencies must ensure that the Owner/Landlord provides the <u>Notice</u> and <u>Certification</u> with any notification of eviction. Refer also to the <u>Housing Agreements</u> section.
HOME TBRA (24 CFR 92.359(c)(2))	Snohomish county, as the Participating Jurisdiction, or designated Agency administering a TBRA program on behalf of Snohomish County, must also provide the <u>Notice</u> and <u>Certification</u> to a tenant receiving HOME TBRA when providing the tenant with notification of termination of the HOME TBRA, and when learning that the tenant’s housing Owner intends to provide the tenant with notification of eviction. Refer also to the <u>Housing Agreements</u> section.

By providing the Notice and Certification at each of the times listed above, applicants and tenants have the opportunity to assert that they are or were Survivors, and that they are eligible for VAWA protections (81 FR 80724, Preamble 80729). Housing Providers are encouraged to ensure that all adult members of a household (and not just the head of household) receive the Notice and Certification (81 FR 80724, Preamble 80772). Housing Providers are also encouraged to post the Notice and Certification in public areas such as lobbies and community bulletin boards where applicants and tenants can view them, and to post these documents on the Housing Provider’s website (81 FR 80724, Preamble 80770).

**1. Notice of Occupancy Rights under VAWA (24 CFR 5.2005(a)(1)(i))**

Housing Providers must provide the HUD-approved Notice of Occupancy Rights under VAWA (hereinafter “VAWA Notice”) to all applicants and tenants at each of the times described above. The VAWA Notice explains the VAWA protections, including the right to confidentiality, and any limitations on those protections (24 CFR 5.2005(a)(1)(i)). This Notice must be made available in multiple languages. The VAWA Notice is located in Appendix A, including translated versions in

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<sup>3</sup> For HOME-assisted Rental Housing, Housing Providers must provide the Notice and Certification when an applicant is admitted to, or denied admission to, a HOME-assisted unit based on the owner’s tenant selection policies and criteria.

several languages. Each Housing Provider must insert its name and the name of its program before distribution to applicants and tenants.

**2. Certification Form (24 CFR 5.2005(a)(1)(ii))**

Housing Providers must provide the HUD-approved Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (hereinafter “Certification Form”) to all applicants and tenants at each of the times described above. This Certification Form must be made available in multiple languages. The Certification Form is located in Appendix B, including translated versions in several languages.

A Survivor may choose to complete this Certification Form to document an incident of domestic violence, dating violence, sexual assault or stalking (24 CFR 5.2005(a)(1)(ii)), as further explained in the Documentation and Verification section. The Certification must:

- a) State that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;
- b) State that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under these Written Standards meets the applicable definition of such incident as defined above in the Definitions section; and
- c) Include the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide.

**3. VAWA Reauthorization Act of 2013: Implementation in HUD Housing Programs Final Rule (81 FR 80724)**

Housing Providers must make a copy of these regulations available to applicants and tenants who ask to see them (81 FR 80724, Preamble 80769).

**4. Emergency Transfer Plan (24 CFR 5.2005(e))**

Housing Providers must make the Emergency Transfer Plan publicly available whenever feasible, and must make the Plan available upon request. Refer to Emergency Transfer Plan section (81 FR 80724, Preamble 80749).

**b. Prohibited Basis for Denial, Termination of Assistance, or Eviction (24 CFR 5.2005(b))**

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
CoC	<ul style="list-style-type: none"> <li>- Agencies</li> <li>- Owner/Landlord</li> </ul>
ESG	<ul style="list-style-type: none"> <li>- Agencies</li> <li>- Owner/Landlord</li> </ul>

HOME TBRA	<ul style="list-style-type: none"> <li>- Agency administering HOME TBRA program on behalf of Snohomish County</li> <li>- Owner/Landlord</li> <li>- Snohomish County, as the Participating Jurisdiction</li> </ul>
HOME Rental Housing Units (Acquisition, Rehabilitation, New Construction)	<ul style="list-style-type: none"> <li>- Owner/Landlord</li> <li>- Snohomish County, as the Participating Jurisdiction</li> </ul>

**1. In General (24 CFR 5.2005(b)(1))**

Housing Providers are prohibited from denying otherwise eligible applicants or terminating assistance or evicting tenants **on the basis of, or as a direct result of**, the fact that an applicant or tenant is a Survivor (24 CFR 5.2005(b)(1)). The fact that an individual is a Survivor may not be the basis of denying assistance, terminating assistance, or evicting tenants who are otherwise eligible. In addition, the fact that an individual has a poor rental or credit history, or a criminal record, or other adverse factors that directly result from being a Survivor may not be the basis of denying assistance, terminating assistance, or evicting tenants who are otherwise eligible (81 FR 80724, Preamble 80728).

**Applicability to Emergency Shelters**

Emergency Shelters are prohibited from denying admission to or removing from the emergency shelter on the basis or as a direct result of the fact that the individual or family is or has been a Survivor, if the individual or family otherwise qualifies for admission or occupancy (24 CFR 576.409(f)(1)).

**2. Termination on the Basis of Criminal Activity (24 CFR 5.2005(b)(2))**

Housing Providers may not deny tenancy or occupancy rights solely on the basis of criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking if:

- a) The criminal activity is engaged in by a member of the household of the tenant or affiliated individual<sup>4</sup> (any guest<sup>5</sup> or other person under control of the tenants<sup>6</sup>), AND

<sup>4</sup> It is important to note that the inclusion of an “affiliated individual” in this provision is intended to further protect tenants by providing that a VAWA crime committed against an affiliated individual (in individual without VAWA protections) is not a basis for denying or terminating assistance to the tenant. Refer to the Definitions section for the definition of “affiliated individual” (81 FR 80724, Preamble 80735).

<sup>5</sup> Under this provision, “guest” means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

<sup>6</sup> Under this provision, “other person under control of the tenants” means that the person is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant’s control.

- b) The tenant or affiliated individual is the Survivor or threatened victim of domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(b)(2)).

**c. Construction of Lease Terms and Terms of Assistance (24 CFR 5.2005(c))**

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
CoC	<ul style="list-style-type: none"> <li>- Agencies</li> <li>- Owner/Landlord</li> </ul>
ESG	<ul style="list-style-type: none"> <li>- Agencies</li> <li>- Owner/Landlord</li> </ul>
HOME TBRA	<ul style="list-style-type: none"> <li>- Agency administering HOME TBRA program on behalf of Snohomish County</li> <li>- Owner/Landlord</li> <li>- Snohomish County, as the Participating Jurisdiction</li> </ul>
HOME Rental Housing Units (Acquisition, Rehabilitation, New Construction)	<ul style="list-style-type: none"> <li>- Owner/Landlord</li> <li>- Snohomish County, as the Participating Jurisdiction</li> </ul>

Housing Providers shall not construe an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking as:

- A serious or repeated violation of a lease by the Survivor or threatened victim of such incident; or
- Good cause for terminating the assistance, tenancy, or occupancy rights of the Survivor or threatened victim of such incident (24 CFR 5.2005(c)).

**d. Limitations of VAWA Protections (24 CFR 5.2005(d)(1))**

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
All Programs (24 CFR 5.2005(d), 24 CFR 578.99(j)(2)(i), 24 CFR 576.409(b)(2), 24 CFR 92.359(a)(2)(i))	<ul style="list-style-type: none"> <li>- Owner/Landlord</li> </ul>

These VAWA Written Standards shall not limit the authority of a Housing Provider, when notified of a court order, to comply with a court order with respect to:

- The rights of access or control of property, including civil protection orders issued to protect a Survivor; or
- The distribution or possession of property among members of a household (24 CFR 5.2005(d)(1)).

**e. Limitations of VAWA Protections in Evicting or Terminating Assistance (24 CFR 5.2005(d)(2), (3))**

These VAWA Written Standards do not prohibit Housing Providers from evicting or terminating assistance to a tenant in the following circumstances:

- 1) **For any violation not premised on<sup>7</sup> an act of domestic violence, dating violence, sexual assault, or stalking** that is in question against the tenant or an affiliated individual, as long as the Housing Provider does not subject the Survivor to a more demanding standard than it applies to other tenants (24 CFR 5.2005(d)(2)).

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
CoC 24 CFR 578.99(j)(2)(ii)	- Agencies - Owner/Landlord
ESG 24 CFR 576.409(b)(3)	- Agencies - Owner/Landlord
HOME Rental Housing Units (Acquisition, Rehabilitation, New Constructin) (24 CFR 92.359(a)(2)(ii))	- Owner/Landlord - Snohomish County, as the Participating Jurisdiction
HOME (24 CFR 92.359(a)(2)(ii))	- Agency administering HOME TBRA program on behalf of Snohomish County - Owner/Landlord - Snohomish County, as the Participating Jurisdiction

- 2) If the Housing Provider can demonstrate that **an actual and imminent threat to other tenants or to those employed at, or providing service to the property of, the Housing Provider** would be present if that tenant or lawful occupant is not evicted or terminated from assistance (24 CFR 5.2005(d)(3)). In this context, words, gestures, actions, or other indicators will be considered an “actual or imminent threat” if they meet the standards provided in the definition of “actual or imminent threat.” See the Definitions section for the definition of “actual and imminent threat.”

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
CoC 24 CFR 578.99(j)(2)(ii)	- Agencies - Owner/Landlord
ESG (24 CFR 576.409(b)(2))	- Owner/Landlord
HOME (24 CFR 92.359(a)(2)(i))	- Owner/Landlord

<sup>7</sup> “Premised on” means that a logical nexus must exist between the alleged violation and the domestic violence. Therefore the term “not premised on” means that there is not a logical nexus between an alleged violation and domestic violence (81 FR 80724, Preamble 80786).

However, an eviction or termination of assistance should be utilized **only when there are no other actions** (i.e., as a last resort) that could be taken to reduce or eliminate the threat, including, but not limited to:

- Transferring the Survivor to a different unit,
- Barring the abuser or perpetrator from the property,
- Contacting law enforcement to increase police presence or develop other plans to keep the property safe, or
- Seeking other legal remedies to prevent the abuser or perpetrator from acting on a threat (24 CFR 5.2005(d)(4)).

#### **f. Emergency Transfer (24 CFR 5.2005(e))**

Survivors who are eligible for VAWA protections are eligible to request an emergency transfer. An emergency transfer, which means the tenant is relocated from his/her current unit to another unit that is safe, must comply with the Emergency Transfer Plan as described further in Emergency Transfer Plan section.

## **IV. Housing Agreements**

### **a. Required Provisions**

Tenants typically enter into agreements, known as leases or occupancy agreements, to reside in housing. However, the types of agreements required for tenants to reside in housing vary by funding source, program, and type of assistance provided. Refer to the applicable program regulation for further guidance on required agreements. These leases or occupancy agreements must include the applicable VAWA requirements. Housing Providers may either incorporate the required provisions into the lease or occupancy agreement or include the VAWA Lease Addendum, which includes the required provisions applicable to the Program, in the lease or occupancy agreement. Snohomish County has developed the following VAWA Lease Addendums based on the HUD model Lease Addendum with revisions as necessary to incorporate program-specific requirements:

- VAWA Lease Addendum CoC Program
- VAWA Lease Addendum ESG Program
- VAWA Lease Addendum HOME Program - Rental Housing Units
- VAWA Lease Addendum HOME Program - TBRA

Housing Providers are encouraged to include these VAWA Lease Addendums in the lease or occupancy agreement to ensure the inclusion of all required provisions. If a Housing Provider chooses not to use these VAWA Lease Addendums, it must submit proposed VAWA provisions for the lease or occupancy agreement or a proposed alternate VAWA Lease Addendum to the County for review and approval prior to use to ensure that all the necessary requirements are included.

**1. Agency Leases Non-Agency-Owned Housing from Owner/Landlord**

This section applies to the following program(s) and type(s) of funding:

Program	Type of Funding
CoC	Leasing and/or operating costs

**i. Agency Master Lease with Owner/Landlord**  
(24 CFR 578.99(j)(5)(i)(A))

Any agreements between Agencies and Owners/Landlords of housing must include:

- The requirement to comply with 24 CFR part 5, subpart L.

**ii. Tenant Sublease/Occupancy Agreement with Agency**  
(24 CFR 578.99(j)(5)(ii))

Any agreements between tenants and Agencies must include, as an incorporated provision or via the VAWA Lease Addendum for the CoC Program referenced above.

- All requirements that apply to tenants, the Owner, or the lease under 24 CFR part 5, subpart L;
- Prohibited bases for eviction; and
- Restrictions on construing lease terms under 24 CFR 5.2005(b) and (c).

The provision or Addendum may specify that these protections, as described above, apply only during the period of applicability (24 CFR 578.99(j)(5)(ii)). Refer to the Period of Applicability section.

Any agreements between Agencies and tenants must permit the tenant to terminate the agreement (lease, sublease, or occupancy agreement) without penalty if the Agency determines that the tenant qualifies for an emergency transfer under the Emergency Transfer Plan (24 CFR 578.99(j)(5)(iii)).

**2. Tenant Leases Non-Agency-Owned Housing from Owner/Landlord**

This section applies to the following program(s) and type(s) of funding:

Program	Type of Funding
CoC	Rental Assistance to non-Agency-owned housing
ESG	Rental Assistance to non-Agency-owned housing
HOME	Tenant-Based Rental Assistance (TBRA) to non-Agency-owned housing

**i. Tenant Lease with Owner/Landlord**  
(24 CFR 578.99(j)(5)(i)(B), 24 CFR 576.106(g))

Any agreements between tenants and Owners/Landlords of housing must include, as an incorporated provision or via the VAWA Lease Addendum for the CoC Program, the ESG Program, or the HOME Program - TBRA referenced above:

- All requirements that apply to tenants, the Owner, or the lease under 24 CFR part 5, subpart L;
- Prohibited bases for eviction; and
- Restrictions on construing lease terms under 24 CFR 5.2005(b) and (c).

The provision or Addendum may specify that these protections, as described above, apply only during the period of applicability (24 CFR 578.99(j)(5)(iv)), 24 CFR 92.359(e). Refer to the Period of Applicability section.

In addition to the requirements above, the following additional requirements apply:

Type of Funding	Additional Program-Specific Requirements
HOME TBRA	<p>Any agreements between tenants and Owners/Landlords must:</p> <ol style="list-style-type: none"> <li>(1) permit the tenant to terminate the agreement (lease, sublease, or occupancy agreement) without penalty if Snohomish County as the Participating Jurisdiction, or Agency designated to administer the TBRA program on behalf of Snohomish County, determines that the tenant qualifies for an emergency transfer under the <u>Emergency Transfer Plan</u> 24 CFR 92.359(e)), and</li> <li>(2) include the requirement that the Owner must notify Snohomish County as the Participating Jurisdiction, or Agency designated to administer the TBRA program on behalf of Snohomish County, before the Owner <u>bifurcates the lease</u> or provides notification of eviction to the tenant (24 CFR 92.359(e)).</li> </ol>

**ii. Agency Agreement with Owner/Landlord**  
(24 CFR 578.99(j)(5)(i)(A), 24 CFR 578.99(j)(5)(iv), 24 CFR 576.106(e))

An agreement (e.g., Rental Assistance Agreement or Letter of Agreement) between the Agency and the Owner/Landlord is generally required for an Agency to provide rental assistance to the Owner/Landlord to assist the tenant in housing; these agreements typically include the terms under which rental assistance will be provided, the term of the agreement, and that the landlord/owner will provide the Agency with a copy of all written notices to the tenant.

Any agreements between Agencies and Owners/Landlords of housing must also include:

- The requirement to notify the Agency when the Owner/Landlord intends to bifurcate the lease or evict a tenant (24 CFR 92.359(e));
- The requirement to comply with 24 CFR part 5, subpart L;
- The requirement to include a lease provision or Addendum in the agreement between the tenant and owner/landlord that includes:
  - All requirements that apply to tenants, the owner, or the lease under 24 CFR part 5, subpart L;
  - Prohibited bases for eviction; and
  - Restrictions on construing lease terms under 24 CFR 5.2005(b) and (c).

### 3. Tenant Leases Agency-Owned Housing

This section applies to the following program(s) and type(s) of funding:

Program	Type of Funding
CoC	<ul style="list-style-type: none"> <li>- Acquisition, rehabilitation, new construction, operating costs</li> <li>- Rental Assistance to Agency-owned housing</li> </ul>
ESG	<ul style="list-style-type: none"> <li>- Rental Assistance to Agency-owned housing</li> </ul>
HOME	<ul style="list-style-type: none"> <li>- Rental Housing Units assisted with HOME funds</li> <li>- Tenant-Based Rental Assistance to Agency-owned housing</li> </ul>

Any agreements between Agencies/Owners and tenants must include, as an incorporated provision or via the VAWA Lease Addendum for the CoC Program, the ESG Program, the HOME Program – Rental Housing Units, or the HOME Program - TBRA:

- All requirements that apply to tenants, the owner, or the lease under 24 CFR part 5, subpart L;
- Prohibited bases for eviction; and
- Restrictions on construing lease terms under 24 CFR 5.2005(b) and (c).

The provision or Addendum may specify that these protections, as described above, apply only during the period of applicability (24 CFR 578.99(j)(5)(ii)). Refer to the Period of Applicability section.

In addition to the requirements above, the following additional requirements apply:

Type of Funding	Additional Program-Specific Requirements
CoC acquisition, rehabilitation, new construction, operating costs	Any agreements between Agencies/Owners and tenants must permit the tenant to terminate the agreement (lease, sublease, or occupancy agreement) without penalty if the Agency/Owner determines that the tenant qualifies for an emergency transfer under the <u>Emergency Transfer Plan</u> (24 CFR 578.99(j)(5)(iii), 24 CFR 92.359(e)).
HOME Rental Housing (acquisition, rehabilitation, new construction)	
HOME TBRA	

## V. Remedies Available to Survivors (24 CFR 5.2009)

### a. Lease Bifurcation (24 CFR 5.2009(a))

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
All Programs	Owner/Landlord

Housing Providers may, but are not required to, bifurcate a lease, or remove a household member from a lease to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual:

- 1) Without regard to whether the household member is a signatory to the lease; and
- 2) Without evicting, removing, terminating assistance to, or otherwise penalizing a Survivor of such criminal activity who is also a tenant or lawful occupant (24 CFR 5.2009(a)(1)).

Lease bifurcation must be carried out in accordance with applicable Federal, State, or local laws (24 CFR 5.2009(a)(2)).

### b. Lease Bifurcation – Time to Establish Eligibility (24 CFR 5.2009(b))

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
CoC	- Agencies
ESG	- Agencies
HOME TBRA	- Agency administering TBRA program on behalf of Snohomish County
HOME Rental Housing (Acquisition, Rehabilitation, New Construction)	- Owner/Landlord

If a Housing Provider exercises the option to bifurcate a lease, the remaining tenant(s) (i.e. Survivors) are eligible to continue receiving assistance under the applicable Program as specified below. The Housing Provider shall:

Type of Funding/Intervention	Bifurcation Requirements – Remaining Tenant
CoC Rapid Rehousing (TBRA) and ESG Rapid Rehousing (TBRA)	Continue providing rental assistance to the remaining tenant(s) (24 CFR 578.99(j)(7)(i), 24 CFR 576.409(e)(1)).
CoC Permanent Supportive Housing	If the remaining tenant is the qualifying tenant, continue providing rental assistance to the remaining tenant. If the individual who was evicted or for whom assistance was terminated was the eligible/qualifying tenant, continue providing assistance to the remaining tenant(s) until the expiration of the lease in effect at the time of the eligible/qualifying member's eviction (24 CFR 578.75(j), 24 CFR 578.99(j)(7)(ii)).
HOME Rental Housing (Acquisition, Rehabilitation, New Construction)	The remaining tenant(s) may remain in the HOME-assisted unit (24 CFR 92.359(d)(1)).
HOME TBRA	The remaining tenant(s) will retain the HOME TBRA (24 CFR 92.359(d)(2)).

**c. Promoting Housing Stability (24 CFR 5.2009(c))**

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
CoC	- Agencies - Owner/Landlord
ESG	- Agencies - Owner/Landlord
HOME TBRA	- Agency administering HOME TBRA program on behalf of Snohomish County - Owner/Landlord - Snohomish County, as the Participating Jurisdiction
HOME Rental Housing Units (Acquisition, Rehabilitation, New Construction)	- Owner/Landlord - Snohomish County, as the Participating Jurisdiction

Housing Providers are encouraged to undertake whatever actions are permissible and feasible to assist Survivors residing in their units to remain in their units or other units under the program or other housing providers, and for the Housing Provider to bear the costs of any transfer, where permissible (24 CFR 5.2009(c)).

**VI. Documentation and Verification (24 CFR 5.2007(a), (b))**

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
CoC (24 CFR 578.99(j)(2)(iii))	<ul style="list-style-type: none"> <li>- Agencies</li> <li>- Owner/Landlord, except in specific circumstances*</li> </ul>
ESG Rental Assistance (24 CFR 576.409(b)(4))	<ul style="list-style-type: none"> <li>- Agencies</li> <li>- Owner/Landlord, except in specific circumstances*</li> </ul>
HOME TBRA 24 CFR 92.359(a)(2)(ii)	<ul style="list-style-type: none"> <li>- Agency administering HOME TBRA program on behalf of Snohomish County</li> <li>- Owner/Landlord</li> <li>- Snohomish County, as the Participating Jurisdiction</li> </ul>
HOME Rental Housing Units (Acquisition, Rehabilitation, New Construction) 24 CFR 92.359(a)(2)(ii)	<ul style="list-style-type: none"> <li>- Owner/Landlord</li> <li>- Snohomish County, as the Participating Jurisdiction</li> </ul>

\* **Limiting documentation requests by Owners/Landlords:** Agencies may limit documentation requests to only Agencies (to the exclusion of Owners/Landlords), provided that:

- i. This limitation is made clear in the Notice and rental assistance agreement;
- ii. The entity designated to receive documentation requests determines whether the tenant is entitled to protection under VAWA and immediately advise the tenant of the determination; and
- iii. If the tenant is entitled to protection, the entity designated to receive documentation requests must notify the Owner/Landlord in writing that the tenant is entitled to protection under VAWA and work with the Owner/Landlord on the tenant’s behalf. Any further sharing or disclosure of the tenant’s information will be subject to Confidentiality requirements (24 CFR 578.99(j)(2)(iii), 24 CFR 576.409(b)(4)).

**Housing Providers are *not* required to request that an individual submit documentation of his/her status as a Survivor in order to provide VAWA Protections or Remedies (24 CFR 5.2007(b)(3)).**

If an applicant or tenant represents that he/she is a Survivor entitled to VAWA Protections or Remedies, the Housing Provider *may* request, in writing, that the applicant or tenant submit to the Housing Provider the following documentation of his/her status as Survivor (24 CFR 5.2007(a)(1)). If the Housing Provider chooses this option, the applicant or tenant has **14 business days** from the date they receive the written

request to submit the requested documentation; it is recommended that Housing Providers include this deadline in the written request (24 CFR 5.2007(a)(2)). In addition, the Housing Provider may, at its discretion, extend the **14-business day** deadline; it is recommended that any deadline extension be provided to the applicant or tenant in writing.

The applicant or tenant may submit any one (1) of the following forms of documentation – **the applicant or tenant may choose which of the following forms of documentation to submit:**

1. The Certification Form; or
2. **Third-Party Documentation:**
  - a) A document:
    - i. Signed by a Professional<sup>8</sup> from whom the Survivor has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
    - ii. Signed by the applicant or tenant; and
    - iii. That specifies, under penalty of perjury, that the Professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for Protection and Remedies, and that the incident meets the Definition of domestic violence, dating violence, sexual assault, or stalking; or
  - b) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
  - c) At the discretion of a Housing Provider, a statement or other evidence provided by the applicant or tenant.

Housing Providers must accept signed Certification Forms from Survivors documenting incidents of domestic violence, dating violence, sexual assault, or stalking without evaluating the truthfulness of the allegations. If the Housing Provider receives documentation listed above that contains conflicting information,<sup>9</sup> the Housing Provider *may* require an applicant or tenant to submit Third-Party Documentation within **30-calendar days** of the date of the request for Third-Party Documentation 24 CFR 5.2007(b)(2). *However*, Housing Providers *may not* require Third-Party Documentation in any situation except for those involving conflicting evidence (81 FR 80724, Preamble 80762-4).

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<sup>8</sup> A Professional includes an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional.

<sup>9</sup> Documentation with conflicting information includes Certification Forms from two (2) or more members of a household each claiming to be a Survivor and naming one (1) or more of the other petitioning household members as the abuser or perpetrator.

## VII. Emergency Transfer Plan (24 CFR 5.2005(e))

This provision applies to the Housing Provider(s) specified below:

Type of Funding	Responsible Housing Provider
CoC	- Agencies
ESG	- Agencies
HOME TBRA	<ul style="list-style-type: none"> <li>- Agency administering HOME TBRA program on behalf of Snohomish County</li> <li>- Owner/Landlord</li> <li>- Snohomish County, as the Participating Jurisdiction</li> </ul> <p>Snohomish County or the Agency administering HOME TBRA on behalf of Snohomish County, must make the determination of whether a tenant qualifies under this Emergency Transfer Plan (24 CFR 92.359(g), 81 FR 80759).</p>
HOME Rental Housing Units (Acquisition, Rehabilitation, New Construction)	<ul style="list-style-type: none"> <li>- Owner/Landlord</li> <li>- Snohomish County, as the Participating Jurisdiction</li> </ul> <p>Snohomish County, as the Participating Jurisdiction, must make the determination of whether a tenant qualifies under this Emergency Transfer Plan. (24 CFR 92.359(g), 81 FR 80759).</p>

This Emergency Transfer Plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that these programs are in compliance with VAWA. Housing Providers must make this Emergency Transfer Plan publicly available whenever feasible, and must make the Plan available upon request (81 FR 80724, Preamble 80749).

An emergency transfer means the tenant is relocated from his/her current unit to another unit that is safe in accordance with this Emergency Transfer Plan. **A safe unit** is a unit that the Survivor believes is safe (24 CFR 5.2005(e)(1)(iii)). An emergency transfer may be:

- **Internal:** an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant (i.e., the tenant may reside in the new unit without having to undergo an application process) (24 CFR 5.2005(e)(1)(i)).
- **External:** an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant (i.e., the tenant must undergo an application process in order to reside in the new unit and be determined to be eligible for that unit) (24 CFR 5.2005(e)(1)(ii)).

Tenants may request an internal and external emergency transfer concurrently if a safe unit is not immediately available so that the tenant has a greater opportunity to move to a safe unit as quickly as possible (81 FR 80724, Preamble 80751, 24 CFR 5.2005(e)(8)).

### a. Eligibility for Emergency Transfers

A tenant who is a Survivor is eligible for an emergency transfer if the tenant:

1. Expressly requests the transfer; and
2. Either:
  - Reasonably believes that there is a threat of **imminent** harm from further violence if the tenant remains in the same unit; or
  - Was a victim of sexual assault\* that occurred on the premises within the **90-calendar-day** period preceding the request for an emergency transfer (24 CFR 5.2005(e)).

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements established above (81 FR 80724, Preamble 80749).

#### Imminent Harm or Sexual Assault within 90-Calendar Days

It is important to note that Survivors may have experienced more than one occurrence of domestic violence, dating violence, sexual assault, or stalking. For the purposes of eligibility for emergency transfers, it does not matter when an initial act occurred (i.e., an initial act could have occurred 10 years ago), as long as the current belief of a threat of imminent harm is reasonable, or, in cases of sexual assault\*, the assault occurred on the premises during the **90-calendar-day** period preceding the transfer request (81 FR 80724, Preamble 80743).

A **reasonable belief** that the tenant is threatened with imminent harm from further violence means that the tenant has a reason to fear that, without a transfer, the tenant would suffer violence in the very near future (81 FR 80724, Preamble 80745).

\*Victims of sexual assault are eligible for an emergency transfer if they **either**:

- a. Reasonably believe there is a threat of imminent harm from further violence if they remain in their unit, regardless of where or when the sexual assault occurred, or
- b. The sexual assault occurred on the premises during the **90-calendar-day** period preceding the date of the request for transfer, regardless of whether they reasonably believe there is a threat of imminent harm from further violence if they remain in the unit (81 FR 80724, Preamble 80753).

### b. Emergency Transfer Documentation

#### 1. Emergency Transfer Requests

To request an emergency transfer, the tenant shall notify the Housing Provider and make a request for a transfer. Housing Providers must provide reasonable accommodations to this policy

for individuals with disabilities. The request for a transfer may be made verbally or in writing and must include the following information in order to document eligibility for the transfer:

- A statement by the tenant certifying that the tenant reasonably believes that there is a threat of **imminent** harm from further violence if the tenant were to remain in the same unit; *or*
- For victims of sexual assault, a statement by the tenant certifying that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the **90-calendar-day** period preceding the tenant’s request for an emergency transfer.

<p>Housing Providers may, but are not required to:</p>	<p>Request that an individual seeking an emergency transfer document his/her status as a Survivor in accordance with the <u>Documentation</u> requirements if the individual has not already provided this documentation (24 CFR 5.2005(e)(2)(ii)).</p>
	<p>Request that an individual submit written documentation of his/her emergency transfer request certifying that he/she meets the requirements above (24 CFR 5.2007(e)(10)(i)). However, Housing Providers are encouraged not to require written requests in exigent circumstances where an individual’s health or safety is at risk (81 FR 80724, Preamble 80749).</p>
<p>Housing Providers <b>may not</b>:</p>	<p>Require additional documentation, such as third-party documentation, to determine whether a tenant seeking an emergency transfer is eligible for an emergency transfer (24 CFR 5.2005(e)(10)(iii); 81 FR 80724, Preamble 80741).</p>

Housing Providers must document verbal requests received in order to demonstrate that the tenant meets the eligibility requirements for the transfer that are listed above.

Housing Providers that choose to request written documentation of a transfer request may consider using the HUD model emergency transfer request, HUD Form 5383 Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking.

## 2. Records of Emergency Transfers

Housing Providers must keep a record of all emergency transfers requested, whether received verbally or in writing, and the outcome of such requests, and retain these records for a period of three (3) years, or for the period of time specified in the program regulations. Requests and outcomes of such requests must be reported to Snohomish County annually (24 CFR 5.2005(e)(12)).

### c. Confidentiality

The Housing Provider must follow all the applicable confidentiality requirements described in the Confidentiality section. This includes, but is not limited to, not disclosing the location of the new dwelling unit to which the Survivor is transferred to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant (24 CFR 5.2005(e)(4)).

### d. Emergency Transfer Timing and Availability

Housing Providers must act as quickly as possible to process the emergency transfer request and to move the Survivor to another unit, subject to the safety and availability of a unit, and in accordance with the Emergency Transfer Prioritization described below (81 FR 80724, Preamble 80745, 80750). However, Housing Providers cannot guarantee that an emergency transfer request will be approved or how long it will take to process a request.

If a Survivor reasonably believes that a proposed transfer would not be safe, the Survivor may request a transfer to a different unit. If a unit is available, the transferred Survivor must agree to abide by the terms and conditions that govern occupancy in the unit to which the Survivor has been transferred. A Housing Provider may be unable to transfer a Survivor to a particular unit if the Survivor has not or cannot establish eligibility for that unit.

### e. Emergency Transfer Prioritization

#### 1. Homeless Housing Providers

This section applies to the following program(s) and type(s) of assistance:

Program	Type of Assistance/Intervention
CoC	Transitional Housing, Rapid Rehousing, Permanent Supportive Housing
ESG	Rapid Rehousing
HOME TBRA	Tenant-Based Rental Assistance for individuals and/or families who were experiencing literal homelessness at the time of program intake.
HOME Rental Housing Units (acquisition rehabilitation, new construction)	Rental Housing that is contractually required to fill vacancies through the Investing in Futures (IIF) Coordinated Entry (CE) System

Housing Providers that provide the homeless housing assistance described above must coordinate with the Investing in Futures (IIF) Coordinated Entry (CE) System for all VAWA emergency transfers. Emergency transfers to the next available housing opening/vacancy are made regardless of whether the unit is of the same intervention type as long as the tenant meets the eligibility requirements. However, it is the tenant's choice whether to accept the unit.

**a. Internal transfers:**

- i. The Housing Provider must allow tenants to make an internal emergency transfer when a safe unit is immediately available (24 CFR 5.2005(e)(5)).
- ii. The Housing Provider must inform the IIF CE Housing Referral Coordinator of the transfer by providing information on the unit from which and to which the tenant is transferring. This coordination is essential, particularly where a safe unit is not immediately available and the tenant requests both an internal and external transfer concurrently.

**b. External transfers:**

- i. If the Housing Provider has no safe and available units for which the tenant is eligible and may be transferred to, the Housing Provider must inform the IIF CE Housing Referral Coordinator of the external transfer request so that the IIF CE Housing Referral Coordinator can refer the tenant to the next available unit through the CE system.
- ii. Through CE, tenants who qualify for an emergency transfer are prioritized for the next available homeless housing opening/vacancy for which they qualify, as long as the tenant believes the unit to be safe.

**2. Other Housing Providers**

This section applies to the following program(s) and type(s) of assistance:

<b>Program</b>	<b>Type of Assistance/Intervention</b>
HOME TBRA	Tenant-Based Rental Assistance (TBRA) for individuals and/or families who were not experiencing literal homelessness at the time of program intake
HOME Rental Housing Units (acquisition, rehabilitation, new construction)	Rental Housing Units that are not contractually required to fill vacancies through the Investing in Futures (IIF) Coordinated Entry (CE) System.

Housing Providers that provide the housing assistance described above must follow this Plan for all VAWA emergency transfers.

**a. Internal transfers:**

- i. The Housing Provider must allow internal emergency transfers when a safe unit is immediately available (24 CFR 5.2005(e)(5)).
- ii. When a safe unit is not immediately available, the Housing Provider must assist the tenant in making an internal emergency transfer as expeditiously as possible and must make reasonable efforts to assist the tenant as outlined in the “external transfer” section below. The Housing Provider must give the tenant requesting an internal emergency transfer under VAWA , at a minimum, any applicable priority that Housing Provider provides to other types of emergency transfer requests (in relation to other categories of

tenants seeking transfers and individuals seeking placements on waiting lists) (24 CFR 5.2005(e)(6)). Housing Providers are encouraged to consider giving priority to VAWA emergency transfers and to consider the potential danger to a Survivor until the transfer can be made. In instances where there are multiple tenants who need and qualify for a vacant unit, Housing Providers are encouraged to transfer applicants who qualify for an emergency transfer under VAWA as quickly as possible and to prioritize between tenants that need a transfer. (81 FR 80724, Preamble 80750).

**b. External transfers:**

- i. If the Housing Provider has no safe and available units for which the tenant is eligible and may be transferred to, the Housing Provider must make reasonable efforts to assist the tenant in identifying other Housing Providers (private, non-profit, or government) that may have safe and available units for which the tenant is eligible and to which the tenant could transfer to through an external emergency transfer. Reasonable efforts may include:
  1. Arrangements, including memoranda of understanding, with other covered Housing Providers to facilitate moves; and
  2. Outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(e)(7)).

Housing Providers are encouraged, but not required, to have arrangements referenced above with other covered Housing Providers and to accept emergency transfers from these Housing Providers, as long as the Program eligibility requirements are met. (81 FR 80724, Preamble 80750).

- ii. Housing Providers must provide the tenant with the HOME-Assisted Units List supplied by the Snohomish County Human Services Department. The list will include properties in Snohomish County with HOME-assisted rental units with the following information on each property: the property's address, contact information, unit sizes (number of bedrooms), and to the extent known, any tenant preferences or eligibility restrictions for the HOME-assisted units (24 CFR 92.359(g)(2)).

**f. Safety and Security of Tenants**

Snohomish County and Housing Providers cannot guarantee the safety or security of individuals and families who choose to request a transfer and/or who are transferred under this plan. Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. In addition, at the tenant's request, Housing Providers will assist tenants in contacting Domestic Violence Services of Snohomish County, the local organization offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

For help for victims of domestic violence, dating violence, sexual assault, or stalking, call:

**Domestic Violence Services of Snohomish County**  
24-hour crisis hotline: 425-25-ABUSE (425-252-2873)

A transfer is only required where there is a safe and available unit to transfer the tenant to (81 FR 80724, Preamble 80741). If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit (81 FR 80724, Preamble 80749).

**g. Emergency Transfer Costs**

Moving costs may be prohibitive for some Survivors. Agencies and Owners as Housing Providers are encouraged to bear the costs of emergency transfers, where possible, and to work with victims, local victim service providers, and other community partners to identify other sources of possible funding to help with costs related to transfers (81 FR 80724, Preamble 80784). Such costs may include, for example, administrative and unit turnover costs that are typically paid by owners and management agents as part of administering assisted housing. However, Housing Providers are not required to bear moving costs that tenants and their household members generally pay, including application fees, deposits, and costs to physically move the household and their belongings. (81 FR 80724, Preamble 80743-44).

Housing Providers should follow guidance related to eligible costs that may assist with the emergency transfer that may be paid under the applicable Program. Depending on the Program, this may, for example, include costs such as security deposits, first month’s rent, damages, and/or other moving costs. In addition, the following Programs specifically address costs associated with emergency transfers:

Type of Funding	Program-Specific Provisions
CoC acquisition, rehabilitation, new construction, leasing, operating costs	Any agreements between tenants and Owners/Landlords must permit the tenant to terminate the agreement without penalty if the tenant meets the conditions for an emergency transfer. Refer to the <u>Housing Agreements</u> section.
HOME Rental Housing	
HOME TBRA	
CoC TBRA	CoC TBRA funds may be used to pay amounts owed to Owners/Landlords for breaking the lease if the tenant qualifies for an emergency transfer (24 CFR 578.51(m)).
ESG TBRA	ESG funds may be used to pay amounts owed for breaking a lease to effect an emergency transfer. These costs are not subject to the 24-month limit on rental assistance under 576.106 (24 CFR 576.105(a)(7)).

**IX. Assistance to Non-Survivors**

If a Housing Provider exercises the option to bifurcate a lease, or if a family separates due to an emergency transfer, the individual who was removed from the lease or who is the non-transferring family member (i.e. the abuser/perpetrator or alleged abuser/perpetrator) may still receive assistance under the applicable Program if the following requirements are met:

Type of Funding/Intervention	Removed Tenant or Non-Transferring Family Member Eligibility
CoC Rapid Rehousing (TBRA) and ESG Rapid Rehousing (TBRA) (24 CFR 578.99(j)(8)(i) and 24 CFR 576.409(d)(3)(ii))	The tenant may request to continue to receive assistance under the Agency’s CoC TBRA or ESG TBRA project. If such a request is made and the individual meets all of the Program eligibility requirements, the Agency may continue providing assistance.
CoC Permanent Supportive Housing (24 CFR 578.99(j)(8)(i))	The tenant may request to continue to receive assistance under the Agency’s CoC Permanent Supportive Housing project. If such a request is made and the individual meets all of the Program eligibility requirements, the Agency may continue providing assistance.
HOME Rental Housing Units (Acquisition, Rehabilitation, New Construction)	The tenant may request to continue to receive assistance under the Agency’s HOME Rental Housing Unit project. If such a request is made and the individual meets all of the Program eligibility requirements and the Owner’s tenant selection policies and criteria, the Agency may continue providing assistance.
HOME TBRA (24 CFR 92.359(d)(2))	The tenant remains eligible and may request to continue to receive assistance under the HOME TBRA program for another housing unit. If such a request is made, the Agency may continue providing assistance (24 CFR 92.359(d)(2)).

Housing providers that seek to terminate assistance to the individual removed from the lease or the individual who is the non-transferring family member must ensure they are following existing program regulations and policies, including lease policies, which allow for such termination, as well as any applicable state and local laws. (81 FR 80724, Preamble 80760).

