

# FRESNO MADERA CONTINUUM OF CARE

## WRITTEN STANDARDS



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## Part 1: Overview

The HEARTH Act requires the Fresno Madera Continuum of Care (FMCoC or CoC) to establish and consistently follow Written Standards that govern the provision of assistance to individuals and families. These policies and procedures provide guidance to local providers in administering funding assistance in the following areas:

- Policies and procedures for evaluating individuals' and families' eligibility for assistance;
- Policies and procedures for determining and prioritizing eligible individuals and families for transitional housing assistance;
- Policies and procedures for determining and prioritizing eligible individuals and families for rapid rehousing assistance;
- Policies and procedures for determining and prioritizing eligible individuals and families for permanent supportive housing assistance;
- Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid rehousing assistance; Policies for emergency transfer priority.

The policies and procedures are not intended to be in lieu of or in place of the Interim Regulations for the HEARTH Act, but are intended to clarify local decisions regarding program administration. All HUD funded providers must follow the Interim Regulations in its entirety. The Written Standards are subordinate to the Governance Charter. If the two documents conflict, then the Governance Charter takes precedence.

## Part 2: Eligibility, Prioritization, and Standards for Assistance

### Subpart A: Coordinated Entry

The CoC has established a Coordinated Entry System in compliance with HCD ESG regulations, 25 CCR 8409; HUD Coordinated Entry Notices CPD-17-01 and CPD-16-11; VAWA Reauthorization Act of 2013; and the CoC Program Interim Rule, 24 CFR Part 578. All State, CoC- and ESG-funded programs are committed to implementing this system. The full Policies and Procedures for the FMCoC's Coordinated Entry System are contained in a separate document.

The Coordinated Entry System promotes comprehensive and coordinated access to assistance regardless of where an individual or family is located in the CoC service area, and uses a standardized assessment tool that ensures that the community prioritizes assistance for people with the most urgent and severe needs and to those who have been homeless for the longest period of time.

Per the CoC and ESG Program Interim Rules, 24 CFR § 578 and 24 CFR §§ 91 and 576 respectively, enrollment info CoC and/or ESG-funded programs shall follow the CoC's Coordinated Entry Policies and Procedures with respect to assessment prioritization, matching, referral, and placement. Funds awarded by the State of California also follow the CoC's Coordinated Entry Policies and Procedures.

## **Subpart B: Emergency Solutions Grants (ESG)**

### *What is the ESG Program?*

The federal Emergency Solutions Grant program (ESG) provides funds for a variety of activities to address homelessness as authorized under the federal Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 and State program requirements. The ESG program provides grant funding to (1) engage homeless individuals and families living on the street, (2) rapidly re-house homeless individuals and families, (3) help operate and provide essential services in emergency shelters for homeless individuals and families, and (4) prevent individuals and families from becoming homeless. ESG funds may be used for four primary activities: Street Outreach, Rapid Re-Housing Assistance, Emergency Shelter, and Homelessness Prevention. In addition, ESG funds may be used for associated Homeless Management Information System (HMIS) costs and administrative activities for some subrecipients.

The Fresno-Madera CoC adopts the recommended order of priority established in 25 CCR 8409 for ESG-funded activities. The CoC recommends that ESG recipients prioritize access to assistance for people with the most urgent and severe needs, including, but not limited to, survivors of domestic violence. ESG-funded activities should seek to prioritize people who:

- Are unsheltered and living in places not designed for human habitation, such as cars, parks, bus stations, and abandoned buildings;
- Have experienced the longest amount of time homeless;
- Have multiple and severe service needs that inhibit their ability to quickly identify and secure housing on their own; and
- For Homelessness prevention activities, people who are at greatest risk of becoming literally homeless without an intervention and are at greatest risk of experiencing a longer time in shelter or on the street should they become homeless.

## **Subpart C: Eligible Clients**

As set forth in the HEARTH Act, there are four categories of eligibility: 1) Literally Homeless, 2) Imminent Risk of Homelessness, 3) Homeless Under Other Federal Statutes (subject to cap), and (4) Fleeing/Attempting to Flee Domestic Violence. All CoC- and ESG-funded programs may serve only clients who meet federal definitions of homelessness, with the exception of homelessness prevention programs, which may serve persons "at-risk of homelessness."

Generally, the Fresno Madera Continuum of Care elects to only serve categories 1, 2, and 4 due to the shortage of resources for those priority populations and excessive demand.

## **Subpart D: Permanent Supportive Housing**

### **What is Permanent Supportive Housing (PSH)?**

Permanent Supportive Housing (PSH) is permanent housing in which housing assistance (e.g., long-term leasing or rental assistance) and supportive services are provided to assist households with at least one member (adult or child) with a disability in achieving housing stability. Permanent Supportive Housing is community-based housing without a designated length of stay.

1. All CoC funded PSH programs must enter into a lease agreement with tenants that must be at least one year in duration and renewable. The lease agreement must observe Fair Housing regulations.
2. PSH Projects operate as either rental assistance or leasing programs:
  - a. Participants in PSH rental assistance programs are **expected** to pay the higher of 30% of their income (monthly, adjusted) or 10% of their gross monthly income toward rent (including utilities). If the participant has zero income, the participants are not required to pay rent, but their supportive services partner is expected to work with them to secure income (either earned or unearned) as soon as possible. In no circumstance can a tenant be charged an amount above the rent calculation standard established by HUD.
  - b. Participants in leasing programs **may** be charged an occupancy charge **up to** 30% of the monthly adjusted income; 10% of the family's gross income; or the portion of the family's welfare assistance
3. Participants are encouraged to meet with a case manager once per month and must be reevaluated once per year.

### **Order of Priority from Notice CPD-16-11**

The Fresno Madera Continuum of Care adopts the order of priority in HUD Notice CPD 16-11: Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing.

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

As a result of adopting Notice CPD 16-11, all PSH projects funded by the Fresno Madera CoC that have dedicated or prioritized any beds for the use of people experiencing chronic

homelessness will assign those beds based on (a) the length of time in which an individual or family has been homeless, and (b) the severity of the individual or family's service needs. Likewise, all Fresno Madera CoC-funded PSH beds that are not dedicated or prioritized for use by people experiencing chronic homelessness will, whenever it is possible to do so in a manner consistent with current grant agreements, assign beds according to the following priority scheme:

First Priority: Households with a Disability, Long Periods of Episodic Homelessness, and Severe Service Needs

Second Priority: Households with a Disability and Severe Service Needs

Third Priority: Households with a Disability coming from Places Not Meant for Human Habitation, Safe Havens, or Emergency Shelters

Fourth Priority: Households with a Disability coming from Transitional Housing.

The assignments and priorities discussed above are mandatory for all CoC-funded PSH beds and will be made in collaboration with the Fresno Madera Continuum of Care's Coordinated Entry System, which will take the above priorities into account when making referrals and conducting case conferences. In some cases, the specific manner in which the Coordinated Entry System will take these priorities into account will include use of the CoC's standardized assessment tool, which collects information about the severity of a client's service needs and the amount of time for which a client has been homeless.

#### **Other Eligibility Requirements for PSH**

As defined in the HEARTH Act, eligibility for Permanent Supportive Housing within the Fresno Madera Continuum of Care is limited to categories 1 (Literally Homeless) and 4 (Fleeing/Attempting to Flee Domestic Violence).

To be eligible for PSH, participants must also enter from the street or shelter, or a transitional housing program to which they originally entered from the street or shelter (NOTE: if the project is designated for 100% chronically homeless persons, they may only enter from the street or shelter. Individuals may lose their chronically homeless designation after they enter a transitional housing program), and at least one member of the household must have a disability of long duration, verified either by Social Security or a licensed professional that meets the state criteria for diagnosing and treating that condition. The program participant must also meet the eligibility requirements set forth in the NOFA/O under which the project was funded.

**A DedicatedPLUS project** is a PSH project where the entire project serves individuals and families that meet at least one of the following criteria\* at project entry:

- Experiencing chronic homelessness (§ 578.3)
- Residing in a transitional housing project that will be eliminated and meets the definition of chronically homeless in effect at the time in which the individuals or family entered the Transitional Housing (TH) project
- Residing in transitional housing funded by a Joint TH and rapid re-housing (PH-RRH) component project and who were experiencing chronic homelessness as defined at § 578.3 prior to entering the project
- \*For the full list of eligibility criteria see the [HUD FAQ: What is a DedicatedPLUS project?](#)

People who are at risk of chronic homelessness but who are not literally homeless may be considered for PSH funded by **No Place Like Home (NPLH)** after all priority groups in HUD Notice CPD-16-11 have been exhausted. For purposes of NPLH, those at risk of homelessness are:

1. Persons exiting institutionalized settings, such as jail or prison, hospitals, institutes of mental disease, nursing facilities, or long-term residential substance use disorder treatment, who were Homeless prior to admission to the institutional setting;
2. Transition-Age Youth experiencing homelessness or with significant barriers to housing stability, including, but not limited to, one or more evictions or episodes of homelessness, and a history of foster care or involvement with the juvenile justice system; and/or
3. Persons, including Transition-Age Youth, who prior to entering into one of the facilities or types of institutional care listed herein had a history of being Homeless as defined under this subsection (f)(3): a state hospital, hospital behavioral health unit, hospital emergency room, institute for mental disease, psychiatric health facility, mental health rehabilitation center, skilled nursing facility, developmental center, residential treatment program, residential care facility, community crisis center, board and care facility, prison, parole, jail or juvenile detention facility, or foster care.
4. Having a history of being Homeless means, at a minimum, one or more episodes of homelessness in the 12 months prior to entering one of the facilities or types of institutional case listed herein.

## **Subpart E: Rapid Re-Housing**

Eligibility and priority for rapid re-housing assistance through both the State, CoC and the ESG program must be determined in compliance with HUD requirements and the standards established by the FMCoC or a committee that the FMCoC has granted authority to make such a determination. The calculation of rental payments must be conducted in a manner that is consistent with HUD requirements.

### ***What is Rapid Rehousing (RRH)?***

RRH is permanent housing that provides short-term (up to three months) and medium-term (4-24 months) tenant-based rental assistance and supportive services to households experiencing homelessness.

Rapid re-housing assistance, operating in a Continuum of Care and/or Housing First model, is offered without preconditions (such as employment, income, absence of criminal record, or sobriety) and the resources and services provided are typically tailored to the unique needs of the household.

### **Who Will Receive RRH Assistance**

The FMCoC will use the prioritization outlined in the CES policies and procedures and standardized assessment tool scores to assign priority for the subsidy. Priority will be given to those households who score highest in need on the RRH score on the assessment tool.

In order to qualify for rapid rehousing, households must fall within the project's target population as well as satisfy the following criteria:

- Meet the current HUD definition of literally homeless for Rapid Re-housing services; or
- Meet the current HUD definition of fleeing/attempting to flee domestic violence; or (Category 4)
- Reside in a Joint TH-RRH component project; AND
- Be the highest priority household available
- Other eligibility criteria created at the program level

People who are at risk of chronic homelessness but who are not literally homeless may be considered for RRH funded by **No Place Like Home (NPLH)** after all priority groups in HUD Notice CPD-16-11 have been exhausted. For purposes of NPLH, those at risk of homelessness are:

1. Persons exiting institutionalized settings, such as jail or prison, hospitals, institutes of mental disease, nursing facilities, or long-term residential substance use disorder treatment, who were Homeless prior to admission to the institutional setting;



2. Transition-Age Youth experiencing homelessness or with significant barriers to housing stability, including, but not limited to, one or more evictions or episodes of homelessness, and a history of foster care or involvement with the juvenile justice system; and/or
3. Persons, including Transition-Age Youth, who prior to entering into one of the facilities or types of institutional care listed herein had a history of being Homeless as defined under this subsection (f)(3): a state hospital, hospital behavioral health unit, hospital emergency room, institute for mental disease, psychiatric health facility, mental health rehabilitation center, skilled nursing facility, developmental center, residential treatment program, residential care facility, community crisis center, board and care facility, prison, parole, jail or juvenile detention facility, or foster care.

Having a history of being Homeless means, at a minimum, one or more episodes of homelessness in the 12 months prior to entering one of the facilities or types of institutional care listed herein.

#### **How Much Rental Assistance Will Be Provided via RRH**

Rental subsidies provided are based on client income. Initial assistance can be as much as 100% of rent depending on client income. Client will pay a percentage of their income in rent based on the program's assessment of the client's financial and family situation. Rental assistance would decline in steps based upon a fixed timeline at the program's discretion based upon the client's financial and family situation.

The goal is for households to "graduate" from the program once they no longer meet the eligibility requirements of the program's funding source and/or a Case Manager determines assistance can be terminated, whichever comes first. An assessment tool is used regularly to determine the need for ongoing assistance. If the household does not attain any of these goals, assistance ends at 24 months (or earlier time as set by the program).

#### **When Move-In Assistance Will Be Provided via RRH**

Move-In Assistance, such as security deposits and utility deposits, will be targeted to households who are assessed as able to maintain their unit after the assistance. The amount of move-in assistance is determined by the program, within the limits set by the program's funding source. Move-In Assistance may be provided as one-time assistance or in tandem with Rental Assistance/Rental Subsidies.

#### **Housing Requirements for Rapid Rehousing**

All housing supported by rapid rehousing resources must meet all HUD requirements, including but not limited to, Housing Quality Standards, rent reasonableness standards, Fair Market Rent (FMR) (as relevant), and others.

**Service Requirements/Components for Rapid Re-Housing**

Case Managers will provide intensive case management services in order to assist households to successfully retain housing and move off the subsidy and into self-sufficiency. Services will be provided at the program offices and Case Managers will conduct home visits when appropriate. Services may include, but are not limited to:

- Intake and assessment as part of the uniform coordinated entry process
- A minimum of one monthly face-to-face case management meeting, as required and authorized by HUD for CoC-funded Rapid Re-Housing
- A minimum of one quarterly home visit
- Assistance with transportation, including accompaniment to appointments, home visits
- Verification of progress toward achievement of short and long-term client objectives
- Referral to behavioral health resources
- Job search assistance
- Benefits assistance and advocacy
- Referral to vocational and training programs
- Mediation and negotiation with landlords
- Crisis intervention
- Referral to child care resources
- Referral to other services and resources
- Assistance with housing applications
- Budgeting and money management assistance
- Social and organized activities

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

All clients may receive follow-up services for up to 6 months (if funding is available) to ensure stability and assess the effectiveness of RRH programs.

## **Subpart F: Transitional Housing**

1. Transitional Housing facilitates the movement of homeless individuals and families to PH within 24 months of entering TH.
2. All CoC funded TH programs (legacy projects only) must enter into a lease or occupancy agreement with tenants that must be at least one month in duration. The lease agreement must observe Fair Housing regulations.
3. TH Projects operate as either rental assistance or leasing programs:
  - a. Participants in TH rental assistance programs are expected to pay the higher of 30% of their income (monthly, adjusted) or 10% of monthly gross income toward rent (including utilities). If the participant has zero income, the participants are not required to pay rent, but their supportive services partner is expected to work with them to secure income (either earned or unearned) as soon as possible. In no circumstance can a tenant be charged an amount above the Rent Reasonableness standard established by HUD. Rents collected from residents of TH may be reserved in whole or part to assist the residents from they are collected to move to PH.
  - b. Participants in leasing programs **may** be charged an occupancy charge **up to** 30% of the monthly adjusted income; 10% of the family's gross income; or the portion of the family's welfare assistance.

Transitional Housing can be combined with Rapid Re-Housing using the Joint Transitional Housing / Rapid Re-Housing Program (Joint TH-RRH) Component Type.

## **Subpart G: Joint Transitional Housing / Rapid Rehousing (Joint TH-RRH)**

The Joint TH-RRH component project includes two existing program components- transitional housing and rapid rehousing- in a single project. When a participant is enrolled in the TH portion of a project, the TH section of the Written Standards above applies and when a participant is enrolled in the RRH portion of a project, the RRH section of the Written Standards above applies.

The Joint TH-RRH project is not intended to serve as a replacement for TH projects. The creation of Joint TH-RRH projects provides the following additional benefits to traditional TH projects:

- Creates an integrated sheltering and permanent housing approach to get people sheltered and safe and then quickly moved into permanent housing with resources to support that.
- By enabling RRH assistance, Joint TH-RRH projects provide expanded options for project participants beyond those currently available to TH participants, who are not eligible for CoC-funded RRH.

When a participant is enrolled in a Joint TH-RRH project, the project must be able to provide both components to all participants, subject to client choice. A program participant may choose to receive only the transitional housing unit or the tenant-based rental assistance provided through the RRH component, but the project must make both types of assistance available.

**Additional Requirements:**

1. The maximum stay in a Joint TH-RRH project cannot exceed 24 months total between both project component types. There is no minimum length of stay in the transitional housing portion of the project.
2. The project must provide enough RRH assistance to ensure that at any given time a participant can move from transitional housing to permanent housing.
3. Assistance in transitioning to and retaining permanent housing must be provided in a manner that meets participant needs.

**Homeless Status Retention:**

- RRH participants retain their chronically homeless status.
- Participants enrolled in the TH portion of the project remain “homeless” while enrolled in the TH portion of the Joint TH-RRH project and retain eligibility for entry into Dedicated Plus PSH projects.
- When participants are enrolled simultaneously in the same Joint TH-RRH project, eligibility is determined by looking at where the client is sleeping that night. If the participant is still sleeping in the TH portion of the project, they are still “homeless.”

**HMIS Considerations:**

Joint TH-RRH projects must be set up as two separate programs in HMIS. Clients will have one entry if they remain in one of the project components. Clients who move between program components within the same project will have two entries. An APR for each program component must be submitted to SAGE annually.

**Subpart H: Emergency Shelter**

**Temporary and Basic Shelter Services**

Temporary and basic shelters provide services coordinated to meet the immediate safety and survival needs of the individual or family served, including shelter, food, clothing and other support services. These services are provided in a minimally intrusive environment.

At a minimum, temporary and basic shelters provide the following services directly on- site:

- Sleeping accommodations;
- Personal hygiene supplies and facilities, including toilets and wash basins; and
- Showers and/ or bathtubs (temporary shelters may provide referrals to other facilities for these services).

**Service Enriched Shelter Services**

In addition to meeting basic needs, service-enriched shelters are designed to increase the client's coping and decision- making capacities and assist in planning for the client's reintegration into community living.

Program participants and staff understand that the primary goals of the emergency shelter are to:

- Provide temporary accommodation that is safe, respectful, and responsive to individual needs; and
- Re-house participants in permanent housing as quickly as possible, regardless of other personal issues or concerns.

Service enriched shelter programs are characterized by:

- Comprehensiveness, by directly providing a range of services or by serving as part of a network that provides a range of services;
- Immediacy, by providing for timely intervention and avoidance of delays in implementing a workable plan; and
- Continuity and linkage to after care (to the extent possible when funding is available), by providing services in cooperation with other resources and ensuring appropriate follow-up after the child, adult, or family has left the program.
- Participants are assisted with creating and updating individualized Housing Plans designed to re-house and stabilize participants as quickly as possible.
- Participants are expected to be actively working on rehousing plans and engaging in related assistance to overcome immediate and direct barriers to securing housing.
- Participants are provided or connected to housing location and placement assistance, including financial assistance for move-in costs, to achieve their Housing Plan goals.

Assistance is provided:

- For all participants who cannot otherwise exit on their own;
- Without additional preconditions, such employment or sobriety; and
- With understanding that housing may cost greater than 30% of participant income and be precarious.
- Participation in services unrelated to obtaining permanent housing is voluntary.

### **Eligibility & Screening for Emergency Shelters**

In order to gain access to emergency shelter services, individuals or families must meet the HUD definition of homeless under Category 1, 2, or 4. Other eligibility criteria may be created at the program level, but shelters should generally be committed to a low barrier shelter model.

All persons seeking assistance must first be screened to identify whether they should be admitted to a shelter because of their homelessness status, diverted to a provider of other services, or referred for other mainstream resources. **Persons who have other safe and appropriate housing options or resources are diverted away from emergency shelter and instead offered problem-solving assistance and immediate linkage to homelessness prevention assistance, as needed, desired, and available.** Evidence of screening and eligibility shall be documented for all persons seeking assistance.

All persons seeking shelter are also screened for critical health and safety needs to identify people with more severe service needs and provide an appropriate response.

Program admission is prioritized for people with the most urgent and severe needs as defined in 25 CCR § 8409.

All referrals to emergency shelter, including screening for program eligibility and prioritization, occur through Fresno Madera County's Coordinated Entry system protocols.

### **Access to Shelter**

Notwithstanding restraints on program capacity and resource limitations, shelters shall follow a Housing First model with low barrier admission policies: access is provided without precondition, such as sobriety or ability to pay program fees.

A shelter may turn away a prospective participant if:

- The shelter has no availability. If admission otherwise would be appropriate, the shelter may, at its discretion, provide one night of shelter or place the client in a motel, prior to referring them back to a System Entry Point for routine placement.

- The household includes a child under the age of 18 and the provider operates a single adult shelter.
- Agreement with a legal guardian or appropriate authorities has not been secured for an unaccompanied minor.

Per federal requirements, the age and gender of a child under 18 cannot be used as a basis for denying any family's admission to a shelter.

A shelter may not turn away an individual or family qualifying under Category 4 (Domestic Violence) of HUD's definition of homeless except directly to a mutually agreed upon, more specialized next referral, suggested by a Coordinated Entry system entry point, via a "warm" hand-off with a phone call and transportation; or via other mutually agreed upon safe transition protocol.

Shelters serving children must check adult names with the State sex offender registry before allowing entry. Single-gender adult shelters may accept sex offenders registered according to Sex Offender Registration Act (California Penal Code 290). Offenders will be asked to make legally required disclosures and will be advised of youth programs in the vicinity so they can stay in compliance with requirements.

Having an outstanding warrant does not disqualify a person from entering a shelter. Shelters may provide a voluntary program to help resolve outstanding warrants.

### **Assessment & Intake**

Shelters will provide a basic intake within 24 hours of accepting a client into services. Required intake documents include:

- Personal identification: at least one photo ID is preferred. If the client is unable to produce personal identification, the shelter may make a local decision about the necessity of pursuing ID;
- Documentation of homelessness status per federal guidelines;
- Income self-declaration (requirement varies based on funding source);
- An assessment to determine clients' needs;
- HMIS intake forms, except for individuals and households qualifying under Category 4 of HUD's definition of homeless; and
- Signed acknowledgement of receiving program rules or requirements.

Shelters are prohibited from denying assistance to clients for the refusal to permit the shelter to share their information with other providers. In cases where a client does not consent to having their information shared, the information must still be collected by the shelter to determine eligibility, but it must not be shared via the HMIS if the program client objects. The

current recommendation for this situation is to enter a minimum amount of data into HMIS for the client using an alias, e.g., a fake name with no social security number and no date of birth. The fact that the client was, e.g., homeless and disabled is not considered “personally identifiable information” if no information is entered into HMIS that could be connected to the person by other agencies.

Emergency Shelter operators shall ensure that participants are given a “Needs Assessment” – that they are assessed for immediate health and safety needs, including identification of any barriers to obtaining housing, as well as provided with access to a wide array of community and housing services, including housing location and placement assistance. Participants are assisted with creating housing plans and are actively assisted in overcoming any barriers to securing housing, using a housing first, progressive engagement model.

Participant Needs Assessment focuses on:

- Immediate health and safety needs relevant to providing temporary accommodations; and
- Information relevant to securing housing, including: participant preferences; factors that would cause a landlord to reject the person’s application (past evictions, criminal history, etc.); factors that directly led to housing instability or homelessness in the past (failure to pay rent, lease violations, etc.); and other information necessary to link participants to financial assistance and housing-related resources.

**Comprehensive Needs Assessments of admitted shelter program residents shall be conducted within one week of basic intake.** Program participants will be continually reassessed throughout their stay at a shelter to determine the earliest possible time that a resident can be discharged to permanent housing. Shelters shall conduct a full assessment of residents before they leave the shelter. Shelters currently have discretion to use an assessment of their choice, but the FMCoC may develop a standard assessment in the future. Program participants will be referred to other forms of homeless assistance in the CoC service area according to the Fresno Madera Country’s Coordinated Entry system procedures.

### **Exits from Shelter**

Participants only move to other emergency shelter or transitional housing when:

- They desire and choose;
- They are matched to a “bridge housing” emergency shelter;
- Doing so is more appropriate to meet their health and safety needs (e.g., persons in early recovery; domestic violence survivors; those who need special accommodations); and



- No permanent housing solution currently available that is similar or better match for their needs.
- Exits to other homeless situations are avoided, even when program rules are violated. People who pose an imminent risk of harm to themselves or others may be existed to more appropriate assistance (i.e. a more intensive program, hospital, or other emergency responder)

Program participants are referred to other forms of homeless assistance in the CoC service area according to the CoC's Coordinated Entry System Policies and Procedures.

### **Coordination Among Providers**

Emergency Shelter providers will coordinate with essential services providers, homeless prevention and rapid re-housing assistance providers, other homeless assistance providers, and mainstream service and housing providers by actively engaging in partnerships and through the CoC. Emergency Shelter staff are aware of and able to access a wide array of housing and services directly and through the CoC's coordinated entry system. Emergency Shelter providers, with the support of CoC members, will make every effort to leverage other programs, services, and resources targeted to address homelessness and poverty within Fresno County and Madera County.

### **Subpart I: Street Outreach**

Street outreach is the provision of essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. Examples of street outreach include engagement, case management, emergency health services, emergency mental health services, transportation, and services for special populations.

### **Eligibility for and Targeting Outreach**

State, ESG- and CoC-funded street outreach programs will target for services individuals who meet the criteria under paragraph (1)(i) of the "homeless" definition under 24 CFR §576.2 and under 24 CFR 578. The Fresno Madera CoC leverages multiple funding sources for Street Outreach programs and those activities may serve individuals qualified under other federal and state regulations.

### **Providing Essential Services**

Street Outreach services providers will screen individuals with the CoC's standardized assessment tool to identify acuity of housing and service needs as a part of the coordinated entry system. They will then offer necessary and appropriate engagement, case management, emergency health and mental health, and transportation services.

Outreach Team's (OT) responsibilities include, but are not limited to the following:

- Receive diversion training;
- Responsible for learning about the different Community resources to better assist clients and continue to update information among teammates;
- Receive HMIS Training: data collection and data entry;
- Work in collaboration with the Law Enforcement when requested;
- Respond to encampment referrals from community providers and community constituents;
- Provide continuous coverage of the geographic area to maintain communications with clients upon referral or as needed.
- Receive "Scenarios" training, "engagement" training, etc.;
- Maintain continued communication with other OT members regarding high risk incidents in the field. i.e., areas to be cautious of and potentially dangers locations;
- Outreach teams should meet before scheduled event to discuss processes and guidelines; then spend at least 30 minutes to debrief about outreach event.

### **Recommendations:**

- All OTs are to wear comfortable clothes and closed-toe shoes while in the field as you might find yourself going through rugged terrain such as, riverbanks, canal banks, rocky areas, etc.
- All OT's are to wear mandated Personal Protective Equipment
- OTs should be alert of their surroundings and in the event that you feel uncomfortable you should leave the area and contact your supervisor/Community Coordinator.
- Outreach Teams should always be in teams of at least two people and be within sight of each other at all times.
- During coordinated events, the event leader will have an immediate communication system to notify all teams in the field of any emergency communication (i.e Text messages, via radios, telephone or IM).
- OTs are recommended to not wear expensive jewelry and or agency logos. (Representing FMCoC rather than individual agencies.)
- OTs are recommended to use one of the recommended outreach logs to better record client contacts/engagement dates into HMIS.
- When transporting a client, a client's belonging should be placed in the trunk of the vehicle until arrival at destination.

## Subpart J: Prevention and Diversion

Homelessness Prevention assistance will be provided to families and individuals who fall under the federal definition of “at-risk” of homelessness or category 2 “imminent risk” of homelessness and who are eligible for such services under a provider’s criteria. Homeless prevention providers will prioritize services for families and individuals with the highest needs and barriers to retaining housing. Risk factors that determine who would be most in need of Homeless Prevention to avoid becoming homeless include but are not limited to the following: loss or imminent loss of employment or income, loss or imminent loss of housing, being “doubled up” in housing, and unstable family situation.

Individual prevention assistance cannot exceed 24 months in a three-year period, and Homelessness Prevention providers must conduct participant evaluations at least every three months.

At-Risk and Imminent Risk of Homelessness Definition (in addition to funding source’s income AMI requirements, generally 30-50% AMI):

**Imminent Risk of Homelessness (Category 2):** Individual or family who will imminently lose their primary nighttime residence, provided that:

- Residence will be lost within 14 days of the date of application for homeless assistance
- No subsequent residence has been identified; and
- The individual or family lacks the resources or support networks needed to obtain other permanent housing

### **At Risk of Homelessness:**

Individual or family that lacks the resources or support networks needed to obtain other permanent housing; and meets one of the following:

- Has moved because of economic reasons 2 or more times during the past 60 days
- Is living in the home of another because of economic hardship
- Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after date of application for assistance
- Lives in a hotel or motel, cost NOT paid for by charity or other assistance
- Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau
- Is exiting a publicly funded institution
- A child or youth who does not qualify as “homeless” under 24 CFR 576.2 but qualifies as “homeless” but qualifies under other definitions. See link for more information: <https://www.hudexchange.info/resource/1975/criteria-for-definition-of-at-risk-of-homelessness/>
- Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the consolidated plan

**Diversions:**

Diversions is a strategy that prevents homelessness for people seeking shelter by helping them identify immediate alternate housing arrangements and, if necessary, connecting them with services to help them return to permanent housing. Diversions engages households early in their homeless crisis so they can move quickly into safe housing. It is focused on helping households move past the immediate barriers they face in obtaining safe housing.

Diversions is pursued as a potential solution for households to become housed safely and quickly, without requiring more intensive services. If no realistic options for housing emerge through Diversions conversations, households continue with the Coordinated Entry System and are assessed and prioritized for deeper housing interventions.

**The FMCoC will practice diversions at system entry and throughout the entire CES process.**

## Part 3: Equity and Non-Discrimination Policies

### Subpart A: Family and Youth Policies

State, CoC- and ESG-funded programs may not deny admission to any household on the basis that there is a child under the age of 18, deny admission to any member of the family, or otherwise separate family members, except that projects that serve a limited demographic approved by HUD or HCD will not be required to expand their client base as a result of this policy.

The age and gender of a child under age 18 must not be used as a basis for denying any family's admission to a project that receives CoC or ESG funds. The gender and marital status of a parent or parents may also not be used as a basis for denying any family's admission to a project that receives CoC or ESG funds.

The CoC will work closely with providers to ensure that placement efforts are coordinated to avoid involuntary family separation, including referring clients for the most appropriate services and housing to match their needs.

A form should be made available on the CoC website for any client who believes that they or a family member have experienced involuntary separation to report it to the CoC.

In compliance with orders of priority for ESG-funded and CoC-funded housing and services, and using an assessment protocol, the CoC will prioritize housing and services for unaccompanied youth under age 18 and 18 to 24 based on factors such as vulnerability to victimization, length of time homeless, severity of service needs, high risk of continued trauma or harm, unsheltered homelessness history, and lack of access to family and community support networks.

Unaccompanied youth under age 18 may be referred to the local child welfare agency; youth

over age 18 will be referred to local youth housing/services providers and also will have access to the full range of CoC/ESG resources for which they are eligible.

All CoC and ESG projects assisting households with children or unaccompanied youth must comply with the requirements of CoC Program Interim Rule 24 CFR §578.23 including ensuring that individuals and families who become or remain homeless are informed of their eligibility for McKinney-Vento educational services.

Consistent with the CoC Program Interim Rule 24 CFR §578.23, it is important that all CoC and ESG programs collaborate with local education authorities in identifying and serving families that become homeless. All CoC and ESG programs assisting families with children or unaccompanied youth should aspire to:

- Take the educational needs of children into account when placing families in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education
- Inform families with children and unaccompanied youth of their educational rights, including providing written materials, help with enrollment and linkage to McKinney Vento Liaisons as part of intake procedures.
- Not require children and unaccompanied youth to enroll in a new school as a condition of receiving services.
- Allow parents or the youth (if unaccompanied) to make decisions about school placement.
- Not require children and unaccompanied youth to attend after-school or educational programs that would replace/interfere with regular day school or prohibit them from staying enrolled in their original school.
- Post notices of student's rights at each program site that serves homeless children and families in appropriate languages.
- Designate staff that will be responsible for ensuring that homeless children and youth in their programs are in school and are receiving all educational services they are entitled to.
- Designate staff that will be responsible for coordinating with the CoC, the Department of Social Services, the County Office of Education, the McKinney Vento Coordinator, the McKinney Vento Educational Liaisons, and other mainstream providers as needed.

In order to ensure compliance and to assist providers in meeting these requirements, the CoC plans to provide training on these issues at least annually and will include compliance with these procedures these in their monitoring processes.

All CoC- and ESG-funded programs are expected to coordinate with local education authorities and school districts to ensure all children are enrolled in early childhood programs or in school and connected to appropriate educational services in the community and so that children and families at risk of homelessness may be connected to appropriate intervention. Each such program should keep a brief record of its annual efforts to coordinate with local education

authorities, for example, calls or e-mails sent to educational officials, meetings attended, invitations sent, and so on. A short bulleted list is appropriate.

## **Subpart B: Domestic Violence Policies**

The privacy and safety of families and individuals fleeing domestic violence situations is of utmost concern to the FMCoC. As such, all efforts shall be made to ensure protection of the privacy and safety of domestic violence survivors. Providers of housing and/or services to domestic violence survivors are prohibited from entering client-level data into the HMIS. A comparable database may be used if it is internal and does not compromise the privacy and safety of the client. The location of Domestic Violence housing and/or services shall be private and shall not be made public.

All efforts shall be made to protect the privacy and safety of domestic violence survivors and to uphold client choice by presenting a range of housing and service options. The following procedures are in place to do that.

### **Privacy and Safety**

Programs which are primarily for survivors of violence are prohibited from contributing client-level data into the HMIS. However, these programs must record client-level data within a comparable internal database and be able to generate aggregate data for inclusion in reports. Non-victim service providers shall protect the privacy of individuals and families who are fleeing, or attempting to flee violence, by not including intake/treatment data in HMIS. The location of Domestic Violence shelters/programs shall not be made public.

Staff responsible for coordinated intake/assessment should receive training on protecting the safety and privacy of individuals who are fleeing or attempting to flee violence. This training should be requested from a local victim service provider and/or technical assistance provider. For each program participant who moved to a different Continuum of Care due to imminent threat of further violence under § 578.51(c)(3), the CoC program must retain:

Documentation of the original incidence of violence. This may be written observation of the housing or service provider; a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom the victim has sought assistance; medical or dental records; court records or law enforcement records; or written certification by the program participant to whom the violence occurred or by the head of household.

Documentation of the reasonable belief of imminent threat of further violence, which would include threats from a third-party, such as a friend or family member of the perpetrator of the violence. This may be written observation by the housing or service provider; a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom the victim has sought

assistance; current restraining order; recent court order or other court records; law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts; or a written certification by the program participant to whom the violence occurred or the head of household.

**Certification/Documentation of Homelessness (“Category 4”- Fleeing/Attempting to Flee DV):**

Category 4 of the McKinney-Vento Homeless Definition was changed in the 2022 VAWA Reauthorization to:

Any individual or family who:

- (i) is experiencing trauma or lack of safety related to, or fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized;
- (ii) Has no other safe residence; and
- (iii) Lacks the resources to obtain other safe permanent housing.

VAWA was also updated in 2022 to expand the definition of domestic violence to include “technological abuse” and “economic abuse” as forms of domestic violence.

For victim service providers:

An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification or a certification by the intake worker.

For non-victim service providers:

Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and Certification by the individual or head of household that no subsequent residence has been identified; and Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

**Emergency Transfer Plan:**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if:

1. The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit, and/or
2. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

The ability to request an emergency transfer is available regardless of sex, gender identity, or sexual orientation and regardless of whether the tenant is in good standing. There are no limits on the number of emergency transfers a client may request.

To request an emergency transfer, the tenant shall notify their housing provider by submitting a written request (see **Appendix A-** Emergency Transfer Request Form) for a transfer. The housing provider will then work with the Domestic Violence-Coordinated Entry System and CES Management Entity on the transfer. The CoC will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either: (a) a statement expressing 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 dwelling unit assisted under HP's program; OR (b) a statement 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. This form should be treated as confidential. The housing provider should connect the client with immediate, emergency safe housing through a Victim Service Provider as needed, subject to client choice.

**A tenant who is currently living in CoC or ESG-funded housing who qualifies for and requests an emergency transfer to avoid domestic violence, dating violence, sexual assault, or stalking will be given the highest priority for units they are eligible for as they become available through the Coordinated Entry System.** Because moving a household from one CoC-funded home to another CoC-funded home does not result in a net decrease in the availability of CoC services, giving the highest priority to these emergency requests helps address the emergency nature of the tenant's needs without materially compromising the ability of other high-vulnerability clients to promptly receive housing opportunities.

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



tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit. If the CoC has no safe and available units for which a tenant who needs an emergency is eligible, the CoC will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the CoC will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

The CoC will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the CoC written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant.

#### **Notice of Occupancy Rights under VAWA and Certification Forms:**

All households applying for or receiving CoC and ESG funded assistance must receive a Notice of Occupancy Rights and Certification Form (**Appendix B and Appendix C**) at each of the following times:

- The household is denied assistance
- The household is admitted to the program
- The household receives notification of eviction
- The household is notified of termination of assistance

Evidence of compliance is not required to be kept in the case file but HUD encourages it. When feasible, proof that the household received the Notice of Occupancy Rights and Certification Form should be kept in the client case file.

#### **Leases, Subleases, and Occupancy Agreements:**

**Lease Addendum:** Any lease, sublease, or other occupancy agreement between a tenant and a housing provider being subsidized by CoC or ESG funds must permit the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the housing provider determines that the program participant qualifies for an emergency transfer under the CoC's emergency transfer plan.

Housing providers that operate CoC or ESG tenant-based rental assistance must enter into a contract with the owner or landlord of the housing that requires the owner or landlord of the housing to comply with all provisions of VAWA regulations under 24 CFR part 5, subpart L. The FMCoC's lease addendum that meets these required standards is included as Appendix D. **If the Landlord requests it, the housing provider may edit the lease addendum to specify that the**

**protections under 24 CFR part 5, subpart L only apply while the program participant receives tenant-based rental assistance under a CoC or ESG program.**

If the unit is vacant after an emergency transfer, rental assistance terminates. If any family member(s) remain in the unit after the emergency transfer is effectuated, they may continue to do so, unless the Landlord determines the remaining family member(s) violated the terms of the lease by engaging in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking or if the housing provider determines they are unable to continue to provide rental assistance to the remaining family member(s) due to the budget/financial constraints of having to serve two households instead of one or due to eligibility reasons. The housing provider will determine if rental assistance can continue for the remaining family member(s) and the Landlord will be notified within 5 days. Otherwise, household members remaining in the unit may continue to receive assistance if they were eligible for assistance prior to moving into the unit. Household members have 90 days to establish this eligibility. If the housing provider terminates assistance for the remaining member(s) or the Landlord terminates the lease, the housing provider should connect the remaining member(s) to the Coordinated Entry System.

**Lease Bifurcation:** per the lease addendum in Appendix D, in order to effect an emergency transfer, landlords may also bifurcate a tenant-based rental assistance lease to remove a household member from the lease in order 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, without evicting or terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant. Tenant-based rental assistance and any utility assistance shall continue for the family member(s) who are not evicted or removed.

If the lease is bifurcated, and the evicted tenant was the eligible tenant under the Housing Program, the Landlord and housing provider will provide the remaining tenants a period of 90 calendar days from the date of bifurcation of the lease to:

1. Establish eligibility for the same covered Housing Program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease, or
2. Work with the Coordinated Entry System to establish eligibility under another Housing Program to cover rental assistance (the client should still be prioritized for the next open bed for which they are eligible), or
3. Find alternative housing.

The Housing Provider may extend the 90-calendar-day period and continue to pay rental assistance for an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the program or unless the time period would extend beyond the expiration of the lease. The client should be connected to the Coordinated Entry System as they exercise options 1-3 above.

## **Subpart C: Safeguards for Special Populations**

For providers serving special populations, such as survivors of domestic violence, families, seniors, mentally ill and disabled individuals, and veterans, safety and shelter safeguards shall be described in the service provider's policies and clearly communicated to program participants.

The FMCoC is committed to ensuring safe access to shelter, housing and services for survivors of domestic violence and works with local domestic violence providers to ensure safety planning and appropriate referrals. Per the Violence Against Women Reauthorization Act (VAWA) 2013, no survivor will be evicted, or assistance denied or terminated by a CoC-funded program because he/she is a survivor of domestic violence. Nor shall any survivor be denied tenancy or occupancy rights due to adverse factors caused by being a survivor. The CoC has an Emergency Transfer Plan (as required by 24 CFR 5.2005 and 24 CFR 578.99(j)(6)) to protect victims of domestic violence, dating violence, sexual assault or stalking serviced by the CoC. This plan is being implemented through the Coordinated Entry System and all CoC- and ESG-funded agencies and related staff. Agencies will provide emergency transfers for domestic violence survivors receiving rental assistance or otherwise residing in CoC- or ESG-funded units. To exercise their rights under VAWA, a survivor need only to self-certify. Lease provisions will also include protections required under VAWA.

Households with children will be prioritized for services based on need, as indicated by factors such as vulnerability to victimization, number of previous homeless episodes, unsheltered homeless, criminal history, and bad credit or rental history. Veterans determined to be ineligible for federal Department of Veterans Affairs services will be eligible for CoC- and ESG-funded resources as appropriate. Providers shall make every effort to ensure that their services are accessible and appropriate for individuals and families with the highest barriers to housing and who are likely to be homeless the longest.

The FMCoC shall use all available resources and any leverage it may have with community partners to ensure that individuals discharged from the foster care system, the health care system, the mental health system, and the corrections system are not discharged into homelessness. The FMCoC will coordinate with state and local discharge planning efforts.

**All CoC- and ESG-funded programs are committed to adopting a Housing First approach and reducing barriers for accessing their services.**

## **Subpart 4: CoC-Wide Anti-Discrimination Policy**

The Fresno Madera Continuum of Care, the agencies funded by the CoC and/or ESG, the CoC's Coordinated Entry system, and their staff, volunteers, and interns are all committed to complying with all requirements regarding the HUD Final Rule on Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs

(9/21/16) (“HUD Final Rule on Equal Access”) , the Fair Housing Act, and all other all federal, state and local fair housing and non-discrimination and privacy laws.

**Policy**

CoC and ESG-funded providers shall not discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. CoC-funded housing shall be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status. The CoC and CoC agencies will:

1. Ensure equal access to programs for all individuals and their families;
2. Provide housing, services, and/or accommodations in accordance with each client’s gender identity, i.e., people who identify as men will be treated as men, and people who identify as women will be treated as women; *and*
3. Determine eligibility without regard to actual or perceived sexual orientation, gender identity, or marital status.

The Rule applies to all recipients and subrecipients of HUD Community Planning and Development programs, and those who administer programs and services and provide temporary, emergency shelter funded by CPD programs. These programs include HOME Investment Partnerships Program, Continuum of Care program, Housing Trust Fund program, Housing Opportunities for Persons with AIDS, Emergency Solutions Grants, and Rural Housing Stability Assistance program

**Procedures to Ensure Equal Access**

- The CoC will provide training annually (and as needed) to CoC agencies and agency staff regarding the Equal Access Rule and related requirements.
- The CoC and CoC agencies will use appropriate, inclusive language in communications, publications, trainings, personnel handbooks and other policy documents that affirms the CoC’s commitment to serving all eligible clients in adherence with the HUD Equal Access Rule.
- To ensure clients are aware of their rights under the HUD Final Rule on Equal Access, CoC agencies shall post a notice of such in a conspicuous location and/or provide it to clients at time of program or project intake.
- Gender identity is not required to match the gender listed on the ID or documents.
- Agency intake materials will allow for clients to indicate their legal name and the name they prefer to be called.
- CoC agencies will support clients who need assistance in changing gender markers on identification cards or benefit applications.
- Clients with prescribed hormones or other medications as part of their gender-affirming healthcare regime will have access to those medications.

- In circumstances where an individual does not identify as male or female, and such information is relevant to placement and accommodation, the individual shall be asked which shelter space they would feel most comfortable and safest in. Shelter providers should be up front with the reason for asking a gender identity question, specifically how the answer is going to be used, so the person can answer in the way that makes them safest. E.g., “We have shelter beds/rooms that are separated by binary gender (men and women), but we know that is not how everyone identifies. That is why I’d like to ask you to select the gender identity(ies) that you most identify with (give inclusive list). Which shelter space would you feel most comfortable/safest in?”.

### **Procedures to Ensure Privacy**

- CoC agencies will ensure all staff, volunteers and contractors (a) maintain the confidentiality of a client's legal name and gender at birth, and (b) understand the potential impact that disclosure can have on a client's progress to self-sufficiency.
- Agency staff will keep a client's transgender status confidential unless the client gives permission to share this information. Similarly, a client's legal name (when different from the client’s preferred name) will be treated as confidential information.
- When possible, CoC agencies will ensure that construction or property rehabilitation includes and promotes privacy and safety in sleeping areas, bathrooms, and showers.
- If a CoC program only offers congregate bathrooms or showers, that program will provide an appropriate number of individual stalls (at least one of each) for toilets and shower heads.
- Where feasible, CoC agencies will offer individual gender-neutral bathrooms and gender-neutral shower rooms.
- Agency staff shall not ask questions or seek information concerning a person's anatomy or medical history beyond elements necessary for the purpose of providing services.
- Agency staff will honor the request of an individual for a private space to complete intake and data collection.

### **Procedures to Prevent and Correct Discrimination**

- CoC agencies will ensure that their staff, volunteers and contractors understand that a client may appear to have a gender or orientation that is different from the way the client identifies.
- CoC agencies will take immediate action to resolve inappropriate behavior, harassment, or equal access issues by any person (staff, volunteers, contractors or clients) and maintain relevant records documenting the action or intervention.
- Agency staff shall not consider a client or potential client ineligible because their appearance or behavior does not conform to gender stereotypes and will serve all individuals that are eligible for the project/program.

- If a client needs to be moved for harassment and safety concerns, agency staff will have a preference to move the client with a bias (e.g. move the individual who is having concerns towards the person who may not conform to mainstream gender expression/identity.)
- Agency staff will honor the request of an individual for accommodations based on their personal safety and privacy concerns, whenever feasible. Staff will not impose artificial requirements on transgender clients to force them to "accommodate" the prejudices of other residents, clients, or agency personnel.
- Agency staff and clients will use each client's preferred gender and pronoun and support each client's gender identity. Where agency personnel routinely do not comply with a client's stated preference in pronoun, the agency will ensure that appropriate personnel training and action is taken.
- When discussing levels of risk, agency staff will be alert to and correct any misinformation or inaccurate conclusions that transgender clients threaten the health or safety of other clients solely based on their non-conforming gender identity or expression.

The CoC encourages CoC agencies to be aware of and to educate their clients, as appropriate, about reporting options should they have experience discrimination impacting their equal access to programs and services.

### **Complaints and Grievances**

FMCoC recognizes that participants, participating provider agencies, or other parties may express dissatisfaction with aspects of its conduct other than those related to the Coordinated Entry System and welcomes the opportunity to respond to such complaints. To be sure of a response, the complaint or grievance may be anonymous but must be received in writing and must include a reliable form of contact information. The complaint or grievance may be written by the participant or by someone on the participant's behalf.

When a discrimination complaint is received, the FMCoC Executive Board will complete an investigation of the complaint within 60 days by attempting to contact and interview a reasonable number of persons who are likely to have relevant knowledge, and by attempting to collect any documents that are likely to be relevant to the investigation. Within 30 days after completing the investigation, the FMCoC Executive Board will write an adequate report of the investigation's findings, including the investigator's opinion about whether inappropriate discrimination occurred and the action(s) recommended by the investigator to prevent discrimination from occurring in the future. If relevant to the Coordinated Entry System, the findings of the investigation will be shared with the Coordinated Entry System Committee. If appropriate, the investigator may recommend that the complainant be re-assessed or re-prioritized for housing or services. The report will be kept on file for two years.

General complaints that are not related to discrimination, gross misconduct, gross negligence, or illegal activity should be addressed initially by the provider and following the provider's complaints procedure. All participating provider agencies must have a participant grievance

policy in place, a copy of which should be made available to participant. Complaints that should be addressed directly by the provider staff member or provider staff supervisor include but are not limited to complaints about provider conditions, complaints about how the participant was treated by provider staff, and complaints about violations of confidentiality agreements. Ideally, the complainant and the provider will try to work out these types of problems directly with each other as a first step in the process.

Where direct conflict resolution is unsuccessful, or where the nature of the complaint makes it inappropriate to require the complainant to deal directly with the provider, complaints may be referred to the FMCoC Board. The person filing the grievance has the right to be assisted by an advocate of his/her choice (e.g., agency staff person, co-worker, friend, family member, etc.) at each step of the grievance process. The filer has the right to withdraw his/her grievance at any time. The FMCoC's decision upon review of a grievance or complaint is final.

**VAWA Complaints:** HUD has established a website where individuals can file a complaint if they believe their VAWA rights have been violated - [Violence Against Women Act \(VAWA\) | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](https://www.hud.gov/VAWA)

### **Marketing and Advertising**

The CoC will affirmatively market Coordinated Entry as the access point for available housing and supportive services to eligible persons who are least likely to apply in the absence of special outreach, as determined through a regular review of the housing market area and the populations currently being served to identify underserved populations. For identified populations, marketing will be conducted at least annually, and may use the following media:

- Brochures / Flyers
- Announcements at Community Events
- Newspapers / Magazines
- Radio
- Television
- Social Media / Websites

The marketing campaign will be designed to ensure that the Coordinated Entry process is available to all eligible persons regardless of race, color, national origin, religion, sex, age, familial status, disability, actual or perceived sexual orientation, gender identity, or marital status.

Similarly, the marketing campaign will be designed to ensure that people in different populations and subpopulations in the CoC's geographic area, including people experiencing chronic homelessness, veterans, families with children, youth, and survivors of domestic violence, have fair and equal access to the Coordinated Entry system.

All physical access points in the Coordinated Entry system must be accessible to individuals with disabilities, including individuals who use wheelchairs, as well as people in the CoC who are least likely to access homeless assistance. Marketing materials will clearly convey that the access points are accessible to all sub-populations.

## Part 4: Conflict of Interest Policies

A conflict of interest is a breach of an obligation that has the effect or intention of advancing one's own interest in a way detrimental to the organization. Conflicts of interest, and even the appearance of a conflict of interest, must be avoided. Directors are to conduct themselves at all times with the highest ethical standards in a manner, which will bear the closest scrutiny. Directors shall report possible conflicts of interest at such time as reasonably possible after the conflict arises and receive guidance from the Board on the issue, including, if necessary, recusal from participating in discussion or voting on a particular matter in which a conflict of interest exists. For any matter that involves a decision on funding for which a Director is a recipient, that member must recuse him/herself.

A Director, employee, agent or consultant of the Board may not:

- Participate in or influence discussions or decisions concerning the selection or award of a grant or other financial benefit to an organization that he/she has a financial or other interest in or represents, except for the Board itself
- Solicit and/or accept gifts or gratuities by anyone for their personal benefit in excess of minimal value
- Engage in any behavior demonstrating an actual conflict of interest or giving the appearance of any such conflict

Individuals with a conflict of interest will inform the Board of the conflict and excuse themselves from the meeting or deliberations during such discussions. The Board Chair or its administrative designee shall track which Board members have conflicts of interest and help to ensure such members do not participate in discussions or decisions in which the members have a conflict.

Each Board director, member, employee, agent or consultant must sign a Code of Conduct and Conflict of Interest Policy Agreement (Appendix E) to demonstrate that the individual is aware of and agrees to abide by this policy. Any failure to adhere to the policy may result in disciplinary action. Disciplinary action may include, but is not limited to:

- Oral warning
- Written warning
- Suspension
- Termination



The Board must keep records showing compliance with code of conduct and conflict of interest requirements, including documentation of a signed policy acknowledgment by all Board members (see Appendix E). The Board will maintain any records supporting exceptions to the conflicts of interest policy as required by 24 CFR part 578.95.

## **Part 5: Performance Monitoring Policies**

### **Subpart A: Emergency Solutions Grant (ESG) Monitoring**

The FMCoC plays an advisory role in managing the flow of ESG funds, monitoring performance and making recommendations as to how ESG funds should be distributed. As part of this advisory role, the FMCoC will request periodic reports from the ESG providers, and will review and analyze any reports received to evaluate their compliance with HUD requirements and to promote ongoing progress toward achieving substantive performance targets such as placements into permanent housing, increasing or stabilizing client income, and preventing clients from becoming homeless. This includes monitoring to determine whether ESG projects are performing adequately, operated effectively, managed efficiently, and in compliance with HUD requirements. If applicable, the FMCoC incorporates by reference existing ESG policies and procedures within the geographic area of the CoC including those disseminated by the local or state entity responsible for allocating or administering ESG funding.

The FMCoC plans to develop performance benchmarks that can be used to hold ESG recipients and sub-recipients accountable for meeting project goals and ensuring optimal performance. For program components that are comparable to CoC-funded programs, such as Rapid Re-Housing, performance targets will be similar or identical to the targets set for CoC projects of the same type. To set the targets for program components that are distinct to ESG, such as emergency shelter and homelessness prevention, the Evaluation Committee will study the performance of similar programs, from comparable funding sources, in nearby communities, as well as the historical performance of ESG programs in Fresno and Madera Counties.

Once the benchmarks are developed and implemented, the Committee will attempt to review program and community-level performance using these benchmarks. The Committee will also attempt to identify underperforming projects, taking into account reduced outcomes due to serving particularly high-needs populations. To the extent that technical assistance and training is needed, the Committee will provide recommendations to the Board of Directors and to the ESG direct recipient(s), including recommendations that underperforming projects be provided with more intensive, on-site monitoring. This may include site visits, client feedback, and/or review of grant records. In response to ongoing underperformance, the CoC may recommend targeted technical assistance and/or other responses.

In addition to review of quarterly reports, the FMCoC Board of Directors may include a review of the HUD Consolidated Annual Performance and Evaluation Report (CAPER) as well as other local sources that are designed to ensure compliance with HUD requirements. The Board of

Directors will coordinate with any ESG recipients to share standard policies and templates that can enhance agency capacity.

On an annual basis, the Evaluation Committee or its consultants will also request copies of the program-level policies and documentation of ESG recipients and sub-recipients to confirm compliance in:

- Eligibility and documentation of eligibility of clients;
- Eligibility and documentation of eligibility of ESG-funded expenditures;
- Eligibility and documentation of eligibility of ESG-funded staff time;
- Policies and procedures for admission, diversion, referral, and discharge, including standards regarding length of stay;
- Safeguards to meet the safety and shelter needs of special populations, e.g., victims of domestic violence, dating violence, sexual assault, and stalking;
- Participation in HMIS (or in a comparable database for victim services providers);
- Participation in Coordinated Entry; and
- Safety and Sanitation standards of all facilities used for emergency shelter, including standards related to lead paint, air quality, cleanliness, personal security, energy efficiency, and handicapped accessibility.

The FMCoC will use all available resources to improve the performance of ESG recipients and will offer evaluation and technical assistance. If ESG recipients refuse to cooperate with the technical assistance process, then the CoC will comply with its regulatory duty under 24 CFR § 578.7(a)(7) to report on the outcomes of ESG recipients to HUD.

## **Subpart B: Continuum of Care Monitoring Policies**

The Fresno Madera Continuum of Care (CoC) is responsible for monitoring projects that receive CoC funds to ensure that the projects are performing adequately, operated effectively, managed efficiently, and in compliance with HUD requirements.

### **Current Monitoring Procedures**

To fulfill these responsibilities, the FMCoC conducts a comprehensive “Review and Rank” process each year using an Independent Review Panel that evaluates projects based on objective performance data. The CoC also offers all CoC-funded providers the option to receive in-depth, in-person technical assistance with expert consultants. Consultants are also available to review each CoC-funded grant application to ensure that it is technically compliant and that it proposes to spend all funds on eligible costs and eligible clients. Finally, the CoC’s HMIS Lead provides regular trainings on how to use HMIS and maintain high data quality. To follow up on these trainings, all CoC-funded projects closely review their Annual Performance Reports (APRs) using illustrated guides to ensure that the APRs are accurate and contain high-quality data. Together, these activities ensure that all projects are able to achieve strong outcomes and adequately document these outcomes in their case files and in HMIS.

### **Future Monitoring Procedures**

The FMCoC aspires to go above and beyond these responsibilities by implementing a more detailed, more frequent performance monitoring process, as outlined below:

At the beginning of each month, HMIS Lead staff will pull performance data for the prior month from HMIS indicating benchmarks achieved and progress towards goals using percentile scoring. Staff will develop a performance report based on the data needed for monitoring and review. The Committee may note areas for focus or areas that need additional support or research. Samples of Performance Data that may be used (it will vary depending on the actual benchmarks/targets set):

- Percentage who Obtain permanent housing
- Percentage who Maintain/retain permanent housing (1 year)
- Percentage who Exit with earned income / employment
- Percentage who Exit with mainstream benefits
- Percentage who Increase income
- Percentage who Exit to Known Destination
- Percentage who Return to homelessness after report start
- Average Nightly Occupancy
- Time (in days) from program entry to permanent housing for those obtaining permanent housing
- HMIS data quality

Staff will also review program-level performance to identify strong/underperforming projects and trends throughout the CoC, taking into account populations served. To the extent that technical assistance and training is needed, the Evaluation committee will provide recommendations to the CoC Board of Directors.

Strong performers may be recognized. Additionally, the Evaluation Committee or CoC Board may reach out to them for best practices/lessons learned to share with providers serving similar populations. Underperforming projects may be selected for more intensive, on-site monitoring. This may include site visits, client feedback, and/or review of grant records. Ongoing underperforming projects may be selected for targeted technical assistance or other response.

The CoC Board will receive the quarterly report of system-level and program-level performance and the Committee's analysis and provide feedback and direction.

In addition to the monthly and quarterly reports, the Evaluation Committee will lead the bi-annual performance monitoring and improvement program, which includes review of the HUD Annual Performance Report (APR), as well as other local sources of additional information. As part of the Review and Rank and quality improvement process, the committee may consider the following additional factors:

Do recipients have policies and procedures in place to support effective grant performance? Do recipients track staff understanding of and adherence to internal procedures? Do recipients have any unexecuted grants? Are required reports, including Annual Performance Reports, submitted in a timely manner? When a recipient starts a new project, is it able to deliver housing assistance and/or services in a timely manner? Are recipients drawing down grant funds in a timely manner? Are CoC recipients drawing down funds at least quarterly? Are recipients and subrecipients spending all grant funds over the operating year? Are projects meeting their match requirements and documenting match correctly? Are the projects cost-effective?

Are there any HUD monitoring findings or independent audit findings? If so, has the recipient and/or subrecipient responded to the findings? Is information submitted in HMIS accurately and in a timely manner? Is the project accurately and completely documenting participant eligibility? If the project charges rent, is it calculating client income and rent correctly? If the project provides housing, is the project conducting housing assessments and documenting habitability? Does the agency/project have a financial management system compliant with HUD standards? Does the system implement financial and cost accounting requirements?

The FMCoC also aspires to enhance its client input procedures at both the agency level and at the system-wide level by implementing the following best practices:

- Allowing for both direct and anonymous client feedback
- Identifying secure and private space(s) where written surveys can be self- or peer-administered and optionally delivered into a locked comment box
- Conducting focus groups with residents that are closed to staff and conducted by peer liaisons
- Taking accessibility into account when choosing times and locations for gathering feedback
- Providing accommodations for people with disabilities and/or limited English proficiency
- Ensuring adequate representation of intersectional identities to avoid tokenism
- Providing adequate professional development and support to facilitate pathways to employment that progress beyond peer support toward leadership positions
- Aiming to keep client engagement low-burden yet high-impact, e.g., by allowing clients to push a button to indicate whether they are having a good experience, similar to some customer service stations in the private sector
- Reporting back to clients on what is being done with their feedback, including tracking and sharing the benefits from recommendations that have been implemented, and openly communicating the reasoning behind any decisions that are made to not incorporate a specific piece of client input.

## Part 6: Other Policies

### Subpart A: Participation in HMIS

All CoC- and ESG- funded projects must ensure that data on all persons served and all activities provided under these federally funded programs are entered into the HMIS, in accordance with HUD's standards on participation, data collection, and reporting under a local HMIS. Victim service providers may use a comparable database, independent from the HMIS. All CoC- and ESG-funded projects must comply with the requirements in the Fresno-Madera CoC HMIS Policies and Procedures Manual.

### **Subpart B: Written Process for Termination of Assistance**

All programs that offer housing assistance to individuals or families funded by the Continuum of Care must provide a written explanation of a tenant's rights and responsibilities that includes an explanation of program requirements and the consequences and appeal rights should a violation occur. The violation notification must be provided in writing to the participant with an accompanying right to an independent hearing (where the review officer is not directly involved in the program administration and is not subordinate to the person who made the original termination decision) to review the program's decision to terminate assistance to the recipient. Written notification of the outcome of the hearing/final decision will be provided within thirty (30) days of the conclusion of the hearing.

### **Subpart C: Obligations for Programs that are De-Funded or Reallocated**

When a project's funding is reallocated, the agency that was operating that project has certain responsibilities to the rest of the community and HUD, even if that agency is no longer operating any CoC Program- funded projects. Beginning with FY 2017 CoC Program grants, all agencies that wish to continue to receive CoC funding must agree to fulfill these responsibilities if their projects are defunded. These responsibilities, below, apply regardless of whether a project's funding was voluntarily reallocated, involuntarily reallocated, or denied by HUD as part of the national CoC Program competition.

Finding Housing for Clients Who Exit the Project: all project participants must be notified in writing at least 90 days prior to a project’s closure. This includes if the project is closing or reducing its size; changing program models so that current project participants cannot remain in the project; or otherwise transitioning in any way so that at least some project participants must leave the project temporarily or permanently. The project must plan to ensure project participants do not exit into homelessness, and to identify alternative, permanent housing for them. The agency should seek FMCoC and Coordinated Entry assistance as needed at the earliest opportunity if the agency needs help in securing housing for its clients.

Transferring a Client to Another Program/Project:

RRH or PSH programs that have been defunded, are ending, or closing should assess each client in the RRH/PSH program to determine whether each client is still in need of RRH/PSH, or whether they now need a different housing intervention (such as a Housing Authority voucher (without intensive case management), self-sufficiency, a skilled nursing facility, or some other intervention). If the client is still in need of RRH or PSH, the program from which the client is transferring should reference the Coordinated Entry Policies and Procedures to determine whether clients in the defunded/reallocated project have priority for RRH or PSH units under the CES prioritization. The project should also work with the field office to determine whether clients have eligibility to transfer into new projects of the same project component (PSH to PSH, RRH to RRH) and should follow the below guidance:

In the event that a program participant will be transferred from one program to another, the following process is meant to ensure that all steps are taken in order for the participant to seamlessly transition without interruption of services. All efforts will be made by both programs and the Coordinated Entry System to include an overlapping transition period between the two service providers to troubleshoot any issues that may arise during the process:

<b>Who is Responsible?</b>	<b>Roles and Responsibilities</b>
<i>Program <b>from which</b> the client is transferring</i>	<ul style="list-style-type: none"> <li>• Notify participant of the change in service provider</li> <li>• Obtain participant’s consent to transfer to project to provide client information to new service provider</li> <li>• Confirm that participant retains their original homeless (or chronically homeless) status from the time they entered PH (work with local HUD field office as needed)</li> <li>• Check for any additional eligibility requirements from the receiving program and verify eligibility with matcher</li> <li>• Confirm with matcher that all required eligibility documentation is on file and compliant</li> <li>• If the participant needs to move units (i.e., the defunded/reallocated project is project or sponsor based), locate a new housing unit for the participant.</li> <li>• Provide new program with participant information including:             <ul style="list-style-type: none"> <li>▪ HMIS identification number</li> </ul> </li> </ul>

*Program to which the client is transferring*

- |  |
|--|
| <ul style="list-style-type: none"> <li>▪ Landlord information</li> <li>▪ Program rent amount</li> <li>▪ Client anticipated last month of subsidy</li> <li>• Provide program participant files                             <ul style="list-style-type: none"> <li>○ Ensure all required documentation is on file and is compliant with Chapter 29 of the <a href="#">CPD Monitoring Handbook</a></li> <li>○ Document anything that is missing or deficient and address these issues</li> </ul> </li> <li>• Provide any additional documents or information identified as needed</li> <li>• Inform landlords of new program points of contact</li> <li>• Provide a warm handoff of client to new case management team</li> </ul> |
| <ul style="list-style-type: none"> <li>• Review all participant files</li> <li>• Ensure all required documentation is on file and compliant, document anything that is missing or deficient</li> <li>• Confirm payments can begin at transition start period without any issues</li> <li>• Complete program entry in HMIS</li> </ul>   |

Ceasing New Intakes/Available Beds:

The project must tell the CoC and the Coordinated Entry System what the last date will be for taking in new people into the project and should describe what the process will be for ceasing to intake new people. For RRH, to help determine this date, the housing provider should use data on average length of stay in the project (Q27 on APR) and current lengths of stay for current project participants. The project should also describe to the CoC and CES the plan for beds/units that become vacant between now and when the project ends and if the beds/units will be filled or will be allowed to remain vacant. The project must provide the FMCoC with details about any unused beds or those that are expected to be unfilled as the project winds down so the FMCoC can assess the beds’ appropriateness for interim or bridge housing. The project must work with the FMCoC as much as possible so that they can be used for interim or bridge housing as needed. The project also must provide relevant project details (e.g., changes in available beds, target population, and eligibility criteria; expected dates when these will change; expected closure dates) to the FMCoC’s coordinated entry staff so the project’s bed availability and eligibility information in the coordinated entry system is accurate.

Managing Data for Clients Who Exit the Project and Completing Required Reporting:

the project must complete HMIS/comparable database data entry and data clean-up for all project participants, including all persons served over the past project term and who already may have exited the project. All data entry/data clean up must be completed no later than 2 weeks after the end of the project. **A final Annual Performance Report (APR) is due to HUD via the Sage HMIS Repository within 90 days of the project’s CoC Program grant end date.** The project must provide the names and contact information of its staff responsible for these activities to the FMCoC’s HMIS Lead/System Administrator; and communicate with them to ensure the project is on track to meet its data entry and reporting tasks and deadlines.

**Closing Out the Project's Finances and CoC Program Grant(s): the project must provide information on estimated unspent funding to the FMCoC within 60 days after the project is aware its funding is or will be reduced; and consult with the FMCoC about alternative, permissible uses.** In addition, HUD has a formal close-out process for its grants when a project is completed, terminated, no longer HUD-funded; or when recipients discontinue a project. HUD's grant closeout requirements are in the CoC Program Interim Rule (24 CFR §578.109) and the Uniform Administrative Requirements (2 CFR §§200.16, 200.343); and the additional requirements that apply, even after close-out (2 CFR §200.344-200.345). All final disbursements of the grant should be made no less than 90 days after the end of the grant period.

**Planning and Communication:** the project must communicate its plans to the FMCoC at the earliest opportunity, including at least the basic summary information within 20 days of learning the project has lost its funding. The project must also keep the FMCoC informed about available beds for other possible interim housing uses, and project information for coordinated entry system accuracy (see Available Beds above).

In addition, the agency may need to identify alternate uses of any property the project owns or leases if the project will close, reduce its size, or change its program model in such a way that its property needs to change. The agency should determine whether any covenants, use restrictions, or other property conditions apply (e.g., 15- or 20-year use restrictions if the project received CoC Program or Supportive Housing Program capital funding). The agency should discuss these with the FMCoC and HUD Field Office as needed if it needs assistance.

## **Subpart D: Recordkeeping**

All providers must retain participants' records for 5 years from expenditure of the grant, and all data should be entered into HMIS, in accordance with federal regulations at 24 CFR 576.500 (ESG Program), and 24 CFR 578.103(c) (CoC Program). Records required include the following:

- Verification of Homeless Status
- Verification of Chronic Homeless Status (if applicable)
- Annual Income Verification and Rent Contribution Calculation for Participants receiving Housing Assistance
- Program Participant Records
- Signed Occupancy Agreements or Leases (if client is residing in housing) with VAWA Addendum (Appendix D)
- Notice of Occupancy Rights and Certification Form required by VAWA (Appendix B and Appendix C)
- Housing Quality Standards
- Services Provided
- Other records required by HUD or individual programs



### **Eligibility Records and Verification**

Homeless status must be verified at intake for all incoming participants, and providers must make every effort to meet federal standards of documentation. Acceptable forms of documentation include third-party documentation, second-party documentation (observation by provider) if third-party documentation is not available, and client self-certification if the other forms are not available. If third-party documentation is not available, records must certify the due diligence undertaken to obtain such documentation.

Documentation must be included in the case file, and/or scanned into the HMIS client record that demonstrates eligibility as follows, in descending order of preference:

#### **Category 1: Literally Homeless**

- Third party verification (HMIS print-out, or written referral/certification by another housing or service provider); or
- Written observation by an outreach worker; or
- Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;

If the provider is using anything other than a Third-Party Verification, the case file must include documentation of due diligence to obtain third party verification.

#### **Category 2: Imminent Risk of Homelessness**

- A court order resulting from an eviction action notifying the individual or family that they must leave within 14 days; or
- For individual and families leaving a hotel or motel – evidence that they lack the financial resources to stay; or
- A documented and verified written or oral statement that the individual or family will be literally homeless within 14 days; and
- Certification that no subsequent residence has been identified; and
- Self-certification or other written documentation that the individual lacks the financial resources and support necessary to obtain permanent housing.

#### **Category 3: Other Federal Statutes**

This CoC is not eligible to certify CoC-funded clients as homeless under other federal statutes.

#### Category 4: Fleeing/Attempting to Flee DV

##### **For victim service providers:**

An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification or a certification by the intake worker.

##### **For non-victim service providers:**

Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified. Verification includes certification by the individual or head of household that no subsequent residence has been identified, and self-certification or other written documentation that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

##### **At-Risk of Homelessness Final Rule:**

- Self-Certification and, if possible, the most reliable evidence available, that the client has insufficient financial resources and support networks immediately available to provide housing stability AND
- That they meet one of the 7 conditions under the Rule, examples:
  - 21-day notice or other written notification from landlord
    - Households not on a lease can meet this when asked to leave a residence
  - Documentation of #/dates of moves
  - Documentation of housing (hotel/motel, institution, SRO with 2+ people, living in the home of another due to economic hardship, etc.)
  - Documentation of characteristics associated with housing instability and increased risk of homelessness

#### All Categories

As needed, the following documents will be gathered at follow-up:

- Income Verification Form
- If Chronic Homelessness was indicated on the HMIS Intake Form, Verification of Chronic Homelessness Form
  - 100% of households served can use self-certification for three of their 12 months;
  - 75% of households served need to use third party documentation for 9 months of their 12 months;
  - 25% of households served can use self-certification as documentation for any and all months.

- Due diligence is required when attempting to access any third party verification that can be documented.
- If Chronic Homeless status is indicated on the Verification of Chronic Homelessness Form, the Certification of Disability Form should also be completed.
  - Disability documentation must be collected within 45 days of moving into a unit.
- At program enrollment, program intake forms may also be completed. However, program intake forms do not determine eligibility for the program.
- Homeless documentation should be obtained within 180 days of the household moving into their unit (per HUD regulations) and does not need to delay housing the client. However, the CoC recommends that homeless verifications are obtained within 45 days of housing the client.

### **Income Levels**

Program participants receiving housing assistance where rent or occupancy charge is paid by the participant will be required to certify their income level, in compliance with 24 CFR § 578.103(a)(6).

### **Subpart E: Roles and Responsibilities of the Collaborative Applicant**

The Fresno Housing Authority is the Collaborative Applicant for the Fresno/Madera Continuum of Care (FMCoC). The collaborative applicant's role is to:

- A. Function as the Administrative Entity designated by the CoC to apply for and administer program funds for the CoC
- B. Apply for HUD CoC planning funds on behalf of the CoC
- C. Submit the consolidated application for HUD CoC funds
- D. Develop a governance charter and by laws with the CoC

The Collaborative Applicant designated by the FMCoC must comply with HUD regulations for the CoC Program, including:

- A. By keeping CoC records documenting compliance with HUD requirements, including the approved copy of the governance charter, board roster, published agendas and meeting minutes, conflict of interest requirements and policies signed by all board members, and monitoring reports of CoC funding recipients and subrecipients
- B. Preparing applications for CoC funds in compliance with HUD regulations
- C. Compliance with HUD's conflict of interest requirements.

## Subpart F: Infectious Disease Policies

### Infectious Disease Policies in Shelters:

Emergency shelters will adhere to Fresno and Madera County Public Health standards and policies for responding to infectious disease. In general, shelters will:

- Provide basic screening to identify individuals with symptoms of tuberculosis (TB).
  - o <https://www.sfdcp.org/tb-control/tuberculosis-information-for-medical-providers/shelter-client-screening-guidelines/>
- Report respiratory communicable diseases to Local Health Authority (Fresno County Department of Public Health or Madera County Department of Public Health Communicable Disease Departments- *see contact information below*) consistent with California Department of Public Health (CDPH) guidance.
  - o <https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/cdp-h9003.pdf>
- Report other communicable diseases to the Local Health Authority consistent with CDPH guidance.
  - o <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/ReportableDiseases.pdf>
- Train staff on the signs of lice or scabies and notify Public Health of outbreaks.
  - o Lice: <https://www.cdc.gov/parasites/lice/index.html>
  - o Scabies: <https://www.cdc.gov/parasites/scabies/index.html>
- Have capability for isolating guests if it is determined that they have a communicable disease spread by droplets or aerosol
- Provide masks for clients with a cough, and have those with either cough or fever >100.4 evaluated within 48 hours if cough or fever persist.
- Have a plan if skin lesions are present. If there are no other symptoms and lesions are covered and there is a plan for evaluation by health care providers, isolation is not required.
- Comply with CDPH requirements for managing COVID in high-risk settings such as shelters: [Infection Control Guidance for Clients in Congregate Shelters, Including Shelters for People Experiencing Homelessness \(ca.gov\)](#)
- Notify guests when there is a possibility that they were exposed to a reportable communicable disease that is spread through casual contact.
- Maintain guest confidentiality related to communicable diseases.
- Respond to any identified communicable disease, including consultation with a medical professional when determining if a guest is infected with a contagious communicable disease that might seriously endanger the health of other guests.
- Not require a TB test as a condition of entry.
- Designate a contact person for each shelter that is the liaison to the health department and who has been trained on the infectious disease policies of the CoC and on the policies for the agency and shelter. This liaison should be subscribed to receive all health alerts from the local Public Health Department listservs.

- Comply with California Code of Regulations, Title 8, Section 5199, regarding Aerosol Transmissible Diseases (ATD) control and worker and Guest safety expectations: <http://www.dir.ca.gov/title8/5199.HTML> including availability of N95 respirators and annual FIT testing for staff expected to care for patients with ATDs. For additional guidance on this regulation and for information regarding best practices for control of infectious disease, please also refer to “Preventing Tuberculosis (TB) in Homeless Shelters” published by the Los Angeles County Department of Public Health: <http://publichealth.lacounty.gov/tb/docs/LATBGuidelinesforShelters.pdf>

An infectious disease that significantly increases the risk of harm to other guests may be a reason for denial or discharge. Noncompliance with treatment or containment measures that endangers other guests may be cause for discharge. Guests with lice or scabies or exhibiting symptoms of TB shall be allowed to stay in the shelter unless the disease or infestation cannot be appropriately contained (e.g., due to close quarters of facility), in which case those guests may be discharged and referred to a health care provider for treatment.

Infectious Disease Information for all CoC Project Types:

- All CoC-funded projects should maintain a list of healthcare providers, clinics, and urgent care facilities for client referral.
- All CoC-funded projects are expected to work with clients to assist them in accessing healthcare, signing up for the healthcare benefits for which they are eligible, and assisting with the effective utilization of those benefits.
- All CoC-funded projects should have Personal Protective Equipment if the project has on-site staff, including gloves and N95 masks.
- All CoC-funded projects should have the capability to isolate individuals with communicable diseases, or have processes to have individuals with communicable diseases evaluated or placed in alternative settings.

Fresno County Department of Communicable Disease Contact Information:

- During business hours Mon-Fri; 8am-5pm contact the CDI program at 559-600-3332. Afterhours reporting (including weekends and holidays): contact the Sheriffs dispatch at 559-600-3111 and ask to speak to the Communicable Disease Team.

Madera County Department of Communicable Disease Contact Information:

- During business hours, contact the direct CD reporting line at (559) 675-7894. Afterhours, call the main line (559)675-7893 to get directed to answering service. Someone will triage the call and determine if it meets criteria to be transferred to an afterhours person.

## APPENDIX A: EMERGENCY TRANSFER REQUEST FORM

**EMERGENCY TRANSFER  
REQUEST FOR CERTAIN  
VICTIMS OF DOMESTIC  
VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

**The requirements you must meet are:**

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

**(2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

**Submission of Documentation:** If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a

current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER**

1. Name of victim requesting an emergency transfer: \_\_\_\_\_

2. Your name (if different from victim's) \_\_\_\_\_

3. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

4. Name(s) of other family member(s) who would transfer with the victim: \_\_\_\_\_

5. Address of location from which the victim seeks to transfer: \_\_\_\_\_

6. Address or phone number for contacting the victim: \_\_\_\_\_

7. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

8. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

9. Date(s), Time(s) and location(s) of incident(s): \_\_\_\_\_

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. \_\_\_\_\_

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

\_\_\_\_\_  
\_\_\_\_\_

**12. If voluntarily provided, list any third-party documentation you are providing along with this notice: \_\_\_\_\_**

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_



<p>HUD-5383</p>	<p><a href="#">Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking</a> (12/2016)</p>
	<p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Arabic</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Armenian</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Cambodian</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Creole</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Hmong</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Japanese</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Korean</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Lao</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Mandarin</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Russian</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Somali</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Spanish</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Thai</a></p> <p>Emergency Transfer Request for Certain Victims of Domestic</p>

	Violence, Dating Violence, Sexual Assault, or Stalking - <a href="#">Vietnamese</a>
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## APPENDIX B: NOTICE OF OCCUPANCY RIGHTS

NOTICE OF OCCUPANCY RIGHTS UNDER  
THE VIOLENCE AGAINST WOMEN ACT

U.S. Department of Housing and Urban Development  
OMB Approval No. 2577-0286  
Expires 06/30/2017

**[Insert Name of Housing Provider<sup>1</sup>]**

### **Notice of Occupancy Rights under the Violence Against Women Act<sup>2</sup>**

#### **To all Tenants and Applicants**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>3</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **[insert name of program or rental assistance]** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

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<sup>1</sup> The notice uses HP for housing provider but the housing provider should insert its name where HP is used. HUD’s program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.

<sup>2</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>3</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

### **Protections for Applicants**

If you otherwise qualify for assistance under **[insert name of program or rental assistance]**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

### **Protections for Tenants**

If you are receiving assistance under **[insert name of program or rental assistance]**, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **[insert name of program or rental assistance]** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

### **Removing the Abuser or Perpetrator from the Household**

HP may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If HP chooses to remove the abuser or perpetrator, HP may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, HP must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, HP must follow Federal, State, and local eviction procedures. In order to divide a lease, HP may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking

### **Moving to Another Unit**

Upon your request, HP may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HP may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

**(2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

HP will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

HP's emergency transfer plan provides further information on emergency transfers, and HP must make a copy of its emergency transfer plan available to you if you ask to see it.

## **Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

HP can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HP must be in writing, and HP must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HP may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HP as documentation. It is your choice which of the following to submit if HP asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by HP with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.

- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HP has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HP does not have to provide you with the protections contained in this notice.

If HP receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HP has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HP does not have to provide you with the protections contained in this notice.

### **Confidentiality**

HP must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.



HP must not allow any individual administering assistance or other services on behalf of HP (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HP must not enter your information into any shared database or disclose your information to any other entity or individual. HP, however, may disclose the information provided if:

- You give written permission to HP to release the information on a time limited basis.
- HP needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires HP or your landlord to release the information.

VAWA does not limit HP's duty to honor court orders about access to 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.

### **Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HP cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it

applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HP can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If HP can demonstrate the above, HP should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

### **Non-Compliance with The Requirements of This Notice**

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **the Fresno Madera Continuum of Care at [info@fresnomaderahomeless.org](mailto:info@fresnomaderahomeless.org)** or to the local HUD field office. **The FMCoC local HUD field office is the Office of Community Planning and Development in San Francisco.**

### **For Additional Information**

You may view a copy of HUD's final VAWA rule at:

<https://www.federalregister.gov/documents/2023/01/04/2022-28073/the-violence-against-women-act-reauthorization-act-of-2022-overview-of-applicability-to-hud-programs#p-34>

Additionally, HP must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact Marjaree Mason Center at 1600 M Street, Fresno or 559-2374706 or [mmc@mmcenter.org](mailto:mmc@mmcenter.org).

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact Marjaree Mason Center at 1600 M Street, Fresno or 559-2374706 or [mmc@mmcenter.org](mailto:mmc@mmcenter.org). For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact Marjaree Mason Center at 1600 M Street, Fresno or 559-2374706 or [mmc@mmcenter.org](mailto:mmc@mmcenter.org).

Victims of stalking seeking help may contact Marjaree Mason Center at 1600 M Street, Fresno or 559-2374706 or [mmc@mmcenter.org](mailto:mmc@mmcenter.org).

**Attachment as Appendix C:** Certification form HUD-5382

<p>HUD-5380</p>	<p><a href="#">Notice of Occupancy Rights Under the Violence Against Women Act (12/2016)</a></p>
	<p>Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Arabic</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Armenian</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Cambodian</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Creole</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Hmong</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Japanese</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Korean</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Lao</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Mandarin</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Russian</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Somali</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Spanish</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Thai</a>          Notice of Occupancy Rights Under the Violence Against Women Act          - <a href="#">Vietnamese</a></p>

## APPENDIX C: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATIVE DOCUMENTATION

**CERTIFICATION OF  
DOMESTIC VIOLENCE,  
DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING,  
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have

access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: \_\_\_\_\_

2. Name of victim: \_\_\_\_\_

3. Your name (if different from victim's): \_\_\_\_\_

4. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

5. Residence of victim: \_\_\_\_\_

6. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

7. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

8. Date(s) and times(s) of incident(s) (if known): \_\_\_\_\_

10. Location of incident(s): \_\_\_\_\_

In your own words, briefly describe the incident(s): _____ _____ _____ _____
--

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data.

The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

<p>HUD-5382</p>	<p><a href="#">Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation</a> (12/2016)</p>
	<p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Arabic</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Armenian</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Cambodian</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Creole</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Hmong</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Japanese</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Korean</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Lao</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Mandarin</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Russian</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Somali</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Spanish</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Thai</a></p> <p>Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation - <a href="#">Vietnamese</a></p>

## APPENDIX D: VAWA LEASE ADDENDUM/LEASE TERMS FOR CoC/ ESG-FUNDED PROJECTS

**NOTE: HUD's Model Lease Addendum Form is available [HERE](#) and is a compliant addition to all leases for CoC and ESG funded projects. The below form has been updated by the community to include additional protections, but the landlord has the option to only include language from HUD's model form.**

**VIOLENCE, DATING VIOLENCE  
OR STALKING**

**U.S. Department of Housing  
and Urban Development**  
Office of Housing

OMB Approval No. 2502-0204  
Exp. 6/30/2017

### LEASE ADDENDUM

#### VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT OF 2005

TENANT	LANDLORD	UNIT NO. & ADDRESS
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This lease addendum adds the following paragraphs to the Lease between the above referenced Tenant and Landlord.

#### **Purpose of the Addendum**

The lease for the above referenced unit is being amended to include the provisions of the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA).

#### **Conflicts with Other Provisions of the Lease**

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

#### **Term of the Lease Addendum**

The effective date of this Lease Addendum is \_\_\_\_\_. This Lease Addendum shall continue to be in effect until the Lease is terminated.

#### **VAWA Protections**

1. The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other



- “good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.
  3. Due to safety, privacy, and confidentiality concerns, to receive protection under the VAWA, the lessee is not required to provide the Landlord with the Certification of Domestic Violence that the individual is a victim of abuse (the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066), or other documentation to prove domestic violence occurred.

## Other Terms

**1. Emergency Transfers:** The Landlord allows victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the resident’s current unit to another unit. The lease can be terminated by the Tenant without penalty if the Housing Provider determines that the Tenant qualifies for an Emergency Transfer under the Continuum of Care’s (CoC) Emergency Transfer Plan. If the unit is vacant, rental assistance terminates.

If any family members remain in the unit, they may continue to do so, unless the Landlord determines the remaining family member violated the terms of the lease by engaging in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking or if the Housing Provider determines they are unable to continue to provide rental assistance to the remaining family member(s) due to budget/financial constraints of having to serve two households instead of one or due to eligibility reasons. The Housing Provider will determine if rental assistance can continue for the remaining family member(s) and the Landlord will be notified within 5 days. Otherwise, household members remaining in the unit may continue to receive assistance if they were eligible for assistance prior to moving into the unit. Household members have 90 days to establish this eligibility.

**2. Lease Bifurcation for Emergency Transfer:** the Landlord may bifurcate leases to evict, remove, or terminate assistance to a household member who engages in domestic violence-related criminal activity without evicting, removing, or terminating assistance to, or otherwise penalizing, a victim of such criminal activity who is also a tenant or lawful occupant. Tenant-based rental assistance and any utility assistance from the Housing Provider shall continue for the family member(s) who are not evicted or removed. If the lease is bifurcated, and the evicted tenant was the eligible tenant under the Housing Program, the Landlord

will provide the remaining tenants a period of 90 calendar days from the date of bifurcation of the lease to:

- A. Establish eligibility for the same covered Housing Program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease, or
- B. Work with the Coordinated Entry System to establish eligibility under another Housing Program to cover rental assistance, or
- C. Find alternative housing.

The Housing Provider may extend the 90-calendar-day period and continue to pay rental assistance for an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the program or unless the time period would extend beyond the expiration of the lease.

**3. Occupancy Notices and Certifications:** the Landlord will notify the Tenant's Housing Provider before any lease is bifurcated and before any notice of eviction is provided so the Housing Provider can ensure Landlord or HP is providing Tenant with an Occupancy Notice and Certification at the time the Notice of Eviction is sent.

\_\_\_\_\_  
Tenant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Landlord

\_\_\_\_\_  
Date

## APPENDIX E: CONFLICT OF INTEREST POLICY AND AGREEMENT

### FRESNO MADERA COC BOARD CONFLICT OF INTEREST POLICY

Each Fresno Madera Continuum of Care (FMCoC) Board Director, member, employee, agent or consultant is expected to uphold certain standards of performance and good conduct and to avoid real or apparent conflicts of interest.

A conflict of interest is a breach of an obligation that has the effect or intention of advancing one's own interest in away detrimental to the organization. Conflicts of interest, and even the appearance of a conflict of interest, must be avoided. Directors are to conduct themselves at all times with the highest ethical standards in a manner which will bear the closest scrutiny. Directors shall report possible conflicts of interest at such time as reasonably possible after the conflict arises and receive guidance from the Board on the issue, including, if necessary, recusal from participating in discussion or voting on a particular matter in which a conflict of interest exists. For any matter that involves a decision on funding for which a director is a recipient, that member must recuse him/herself.

In order to prevent a conflict of interest, a director, member, employee, agent or consultant of the Board may not:

- Participate in or influence discussions or decisions concerning the selection or award of a grant or other financial benefit to an organization that he/she has a financial or other interest in or represents, except for the Board itself
- Solicit and/or accept gifts or gratuities by anyone for their personal benefit in excess of minimal value
- Engage in any behavior demonstrating an actual conflict of interest or giving the appearance of any such conflict

Individuals with a conflict of interest will inform the Board of the conflict and excuse themselves from the meeting or deliberations during such discussions. The Board Chair or its administrative designee shall track which Board members have conflicts of interest and help to ensure such members do not participate in discussions or decisions in which the members have a conflict.

Each Board director, member, employee, agent or consultant must sign a *Code of Conduct and Conflict of Interest Policy Agreement* to demonstrate that the individual is aware of and agrees to abide by this policy. Any failure to adhere to the policy may result in disciplinary action. Disciplinary action may include, but is not limited to:

- Oral warning
- Written warning
- Suspension
- Termination

The Board must keep records showing compliance with code of conduct and conflict of interest requirements, including documentation of a signed policy acknowledgment by all Board members. The Board will maintain any records supporting exceptions to the conflicts of interest policy as required by 24 CFR part 578.95.

**Code of Conduct and Conflict of Interest Policy Agreement**

I, \_\_\_\_\_, am a *director / member/ employee / agent/ consultant (circle one)* of the FMCoC Board and in that position, I have read and understand the Code of Conduct and Conflict of Interest Policy of the Board and I agree to uphold these standards of performance and good conduct and to avoid real or apparent conflicts of interest.

I will not participate in or influence discussions or decisions concerning the selection or award of a grant or other financial benefit to an organization that I have a financial or other interest in or represent, except for the FMCoC itself.

Organizations that I or a close relative or family member have a financial or other interest in are:

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If and when such discussions or decisions occur and a conflict arises, I will inform the FMCoC board of my conflict and excuse myself from the meeting or deliberations during those discussions.

I will not solicit and/or accept gifts or gratuities on behalf of the Board by anyone for my personal benefit in excess of minimal value.

I will not engage in any behavior demonstrating an actual conflict of interest or giving the appearance of any such conflict.

I will not engage in unethical business practices or conduct that violates the law, including any payments for illegal acts, indirect contributions, rebates, and bribery.

I understand that any failure by me to comply with this code of conduct or conflict of interest policy could result in disciplinary action, which may include termination of my position from the Board and civil and/or criminal penalties.

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Name [printed]

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Signature

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Date