

Draft Policy Language for CoC Monitoring

<p>General Conflict of Interest Policy for staff and board members 24 CFR § 578.95 (c); 24 CFR § 578.103 (a)(12)</p>	<p>(a)Procurement. For the procurement of property (goods, supplies, or equipment) and services, the recipient and its subrecipients must comply with the standards of conduct and conflict-of-interest requirements under 2 CFR 200.317 and 200.318.</p> <p>(c)Organizational conflict. An organizational conflict of interest arises when, because of activities or relationships with other persons or organizations, the recipient or subrecipient is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance under this part, or when a covered person's, as in paragraph (d)(1) of this section, objectivity in performing work with respect to any activity assisted under this part is or might be otherwise impaired. Such an organizational conflict would arise when a board member of an applicant participates in decision of the applicant concerning the award of a grant, or provision of other financial benefits, to the organization that such member represents. It would also arise when an employee of a recipient or subrecipient participates in making rent reasonableness determinations under § 578.49(b)(2) and § 578.51(g) and housing quality inspections of property under § 578.75(b) that the recipient, subrecipient, or related entity owns.</p> <p>(d)Other conflicts. For all other transactions and activities, the following restrictions apply:</p> <p style="padding-left: 40px;">(1) No covered person, meaning a person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its subrecipients and who exercises or has exercised any functions or responsibilities with respect to activities assisted under this part, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under this part, may obtain a financial interest or benefit from an assisted activity, have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity, or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or during the one-year period following his or her tenure.</p> <p style="padding-left: 40px;">(2)Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of this section on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph (d)(2)(ii) of this section, provided that the recipient has satisfactorily met the threshold requirements of paragraph (d)(2)(ii) of this section.</p> <p>*Please read 24 CFR 578.95 (i)(ii) for more information regarding exceptions.</p>
<p>Participation of Homeless Individuals 24 CFR § 578.75 (g)(1)-(2); 24 CFR § 578.103 (a)(13)</p>	<p>(1) Each recipient and subrecipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policymaking entity of the recipient or subrecipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this part. This requirement is waived if a recipient or subrecipient is unable to meet such requirement and obtains HUD approval for a plan to otherwise consult with homeless or formerly homeless persons when considering and making policies and decisions.</p> <p>(2) Each recipient and subrecipient of assistance under this part must, to the maximum extent practicable, involve homeless individuals and families through employment; volunteer services; or otherwise in constructing, rehabilitating, maintaining, and operating the project, and in providing supportive services for the project.</p>

Draft Policy Language for CoC Monitoring

<p>Drug-free Workplace Policy 24 CFR § 84.13</p>	<p>Which includes the requirement of notification to HUD if an employee is convicted for a criminal drug offense (HUD Form 50070) https://www.hud.gov/sites/documents/50070.PDF</p>
<p>Privacy/Confidentiality Policy 24 CFR § 578.103 (b)</p>	<p>In addition to meeting the specific confidentiality and security requirements for HMIS data, the recipient and its subrecipients must develop and implement written procedures to ensure:</p> <ul style="list-style-type: none"> (1) All records containing protected identifying information of any individual or family who applies for and/or receives Continuum of Care assistance will be kept secure and confidential; (2) The address or location of any family violence project assisted with Continuum of Care funds will not be made public, except with written authorization of the person responsible for the operation of the project; and (3) The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or subrecipient and consistent with State and local laws regarding privacy and obligations of confidentiality;
<p>Fair Housing and Equal Opportunity 24 CFR § 100.204 (a); 28 CFR § 25.130 24 CFR § 578.93; 72 Fed Reg. 2732</p>	<p>{Organization}, including its employees, is committed to following the letter and spirit of the Federal Fair Housing law by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to race, color, religion, sex, handicap, familial status, national origin or other protected status. {Organization}, including its employees, is also committed to following the letter and spirit of {insert name of state act}, by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to {insert state protected classes}</p> <p>{Organization}, including its employees, is also committed to following the letter and spirit of {insert name of local ordinance and local government here}, by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to {insert protected classes of local ordinance here} {Organization} is committed to keeping informed about fair housing laws and practices, and will not tolerate non-compliance. This commitment will be demonstrated through the general practices of {Organization} and through advertising and the media that everyone is welcome and no one is excluded. {Organization} will additionally inform our clients and customers about their rights and responsibilities under the fair housing laws.</p> <p><u>Non-discrimination Statement</u> {Organization} complies with the letter and spirit of the Fair Housing Act, the {insert name of state act}, and the {insert name of local ordinance and governing body, if any} that prohibits housing discrimination to certain persons under each law. No qualified person will be denied housing or otherwise discouraged from obtaining housing at {Organization} because of his/her status under these laws</p> <p><u>Reasonable Modifications/Accommodation Policy</u> No qualified individual with disabilities will be excluded, solely on the basis of disability from participation in or the benefits of programs or activities administered by {Organization}. {Organization} will provide reasonable accommodations to all applicants, residents, and employees, who need such accommodations to be able to enjoy the benefits of the housing and employment provided by {Organization}. In addition, reasonable modifications will be provided to the structure and features of the dwelling, as well as public and common use areas of the property should such modifications be necessary to provide full enjoyment of the premises, providing such modifications do not result in an administrative and financial burden to {Organization} or threat to the other residents of {Organization}. A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that allows a person with a</p>

Draft Policy Language for CoC Monitoring

<p>Fair Housing and Equal Opportunity (continued)</p>	<p>disability to use and enjoy a dwelling, as well as public and common use areas of {Organization}. A reasonable modification is a structural change made to a resident's dwelling or to the common areas of {Organization}, which is necessary to enable a resident with a disability to have full use of and enjoyment of the housing. Requests for modification/accommodation must be in writing and accompanied by verification from a doctor or other medical professional, or other qualified third party who, in their professional capacity, has knowledge about the person's available information. When additional information is necessary, {Organization} will notify the person seeking the modification/accommodation about what information is needed and offer a reasonable time to provide the information. If, after a reasonable period of time, the requester fails to provide the necessary information, {Organization} may base the decision on the available information. {Organization} adheres to the Department of Housing and Urban Development Guidance on Service Animals and Assistance Animals for People with Disabilities, as well as {insert state or local act, if any}. {Organization} will evaluate each request on a case by case basis, in a timely and professional manner. The reasonableness of a particular modification/accommodation depends on various factors, including but not limited to undue financial and administrative burden, or unreasonable fundamental alteration of a dwelling or structure, as well as whether the request poses a threat to other residents of {Organization}. If the initial modification/accommodation proposed by the tenant is determined to be unreasonable and more than one alternative is available, {Organization} may offer a modification/accommodation that still meets the resident's needs.</p> <p><u>Limited English Proficiency (LEP):</u> All programs and operations of entities that receive financial assistance from the federal government, including but not limited to state agencies, local agencies and for-profit and non-profit entities, must comply with the Title VI requirements. A listing of most, but not necessarily all, HUD programs that are federally assisted may be found at the "List of Federally Assisted Programs" published in the Federal Register on November 24, 2004 (69 FR 68700). Sub-recipients must also comply.</p> <p>LEP includes persons who, as a result of national origin, do not speak English as their primary language and who have a limited ability to speak, read, write, or understand the English language. For purposes of Title VI and the LEP Guidance, persons may be entitled to language assistance with respect to a particular service, benefit, or encounter. Language assistance that a recipient might provide to LEP persons includes, but is not limited to:</p> <ul style="list-style-type: none">• Oral interpretation services;• Bilingual staff;• Telephone service lines interpreter;• Written translation services;• Notices to staff and recipients of the availability of LEP services; or <p>referrals to community liaisons proficient in the language of LEP persons.</p>
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Draft Policy Language for CoC Monitoring

<p>Housing First Model Policy HUD CPD Notice(s) 14-02; CPD-16-11</p>	<p>Housing First is an approach to quickly and successfully connect individuals and families experiencing a housing crisis to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements. Supportive services are offered to maximize housing stability and prevent returns to homelessness as opposed to addressing predetermined treatment goals prior to permanent housing entry.</p> <p>Housing First is an evidence-based approach and is considered the most effective approach to ending homelessness. Housing First seeks to offer individuals and families experiencing homelessness immediate access to permanent affordable or supportive housing, with a low threshold for entry, and without clinical prerequisites like completion of a course of treatment or evidence of sobriety. Housing First is an overarching philosophy and approach that can be applied to all homeless assistance programs.</p> <p>At a systems level, all entities affiliated with the CoC including agencies, board members, funders, staff, and partners embrace the following:</p> <ol style="list-style-type: none"> 1. All people can achieve housing stability in permanent housing with the right supports 2. Everyone is “housing ready” 3. Improved quality of life, health, mental health, and employment can be achieved through housing 4. All clients have the right to self-determination, dignity and respect 5. The configuration of housing and services should be based on participants’ needs and preferences. <p>Housing First Checklist: https://www.usich.gov/resources/uploads/asset_library/Housing_First_Checklist_FINAL.pdf Housing First Resources: https://www.hudexchange.info/resource/5294/housing-first-assessment-tool/</p>
<p>Domestic Violence Policy (Violence Against Women Act (VAWA))</p> <p>24 CFR Parts 5, 91, 92, 93, 200, 247, 574, 576, 578, 880, 882, 883, 884, 886, 891, 905, 960, 966, 982, and 983</p> <p>https://www.govinfo.gov/content/pkg/FR-2016-11-16/pdf/2016-25888.pdf</p>	<p>{Organization} is concerned about the safety of tenants assisted through the Continuum of Care. In accordance with the Violence Against Women Act (VAWA), housing providers within the CoC allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request emergency transfer of assistance between housing units when there is imminent risk of harm. This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that the Regional Task Force on the Homeless is in compliance with VAWA.</p> <p>Purpose: Provide for the safety of tenants facing imminent risk of harm.</p> <p>Policy Statement: Promote the safety of tenants in {organization} by establishing policy and protocols for transferring housing relocation for tenants who are at imminent risk of harm if they remain in their current housing unit. Requests for emergency transfer are available regardless of sex, gender identity, or sexual orientation. The ability of provider to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether provider has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.</p> <p>For purposes of this policy, the following definitions apply 1: CoC- supported housing: as described in VAWA 2013. Including housing and rental assistance provided under the Continuum of Care. Covered unit: a unit where rental assistance or subsidy is provided by HUD CoC funding (includes TBRA). External transfer: emergency relocation of a tenant to another unit here the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit. adopted from VAWA</p>

Draft Policy Language for CoC Monitoring

<p>Domestic Violence Policy (continued)</p>	<p>Emergency Transfer Plan Sect. 5. 2005; HUD Interim Rule 2012; and RTFH Written Standards 2017. 2 24 CFR Parts 5, 91, 92, 93, 200, 247, 574, 576, 578, 880, 882, 883, 884, 886, 891, 905, 960, 966, 982, and 983 52 unit.</p> <p>Immediate Transfer: transfer of household to another housing location, preferably within 48 hours, which may be extended up to 30 days.</p> <p>Internal transfer: emergency relocation of a tenant to another unit where the tenant may reside in the new unit without having to undergo an application process.</p> <p>Interjurisdictional transfer: relocation to another CoC geographic area or requiring housing assistance transfer to another housing authority catchment area.</p> <p>Reasonable belief: standard of awareness in which facts, circumstances, or experiences can be articulated that would result in similar caution by an ordinary person</p> <p>Safe unit: housing within a designated ‘safe house’ or location that the victim of domestic violence, dating violence, sexual assault, or stalking believes does not pose imminent risk.</p> <p>Tenant: any individual or household receiving HUD housing assistance or legally residing in housing from the programs covered by this policy.</p> <p>Eligibility A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD’s regulations is eligible for an emergency transfer, if: The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. 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. A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.</p> <p>General Qualifications To qualify for emergency transfer: The tenant must expressly request the transfer; and The tenant must reasonably believe there is a threat of imminent harm from further violence if the they remain within the same dwelling unit that they are currently occupying; or In the case of a tenant who is a victim of sexual assault, either they reasonably believe there is a threat of imminent harm from further violence if they remain in the same dwelling unit they are currently occupying, or they experienced sexual assault on the premises during the previous 90-calendar-day period.</p> <p>Confidentiality Federal and California State Laws protect victims of violence. State statutes include civil codes, family and welfare and institutions codes, labor and employment codes, and penal codes. In general, disclosure of identifying information or of the location of residences for domestic violence to unauthorized persons is prohibited by law and subject to serious penalties.</p> <p>Under HUD regulations, domestic violence programs are restricted from entering personally identifying information about victims into the HMIS system. Data regarding client services pertinent for system performance reporting may be provided using entry into a comparable data base. All persons assisting with the emergency transfer (including a non-CoC housing provider) will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives 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 specifically includes keeping confidential the new location of the dwelling unit of the tenant from public</p>
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Draft Policy Language for CoC Monitoring

<p>Domestic Violence Policy (continued)</p>	<p>disclosure or to the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant.</p> <p>The Notice of Occupancy Rights under the Violence Against Women Act for all tenants provides more information about the responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.</p> <p>Documentation Tenant Transfer Request Requests for emergency transfer are submitted to the housing agency or assistance responsible for housing placement. Requests for transfer will be documented in writing, either by the tenant or the responsible housing agency. The tenant’s submission of a written request to the covered housing provider, where the tenant self- certifies that they meet the criteria in the general qualifications section of this policy, is sufficient documentation to meet the VAWA requirements. The responsible agency will provide reasonable accommodations to this policy for individuals with disabilities, persons needing language translation, and those at immediate risk whose safety may be compromised by a delay in order to complete a written request.</p> <p>Verification of Risk- covered housing provider may ask an individual seeking an emergency transfer to document the occurrence of violence that qualifies for implementation of the Emergency Transfer Plan. Documentation may include: 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 the program. 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. When the emergency transfer includes early termination of a lease for a unit in the general housing market, additional documentation may be required, such as a copy of temporary restraining order or protective order, copy of a report to law enforcement, or documentation from a qualified third party. Under VAWA, no other documentation is required to initiate the transfer process. Other information may be subsequently needed to facilitate implementation of the transfer.</p> <p>Reasonable Effort to Seek Alternate Unit- The housing provider and CoC Coordinated Entry System staff will take every reasonable effort to locate safe housing or alternate safe housing for tenants requesting emergency transfer. Housing comparable to that being vacated and which is acceptable to the tenant is preferred, however, an alternate form of housing that is safe may be offered as an immediate, temporary response. Efforts to identify alternate housing and client acceptance or refusal of the housing offered will be documented in a tenant record maintained by the agency receiving the request for transfer.</p>
<p>Discharge Coordination 42 USC 11362 HEARTH Act: Sec. 406</p>	<p>Efforts to secure housing shall be made prior to being discharged. If “temporary” shelter placement is unavoidable, the reasons for this should be documented. If after having exhausted efforts to engage the client in a discharge plan, if the client continues to refuse services, the efforts will be noted. If a client receiving services becomes homeless, the organization should work actively with available community resources to locate suitable housing.</p> <p>Individual Discharge Plan: Where applicable or feasible, begin planning an individual discharge plan that includes client involvement and buy-in.</p> <p>Collaboration and partnerships: A variety of forms of partnerships and collaborations are needed to achieve an effective discharge planning system. It is the responsibility of each agency to partner and collaborate with other agencies in their Continuum of Care to ensure the best outcome for residents.</p>

Draft Policy Language for CoC Monitoring

<p>Discharge Coordination (continued)</p>	<p>Adequate information systems and tracking: Agencies receiving McKinney-Vento HUD funding are required to participate in the Continuum of Care Homeless Management Information System (HMIS), in order to improve communication, facilitate access to resources, and track completion of the discharge plan.</p> <p>Integration of Community Resources: Agencies shall collaborate to reduce the duplication of services. Effective discharge planning procedures and policies shall be supported by all relevant community planning documents.</p>
<p>Termination of Assistance and Due Process 24 CFR 578.91</p>	<p>{Organization} may terminate assistance to a program participant who violates program requirements or conditions of occupancy. Termination under this section does not bar the recipient or subrecipient from providing further assistance at a later date to the same individual or family.</p> <p>Due process- In terminating assistance to a program participant, the recipient or subrecipient must provide a formal process that recognizes the rights of individuals receiving assistance under the due process of law. This process, at a minimum, must consist of: (1) Providing the program participant with a written copy of the program rules and the termination process before the participant begins to receive assistance; (2) Written notice to the program participant containing a clear statement of the reasons for termination; (3) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and (4) Prompt written notice of the final decision to the program participant.</p> <p>Hard-to-house populations. {Organization} that is providing permanent supportive housing for hard-to-house populations of homeless persons must exercise judgment and examine all extenuating circumstances in determining when violations are serious enough to warrant termination so that a participant's assistance is terminated only in the most severe cases.</p>
<p>Coordinated Entry System Process 24 CFR 578.23 CPD-17-01</p>	<p>{Organization} will use the Coordinated Entry System (CES) process for HUD CoC funded programs. Coordinated entry processes are intended to help communities prioritize people who are most in need of assistance. They also provide information to CoCs and other stakeholders about service needs and gaps to help communities strategically allocate their current resources and identify the need for additional resources. CES is required as of January 2018 for all CoC programs.</p>
<p>Educational Assurances 24 CFR § 578.23 (c)(iii)iv)</p>	<p>Recipients must establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by Subtitle VII-B of the McKinney-Vento Act other laws relating to the provision of educational and related services to individuals and families experiencing homelessness.</p> <p>Recipients must designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under Subtitle VII-B of the McKinney-Vento Act. (Programs that provide housing or services to families)</p> <p>Recipients must take the educational needs of children into account when families are placed in emergency or transitional shelter 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.</p> <p>Recipients must collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under Subtitle VII-B of the McKinney-Vento Act.</p>

Draft Policy Language for CoC Monitoring

Services to Families 24 CFR § 578.93(e)	<i>Prohibition against involuntary family separation.</i> 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 funds from the CoC.
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