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# **OH-501 TOLEDO/LUCAS COUNTY CONTINUUM OF CARE WRITTEN STANDARDS**

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## INTRODUCTION

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The OH-501 Toledo/Lucas County Continuum of Care (CoC) is responsible for coordinating and implementing a system to meet the needs of the population and subpopulations experiencing homelessness within the geographic area of the CoC, which covers all of Lucas County, Ohio. Both the Emergency Solutions Grant (ESG) Rule and the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Continuum of Care Program Interim Rule state that the CoC must establish and consistently follow written standards for providing Continuum of Care assistance.

They will be reviewed annually, and any substantial changes will be approved by the TLCHB Board of Directors.

The written standards have been established to ensure that persons experiencing homelessness who enter projects throughout the OH-501 Toledo/Lucas County CoC jurisdiction will be given similar information and support to access and maintain permanent housing. All projects that receive City of Toledo ESG and OH-501 Toledo/Lucas County CoC funding are required to abide by these written standards where applicable. The CoC strongly encourages projects that do not receive either of these sources of funds to accept and utilize these written standards.

**It should be noted that the U.S. Department of Housing and Urban Development (HUD) regulations for each of the referenced programs shall always take precedence over any of the standards outlined in this document ( <https://www.hudexchange.info> ).** The CoC Program Notice of Funding Availability (NOFA) may authorize additional eligibility requirements. Projects funded under the CoC program must follow both CoC Program NOFA and other HUD-issued guidance and requirements. In addition, local ESG Programs may impose additional requirements to their funding recipients that do not apply to other CoC recipients.

In the event of a declared state of emergency, natural disaster, public health crisis, or other extenuating circumstances, the OH-501 Toledo/Lucas County CoC may issue emergency protocols which would be in effect for the duration of and in response to those circumstances. Such guidance will be issued in a separate addendum to the Written Standards.

## GENERAL STANDARDS

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The following standards apply to all projects funded through the CoC or with City of Toledo ESG and CDBG funds.

### HMIS Participation

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All organizations receiving ESG, CDBG or CoC funds must participate fully in the CoC's Homeless Management Information System (HMIS) to enter data on persons served and assistance provided. Victim service providers receiving ESG or CoC funds are required by 24 CFR 576.400(f) and 580.32(d) to use a comparable database that meets all HUD standards for HMIS and provides for security, data quality, and privacy.

### Coordinated Entry Process (a/k/a Coordinated Assessment System)

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All projects located within the OH-501 Toledo/Lucas County CoC that receive CoC and Emergency Solutions Grants (ESG) funding are required to participate in the coordinated assessment system and are therefore subject to complying with the Coordinated Entry Written Standards, Policies and Procedures as outlined and developed by the OH-501 Toledo/Lucas County. This system will include all homeless subpopulations and involve the use of a standardized assessment tool designated by the Coordinated Entry Written Standards. This system will establish a uniform decision-making process to prioritize households seeking assistance and provide referrals to those households. The coordinated entry system (CES) will ensure that those with the greatest needs receive priority for housing and service provision and that no unnecessary barriers exist for individuals to receive assistance. The Coordinated Entry Written Standards, Policies, and Procedures can be found at [The Coordinated Entry Written Standards, Policies and Procedures can be found at: https://endinghomelesstoledo.org/coordinated-assessment](https://endinghomelesstoledo.org/coordinated-assessment).

The terms "Coordinated Entry Process" and "Centralized or Coordinated Assessment System" are used interchangeably throughout federal guidelines. The CoC Program interim rule at 24 CFR 578.3 defines centralized or coordinated assessment as the following:

"...a centralized or coordinated process designed to coordinate program participant intake assessment and provision of referrals. A centralized or coordinated assessment system covers the geographic area, is easily accessed by individuals and families seeking housing or services, is well advertised, and includes a comprehensive and standardized assessment tool..."

For the purpose of this document, the term "Coordinated Entry" or "Coordinated Entry Process" are used to reference "Centralized or Coordinated Assessment System" and "Coordinated Entry Process."

## Removal of Barriers

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All projects that have committed to a Housing First approach must ensure that their projects do not screen any individuals or families out for assistance based upon perceived barriers to housing or services. However, all OH-501 Toledo/Lucas County providers are encouraged to review their policies and remove barriers wherever possible. Examples of this include, but are not limited to, the following:

- Having too little or no income
- Current or past substance abuse
- Having a criminal record (w/exception of state mandated restrictions)
- Having a history of domestic violence

In addition, assistance may not be terminated to any recipients based upon these barriers. Examples of this include:

- Failure to participate in supportive services and case management activities
- Failure to make progress on a services plan
- Loss of income or failure to improve income
- Being a victim of domestic violence

## Termination of Assistance

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ESG or CoC-funded homeless assistance providers may terminate assistance to a program participant who violates program requirements or conditions of occupancy. Termination under this section does not bar the provider from providing further assistance at a later date to the same individual or family.

In terminating assistance to a program participant, the provider must have in place 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:

- Providing the program participant with a written copy of the program rules and the termination process before the participant begins to receive assistance.
- Written notice to the program participant containing a clear statement of the reason(s) for termination.
- The option for a review of the decision, in which the participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision.
- Prompt written notice of the final decision to the program participant.

Providers of permanent supportive housing for hard-to-house populations of homeless persons must exercise judgement and examine all extenuating circumstances in determining when violations are serious enough to warrant termination so that the participant's assistance is terminated only in the most severe cases. All CoC, ESG and CDBG must have a grievance policy.

## Grievance Process

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### Policy

The Toledo Lucas County Homelessness Board is committed to ensure that clients receiving services are aware of the rights afforded to them. TLCHB staff will prepare an annual summary of all grievances and resolutions and provide an annual report to the board of directors.

### Procedure: Grievance Assignment

TLCHB's Executive Director will assign a team member from Toledo Lucas County Homelessness Board. Once someone has been assigned, the agency will be contacted notifying them via email, who has been assigned to review the grievance.

### Procedure: Client Grievances

1. The Toledo Lucas County Homelessness Board will accept and review all complaints/grievances.
2. TLCHB will notify the agency of the grievance and gain any additional details necessary to make a further determination.
3. TLCHB will then determine if further grievance follow-up will require an on-site visit with the agency and client.
4. Once a determination has been made the agency and client will be notified of the date and time that the visit will occur, and who is assigned to the grievance from TLCHB.
5. At the grievance meeting, both the client and the agency staff will have the opportunity to present all their concerns.
6. Once this meeting is concluded, within 7-10 business a report will be issued determining the outcome of the grievance.
7. The agency's Board President, Executive Director and client(s) will receive a copy of the final report

### Procedure: Client Guidelines and Grievance Policy

1. TLCHB will annually review each agency's Client Guidelines and Grievance Policy.
2. TLCHB will provide an annual and semi-annual report of all grievances and outcomes to the Executive Director and Board President of each agency.
3. This information will also be made available for agency funders.

## Faith-Based Activities

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The minimum standards required for faith-based providers are as follows:

- Providers receiving funding through ESG, CDBG or CoC programs may not engage in inherently religious activities as part of those funded activities. Those religious activities must be offered separately from the ESG, CDBG or CoC-funded projects and all participation must be voluntary.
- All religious organizations receiving ESG, CDBG or CoC funding shall retain their independence from government and may continue with their missions provided that ESG, CDBG or CoC funds are not used to support inherently religious activities. They shall also maintain authority over their internal governance.
- No organization receiving ESG, CDBG or CoC funds may discriminate against a participant based on religion or religious beliefs.

- ESG, CDBG and CoC funds may be used for the rehabilitation of structures that are used for eligible activities under the programs but may not be used to rehabilitate structures used specifically for religious activities.

## Fair Housing and Equal Opportunity

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It is the policy of the OH-501 Toledo/Lucas County CoC to comply fully with all federal, state, and local nondiscrimination laws and to operate in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The OH-501 Toledo/Lucas County CoC, including its recipients and subrecipients, shall not on account of race, color, sex, religion, national origin, family status, disability or age deny any family or individual the opportunity to apply for or receive assistance under HUD's Programs. All recipients and sub-recipients of ESG, CDBG and CoC funding must comply with the requirements for equal opportunity, nondiscrimination, and affirmatively furthering fair housing as outlined in Section 578.93 of the Continuum of Care Program interim rule and any applicable ESG regulations.

All clients served by an agency that is receiving ESG, CDBG or CoC funding has the following rights:

1. The right to receive all eligible services.
2. The right to be treated with dignity and respect.
3. The right to receive quality services.

## Language Access Plan

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All recipients and sub-recipients of ESG, CDBG and CoC funding must provide Limited English Proficiency (LEP) persons with meaningful access to federally funded programs. HUD issued new guidance on Fair Housing Act Protections for Persons with Limited English Proficiency on September 15, 2016, and DCA issued its new Language Access Plan (LAP) effective 2016 to 2021 that details its plan to provide LEP persons with meaningful access to programs. DCA will provide guidance and training to State of City of Toledo ESG, CDBG sub-recipients and OH-501 Toledo/Lucas County CoC recipients on providing language access services, including the components of a meaningful LAP, options for translation and interpretation services, and assistance with identifying methods to ensure meaningful access to programs and activities. More information on DCA's Fair Housing Policy can be found at the [Fair Housing Statement](#) page.

## Allowable Family Limitations and Prohibition against Involuntary Family Separation

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The CoC Interim Rule 24 CFR 578.93 (e) and 24 CFR 576.102(b) explicitly prohibit any kind of involuntary family separation and the denial of admission to selected family members in all CoC Program-funded projects and ESG-funded emergency shelters. It is acceptable for programs to limit participation to only households with children. However, if a project accepts any households with children, they must accept all households with children. This means that any provider that has historically accepted only women with children may not limit their project to that population. They must also accept couples with children or single men with children as well.

In addition, the age and/or gender of a child under age 18 must not be used as a basis for denying any family's admission to a project receiving ESG, CDBG or CoC funding.

## Equal Access Requirements

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HUD published a final rule on September 21, 2016 entitled Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs that became effective on October 21, 2016. This rule includes the following central provisions:

- All HUD-assisted and HUD-insured housing must be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.
- Owners and administrators of HUD-assisted housing and HUD-insured housing are prohibited
- from inquiring into an applicant or occupant's sexual orientation and gender identity for the purpose of determining eligibility or otherwise making housing available.
- The definition of "family" is revised to include all families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

This rule shall apply to all ESG, CDBG or CoC-funded projects with two exceptions. This prohibition on inquiries does not prohibit lawful inquiries of an applicant or occupant's sex where the housing provided or to be provided to the individual is temporary, emergency shelter for adults only with a physical configuration such that privacy is a concern, specifically shared bathing areas or shared sleeping areas. A shared bathing area is one in which there are multiple toilet stalls or shower stalls or open showers. Nor does it apply to inquiries made for the purpose of determining the number of bedrooms to which a household may be entitled. In addition, this provision does not prohibit voluntary self-identification of sexual orientation or gender identity by participants. The OH-501 Toledo/Lucas County, including recipients and subrecipients, will comply with the Equal Access Rule at 24 CFR 5.105 and 5.106.

Complete City of Toledo ESG program requirements for written standards, policies and procedures, including ones not addressed in this document, can be found in the City of Toledo's Department of Neighborhoods ESG /CDBG Third-Party Partners Manual.

## Violence Against Women Act (VAWA) Requirements

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Under the HUD Final Rule Implementing VAWA Reauthorization Act of 2013, the OH-501 Toledo/Lucas County CoC have adopted policies to include provisions for protection of victims of domestic violence, dating violence, sexual assault, sexual battery or stalking, regardless of sex, gender identity, gender expression or actual or perceived sexual orientation.

These policies and procedures apply to CoC-funded Rapid Re-Housing (RRH) and Permanent Supportive Housing (PSH) programs. ESG-funded programs are subject to VAWA policies issued by the administrator of ESG funds. As a part of these policies and procedures, the CoC has put in place a policy for emergency transfers. The full details of the policy can be found in the City of Toledo, Department of Neighborhoods Third-Party Manual ESG / CDBG Guidebook.

## STREET OUTREACH PROJECTS

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### Definition

Street outreach projects are those activities that are undertaken to identify potential homeless project recipients for the purpose of providing them with immediate support and intervention activities.

### Eligibility

#### HUD Requirements

Recipients of these services must meet the HUD definition of homelessness under Category 1. These would be unsheltered homeless individuals and families, meaning those with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

#### CoC Recommendations

Agencies administering Street Outreach Projects must have policies on safety standards and procedures.

Engagement should occur during times when there is a reasonable expectation to believe people have no housing options

### Required Documentation

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

1. Literally Homeless (in order of preference)
  - a. Third party verification (HMIS print-out, or written referral/certification by another housing or service provider); or
  - b. Written observation by an outreach worker; or
  - c. Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;
  - d. For individuals exiting an institution – one of the forms of evidence above and;
    - i. Discharge paperwork or written/oral referral, or
    - ii. Written record of intake worker's due diligence to obtain above evidence and certification by individual that they exited institution

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.

2. For all ESG/CDBG funded agencies, also refer to the ESG/CDBG Third Party Manual for additional guidelines for required documentation.

### Assessment/ Prioritization

Individuals and families shall be assessed where they are and will be offered the following Street Outreach services, as needed and appropriate: engagement, case management, emergency health and mental health, and transportation services where they are otherwise not available in the mainstream. Based on the need of services population, Street Outreach projects must assess, prioritize, and re-assess the need for essential services related to street outreach, and they should continuously engage unsheltered persons and persons experiencing chronic homelessness (and most at risk of becoming chronically homeless), even if they repeatedly decline housing and services. When appropriate based on



the individual's needs and wishes, the referral to permanent supportive housing or rapid re-housing that can quickly assist the individuals to obtain safe, permanent housing shall be prioritized over the provision of or referral to an emergency shelter. Street Outreach Projects are required to utilize the Coordinated Entry Process as outlined in the Coordinated Entry Written Standards Policies and Procedures, which will provide information on prioritization and reassessment for services.

## EMERGENCY SHELTERS

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### Definition

Any facility or project (including hotel/motel voucher projects) where the primary purpose is to provide a temporary shelter for the homeless in general, or for specific populations of the homeless, which does not require occupants to sign leases or occupancy agreements.

### Eligibility

#### HUD Eligibility

Individuals and families entering the shelter system must be homeless per the HUD Homeless Definition, Category 1, literally homeless, Category 2, imminent risk of homelessness, Category 3, homeless under other federal statutes, or Category 4, fleeing or attempting to flee domestic violence (with documentation as detailed elsewhere in this document). Shelter facilities may accept clients that are not HUD-defined homeless, but they must administratively separate those clients so that ESG funds are not used for non-HUD-defined homeless clients.

#### CoC Recommendations

Projects should have expedited admission processes, to the greatest extent possible, including providing assistance with obtaining necessary documentation. Further, shelters should not require, upon admission, that residents have IDs or be entered into HMIS. Projects should also not require any fees.

### Required Documentation

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

1. Literally Homeless (in order of preference)
  - a. Third party verification (HMIS print-out, or written referral/certification by another housing or service provider); or
  - b. Written observation by an outreach worker; or
  - c. Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;
  - d. For individuals exiting an institution – one of the forms of evidence above and;
    - i. Discharge paperwork or written/oral referral, or
    - ii. Written record of intake worker's due diligence to obtain above evidence and certification by individual that they exited institution

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.

2. For all ESG/CDBG funded agencies, also refer to the ESG/CDBG Third Party Manual for additional guidelines for required documentation.

### Assessment /Prioritization

Emergency Shelter projects are required to utilize the Coordinated Entry Process as outlined in the Coordinated Entry Written Standards Policies and Procedures. Domestic violence (DV) projects may utilize the coordinated entry system but are not required to participate due to issues of confidentiality. Homeless youth (12 – 18 yrs. of age) may still access shelter through an existing community program. Priority will be given to individuals and families with no income and to those who have extremely low income (30 percent of AMI) as dictated by Area Median Income.

## **TRANSITIONAL HOUSING PROJECTS (TH)**

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### Definition

Transitional Housing Projects provide subsidized housing and supportive services, for a period not to exceed 24 months, to facilitate the movement of homeless individuals and families to permanent housing.

### Eligibility

#### HUD Eligibility

Individuals and families must be homeless per the HUD Homeless Definition, Category 1, literally homeless or Category 4, fleeing or attempting to flee domestic violence as long as they meet category 1 requirements as well.

#### CoC Requirements

Priority should be given to individuals and families with no income and to those who have extremely low income (30 percent of AMI) as dictated by Area Median Income. Additional income limits may be set by additional funding sources of the transitional housing project.

The CoC will be assessing project level eligibility criteria in order to identify and remove barriers to accessing services and housing that are experienced by homeless individuals and families. Organizations should be working towards the removal of barriers to project entry, and barriers to remaining in projects, as these barriers both deny housing to individuals and families that really need intensive services and often result in low occupancy rates. Organizations may need to change their project design in order to address this. Entitlement jurisdictions within the CoC may further restrict funding of TH projects to require (and only fund) TH projects that serve high barrier households and/or special needs populations as they determine.

#### CoC Recommendations

While permanent housing is preferred, research does show that transitional housing may be an effective tool for addressing certain needs, such as housing for underage homeless youth experiencing homelessness, safety for persons fleeing domestic violence, and assisting with recovery from addiction.

Homeless individuals and families entering into TH are not expected to be able to qualify for permanent housing. Further, the enrollment of a chronically homeless client into a TH program causes that client to lose their chronically homeless determination making them ineligible for many programs. In cases where households become eligible for permanent housing, it is expected that TH providers will coordinate with organizations that administer these projects in their area. The provision of supportive services and case management are required to be available in transitional housing projects. Participants cannot be charged more than 30 percent of the total household income as rent.

In order to lower barriers to entry, reduce lengths of stay, and improve exits to permanent housing, the CoC supports the utilization of transitional housing beds as bridge housing for people who are homeless, where shelter beds are not available and permanent housing has been identified. It should

be established at entry that they are chronically homeless and waiting to move into PSH, and the client should not be enrolled into the transitional housing project or be expected to follow service plans associated with the transitional housing project. Please note that there should be a reasonable expectation that the household will move into permanent housing within 30 to 90 days.

### Required Documentation

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

- 1) Literally Homeless (in order of preference)
  - a) Third party verification (HMIS print-out, or written referral/certification by another housing or service provider); or
  - b) Written observation by an outreach worker; or
  - c) Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;
  - d) For individuals exiting an institution – one of the forms of evidence above and;
    - i) Discharge paperwork or written/oral referral, or
    - ii) Written record of intake worker’s due diligence to obtain above evidence and certification by individual that they exited institution

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.

3. For all ESG/CDBG funded agencies, also refer to the ESG/CDBG Third Party Manual for additional guidelines for required documentation.

### Assessment/ Prioritization

Transitional housing projects are required to utilize the Coordinated Entry Process as outlined in the Coordinated Entry Written Standards Policies and Procedures. Participants may be referred from a broad range of social services including shelter and street outreach. Priority will be given to individuals and families with no income and to those who have extremely low income (30 percent of AMI) as dictated by current HUD limits. Additional income limits may be set by additional funding sources of the transitional housing project.

Families already living in assisted units who qualify for an Emergency Transfer under VAWA, but who do not have a safe unit immediately available for internal transfer, shall have priority over all other applicants for Transitional Housing. Such individual or family shall meet all eligibility criteria required by Federal law or regulation or HUD NOFA, and any established criteria based on 578.93(b)(1), (4), (6), or (7), but shall not be required to meet any other eligibility or preference criteria of the project. The individual or family shall retain their original homeless or chronically homeless status for the transfer.

## RAPID RE-HOUSING PROJECTS (RRH)

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### Definition

Rapid Re-Housing Projects (RRH) provide housing relocation and stabilization services and time limited rental assistance (short- or medium-term rental assistance) and supportive services to help homeless individuals or families move as quickly as possible to permanent housing and achieve stability in that housing.

### Eligibility

#### HUD Eligibility\*

Individuals and families must meet the Category 1 definition of homelessness (Literally Homeless). In addition, those who meet the Category 4 definition of homelessness (Fleeing/Attempting to Flee DV) may also qualify if the individual or family is literally homeless. \*Please note that an additional eligibility requirement of ESG RRH is that individuals and families must have an annual income at or below 50% AMI.

#### CoC Requirements

The CoC will be assessing project level eligibility criteria in order to identify and remove barriers to accessing services and housing that are experienced by homeless individuals and families. Organizations should be working towards the removal of barriers to project entry, and barriers to remaining in projects, as these barriers both deny housing to individuals and families that really need intensive services and often result in low occupancy rates. Organizations may need to change their project design in order to address this.

Given that projects should be prioritizing employment assistance and increasing benefits as part of the case management plan, projects should be open to accepting people without current income. Agencies must offer case management and supportive services to all participants receiving rental assistance that are designed to lead them towards long-term stable housing. Case management and related services may be offered to clients not receiving rental assistance at the agency's discretion.

#### CoC Recommendations

- Agencies should have a goal of providing a 100% subsidy to participating households for no more than six months and to provide any amount of rental subsidy for no longer than twelve months total.
- Assistance for households with no income or special circumstances could be extended to 18 months. An explanation of these special circumstances along with an evaluation of household needs must be documented in the client file.

#### Rapid Re-Housing Client Contribution Policy

It is the policy of Rapid Re-Housing (RRH) Projects to provide a declining rental assistance subsidy to households participating in the RRH Projects. For households with income, a percentage or amount of client contribution may be based on a reasonable percentage of either the household's income or the monthly rent calculated pursuant to 24 CFR 578.37(a)(1)(ii)(B).

#### Rent Determination Procedures

- Households will receive a declining subsidy for the duration of their participation in the project based on their ability to contribute to their rent. Rental subsidy determinations will be evaluated no less than monthly in case management meetings. Case managers will review household budget and determine what, if any, amount of rent the household is responsible for contributing

based upon the household's needs and circumstances. The case manager will document the outcome of the subsidy determination in the client file.

- There are many ways to determine the percentage or amount of rent, utilities, and additional financial assistance a household can contribute. Individual projects have discretion in determining how the subsidy will be reduced based on income, the needs of the household, and what is in the best interest of the household's housing stability.

### Required Documentation

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

1. Literally Homeless (in order of preference)
  - a. Third party verification (HMIS print-out, or written referral/certification by another housing or service provider); or
  - b. Written observation by an outreach worker; or
  - c. Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;
  - d. For individuals exiting an institution – one of the forms of evidence above and;
    - i. Discharge paperwork or written/oral referral, or
    - ii. Written record of intake worker's due diligence to obtain above evidence and certification by individual that they exited institution

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.

In addition to the homeless verification required above, income eligibility determination documentation is also required for ESG RRH.

2. All additional required program must be in clients file with 30 days of intake.
3. For all ESG/CDBG funded agencies, also refer to the ESG/CDBG Third Party Manual for additional guidelines for required documentation.

### Assessment/ Prioritization

Individuals or families may be referred from a broad range of social services including shelter and street outreach but must follow the OH-501 Toledo/Lucas County CoC policy for the Coordinated Entry Process as outlined in the Coordinated Entry Written Standards Policies and Procedures. Priority shall be given to extremely low-income individuals and families (at or below 30 percent AMI) and to individuals and families that have longer length of stay in shelters or on the streets.

Families already living in assisted units who qualify for an Emergency Transfer under VAWA, but who do not have a safe unit immediately available for internal transfer, shall have priority over all other applicants for Rapid Re-Housing. Such individual or family shall meet all eligibility criteria required by

Federal law or regulation or HUD NOFA, and any established criteria based on 578.93(b)(1), (4), (6), or (7), but shall not be required to meet any other eligibility or preference criteria of the project. The individual or family shall retain their original homeless or chronically homeless status for the transfer.

### CoC Rapid Re-Housing Projects Only

#### Utility Allowances (CoC funded only)

The OH-501 Toledo/Lucas County CoC Written Standards give individual projects discretion over the amount of rental assistance that can be provided to households, provided that the project provides a declining rental subsidy as described herein. Under certain circumstances, based on how a household's rental contribution is calculated, a project may be required to reimburse households for utilities.

If a project uses rent as a factor in determining a household's contribution, and the household is responsible for making separate utility payments that are not included in the contract rent, then rent must be calculated by adding total monthly rent to the monthly allowance for utilities established by the area's Public Housing Authority (PHA), pursuant to 24 CFR 578.37(a)(1)(ii)(B). In this scenario, households must be reimbursed for any amount that the utility allowance exceeds the household's share of rent.

Further clarifying details may be found in Notice CPD-17-11, issued on October 23, 2017. If this notice is amended, superseded, or rescinded by HUD, the most recent guidance from HUD will apply.

### ESG Rapid Re-Housing Projects Only

In addition to the standards above, ESG RRH projects will be subject to the following standards.

#### Utilities (ESG only)

Households will receive a declining subsidy for the duration of their participation in the project based on their ability to contribute to their utilities. Please note that utility assistance is not eligible under CoC RRH projects.

- Utilities subsidy determinations will be evaluated no less than monthly in case management meetings. Case managers will review household budget and determine what, if any, amount of rent the household is responsible for contributing based upon the household's needs and circumstances. The case manager will document the outcome of the subsidy determination in the client file.
- There are many ways to determine the percentage or amount of rent, utilities, and additional financial assistance a household can contribute. Individual projects have discretion in determining how the subsidy will be reduced based on income, the needs of the household, and what is in the best interest of the household's housing stability.

#### Housing Stabilization and/or Relocation Services (ESG only)

The type, amount, and duration of financial assistance for housing stabilization and/or relocation services will be determined based on the needs of the household. The need for this assistance will be evaluated and documented in the client file.

# HOMELESS PREVENTION PROJECTS

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## Definition

Homeless Prevention Projects provide assistance to individuals or families who are at the greatest risk of losing housing due to a legal eviction action that requires the individual or family to leave their residence no later than 14 days following the date of their application for homeless assistance.

## Eligibility

### HUD Eligibility

Households receiving this funding must have an income level below 30% AMI and must demonstrate that they do not have sufficient resources or support networks to prevent them from moving to an emergency shelter or other place defined under Category 1 of the homeless definition. Recipients may be in categories 2-4 under the homeless definition or meet the “at risk” definition in order to qualify for this assistance.

### CoC Requirements

The CoC will be assessing project level eligibility criteria in order to identify and remove barriers to accessing services and housing that are experienced by homeless individuals and families. Organizations should be working towards the removal of barriers to project entry, and barriers to remaining in projects, as these barriers both deny housing to individuals and families that really need intensive services and often result in low occupancy rates. Organizations may need to change their project design in order to address this.

### CoC Recommendations

Project participants receiving this assistance should receive a case management plan from the provider in order to ensure long term stability. Best practice agencies will be ones with the ability to negotiate with landlords as the first step in resolving eviction crises and that also demonstrate a plan to effectively increase household incomes for project participants. The length of stay should be based on the needs of individual households participating in the project.

- Agencies should have a goal of providing a 100% subsidy to participating households for no more than six months and to provide any amount of rental subsidy for no longer than twelve months total.
- Assistance for households with no income or special circumstances could be extended to 18 months. An explanation of these special circumstances along with an evaluation of household needs must be documented in the client file.

### Prevention Client Contribution Policy

It is the policy of Prevention Projects to provide a declining rental assistance subsidy to households participating in the Prevention Projects. For households with income, a percentage or amount of client contribution can be based on a reasonable percentage of a household's income.

### Rent Determination Procedures

Households will receive a declining subsidy for the duration of their participation in the project based on their ability to contribute to their rent.

- Rental subsidy determinations will be evaluated no less than monthly in case management meetings. Case managers will review household budget and determine what, if any, amount of rent the household is responsible for contributing based upon the household's needs and circumstances. The case manager will document the outcome of the subsidy determination in the client file.

- There are many ways to determine the percentage or amount of rent, utilities, and additional financial assistance a household can contribute. Individual projects have discretion in determining how the subsidy will be reduced based on income, the needs of the household, and what is in the best interest of the household's housing stability.

#### Utilities (ESG/CDBG)

Households will receive a declining subsidy for the duration of their participation in the project based on their ability to contribute to their utilities.

- Utilities subsidy determinations will be evaluated no less than monthly in case management meetings. Case managers will review household budget and determine what, if any, amount of rent the household is responsible for contributing based upon the household's needs and circumstances. The case manager will document the outcome of the subsidy determination in the client file.
- There are many ways to determine the percentage or amount of rent, utilities, and additional financial assistance a household can contribute. Individual projects have discretion in determining how the subsidy will be reduced based on income, the needs of the household, and what is in the best interest of the household's housing stability.

#### Housing Stabilization and/or Relocation Services (ESG/CDBG)

The type, amount, and duration of financial assistance for housing stabilization and/or relocation services will be determined based on the needs of the household. The need for this assistance will be evaluated and documented in the client file.

For all ESG/CDBG funded agencies, also refer to the ESG/CDBG Third Party Manual for additional guidelines for required documentation.

#### Required Documentation

Households receiving Homeless Prevention assistance must have a lease in the participant's name. Documentation of the pending loss of housing can include an eviction notice, the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law. A court order is preferred, however, ESG and CDBG Recipients may allow sub-recipients to accept other documentation as allowed by HUD.

#### Assessment/ Prioritization

All homeless prevention projects are required to utilize the Coordinated Entry Process as outlined in the Coordinated Entry Written Standards Policies and Procedures.



## SUPPORTIVE SERVICES ONLY PROJECTS (SSO)

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### Definition

Supportive Services Only (SSO) projects provide services to sheltered and unsheltered homeless persons to whom the provider is not providing housing or housing assistance.

### Eligibility

#### HUD Eligibility

Participants must meet the HUD definition of homelessness under Category 1 (Literally Homeless) or they may fall under Category 4 (Fleeing/Attempting to Flee DV) if they also meet the definition in Category 1.

#### CoC Requirements

The CoC will be assessing project level eligibility criteria in order to identify and remove barriers to accessing services and housing that are experienced by homeless individuals and families. Organizations should be working towards the removal of barriers to project entry, and barriers to remaining in projects, as these barriers both deny housing to individuals and families that really need intensive services and often result in low occupancy rates. Organizations may need to change their project design in order to address this.

#### CoC Recommendations

SSO projects are expected to work with participants in order to connect them to permanent housing.

### Required Documentation

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

1. Literally Homeless (in order of preference)
  - a. Third party verification (HMIS print-out, or written referral/certification by another housing or service provider); or
  - b. Written observation by an outreach worker; or
  - c. Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;
  - d. For individuals exiting an institution – one of the forms of evidence above and;
    - i. Discharge paperwork or written/oral referral, or
    - ii. Written record of intake worker's due diligence to obtain above evidence and certification by individual that they exited institution

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.

### Assessment /Prioritization

Supportive Services Projects are required to utilize the Coordinated Entry Process as outlined in the Coordinated Entry Written Standards Policies and Procedures.

# PERMANENT SUPPORTIVE HOUSING PROJECTS (PSH)

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## Definition

Permanent Supportive Housing (PSH) projects provide community-based housing and supportive services, without a predetermined length of stay, to assist homeless persons with a disability to live independently. The project will provide safe, affordable housing that meets participants' needs in accordance with HUD guidelines for permanent supportive housing projects.

## Eligibility

### HUD Requirements

In order to be served in a CoC-funded PSH project (individuals or family households) participants must meet the following project eligibility requirements:

- Participants must meet the applicable HUD definition of homelessness (category 1 or category 4); and
- PSH can only provide assistance to individuals with disabilities and families in which at least one adult or child has a disability.

### *ELIGIBILITY CRITERIA FOR DedicatedPLUS Projects (Section III.C.2.g of the FY 2019 CoC Program NOFA):*

A DedicatedPLUS project is a permanent supportive housing project where 100 percent of the beds are dedicated to serve individuals, households with children, and unaccompanied homeless youth that at intake meet one of the following categories:

- (1) experiencing chronic homelessness as defined in 24 CFR 578.3;
- (2) 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 individual or family entered the transitional housing project;
- (3) residing in a place not meant for human habitation, emergency shelter, or safe haven and had been admitted and enrolled in a permanent housing project within the last year and were unable to maintain a housing placement and met the definition of chronic homelessness as defined at 24 CFR 578.3 prior to entering the project;
- (4) residing in transitional housing funded by a Joint TH and PH-RRH component project and who were experiencing chronic homelessness as defined at 24 CFR 578.3;
- (5) residing and has resided in a place not meant for human habitation, a safe haven, or emergency shelter for at least 12 months in the last three years, but has not done so on four separate occasions and the individual or head of household meets the definition of 'homeless individual with a disability'; or
- (6) receiving assistance through a Department of Veterans Affairs (VA)-funded homeless assistance program and met one of the above criteria at initial intake to the VA's homeless assistance system.

### CoC Requirements

The CoC will be assessing project level eligibility criteria in order to identify and remove barriers to accessing services and housing that are experienced by homeless individuals and families. Organizations should be working towards the removal of barriers to project entry, and barriers to remaining in projects, as these barriers both deny housing to individuals and families that really need intensive services and often result in low occupancy rates. Organizations may need to change their project design in order to address this.

## CoC Recommendations

### Service Provision Criteria:

1. In providing or arranging for housing, the project considers the needs of the individual or family experiencing homelessness.
2. The project provides assistance in accessing suitable housing.
3. The project may provide assistance with moving costs.
4. The project signs occupancy agreements or leases (or subleases) with all project participants residing in housing.
5. The project enters into an occupancy agreement or lease agreement (or sublease) with project participant for a term of at least once year, which is terminable for cause. The lease must be automatically renewable upon expiration for a minimum term of one month. Assistance may be extended as stated in 24 CFR 578.79.
6. For projects where regulations require individuals and families residing in permanent supportive housing to pay occupancy charges or rent, occupancy charges and rent may not exceed those specified in 24 CFR 578.77.
7. At least 90 percent of the CoC Program-funded permanent supportive housing beds that become available through turnover must be prioritized for chronically homeless individuals and families, or are in projects classified as DedicatedPLUS as defined in III.C.2.g. of HUD's 2019 CoC Program Competition NOFA. However, CoC-funded PSH projects that commit above this amount in a competition, are held to the higher amount.

In terminating assistance to a program participant, the interim rule provides that a recipient or subrecipient must provide a formal process that recognizes the due process of law. Recipients or subrecipients that are providing permanent supportive housing for hard-to-house populations of homeless persons must exercise judgment and examine all circumstances in determining whether termination is appropriate. Under the Continuum of Care Interim Rule, it was determined that a participant's assistance should be terminated only in the most severe cases.

### Required Documentation

As defined in the HEARTH Act, eligibility for Permanent Supportive Housing is limited to categories 1 and 4 (Fleeing/Attempting to Flee DV) if they also meet the definition in Category 1. Participants must also:

- a. Enter from the street or shelter, or a transitional housing project to which they originally entered from the street or shelter (NOTE: if the project is designated for chronically homeless, they may only enter from the street or shelter. Individuals may lose their chronically homeless designation after they are enrolled into a transitional housing project); and
- b. The head of household, or 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\*.

\*HUD's Sample Chronic Homelessness Documentation – 2016 guidance, which includes a list of acceptable documentation to verify disability status, can be found at:

<https://www.hudexchange.info/resources/documents/Sample-Chronic-Homelessness-Documentation-Form-2016.docx>.

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

1. Literally Homeless (in order of preference)

- a. Third party verification (HMIS print-out, or written referral/certification by another housing or service provider); or
- b. Written observation by an outreach or intake worker; or
- c. Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;
- d. For individuals exiting an institution – one of the forms of evidence above and;
  - i. Discharge paperwork or written/oral referral, or
  - ii. Written record of intake worker’s due diligence to obtain above evidence and certification by individual that they exited institution

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. Appendix VI provides more details on exactly what is needed in the case file.

2. For all ESG/CDBG funded agencies, also refer to the ESG/CDBG Third Party Manual for additional guidelines for required documentation.

### Assessment/Prioritization

Permanent Supportive Housing Projects are required to utilize the Coordinated Entry Process as outlined in the Coordinated Entry Written Standards Policies and Procedures.

Recipients of CoC Program-funded PSH are required to follow the order of priority when selecting participants for housing in accordance with the OH-501 Toledo/Lucas County CoC’s written standards while also considering the goals and any identified target populations served by the project in a manner that is consistent with their current grant agreement. These standards and the order of priority is listed below, and the OH-501 Toledo/Lucas County CoC approved Permanent Supportive Housing Written Standards and Chronic Prioritization policy is located in Appendix VI of this document.

Note: Families already living in assisted units who qualify for an Emergency Transfer under VAWA, but who do not have a safe unit immediately available for internal transfer, shall have priority over all other applicants for Permanent Supportive Housing. Such individual or family shall meet all eligibility criteria required by Federal law or regulation or HUD NOFA, and any established criteria based on 578.93(b)(1), (4), (6), or (7), but shall not be required to meet any other eligibility or preference criteria of the project. The individual or family shall retain their original homeless or chronically homeless status for the transfer.

#### *A. Order of Priority in CoC Program-funded Permanent Supportive Housing Beds Dedicated to Persons Experiencing Chronic Homelessness and Permanent Supportive Housing Prioritized for Occupancy by Persons Experiencing Chronic Homelessness.*

##### First Priority

Chronically Homeless Individuals and Families with the Longest History of Homelessness and with the Most Severe Service Needs

##### Second Priority

Chronically Homeless Individuals and Families with the Longest History of Homelessness

##### Third Priority

Chronically Homeless Individuals and Families with the Most Severe Service Needs

#### Fourth Priority

All Other Chronically Homeless Individuals and Families

### *B. Order of Priority in Permanent Supportive Housing Beds Not Dedicated or Prioritized for Persons Experiencing Chronic Homelessness*

#### First Priority

Homeless Individuals and Families with a Disability with Long Periods of Episodic Homelessness and Severe Service Needs

#### Second Priority

Homeless Individuals and Families with a Disability with Severe Service Needs

#### Third Priority

Homeless Individuals and Families with a Disability Coming from Places Not Meant for Human Habitation, Safe Havens, or Emergency Shelters Without Severe Service Needs

#### Fourth Priority

Homeless Individuals and Families with a Disability Coming from Transitional Housing

The OH-501 Toledo/Lucas County CoC adopts HUD's Notice CPD-16-11, Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing Notice issued on July 25, 2016, in that those experiencing chronic homelessness should be given priority for non-dedicated PSH beds as vacancies become available through turnover. PSH renewal projects serving specific disabled subpopulations (e.g., persons with mental illness or persons with substance abuse issues) must continue to serve those groups, as required in the current grant agreement. However, the chronically homeless within the specified subpopulation should be prioritized for entry as described below. The full notice, which includes related recordkeeping requirements can be found at: <https://www.hudexchange.info/resource/5108/notice-cpd-16-11-prioritizing-persons-experiencing-chronic-homelessness-and-other-vulnerable-homeless-persons-in-psh/> . This policy supersedes previous policy adopting Notice CPD-14-012.

### Prioritization of DedicatedPLUS Projects When There Are No Eligible Households

At the point in which a vacancy occurs, if there are no eligible households identified who are ready to accept assistance, recipients should consider the following:

- Where there are no chronically homeless persons identified, Dedicated PSH beds included in DedicatedPLUS projects may fill the vacancy either in accordance with section III.B.1.(b)-(d) of Notice CPD-16-11 or households eligible for DedicatedPLUS as outlined in Section III.C.2.g of the FY 2019 CoC Program NOFA.
- Where there are no persons meeting the eligibility criteria for DedicatedPLUS as outlined in Section III.C.2.g of the FY 2019 CoC Program NOFA, recipients should follow the order of priority outlined in section III.B.1.(b)-(d) of Notice CPD-16-11 to fill any vacancies. At a minimum, the CoC should consider the total length of time the potential program participant has been residing in a place not meant for human habitation, emergency shelter, or safe haven and severity of service needs.

- The recipient must always continue to prioritize households that are eligible for DedicatedPLUS (and dedicated PSH, if applicable). This means that anytime there is a new vacancy, the recipient must always first seek to fill it with an eligible household even if it was most recently used to serve a household that would not otherwise be eligible due to the circumstances outlined above.

For purposes of prioritization as referenced above in Section III.B.1.(b)-(d) of Notice CPD-16-11 (referenced from Appendix VIII of this document), the required order of prioritization is as follows for DedicatedPLUS projects, when there are no eligible households:

First Priority

Homeless Individuals and Families with a Disability with Severe Service Needs

Second Priority

Homeless Individuals and Families with a Disability Coming from Places Not Meant for Human Habitation, Safe Havens, or Emergency Shelters Without Severe Service Needs

Third Priority

Homeless Individuals and Families with a Disability Coming from Transitional Housing

The overarching goal of adopting this Notice is to ensure that the homeless individuals and families with the most severe service needs within a community are prioritized in all PSH, which will also increase progress towards the OH-501 Toledo/Lucas County CoC's goal of ending chronic homelessness. This will also guide projects in ensuring that all CoC Program-funded PSH beds are used most effectively. HUD's Notice CPD-16-11, and this policy, revises the orders of priority related how

persons should be selected for PSH as previously established in Notice CPD-14-012 to reflect the changes to the definition of chronically homeless as defined in the Chronically Homeless final rule.

Due diligence must be exercised when conducting outreach and assessment to ensure that chronically homeless individuals and families are prioritized for assistance based on their initial length of time homeless and/or the severity of their needs in the OH-501 Toledo/Lucas County CoC. Consistent with HUD's expectations for recipients of dedicated permanent supportive housing (PSH) projects, recipients of DedicatedPLUS projects will be expected to exercise due diligence when conducting outreach and assessment to locate and engage eligible households. HUD and the OH-501 Toledo/Lucas County CoC recognize that some persons—particularly those living on the streets or in places not meant for human habitation—might require significant engagement and contacts prior to their entering housing. Recipients of CoC Program-funded PSH are not required to allow units to remain vacant indefinitely while waiting for an identified chronically homeless person to accept an offer of PSH. CoC Program-funded PSH providers are encouraged to follow a Housing First approach to maximum extent practicable, and recipients of DedicatedPLUS projects should be following a Housing First approach to the maximum extent practicable. Therefore, a person experiencing chronic homelessness should not be forced to refuse an offer of PSH if they do not want to participate in the project's services, nor should a PSH project have eligibility criteria or preconditions to entry that systematically exclude those with severe service needs. Street outreach and housing providers should continue to make attempts to engage those persons that have been resistant to accepting an offer of PSH and where the CoC has adopted these orders of priority into their written standards, these chronically homeless persons must continue to be prioritized for PSH until they are housed.

Recordkeeping Recommendations for the Orders of Priority in this Notice:

24 CFR 578.103(a)(4) of the [CoC Program Interim Rule](#) outlines documentation requirements for all recipients of dedicated and non-dedicated CoC Program-funded PSH associated with determining

whether or not an individual or family is chronically homeless for the purposes of eligibility. In addition to those requirements, the OH-501 Toledo/Lucas County CoC expects that CoC recipients of CoC Program-funded PSH, will maintain evidence of implementing these priorities. Evidence of following these orders of priority may be demonstrated by:

- A. **Evidence of Severe Service Needs.** Evidence of severe service needs is that by which the recipient is able to determine the severity of needs as defined in Appendix VI of the Written Standards using data-driven methods such as an administrative data match or through the use of a standardized assessment. The documentation should include any information pertinent to how the determination was made, such as notes associated with case-conferencing decisions.
- B. **Evidence that the Recipient is Following the CoC's Written Standards for Prioritizing Assistance.** Recipients must follow the CoC's written standards for prioritizing assistance, as adopted by the CoC. In accordance with the CoC's adoption of written standards for prioritizing assistance, recipients must in turn document that the CoC's revised written standards have been incorporated into the recipient's intake procedures and that the recipient is following its intake procedures when accepting new project participants into the project.
- C. **Evidence that there are no Households Meeting Higher Order of Priority within CoC's Geographic Area.**
  - a. When dedicated and prioritized PSH is used to serve non-chronically homeless households, the recipient of CoC Program-funded PSH should document how it was determined that there were no chronically homeless households identified for assistance within the CoC's geographic area – or for those CoCs that implement a sub-CoC planning and housing and service delivery approach, the smaller defined geographic area within the CoC's geographic area – at the point in which a vacancy became available. This documentation should include evidence of the outreach efforts that had been undertaken to locate eligible chronically homeless households within the defined geographic area and, where chronically homeless households have been identified but have not yet accepted assistance, the documentation should specify the number of persons that are chronically homeless that meet this condition and the attempts that have been made to engage the individual or family. Where a CoC is using a single prioritized list, the recipient of PSH may refer to that list as evidence.
  - b. When non-dedicated and non-prioritized PSH is used to serve an eligible individual or family that meets a lower order of priority, the recipient of CoC Program-funded PSH should document how the determination was made that there were no eligible individuals or families within the CoC's geographic area - or for those CoCs that implement a sub-CoC planning and housing and service delivery approach, the smaller defined geographic area within the CoC's geographic area that met a higher priority. Where a CoC is using a single prioritized list, the recipient of PSH may refer to that list as evidence that there were no households identified within the CoC's geographic area that meet a higher order of priority.
  - c. Documentation for DedicatedPLUS Projects: Recipients of DedicatedPLUS PSH projects must maintain records to document efforts to locate persons meeting the eligibility criteria in Section III.C.2.g of the FY 2019 CoC Program NOFA. Ideally, the CoC should have comprehensive and high- quality data on all households that are currently presenting for assistance within the CoC that is informed by a comprehensive outreach strategy. To justify serving a non-eligible household, a recipient of DedicatedPLUS projects must have documentation from the CoC that demonstrates that outreach is occurring regularly and that the CoC is making reasonable efforts to locate and identify all persons experiencing homelessness within the community.

HUD CRITERIA FOR DEFINING HOMELESS	<b>Category 1</b>	Literally Homeless	<p>(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:</p> <ul style="list-style-type: none"> <li>• Has a primary nighttime residence that is a public or private place not meant for human habitation;</li> <li>• Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing (only for ESG) and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or</li> <li>• Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution</li> </ul>
	<b>Category 2</b>	Imminent Risk of Homelessness	<p>(2) Individual or family who will imminently lose their primary nighttime residence, provided that:</p> <ul style="list-style-type: none"> <li>• Residence will be lost within 14 days of the date of application for homeless assistance;</li> <li>• No subsequent residence has been identified; and</li> <li>• The individual or family lacks the resources or support networks needed to obtain other permanent housing</li> </ul>
	<b>Category 3</b>	Homeless under other Federal statutes	<p>(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:</p> <ul style="list-style-type: none"> <li>• Are defined as homeless under the other listed federal statutes;</li> <li>• Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;</li> <li>• Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and</li> <li>• Can be expected to continue in such status for an extended period of time due to special needs or barriers</li> </ul>
	<b>Category 4</b>	Fleeing/ Attempting to Flee DV	<p>(4) Any individual or family who:</p> <ul style="list-style-type: none"> <li>• Is fleeing, or is attempting to flee, domestic violence;</li> <li>• Has no other residence; and</li> <li>• Lacks the resources or support networks to obtain other permanent housing</li> </ul>



Appendix II: HUD Definition for “At Risk of Homelessness”:

HUD DEFINITION FOR AT-RISK OF HOMELESSNESS	<b>Category 1</b>	Individuals and Families	<p>An individual or family who:          Has an annual income below 30% of median family income for the area; <b>AND</b>          Does not have sufficient resources or support networks, e.g. family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; <b>AND</b>          Meets one of the following conditions:</p> <p>A. Has moved because of economic reasons 2 or more times during the 60 days immediately preceding their application for assistance; <b>OR</b>          B. Is living in the home of another because of economic hardship; <b>OR</b>          C. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance; <b>OR</b>          D. Lives in a hotel or motel and the cost of the hotel or motel stay is not covered by any federal, State, or local government programs for low-income assistance: <b>OR</b>          E. Lives in a single-room occupancy or efficiency apartment unit in which there resides more than 2 persons or lives in a larger housing unit in which there reside more than 1.5 persons per room; <b>OR</b>          F. Is exiting a publicly funded institution, or system of care; <b>OR</b>          G. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness as identified in the recipient’s approved Consolidated Plan.</p>
	<b>Category 2</b>	Unaccompanied Children and Youth	<p>A child or youth who does not qualify as homeless under HUD’s “homeless” definition but qualifies as homeless under another federal statute as outlined in the CoC Interim Rule at 578.3.</p>
	<b>Category 3</b>	Families with Children and Youth	<p>A child or youth who does not qualify as “homeless” under HUD’s homeless definition but does qualify as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) of that child or youth if living with her or him.</p>

Appendix III: Eligibility by Component (CoC Program)

<b>ELIGIBILITY BY COMPONENT (CoC Program-funded Projects)</b>	<b>Supportive Services</b>	<p>Individuals and Families defined as Homeless under the following categories are eligible for assistance in SSO projects:</p> <ul style="list-style-type: none"> <li>• Category 1 – Literally Homeless</li> <li>• Category 2 – Imminent Risk of Homeless</li> <li>• Category 3* – Homeless Under Other Federal Statutes</li> <li>• Category 4 – Fleeing/Attempting to Flee DV</li> </ul>
	<b>Rapid Re- housing</b>	<p>Individuals defined as Homeless under the following categories are eligible for assistance in RRH projects:</p> <ul style="list-style-type: none"> <li>• Category 1 – Literally Homeless</li> <li>• Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1)</li> </ul> <p>ESG-funded RRH projects have the following additional limitations on eligibility:</p> <ul style="list-style-type: none"> <li>• Must only serve individuals and families that have an annual income at or below 50% of AMI</li> </ul>
	<b>Transitional Housing</b>	<p>Individuals and Families defined as Homeless under the following categories are eligible for assistance in TH projects:</p> <ul style="list-style-type: none"> <li>• Category 1 – Literally Homeless</li> <li>• Category 2 – Imminent Risk of Homeless</li> <li>• Category 3* – Homeless Under Other Federal Statutes (N/A OH-501 Toledo/Lucas County CoC*)</li> <li>• Category 4 – Fleeing/Attempting to Flee DV</li> </ul>
	<b>Permanent Supportive Housing</b>	<p>Individuals and families defined as Homeless under the following categories are eligible for assistance in PSH projects:</p> <ul style="list-style-type: none"> <li>• Category 1 – Literally Homeless</li> <li>• Category 4 – Fleeing/Attempting to Flee DV</li> </ul> <p>PSH projects have the following additional NOFA limitations on eligibility within Category 1:</p> <ul style="list-style-type: none"> <li>• Individuals and Families coming from TH must have originally come from the streets or emergency shelter</li> <li>• Individuals and Families must also have an individual family member with a disability</li> </ul> <p>Projects that are dedicated chronically homeless projects, including those that were originally funded as Samaritan Bonus Initiative Projects must continue to serve chronically homeless persons exclusively</p>

\* Projects must be located within a CoC that has received HUD approval to serve this category. For more information about receiving HUD approval, please read: Notice on Limitation on Use of Funds to Serve Persons Defined as Homeless Under Other Federal Laws at: <https://www.hudexchange.info/resource/1988/notice-limitation-use-funds-serve-persons-defined-homeless-other-laws/>. Category 3 is not applicable for OH-501 Toledo/Lucas County CoC-funded programs.

Appendix IV: Eligibility by Category (Emergency Solutions Grant Program)

<b>ELIGIBILITY BY COMPONENT</b> <b>(Emergency Solutions Grants Program)</b>	<b>Street Outreach</b>	<p>Individuals defined as Homeless under the following categories are eligible for assistance in SO:</p> <ul style="list-style-type: none"> <li>• Category 1 – Literally Homeless</li> <li>• Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1)</li> </ul> <p>SO projects have the following additional limitations on eligibility within Category 1:</p> <ul style="list-style-type: none"> <li>• Individuals and families must be living on the streets (or other places not meant for human habitation) and be unwilling or unable to access services in emergency shelter</li> </ul>
	<b>Emergency Shelter</b>	<p>Individuals and Families defined as Homeless under the following categories are eligible for assistance in ES projects:</p> <ul style="list-style-type: none"> <li>• Category 1 – Literally Homeless</li> <li>• Category 2 – Imminent Risk of Homeless</li> <li>• Category 3 – Homeless Under Other Federal Statutes</li> <li>• Category 4 – Fleeing/Attempting to Flee DV</li> </ul>
	<b>Rapid Re- housing</b>	<p>Individuals defined as Homeless under the following categories are eligible for assistance in RRH projects:</p> <ul style="list-style-type: none"> <li>• Category 1 – Literally Homeless</li> <li>• Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1)</li> </ul> <p>ESG-funded RRH projects have the following additional limitations on eligibility:</p> <ul style="list-style-type: none"> <li>• Must only serve individuals and families that have an annual income at or below 50% of AMI</li> </ul>

<b>Homelessness Prevention</b>	<p>Individuals and Families defined as Homeless under the following categories are eligible for assistance in HP projects:</p> <ul style="list-style-type: none"> <li>• Category 2 –Imminent Risk of Homeless</li> <li>• Category 3 – Homeless Under Other Federal Statutes</li> <li>• Category 4 – Fleeing/Attempting to Flee DV</li> </ul> <p>Individuals and Families who are defined as At Risk of Homelessness are eligible for assistance in HP projects.</p> <p>HP projects have the following additional limitations on eligibility with homeless and at risk of homeless:</p> <ul style="list-style-type: none"> <li>• Must only serve individuals and families that have an annual income below 30% of AMI</li> </ul>
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Appendix V: Eligibility Documentation Requirements for ESG and CoC Program- funded Projects

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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 limitation in the OH-501 Toledo/Lucas County CoC), and 4) Fleeing/Attempting to Flee Domestic Violence. Projects located within the OH-501 Toledo/Lucas County Continuum of Care jurisdiction are limited to serving categories 1, 2, and 4 due to the shortage of resources for those priority populations and excessive demand. Category two is further limited to those who will be literally homeless within 14 days, aligning eligibility with the Emergency Solutions Grant. Documentation for those at risk of homelessness may also be accepted as allowed under Category 1: Risk Factor (C) of the At Risk of Homelessness definition as allowed by HUD.

Documentation must be included in the case file, and/or scanned into the HMIS client record that demonstrates eligibility as noted in the table on the following page:

ELIGIBILITY DOCUMENTATION/RECORDKEEPING REQUIREMENTS

<p><b>Category 1</b></p>	<p>Literally Homeless</p>	<p>a. Third party verification (HMIS print-out, or written referral/certification by another housing or service provider); <b>OR</b>  b. Written observation by an outreach worker; <b>OR</b>  c. Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;  d. For individuals exiting an institution – one of the forms of evidence above and;  i. Discharge paperwork or written/oral referral, or  ii. Written record of intake worker’s due diligence to obtain above evidence and certification by individual that they exited the institution</p> <p>If the provider is using anything other than Third Party Verification, the case file must include documentation of due diligence to obtain third party verification.</p>
<p><b>Category 1: Risk Factor (C)</b></p>	<p>Category 1: Risk Factor (C) of the At-Risk of Homelessness</p>	<p>Eligibility documentation for Category 1: Risk Factor (C) of the At-Risk of Homelessness definition does not need to be equivalent to a court- ordered eviction action. <b>Acceptable documentation must substantiate that a household’s right to occupy housing will be terminated within 21 days, not necessarily that the household will be required to leave the unit within 21 days.</b>  In order to sufficiently document that the criteria for Category 1C have been met, other documentation, such as an eviction notice prepared by the landlord or a demand notice, must effectively terminate a household’s right to occupy the unit within 21 days. If the documentation provides a way for the tenant to remedy the situation and avoid eviction, e.g., paying the balance, the applicant must lack the ability to meet the terms of avoiding eviction in order to be eligible for assistance.</p>
<p><b>Category 2</b></p>	<p>Imminent Risk of Homelessness</p>	<p>a. A court order resulting from an eviction action notifying the individual or family that they must leave within 14 days; <b>OR</b>  b. For individual and families leaving a hotel or motel – evidence that they lack the financial resources to stay; <b>OR</b>  c. A documented and verified written or oral statement that the individual or family will be literally homeless within 14 days; <b>AND</b>  d. Certification that no subsequent residence has been identified; <b>AND</b>  e. Self-certification or other written documentation that the individual lacks the financial resources and support necessary to obtain permanent housing.</p>
<p><b>Category 3</b></p>	<p>Homeless under other Federal statutes</p>	<p><b>CoC-funded projects - N/A (Ineligible)</b>  <b>ESG-funded projects (ONLY shelter or prevention IF allowed):</b>  i. Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; <b>AND</b>  ii. Certification of no PH in the last 60 days; <b>AND</b>  iii. Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the last 60 days; <b>AND</b>  iv. Documentation of special needs or 2 or more barriers</p>

	<b>Category 4</b>	Fleeing/ Attempting to Flee DV	<p><b>For victim service providers:</b></p> <ul style="list-style-type: none"> <li>i. 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.</li> </ul> <p><b>For non-victim service providers:</b></p> <ul style="list-style-type: none"> <li>i. 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</li> <li>ii. Certification by the individual or head of household that no subsequent residence has been identified; AND</li> <li>iii. Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.</li> </ul>
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*PERMANENT SUPPORTIVE HOUSING PROJECTS (PSH)*

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Permanent Supportive Housing (PSH) projects provide community-based housing and supportive services, without a predetermined length of stay, to assist homeless persons with a disability to live independently.

**STANDARD:**

The project will provide safe, affordable housing that meets participants' needs in accordance with HUD guidelines for permanent supportive housing projects.

**SERVICE PROVISION CRITERIA:**

3. In providing or arranging for housing, the project considers the needs of the individual or family experiencing homelessness.
4. The project provides assistance in accessing suitable housing.
5. The project may provide assistance with moving costs.
6. The project signs occupancy agreements or leases (or subleases) with all project participants residing in housing.
7. The project enters into an occupancy agreement or lease agreement (or sublease) with project participant for a term of at least once year, which is terminable for cause. The lease must be automatically renewable upon expiration for a minimum term of one month. Assistance may be extended as stated in 24 CFR 578.79.
8. For projects where regulations require individuals and families residing in permanent supportive housing to pay occupancy charges or rent, occupancy charges and rent may not exceed those specified in 24 CFR 578.77.
9. At least 90 percent of the CoC Program-funded permanent supportive housing beds that become available through turnover must be prioritized for chronically homeless individuals and families, or are in projects classified as DedicatedPLUS as defined in III.C.2.g. of HUD's 2019 CoC Program Competition NOFA. However, CoC-funded PSH projects that commit above this amount in a competition, are held to the higher amount.

**ELIGIBILITY CRITERIA:**

In order to be served in a CoC-funded PSH project (individuals or family households) participants must meet the following program eligibility requirements:

- Participants must meet the applicable HUD definition of homelessness (category 1 or category 4); and
- PSH can only provide assistance to individuals with disabilities and families in which at least one adult or child has a disability.

**ELIGIBILITY CRITERIA FOR DedicatedPLUS Projects (Section III.C.2.g of the FY 2019 CoC Program NOFA):** A DedicatedPLUS project is a permanent supportive housing project where 100 percent of the beds are dedicated to serve individuals with disabilities and families in which one adult or child has a disability, including unaccompanied homeless youth that at intake are:

1. experiencing chronic homelessness as defined in 24 CFR 578.3;
2. 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 individual or family entered the transitional housing project;
3. residing in a place not meant for human habitation, emergency shelter, or safe haven; but the individuals or families experiencing chronic homelessness as defined at 24 CFR 578.3

- had been admitted and enrolled in a permanent housing project within the last year and were unable to maintain a housing placement;
4. residing in transitional housing funded by a Joint TH and PH-RRH component project and who were experiencing chronic homelessness as defined at 24 CFR 578.3 prior to entering the project;
  5. residing and has resided in a place not meant for human habitation, a safe haven, or emergency shelter for at least 12 months in the last three years, but has not done so on four separate occasions; or
  6. receiving assistance through a Department of Veterans Affairs(VA)-funded homeless assistance program and met one of the above criteria at initial intake to the VA's homeless assistance system.

Priority is given to chronically homeless individuals and families as defined by HUD, where a family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (a) or (b) of the chronically homeless definition as described on page 6 of this appendix, including a family whose composition has fluctuated while the head of household has been homeless. Please note that to meet the criteria set forth in the chronically homeless definition, in addition to meeting criteria around literal homelessness and length of time homeless, the statutory definition also requires that the head of household has a diagnosable disability as determined in the final rule.

Recipients that are providing permanent supportive housing for hard-to-house populations of homeless persons must exercise judgment and examine all circumstances in determining whether termination is appropriate. Under the Continuum of Care Interim Rule, it was determined that a participant's assistance should be terminated only in the most severe cases.

The OH-501 Toledo/Lucas County CoC adopts HUD's Notice CPD-16-11, Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing Notice issued on July 25, 2016, in that those experiencing chronic homelessness should be given priority for non-dedicated PSH beds as vacancies become available through turnover. PSH renewal projects serving specific disabled subpopulations (e.g., persons with mental illness or persons with substance abuse issues) must continue to serve those groups, as required in the current grant agreement. However, the chronically homeless within the specified subpopulation should be prioritized for entry as described below. The full notice, which includes related recordkeeping requirements can be found 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 updated HUD's 2018 CoC Program Competition NOFA, at least 90 percent of the CoC program-funded permanent supportive housing beds that become available through turnover must be prioritized for chronically homeless individuals and families, or are in projects classified as DedicatedPLUS as defined in III.C.2.g. This policy update is being made to policy adopting Notice CPD-16-11.

The overarching goal of adopting this Notice is to ensure that the homeless individuals and families with the most severe service needs within a community are prioritized in all PSH, which will also increase progress towards the OH-501 Toledo/Lucas County CoC's goal of ending chronic homelessness. This will also guide projects in ensuring that all CoC Program-funded PSH beds are used most effectively. HUD's Notice CPD-16-11, and this policy, revises the orders of priority related how persons should be selected for PSH as previously established in Notice CPD-14-012 to reflect the changes to the definition of chronically homeless as defined in the Chronically Homeless final rule.

Recipients of CoC Program-funded PSH are required to follow the order of priority when selecting participants for housing in accordance with the OH-501 Toledo/Lucas County CoC's written standards while also considering the goals and any identified target populations served by the project, in a manner consistent with their current grant agreement.

Due diligence must be exercised when conducting outreach and assessment to ensure that chronically homeless individuals and families are prioritized for assistance based on their total length of time homeless and/or the severity of their needs in the OH-501 Toledo/Lucas County CoC. Consistent with HUD's expectations for recipients of dedicated permanent supportive housing (PSH) projects, recipients of DedicatedPLUS projects will be expected to exercise due diligence when conducting



outreach and assessment to locate and engage eligible households as outlined in Section III.C.2.g. of the FY 2019 CoC Program NOFA. HUD and the OH-501 Toledo/Lucas County CoC recognize that some persons—particularly those living on the streets or in places not meant for human habitation—might require significant engagement and contacts prior to their entering housing. Recipients of CoC Program-funded PSH are not required to allow units to remain vacant indefinitely while waiting for an identified chronically homeless person to accept an offer of PSH. CoC Program-funded PSH providers are encouraged to follow a Housing First approach to maximum extent practicable, and recipients of DedicatedPLUS projects should be following a Housing First approach to the maximum extent practicable. Therefore, a person experiencing chronic homelessness should not be forced to refuse an offer of PSH if they do not want to participate in the project’s services, nor should a PSH project have eligibility criteria or preconditions to entry that systematically exclude those with severe service needs. Street outreach and housing providers should continue to make attempts to engage those persons that have been resistant to accepting an offer of PSH and where the CoC has adopted these orders of priority into their written standards, these chronically homeless persons must continue to be prioritized for PSH until they are housed.

## *PRIORITIZATION of CHRONICALLY HOMELESS*

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### *Order of Priority in CoC Program-funded Permanent Supportive Housing*

As a reminder, recipients of CoC Program-funded PSH are required to prioritize otherwise eligible households in a nondiscriminatory manner. Project implementation, including any prioritization policies, must be implemented consistent with the nondiscrimination provisions of the Federal civil rights laws, including, but not limited to the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, and Title II or III of the Americans with Disabilities Act, as applicable. For example, while it is acceptable to prioritize based on level of need for the type of assistance being offered, prioritizing based on specific disabilities would not be consistent with fair housing requirements or program regulations.

Note: Families already living in assisted units who qualify for an Emergency Transfer under VAWA, but who do not have a safe unit immediately available for internal transfer, shall have priority over all other applicants for Permanent Supportive Housing. Such individual or family shall meet all eligibility criteria required by Federal law or regulation or HUD NOFA, and any established criteria based on 578.93(b)(1), (4), (6), or (7), but shall not be required to meet any other eligibility or preference criteria of the project. The individual or family shall retain their original homeless or chronically homeless status for the transfer.

### *A. Prioritizing Chronically Homeless Persons in CoC Program-funded Permanent Supportive Housing Beds Dedicated or Prioritized for Occupancy by Persons Experiencing Chronic.*

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First Priority:

*Chronically Homeless Individuals and Families with the Longest History of Homelessness and with the Most Severe Service Needs.*

A chronically homeless individual or head of household as defined in 24 CFR Parts 91 and 578, for whom both of the following are true:

1. The chronically homeless individual or head of household of a family has been homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter for at least 12 months either continuously or on at least four separate occasions in the last 3 years, where the cumulative total length of the four occasions equals at least 12 months; and
2. The CoC or CoC Program recipient has identified the chronically homeless individual or head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs (see Section I.D.3. of this Notice for definition of severe service needs).

## Second Priority:

### Chronically Homeless Individuals and Families with the Longest History of Homelessness.

A chronically homeless individual or head of household, as defined in 24 CFR Parts 91 and 578, for which both of the following are true:

1. The chronically homeless individual or head of household of a family has been homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter for at least 12 months either continuously or on at least four separate occasions in the last 3 years, where the cumulative total length of the four occasions equals at least 12 months; and,
2. The CoC or CoC program recipient has **not** identified the chronically homeless individual or the head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs.

## Third Priority:

### Chronically Homeless Individuals and Families with the Most Severe Service Needs.

A chronically homeless individual or head of household as defined in 24 CFR Parts 91 and 578, for whom both of the following are true:

1. The chronically homeless individual or head of household of a family has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter on at least four separate occasions in the last 3 years, where the total length of those separate occasions equals less than 12 months; and
2. The CoC or CoC program recipient has identified the chronically homeless individual or the head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs.

## Fourth Priority:

### All Other Chronically Homeless Individuals and Families.

A chronically homeless individual or head of household as defined in 24 CFR Parts 91 and 578, for whom both of the following are true:

1. The chronically homeless individual or head of household of a family has been homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter for at least 12 months either continuously or on at least four separate occasions in the last 3 years, where the cumulative total length the four occasions is **less than** 12 months; and
2. The CoC or CoC program recipient has **not** identified the chronically homeless individual or the head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs.

Where a CoC or a recipient of CoC Program-funded PSH beds that are dedicated or prioritized is not able to identify chronically homeless individuals and families as defined in 24 CFR Parts 91 and 578 within the CoC, the order of priority in the section below (*B. Order of Priority in Permanent Supportive Housing Beds Not Dedicated or Prioritized for Persons Experiencing Chronic Homelessness*) may be followed.

## *B. Prioritizing Chronically Homeless Persons in CoC Program-funded Permanent Supportive Housing Beds Not Dedicated or Not Prioritized for Occupancy by Persons Experiencing Chronic Homelessness*

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### First Priority:

Homeless Individuals and Families with a Disability with Long Periods of Episodic Homelessness and Severe Service Needs.

An individual or family that is eligible for CoC Program-funded PSH who has experienced fewer than four occasions where they have been living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter but where the cumulative time homeless is at least 12 months **and** has been identified as having severe service needs.

### Second Priority:

Homeless Individuals and Families with a Disability Severe Service Needs.

An individual or family that is eligible for CoC Program-funded PSH who is residing in a place not meant for human habitation, a safe haven, or in an emergency shelter and has been identified as having severe service needs. The length of time in which households have been homeless should also be considered when prioritizing households that meet this order of priority, but there is not a minimum length of time required.

### Third Priority:

Homeless Individuals and Families with a Disability Coming from Places Not Meant for Human Habitation, Safe Havens, or Emergency Shelters Without Severe Service Needs.

An individual or family that is eligible for CoC Program-funded PSH who is residing in a place not meant for human habitation, a safe haven, or an emergency shelter where the individual or family has not been identified as having severe service needs. The length of time in which households have been homeless should be considered when prioritizing households that meet this order of priority, but there is not a minimum length of time required.

### Fourth Priority:

Homeless Individuals and Families with a Disability Coming from Transitional Housing.

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

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### *Prioritization of Dedicated PLUS Projects When There Are No Eligible Households*

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At the point in which a vacancy occurs, if there are no eligible households identified who are ready to accept assistance, recipients should consider the following:

- Where there are no chronically homeless persons identified, Dedicated PSH beds included in DedicatedPLUS projects may fill the vacancy *either* in accordance with section III.B.1.(b)-(d) of Notice CPD-16-11 or households eligible for DedicatedPLUS as outlined in Section III.C.2.g of the FY 2019 CoC Program NOFA.
- Where there are no persons meeting the eligibility criteria for DedicatedPLUS as outlined in Section III.C.2.g of the FY 2019 CoC Program NOFA, recipients should follow the order of priority outlined in section III.B.1.(b)-(d) of Notice CPD-16-11 to fill any vacancies. At a minimum, the CoC should consider the total length of time the potential program participant has been residing in a place not meant for human habitation, emergency shelter, or safe haven and severity of service needs.
- The recipient must always continue to prioritize households that are eligible for DedicatedPLUS (and dedicated PSH, if applicable). This means that anytime there is a new vacancy, the recipient must always first seek to fill it with an eligible household even if it was most recently used to serve a household that would not otherwise be eligible due to the circumstances outlined above.

For purposes of prioritization as referenced above in Section III.B.1.(b)-(d) of Notice CPD-16-11 (referenced from Appendix VIII of this document), the required order of prioritization as follows for DedicatedPLUS projects, when there are no eligible households:

#### First Priority:

##### Homeless Individuals and Families with a Disability Severe Service Needs.

An individual or family that is eligible for CoC Program-funded PSH who is residing in a place not meant for human habitation, a safe haven, or in an emergency shelter and has been identified as having severe service needs. The length of time in which households have been homeless should also be considered when prioritizing households that meet this order of priority, but there is not a minimum length of time required.

#### Second Priority:

##### Homeless Individuals and Families with a Disability Coming from Places Not Meant for Human Habitation, Safe Havens, or Emergency Shelters Without Severe Service Needs.

An individual or family that is eligible for CoC Program-funded PSH who is residing in a place not meant for human habitation, a safe haven, or an emergency shelter where the individual or family has not been identified as having severe service needs. The length of time in which households have been homeless should be considered when prioritizing households that meet this order of priority, but there is not a minimum length of time required.

#### Third Priority:

##### Homeless Individuals and Families with a Disability Coming from Transitional Housing.

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

#### PROCEDURE:

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Permanent Supportive Housing Projects will be required to utilize the Coordinated Entry Process as outlined in the Coordinated Entry Written Standards Policies and Procedures.

### Key Terms:

**Homeless** means (To be eligible for permanent supportive housing, people must meet the federal criteria under category [1] or [4] of the “homeless” definition in 24 578.3):

- 1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
  - ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
  - iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution

**Disabling Condition (Disability) means:**

- A person shall be considered to have a disabling condition if he or she has a condition that:
  - Is expected to be long-continuing or of indefinite duration;
  - Substantially impedes the individual’s ability to live independently;
  - Could be improved by the provision of more suitable housing conditions; and
  - Can be diagnosed as one or more of the following conditions: substance abuse disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002)), post- traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability (page 53, CoC Interim Rule).
- A person will also be considered to have a disability if he or she has acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).

**Chronically Homeless** means:

- A “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:
  - Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
  - Has been homeless and living as described in paragraph (a)(i) continuously for at least 12 months or on at least four separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (a)(i). Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering an institutional care facility;
- An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (a) of this definition, before entering that facility; or

- A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (a) or (b) of this definition described above, including a family whose composition has fluctuated while the head of household has been homeless.

HUD's *Sample Chronic Homelessness Documentation – 2016* guidance can be found at: <https://www.hudexchange.info/resources/documents/Sample-Chronic-Homelessness-Documentation-Form-2016.docx>.

**Housing First** means:

Housing First is a model of housing assistance that prioritizes rapid placement and stabilization in permanent housing that does not have service participation requirements or preconditions for entry (such as sobriety or a minimum income threshold). HUD encourages all recipients of CoC Program-funded PSH to follow a Housing First approach to the maximum extent practicable.

Any CoC-funded recipient/subrecipient that indicated that they would follow a Housing First approach in a CoC Project Application must continue to do so in subsequent years, as the CoC score for that CoC Program Competition was affected by the extent in which project applications indicated that they would follow this approach and this requirement will be incorporated into the recipient's HUD grant agreement.

**Severity of Service Needs** means (as defined in HUD Notice CPD-16-11, these PSH written standards refer to persons who have been identified as having the most severe service needs):

(a) For the purpose of these standards, this means an individual for whom at least one of the following is true:

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

ii. Significant health or behavioral health challenges, substance use disorders, or functional impairments which require a significant level of support in order to maintain permanent housing.

iii. For youth and victims of domestic violence, high risk of continued trauma or high risk of harm or exposure to very dangerous living situations.

iv. When applicable CoCs and recipients of CoC Program-funded PSH may use an alternate criteria used by Medicaid departments to identify high-need, high cost beneficiaries.

(b) Severe service needs as defined in paragraphs i. - iv. above should be identified and verified through data-driven methods such as an administrative data match or through the use of a standardized assessment tool and process and should be documented in a project participant's case file. The determination must not be based on a specific diagnosis or disability type, but only on the severity of needs of the individual. The determination cannot be made based on any factors that would result in a violation of any nondiscrimination and equal opportunity requirements, see C.F.R. § 5.105(a).

## Recordkeeping Recommendations for the Orders of Priority in this Notice:

24 CFR 578.103(a)(4) of the [CoC Program Interim Rule](#) outlines documentation requirements for all recipients of dedicated and non-dedicated CoC Program-funded PSH associated with determining whether or not an individual or family is chronically homeless for the purposes of eligibility. In addition to those requirements, the OH-501 Toledo/Lucas County CoC expects that CoC recipients of CoC Program-funded PSH, will maintain evidence of implementing these priorities. Evidence of following these orders of priority may be demonstrated by:

**A. Evidence of Severe Service Needs.** Evidence of severe service needs is that by which the recipient is able to determine the severity of needs as defined in this section of the Written Standards using data- driven methods such as an administrative data match or through the use of a standardized assessment. The documentation should include any information pertinent to how the determination was made, such as notes associated with case-conferencing decisions.

**B. Evidence that the Recipient is Following the CoC's Written Standards for Prioritizing Assistance.** Recipients must follow the CoC's written standards for prioritizing assistance, as adopted by the CoC. In accordance with the CoC's adoption of written standards for prioritizing assistance, recipients must in turn document that the CoC's revised written standards have been incorporated into the recipient's intake procedures and that the recipient is following its intake procedures when accepting new project participants into the project.

**C. Evidence that there are no Households Meeting Higher Order of Priority within CoC's Geographic Area.**

(a) When dedicated and prioritized PSH is used to serve non-chronically homeless households, the recipient of CoC Program-funded PSH should document how it was determined that there were no chronically homeless households identified for assistance within the CoC's geographic area – or for those CoCs that implement a sub-CoC planning and housing and service delivery approach, the smaller defined geographic area within the CoC's geographic area – at the point in which a vacancy became available. This documentation should include evidence of the outreach efforts that had been undertaken to locate eligible chronically homeless households within the defined geographic area and, where chronically homeless households have been identified but have not yet accepted assistance, the documentation should specify the number of persons that are chronically homeless that meet this condition and the attempts that have been made to engage the individual or family. Where a CoC is using a single prioritized list, the recipient of PSH may refer to that list as evidence.

(b) When non-dedicated and non-prioritized PSH is used to serve an eligible individual or family that meets a lower order of priority, the recipient of CoC Program-funded PSH should document how the determination was made that there were no eligible individuals or families within the CoC's geographic area - or for those CoCs that implement a sub-CoC planning and housing and service delivery approach, the smaller defined geographic area within the CoC's geographic area - that met a higher priority. Where a CoC is using a single prioritized list, the recipient of PSH may refer to that list as evidence that there were no households identified within the CoC's geographic area that meet a higher order of priority.

(c) Documentation for DedicatedPLUS Projects: Recipients of DedicatedPLUS PSH projects must maintain records to document efforts to locate persons meeting the eligibility criteria in Section III.C.2.g of the FY 2019 CoC Program NOFA. Ideally, the CoC should have comprehensive and high- quality data on all households that are currently presenting for assistance within the CoC that is informed by a comprehensive outreach strategy. To justify serving a non-eligible household, a recipient of DedicatedPLUS projects must have documentation from the CoC that demonstrates that outreach is occurring regularly and that the CoC is making reasonable efforts to locate and identify all persons experiencing homelessness within the community.

## Appendix VII: Recordkeeping Requirements Documenting “Chronic Homelessness”

RECORDKEEPING REQUIREMENTS TO DOCUMENT CHRONIC HOMELESSNESS	Documenting time spent living in a place not meant for human habitation, an emergency shelter, or a safe haven	<ul style="list-style-type: none"> <li>a. Third party verification (HMIS print-out, written observation by an outreach worker of the conditions where the individual was living, or written referral/certification by another housing or service provider) should be obtained for at least 9 of the required 12 month homeless period;</li> <li>b. Up to 3 months of homelessness may be documented through self-certification;</li> <li>c. A single encounter with a service provider in a month is sufficient to consider the household homeless for the entire month unless there is evidence of a break;</li> <li>d. If third party documentation cannot be obtained, a written record of the intake worker’s due diligence to obtain it, the worker’s documentation of the living situation, and the individual’s self-certification may suffice;</li> <li>e. Up to 25% of the participants served during the project’s operating year may self-certify for the full 12 months but this should be limited to rare and extreme cases and the intake worker must document their due diligence in obtaining other documentation and why it was not received.</li> </ul>
	Documenting time spent in institutions	<ul style="list-style-type: none"> <li>a. Discharge paperwork or written or oral referral from a social worker, case manager, or other appropriate official stating the beginning and ending dates of the individual’s stay in the facility; <b>OR</b></li> <li>b. Where third party verification is not attainable, the written record of the intake worker’s due diligence to obtain it and the individual’s self-certification that he or she is exiting an institutional care facility where they resided less than 90 days.</li> </ul>
	Documenting breaks in homelessness	<ul style="list-style-type: none"> <li>a. Third party verification; <b>OR</b></li> <li>b. Self-reporting by the individual seeking assistance. It is acceptable for all breaks to be documented through self-reporting.</li> </ul>
	Documenting the existence of a disability	<p>This must be third party, and includes:</p> <ul style="list-style-type: none"> <li>a. Written verification from a professional licensed by the State to diagnose and treat the disability and certification that the disability expected to be long- continuing or of indefinite duration and substantially impedes the individual’s ability to live independently; <b>OR</b></li> <li>b. Written verification from SSA; <b>OR</b></li> <li>c. The receipt of a disability check; <b>OR</b></li> <li>d. Intake staff recorded observation of a disability that is confirmed and accompanied by evidence outlined in a-c above within 45 days.</li> </ul>

Recipients and subrecipients of CoC Program funds are required to maintain and follow written intake procedures to ensure compliance with the “chronically homeless” definition as described in the final rule at: <https://www.hudexchange.info/resource/4847/hearth-defining-chronically-homeless-final-rule/>





U.S. Department of Housing and Urban Development  
Office of Community Planning and Development

1

**Special Attention of:**

All Secretary’s Representatives

**Issued:**

All Regional Directors forCPD

**Expires:**

All CPD Division Directors  
Continuums of Care (CoC)  
Recipients of the Continuum of Care (CoC)Program

**Issued:** July 25, 2016

**Expires:** This Notice is effective until it is amended, superseded, or rescinded

**Cross Reference:** 24 CFR Parts 578 and42 U.S.C. 11381, *et seq.*

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**Subject: Notice on Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing**

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## I. Purpose

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This Notice supersedes Notice CPD-14-012 and provides guidance to Continuums of Care (CoC) and recipients of Continuum of Care (CoC) Program (24 CFR part 578) funding for permanent supportive housing (PSH) regarding the order in which eligible households should be served in **all** CoC Program-funded PSH. This Notice reflects the new definition of chronically homeless as defined in CoC Program interim rule as amended by the Final Rule on Defining “Chronically Homeless” (herein referred to as the Definition of Chronically Homeless final rule) and updates the orders of priority that were established under the prior Notice. CoCs that previously adopted the orders of priority established in Notice CPD-14-012, which this Notice supersedes, and who received points for having done so in the FY2015 CoC Program Competition are encouraged to update their written standards to reflect the updates to the orders of priority as established in this Notice. CoCs that have not previously adopted the orders of priority established in Notice CPD- 14-012 are also encouraged to incorporate the orders of priority included in this Notice into their written standards

## A. Background

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In June 2010, the Obama Administration released *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness (Opening Doors)*, in which HUD and its federal partners set goals to end Veteran and chronic homelessness by 2015, and end family and youth homelessness by 2020. Although progress has been made there is still a long way to go. In 2015, the United States Interagency Council on Homelessness extended the goal timeline for achieving the goal of ending chronic homelessness nationally from 2015 to 2017. In 2015, there were still 83,170 individuals and 13,105 persons in families with children that were identified as chronically homeless in the United States. To end chronic homelessness, it is critical that CoCs ensure that limited resources awarded through the CoC Program Competition are being used in the most effective manner and that households that are most in need of assistance are being prioritized.

Since 2005, HUD has encouraged CoCs to create new PSH dedicated for use by persons experiencing chronic homelessness (herein referred to as dedicated PSH). As a result, the number of dedicated PSH beds funded through the CoC Program for persons experiencing chronic homelessness has increased from 24,760 in 2007 to 59,329 in 2015. This increase has contributed to a 30.6 percent decrease in the number of chronically homeless persons reported in the Point-in-Time Count between 2007 and 2015. Despite the overall increase in the number of dedicated PSH beds, this only represents 31.6 percent of all CoC Program- funded PSH beds.

To ensure that all PSH beds funded through the CoC Program are used as strategically and effectively as possible, PSH needs to be targeted to serve persons with the highest needs and greatest

barriers towards obtaining and maintaining housing on their own—persons experiencing chronic homelessness. HUD’s experience has shown that many communities and recipients of CoC Program-funded PSH continue to serve persons on a “first-come, first-serve” basis or based on tenant selection processes that screen-in those who are most likely to succeed while screening out those with the highest level of need. These approaches to tenant

4 selection have not been effective in reducing chronic homelessness, despite the increase in the number of PSH beds nationally.

## B. Goals of this Notice

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The overarching goal of this Notice is to ensure that those individuals and families who have spent the longest time in places not meant for human habitation, in emergency shelters, or in safe havens and who have the most severe service needs within a community are prioritized for PSH. By ensuring that persons with the longest histories of homelessness and most severe service needs are prioritized for PSH, progress towards the Obama Administration’s goal of ending chronic homelessness will increase. In order to guide CoCs in ensuring that all CoC Program-funded PSH beds are used most effectively, this Notice revises the orders of priority related to how persons should be selected for PSH as previously established in Notice CPD-14-012 to reflect the changes to the definition of chronically homeless as defined in the Definition of Chronically Homeless final rule. CoCs are strongly encouraged to adopt and incorporate them into the CoC’s written standards and coordinated entry process.

HUD seeks to achieve two goals through this Notice:

1. Establish a recommended order of priority for dedicated and prioritized PSH which CoCs are encouraged to adopt in order to ensure that those persons with the longest histories residing in places not meant for human habitation, in emergency shelters, and in safe havens and with the most severe service needs are given first priority.
2. Establish a recommended order of priority for PSH that is not dedicated or prioritized for chronic homelessness in order to ensure that those persons who do not yet meet the definition of chronic homelessness but have the longest histories of homelessness and the most severe service needs, and are therefore the most at risk of becoming chronically homeless, are prioritized.

## C. Applicability

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The guidance in this Notice is provided to all CoCs and all recipients and subrecipients of CoC Program funds—the latter two groups referred to collectively as recipients of CoC Program-funded PSH. CoCs are strongly encouraged to incorporate the order of priority described in this Notice into their written standards, which CoCs are required to develop per 24 CFR 578.7(a)(9), for their CoC Program-funded PSH. Recipients of CoC Program funds are required to follow the written standards for prioritizing assistance established by the CoC (see 24 CFR 578.23(c)(10)); therefore, if the CoC adopts these recommended orders of priority for their PSH, all recipients of CoC Program-funded PSH will be required to follow them as required by their grant agreement. CoCs that adopted the orders of priority established in Notice CPD-14-012, which this Notice supersedes, and who received points for having done so in the most recent CoC Program Competition are strongly encouraged to update their written standards to reflect the updates to the orders of priority as established in this Notice. Lastly, where a CoC has chosen to not adopt

HUD's recommended orders of priority into their written standards, recipients of CoC Program-funded PSH are encouraged to follow these standards for selecting participants into their programs as long as it is not inconsistent with the CoC's written standards.

#### D. Key Terms

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1. **Housing First.** A model of housing assistance that prioritizes rapid placement and stabilization in permanent housing that does not have service participation requirements or preconditions for entry (such as sobriety or a minimum income threshold). HUD encourages all recipients of CoC Program-funded PSH to follow a Housing First approach to the maximum extent practicable.
2. **Chronically Homeless.** The definition of "chronically homeless", as stated in Definition of Chronically Homeless final rule is:
  - (a) A "homeless individual with a disability," as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:
    - i. lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
    - ii. Has been homeless and living as described in paragraph (a)(i) continuously for at least 12 months or on at least four separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (a)(i). Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering an institutional care facility;
  - (b) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (a) of this definition, before entering the facility;
  - (c) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (a) or (b) of this definition (as described in Section I.D.2.(a) of this Notice), including a family whose composition has fluctuated while the head of household has been homeless.
3. **Severity of Service Needs.** This Notice refers to persons who have been identified as having the most severe service needs.
  - (a) For the purposes of this Notice, this means an individual for whom at least one of the following is true:

- i. History of high utilization of crisis services, which include but are not limited to, emergency rooms, jails, and psychiatric facilities; and/or
- ii. Significant health or behavioral health challenges, substance use disorders, or functional impairments which require a significant level of support in order to maintain permanent housing.
- iii. For youth and victims of domestic violence, high risk of continued trauma or high risk of harm or exposure to very dangerous living situations.
- iv. When applicable CoCs and recipients of CoC Program-funded PSH may use an alternate criteria used by Medicaid departments to identify high-need, high cost beneficiaries.

(b) Severe service needs as defined in paragraphs i.-iv. above should be identified and verified through data-driven methods such as an administrative data match or through the use of a standardized assessment tool and process and should be documented in a program participant's case file. The determination must not be based on a specific diagnosis or disability type, but only on the severity of needs of the individual. The determination cannot be made based on any factors that would result in a violation of any nondiscrimination and equal opportunity requirements, see 24 C.F.R. § 5.105(a).

## II. Dedication and Prioritization of Permanent Supportive Housing Strategies to Increase Number of PSH Beds Available for Chronically Homeless Persons

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### A. Increase the number of CoC Program-funded PSH beds that are dedicated to persons experiencing chronic homelessness.

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Dedicated PSH beds are those which are required through the project's grant agreement to only be used to house persons experiencing chronic homelessness unless there are no persons within the CoC that meet that criteria. If there are no persons within the CoC's geographic area that meet the definition of chronically homeless at a point in which a dedicated PSH bed is vacant, the recipient may then follow the order of priority for non-dedicated PSH established in this Notice, if it has been adopted into the CoC's written standards. The bed will continue to be a dedicated bed, however, so when that bed becomes vacant again it must be used to house a chronically homeless person unless there are still no persons who meet that criterion within the CoC's geographic area at that time. These PSH beds are also reported as "CH Beds" on a CoC's Housing Inventory Count (HIC).

### B. Prioritize non-dedicated PSH beds for use by persons experiencing chronic homelessness.

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Prioritization means implementing an admissions preference for chronically homeless persons for CoC Program-funded PSH beds. During the CoC Program competition project applicants for CoC Program-funded PSH indicate the number of non-dedicated beds that will be prioritized for use by persons experiencing chronic

homelessness during the operating year of that grant, when awarded. These projects are then required to prioritize chronically homeless persons in their non-dedicated CoC Program-funded PSH beds for the applicable operating year as the project application is incorporated into the grant agreement. All recipients of non-dedicated CoC Program-funded PSH are encouraged to change the designation of their PSH to dedicated, however, at a minimum are encouraged to prioritize the chronically homeless as beds become vacant to the maximum extent practicable, until there are no persons within the CoC's geographic area who meet that criteria. Projects located in CoCs where a sub-CoC approach to housing and service delivery has been implemented, which may also be reflected in a sub-CoC coordinated entry process, need only to prioritize assistance within their specified area.

For example, if a OH-501 Toledo/Lucas County CoC has chosen to divide the CoC into six distinct regions for purposes of planning and housing and service delivery, each region would only be expected to prioritize assistance within its specified geographic area.<sup>1</sup>

The number of non-dedicated beds designated as being prioritized for the chronically homeless may be increased at any time during the operating year and may occur without an amendment to the grant agreement.

### III. Order of Priority in CoC Program-funded Permanent Supportive Housing

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The definition of chronically homeless included in the final rule on “Defining Chronically Homeless”, which was published on December 4, 2015 and went into effect on January 15, 2016, requires an individual or head of household to have a disability and to have been living in a place not meant for human habitation, in an emergency shelter, or in a safe haven for at least 12 months either continuously or cumulatively over a period of at least 4 occasions in the last 3 years. HUD encourages all CoCs adopt into their written standards the following orders of priority for all CoC Program-funded PSH. CoCs that adopted the orders of priority established in Notice CPD-14-012, which this Notice supersedes, and who received points for having done so in the most recent CoC Program Competition are strongly encouraged to update their written standards to reflect the updates to the orders of priority as established in this Notice. Where a CoC has chosen to not incorporate HUD's recommended orders of priority into their written standards, recipients of CoC Program-funded PSH are encouraged to follow these standards for selecting participants into their programs as long as it is not inconsistent with the CoC's written standards.

As a reminder, recipients of CoC Program-funded PSH are required to prioritize otherwise eligible households in a nondiscriminatory manner. Program implementation, including any prioritization policies, must be implemented consistent with the nondiscrimination provisions of the Federal civil rights laws, including, but not limited to the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, and Title II or III of the Americans with Disabilities Act, as applicable. For example, while it is acceptable to prioritize based on level of need for the type of assistance being offered, prioritizing based on specific disabilities would not be consistent with fair housing requirements or program regulations.

A. Prioritizing Chronically Homeless Persons in CoC Program-funded Permanent Supportive Housing Beds Dedicated or Prioritized for Occupancy by Persons Experiencing Chronic Homelessness

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1. CoCs are strongly encouraged to revise their written standards to include an order of priority, determined by the CoC, for CoC Program-funded PSH that is dedicated or prioritized for persons experiencing chronic homelessness that is based on the length of time in which an individual or family has resided in a place not meant for human habitation, a safe haven, or an emergency shelter and the severity of the individual's or family's service needs. Recipients of CoC Program-funded PSH that is dedicated or prioritized for persons experiencing chronic homelessness would be required to follow that order of priority when selecting participants for housing, in a manner consistent with their current grant agreement.
2. Where there are no chronically homeless individuals and families within the CoC's geographic area, CoCs and recipients of CoC Program-funded PSH are encouraged to follow the order of priority in Section III.B. of this Notice. For projects located in CoC's where a sub-CoC approach to housing and service delivery has been implemented, which may also be reflected in a sub-CoC coordinated entry process, need only to prioritize assistance within their specified sub-CoC area.<sup>2</sup>
3. Recipients of CoC Program-funded PSH should follow the order of priority above while also considering the goals and any identified target populations served by the project. For example, a CoC Program-funded PSH project that is permitted to target homeless persons with a serious mental illness should follow the order of priority under Section III.A.1. of this Notice to the extent in which persons with serious mental illness meet the criteria. In this example, if there were no persons with a serious mental illness that also met the criteria of chronically homeless within the CoC's geographic area, the recipient should follow the order of priority under Section III.B for persons with a serious mental illness.
4. Recipients must exercise due diligence when conducting outreach and assessment to ensure that chronically homeless individuals and families are prioritized for assistance based on their total length of time homeless and/or the severity of their needs. HUD recognizes that some persons—particularly those living on the streets or in places not meant for human habitation—might require significant engagement and contacts prior to their entering housing and recipients of CoC Program-funded PSH are not required to allow units to remain vacant indefinitely while waiting for an identified chronically homeless person to accept an offer of PSH. CoC Program-funded PSH providers are encouraged to follow a Housing First approach to the maximum extent practicable. Therefore, a person experiencing chronic homelessness should not be forced to refuse an offer of PSH if they do not want to participate in the project's services, nor should a PSH project have eligibility criteria or preconditions to entry that systematically exclude those with severe service needs. Street outreach providers should continue to make attempts to engage those persons that have been resistant to accepting an offer of PSH and where the CoC has adopted these orders of priority into their written standards, these chronically homeless persons must continue to be prioritized for PSH until they are housed.

**B. Prioritizing Chronically Homeless Persons in CoC Program-funded Permanent Supportive Housing Beds Not Dedicated or Not Prioritized for Occupancy by Persons Experiencing Chronic Homelessness**

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- 1. CoCs are strongly encouraged to revise their written standards to include the following order of priority for non-dedicated and non-prioritized PSH beds. If adopted into the CoCs written standards, recipients of CoC Program-funded PSH that is not dedicated or prioritized for the chronically homeless would be required to follow this order of priority when selecting participants for housing, in a manner consistent with their current grant agreement.**

**(a) First Priority—Homeless Individuals and Families with a Disability with Long Periods of Episodic Homelessness and Severe Service Needs**

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An individual or family that is eligible for CoC Program-funded PSH who has experienced fewer than four occasions where they have been living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter but where the cumulative time homeless is at least 12 months **and** has been identified as having severe service needs.

**(b) Second Priority—Homeless Individuals and Families with a Disability with Severe Service Needs.**

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An individual or family that is eligible for CoC Program-funded PSH who is residing in a place not meant for human habitation, a safe haven, or in an emergency shelter and has been identified as having severe service needs. The length of time in which households have been homeless should also be considered when prioritizing households that meet this order of priority, but there is not a minimum length of time required.

**(c) Third Priority—Homeless Individuals and Families with a Disability Coming from Places Not Meant for Human Habitation, Safe Haven, or Emergency Shelter Without Severe Service Needs.**

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An individual or family that is eligible for CoC Program-funded PSH who is residing in a place not meant for human habitation, a safe haven, or an emergency shelter where the individual or family has not been identified as having severe service needs. The length of time in which households have been homeless should be considered when prioritizing households that meet this order of priority, but there is not a minimum length of time required.

**(d) Fourth Priority—Homeless Individuals and Families with a Disability Coming from Transitional Housing.**

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An individual or family that is eligible for CoC Program-funded PSH who is currently residing in a transitional housing project, where prior to residing in the transitional housing had lived in a place not meant for human habitation, in an



emergency shelter, or safe haven. This priority also includes individuals and families residing in transitional housing who were fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking and prior to residing in that transitional housing project even if they did not live in a place not meant for human habitation, an emergency shelter, or a safe haven prior to entry in the transitional housing.

2. Recipients of CoC Program-funded PSH should follow the order of priority above, as adopted by the CoC, while also considering the goals and any identified target populations served by the project. For example, non-dedicated or non-prioritized CoC Program-funded PSH that is permitted to target youth experiencing homelessness should follow the order of priority under Section III.B.1. of this Notice, as adopted by the CoC, to the extent in which youth meet the stated criteria.
3. Recipients must exercise due diligence when conducting outreach and assessment to ensure that persons are prioritized for assistance based on their length of time homeless and the severity of their needs following the order of priority described in this Notice, and as adopted by the CoC. HUD recognizes that some persons—particularly those living on the streets or in places not meant for human habitation—might require significant engagement and contacts prior to their entering housing and recipients are not required to keep units vacant indefinitely while waiting for an identified eligible individual or family to accept an offer of PSH (see [FAQ 1895](#)). Recipients of CoC Program-funded PSH are encouraged to follow a Housing First approach to the maximum extent practicable. Street outreach providers should continue to make attempts to engage those persons that have been resistant to accepting an offer of PSH and where the CoC has adopted these orders of priority into their written standards, these individuals and families must continue to be prioritized until they are housed.

#### IV. Using Coordinated Entry and a Standardized Assessment Process to Determine Eligibility and Establish a Prioritized Waiting List

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##### A. Coordinated Entry Requirement

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Provisions at 24 CFR 578.7(a)(8) requires that each CoC, in consultation with recipients of Emergency Solutions Grants (ESG) program funds within the CoC's geographic area, establish and operate either a centralized or coordinated assessment system (referred to in this Notice as coordinated entry or coordinated entry process) that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services. CoCs that adopt the order of priority in Section III of this Notice into the CoC's written standards are strongly encouraged to use a coordinated entry process to ensure that there is a single prioritized list for all CoC Program-funded PSH within the CoC. The [Coordinated Entry Policy Brief](#), provides recommended criteria for a quality coordinated entry process and standardized assessment tool and process. Under no circumstances shall the order of priority be based upon diagnosis or disability type, but instead on the length of time an individual or family has been experiencing homelessness and the severity of needs of an individual or family.

##### B. Written Standards for Creation of a Single Prioritized List for PSH

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CoCs are also encouraged to include in their policies and procedures governing their coordinated entry system a requirement that all CoC Program-funded PSH accept referrals only through a single prioritized list that is created through the CoCs coordinated entry process, which should also be informed by the CoCs street outreach. Adopting this into the CoC's policies and procedures for coordinated entry would further ensure that CoC Program-funded PSH is being used most effectively, which is one of the goals in this Notice. The single prioritized list should be updated frequently to reflect the most up-to-date and real-time data as possible.

### C. Standardized Assessment Tool Requirement

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CoCs must utilize a standardized assessment tool, in accordance with 24 CFR 578.3, or process. The [Coordinated Entry Policy Brief](#), provides recommended criteria for a quality coordinated entry process and standardized assessment tool.

### D. Nondiscrimination Requirements

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CoCs and recipients of CoC Program-funded PSH must continue to comply with the nondiscrimination provisions of Federal civil rights laws, including, but not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, and Titles II or III of the Americans with Disabilities Act, as applicable. See 24 C.F.R. § 5.105(a).

## V. Recordkeeping Recommendations for CoCs that have Adopted the Orders of Priority in this Notice

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24 CFR 578.103(a)(4) outlines documentation requirements for all recipients of dedicated and non-dedicated CoC Program-funded PSH associated with determining whether or not an individual or family is chronically homeless for the purposes of eligibility. In addition to those requirements, HUD expects that where CoCs have adopted the orders of priority in Section III. of this Notice into their written standards. The CoC, as well as recipients of CoC Program-funded PSH, will maintain evidence of implementing these priorities. Evidence of following these orders of priority may be demonstrated by:

- A. Evidence of Severe Service Needs.** Evidence of severe service needs is that by which the recipient is able to determine the severity of needs as defined in Section I.D.3. of this Notice using data-driven methods such as an administrative data match or through the use of a standardized assessment. The documentation should include any information pertinent to how the determination was made, such as notes associated with case-conferencing decisions.
- B. Evidence that the Recipient is Following the CoC's Written Standards for Prioritizing Assistance.** Recipients must follow the CoC's written standards for prioritizing assistance, as adopted by the CoC. In accordance with the CoC's adoption of written standards for prioritizing assistance, recipients must in turn document that the CoC's revised written standards have been incorporated into the recipient's intake procedures and that the recipient is following its intake procedures when accepting new program participants into the project.

### C. Evidence that there are no Households Meeting Higher Order of Priority within CoC's Geographic Area.

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- (a) When dedicated and prioritized PSH is used to serve non-chronically homeless households, the recipient of CoC Program-funded PSH should document how it was determined that there were no chronically homeless households identified for assistance within the CoC's geographic area – or for those CoCs that implement a sub-CoC<sup>3</sup> planning and housing and service delivery approach, the smaller defined geographic area within the CoC's geographic area – at the point in which a vacancy became available. This documentation should include evidence of the outreach efforts that had been undertaken to locate eligible chronically homeless households within the defined geographic area and, where chronically homeless households have been identified but have not yet accepted assistance, the documentation should specify the number of persons that are chronically homeless that meet this condition and the attempts that have been made to engage the individual or family. Where a CoC is using a single prioritized list, the recipient of PSH may refer to that list as evidence.
  
- (b) When non-dedicated and non-prioritized PSH is used to serve an eligible individual or family that meets a lower order of priority, the recipient of CoC Program-funded PSH should document how the determination was made that there were no eligible individuals or families within the CoC's geographic area - or for those CoCs that implement a sub-CoC planning and housing and service delivery approach, the smaller defined geographic area within the CoC's geographic area - that met a higher priority. Where a CoC is using a single prioritized list, the recipient of PSH may refer to that list as evidence that there were no households identified within the CoC's geographic area that meet a higher order of priority.

### VI. Questions Regarding this Notice

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Questions regarding this notice should be submitted to HUD Exchange Ask A Question (AAQ) Portal at: <https://www.hudexchange.info/get-assistance/my-question/>.

<sup>3</sup> For the State of Louisiana grant originally awarded pursuant to “Department of Housing and Urban Development— Permanent Supportive Housing” in chapter 6 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2351), projects located within the geographic area of a CoC that is not the CoC through which the State is awarded the grant may prioritize assistance within that geographic area instead of within the geographic area of the CoC through which the State is awarded the grant.