

# SFY 24 Sub-Recipient CoC Policy/Compliance Changes

Arizona Balance of State Continuum of Care

June 27, 2023

# Eligibility Determination (24 CFR §578.103 & §576.500 (b))

Category	Definition	Documentation
<p><b>1: Literal Homelessness</b>  <i>Eligible for: TH, RRH, PH, PSH (with disability/chronic)</i></p>	<p>Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:</p> <ol 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, 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> </ol>	<ul style="list-style-type: none"> <li>Written observation by outreach worker; or</li> <li>Written referral by another housing or service provider; or</li> <li>Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;</li> <li>For individuals exiting an institution, of the forms above and;             <ul style="list-style-type: none"> <li>Discharge paperwork or written/oral referral, or</li> <li>Written record of intake worker’s due diligence to obtain above evidence and certification by individual that they exited the institution</li> </ul> </li> </ul>
<p><b>2: Imminent Risk</b>  <i>Eligible for: None</i></p>	<p>Individual or family who will imminently lose their primary nighttime residence, provided that:</p> <ol 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> </ol>	<ul style="list-style-type: none"> <li>A court order resulting from an eviction action notifying the individual or family that they must leave; or</li> <li>For individual and families leaving a hotel or motel – evidence that they lack the financial resources to stay; or</li> <li>A documented and verified oral statement; and</li> <li>Certification that no subsequent residence has been identified; and</li> <li>Self certification or other written documentation that the individual lack the financial resources and support necessary to obtain permanent housing.</li> </ul>
<p><b>3: Other Fed. Statutes</b>  <i>Eligible for: None</i></p>	<p>Unaccompanied youth under 25 years of age, or families with Category 3 children and youth, who do not otherwise qualify as homeless under this definition, but who:</p> <ol 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> </ol>	<ul style="list-style-type: none"> <li>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; and</li> <li>Certification of no PH in the last 60 days; and</li> <li>Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; and</li> <li>Documentation of special needs or 2 or more barriers.</li> </ul>
<p><b>4: Fleeing DV</b>  <i>Eligible for: TH, RRH, PH, PSH (with disability/chronic)</i></p>	<p>Any individual or family who:</p> <ol 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> </ol>	<ul style="list-style-type: none"> <li>For victim service providers:</li> <li>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 by the intake worker.</li> </ul>

# Prioritization

Note: This may change with current CE Committee Review and Policy Updates

All Housing Types

Chronic Homeless v. Longest Homeless History v. Acuity (VI SPDAT)

*1st Priority—Chronically homeless individuals and families with the longest history of homelessness and with the most severe service needs.*

*2nd Priority—Chronically homeless individuals and families with the longest history of homelessness but without severe service needs.*

*3rd Priority—Chronically homeless individuals and families with the most severe service needs.*

*4th Priority—All other chronically homeless individuals and families not already included in priorities 1 - 3.*

*5th Priority—Homeless individuals and families who are not chronically homeless but do have a disability and severe service needs.*

*6th Priority—Homeless individuals and families who are not chronically homeless but do have a disability and a long period of continuous or episodic homelessness.*

*7th Priority—Homeless individuals and families who are not chronically homeless but do have a disability and are coming from places not meant for human habitation, Safe Havens, or emergency shelters.*

*8th Priority—Homeless individuals and families who are not chronically homeless but have a disability and are coming from transitional housing.*

***Tie breakers:** (A tie is two or more individuals or families experiencing homelessness within the same geographic area that are identically prioritized for referral to the next available unit) Local LCEH sets policy and must be documented as to what the tie breakers are in LCEH minutes and voted upon.*

Note: RRH uses lower VI SPDAT for “highest acuity”

# Income/Rent Determination

## Income Verification

- Documentation must be on file regarding participant income. This includes ZERO income.
- Currently, HUD accepts three methods of verification which include, in order of acceptability, third-party verification, review of documents, and family documents. For more information see: [Section 3: Verification](#) of the HUD Occupancy Handbook.

## Determining Rent / Total Tenant Portion (TTP)



For PSH a projects must follow the COC written standards. At this time, RRH follows the same 30% method and should then be tiered with length of stay. H

## Calculating Rent

An Excel spreadsheet is being finalized that will assist in calculating rent and the required total tenant portion (TTP).

# Emergency Transfer Policy (24 CFR §5.2005(e))

*VAWA: HUD prohibits denying assistance to potential program participants because they have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking. Similarly, HUD prohibits terminating program participants because they have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking. Additionally, participants in HUD-funded programs cannot be evicted from housing because they have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking.*

Victim household member has options:

- 1) Can stay in unit if safe. If not eligible can stay through the lease.
- 2) Leasing: Can request emergency transfer to next available unit if safe.
- 3) TBRA: Can go back in CE for next available CE unit eligible for. (Maintain household eligibility from prior housing placement)

# Emergency Transfer Policy (24 CFR §5.2005(e))

## Other Requirements

### To Request Transfer:

1. Reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying;  
or
2. the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.
3. Can request client provide documentation of DV (HUD Form 5382) within 90 days of the event.

### Notices and Record Keeping:

- All leases must include VAWA language/amendment
- Must maintain record of signed acknowledgement of VAWA rights.
- Transfer plan must be publicly available.
- Must keep records of all emergency transfers
- Must provide coordination of other DV assets and resources to victims
- Must maintain confidentiality of transfer location

# Leases/Sub Contracts

## Leasing and Sub-leasing

Master Lease- Between property owner and sub-recipient

- Must be Sublease/Agreement between sub-recipient and client

Use SND ADOH tools to calculate rent and utilities

Tenant Rent cannot exceed Fair Market Rate (FMR)

- Use SND ADOH Rent Reasonableness Certification (RRC) Tool
- Use of other funds (not CoC or Tenant Rent)

Initial Lease Term: Minimum 1 year

Renewable (Renewal maybe month to month)

RRH: short term assistance (3-6 months)

Addendums

- *Lead Based Paint*
- *VAWA*

## Tenant Based Rental Assistance (TBRA)

Lease- property owner and tenant/client

Use SND ADOH tools to calculate rent and utilities

Rent may exceed FMR (Reasonable)

- Conditional ADOH approval if over FMR
- Use SND ADOH Rent Reasonableness Certification (RRC) Tool
- Use of other funds (Not COC or Tenant rents)

Initial Lease Term: Minimum 1 year

Renewable (Renewal maybe month to month)

RRH Assistance: 3 to 6 months

PSH Assistance: Indefinite

Addendums

- *Lead Based Paint*
- *VAWA*

# Eligible Expenses/Record Keeping (24CFR§578.39 through §578.63)

- Sub-recipients are responsible for ensuring all expense reimbursement requests are for eligible expenses as defined in 24CFR§578.39 through §578.63 and 2 CFR §200.
- Expenses must be matched to appropriate activities (i.e., leasing, administration)
- Sub-recipients are responsible for including appropriate documentation
- Contract Specialists have right to deny all or part of RFP if proper documentation is not included. May request resubmission of RFP or partial payment.
- Must make efforts to utilize funds in a timely basis.
- Must maintain records for up to five (5) years for audit or review upon request.
- This year indirect costs will be included in NOFO for inclusion.
- CoC funds must have 25% match in most cases.



# Lead Based Paint

- All participant files should contain (at minimum) the following documents:
- Lead- Based Paint Disclosure with Acknowledgement of receipt of pamphlet “Protect Your Family from Lead in Your Home”.
- Lead Safe Housing Screening Exemption form
- Visual Assessment Documentation
  - *Free Visual Assessment training from HUD – [click here](#)*
- Tracking Households with Occupants under 6 years of age

# Resources

AZ Department of Housing Special Needs Division: Continuum of Care (SND)  
<https://housing.az.gov/documents-links/forms/special-needs-continuum>

HEARTH ACT (24 CFR 578)

<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-V/subchapter-C/part-578?toc=1>

HUD Website: [https://www.hud.gov/program\\_offices/comm\\_planning/coc](https://www.hud.gov/program_offices/comm_planning/coc)

HUD Exchange: <https://www.hudexchange.info/programs/coc/>

Homeless Definition and Documentation:

[https://files.hudexchange.info/resources/documents/HomelessDefinition\\_RecordkeepingRequirement\\_sandCriteria.pdf](https://files.hudexchange.info/resources/documents/HomelessDefinition_RecordkeepingRequirement_sandCriteria.pdf)

HUD Exchange: Lead Based Paint: <https://www.hudexchange.info/programs/lead-based-paint/>

HUD VAWA Overview: <https://files.hudexchange.info/course-content/vawa-housing-protections-implementation-within-esg-and-coc-programs-webinar/VAWA-Housing-Protections-Implementation-within-ESG-and-CoC-Programs-Webinar-Slides.pdf>

HUD Record Keeping At a Glance: <https://files.hudexchange.info/resources/documents/Virtual-Binders-At-A-Glance-Recordkeeping.pdf>