



# Southern Nevada Emergency Solutions Grant Written Standards

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# I. Definitions

**Certification:** is a written, notarized assertion, based on supporting evidence that must be kept available for inspection by ESG recipient staff, HUD, by the Inspector General of HUD, and by the public. The assertion shall be deemed to be accurate unless HUD determines otherwise, after inspecting the evidence and providing due notice and opportunity for comment.

**Consolidated Plan:** is the plan prepared in accordance with 24 CFR Part 91. Recipient means the legal entity to which HUD awards an ESG award and which is accountable for the use of the funds provided.

**Grantee(s):** "Grantee(s)" refers to recipients and Subrecipients of Federal Continuum of Care or Emergency Solutions Grant funding.

**HMIS:** is the Homeless Management Information System.

**Household:** refers to individuals or families.

**HUD:** is the U.S. Department of Housing and Urban Development.

**Non-profit organization:** is an organization described in 26 U.S.C. 501(c) that is exempt from taxation under subtitle A of the Internal Revenue Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance.

**Participant(s):** "Participant(s)" refers to all individuals and families receiving assistance through a Continuum of Care or Emergency Solutions Grant-funded provider, including persons participating in programs funded through other federal, state, local, or private sources.

**State:** is the State of Nevada.

**Sub-recipient:** is any private non-profit organization or unit of general local government to which a sub-recipient provides funds to carry out the eligible activities under the grant and which is accountable to the sub-recipient for the use of the funds provided. The terms "sub-recipient" and "sub recipient" are synonymous.

## II. Introduction

In accordance with Title 24 of the Code of Federal Regulations (24 CFR) 91.220(l)(4)(i) and 576.400(e) (1), The Southern Nevada Homeless Continuum of Care (CoC) developed the following written standards for the provision and prioritization of Emergency Solutions Grant (ESG) funding for the City of Las Vegas, the City of North Las Vegas, and Clark County. ESG recipients and subrecipients are required by HUD to have written standards for providing ESG assistance and must consistently apply these standards to all program participants. The following standards are intended as basic, minimum standards to which individual ESG applicants and/ or subrecipients can add additional and more stringent standards applicable only to their own projects. These required standards help to ensure that the ESG program is administered fairly and systematically. The Southern Nevada Homeless CoC will continue to build upon and refine this document.

### III. Background

The City of Las Vegas, the City of North Las Vegas, and Clark County are each awarded ESG funds annually from the Department of Housing and Urban Development (HUD) as part of the annual allocation Process. These funds are designed to assist sheltered and unsheltered homeless persons, as well as those at risk of homelessness, and provide the services necessary to help those persons quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) significantly amended the McKinney-Vento Homeless Assistance Act, including major revisions to the Emergency Shelter Grants program, which was renamed the Emergency Solutions Grants program. The HEARTH Act, and implementation of the applicable federal regulations by HUD, incorporated many of the lessons learned from the implementation of the Homelessness Prevention and Rapid Re-Housing Recovery Act Program (HPRP) into the new ESG program, including placing a stronger emphasis on rapid re-housing assistance.

## **IV. Evaluation and Documentation of Eligibility for ESG**

### **ESG General Eligibility Standards**

Individuals and families eligible for emergency shelter, rapid re-housing, or other assistance funded by ESG funds must be homeless or at risk of homelessness based on criteria defined by the General Definition of Homeless Individual, found in the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH Act) and the Definition of At-Risk of Homelessness defined by the Emergency Solutions Grant Program interim rule. Complete definitions are found at 24 CFR 576.2 and are included as Appendix A.

Participants in ESG-funded programs must have incomes at or below 30% of the Area Median Income based on the HUD income limits in effect at the time of income verification. Income eligibility is not based on HUD income limits that correspond with the grant year under which the ESG funds were awarded. Current income limits can be found by following the directions on the HUD Exchange web site at: <https://www.hudexchange.info/resource/5079/esg-income-limits/>

Subrecipients of ESG funds will develop policies and procedures to evaluate individuals' and families' eligibility for assistance under ESG. This will involve participating in Coordinated Entry with the CoC and screening individuals to determine eligibility based on criteria for ESG as determined by HUD.

### **Emergency Shelter Eligibility & Documentation**

Emergency Shelter programs are required to document eligibility at program entry. However, HUD recognizes that third-party documentation at the emergency shelter level is not feasible in most cases. Therefore, shelters have a different standard of recordkeeping than is required for all other types of assistance. Subrecipients operating emergency shelters can document homeless status through a certification by the individual or head of household as the primary method of establishing homeless eligibility. Under no circumstances must the lack of third-party documentation prevent an individual or family from being admitted immediately to emergency shelter, receiving street outreach services, or receiving services from a victim service provider.

For shelters where program participants may stay only one night and must leave in the morning, documentation must be obtained each night. If program participants stay more than one night, then documentation must be obtained on the first night the household stays in the shelter. Please note that emergency shelters are required to enter each individual or family seeking emergency shelter into HMIS, but the intake process should be able to be done in a quick manner.

### **Rapid Re-Housing Eligibility & Documentation**

Program participants receiving ESG Rapid Re-Housing assistance must be literally homeless, as defined by the ESG interim rule. Re-evaluation must occur not less than once annually. At this re-evaluation, the participant's household income cannot exceed 30% of median family income for the area, as determined by HUD. Examples of documentation include program entry forms, assessment tools for

Coordinated Entry, and copies of wage statements, tax returns, benefits statements, bank statements or other documents that outline participant assets and affirm that the household is at or below 30% of the Area Median Income. HUD's preferred order of documentation as described below applies to Rapid Re-Housing programs.

## **Homelessness Prevention Eligibility & Documentation**

For households receiving ESG Homelessness Prevention assistance through ESG, income also cannot exceed 30% of Area Median Income, and this must be determined during entry into the assistance program. Re-evaluation for Homelessness Prevention assistance must take place not less than once every three months, with records being kept for each re-evaluation. Examples of documentation include program entry forms, assessment tools for Coordinated Entry, copies of eviction notices or utility bills and shut-off notices, and copies of wage statements, tax returns, benefits statements, bank statements or other documents that outline participant assets and affirm that the household is at or below 30% of the Area Median Income. HUD's preferred order of documentation as described below applies to Homeless Prevention programs.

## V. Recordkeeping Requirements

### Preferred Order of Eligibility Documentation

Subrecipients must establish and follow written intake procedures to ensure compliance with HUD's definition of homelessness and recordkeeping requirements. Subrecipient will maintain records for five years for each individual and family determined ineligible to receive ESG Homelessness Prevention or Rapid Re-housing assistance. The record must include documentation of the reason for that determination, demographic data (race, sex, national origin), and age.

HUD has a preferred order of documentation for eligibility of clients being served by ESG-funded projects. Please note that there are exceptions to this preferred order, including emergency shelters, street outreach, and victim services, in order to protect the safety of individuals/families fleeing or attempting to flee domestic violence. HUD's preferred order for other ESG-funded programs is:

1. Third Party Documentation
  - a. Written documentation that includes such items as eviction notices, job termination notices, wage statements, benefits statements, tax returns or bank statements.
  - b. Oral documentation, which includes clear notes that document names, dates, and information shared through conversations with former employers, landlords, government benefits staff or others in an official position to verify client status.
2. Intake Staff Observations, including notes on client status; this is not applicable to income documentation.
3. Self-Certification, which should be used only as a last resort with careful documentation of how income documents were sought and why they could not be secured for a client.

For all ESG programs, subrecipients are required to keep documentation of client eligibility, but the original assessment and HUD's preferred order can vary somewhat based on the type of program, as outlined above.

### Survivors of Domestic Violence

For individuals who are survivors of domestic violence, acceptable evidence includes:

1. Source documents provided by an outside source (Written Third Party Verification of Homeless Status form or Oral Third-Party Verification of Homeless Status); or Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations.
2. Staff/Intake worker observations. Documentation by Subrecipients' staff is considered observation of Homeless Status.
3. Certification from the person seeking assistance. Subrecipient staff must certify efforts made to obtain third party documentation before allowing applicant to self-certify.

Lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a survivor service provider.



## Individuals Residing in an Institution

For individuals residing in an institution (including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility) for fewer than 90 days, acceptable evidence includes:

1. Discharge paperwork or a written or oral referral. From a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution that demonstrates the person resided there for less than 90 days.
2. An Oral Statement-All oral statements must be recorded by the intake; or
3. Certification from the person seeking assistance. Where the evidence above is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in the paragraph above and a certification by the individual seeking assistance that states that they are exiting or have just exited an institution where they resided for less than 90 days; and Evidence of literally homeless status prior to entry.

Evidence that the individual was homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter, and was chronically homeless prior to entry into the institutional care facility (as defined in paragraph (1) of 25 CFR 578.3) (acceptable documentation listed above).

## VI. Use of Data and Coordination of Services

### Using HMIS and the Sage HMIS Reporting Repository

Clients assisted with ESG funds need to be entered into the Homeless Management Information System (HMIS) during client intake. Agencies administering ESG funds must:

- 1) Maintain a minimum HMIS data quality of 90%
- 2) Maintain complete and accurate files for all clients assisted with ESG funds (both in HMIS and through hard copy documentation of eligibility)
- 3) Comply with all data collection and entry requests to allow proper use of the Sage HMIS Reporting Repository and the completion of the Consolidated Annual Performance and Evaluation Report (CAPER)
- 4) Keep complete and accurate files for all families and individuals denied services under the ESG program. These files must contain general demographic information and document the reason for the denial of services and must be kept for five (5) years.

PLEASE NOTE: Agencies providing services solely to victims of domestic violence, stalking, sexual abuse, and trafficking are exempt from using HMIS. In those cases, a comparable database will be used that protects the identity and safety of clients.

### Coordinated Entry

To help ensure homeless households receive immediate housing and minimize barriers to housing access, all service providers which receive Department of Housing and Urban Development (HUD) funding, including ESG recipients and subrecipients, are required to participate in the Southern Nevada Continuum of Care Coordinated Entry System (CES)/Coordinated Intake (CI). All ESG providers must comply with relevant provisions of the Southern Nevada Coordinated Entry Policies and Procedures.

The primary coordinative body for implementation will begin with the Southern Nevada Homelessness Continuum of Care. Implementing Coordinated Entry is a federal requirement for several federal programs under the Department of Housing and Urban Development (HUD). In Southern Nevada, we have used it as an opportunity to initiate changes in our homeless response system, shifting from an ad hoc access and assessment process to a standardized process for all clients with coordinated referrals to housing and supportive services. The Continuum's designated coordinated entry provider(s) will coordinate with referral agencies, United Way EFSP recipients, and other community resources to link clients in need of housing assistance to other services and shelters.

Homeless individuals will be assessed through the centralized coordinated entry process. During intake, homeless individuals will be assessed, evaluated, and referred to services if they are available and appropriate for the individual.

Homeless service providers who serve other types of sub-populations such as families (adults accompanied by children), unaccompanied youth, and persons at risk of homelessness will also be required to use the centralized coordinated intake process as implemented for that particular sub-population. Providers serving households fleeing domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions, including human trafficking, may include

separate but comparable processes and databases in order to provide safety, security, and confidentiality. The Coordinated Entry process must allow emergency services and shelter programs to operate with as few barriers to entry as possible. The process must also ensure adequate privacy protection of all participant information.

Additional information on Coordinated Entry can be found in the HUD Notice: CPD-17-01, issued January 23, 2017 and found at: <https://www.hudexchange.info/resources/documents/Notice-CPD-17-01-Establishing-Additional-Requirements-or-a-Continuum-of-Care-Centralized-or-Coordinated-Assessment-System.pdf>.

## **HMIS Data Standards**

Except as otherwise specified, data associated with the CE system should be stored in the CoC's HMIS. All data entered into or accessed or retrieved from HMIS must be protected and kept private in accordance with the Clarity Nevada HMIS Governance Charter's Privacy Plan and HMIS Data and Technical Standards as announced by the CoC Interim Rule at 24 CFR 578.7(a)(8).19. Before collecting any information as part of the CE system, all staff and volunteers must first either (1) obtain the participant's informed consent to share and store participant information for the purposes of assessing and referring participants through the CE process, or (2) confirm that such consent has already been obtained and is still active.

Prior to every client's initial assessment, ESG-funded programs must provide a verbal explanation that the client's information will be entered into an electronic database that stores client information and an explanation of the HMIS Client Consent to Release Information form terms. After being provided a verbal explanation, each client who agrees to have his or her personal protected information HMIS must sign the HMIS Client Consent to Release Information form.

Whenever possible, the participant's consent should be in written form. The ESG subrecipient will not deny services to any participant based on that participant's refusal to allow their data to be stored or shared unless a Federal statute requires collection, use, storage, and reporting of a participant's personally identifiable information as a condition of program participation. Where appropriate, non-personally identifiable information about participants who refuse consent to share personally identifiable data should be logged in an electronic case file that uses pseudonyms, e.g., "Jane Doe," to preserve as much non-personally identifiable information as possible for statistical purposes.

The completeness and accuracy of data entered into HMIS and the CE system will be checked at least once per month as part of the community's overall efforts to continuously improve data quality. The CoC will provide training and technical assistance upon request to anyone using the CE system that faces obstacles to inputting complete and accurate data, and may recommend and/or require technical assistance for providers who receive a low score on automated data quality reports. Clients assisted with ESG funds should be entered into HMIS during client intake, agency must maintain a minimum HMIS data quality of 80%. Agencies solely providing emergency shelter to victims of domestic violence, stalking, sexual abuse, and trafficking can request an exempt but, must try to code clients in the HMIS to hide their identity. If that is not possible, and only in those cases, a comparable database should be used that protects the identity and safety of clients.

## Confidentiality of Records

All ESG-funded programs must uphold all privacy protection standards established. Only individuals who have completed a full set of HMIS training and signed an HMIS end-user agreement may directly access CE system data. All such persons must be informed of and understand the privacy rules associated with collection, management, and reporting of client data. Only persons who have a direct role to play in the CE system (i.e., intake, assessment, matching, referral, management, technical assistance, or evaluation) should have direct access to CE system data on the general homeless population of the CoC. Other service providers should be limited to data that relates to specific clients who are currently assigned to or enrolled with those service providers. In certain circumstances, individuals can access CE HMIS data for research purposes without meeting the above criteria. A research data agreement is required to receive HMIS aggregated data. Please see the Clarity Nevada HMIS Governance Charter for more details on research agreements.

However, in sharing data, great care must be taken not to share personally identifiable data outside the context of the systems and purpose(s) covered by the client's affirmative consent. Therefore, all entities that routinely share data with or receive data from the CE system must sign data-sharing agreements that obligate the entities to follow comparable privacy standards and that restrict the use of the data being shared to uses that are compatible with clients' consent. In particular, personally identifiable data must always be used for the benefit of the client to which the data pertains, and not for the general convenience of other government entities. Requests for data made by prosecutors, detectives, immigration officials, or by police officers who are not actively cooperating with the CoC should be refused unless the requesting party displays a valid warrant specifically ordering the release of the data.

## VII. Street Outreach Standards

*Standards for targeting and providing essential services related to street outreach | 24 CFR 576.400(e)(3)(ii)*

### **Street Outreach Requirements, Eligible Activities & Costs**

Street Outreach should be principally focused to one goal: that of supporting persons experiencing homelessness in achieving some form of permanent, sustainable housing. While Street Outreach providers may use incentives to encourage trust and build relationships, or to ensure that homeless households' emergency needs are met, the awards made should be used with permanent housing as the end goal rather than simply seeking to alleviate the burden of living on the streets.

ESG street outreach funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate facility.

Individuals and families shall be offered the following eligible Street Outreach activities, as needed and appropriate: engagement, case management, emergency health and mental health, transportation services (24 576.101).

### **Target Population**

Providers of Street Outreach services shall target 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. All street outreach must target areas where homeless individuals dwell, be that on private/public property, undeveloped land, in encampments or in tunnels located within the municipality.

## VIII. Emergency Shelter Standards

### Emergency Shelter Requirements, Eligible Activities & Costs

*Policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG, including standards regarding length of stay, if any, and safeguards to meet the safety and shelter needs of special populations, e.g., victims of domestic violence, dating violence, sexual assault, and stalking; and individuals and families who have the highest barriers to housing and are likely to be homeless the longest.*

ESG funds may be used for costs of providing essential services to homeless families and individuals in emergency shelters, renovating buildings to be used as emergency shelter for homeless families and individuals, and operating emergency shelters. An emergency shelter is any facility with the primary purpose of providing temporary shelter for the homeless in general or for a specific population of the homeless. Emergency shelters do not require occupants to sign leases or occupancy agreements.

Homeless individuals/families seeking shelter must be provided shelter. Shelter stays should be avoided, if possible, and when not possible, limited to the shortest time necessary to help participants regain permanent housing. If there are no appropriate or available beds immediately available for the client at the location he/she is seeking assistance, then the agency must collaborate with another provider to place client into another appropriate shelter.

Shelters must meet or exceed minimum habitability standards specified in CFR 576.403 that covers the building structure and materials, access, space and security, interior air quality, water supply, sanitary facilities, environmental temperatures, light and electricity, food preparation, sanitary conditions, and fire safety.

There is no city or county-imposed limit on the length of stay. It is the discretion of the agency and program providing shelter services to set limits, if any, on the length of stay depending on the target population, client's barriers to obtain permanent housing, and other circumstances the client is facing. Households should only be referred to ESG-funded emergency shelters after exhausting all available options for diversion. Emergency shelter programs should be closely linked to the Regional Coordinated Entry System (CES) to ensure clients are referred to the most appropriate housing resources including, but not limited to, rapid re-housing and permanent supportive housing. Linkages should also be made to applicable mainstream resources.

Per HUD, sheltered families with children cannot be broken apart. If no shelter is available on-site, an alternative living arrangement must place the family together which may include placement at another shelter/ housing provider that can house families, or hotel-motel rooms (only in areas where no other appropriate shelter is available).

Providers should aim to have clients leave the program into a permanent and stable housing situation. This can be placement into supportive housing, or client may become self-sufficient and able to maintain his/her own housing with a stable source in income.

If client leaves the program and is not stably housed, all efforts should be made to place client into another more appropriate shelter/ housing situation.

Vulnerable populations seeking shelter need access to appropriate shelter that is safe, sanitary, and meets or exceeds minimum habitability standards. This population includes victims of domestic violence, youth, people with special needs, the elderly, medically frail, mentally ill, and victims of human trafficking. Upon intake and if necessary, client may be referred and sheltered elsewhere in a more appropriate location. Emergency shelters that provide housing to victims of domestic violence must have an appropriate security system in place to protect housed victims of domestic violence from their perpetrators. Currently there are a few providers that offer emergency shelter beds and supportive services to these vulnerable populations. There is no time limit on their length of stay. Clients are not discharged back out to the street or into unsafe living conditions, but if necessary are referred to another appropriate housing program.

In addition to homeless clients seeking shelter, street outreach is conducted by local homeless providers including the Las Vegas Metropolitan Police Department to get homeless people located in places not meant for human habitation into emergency shelter or transitional/ permanent housing.

## **Emergency Shelter and Essential Services**

*Policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter | 24 CFR 576.400(e)(3)(iv)*

ESG funds may be used to provide essential services to individuals and families who are in an emergency shelter. Essential services for participants of emergency shelter assistance can include case management, child care, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services, transportation, and services for special populations.

ESG recipients shall be required to use the Coordinated Entry system to help determine an individual or family's need for emergency shelter or other ESG funded assistance, per the Clark County/Las Vegas Continuum (COC).

ESG sub-recipients are responsible to assess an individual or family's initial need for emergency shelter and must re-assess their need on an ongoing basis to ensure that only those individual or families with the greatest need receive ESG-funded emergency shelter assistance. Shelters that serve families must serve all eligible families and may not refuse services based on the age of children or the size of the family.

Client re-assessment will take place at the participant level and at the service provider level. Clients meet with case managers throughout their participation in the program, and have regular progress evaluations. Clients have opportunity to provide assessment and feedback of programs as well.

Clients assisted with ESG funds are to be entered into HMIS during client intake and agency must maintain a minimum HMIS data quality of 90%. Agencies solely providing emergency shelter to victims of domestic violence, stalking, sexual abuse, and trafficking are exempt. In those cases, a comparable database should be used that protects the identity and safety of clients.

Clients must be assisted to the maximum extent possible with connections to other programs targeted to homeless people in the local Continuum of Care area, as well as mainstream housing, health, social services, employment, education, and youth programs for which they may be eligible (see 24 CFR 576.400 Area-wide systems coordination, sections b and c for a full list). This includes CoC, HUD-VASH, Education for Homeless Children and Youth, Health Care for Homeless, Runaway and Homeless Youth, Homeless Veterans Reintegration, Section 8, Public Housing, HOME Investment Partnership, Workforce Investment Act, and TANF programs. When assisting vulnerable populations, services must be tailored to address their special needs. Individualized case management is also highly encouraged.

To improve awareness of services, ESG-funded agencies are required to attend training and meeting sessions on homeless services in the community. This includes the Mainstream Programs Basic Training, the SNRPC Committee on Homelessness meetings, and SOAR training.

## **Eligible Participants**

ESG-funded emergency shelter programs serve households that meet the definition of "homeless" as defined by HUD at 24 CFR 576.2. Households served by ESG-funded emergency shelters lack a fixed, regular, and adequate nighttime residence; cannot be served by other programs or resources; and have no other options for overnight shelter.

## **Recordkeeping Requirements**

For shelters where program participants may stay only one night and must leave in the morning, documentation must be obtained each night. If program participants may stay more than one night, then documentation must be obtained on the first night the household stays in the shelter.

Subrecipients operating emergency shelters can document homeless status through a certification by the individual or head of household as the primary method of establishing homeless eligibility. One method of meeting this standard would be to require households to complete a sign-in sheet, with a statement at the top informing the individual or head of household that by signing, they certify that they are homeless.

Under no circumstances must the lack of third-party documentation prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider.

## **HMIS**

All individuals and families seeking emergency shelter must be entered into HMIS. Only the uniform data elements are required, however, at entry.



## Coordination Among Shelters and Service Providers

*Policies and procedures for coordination among emergency shelter providers, essential services providers, homelessness prevention, and rapid re-housing assistance providers; other homeless assistance providers; and mainstream service and housing providers. See § 576.400(b) and (c) for a list of programs with which ESG-funded activities must be coordinated and integrated to the maximum extent practicable | 24 CFR 576.400(e)(3)(v)*

A centralized coordinated entry has been adopted by the Continuum of Care and is in place in Southern Nevada for certain populations. Providers assisting those populations and assisted with ESG funds must participate in the centralized coordinated entry system. Providers are also required have their most recent information updated in Nevada 211. To improve collaboration and awareness of services, ESG funded agencies are required to attend training and meeting sessions on homeless services in the community.

Case management and intake staff are required to attend Mainstream Programs Basic Training classes, which provide information on the local and federal resources and programs covering the following core topics: Income Supports, Employment Services, Health Care, Legal Services, and Housing Resources. Specialized topics typically include: Veterans, Housing Resources, Employment Services/Income Supports, Addictions & Mental Health, Homeless Youth/Young Adults and Families w/ Children, Human Trafficking, Senior Services/ HealthCare Services, Legal Services/Financial Literacy, Domestic Violence, HIV/AIDS, and Services for Persons with Disabilities.

ESG subrecipients on the director or management level are highly encouraged to attend a minimum of 5 Southern Nevada Homelessness Continuum of Care (SNH CoC) Board meetings per year.

One staff member from each ESG-funded program providing direct supportive services is highly encouraged to complete SSI/SSDI, Outreach, Access, and Recovery (SOAR) training within 18 months of the date their assistance agreement for ESG funds is fully executed. Outcomes should be reported to SNH COC Board staff at least once per year. SOAR training, a national project funded by Substance Abuse and Mental Health Services Administration (SAMHSA) is available for direct service workers who, once trained, understand Disability Determination Services and Social Security Administration's requirements and appropriate documentation needs. SOAR training helps to decrease the time to issue determinations and reduces the need for appeals. This is highly beneficial for eligible adults who are homeless or at risk of homelessness and have a mental illness and/or co-occurring substance abuse disorder, which are also populations that face significant barriers to seeking stable affordable permanent housing.

# IX. Homelessness Prevention and Rapid Re-Housing Standards

## Homelessness Prevention & Rapid Re-Housing Eligible Activities & Costs

Homelessness Prevention (HP) assistance includes housing relocation and stabilization services and/or short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the homeless definition in 24 CFR 576. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing.

Rapid Re-Housing (RRH) assistance includes housing relocation and stabilization services and short- and/or medium-term rental assistance to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing. All Subrecipients are required to receive referrals through the Regional Coordinated Entry System.

## Eligibility & Recordkeeping

*Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and which eligible families and individuals will receive rapid re-housing assistance | 24 CFR 576.400(e)(3)(vi)*

**Intake and HMIS:** In addition to the application forms created by their organization, subrecipients are required to use HMIS during client intake when adding a client to their ESG-funded program. Criteria must be supported by documentation that has been copied and uploaded into the electronic file in HMIS and stored in the client's file.

**Homeless Prevention: Eligible participants** are individuals/families with incomes below 30% Area Median Income, at risk of becoming homeless and moving into an emergency shelter or a place not meant for human habitation. All assisted individuals/families must meet eligibility criteria as outlined at 576.103 Homeless Prevention Component in the Interim Rule. Participants are eligible if they meet the HUD definition of "at risk of homelessness", or who meet the criteria in paragraph 2, 3, or 4 of the homeless definition in 24 CFR 576.2 (See Appendix A) AND have an annual income below 30% of area median family income. The client file must contain source documentation of annual income, including wage statements, tax returns, benefits statements, or bank account statements. Those who meet the HUD criteria of eligibility will receive priority for assistance over other eligible persons. Those who meet the HUD criteria of eligibility and who score over 20 points on the Housing Needs Assessment Matrix will receive priority for the most appropriate assistance over other eligible persons.

**Rapid Re-housing: Eligible participants** need to be literally homeless. To be eligible beneficiaries must meet the definition of homelessness under paragraph 1 of the "homeless definition" defined by the ESG interim rule (see Appendix A), or meet criteria under paragraph 4 of homeless definition AND live in an emergency shelter or other place described in paragraph 1 of homeless definition. Clients eligible under the HUD definition of literally homeless will receive priority over other eligible persons. Clients eligible

under the HUD definition of literally homeless and receive the appropriate score from the CHAT will receive priority over other eligible persons. HUD requires clients receiving assistance for rapid re-housing to be re-evaluated at least once per year, however, on a local basis, additional assessments are required.

## **Prioritization**

Homeless Prevention programs should target households at greatest risk of homelessness and assist participants to increase household incomes during enrollment.

ESG rapid re-housing assistance targets and prioritizes homeless families who are most in need of this temporary assistance and are most likely to achieve and maintain stable housing, whether subsidized or unsubsidized, after the program concludes. Depending on need, families are connected to either short-term or medium-term rental assistance.

Short-term rental assistance (up to 3 months) programs target families with low to moderate barriers to securing and retaining permanent housing. These families require minimal service intervention and limited financial assistance to secure and stabilize in permanent housing.

Medium-term rental assistance (4-24 months) is targeted towards families who experience moderate to high barriers to securing and retaining housing. These families have multiple barriers to housing that require longer periods of time to resolve and may require more intensive service interventions.

## **Homelessness Prevention: Rental Assistance to Prevent Eviction**

All clients will complete the Homeless Prevention Consortium Housing Needs Assessment Matrix and the Supplemental Application or agency application. Clients eligible under the HUD definition of at risk of homelessness and who score over 20 points on the Matrix will receive priority for the most appropriate assistance over other eligible persons who are at risk of homelessness. Clients eligible under the HUD definition of homelessness will be matched to a program that best fits their circumstances. HUD requires clients receiving assistance for homeless prevention to be re-evaluated at least once every three months. Furthermore, the following local conditions apply:

### Short-term rent (1 to 3 months of assistance allowed at 100% rate of rent)

1. The household will actively engage in a Housing Stabilization Plan, the goal of which will be to either increase income and/or reduce expenses such that the rental cost is no more than 80% of the household's net income.
2. The client household will agree to participate in case management and other activities designed to improve their ability to remain stably housed.
3. The initial assistance must have been necessary to avoid eviction (eviction notice/ notice to quit letter required), or to avoid or reduce an unnecessary episode of homelessness of the household.
4. Rental assistance may not be provided to a program participant receiving rental assistance from other public sources (except for 6 months arrears).
5. Rental rates must not exceed the Fair Market Rent specified for household size and rental rates must comply with HUD's rent reasonableness.

6. Any housing units constructed before January 1, 1978, will be assessed for lead-based paint hazards.
7. Housing unit must meet minimum habitability standards specified in 24 CFR 576.403(c).
8. Each household receiving rental assistance must have a legally binding, written lease (between the owner and participant household) for the rental unit in their name.
9. Agency must have a rental assistance agreement in place with the party to which payments are being made which must set forth the terms under which rental assistance will be provided.
10. Arrears (no more than 6 months) must be paid off first to bring the balance to zero. Payment of rental arrears can only be a one-time payment up to 6 months including any late fees on those arrears. Late fees for subsequent months will not be paid with ESG funds.
11. Unit owners must be paid on a timely basis in accordance with the rental assistance agreement. Any late payment penalties that are incurred must be paid by subrecipient or household (with non-ESG funds).
12. The household will be "re-evaluated" for income eligibility no later than the 20th day at the end of the 3rd month. At re-evaluation, household income cannot exceed 30% of AMI, otherwise financial assistance will cease. The client file must contain source documentation of income, including wage statements, tax returns, benefits statements, or bank account statements.
13. A second and third issuance of rental assistance can be considered when the household demonstrates compliance with and progress on the Housing Stability Plan.
14. If at the third month "re-evaluation" and assessment finds that the client needs additional assistance, and if the household demonstrates compliance with and progress on the Housing Stability Plan, and if client continues to meet income qualifications, client may proceed to receive medium term rent assistance. Client must continue to be "re-evaluated" every three months.

#### Medium-term rent (4 to 24 months of assistance)

Up to 100% of the fourth month of rent may be paid. Additional months may be paid at a rate of 75% of rent.

1. The household will continue to actively engage in a Housing Stability Plan, the goal of which will be to either increase income and/or reduce expenses such that the rental cost is no more than 80% of the household's net income;
  - a. Priority will be given to households who receive the appropriate score from the CHAT and who may need more than 3 months to stabilize.
2. The household will be re-assessed monthly, no later than the 20th day of each month. Each additional month of rental assistance can be considered when the household demonstrates compliance with and progress on the Housing Stability Plan. For each re-assessment, the client file must contain source documentation of income, including wage statements, tax returns, benefits statements, or bank account statements.

### **Homelessness Prevention: Housing Relocation and Stabilization Services**

Eligible expenses under this category include: rental application fees, last month's rent, security deposits, moving costs, utility deposits, and utility payments.

#### Housing relocation and stabilization services relating to rent

NOTE: All clients will complete the Clark County Coordinated Entry process

1. Eligible households/ individuals must be individuals/families with incomes below 30% Area Median Income, at risk of becoming homeless and moving into an emergency shelter or a place not meant for human habitation. All assisted individuals/families must be evaluated and

meet eligibility criteria as outlined at 24 CFR 576.103 Homeless Prevention Component in Interim Rule. Participants are eligible if they meet the HUD definition of "at risk of homelessness", or meet the criteria in paragraph 2, 3, or 4 of the homeless definition (see Appendix 1) AND have an annual income below 30% of area median family income. The client file must contain source documentation of annual income, including wage statements, tax returns, benefits statements, or bank account statements.

2. If necessary to relocate to another affordable housing unit, security deposits may be paid but must equal no more than 2 months of rent.
3. If necessary as a component of relocation to affordable housing, moving costs may be allowed on a case-by-case basis as allowed by the ESG Interim Regulation: 24 CFR 576.105. Eligible costs are truck rentals, hiring a moving company, and temporary storage fees for up to 3 months. Fees must be reasonable and occur after client intake and before the new move into a more affordable home.
4. If necessary to relocate and obtain new housing for household, last month's rent (of new housing unit) may be paid. Assistance must not exceed one month's rent.

#### Housing relocation and stabilization services relating to utility assistance

All clients will complete the Homeless Prevention Consortium Housing Needs Assessment Matrix, Homeless Prevention Consortium Supplemental Application, agency application and/or have a Southern Nevada Continuum of Care Centralized Coordinated Assessment and Intake System referral.

Eligible utility services are gas, electric, water, and sewage.

1. Eligible households/ individuals must be individuals/families with incomes below 30% Area Median Income, at risk of becoming homeless and moving into an emergency shelter or a place not meant for human habitation. All assisted individuals/families must be evaluated and meet eligibility criteria as outlined at 24 CFR 576.103 Homeless Prevention Component in Interim Rule. Participants are eligible if they meet the HUD definition of "at risk of homelessness", or meet the criteria in paragraph 2, 3, or 4 of the homeless definition (see Appendix 1) AND have an annual income below 30% of area median family income. The client file must contain source documentation of annual income, including wage statements, tax returns, benefits statements, or bank account statements.
2. The utility must be for a service at a housing unit leased or otherwise contracted to the assisted household. Housing unit must also meet minimum habitability standards specified in 24 CFR 576.403(c).
3. Household must provide documentation that they will be losing their housing (eviction letter) and is also to receive rental assistance to avoid homelessness.
4. Utility service must be in client's name and at the address they are living and obtaining rental assistance.
5. Households with a shut off notice of utilities shall be assisted to bring the past due amount to a zero balance, provided utilities are no more than six (6) months in arrears and shall be considered for rental assistance in that or the following month.
6. If the household has an Eviction Notice, they can be assisted with rent arrears and utilities arrears.
7. The client file must contain evidence that the household has applied for assistance from one or more of the Energy Assistance Programs administered through the Division of Welfare and Supportive Services of the State of Nevada or through the United Way of Southern Nevada, or other public programs available for assistance with utility payments;
8. Up to 24 months of utility payments per household, per service, including up to 6 months of arrearages, per service is allowed. Arrears must be paid as a one- time payment.

## Homelessness Prevention: Maximum Period and Frequency of Assistance

Any combination of *rental assistance* which includes short- and medium-term rental assistance (including arrears) AND security deposits and last month's rent (both eligible under housing relocation & stabilization services financial assistance) may not exceed 24 months total during any 3-year period.

### Rental assistance

- The maximum *times* a participant can receive non-consecutive short/ medium term *rental assistance* is 3 times per 24-month period. Rental arrears are the exception and are limited to 1 time assistance, per participant, within a 3-year period.

### Housing relocation & stabilization services financial assistance costs (relating to rent)

- Rental application fees, security deposits, and last month's rent are limited to 1 time assistance, per participant, per service, within a 3-year period.
- Security deposits cannot exceed 2 months of rent.
- Last month's rent may not exceed 1 month of rent.

### Housing relocation & stabilization services financial assistance costs (relating to utilities)

- The maximum times a participant can receive non-consecutive utility assistance for monthly utility bill payments is 3 times per 24-month period per service.
- The maximum period a participant can receive utility assistance is 24 months within a 3-year period. The exception is arrears. Utility arrear payments of up to 6 months are allowed per participant, per service, within a 3-year period.
- Deposits are limited to 1 time assistance per participant, per service, per 3 years.

## Rapid Re-Housing: Evaluation of Participant Eligibility

ESG-funded RRH projects are required to complete an initial evaluation of a participant's eligibility and needs prior to program entry. ESG-RRH is available to individuals and families whose income is less than or equal to 30 percent of Area Median Income (AMI) and who are literally homeless under Category 1 of the Homeless Definition Final Rule. In addition, during the initial evaluation, grantees are required to determine the amount of assistance and type of assistance needed by the participant to obtain and maintain permanent housing stability. At a minimum, subrecipients must re-evaluate participant eligibility and the amount and type of assistance required at least once annually for all participants receiving assistance. To continue to receive CoC- and ESG-RRH assistance, a participant's re-evaluation must demonstrate eligibility based on:

- **Amount and Type of Assistance Needed:** The grantee must determine the amount and type of assistance needed by the participant to (re)gain stability in permanent housing.
- **Lack of Resources and Support Networks:** The participant must continue to lack sufficient resources and support networks necessary to retain housing without assistance.
- **Income:** The participant's income must be less than or equal to 30 percent of Area Median Income (AMI).

Subrecipients should require participants/clients to notify the project in the event of changes in their income or other circumstances that affect their need for assistance (e.g., changes in employment

income or in household composition). When notified of any such material change, grantees must re-evaluate eligibility, as well as the amount and/or types of assistance needed by the participant.

## **Rapid Re-Housing: Rental Assistance**

Generally, restrictions are similar to the rent and utility restrictions under Homelessness Prevention, except that the maximum number of month's client can be assisted is 24 months, per 3-year period, under rapid re-housing.

Depending on the terms of the project's individual grant agreement, ESG grantees may provide participants with up to 24 months of rental assistance during any three-year period. Assistance may include any combination of short-term rental assistance, medium-term rental assistance; or rental arrears (consisting of a one-time payment of up to 6 months of rent in arrears, including any late fees).

Participants may receive additional assistance if they have received less 24 months of rental assistance during any three-year period. Participants who have complied with all project requirements during their residence and have been a victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believe they are imminently threatened with harm from further domestic violence, dating violence, sexual assault, or stalking (which would include threats from a third-party, such as a friend or family member of the perpetrator of the violence), if they remain in the assisted unit, and are able to document the violence and basis for their belief, may retain the rental assistance and move to a different CoC's geographic area if they move out of the assisted unit to protect their health and safety. See recordkeeping requirements to ensure proper documentation of imminent threat of harm.

### Short-term rent (1 to 3 months of assistance allowed at 100% rate of rent)

Short-term rental assistance (up to 3 months) is targeted to individuals and families with low-to-moderate housing barriers. These persons require minimal service intervention and limited financial assistance to secure and stabilize in permanent housing.

1. The household will actively engage in an intensive case management plan, the goal of which will be to either increase income and/or reduce expenses such that the rental cost is no more than 80% of the household's net income.
  - a. The household should score over 20 points on the Housing Needs Assessment Matrix or a Southern Nevada Continuum of Care Centralized Coordinated Assessment and Intake System referral. Highest priority for the most appropriate program will be given to clients scoring over 30 points
2. The household will be "re-evaluated" for eligibility at the end of the third month, not later than the 20th day of each month. At re-evaluation, household income cannot exceed 30% of AMI, otherwise financial assistance will cease. The client file must contain source documentation of income, including wage statements, tax returns, benefits statements, or bank account statements.
3. Rental assistance may not be provided to a program participant receiving rental assistance from other public sources.
4. Rental application fees are eligible for ESG reimbursement (under housing relocation & stabilization services).
5. Security deposits may be paid but must equal no more than 2 months of rent (eligible under housing relocation & stabilization services).

6. If necessary to obtain housing for household, last month's rent (of new move housing unit) may be paid. Assistance must not exceed one month's rent (eligible under housing relocation & stabilization services).
7. Up to 6 months of arrears are allowed by HUD including any late fees, but must be one-time payment, per participant, per service.
8. Each household receiving rental assistance must have a legally binding, written lease (between the owner and participant household) for the rental unit in their name.
9. Agency must have a rental assistance agreement in place with the party to which payments are being made which must set forth the terms under which rental assistance will be provided.
10. The housing unit where the household will reside must be affordable to the household. Rental rates must not exceed the Fair Market Rent specified for household size and rental rates must comply with HUD's rent reasonableness.
11. Any housing units constructed before January 1, 1978 will be assessed for lead-based paint hazards.
12. Housing unit must meet minimum habitability standards specified in 24 CFR 576.403(c).
13. The first issuance of rental assistance can be up to 100% of the upcoming month's rent. Rent must be paid on a timely basis, in the case that any late fees are incurred in the new housing situation, those fees will not be paid with ESG funds.
14. A second and third issuance of rental assistance can be considered when the household demonstrates compliance with and progress on intensive case management plan.
15. If necessary, client receiving short term assistance may proceed to receive medium-term rent assistance (4-15 months of assistance). Client will continue to be re-assessed on a monthly basis. For each re-assessment, the client file must contain source documentation of income, including wage statements, tax returns, benefits statements, or bank account statements.

#### Medium term rent (4 to 15 months of assistance)

Medium-term rental assistance is targeted to individuals and families with moderate-to-high housing barriers. These persons have multiple housing barriers that require longer periods of time to resolve and may require more intensive service interventions.

Month 4 can be paid at up to 100%, months thereafter can be paid at 75%.

1. The household will actively engage in an intensive case management plan, the goal of which will be to either increase income and/or reduce expenses such that the rental cost is no more than 80% of the household's net income.
2. The household will be "re-evaluated" for eligibility monthly, not later than the 20th day of each month. For each re-evaluation, the client file must contain source documentation of income, including wage statements, tax returns, benefits statements, or bank account statements.

#### Amount of Rental Assistance

It is expected that the level of assistance will be based on the goal of providing the minimum level of support necessary for each household to achieve long-term housing stability. As such, case managers will use HUD's rental calculation process to determine the amount of rental assistance and the participant's contribution, which shall not exceed the following guidelines:

- **Maximum Rental Assistance Amount:** Grantees may provide up to 100% of the cost of rent to participants.
- **Maximum Participant Share of Rent:** Participants may pay up to 100% of the cost of rent.



Provision of rental assistance should be based on the participant's individualized need. Participants should be offered the minimum amount of rental assistance necessary for the participant to obtain and maintain stability in permanent housing. Based upon the initial evaluation of a participant's housing barriers, periodic re-evaluation, and the participant's progress meeting the goals of his or her housing stability plan, grantees have the discretion to determine and provide the appropriate level of rental assistance.

#### Gradually Declining Subsidies

Grantees shall institute a gradually declining rental assistance structure so that individuals and families will be confident that they can assume full responsibility of the monthly contracted rent, monthly utility costs, and other essential household costs at the end of the rental assistance period.

#### Payments

Grantees must make timely payment to each owner in accordance with the rental assistance agreement. All rent payments must go directly to a third-party (i.e., the landlord). Participants and grantees are solely responsible for paying any late-payment penalties that they incur, using non-CoC or ESG funds.

#### Administration of Funds

Participants receiving rental assistance funds pay their portion of rent directly to the landlord. The difference between the total rent and the amount paid by the participant is then paid by the grantee. Grantees may never cover the cost of the participant's rent if the participant fails to pay his or her portion of the rent.

The Consolidated Appropriations Act of 2017 (Public Law 115-31, approved May 5, 2017) authorizes nonprofit organizations to administer rental assistance to landlords in permanent housing. Administering rental assistance in the CoC Program is defined as: (1) contracting for and making rental assistance payments to the landlord/landowner; and (2) conducting the Housing Quality Standards inspections. The costs of administering rental assistance are considered service delivery costs of rental assistance and are eligible under the rental assistance budget line-item of the CoC Program.

#### Restriction for Participants Already Receiving Rental Assistance

Rental assistance cannot be provided to a participant who is already receiving rental assistance, or living in a housing unit receiving rental assistance or operating assistance through other Federal, State, or local sources.

### **Rapid Re-Housing: Housing Relocation and Stabilization Services**

All clients will be assessed in the Clark County Coordinated Entry process.

### Housing relocation and stabilization services relating to rent:

1. If necessary to move to an affordable housing unit, security deposits may be paid but must equal no more than 2 months of rent.
2. If necessary to obtain housing for household, last month's rent (of new housing unit) may be paid. Assistance must not exceed one month's rent.

### Housing relocation and stabilization services relating to utilities:

All clients will complete the Housing Needs Assessment Matrix, agency application and/or have a Southern Nevada Continuum of Care Centralized Coordinated Assessment and Intake System referral. Clients eligible the HUD definition of literally homeless and who score over **30** points on the Matrix or have a Southern Nevada Continuum of Care Centralized Coordinated Assessment and Intake System referral will receive priority for the most appropriate program over other eligible persons. Generally, restrictions are similar to the rent and utility restrictions under Homeless Prevention except that the maximum number of months client can be assisted is 24 months with rapid re-housing within a 3-year period.

- Up to 15 months of utility payments per participant, per service, including up to 6 months of arrearages, per service is allowed (must pay arrear as a one-time payment). Eligible utility services are gas, electric, water, and sewage. Household is also to receive assistance with rent in order to stabilize.
- The assisted household's existing arrears (of only up to 6 months) must be paid in full to bring their past due balance to zero. After the payment of any arrearages, client may receive utility assistance for new utility charges.
- Utility deposits to pay a standard utility deposit required by utility company are an eligible ESG expense (under housing relocation & stabilization services).
- The utility is for a service must be at a housing unit leased or otherwise contracted to the assisted household.
- The client file must contain evidence that the household has applied for assistance from one or more of the Energy Assistance Programs administered through the Division of Welfare and Supportive Services of the State of Nevada or through the United Way of Southern Nevada, or other public programs available for assistance with utility payments.

## **Rapid Re-Housing: Case Management**

Participants must meet with a case manager not less than once per month to assist the participant in ensuring long-term housing stability. Additional case management will be provided on a case-by-case basis as necessitated by demonstrated need. Case managers should help to develop a plan to assist the participant retain permanent housing after the assistance ends, taking into account all relevant considerations, such as the participant's current or expected income and expenses, other public or private assistance for which the participant will be eligible and likely to receive, and the relative affordability of available housing in Southern Nevada.

Case management consists of costs associated with assessing, arranging, coordinating, and monitoring the delivery of individualized services.

ESG-RRH participants may receive case management for no more than 30 days during the period in which the participant is seeking permanent housing and no more than 24 months during the period in which the participant is living in permanent housing.

## **Rapid Re-Housing: Supportive Services**

Case managers will assist each participant, as needed, to obtain appropriate supportive services, including assistance in obtaining permanent housing, medical and mental health treatment, counseling, and other services essential for achieving independent living. Grant funds may be used to pay for eligible supportive services that address the specific needs of participants. See Appendix B for a full list of eligible supportive services under ESG Rapid-Rehousing.

## **Rapid Re-Housing: Maximum Period and Frequency of Assistance**

Any combination of *rental assistance* which includes short- and medium-term rental assistance (including rental arrears) AND security deposits and last month's rent (both eligible under housing relocation & stabilization services financial assistance costs) may not exceed 24 *months* during any 3-year period.

### Rental assistance

- The maximum *times* a participant can receive non-consecutive short/ medium term *rental assistance* is 3 times per 24-month period. Rental arrears are the exception and are limited to 1 time assistance, per participant, within a 3-year period.

### Housing relocation and stabilization services financial assistance costs (relating to rent)

- Rental application fees, security deposits, and last month's rent are limited to 1 time assistance, per participant, per service within a 3-year period.
- Security deposits cannot exceed 2 months of rent.
- Last month's rent may not exceed 1 month of rent.

### Housing relocation and stabilization financial assistance costs (relating to utilities)

- The maximum times a participant can receive non-consecutive utility assistance with monthly utility bill payments is 3 times per 24-month period, per service.
- The maximum period a participant can receive utility assistance is 24 months within a 3-year period. The exception is arrears. Utility arrear payments (of up to 6 months) and deposits are limited to 1 time assistance, per service, per 3-year period.
- Deposits are limited to one-time assistance, per participant, per service, per 3 years.

## **Limits on Housing Stabilization and Relocation Services**

Housing Stabilization and Relocation Services financial assistance policies and procedures addressed above in detail. This includes rental application fees, security deposits, last month's rent, utility deposits, utility payments and moving costs.

There will be no maximum monetary amount of assistance established per client as long as expenses are reasonable and comply with fair market costs.

Under Homeless Prevention: Any combination of *rental assistance* which includes short- and medium-term rental assistance and rental arrears, *housing relocation & stabilization services financial assistance costs* which includes security deposits, and last month's may not exceed 12 months during any 3-year period.

- The maximum times a participant can receive non-consecutive rental assistance is 3 times per 24-month period. Arrears are the exception, which are limited to a one-time payment per service.
- Rental application fees, security deposits, and last month's rent are limited to a one-time payment per service per 3 years.
- Security deposits cannot exceed 2 months of rent.
- Last month's rent may not exceed 1 month of rent.
- The maximum times a participant can receive non-consecutive utility assistance for monthly utility bill payments is 3 times per 24-month period per service.
- Utility arrear payments (of up to 6 months) per participant per service per 3-year period.
- Deposits are limited to one-time assistance per participant per service per 3-year period.

Under Rapid Re-Housing: Any combination of *rental assistance* which includes short- and medium-term rental assistance and rental arrears, *housing relocation & stabilization services financial assistance costs* which includes security deposits, and last month's may not exceed 24 months during any 3-year period.

- The maximum times a participant can receive non-consecutive rental assistance is 3 times per 24-month period.
- Arrears are the exception, (rental application fees, security deposits, and last month's rent) which are limited to a one-time payment per service per 3-year period.
- Security deposits cannot exceed 2 months of rent.
- Last month's rent may not exceed 1 month of rent.
- Utility arrear payments (of up to 6 months) and deposits are limited to one-time assistance per service per 3-year period.

Note on moving costs: eligible costs are for moving expenses, such as truck rental or hiring a moving company. Assistance may include payment of temporary storage fees for up to 3 months as long as fees are accrued after the program participant begins receiving ESG assistance. Fees must be reasonable and occur after client intake and before the new move into a more affordable home. Moving and storage costs are limited to one-time assistance per client household per 3-year period.

Housing stabilization and relocation service costs include: housing search and placement, housing stability case management, mediation, legal services, and credit repair.

1. Housing stability case management is limited to 24 months during the period the program participant is living in permanent housing.
2. All other service costs are limited to 24 months per 3-year period on service costs assistance for program participants receiving homeless prevention assistance, and 24 months per 3-year period for program participants receiving rapid re-housing assistance.

## Additional Rapid Re-Housing Program Requirements

Under the ESG Interim Rule, rental assistance is subject to additional requirements, including rent reasonableness and Fair Market Rent (FMR) standards, housing standards, lease agreements and rental assistance agreements, and termination policies.

### Rent Requirements

Rental assistance must be sufficient to ensure long-term housing stability for the participant, both for the duration of his or her participation and upon exit. Thus, the purpose is to place participants into housing that will be sustainable in the long-term. In addition, case managers are expected to work with participants to review household budgets and ensure that households can maintain their housing upon completion of the program.

### Rent Reasonableness

For participants receiving rental assistance, unit rent may not exceed HUD's rent reasonableness standard. This means that the rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private, unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units. These rent restrictions are intended to help ensure that participants can remain in their housing after assistance ends.

Rent reasonableness requirements do not apply when a participant receives only financial assistance or services under the ESG Program's Housing Stabilization and Relocation Services. This includes rental application fees, security deposits, an initial payment of "last month's rent," utility payments or deposits, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

### Fair Market Rent

Household rent for participants receiving ESG-funded rental assistance must not exceed the FMR established by HUD. Current FMR guidelines may be found online at <https://www.huduser.gov/portal/datasets/fmr.html>.

As with rent reasonableness, FMR requirements do not apply when a participant receives only financial assistance or services under the ESG Program's Housing Stabilization and Relocation Services.

**Please refer to the Southern Nevada Rapid Rehousing Written Standards for more details:**  
<https://helphopehome.org/wp-content/uploads/2020/02/Revised-Southern-Nevada-RRH-Written-Standards-02-24-20.pdf>

## X. Housing Standards

**Lead-Based Paint Requirements:** All HUD-funded programs with housing units occupied by participants are required to incorporate lead-based paint remediation and disclosure requirements. Generally, these provisions require the recipient to screen for, disclose the existence of, and take reasonable precautions regarding the presence of lead-based paint in leased or assisted units constructed prior to 1978.

CoC-funded units are required to incorporate HUD regulations in 24 CFR part 35, subparts A, B, K, and R. ESG-funded projects are required to incorporate the Lead-Based Paint Poisoning Prevention Act (42 USC 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 USC 4851-4846), and 24 CFR part 35, subparts A, B, H, J, K, M, and R in the unit.

**Habitability Standards:** Housing for all ESG program participants receiving rental assistance must meet HUD minimum habitability standards for permanent housing. Grantees must document compliance with this standard by signing and completing a Habitability Standards Checklist before the participant signs the lease and before the grantee provides any ESG rental assistance or services specific to the unit. In addition, grantees must inspect all units at least annually to ensure that the units continue to meet habitability standards.

**Rental Assistance Agreements:** In addition to a lease between the participant and owner, the ESG Interim Rule also requires a rental assistance agreement between the grantee and the property owner. The grantee may make rental assistance payments only to an owner with whom the grantee has entered into a rental assistance agreement. To help establish a relationship with a participant's landlord, CoC grantees may also choose to require a rental assistance agreement.

The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements of ESG assistance. In addition, the rental assistance.

## **XI. Additional Minimum Standards and Requirements**

### **Nondiscrimination, Equal Opportunity, Affirmative Outreach, and Fair Housing**

Southern Nevada's ESG recipients – the City of Las Vegas, the City of North Las Vegas, and Clark County - do not tolerate discrimination on the basis of any protected class (including actual or perceived race, color, religion, national origin, sex, age, familial status, disability, sexual orientation, gender identity, or marital status) during any phase of the CE process. Some programs may be forced to limit enrollment based on requirements imposed by their funding sources and/or state or federal law. All such programs will avoid discrimination to the maximum extent allowed by all funding sources and their authorizing legislation. All aspects of the Southern Nevada CE system will comply with all Federal, State, and local Fair Housing laws and regulations. Participants will not be "steered" toward any particular housing facility or neighborhood because of race, color, national origin, religion, sex, disability, or the presence of children. All locations where persons are likely to access or attempt to access the CE System will include signs or brochures displayed in prominent locations informing participants of their right to file a non-discrimination complaint and containing the contact information needed to file a nondiscrimination complaint. Maximum standards shall comply with the requirements for nondiscrimination, equal opportunity, and affirmative outreach processes.

### **Faith-Based Activities**

Minimum standards for faith-based activities (24 CFR 576.406) are:

Providers receiving ESG funding shall not engage in inherently religious activities as part of the ESG-funded programs or services. Such activities must be offered separately from ESG -funded programs and services and participation must be voluntary.

### **Environmental Review**

Before any funds are committed, an environmental review will be conducted of all ESG-funded grantee project site(s) to demonstrate there are no hazardous materials present that could affect the health and safety of the occupants. Environmental reviews will be acceptable for a 1 to 5-year time period, depending on the project type. The costs of carrying out environmental review responsibilities are an eligible use of administrative funds. All ESG activities are subject to environmental review under HUD's environmental regulations in 24 CFR part 58.

The subrecipient, or any contractor of the subrecipient, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for an ESG project, or commit or expend HUD or local funds for ESG eligible activities, until an environmental review under 24 CFR part 58 has been performed and the recipient has received HUD approval of the property.

## **Termination Policies**

If a program participant violates program requirements or no longer meets minimum eligibility requirements for program assistance, the subrecipient may terminate assistance. To terminate assistance, the minimum required formal process must consist of:

1. A written notice to the program participant containing a clear statement of the reasons for termination; and
2. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
3. Prompt written notice of the final decision to the program participant.

Termination does not bar the subrecipient from providing further assistance at a later date to the same family or individual.

## **Grievance Policy**

Each ESG funded organization shall have a grievance procedure and shall implement the procedure when applicable.



## XII. Best Practices for ESG Programs

### Housing First

Housing First is a proven approach in which all people experiencing homelessness are believed to be “housing-ready” and are provided with permanent housing immediately, with minimal or no preconditions, behavioral contingencies, or barriers (e.g., income, sobriety, etc.). Effectively implementing a Housing First approach requires prioritizing people with the highest needs and vulnerabilities, engaging more landlords and property owners, and making our projects client-centered spaces without barriers to entering or remaining in the project. All CoC and ESG grantees are expected to minimize barriers to entry to the maximum extent permitted under their individual grant agreements and take appropriate steps to implement the Housing First approach.

### Low-Barrier Programming

Entry requirements can act as a barrier to services and housing placement, leaving our most vulnerable and chronic homeless unable to access services. Low Barrier Housing is housing in which a minimum number of expectations are placed on people who wish to live there. The aim is to have as few barriers as possible to allow more people access to services. Low barrier programs typically follow a harm reduction philosophy which focuses on the risks and consequences of a particular behavior, rather than on the behavior itself. With regard to housing, harm reduction means that tenants have access to services to help them address their substance use issues. It is based on the understanding that recovery is a long process, and that users need a stable living arrangement in order to increase the likelihood for success in overcoming their addictions. The focus centers on being healthier rather than on the unrealistic goal of being perfectly healthy right away.

The following are some common eligibility and continued stay criteria for emergency and permanent housing for clients that can be considered “low threshold”:

- Homeless
- Age 18 or older
- Ambulatory and not requiring hospital or nursing home care
- Agree to be nonviolent
- Agree to not use or sell drugs or illegal substances on the premises
- Agree to treat other clients, staff, and the property with respect
- Agree to obey fire and other safety regulations.

Below are examples of criteria that providers are recommended NOT to include when determining eligibility:

- Sobriety and/or commitment to be drug free
- Requirements to take medication if the client has a mental illness
- Participation in religious services or activities
- Participation in drug treatment services (including NA/AA)
- Proof of citizenship
- Identification
- Referral from the police, hospital, or other service provider (as opposed to self-referrals)
- Payment or ability to pay (though saving plans are encouraged)

- Complete a period of time in a transitional housing, outpatient, inpatient, or other institutional setting/treatment facility
- Maintain sobriety or abstinence from alcohol and/or drugs
- Comply with medication
- Achieve psychiatric symptom stability
- Show willingness to comply with a treatment plan that addresses sobriety, abstinence, and/or medication compliance
- Agree to face-to-face visits with staff

# Appendix A. Definitions of “Homeless” and “At-Risk of Homelessness” for the ESG Program

## HUD Definition of Homelessness

**Literally Homeless (Category 1 of the HUD Homeless Definition).** An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- (1) 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;
- (2) 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,
- (3) 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.

**At Imminent Risk of Homelessness (Category 2 of the HUD Homeless Definition).** An individual or family, who will imminently lose their primary nighttime residence, provided that:

- (1) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- (2) No subsequent residence has been identified; and,
- (3) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.

**Homeless Under Other Federal Statutes (Category 3 of the HUD Homeless Definition).** 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:

- (1) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(2) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(3) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and,

(4) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

**Fleeing Domestic Abuse or Violence (Category 4 of the HUD Homeless Definition).** Domestic violence and other dangerous or life-threatening conditions.

Any individual or family who:

(1) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;

(2) Has no other residence; and,

(3) Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

(4) Notwithstanding any other provision of this section, the program shall consider any individual or family to be homeless, who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

## **ESG Program Definitions of "Homeless" and "At-Risk of Homelessness"**

*At risk of homelessness* means:

(1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;

(ii) 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 described in paragraph (1) of the "homeless" definition in this section; and

**(iii)** Meets one of the following conditions:

**(A)** Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

**(B)** Is living in the home of another because of economic hardship;

**(C)** Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

**(D)** Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;

**(E)** Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;

**(F)** Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

**(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;

**(2)** A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act ( 42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act ( 42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 ( 42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act ( 42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 ( 7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 ( 42 U.S.C. 1786(b)(15)); or

**(3)** A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act ( 42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

*Homeless* means:

**(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;

**(2)** An individual or family who will imminently lose their primary nighttime residence, provided that:

**(i)** The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;

**(ii)** No subsequent residence has been identified; and

**(iii)** The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;

**(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:

**(i)** Are defined as homeless under section 387 of the Runaway and Homeless Youth Act ( 42 U.S.C. 5732a), section 637 of the Head Start Act ( 42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 ( 42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act ( 42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 ( 7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 ( 42 U.S.C. 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act ( 42 U.S.C. 11434a);

**(ii)** Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

**(iii)** Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

**(iv)** Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

**(4)** Any individual or family who:

**(i)** Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;

**(ii)** Has no other residence; and

**(iii)** Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

# Appendix B. ESG Rapid Re-Housing Eligible Supportive Services

## Housing Services and Related Services

Assisting participants in locating, obtaining, and retaining suitable permanent housing, including:

- Housing search
- Tenant counseling
- Understanding leases
- Arranging for utilities
- Making moving arrangements
- Assessment of housing barriers, needs, and preferences
- Development of an action plan for locating housing
- Outreach to and negotiation with landlords
- Assessment of housing for compliance with ESG requirements for habitability, lead-based paint, and rent reasonableness
- Assistance with submitting rental applications

## Case Management

Assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a participant who resides in permanent housing or to assist a participant in overcoming immediate barriers to obtaining housing by, for example:

- Providing ongoing risk assessment and safety planning to victims of domestic violence, dating violence, sexual assault, and stalking
- Using the Coordinated Entry System
- Counseling
- Developing, securing, and coordinating services
- Obtaining Federal, State, and local benefits
- Monitoring and evaluating participant progress
- Providing information and referrals to other providers
- Developing an individualized housing and service plan, including planning a path to permanent housing stability
- Conducting required annual re-evaluation(s)

## Legal Services

Costs of resolving a legal problem that prohibits a participant from obtaining or retaining permanent housing, including:

- Client intake
- Preparation of case for trial
- Provision of legal advice
- Representation at hearings
- Counseling
- Filing fees and other necessary court costs

Legal services are subject to the following provisions:

- Eligible Billing Arrangements: CoC funds may be used only for legal advice from and representation by licensed attorneys and by person(s) under the supervision of licensed attorneys. Costs may be based on: (1) hourly fees; or (2) fees based on the actual service performed (i.e., fee-for-service) but only if the cost would be less than the cost of hourly fees.
- Ineligible Billing Arrangements: Funds must not be used for legal advice and representation purchased through retainer fee arrangements or contingency fee arrangements.
- Eligible Subject Matters: Landlord/tenant disputes; child support; guardianship; paternity; emancipation; legal separation; orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking; appeal of veterans and public benefit claim denials; resolution of outstanding criminal warrants.
- Ineligible Subject Matters: Legal services related to immigration and citizenship matter, or related to mortgages and homeownership.

## **Moving Costs**

Costs such as truck rental or hiring a moving company, including payment of temporary storage fees for up to 3 months

## **Utility Deposits**

Standard utility deposit that the utility company requires of all customers.

## **Mediation**

Mediation between the participant and the landlord/landowner or person(s) with whom the participant is living.

## **Credit Repair**

- Credit counseling
- Accessing a free personal credit report
- Resolving personal credit issues
- Other services needed to assist with critical skills related to household budgeting and money management

Please refer to the Southern Nevada Rapid Rehousing Written Standards for more detail:

<https://helphome.org/wp-content/uploads/2020/02/Revised-Southern-Nevada-RRH-Written-Standards-02-24-20.pdf>