

Continuum of Care Written Standards for NY- 508 Buffalo, Niagara Falls/Erie, Niagara, Orleans, Genesee, Wyoming Counties CoC

Table of Contents

Introduction	3
Program Requirements for All Programs	4
1. Housing First & Low Barriers	4
2. Equal Access & Non-discrimination	4
3. Coordinated Entry Participation	5
4. HMIS Participation	5
5. Access to Mainstream Resources	5
6. Educational Liaison & early childhood services	6
7. Termination & Grievance Procedures	6
8. Emergency Transfer Plan	6
Record Keeping Requirements for All Projects	6
Permanent Supportive Housing (PSH) and Safe Haven	7
Eligibility Criteria	7
Prioritization	7
Minimum Standards of Assistance	8
HUD performance benchmark	8
Performance Goals	8
Rapid Rehousing (RRH)	8
Eligibility Criteria	9
Prioritization	10
Rent Limits for Rapid Rehousing Program	10
Minimum Standards of Assistance	10
HUD Benchmarks	11
Performance goals	11
Transitional Housing	11

Eligibility Criteria	11
Prioritization	12
Minimum Standards of Assistance	12
Performance goals	12
Emergency Shelter and Outreach Performance goals	12
System Wide Performance	13
System Performance Measures	13
Monitoring Performance	14
Appendix A: Homeless and chronically homeless definition	15
Appendix B Homelessness Verification requirements	17
Appendix C. Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking	18
Appendix D: HUD 5383-EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE,SEXUAL ASSAULT, OR STALKING	23
Appendix E: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING AND ALTERNATE DOCUMENTATION	25

Introduction

The Continuum of Care (CoC) is responsible for coordinating and implementing a system to meet the needs of the population and subpopulations experiencing homelessness within a given geographic area, which for the NY-508 CoC includes the following geographic areas: Buffalo/ Erie, Niagara Falls/Niagara, Orleans, Genesee, and Wyoming Counties. Both the Emergency Solution Grant (ESG) Rules and Regulations and the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Continuum of Care Program Interim Rules state that the CoC, in consultation with recipients of Emergency Solutions Grants (ESG) program funds within the geographic area, are responsible to (1) establish and consistently follow written standards for providing Continuum of Care assistance, (2) establish performance targets appropriate for population and program type, and (3) monitor recipient and subrecipient performance.

These written standards have been established to ensure that persons experiencing homelessness who enter programs throughout the CoC will be given similar information and support to access and maintain permanent housing. All programs that receive ESG or CoC funding are required to abide by these written standards. Agency program procedure should reflect the policy and procedures described in this document. The CoC strongly encourages programs that do not receive either of these funding sources to accept and utilize these written standards.

The majority of these standards are based on the ESG and/or the HEARTH Interim Rules. There are additional standards that have been established by the CoC to assist programs in meeting and exceeding performance outcomes that will help to reach the goal of ending homelessness.

The Continuum of Care Written Standards will include policies and procedures for

- **evaluating individuals' and families' eligibility for assistance**
- **determining and prioritizing which eligible households will receive Transitional Housing, Safe Haven and Permanent Supportive Housing, Rapid rehousing funded by the CoC and ESG**
- **standards for determining what percentage and amount of rent each household must pay while receiving RRH assistance**
- **common performance measurements and benchmarks.**

These standards are in place in order to

- establish community-wide expectations on the operations of projects within the community
- ensure that the system is transparent to users and operators
- establish a minimum set of standards and expectations in terms of the quality expected of projects

- ensure the local priorities are transparent to recipients and subrecipients of funds
- create consistency and coordination between recipients' and subrecipients' projects

These written standards have been developed in conjunction with ESG recipients and with service providers. Thus the implementation reflects the perspectives of those organizations that are directly providing homeless housing and services, including Emergency Shelter (ES), Transitional Housing (TH), Permanent Supportive Housing (PSH), Rapid Re-Housing (RRH) and Supportive Service Only (SSO).

The CoC Written Standards have been approved by the CoC, the County, and City ESG recipients and providers. The Written Standards will be reviewed and revised as needed at a minimum of once per year. Agreement to abide by the Written Standards will be required to participate in the process for acquiring CoC or ESG funding.

Program Requirements for All Programs

1. Housing First & Low Barriers

The Housing First approach has several key features: few programmatic prerequisites, admission policies that support low barriers to access, rapid and streamlined entry into permanent housing, voluntary and engaging supportive services, and a focus on housing stability. As such, CoC funded projects should allow entry to program participants regardless of their income, current or past substance use, criminal records, or history of domestic violence. Projects also should not terminate clients regardless of whether or not they participate in supportive services, make progress on a service plan, lose their income or based on other activities not covered in a lease agreement typically found for an unassisted person in the project's geographic area. All CoC funded programs must adopt the Housing First and Low Barriers approach. The CoC will authorize limited exceptions for projects in the adoption of a housing first model where it conflicts with funder requirements or local/state law (e.g., restrictions on serving people who are listed on sex offender registries).

2. Equal Access & Non-discrimination

Providers must have non-discrimination policies in place and assertively outreach to people least likely to engage in the homeless system. Providers must comply with all federal statutes and rules including the Fair Housing Act¹ and Equal Access to Housing Final Rule². A determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by HUD shall be made in accordance with the eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status. The people who present together for assistance,

¹ United States Department of Justice. The Fair Housing Act. Accessed May 2015. <http://www.justice.gov/crt/about/hce/title8.php>

² <https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>

regardless of age or relationship, are considered a household and are eligible for assistance as a household. Projects that serve families with children must serve all types of families with children; if a project targets a specific population (e.g., women with children), these projects must serve all families with children that are otherwise eligible for assistance, including families with children that are headed by a single adult or consist of multiple adults that reside together. The age and gender of a child under 18 must not be used as a basis for denying any family's admission to a project.

3. Coordinated Entry Participation

All CoC-funded and ESG-funded projects are required to participate in the CoC's Coordinated Entry (CE) System, except for victim services providers, who may decide whether or not they will participate in the CoC CE system. A victim service provider may choose not to use the CoC's Coordinated entry process, if victim service providers in the area use a coordinated entry process that meets HUD's requirements and the victim service provider uses that system instead. CoC and ESG funded housing projects must only take referral from the CE lead. Participation requires following all established procedures and the use of the Coordinated Entry Assessment Tool and Vulnerability Index (VI). Projects should refer to the CoC's *Coordinated Entry Policy and Procedure Operational Manual* for additional information.

4. HMIS Participation

All CoC-funded and ESG-funded projects are required to participate in the Homeless Management Information System (HMIS) with the exception of victim services provider projects (defined by Violence Against Women Reauthorization Act of 2013). Instead, victim services provider must use a comparable database to collect client level data. The CoC actively encourages non-CoC/ESG providers to participate in HMIS. All HMIS participating agencies should meet the minimum data quality standards and follow the HMIS Policies and Procedures Manual.

5. Access to Mainstream Resources

The CoC expects that every agency that is funded through the CoC or ESG programs will coordinate with and access mainstream and other targeted homeless resources. Providers should assess and assist participants with obtaining any mainstream resource for which they may be eligible for including: TANF, Public Assistance, Veterans Health Care, Supplemental Nutrition Assistance Program (SNAP), Medicaid, Medicare, SSI/SSDI, or Access-VR. Where possible, providers should streamline processes that include applying for mainstream benefits such as the use of a singular form to apply for benefits or collecting all necessary information in one step. The SSI/SSDI Outreach Access and Recovery (SOAR) process is encouraged to speed up the SSI/SSDI process.

6. Educational Liaison & early childhood services

For projects that serve households with children, a staff person must be designated as the educational liaison that will ensure children are: 1.Enrolled in school 2.Connected to appropriate services in the community, including early childhood projects such as Head Start.

7. Termination & Grievance Procedures

Providers must have a written termination policy outlining program rules and termination processes including a formal grievance process. This process, at minimum, must consist of: (1) Providing the program participant with a written copy of the program rules and the termination process before the participant begins to receive assistance; (2) Written notice to the program participant containing a clear statement of the reasons for termination; (3) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and (4) Prompt written notice of the final decision to the program participant.

8. Emergency Transfer Plan

All CoC recipient and subrecipient and ESG subrecipient must adopt the Emergency Transfer Plan for tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. Providers should provide tenants the Emergency Transfer Request Form (Appendix D) along with local resources for domestic violence and steps they could take when they are threatened. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. All CoC and ESG recipients and subrecipients must follow this plan and include the Emergency Transfer Plan in your program policy and procedures. A new certification form of documenting incidents of Domestic violence, dating violence, sexual assault, and stalking(Appendix E) must be used by housing providers.

Record Keeping Requirements for All Projects

Participant Recordkeeping Requirements include:

- All records containing personally identifying information must be kept secure and confidential
- Programs must have a written confidentiality/privacy notice, provided to the participant if requested
- Documentation of homelessness (following HUD guidelines)
- A record of services and assistance provided to each participant
- Documentation of any applicable requirements for providing services/assistance
- Documentation of use of the coordinated assessment system
- Documentation of use of HMIS
- Records must be retained for the appropriate amount of time as prescribed by HUD

Financial Recordkeeping Requirements include:

- Documentation for all costs charged to the grant
- Documentation that funds were spent on allowable costs
- Documentation of the receipt and use of program income
- Documentation of compliance with expenditure limits and deadlines
- Retain copies of all procurement contracts as applicable
- Documentation of amount, source and use of resources for each match contribution

Permanent Supportive Housing (PSH) and Safe Haven

Permanent Supportive Housing (PSH) for persons with disabilities is permanent housing with indefinite leasing or rental assistance paired with supportive services to assist persons experiencing homelessness with a disability or families with an adult or child member with a disability achieve housing stability.

Eligibility Criteria

- Households must meet the HUD definition of homelessness
- One adult or child member of the household must have a disability
- CoC funded programs must follow any additional eligibility criteria set forth in the NOFA through which a project was funded and the grant agreement.
- Programs may not establish additional eligibility requirements beyond those specified here and those required by funders.

Prioritization

All CoC funded PSH program are required to commit to be either Dedicated or DedicatedPlus for housing Chronically homeless. Regardless a PSH program is classified as Dedicated or DedicatedPlus, order of priority will follow the HUD Notice on Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing. All CoC funded PSH program are required to take clients from a single prioritized list based on the *CoC Coordinated Entry Policy and Procedure Manual*.

1. First priority will be given to individuals or families who meet the chronically homeless definition.

When there is no individual or family identified on the priority list to meet the chronically homeless definition, the order of priority will follow:

2. Homeless individuals and families with a disability with at least 12 months homeless time but do not meet the chronically homeless definition AND has been identified as having severe service needs.
3. Homeless individuals and families with a disability with severe service needs.

4. Homeless individuals and families with a disability coming from places not mean for human habitation, safe haven, or emergency shelter without severe service needs.
5. Homeless individuals and families with a disability coming from Transitional Housing.

Minimum Standards of Assistance

- There can be no predetermined length of stay for a PSH project
- Supportive services designed to meet the needs of the project participants must be made available to the project participants throughout the duration of stay in PSH
- Project participants in PSH must enter into a lease (or sublease) agreement for an initial term of at least one year that is renewable and is terminable only for cause. Leases (or subleases) must be renewable for a minimum term of one month.
- PSH programs must utilize housing first approaches

HUD performance benchmark

- 80% of Participants remained or exited to permanent housing in non-CH dedicated programs

Performance Goals

- 95% annual occupancy/utilization rate
- 90% of Participants remained or exited to permanent housing in non-CH dedicated programs, 85% for CH dedicated programs
- 20% adult participants that maintained, gained or increased earned income at the end of the report year
- 80% adult participants have income other than employment at the end of the report year
- House client within 45 days from referral
- At least 85 % of households that exit a rapid rehousing program to permanent housing should not become homeless again within a year.

Rapid Rehousing (RRH)

Rapid ReHousing is an intervention designed to help individuals and families exit homelessness quickly by returning to permanent housing without preconditions (including, but not limited to, sobriety, employment, absence of a criminal record, or income). Additionally, the resources and services provided are tailored to the unique needs of the household receiving assistance.

There are three core components that constitute a rapid rehousing program, all of which must be available in order to qualify as a rapid rehousing program. Although RRH programs must have each of the three components available, it is not required that a single entity provides all three services. Similarly, it is also not required that any one household utilize all three in order to be considered a recipient of rapid rehousing.

Rapid Rehousing core components include the following: Housing Identification, Rent/Move-In Assistance (Financial) and Rapid Rehousing Case Management and Services. Actions constituting these components are presented on the following page:

Housing Identification	Rent/Move-In Assistance	Rapid Re-housing Case Management and Services
<p>-Recruit landlords to provide housing opportunities for individuals and families experiencing homelessness.</p> <p>-Address potential barriers to landlord participation such as concern about short term nature of rental assistance and tenant qualifications.</p> <p>-Assist households to find and secure appropriate rental housing.</p>	<p>Provide assistance to cover move-in costs, deposits, and the rental and/or utility assistance (typically six months or less) necessary to allow individuals and families to move immediately out of homelessness and to stabilize in permanent housing.</p>	<p>-Help individuals and families experiencing homelessness identify and select among various permanent housing options based on their unique needs, preferences, and financial resources.</p> <p>-Help individuals and families experiencing homelessness address issues that may impede access to housing (such as credit history, arrears, and legal issues).</p> <p>-Help individuals and families negotiate manageable and appropriate lease agreements with landlords.</p> <p>-Make appropriate and time-limited services and supports available to families and individuals to allow them to stabilize quickly in permanent housing.</p> <p>-Monitor participants' housing stability and be available to resolve crises, at a minimum during the time rapid re-housing assistance is provided.</p> <p>-Provide or assist the household with connections to resources that help them improve their safety and well-being and achieve their long-term goals. This includes providing or ensuring that the household has access to resources related to benefits, employment and community-based services (if needed/appropriate) so that they can sustain rent payments independently when rental assistance ends.</p> <p>-Ensure that services provided are client-directed, respectful of individuals' right to self-determination, and voluntary. Unless basic, program-related case management is required by statute or regulation, participation in services should not be required to receive rapid re-housing assistance.</p>

Eligibility Criteria

- Households must meet the HUD definition of homelessness Category 1. Only programs approved by the CoC can serve Category 4.
- CoC funded programs must follow any additional eligibility criteria set forth in the NOFA through which a project was funded and the grant agreement.
- Programs may not establish additional eligibility requirements beyond those specified here and those required by funders

- For ESG funded programs, program participant household's annual income should be at or below 30% Area Median Income (AMI) and at annual re-evaluation. For CoC funded programs, program a participant household's annual income should be at or below 50% AMI.
- Maintain less than 5% unspent fund at the end of the report year

Prioritization

Eligible participants are referred to the rapid rehousing program based on the following priorities:

- Households with the longest history of homelessness
- Households with the most severe service needs
- Households who are currently living in a place not meant for human habitation or emergency shelter

All Rapid rehousing programs will strictly take referrals from a single priority list communicated by the Coordinated Entry Lead administer, and follow the Coordinated Entry Policy and Procedure.

Note: *For ESG funded projects, the project has to prioritize participants who are residents of the ESG consortium.

Rent Limits for Rapid Rehousing Program

- Financial assistance is available for maximum 24 months. It is recommended to evaluate each individual case monthly to determine the length and percentage of financial assistance.
- Typically at the beginning of assistance, RRH program will be paying 100% of the rent or utility. Participants responsibility of rent/utility should be reviewed, determined, and explained to the participants by the RRH program and will gradually be increased to 100% within the determined timeframe.
- A household can only be eligible for RRH programs within the CoC geographic area no more than 2 times in the past 3 years and total rental assistance must not exceed 24 months. Total amount of assistance must not exceed \$10,000.

Minimum Standards of Assistance

- Maximum participation in a rapid rehousing program cannot exceed 24 months.
- Support services must be provided throughout the duration of stay in housing. Program participants are required to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability.
- CoC funded program participants must enter into a lease agreement for a term of at least one year, which is terminable for cause. The lease must be automatically

renewable upon expiration for terms that are a minimum of one month long, except on prior notice by either party.

- For CoC funded RRH programs, supportive services may be provided until 6 months after rental assistance stops. For ESG funded RRH programs, housing stability case management assistance may not exceed 30 days during the period in which the program participant is seeking permanent housing and may not exceed 24 months during the period in which the program participant is living in permanent housing.
- To continue to receive ESG and CoC RRH assistance, a program participant's reevaluation must demonstrate eligibility based on: 1) Lack of sufficient resources and support networks to retain housing without the program assistance. 2) The ESG or CoC funded program must determine the amount and type of assistance that the individual or family will need to (re)gain stability in permanent housing at minimum every 3 month, preferably monthly.
- RRH programs must utilize housing first approaches

HUD Benchmarks

- Households served by a rapid rehousing programs move into permanent housing in an average of 30 days or fewer from program entry
- At least 80 % of households that exit a rapid rehousing program exit to permanent housing
- At least 85 % of households that exit a rapid rehousing program to permanent housing should not become homeless again within a year.

Performance goals

- 95% annual occupancy/utilization rate
- 30% adult participants that maintained, gained, or increased earned income at the end of the report year
- 80% adult participants have income other than employment at the end of the report year

Transitional Housing

Transitional Housing (TH) is designed to provide homeless individuals and families with interim stability and support to successfully move into and maintain permanent housing.

Eligibility Criteria

- Households must meet the HUD definition of homelessness
- CoC funded programs must follow any additional eligibility criteria set forth in the NOFA through which a project was funded and the grant agreement
- Programs may not establish additional eligibility requirements beyond those specified here and those required by funders

Prioritization

Eligible participants are referred to the rapid rehousing program based on the following priorities:

- Households with the longest history of homelessness
- Households with the most severe service needs
- Households who are currently living in place not meant for human habitation or emergency shelter

All CoC funded Transitional Housing program will strictly take referral from a single priority list that the Coordinated Entry Lead administer, and follow the *Coordinated Entry Policy and Procedure*.

Minimum Standards of Assistance

- Maximum length of stay cannot exceed 24 months.
- Assistance in transitioning to permanent housing must be made available/provided.
- Support services must be provided throughout the duration of stay in transitional housing. Program participants in transitional housing must enter into a lease, sublease or occupancy agreement for a term of at least one month and that ends in 24 months and cannot be extended.

Performance goals

- 90% annual occupancy/utilization rate
- 90% of Participants remained or exited to permanent housing. For youth only program, 90% participants exited to safe housing.
- 20% adult participants that gained or increased earned income at the end of the report year
- At least 85 % of households that exit a TH program to permanent housing should not become homeless again within a year.

Emergency Shelter and Outreach Performance goals

For ESG funded Emergency shelter and outreach programs, performance goals are set as follows:

Emergency Shelters

- Average length of stay is less than 35 days
- 50% of participants exit with a successful housing outcome³

³ Successful housing outcome for Emergency Shelter participants could be permanent housing or transitional housing for formerly homeless persons; living with family or friend as permanent tenure; owned or rental by client with or without subsidy; psychiatric facility; substance abuse or detox facility.

and/or

- 30% of participants exit to permanent housing
- Less than 30% of participants exit to an unknown location
- 60% of participants exit with/linked to cash income
- 60% of participants exit with/linked to non-cash resources

Outreach

- 50% or more of all participants exit to a permanent housing situation
- 60% or more of adult participants have income from sources other than employment
- 60% or more of all participants have mainstream (non-cash) benefits at exit from program

System Wide Performance

A critical aspect of the McKinney-Vento Homeless Assistance Act (the “Act”) as amended, is a focus on viewing the local homeless response as a coordinated system of homeless assistance options as opposed to homeless assistance programs and funding sources that operate independently from one another. To facilitate this perspective, the Act now requires communities to measure their performance as a coordinated system in addition to analyzing performance by specific projects or project types.

To this end, the Act established a set of criteria for HUD to use that require all CoCs to report their system-level performance to HUD. The intent of selected system performance measures is to encourage CoCs , in coordination with ESG program recipients, as well as all other homeless assistance stakeholders in the CoC, to regularly measure their progress in meeting the needs of people experiencing homelessness in their community and to report this progress to HUD.

The goals below should be reviewed and adjusted annually based on the previous year’s performance.

System Performance Measures		
Measure 1: Length of Time Persons Remain Homeless	Persons in ES and SH	<35 days
	Persons in ES, Safe Haven, TH	<68 days
Measure 1b: Length of Time Persons Remain Homeless Using “approximate date homelessness started”	Persons in ES and SH	<74 days
	Persons in ES, Safe Haven, and TH	<107 days

Measure 2a: Extent to which Persons who Exit Homelessness to Permanent Housing Destinations Return to Homelessness within 6 to 12 Months	2a.1 Returns to SO, ES, SH, and TH	<6%
	2a.2 Returns to SO, ES, SH, TH, and PH	<7%
Measure 2b: Extent to which Persons who Exit Homelessness to Permanent Housing Destinations Return to Homelessness within 2 Years	2b.1 Returns to SO, ES, SH, and TH	<22%
	2b.2 Returns to SO, ES, SH, TH, and PH	<22%
Measure 3: Number of Homeless Persons	3.1 Change in PIT counts of sheltered and unsheltered persons	<962
	3.2 Change in counts of sheltered persons in HMIS	<4637
Measure 4: Employment and Income Growth for Homeless Persons in CoC Program-funded Projects	4.1 Increase in employment income for stayers	>6%
	4.2 Increase in non-employment cash income for stayers	>28%
	4.3 Increase in total cash income for stayers	>31%
	4.4 Increase in employment income for leavers	>11%
	4.5 Increase in non-employment cash income for leavers	>40%
	4.6 Increase in total cash income for leavers	>47%
Measure 5: Number of Persons who Become Homeless for the First Time	5.1 Persons First Time Homeless in ES, SH, TH	<3346
	5.2 Persons First Time Homeless in ES, SH, TH, PH	<3622
Measure 7a: Successful Placement from Street Outreach	Persons who exited Street Outreach Exited to temporary & some institutional destinations Exited to permanent housing destinations 7a1. Percentage successful exits	>44%
Measure 7b: Successful Placement in or Retention of Permanent Housing	Persons in ES, SH, TH, and RRH who exited Exited to permanent housing destinations 7b1. Percentage successful exits	>36%
	Persons in PH-H, PSH, and PH-S who exited Remained in applicable PH projects and/or exit to permanent destination 7b2. Percentage successful exits and retention	> 95%

Monitoring Performance

CoC is responsible to monitor project level and system level performance annually or biennially. CoC Lead will consult with recipients and subrecipients annually to establish performance targets appropriate for population and program type, monitor recipient and subrecipient performance, evaluate outcomes, and take action to improve performance.

Appendix A: Homeless and chronically homeless definition⁴

Category 1	Literally Homeless	(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) Has a primary nighttime residence that is a public or private place not meant for human habitation; (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or (iii) Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution
Category 2	Imminent Risk of Homelessness	(2) Individual or family who will imminently lose their primary nighttime residence, provided that: (i) 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 needed to obtain other permanent housing
Category 3	Homeless under other Federal statutes	(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 the other listed federal statutes; (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application; (iii) Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and (iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers
Category 4	Fleeing/ Attempting to Flee DV	(4) Any individual or family who: (i) Is fleeing, or is attempting to flee, domestic violence; (ii) Has no other residence; and (iii) Lacks the resources or support networks to obtain other permanent housing

**All Permanent Supportive Housing Program and most Rapid Rehousing programs will only accept clients who meet the category 1, literally homeless definition. Certain Rapid Rehousing program will accept clients who meet the category 4, fleeing/attempting to flee DV definition. Emergency Solution Grant (ESG) funded Prevention program can only assist clients who meet category 2 or 4.*

⁴https://www.hudexchange.info/resources/documents/HomelessDefinition_RecordkeepingRequirementsandCriteria.pdf

Chronically Homeless Definition

The definition of “chronically homeless⁵”, as stated in Definition of Chronically Homeless final rule is:

(a) A “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:

i. lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and

ii. Has been homeless and living as described in paragraph (a)(i) continuously for at least 12 months or on at least four separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (a)(i). Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering an institutional care facility;

(b) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (a) of this definition, before entering the facility;

(c) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (a) or (b) of this definition (as described in Section I.D.2.(a) of this Notice), including a family whose composition has fluctuated while the head of household has been homeless.

⁵ <https://www.hudexchange.info/resources/documents/Defining-Chronically-Homeless-Final-Rule.pdf>

Appendix B Homelessness Verification requirements

Homeless documentation recording requirements:

<p>Category 1</p>	<p>Literally Homeless</p>	<ul style="list-style-type: none"> ● Written observation by the outreach worker; or ● Written referral by another housing or service provider; or ● Certification by the individual or head of household seeking assistance stating that they were living on the streets or in shelter; ● For individuals exiting an institution - one of the forms of evidence above and: <ul style="list-style-type: none"> ○ Discharge paperwork or writer/oral referral; or ○ Written record of intake worker's due diligence to obtain above evidence and certification by individual that they exited institution
<p>Category 2</p>	<p>Imminent Risk of Homelessness</p>	<ul style="list-style-type: none"> ● A court order resulting from an eviction action notifying the individual or family that they must leave; or ● For individuals and families leaving a hotel/motel - evidence that they lack the financial resources to stay; or ● A documented and verified oral statement; and ● Certification that no subsequent residence has been identified; and ● Self-certification or other written documentation that the individual lack the financial resources and support necessary to obtain permanent housing
<p>Category 3</p>	<p>Homeless under other Federal statutes</p>	<ul style="list-style-type: none"> ● Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; and ● Certification of no PH in the last 60 days; and ● Certification by the individual or head of household, and any available supporting documentation, that they have moved two or more times in the past 60 days; and ● Documentation of special needs or 2 or more barriers
<p>Category 4</p>	<p>Fleeing/ Attempting to Flee DV</p>	<ul style="list-style-type: none"> ● For victim service providers: <ul style="list-style-type: none"> ○ An oral statement by the individual or head of household seeking assistance which states: they are fleeing and have no subsequent residence, and they lack resources. Statement must be documented by a self-certification by the intake worker. ● For non-victim service providers: <ul style="list-style-type: none"> ○ Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and ○ Self-certification, or other written documentation, that they individual or family lacks the financial resources and support networks to obtain other permanent housing

Appendix C. Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Emergency Transfers

In accordance with the Violence Against Women Act (VAWA), all CoC recipients and subrecipients and ESG subrecipients must allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. Reasonable accommodations for people with disabilities must also be made.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD). All CoC recipients and subrecipients and ESG subrecipients need to be in compliance with VAWA. Providers should provide participants information on local victim services providers and information on what they should do when they are threatened to protect their safety. When providers are made aware of this situation, they should encourage clients to contact local victim service providers and explain their option for an emergency transfer. The emergency transfer plan is intended to ensure they continue to receive their housing related services

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

Upon notification that a client might be threaten or experiencing domestic violence, or sexual assault, the housing provider must provide the survivor with the opportunity to request a transfer. To request an emergency transfer, the tenant shall notify the CoC recipient and subrecipient and ESG subrecipients and submit a written request or similar document as shown in Appendix D. Once the written request is received and evaluated by the CoC & ESG recipient/subrecipient, the Housing Provider will make request based on the type of transfer. If a different program/providers has to be offered, the housing providers will contact Department of Social Service /the Coordinated entry Lead/ Referral and Transfer committee accordingly to transfer the tenant out of the unit and move to next available unit. The request should follow Coordinated Entry Policy and Procedures to ensure the confidentiality of the victims. CoC & ESG recipients or subrecipients will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement or other documentation expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the CoC & ESG project; OR
2. A statement or other documentation that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

If a victim service provider assists the victim and documents the need. No additional information will be needed. If it is self-certified and documented by housing provider, a lack of income statement will also be needed in order to qualify for any Rapid rehousing or Permanent Supportive Services. When conflicting documentations present, housing provider or victim service providers may request additional information and applicant should provide additional documentation within 14 business days. Applicant can request an extension.

Confidentiality

CoC recipient and subrecipient and ESG subrecipients will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives CoC & ESG recipients and subrecipients written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

CoC recipient and subrecipient and ESG subrecipients cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. CoC recipient and subrecipient and ESG subrecipients will notify the Department of Social Services/Coordinate Entry Lead and/or Referral and Transfer Committee following coordinated entry procedure to protect victims' confidentiality. CoC recipient and subrecipient and ESG subrecipients will also connect the survivor to victim service providers and legal service providers to seek assistance.

The survivor must be prioritized for the next available and safe unit/voucher that they are eligible for. Situations might vary based on who is the person originally eligible for the program.

1. If the abuser is not the program participant, who moved in with the program participant, the housing provider must offer to transfer the survivor to the next available unit. The housing provider will not continue payment for the apartment that the abuser lives in. If the survivor believes they will be safe in the same unit, the provider could also work with victim service providers to obtain an order of protection. If the survivor would like to relocate but reasonably believes a proposed transfer would not be safe, the survivor may request a transfer to a different unit.
2. If the abuser is the original eligible person for the project and the survivor living in the unit are not a project participant, then the housing provider will refer the survivor to victim service providers

and the survivor will be referred and prioritized for the next available unit that they are eligible for. Survivor will be offered options to maintain in housing up to the end of the lease or 90 days, whichever is greater, before they move to another dwelling. When abused happen in a scattered site rental assistance apartment, housing provider could choose to relocate the abuser instead of the survivor if that's preferable for the survivor. The abuser, who is the original eligible person may be transferred to a bridger housing or emergency housing during the period of searching for a different apartment.

3. If the eligibility criteria were met based on a household with more than one person, all members within the household will be considered as participants of the project. In this case, the survivor will offer choice to stay in the housing or being transferred. If the survivor would like to be transfer, the abuser may remain in the unit when it is allowed, and he/she will be reassessed for eligible of the program. If deemed eligible, assistance will be continue. The housing provider will locate a new unit for the survivor. The survivor's eligibility will be determined according to CoC written Standard Program Eligibility. Whichever assistance they are deemed to be eligible for, priority will be given to the survivor to continue housing and service assistance. The abuser and the survivor will not be assigned to the same housing provider to avoid conflict of interest. If there is no availability at the moment, housing provider may connect when permitted by the survivor to a victim service provider who has a residential program to see if emergency shelter or transitional housing could be offered for the safety of the client or provide other safe temporary housings if possible. Coordinated Entry may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit. For example, if a household receives Permanent Supportive Housing and the survivor who needs to be transferred out does not have a disability, then he/she will not eligible for Permanent Supportive Housing. CoC recipient and subrecipient and ESG subrecipients and coordinated entry staff will work with the survivor to ensure they will be linked to services they will be eligible for.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the local victim service providers:

Erie County	Niagara County	Genesee, Orleans & Wyoming Counties
<p>Haven House</p> <p>Individuals and families experiencing domestic violence may receive transportation to shelter.</p> <p>Phone: 716-884-6000 (24-hour Emergency Hotline) Address: Buffalo, NY. Location is confidential to the public</p>	<p>Family and Children's service of Niagara, Inc.</p> <p>PASSAGE</p> <p>24-hr Phone Hotline: (716) 299-0909, 24-hour Emergency Hotline) Address: 1522 Main Street, Niagara Falls, NY 14305</p>	<p>The YWCA of Batavia</p> <p>Phone: 585-343-5808 (585-343-7513, 24-hour emergency hotline) Address: 301 North St, Batavia, NY 14020</p>
<p>Family Justice Center</p> <p>588-SAFE (7233):</p> <p>Orders of protection, forensic medical unit, safety plans, attorneys, domestic violence advocates, law enforcement</p>	<p>YWCA of Niagara</p> <p>Phone: 716-433-6716 (24-hour emergency hotline)</p>	<p>Pathstone Domestic Violence at Albion, NY</p> <p>DV services hotline. Phone: (585) 589-8733 Address: Albion, NY. Confidential to the public</p>
<p>Response for Erie County!</p> <p>24-hr Phone Hotline: 716-862-HELP (4357)</p>		<p>RESTORE Sexual Assault Services (Wyoming County Department of Social Services) at Warsaw NY</p> <p>Phone: (800) 527-1757 (24-hour emergency hotline) Address: 4 West Buffalo Street, Warsaw, NY 14569 (May transport clients to shelters)</p>
<p>LGBT Domestic Violence Committee of WNY</p> <p>c/o the Pride Center of WNY</p> <p>200 South Elmwood Avenue</p> <p>Buffalo, NY 14201</p> <p>(716) 852-7743</p>		<p>Wyoming County Crisis Services</p> <p>Phone: 1-800-724-8583</p>

Human Trafficking Victim Services:

International Institute of Buffalo 716-883-1900*304 Address: 864 Delaware Ave. Buffalo, NY

Victims of domestic violence could also contact the National Domestic Violence Hotline at 1-800-799-7233. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Appendix D: HUD 5383-EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

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

The requirements you must meet are:

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

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

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

OR

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

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

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

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

1. Name of victim requesting an emergency transfer: _____

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

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

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

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

6. Address or phone number for contacting the victim: _____

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

8. Relationship of the accused perpetrator to the victim: _____

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

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

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

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

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

Signature _____

Signed on (Date) _____

Appendix E: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING AND ALTERNATE DOCUMENTATION

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

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

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

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

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

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

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

1. Date the written request is received by victim: _____

2. Name of victim: _____

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

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

5. Residence of victim: _____

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

7. Relationship of the accused perpetrator to the victim: _____

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

9. Location of incident(s): _____

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

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.