

NE-501 Omaha and Council Bluffs CoC Standards for Providing Assistance under the Continuum of Care and Emergency Solutions Grant programs

(Including Grant Programs funded by NHAP and IFA)

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Introduction

The Metro Area Continuum of Care for the Homeless (MACCH) is the Lead Entity and Collaborative Applicant for the Omaha + Council Bluffs Continuum of Care (CoC). A Continuum of Care works to coordinate a community-based process of identifying needs relating to the experience of homelessness and of building a system of housing and services to address those needs. The Omaha + Council Bluffs CoC works to establish local priorities for system planning and to evaluate system-wide performance toward making **homelessness rare, brief, and non-recurring**.

Membership in the Omaha + Council Bluffs CoC is open to all stakeholders interested in its purposes, including nonprofit homeless assistance providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, and individuals currently or formerly experiencing homelessness.

The CoC must prepare and submit a collaborative application to the US Department of Housing & Urban Development (HUD) for Federal CoC Program funding to support the operation of homeless assistance projects comprising of Permanent Supportive Housing (PSH) for persons with disabilities, Rapid Re-Housing, and Transitional Housing programs, Homeless Management Information System (HMIS) operation, and CoC Planning activities. This requires designing a local funding competition and a local project ranking strategy. The CoC also must engage in Consolidated Planning as it relates to homelessness and Emergency Solutions Grant (ESG) spending.

The MACCH Board is the primary decision-making body of the CoC, responsible for approval of all CoC policies, procedures, and CoC program funding decisions. The Board's decisions are made with input from the CoC's work groups and task forces. The Board of Directors has 18 Members.

All projects funded under the CoC Program, Emergency Solutions Grant (ESG) Program (including grants made under NHAP and Iowa SAF), shall apply the following standards consistently for the benefit of all program participants. Projects funded under the Nebraska Homeless Assistance Program (NHAP) will comply with the requirements of that program and follow the applicable standards, as designated. The CoC strongly encourages projects that do not receive funding from the above-mentioned sources to accept and utilize these standards. All programs funded under the HUD CoC NOFA, the ESG process, NHAP, or IFA SAF must follow and abide by all requirements designated by the funding entity. If found to be in conflict, these Standards of Administration would defer to those regulations.

Background and Purpose

The U.S. Department of Housing and Urban Development (HUD) Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) was signed into law on May 20, 2009. The HEARTH Act reauthorizes the McKinney-Vento Homeless Assistance Act of 1987, with some important changes.

The overall goal of the HEARTH Act is to make homelessness rare, brief, and non-recurring by reducing the duration of time people spend homeless and reducing recidivism back into homelessness. Currently, Omaha + Council Bluffs has funding through the Emergency Solutions Grants Program, Continuum of Care Program and the Nebraska Homeless Assistance program to undertake projects that work toward this goal.

The [Continuum of Care \(CoC\) Interim Rule](#) was published on July 31, 2012 and took effect on August 30, 2012. The purpose of the regulation is to:

- Return households who experience homelessness to permanent housing in less than 30 days;
- Consolidate the Supportive Housing Program (SHP), Shelter Plus Care Program (SPC) and the Section 8 Moderate Rehabilitation Program;
- Promote a community wide commitment to the goal of ending homelessness;
- Provide funding to quickly rehouse homeless individuals and families while minimizing trauma and dislocation;
- Promote access to mainstream benefits;
- Optimize self-sufficiency;
- Provide funding to support the CoC structure & process; and
- Codify the CoC structure & process

The Interim Rule requires CoCs to establish and consistently follow written standards for providing CoC assistance, in consultation with recipients of the [Emergency Solutions Grant \(ESG\) Program](#). At a minimum, these written standards must include:

- Policies and procedures for evaluating households' eligibility for assistance in the CoC Program
- Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance, rapid re-housing assistance, and transitional housing assistance
- Standards for determining what percentage or amount of rent each participant must pay while receiving rapid re-housing assistance.

The goals of the written standards are to:

- Establish community-wide expectations on the operations of projects within the community to create consistency and coordination among recipients' and sub-recipients' projects



- Establish a minimum set of standards and expectations in terms of the quality expected of projects
- Make the local priorities transparent to recipients and sub-recipients of the funds

Under the purview of HUD regulations and guidelines, the City of Omaha, as recipient of ESG funds and MACCH as the Collaborative Applicant for CoC program funds, has the discretion to set local standards regarding rental assistance amounts, length of assistance available for participants, and other project components as necessary. All projects receiving CoC Program and/or ESG Program funds must comply in full with the applicable standards described in this manual. The Omaha + Council Bluffs CoC strongly encourages projects that do not receive CoC funds to accept and utilize these written standards. Recipients and sub-recipients of CoC Program and local fund may develop additional standards for administering program assistance, ***but these additional standards cannot conflict with those established by the [CoC Program Interim Rule](#), [ESG Program Interim Rule](#), or with the Omaha + Council Bluffs CoC standards outlined in this document. In addition, projects may not establish additional eligibility requirements beyond those specified here and those required by other funders, including but, not limited to: [Nebraska Homeless Assistance Program \(NHAP\)](#) and grants funded through the [Iowa Shelter Assistance Fund \(SAF\) Program](#).***

Guiding Principles

The Metro Area Continuum of Care for the Homeless and its partner agencies believe that homelessness should be rare, brief and one time. The continuum works to meet the needs of households experiencing a housing crisis and literal homelessness in ways that empower individuals to make choices related to services and ensures that all individuals are served in a dignified manner that respects their experiences and choices.

Equity and Inclusion

People of color, American Indian, Alaska Natives and other populations experience homelessness at disproportionate rates as compared to their numbers in the greater population. This is a result of lasting historical and continued structural issues in communities across the country. MACCH and its partner agencies believe that identifying inequalities within the populations experiencing housing instability and homelessness and working to address disparities within the homeless system and the results of discriminatory practices in other systems is key to resolving homelessness across all populations.

Client Choice

Homeless service and housing agencies in the CoC shall demonstrate that services are client-centered and strength-based and shall use individualized service planning to coordinate housing-focused supportive services. An empowerment model of services also gives voice to people who have not had the opportunity to use their voice or choice to control aspects of their lives-particularly critical for communities of color, other marginalized groups (persons identifying as LGBTQ and people living with disabilities, for example), and survivors of domestic violence.

Trauma-Informed Service Provision

Trauma-Informed service provision considers knowledge about trauma - its impact, interpersonal dynamic and paths to recovery - and incorporates this knowledge into all aspects of service delivery.

Trauma-Informed Service provision:

- Integrates an understanding of trauma, substance abuse and mental illness throughout the program;
- Reviews service policies and procedures to ensure prevention of re-traumatization;
- Involves consumers in designing/evaluating services;
- Sees trauma as a defining and organizing experience that can shape survivors' sense of self and others;
- Creates a collaborative relationship between providers and participants, and places priority on participant safety, choice and control; and
- Focuses on empowerment and emphasizes strengths.

Housing First

Housing First is a programmatic and systems approach that prioritizes providing permanent housing to people experiencing homelessness quickly without preconditions or service participation requirements, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life. This approach is guided by the belief that people require basic necessities, like food and a place to live, before attending to anything less critical, such as getting a job, budgeting properly, or attending to substance use issues.

Core Elements of Housing First at the Project Level

- Access to projects is not contingent on sobriety, minimum income requirements, lack of a criminal record (including status on the sex offender registry)', completion of treatment, participation in services, status or other unnecessary conditions.
- Projects do everything possible not to reject a household based on poor credit or financial history, poor or lack of rental history, minor criminal convictions, or behaviors that are interpreted as indicating a lack of "housing readiness."
- People with disabilities are offered clear opportunities to request reasonable accommodations within application and screening processes and during tenancy and building and apartment units include special physical features that accommodate disabilities.
- Housing and service goals and plans are highly tenant-driven.
- Participation in services is voluntary and not a condition of tenancy but can and should be used to persistently engage participants to ensure housing stability.
- Services are informed by a harm-reduction philosophy that recognizes that drug and alcohol use and addiction are a part of some tenants' lives. Tenants are engaged in non-judgmental communication regarding drug and alcohol use and are offered education regarding how to avoid risky behaviors and engage in safer practices.

- Substance use in and of itself, without other lease violations, is not considered a reason for eviction.
- Tenants in supportive housing are given reasonable flexibility in paying their share of rent on time and offered special payment arrangements for rent arrears and/or assistance with financial management, including representative payee arrangements.
- Every effort is made to provide a tenant the opportunity to transfer from one housing situation or project to another if a tenancy is in jeopardy. Whenever possible, eviction back into homelessness is avoided.

Housing-Focused

- Assistance provided to households at-risk of or experiencing homelessness is focused on moving to and maintaining permanent housing.

Prioritization

- Assistance is prioritized based on vulnerability and severity of service needs to ensure households needing help the most receive it in a timely manner. Refer to the [Coordinated Entry Policy & Procedures](#).

Person-Centered

Everyone using a Housing First service is encouraged and supported to choose the kind of life they want to live. Choice and control play an important part in this, with Housing First service users making real decisions about the kinds of support and treatment they wish to receive. Person-centered planning within Housing First centers on understanding that all aspects of the life that someone wishes to live, i.e. things that are worthwhile, rewarding and which enhance their well-being and their chances for happiness. This extends beyond ensuring that housing is suitable, and the correct range of treatment and support is in place and includes social integration.

Social integration includes things such as good social supports (friends and/or family and/or a partner), participation in civic life (being part of their neighborhood and society, not isolated from it) and contributing to society, e.g. through volunteering, paid work, or other productive activity. Good social integration can enhance health and well-being by positively enhancing self-esteem (Cohen, S. and Wills, T. {1985} Stress, Social Support and the Buffering Hypothesis Psychological Bulletin, 98, pp. 310-357).

The range of support offered by person-centered planning might include: help with running and maintaining a home; practical skills like cookery, budgeting, shopping and managing bills; debt and money advice and support with decoration and furnishing. In the area of social support, a person-centered plan might concern itself with establishing or re-establishing friendships and positive family relationships. Housing First might also, as regards social integration, encourage and support entry into education, training, arts-based activities, volunteering, paid work and community participation. Finally, regarding health and well-being, a person-centered plan would encourage and support Housing First service users to engage with treatment.

Housing First is concerned with the human rights and human needs of homeless people, their right to housing and their right to a reasonable quality of life. Housing First is not delivering a real answer

to homelessness if it merely ‘warehouses’ homeless people with high support needs in housing and maintains them with support services. Flexible, personalized support is essential. Housing First staff working with people using Housing First services to ensure that what they want from life, their quality of life, managing risks to their health, protecting their well-being and sustaining their exit from homelessness, is at the center of what Housing First does.

Person-centered planning should have several features:

- Ensuring a Housing First service user is at the center of any decisions that may change their life.
- Understanding what each person using Housing First wants from life, how they wish to live and what they wish to do. This will involve what they want in terms of relationships, their place in society and how they wish to spend their time.
- Person-centered planning can mean that someone using Housing First pursues priorities that are not those which a Housing First service provider might think are the best option for them. Ultimately, Housing First can encourage and support homeless people towards recovery, but it cannot insist that they take a specific direction.

Strength-Based

An asset-based approach that focuses on the inherent strengths of participants and deploys these personal strengths to aid in the achievements of the participants' goals. Specifically:

- Every individual, group, family, and community have strengths.
- Trauma, illness, and struggle may be injurious, but they may also be sources of challenge and opportunity.
- There is no limit to a person's growth, achievement, or success.
- We best serve participants by collaborating with them.
- Every environment is full of resources.

Recovery Housing

For the purpose of these standards MACCH utilizes HUD’s definition of *Recovery Housing* as housing in an abstinence-focused and peer-supported community for people recovering from substance use issues. In CoC and ESG program, *Recovery Housing* may be provided as transitional housing, or for people with more severe disabling conditions who are in need of long-term housing and assistance, as permanent supportive housing. While there are some differences between expectations for transitional and permanent supportive housing programs, MACCH (based on HUD recommendations) expects all *Recovery Housing* programs to have the following defining characteristics and effective practices:

- Program participation is self-initiated (there may be exceptions for court ordered participation) and residents have expressed a preference for living in a housing setting targeted to people in recovery with and abstinence focus;



- There are minimal barriers to entry into programs, so that long periods of sobriety, income requirements, clean criminal records, or clear eviction histories are not required for program entry;
- Generally, housing is single-site because of the benefits of the creation of a Recovery Oriented Community, but may include other housing configurations;
- Residents have personal privacy and 24/7 access to the housing, with community space for resident gatherings and meetings;
- Holistic services and peer-based recovery supports are available to all program participants;
- Along with services to help achieve goals focused on permanent housing placements and stability, and income and employment, programs provide services that align with participants' choice and prioritization of personal goals of sustained recovery and abstinence from substance use;
- Relapse is not treated as an automatic cause for eviction from housing or termination from a program—research indicates that relapse prevention and management can be an important part of homeless prevention for many program participants—therefore, the program includes relapse support that does not automatically evict or discharge a program participant from the program for temporary relapse;
- Discharge from transitional housing or eviction from permanent supportive housing should only occur when a participant's behavior substantially disrupts or impacts the welfare of the recovery community in which the participant resides; however, the participant may apply to reenter the housing program if they express a renewed commitment to living in a housing setting targeted to people in recovery with an abstinence focus;
- Participants who determine that they are no longer interested in living in a housing setting with an abstinence focus, or who are discharged from the program or evicted from the housing, are offered assistance in accessing other housing and services portions, including options operated with harm reduction principles; and
- Permanent housing program must also abide by all local and state landlord-tenant laws that govern grounds for eviction.

Programs Overview

Emergency Solutions Grant Program

The [Emergency Solutions Grant Interim Rule](#) broadened existing emergency shelter and homelessness prevention activities, placing greater emphasis on helping people quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness by expanding prevention as an eligible use and adding a rapid rehousing component. ESG funds are authorized and intended for rapid re-housing, homelessness prevention, and emergency shelter. The interim rule updated the annual action plan requirements to include written standards for the provision of ESG assistance and performance standards for evaluating ESG activities.

ESG funds can be used for a variety of services, including: Emergency Shelter, short- or medium-term Rental Assistance, Housing Search and Placement, Utility Arrears, and Housing Stability Case Management. The Homelessness Prevention component includes various housing relocation and stabilization services and short- and medium-term rental assistance. The City of Omaha is a recipient of HUD ESG Program funds and administers this award via eligible organizations referred to as Subrecipients.

2020 CARES Act and Impact on HUD-funded Projects

On [March 27, 2020 the Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) was signed into law. This Act provides economic assistance to states and cities for the purpose of preventing, preparing for, and responding to the COVID-19 pandemic. To protect people experiencing homelessness during the COVID-19 pandemic, Congress appropriated an additional \$4 billion for the Emergency Solutions Grant program via the CARES Act, which is known as [ESG-CV](#). On August 31, 2020, HUD also issued the [ESG Notice](#), providing the requirements set forth for both the ESG and ESG-CV program under the CARES Act. Between the ESG Notice and the CARES Act, the following provisions were established for the ESG-CV program only:

- At risk of homelessness income limit raised from 30% of AMI to ‘very low income’ which equal 50% of AMI – expands the range of people who can be served with homelessness prevention.
- Cities, metropolitan counties and territories have 240 days from when HUD signs grant agreement to obligate funds
- All ESG-CV funds must be expended by Sept. 20, 2022
- Recipients must spend at least 20% of funding by Sept. 30, 2021
- Recipients must spend at least 80% by March 31, 2022
- Sub-recipient match requirement has been eliminated
- Pre-award costs – can bill for expenses incurred on or after Jan. 21, 2020
- Medium term rental assistance is capped at 12 months, reduced from 24 months, for those funds allocated after HUD has approved the jurisdiction’s substantial amendment
 - For City of Omaha ESG-CV, the first round of allocations (CV1) are eligible for up to 24 months of medium-term rental assistance. The City of Omaha’s second round of allocations (CV2) will limit the length of medium-term rental assistance to 12 months
 - For Nebraska’s Balance of State ESG-CV, all medium-term rental assistance is capped at 24 months
- Landlord incentives are eligible costs, but may not exceed a total of three months rent
 - Signing bonuses up to 2 months rent
 - Security deposits up to 3 months rent
 - Damage repairs to units
 - Extra cleaning or maintenance costs
- Rental assistance may exceed the area Fair Market Rent (FMR), but must still meet rent reasonableness as established by HUD
- Additional [HUD “Mega Waivers”](#) were issued and apply to both the traditional ESG and CoC Programs



Continuum of Care Program

The [Continuum of Care \(CoC\) Program](#) funds projects that provide housing and supportive services to households with and without children experiencing homelessness. Projects funded under the CoC Program seek to assist households with attaining and sustaining permanent housing as quickly as possible. In Omaha + Council Bluffs, CoC Program funds are currently used to support Permanent Supportive Housing, Rapid Rehousing, HMIS and CoC Planning projects.

Policy on Project Selection

The CoC evaluates projects funded with HUD CoC Program dollars annually, in preparation for HUD's CoC Program Funding Competition. Locally-developed objective criteria incorporate priorities established by HUD in its Notice of Funding Availability (NOFA) and CoC Program Interim Rule, and local priorities established by the Omaha + Council Bluffs CoC. The local evaluations inform project selection and ranking for the HUD Competition, and help the CoC to identify any performance issues that may need to be addressed. Persistent performance issues, including issues related to compliance with Omaha + Council Bluffs CoC Written Standards, and chronic underspending, may negatively impact the CoC's willingness to continue to include a project in its consolidated application for CoC Program funding. MACCH shall notify project applicants in a timely manner, per the NOFA guidelines, whether the project will be recommended for funding.

Standards for All Project Types

The Omaha + Council Bluffs CoC practices a person-centered model that strongly incorporates participant choice and inclusion of subpopulations present in Omaha + Council Bluffs including, but not limited to persons experiencing chronic homelessness, veterans, youth ages 18-24, households with children, and victims of domestic violence or other life-threatening interpersonal violence.

Fair Housing and Equal Opportunity

All recipients and sub-recipients of CoC Program and ESG Program funding must comply with the non-discrimination and equal opportunity provisions of Federal civil rights laws as specified at 24 C.F.R. 5.105(a), including, but not limited to the following:

- Fair Housing Act- <https://www.justice.gov/crt/fair-housing-act-2>
- Section 504 of the Rehabilitation Act- <https://www.dol.gov/agencies/oasam/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>
- Title VI of the Civil Rights Act- <https://www.hhs.gov/civil-rights/for-individuals/special-topics/needy-families/civil-rights-requirements/index.html>
- Title II of the Americans with Disabilities Act- https://www.ada.gov/ada_title_II.htm
- HUD's Equal Access Rule- <https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>
- Local law including Omaha + Council Bluffs's Fair Practices Ordinance

- Violence Against Women Act (VAWA) - https://www.hud.gov/program_offices/housing/mfh/violence_against_women_act
- [MACCH Non-Discrimination and Appeals Policy & Procedures](#)

Affirmatively Furthering Fair Housing

Providers must have non-discrimination policies in place and conduct assertive outreach to people least likely to engage in the homeless system. Organizations receiving CoC Program and ESG Program funding shall market housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, sexual orientation, gender identity or disability; and, shall provide program applicants and participants with information, in writing, on their rights and remedies under applicable federal, state, and local fair housing and civil rights laws.

Integration and Accessibility (Fair Housing and Equal Opportunity)

Housing and supportive services must be offered in an integrated manner, such that persons with disabilities may enjoy a meaningful life within the community. Organizations shall offer housing and supportive services to enable individuals with disabilities to interact with nondisabled persons to the fullest extent possible.

Reasonable Accommodations and Modifications for Persons with Disabilities

Organizations are required to provide reasonable accommodations and modifications for persons with disabilities. For federally-funded housing, the recipient is responsible for paying for the modification. Organizations must inform applicants during the intake process of their right to request a reasonable accommodation or modification. A reasonable modification is a structural change, and a reasonable accommodation is change to rules, policies, or services so that a person with a disability has equal opportunity to use and enjoy a dwelling unit or common space. An example of a reasonable modification is installing a grab bar in the bathroom of a person with a disability, while examples of reasonable accommodations include, permitting a person with a disability to have a service animal.

Discrimination Based on Actual or Perceived Gender

HUD's [Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule \(Equal Access Rule\)](#) requires that HUD's housing projects be made available to individuals and families without regard to actual or perceived sexual orientation, gender identity, or marital status. The rule defines "gender identity" to mean "actual or perceived gender-related characteristics." The final rule also prohibits owners and administrators of HUD-assisted or HUD-insured housing, approved lenders in an FHA mortgage insurance program, and any other recipients or subrecipients of HUD funds from inquiring about sexual orientation or gender identity to determine eligibility for HUD-assisted or HUD-insured housing.

There is a limited exception to this rule: Temporary, emergency shelters and other buildings and facilities that are not covered by the Fair Housing Act because they provide short-term, temporary accommodations may provide sex-segregated accommodations, which they sometimes do to protect the privacy and security of individuals when the buildings and facilities have physical limitations or configurations that require shared sleeping quarters or shared bathing facilities. For

purposes of this rule, shared sleeping quarters or shared bathing facilities are those that are designed for simultaneous accommodation of multiple individuals in the same space. For example, a single-user bathing facility with a lock on the door is not designated for simultaneous occupancy by multiple individuals, so it is not a "shared bathing facility" for purposes of the Equal Access Rule or this rule.

Organizations should ensure that their services do not isolate, or segregate victims of domestic violence based upon actual or perceived gender identity

Discrimination Based on Household Composition

Organizations cannot discriminate against a group of persons presenting as a family based on the composition of the family, the age or gender of any member of the family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity. The people who present together for assistance, regardless of age, gender, 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. homeless veterans), 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 who reside together.

Preventing Family Separation

In an effort to maintain family unity, for housing projects serving households with children, the age and gender of a child under age 18 shall not be used as a basis for denying any family's admission, nor may a recipient deny admission to any member of the family (e.g., 15-year old son). Projects will make every attempt possible to avoid family separation, unless absolutely necessary for the safety and well-being of the family.

Guidance for Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities

Organizations operating ESG-single-sex emergency shelters (or other ESG- and/or CoC facilities) may not make a determination about services for one participant based on the complaints of another participant when those complaints are based on a participant's gender identity or non-conformity with gender stereotypes. For the purpose of assigning a participant to sex-segregated or sex-specific services, it is a requirement that intake staff and emergency housing providers ask a transgender participant which group or service the participant wishes to join. The organizations must take reasonable steps to address safety and privacy concerns; the organization should provide for privacy in bathrooms and dressing areas. For instance, organizations may install privacy curtains or partitions. When deciding how to house a victim of domestic violence, an organization that provides sex-segregated housing may consider on a case-by-case basis whether a particular housing assignment would ensure the victim's health and safety. A victim's own views with respect to personal safety deserve serious consideration. The organizations should ensure that its services do not isolate, or segregate victims of domestic violence based upon actual or perceived gender identity.

Prioritized Subpopulations and Fair Housing Implications

Organizations shall comply with applicable civil rights laws, including the [Fair Housing Act](#). Within this framework, these standards establish subpopulations to be prioritized for housing and services that align with the identified needs of the local community and the goals of the Federal Strategic Plan to End Homelessness. Subpopulations may be prioritized as long as doing so does not discriminate against any protected class under federal nondiscrimination laws (e.g., the housing may be limited to homeless veterans, victims of domestic violence and their children, or chronically homeless households); subpopulations may also be prioritized according to who needs the specialized supportive services that are offered by the project (e.g., substance use disorder treatment, domestic violence services, or a high intensity package of services designed to meet the needs of hard-to-reach homeless persons).

- *Dedicated versus Prioritized*

Projects and/or beds that are dedicated to serving a specific subpopulation must continue serving only this subpopulation. (For instance, a Permanent Supportive Housing project that is dedicated to serving households experiencing chronic homelessness must continue serving those households). This means that if two otherwise eligible households are seeking admission into the program, one who falls within the designated prioritized subpopulation and one who does not, the household who is in the designated prioritized subpopulation must be given priority for admission.

If there are no persons on a waiting list or applying for entrance to the program who fall within the dedicated or first priority subpopulation, organizations should not hold the unit vacant, but instead should serve the next prioritized subpopulation who may benefit from the services being provided.

- *Fair Housing Implications*

The Local Standards establish priority subpopulations by project type (i.e. Permanent Supportive Housing); organizations may not set more restrictive priorities. For instance, while a Permanent Supportive Housing project may prioritize households experiencing chronic homelessness with a qualifying disability per the Local Standards, beds may not be reserved to persons with a specific disability (i.e. physical disability). If an individual, who is otherwise qualified, but who does not have a physical disability, seeks admission and would benefit from the services offered, this person may not be excluded from the project. Organizations may reserve beds for persons with HIV/AIDS if the housing also receives funding from the Housing Opportunities for People with AIDS program (HOPWA).

Coordinated Entry System Participation

- Omaha + Council Bluffs' Coordinated Entry System (CES) is a *process* designed to coordinate program participant access, assessment, and referral to homeless prevention assistance, homeless dedicated housing and services, and community-based affordable housing. The written standards for providing assistance under ESG and CoC Programs will be integrated into



the CoC's Coordinated Entry System policies and procedures and the intake and assessment procedures of individual housing projects.

- **All** CoC-funded and ESG-funded projects are required to participate in the Omaha + Council Bluffs CoC's Coordinated Entry System.
- Participation requires following all established policies and procedures outlined in the Coordinated Entry System [Policies & Procedures](#).

HMIS Participation

- All CoC-funded and ESG-funded projects are required to participate in Service Point the Omaha + Council Bluffs CoC's Homeless Management Information System (HMIS), as specified in the [HMIS Security Privacy and Data Quality Plan and the Nebraska Management Information System Manual](#).
- The CoC strongly encourages non-CoC/ESG funded organizations to participate in Service Point.

Participant Inclusion

- Each CoC and ESG funded project is expected to engage participants in ongoing program evaluation and quality improvement processes. Toward that end, at a minimum, each project is required to survey or interview participants at least annually to obtain feedback on program service quality, the housing and service environment, and opportunities for improvement.
- Each CoC-funded organization must have representation from at least one individual with lived experience on a governing board or decision-making body.

Access to Mainstream Resources

- The Omaha + Council Bluffs CoC expects that every organization that is funded through the CoC or ESG programs will coordinate with and access mainstream and other targeted homeless resources.
- Organizations should assess and assist participants with obtaining any mainstream resource for which they may be eligible for including: TANF, Veterans Health Care, Supplemental Nutrition Assistance Program (SNAP), Medicaid, Federally Qualified Health plan (Affordable Care ACT), CHIP, SSI/SSDI, Workforce Investment funds, and Welfare-to-Work.
- Where possible, organizations should streamline processes for applying for mainstream benefits such as the use of a singular form to apply for benefits or collecting necessary information in one step.

Education Liaison

For projects that serve households with children, a staff person must be designated as the educational liaison that will ensure children are:

- Enrolled in school



- Connected to appropriate services in the community, including early childhood projects such as Head Start, Part C of the Individuals with Disabilities Education Act, and McKinney Vento education services

Termination and Grievance Procedures

- Organizations must have a written grievance procedure, including a formal process for participants to provide feedback.
- Organizations must have a written termination policy outlining project rules and termination processes, including formal due process.
- Terminations may only occur in the most severe circumstances, which include, but are not limited to: violence or threats of violence against agency staff or other participants, manufacture or distribution of a controlled substance, consistent violation of the lease, or destruction of property.
- Termination from a project should not prohibit the household from being readmitted into the program at a future date.
- **The termination process, at a minimum, must consist of:**
 - Providing the participant with a written copy of the rules and the termination process before the participant begins to receive assistance. Agencies are strongly encouraged to obtain written verification from the client that they have received a copy of these guidelines and should be maintained in the client file.
 - Written notice to the program participant containing a clear statement of the reasons for
 - termination: e.g. lease obligations, tenant payments, damage to the property.
 - A review of the decision, in which the program participant is given the opportunity to present written or oral objections/ appeal before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
 - Prompt written notice of the final decision to the program participant.

Lease Requirements (Applies to TH, RRH And PSH Projects Only)

These lease requirement standards align with Federal and State requirements and serves to protect the housing rights of program participants. It also aligns with a Housing First orientation in that lease requirements are limited to reasonable tenancy requirement as opposed to any other arbitrary requirements which would otherwise create barriers to maintaining housing.

All PSH and RRH programs and the majority of TH programs will require a lease for participants. Programs may (depending on leasing structure and contract guidelines) be the lease holder of the property and execute a sub-lease with the program participant. Programs may also use a program participation agreement as a corresponding document with leases. In either event, these documents



should conform to the least restrictive covenants and not provide stipulations beyond what is found in a standard lease.

General Requirements

- Programs funded as Transitional Housing (TH), Rapid Re-Housing (RRH) and Permanent Supportive Housing (PSH) under the CoC Program must have in place leases or program participation agreements for the term of one year;
- Programs funded by ESG can implement month to month leases;
- Programs must also comply with any additional lease term requirements as outlined by their Capital investments and if receiving or operating under Section 8 project-based, tenant-based or public housing policies.

Lease Compliance and Housing Retention

Program Participants are expected to comply with a standard lease agreement and are provided with services and supports to help maintain housing and prevent eviction. Visitors are expected to comply with requirements in the lease agreement.

Housing Retention

Retention in housing is contingent only on lease compliance and is not contingent of abstinence from substances or compliance with services, treatment or other clinical requirements (exceptions would be made for recovery housing, please see section above for clarification). For example:

- Tenants are not terminated involuntarily from housing for refusal to participate in services or for violating program rules that are not stipulated in the lease;
- Transitional housing programs offer participants due process to resolve issues that may result in involuntary discharge (unless immediate risk to health and safety);
- Permanent housing providers only terminate occupancy of housing in cases of non-compliance with the lease; and
- To terminate housing, permanent housing providers are required to use the legal court eviction process.

Separation of Housing and Services: While not a requirement, MACCH considers it a best practice when projects are designed in such a manner that the roles of property management (e.g., housing application, rent collection, repairs and eviction) and supportive services staff are clearly defined and distinct.

- Property management and support service functions are provided either by separate legal entities or by staff members whose roles do not overlap;
- There are defined processes for communication and coordination across the two functions to support stable tenancy; and
- Those processes are designed to protect client confidentiality and share confidential information on a need to know basis only.

Additionally,

- Leases do not include stipulations beyond those that are customary, legal and enforceable under state/local law;
- No program rules beyond those that are customary, legal and enforceable through a lease are applied (e.g., visitor policies should be equivalent to those in other types of permanent, lease-based housing in the community). Housing providers may for identification from visitors.

Program Specific Standards

This section of the Standards addresses requirements for traditional ESG and CoC activities. Please note, the [CARES Act](#) and subsequent supporting documentation through the [ESG Notice issued 8/31/20](#) and [HUD Mega Waivers](#) allows specific flexibilities for communities to prevent, prepare for, and respond to the COVID-19 pandemic. For more information on special provisions and allowable activities, please view the linked resources and also review page 11 of this document.

ESG Homelessness Prevention

ESG homelessness prevention is housing relocation and stabilization services and short-and/or medium-term rental assistance as necessary to prevent the household from moving to an emergency shelter, a place not meant for human habitation or another location described in paragraph (1) of HUD's homeless definition.

The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in their current housing or move into other permanent housing and achieve stability in that housing.

Eligibility

Households who:

1. Do not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the "homeless" definition; AND
2. Meets ONE of the following conditions:
 - a. Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance;
 - b. Is doubled-up, and not listed on the lease because of economic hardship;
 - c. Has been notified 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 is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals;

- e. Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one-and-a-half persons per room;
- f. Is exiting a publicly funded institution or system of care;
- g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in this Consolidated Plan;
- h. A child or youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under another Federal statute;
- i. An unaccompanied youth who does not qualify as homeless under the homeless definition but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) or that child or youth if living with him or her.

Minimum Standards for Homelessness Prevention Assistance

- Participants are eligible to receive rental assistance up to 12 months.
- Participants receiving more than one-month rental assistance are required to meet with their housing stabilization specialist/social worker at least once per month.
- Participants are required to contribute 30% of their monthly adjusted income or 10% of their monthly income (higher of the two amounts) towards rent, and participant household incomes are recertified every 3 months; monthly household income at or below 30% AMI.
- Participants must have a written lease in order to receive rental assistance.
- Rental assistance will only be provided if the total rent for the unit does not exceed the fair market rent established by HUD, and complies with HUD's standard of rent reasonableness

Types of Assistance

- Rental Assistance
 - Short-term rental assistance (up to 3 months)
 - Medium-term rental assistance (4 to 12 months)¹¹.
 - Rental arrears (one time, to cover up to 6 months of arrears, including late fees)
- Housing Relocation and Stabilization Services
- Financial Assistance
- Rental application fees
- Security and Utility Deposits (up to 2 equivalent of 2 months' rent)
- Utility Payments (up to 12 months, including up to 6 months of arrears)
- Last Month's Rent
- Moving Costs
 - Services
 - Housing Search and Placement



- Housing Stability Case Management
- Landlord-Tenant Mediation
- Tenant Legal Services
- Credit Repair

Street Outreach

Street outreach is a critical component of a successful homeless system. Through street outreach individuals who are experiencing homelessness can be identified, assessed and connected to supportive services that will meet their individual needs and work to end their homeless episode quickly. The MACCH Street Outreach team offers services 5 days per week to individuals residing on the streets or in places not meant for human habitation. Street Outreach works with a number of service providers, local law enforcement, local government to gain insight and share their knowledge on the needs of unsheltered individuals. Street Outreach is expected to have the following practices:

- Street Outreach participation is completely voluntary and available to any individual residing on the streets or in a place not meant for human habitation;
- Engagement is person centered and works to avoid trauma;
- Street Outreach services are not time limited and are available indefinitely and are based on the desire to remain engaged by the participant;
- With participant consent, Street Outreach will coordinate with other providers across the CoC to procure basic needs assistance, supportive services and work to identify permanent housing options;
- Please view the [MACCH Street Outreach Manual](#) for specific policies and procedures.

ESG Emergency Shelter

An emergency shelter is any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for households experiencing homelessness

Eligibility

Persons experiencing homelessness under 24 CFR part 91.5 are eligible for emergency shelter. As per the HUD Interim Rule (24 CFR 576.500) Emergency Shelters will verify homeless status upon entry and keep appropriate records. Shelters must establish procedures for intake including standards for the evidence relied upon to establish and verify homeless status.

Minimum Standards for Emergency Shelter Assistance

The Emergency Solutions Grants (ESG) Program interim rule establishes minimum standards for safety, sanitation, and privacy in emergency shelters funded with ESG.

ESG grantors and their contracted emergency housing organizations will provide the following services to facilitate self-sufficiency and independence:

- Safe, temporary emergency shelter;
- Housing-focused, person-centered, strengths-based case management services;

- Shelters are strongly encouraged to complete a housing stability plan with participants. Housing stability plans are defined as a document that outlines the steps both the participant and their case managers will take to support the participant moving to permanent housing, or when appropriate, treatment or Transitional Housing (TH);
- Assistance with obtaining housing;
- Referrals to supportive services for special populations such as children, clients with disabilities, clients with behavioral health needs, veterans, etc.
- Emergency shelters are encouraged to reduce barriers to access (including shelters designated as *Recovery Housing*) to ensure that services are available to all individuals who request them and that individuals' access to shelter and services are not terminated without cause

ESG and CoC Rapid Rehousing

Rapid Re-Housing (RRH) is available to help those who are experiencing homelessness to be quickly and permanently housed. Rapid Re-Housing Projects (RRH) provides housing relocation and stabilization services and short- or medium-term rental assistance as needed.

Eligibility

- Must meet eligibility determinations as set forth in the HUD Interim Rule at 24 CFR 576.500. Specific eligibility requirements and services are documented in Appendix C and additional guidance can be found at <https://files.hudexchange.info/resources/documents/Rapid-Re-Housing-Brief.pdf>. Additional information and resources can be found at; https://files.hudexchange.info/resources/documents/Rapid_Re-Housing_ESG_vs_CoC.pdf
- Must follow any additional eligibility criteria set forth in the NOFA (for CoC projects) through which a project was funded, and the grant agreement (e.g. in the FY13/14 NOFA, new RRH projects could only serve families with children coming directly from streets or shelter).
- Programs must maintain documentation of the participants eligibility and the evidence relied upon to determine eligibility.
- RRH Projects must follow the CoC's Coordinated Entry policies including the prioritization policy found in Appendix A.

Minimum Standards for Rapid-Rehousing Assistance

The following minimum standards will be applied to all rapid re-housing projects:

- Programs should base the number of months of financial assistance on the need of the household as established through a regular re-certification process and should not limit assistance to a pre-determined number of months.
- The maximum number of months of financial assistance for an eligible program participant may not exceed 24 months in a three-year period.



- Months of rental assistance does not include the period between program entry and the permanent housing move in date and should not be counted against the maximum number of months of assistance.
- Program participants should not be required to contribute to their initial housing costs including deposits, pro-rated rent or first month's rent.
- Supportive services must be offered throughout the duration of stay in housing, and for CoC projects should include the option of up to six months of follow up case management.
- Participants are required to meet with a Housing Stabilization Specialist or Case Manager not less than once per month to assist the participant in ensuring long-term housing stability. This meeting may be in person, over the phone or through other methods of contact that are mutually agreed upon by the case manager and participant.
- Participants must enter into a lease agreement for a term of at least one year (excluding ESG), 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.
- Must re-certify participants at least semi-annually to determine that the participant lacks sufficient resources and support networks necessary to retain housing without assistance.
- Rental assistance will only be provided if the rental amount conforms to the rental assistance provisions in the applicable regulations (ESG projects must be under FMR and Rent Reasonable. CoC projects must be considered rent reasonable).
- Programs should offer participants case management during their time in the program to help ensure a successful transition to permanent housing and avoid re-entry into homelessness. For ESG projects a maximum of 24 months of case management may be provided. CoC funded projects may provide case management up until 6 months after the participant exits the project.
- MACCH considers it a best practice for programs to avoid creating barriers to possible program re-entry if needed. This includes time limits that preclude referral to a program after a participant has been exited. Programs may establish policies that limit or exclude a participants' return to the program for severe acts such as, but not limited to, violence against staff and manufacturing or distributing controlled substances. Such policies must include the ability to appeal the decision and provide for due process (see appeals above)
- While RRH participants are statutorily exempt from mandatory contributions toward rent, HUD allows CoC's to establish policies for RRH projects regarding participant rent sharing payments (24 CFR 578.37(a)(1)(ii)(A)). To this end, MACCH believes that rent sharing can be useful for both projects and participants and has established requirements for participants in RRH funded projects. Further, MACCH believes that RRH projects should further eliminate barriers to project entry, including payment of deposits, 1st month full rent, any pro-rated rent, etc. MACCH sets the maximum amount of occupancy charges (rent and utilities) that can be charged to a RRH participant as the higher of 30 percent of the family's monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child-care expenses), or 10 percent of the family's monthly income. RRH programs must establish policies for occupancy charges that treat all participants fairly with income and



deductions applied consistently. Further guidance for calculating occupancy charges, including how to account for utilities, can be found at :

<https://www.hudexchange.info/resource/5630/notice-cpd-17-11-determining-program-participant-rent-contribution-in-the-coc-program/>).

CoC Permanent Supportive Housing

Permanent supportive housing (PSH) is permanent housing with indefinite leasing or rental assistance paired with supportive services to assist homeless persons with a disability, or families with an adult or child member with a disability, achieve housing stability.

PSH projects have the following additional NOFA limitations on eligibility within Category 1:

- Individuals and Families coming from TH must have originally come from the streets or emergency shelter or safe haven.
- Projects that are dedicated chronically homeless projects, including those that were originally funded as Samaritan Bonus Initiative Projects, must continue to serve chronically homeless persons exclusively.
- Projects funded under the Permanent Supportive Housing Bonus must continue to serve the homeless population outlined in the NOFA under which the project was originally awarded.
- PSH projects must follow the requirements under the CoC's Coordinated Entry System and must follow the prioritization policy set forth under the Coordinated Entry System.
- PSH projects must establish rent sharing policies in accordance with 24 CFR 578.77.

Organizations must exercise due diligence when conducting outreach and assessment to ensure that chronically homeless individuals and families are prioritized for assistance based on their total length of time homeless and/or the severity of their needs.

HUD and the Omaha + Council Bluffs CoC recognize that some persons - particularly those living on the streets or in places not meant for human habitation might require significant engagement and contacts prior to their entering housing and recipients of CoC Program-funded PSH are not required to allow units to remain vacant indefinitely while waiting for an identified chronically homeless person to accept an offer of PSH. Street outreach providers should continue to make attempts to engage those persons that have been resistant to accepting an offer of PSH and these chronically homeless persons must continue to be prioritized for PSH until they are housed.

CoC Program-funded PSH organizations are required by grant agreement to follow a Housing First approach to the maximum extent practicable. A household experiencing chronic homelessness should not be forced to refuse an offer of PSH if the household does not want to participate in the project's services, nor should a PSH project have eligibility criteria or preconditions to entry that systematically exclude those with severe service needs.



Minimum Standards for Permanent Supportive Housing Assistance

- There can be no predetermined length of stay for a PSH project.
- Supportive services designed to meet the needs of the participants must be made available to the participants throughout the duration of stay in PSH.
- 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.
- Organizations that are providing permanent supportive housing for hard-to-house populations of homeless person must exercise judgment and examine all extenuating circumstances in determining when violations are serious enough to warrant termination so that a participant's assistance is terminated only in the most severe cases.
- Programs should offer participants up to 6 months of follow up services after they have exited the program to help ensure a successful transition to permanent housing and avoid re-entry into homelessness
- MACCH considers it a best practice for programs to avoid creating barriers to possible program re-entry if needed. This includes time limits that preclude referral to a program after a participant has been exited. Programs may establish policies that limit or exclude a participants' return to the program for severe acts such as, but not limited to, violence against staff and manufacturing or distributing controlled substances. Such policies must include the ability to appeal the decision and provide for due process (see appeals above)
- Projects must re-evaluate participants at least semi-annually to determine that the participant lacks sufficient resources and support networks necessary to retain housing without assistance.
- While PSH participants are statutorily exempt from mandatory contributions toward rent, HUD allows CoC's to establish policies for PSH projects regarding participant rent sharing payments. To this end, MACCH believes that rent sharing can be useful for both projects and participants and has established requirements for participants in PSH-funded projects. MACCH's policy for PSH projects will follow HUD's guidance for determining rent share for participants in HUD funded PSH projects funded through the CoC (Guidance can be found at: <https://www.hudexchange.info/resource/5630/notice-cpd-17-11-determining-program-participant-rent-contribution-in-the-coc-program/>). Projects may create internal policies consistent with HUD's guidance at: 24 CFR 578.77. Further, MACCH believes that PSH projects should further eliminate barriers to project entry, eliminating up-front costs, including payment of deposits, 1st month full rent, any pro-rated rent, etc.

