

RIHOUSING RENTAL ASSISTANCE PROGRAM

Updated May 2019

Continuum of Care
Policies and Procedures
Manual

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Purpose of Manual

The purpose of this manual is to describe the policies and procedures of Rhode Island Housing (RIHousing) in its administration of Rental Assistance in conjunction with the Continuum of Care (CoC) program. The goal is to provide standard concepts, definitions and procedures that enable staff to understand and effectively administer the program. This manual is designed to be used as a tool to train new staff and a reference and resource for existing staff. It is a public document. The Manual is not intended to govern the use of CoC Rental Assistance in other permanent supportive housing, rapid re-housing or transitional housing components of the CoC program. This manual is only intended to govern the CoC permanent supportive housing program(s) for which RIHousing is the designated HUD recipient.

This manual will be updated on a regular basis to reflect changes in RIHousing's policies and procedures as well as new HUD regulations, notices and other guidance.

Program Overview

CoC Program

The CoC Rental Assistance Program [formerly The Shelter Plus Care (S+C) Program prior to 2012] is authorized under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (The HEARTH ACT), **24 CFR Part 578** Subtitle F of the McKinney-Vento Homeless Assistance Act.

Under the CoC program, permanent supportive housing can only provide assistance to individuals with disabilities and families in which one adult or child has a disability. Since this is the permanent housing (PH) component of the HEARTH CoC Program, there is no designated length of stay for the participant. However, continuation in the program is contingent on adherence to program rules and regulations as well as continued funding from HUD. Because of the limited availability of homeless assistance resources and the great need for support, the assistance provided through the CoC program should be the minimum necessary to end the homelessness of the participant and provide some assurance that housing can be sustained. When households can maintain housing without continuing rental assistance, they should be supported in making that transition.

HUD requires that communities implement a system of coordinated entry for providing access to homeless assistance. Permanent supportive housing is intended to be prioritized through coordinated entry to those households with the most severe service needs and the longest episodes of homelessness. This is consistent with HUD policy (see HUD CPD Notice 16-11, Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing ([CPD Notice 16-11: Prioritizing persons experiencing chronic homelessness](#))).

Through coordinated entry, individuals and families being referred to permanent supportive housing will be those with the highest priority needs. This includes households who meet HUD's definition of Chronic Homelessness and those who meet a new priority group that HUD defined in the FY2017 NOFA for the CoC Program— those meeting HUD's eligibility criteria for DedicatedPLUS. Chronic homelessness and DedicatedPLUS homelessness are defined later in this document.

All households must be disabled households to be eligible to participate. The homeless status (including whether the household is chronically homeless or qualifies for DedicatedPLUS beds) and the disability of a family member must be fully documented before the household will be able to receive assistance. This Manual provides specific guidance on how that should be documented.

RIHousing Rental Assistance Program

The RIHousing Rental Assistance Program is a **Tenant-Based** and **Sponsor-Based** rental subsidy program. The rental assistance is supported by annual grants awarded by HUD to specific projects funded under the CoC program.

RIHousing serves two distinct roles in the Rhode Island CoC Program:

- It serves as the Collaborative Applicant (CA) for CoC funding. As such, it prepares the annual application to HUD and works in close coordination with the Steering Committee, the governing body of the Rhode Island CoC, in establishing procedures for the competition. As the CA, RIHousing applies for Planning funds available from HUD and uses those resources to provide planning and staff support to the RICoC.
- It is the administrator of Rental Assistance under the CoC program. RIHousing is the direct recipient of CoC grants that provide rental assistance, including both tenant and sponsor-based assistance. In this capacity RIHousing works directly with nonprofit service provider organizations that act as Project Sponsors in the rental assistance programs. Project Sponsors support program participants in securing and maintaining housing.

The goals of the RIHousing Rental Assistance Program are to:

- Rapidly place eligible program participants into permanent housing.
- Ensure that participants either remain in CoC assisted housing or move to other permanent housing.
- Avoid returns to homelessness among people served.
- Lead to an end of Individual, Veteran, Youth and Family homelessness in Rhode Island.
- Increase rates of employment among program participants.
- Increase access to services and resources among program participants.
- Maximize utilization of resources by ensuring full occupancy of units and timely drawdowns of federal resources.

These goals will be attained by following the adopted Housing First principles.

These components are defined as follows:

- **Tenant Based Rental Assistance (TBRA):**
 - In the tenant-based component (TBRA), participating households are referred for assistance, prioritized based on need and determined eligible. With support from the Project Sponsor, TBRA participants seek privately owned housing in the community that meets HUD's Housing Quality Standards and rents for a reasonable sum compared with similar housing in the community.
 - Participants may be limited in terms of where they can locate housing to areas that can be served by the Project Sponsor.
 - The participants will sign standard residential leases with the property owner. Participants will pay their share of the rent (not to exceed 30% of their adjusted gross income or 10% of gross income) to the property owner. RIHousing as the administrator of rental assistance, will pay the owner the difference between the tenant's rental contribution and the reasonable rent for the unit.
 - Upon completion of the lease term or upon mutual agreement with the property owner, TBRA participants may request the option to relocate to another unit that meets program requirements. Participants seeking to relocate must notify the Project Sponsor who is responsible for notifying RIHousing promptly.
 - RIHousing will provide monthly subsidy payments that equal the difference between the tenant's rent contribution and the contract rent (which may not exceed the reasonable rent).
 - **Sponsor Based Rental Assistance (SBRA)**
 - In the sponsor-based component (SBRA) households must also be referred for assistance, prioritized based on need and determined to be eligible for permanent supportive housing.
 - Participants are not required to search for their own housing and instead will be referred to housing units that are either owned or leased by nonprofit Project Sponsors.
 - These unit rents must be reasonable, and all units assisted must meet HUD's Housing Quality Standards. The units may be scattered in various sites in the community or clustered in a specific location.
 - In the SBRA component, the subsidy is tied to the unit that is owned or has been leased by the nonprofit Project Sponsor. If a participant moves out of the unit, the Project Sponsor can then sublease it to the next eligible participant or the Project Sponsor can elect to continue SBRA to support the participant in their new unit or the Project Sponsor can locate another unit to sublease.
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CoC Program Funding Process

Funding for CoC grants is awarded competitively through the annual Homeless CoC competition. The competition is announced by HUD through a Notice of Funding Availability (NOFA) which provides a time-limited opportunity to submit grant applications. Eligible applicants are non-profit organizations, state and local governments and municipalities of local governments and Public Housing Authorities (PHAs). RIHousing serves as the direct grantee on multiple rental assistance grants with nonprofit service providers designated as sub-recipients (Project Sponsors).

RIHousing serves as the Collaborative Applicant for the Rhode Island Continuum of Care (RiCoC). The Board of Directors of the RiCoC sets policies for the annual competition including:

- Determining whether existing grants will be renewed, or the funding repurposed through the reallocation process;
- Developing performance criteria for reviewing the outcomes of funded projects;
- Soliciting new project applications from eligible entities for projects funded through reallocation or through a permanent housing bonus that may be funded by HUD; and
- Ranking all new and renewal applications to ensure that high priority projects and those meeting the CoC's standards receive funding in the competition.

HUD reviews the CoC application submitted by the RiCoC and the individual project applications submitted by eligible entities including RIHousing. HUD will conditionally award funding to grant applications based on how the project application has been ranked by the RiCoC. HUD has historically required CoC's to rank projects in two tiers: those ranked in Tier 1 – if they meet HUD threshold and project quality reviews – are essentially assured of funding. Those ranked in Tier 2 are competitively funded on a national basis. Among the key determinants of whether a Tier 2 project is funded, is the score assigned to the CoC application by HUD. Increasingly, the CoC score is based on outcomes reported to HUD that demonstrate a CoC's efficacy in preventing and ending homelessness in their community.

If HUD has selected a project for funding, it will be conditionally awarded. The local HUD Field Office may, once it is ready to execute a contract, issue a series of 'issues and conditions' that must be addressed/resolved. Once any issues and conditions have been addressed, HUD will enter into the grant agreement.

In rental assistance administered by RIHousing, RIHousing will always be the direct grantee, also known as the Recipient. RIHousing will enter into sub-recipient agreements with Project Sponsors who will refer eligible participants for rental assistance, compile necessary documentation to establish eligibility and document income, provide support in the housing search process (TBRA) or identify eligible units (SBRA). Once housed, the Project Sponsors will be responsible for providing case management and other support services to assist in maintaining housing, increasing residential stability and income.

In the TBRA component, RIHousing will issue monthly rental assistance payments to landlords. For the SBRA component, RIHousing will issue the monthly payments to Project Sponsors on behalf of tenants residing in housing owned or leased by the Project Sponsor.

The Roles of HUD, RIHousing, and Project Sponsors

US Department of Housing and Urban Development (HUD):

HUD prepares and issues the annual Notification of Funding Availability (NOFA) which establishes the terms and conditions for the annual competition. HUD establishes the scoring factors and determines the types of new projects that will be eligible for funding. HUD provides information and support through the competition. Once applications have been submitted to HUD, it scores the CoC application, reviews all project applications and conditionally awards funding to new and renewal projects. Based on the decision by HUD Central Office, HUD field offices then review the awarded applications, identify any issues and conditions that must be addressed and enter into contracts once all issues and conditions are resolved. Once grant agreements are signed, the field office is responsible for monitoring grantee performance and responding to requests to amend contracts.

RIHousing:

- Act as the Collaborative Applicant for the RICoC;
- Facilitate the operations of the CoC by preparing meeting notices, agendas and minutes, providing staff support to committees, and assuring that the CoC fulfills all HUD requirements;
- Conduct such planning activities as needed to support the development of Consolidated Plans and identify gaps in homeless services in Rhode Island;
- Submit the collaborative application and individual project applications for rental assistance;
- Complete reports and draw funds from HUD;
- Monitor the performance and compliance of all funded CoC projects;
- Apply for new and renewal rental assistance projects;
- Implement the RIHousing Rental Assistance Program in conjunction with nonprofit Project Sponsors;
- Provide technical assistance, guidance and support to Project Sponsors;
- Notify the RI Statewide Coordinated Entry System and applicable Project Sponsor when new permanent supportive housing participant referrals are needed;
- Provide training opportunities;
- Serve as Rental Assistance Administrator including but not limited to Program Approval, Unit Approval, Program Admission/Move, Tenancy, Annuals, Interims and Payments.

Project Sponsors:

- Receive referrals of eligible homeless individuals and families from the RI Statewide Coordinated Entry System for permanent supportive housing.
 - Responsible for reviewing referral documentation provided by coordinated entry and, as necessary, obtaining supplemental documents to determine eligibility for permanent supportive
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housing and submitting it to RIHousing. The eligibility to RIHousing must provide sufficient information for RIHousing to be able to verify the eligibility of the applicants. This includes verification of identity and family composition, income documentation, homeless and chronic homeless verification, and other information as may be required by RIHousing.

- Once the eligibility of the applicant has been verified, the Project Sponsor will conduct a briefing for the participant. The briefing will cover:
 - ✓ How the rental assistance subsidy will operate.
 - ✓ Housing quality and other requirements for acceptable housing.
 - ✓ Cost range for eligible housing.
 - ✓ Lease requirements.
 - ✓ Case management and other support provided by the Project Sponsor.
 - ✓ Any limitations as to where housing in Rhode Island can be located.

Upon completion of the briefing, the Project Sponsor will support the participant in the housing search process (TBRA) or identify the housing unit appropriate for the participant (SBRA) and once a unit with a willing landlord is identified, prepare and submit a Unit Approval Packet with all the required forms and documents needed to approve the unit to RIHousing.

For TBRA, the Project Sponsor will assist the participant to locate and secure appropriate housing including:

- Providing transportation assistance for housing search
- Assisting the participant in negotiating and working with the landlord to secure the landlord's participation

For SBRA, the Sponsor will be responsible for leasing units in the community that meet HUD HQS and for which the rent is reasonable.

For TBRA and SBRA, the Project Sponsor will:

- Promptly notify RIHousing and the coordinated entry lead when a vacancy is anticipated. This will occur when a current participating household indicates that they no longer wish to participate, when a household is terminated from the program, or when the participant no longer requires support from the Project Sponsor and the program to maintain housing. Referrals for the available slot will be made through coordinated entry.
 - On an annual basis the Project Sponsor will assist the program participant to compile necessary information to re-verify income and eligibility.
 - Project Sponsors are responsible for maintaining regular contact with the landlord/property owner. In the TBRA component, the Project Sponsor will follow up to determine if the participating household has paid the required share of the rent to the property owner. If the rental share is not paid, the Project Sponsor is responsible for encouraging the property owner to require
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participants to meet their obligations of tenancy and ensuring that participants understand the importance of meeting all tenant responsibilities. In addition, Project Sponsors must follow up with the owner and participants to support them in maintaining tenancy. This includes regular in-home visitation, linkages to support services to address disability needs, support in securing employment, assistance in obtaining benefits and other support that will enable the household to live independently.

- Project Sponsors are responsible for submitting a Project Sponsor Certification and Request for Payments each month. This form allows Project Sponsors to request Tenant Assistance Payments, Special Adjustments/Claims which include Adjustments to Regular Tenant Assistance Payments, Security Deposits (not to exceed one month's rent), Tenant Damages, Vacancies, Rental Assistance Activities and Administrative Activities. This billing is due by the 10th of the month.
- The Project Sponsor is responsible for ensuring that all required data is entered into the Rhode Island Homeless Management Information System (HMIS). Participant information must be entered correctly into the HMIS data base upon program entry, at least annually with any recorded changes to the participant's situation, and upon program exit. For additional information on required data, please see the ([RI HMIS Policy and Procedure Manual](#)).
- The Project Sponsors shall participate in the RICoC planning process including attending meetings regarding their activities. These meeting may include, but are not limited to HMIS, annual HUD NOFA planning meetings, and other activities that assist the RICoC in its goals to eliminate homelessness.

CoC Program Components

RIHousing will use CoC funds to provide tenant and sponsor-based rental assistance as approved in its grant agreements with HUD. HUD does not allow changes in program components. These changes can only occur through the reallocation process.

All Project Sponsors providing tenant-based rental assistance to program participants will support participants in identifying and choosing their own housing. Project Sponsors may limit the areas in which participants search for housing if that is necessary to assure that they will be able to deliver services to the participants. Participants will retain their rental assistance if they choose to move to another housing unit after the end of their initial one-year lease and thereafter annually. A security deposit will also be paid on behalf of the participant upon entry into the program whether tenant or sponsor-based (the security deposit will be paid directly to the Project Sponsor agency for SBRA). Additional security deposits for the same participant are allowable when a household must be relocated to a different unit and there are no other financial resources available or the participant does not have the ability to pay the security deposit, and there is CoC funding to support a second security deposit. All efforts should be made to obtain the initial security deposit from the landlord,

and to use it for the new housing unit, provided there are no damages. (Per Rhode Island General Law, Section 34-18-19, the owner is required to return the Security Deposit within 20 days from move out or provide a written itemized list of the damages listing the difference between the costs and the security deposit paid.)

All Project Sponsors receiving sponsor-based rental assistance will secure housing for CoC participants. The Project Sponsor agency will lease a unit owned by a private entity or it will commit a housing unit owned by the Sponsor to the sponsor- based program. The Project Sponsor will enter into a standard lease agreement with the participant. CoC participants may only reside in units leased or owned by the Project Sponsor agency. Case managers may not be involved with lease enforcement since this constitutes a conflict of interest between the participant and the leasing agency/landlord.

Eligible Uses of Funding for the RIHousing Rental Assistance Program

RIHousing will utilize CoC funding to make housing affordable for program participants and families by using CoC grant funds to pay the difference between the contract rent for a unit and a tenant rental payment that does not exceed 10% of the household's gross income or 30% of the participant's or family's adjusted income. In general, rental assistance will be provided in the form of:

- Monthly rent payments paid directly by RIHousing to property owners (TBRA) or Project Sponsors (SBRA);
- Grant funds may be used to pay security deposits. Security deposits are limited by Rhode Island Law, Chapter 34-18-19, to be not greater than one month's rent. Accordingly, the security deposit provided through the RI Housing Rental Assistance Program shall not exceed one month of the actual rent;
- A vacancy payment of one month's rent can be made if a unit assisted with rental assistance is vacated prior to the expiration of the lease. The assistance for the unit may continue for no longer than 30 days from the end of the month in which the unit was vacated unless occupied by another eligible household;
- Up to three month's rent for those who are in inpatient care or who become incarcerated. Each occurrence cannot exceed 89 days;
- Rental assistance funds in an amount not to exceed one month's rent may be used to pay for any damage to housing as a result of the actions of a program participant. Damage costs may only be accrued once during the duration of the participants enrollment in the CoC Rental Assistance Program. Costs may be reimbursed at the time a participant exits a housing unit. The Project Sponsor must request the damages payment with the monthly billing and provide documentation verifying the damage expense.
- To offset utility costs paid by the participant or family if utilities are not included in the rent;

- Program participants are eligible for the reimbursement of utility costs up to the utility allowance schedule published annually by HUD and RIHousing. Participants' payments for utilities may be used to meet the tenant rent payment requirement.
- Only those utilities that the participant or family is responsible for paying will be used to determine the utility allowance. If the utility allowance is more than the participant's rent contribution, the participant must be provided the utility subsidy. If the participant or family's monthly utility bill is less than the utility subsidy, the full utility subsidy must be paid to the utility company or the participant.
- CoC rental assistance cannot be provided to a program participant who is already receiving rental assistance, or living in a housing unit receiving rental assistance or operating assistance through other federal, State, or local sources
- All program participants on whose behalf rental assistance payments are made must pay a contribution toward rent. The only exceptions are participants whose household income is zero. These persons must also be served by the program. The Project Sponsor must obtain a Zero Income Affidavit from all adult household members participants claiming zero income and must support the participant in efforts to obtain income.
- Any members of a household that were living in a unit assisted with rental assistance at the time of the qualifying member's death, long-term incarceration, or long-term institutionalization have the right to rental assistance until the expiration of the lease in effect at the time of the qualifying members departure from the unit.
- Rental assistance funds in an amount not to exceed one month's rent may be used to pay for any damage to housing due to the actions of a program participant. Damage costs may only be accrued once per participant throughout their duration of enrollment in the CoC Rental Assistance Program and are incurred at the time a participant exits a housing unit. This is a onetime cost/participant and is incurred at the time a participant exits a housing unit. The Project Sponsor must request the damages payment in writing to RIHousing. with the monthly billing and provide documentation verifying the damage expense.
- Under no circumstances may rental assistance payments be combined with funds from the CoC program for leasing or operating expenses in a single structure or unit.
- Project Sponsors may not charge participants program fees. The only cost to program participants shall be the rental charges.
- Tenant rental payments made by a program participant directly to a Project Sponsor are to be considered program income. Program income may only be expended by the Project Sponsor on activities that are eligible under the CoC program (24 CFR 578). Program income may be counted as matching funds under the CoC program.
- As a condition of participation in the program, each program participant must agree to supply the information or documentation necessary to verify the program participant's income, assets and household composition. Program participants must provide RIHousing and/or the Project Sponsor with information at any time regarding changes in income or other circumstances that may result in changes to a program participant's contribution

toward the rental payment and the Sponsor must promptly forward it to RIHousing for processing.

- In addition to the use of CoC funds for rental assistance and the other uses listed above, funding under the rental assistance budget line will also be used to cover the costs of providing rental assistance activities including without limitation the costs associated with: conducting housing quality inspections and determining and verifying participant eligibility initially and annually thereafter.

Drug-Free Workplace

Under the Drug-free Workplace Act of 1988 a drug-free workplace policy is required for any organization that receives a federal contract of \$100,000 or more or any organizations receiving a federal grant of any size (note- sub-recipients and sub-contractors may not be directly required to have the policy, but the recipient may pass this requirement onto its sub-recipients for covered HUD-funded projects). In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C 701), agencies and their subcontractors will provide a drug-free workplace, and will have processes in place to 1) publish a statement notifying employees that the unlawful manufacture, distribution, dispensing possession or use of a controlled substance is prohibited in the subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition, and 2) establish an ongoing, drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the Agency's and/or subcontractors policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

At a minimum, subrecipient organizations must comply with the following:

- Ensure a drug-free workplace and prohibit the manufacture, use, and distribution of controlled substances among their employees.
- Take direct action against an employee convicted of a workplace drug violation. This action may involve imposing a penalty or requiring the offender to participate in an appropriate rehabilitation or counseling program.
- Provide drug-free awareness programs that inform employees of the dangers of workplace substance use; review the requirements of the organization's drug-free workplace policy; and offer information about any available counseling, rehabilitation, or employee assistance programs (EAPs).
- Ensure all employees working on the federal contract understand their personal reporting obligations: notifying the employer within five calendar days if he or she is convicted of a criminal drug violation.
- Notify HUD of any covered violation within 10 days. RIHousing and Project Sponsors will maintain an ongoing good faith effort to meet all the requirements of the Drug-free Workplace Act throughout the life of the contract.

Eligibility Criteria

Rental assistance in the RIHousing Rental Assistance program is provided to support households living in permanent supportive housing. According to 578.37(a)(1)(i): “Permanent supportive housing for persons with disabilities (PSH). PSH can only provide assistance to individuals with disabilities and families in which one adult or child has a disability. Supportive services designed to meet the needs of the program participants must be made available to the program participants.”

As part of the annual project application to HUD and prioritization established through coordinated entry including compliance with Notice CPD-16-11 “Prioritizing Persons Experiencing Chronic Homelessness and other Vulnerable Homeless Persons in Permanent Supportive Housing,” the primary population served through RIHousing’s CoC PSH Rental Assistance are chronically homeless families and individuals.

CHRONIC HOMELESSNESS: HUD’s current definition is—

(1) 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 (1)(i) of this definition continuously for at least 12 months or on at least 4 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 (1)(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 the institutional care facility; (2) 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 (1) of this definition, before entering that facility; or (3) 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 (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

HOMELESS INDIVIDUAL WITH A DISABILITY- The term ‘homeless individual with a disability’ means an individual who is homeless, as defined in section 103, and has a disability that—

(i)(I) is expected to be long-continuing or of indefinite duration; (II) substantially impedes the individual's ability to live independently; (III) could be improved by the provision of more suitable housing conditions; and (IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury; (ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or (iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

In order to be served with rental assistance in any unit that is ‘Dedicated’ to the chronically homeless, the head of household must meet the definition of chronic homelessness including

meeting the definition of a homeless person with disability. Documentation that the individual or family meets these definitions must be provided by the Project Sponsor to RIHousing as part of the Program Approval packet. Documentation requirements are specified; in all instances third party verification is the preferred means of verification. Documentation of Chronic Homeless status must be provided on the Chronic Homeless Verification Form.

In the FY2017 HUD NOFA competition, HUD created a new category of targeted permanent housing: DedicatedPLUS. HUD permitted all PSH projects as part of the competition to designate beds as either Dedicated to Chronic Homelessness or DedicatedPLUS beds. RICOc policy was that all PSH beds were required to be Dedicated or DedicatedPLUS. The new classification of DedicatedPLUS may apply to FY2017 grants with a starting date in Calendar Year 2018.

DedicatedPLUS: 2017 NOFA definition of a DEDICATEDPLUS PROJECT—

A permanent supportive housing project where 100 percent of the beds are dedicated to serve individuals with disabilities and families in which one adult or child has a disability, including unaccompanied homeless youth, that at intake are:

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

HOMELESSNESS: HUD's current definition is—

In almost all instances, permanent supportive housing within the RI CoC will be restricted to households meeting the chronic homeless or DedicatedPLUS homeless criteria. However, there may be limited circumstances in which a homeless household that does not meet the additional criteria can be served. No individual or family can be served with CoC rental assistance and permanent supportive housing who does not meet either Category 1 or 4 of HUD's homeless definition and meets HUD's definition of a homeless person with a disability.

The four categories of HUD's definition of a homeless household include:

Category 1 – Literally Homeless:

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

Category 2 – at imminent risk – Ineligible to receive permanent supportive housing:

(2) An individual or family who will imminently lose their primary nighttime residence, provided that: (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance; (ii) No subsequent residence has been identified; and (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;

Category 3 – eligible under other Federal Programs – Ineligible to receive permanent supportive housing:

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who: (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance; (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment;

Category 4 – Fleeing/Attempting to Flee Domestic Violence:

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

family afraid to return to their primary nighttime residence; (ii) Has no other residence; and (iii) Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

Through the annual NOFA process HUD further limits household eligibility for PSH. In those few instances where PSH beds are not dedicated to chronically homeless or DedicatedPLUS, there are limitations on who can receive PSH even if they meet the definition of homelessness and are a person experiencing homelessness who meet the disability definition.

PSH projects have the following additional Notice of Funding Availability (NOFA) limitations on eligibility within Category 1:

- Individuals and families coming from Transitional Housing must have originally come from the streets or emergency shelter;
- Assistance can only be provided to individuals with disabilities and families in which one adult has a disability.

Projects that are dedicated chronically homeless projects, including those that were originally funded Samaritan Bonus Initiative Projects must continue to service those homeless persons exclusively.

In the 2017 NOFA competition, HUD allowed all PSH projects (including those funded under the Samaritan Bonus Initiative) to elect to become a DedicatedPLUS projects. Those PSH projects that indicated that they will be DedicatedPLUS may serve households that meet that definition starting with grants that execute a contract in FY2017 (calendar year 2018.)

Participation in Supportive Services: The applicant must need supportive services.

Equal Opportunity and Fair Housing

The RIHousing Rental Assistance program must comply fully with all federal and state nondiscrimination laws and with the statutes and regulations governing fair housing and equal opportunity in housing and employment.

The RIHousing Rental Assistance program affirmatively furthers Fair Housing, which means that according to 24 CFR 578.93 it must:

(1) Affirmatively market housing subsidies and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or handicap who are least likely to apply in the absence of special outreach, and maintain records of those marketing activities;

(2) Where a recipient encounters a condition or action that impedes fair housing choice for current or prospective program participants, provide such information to the jurisdiction that provided the certification of consistency with the Consolidated Plan; and

(3) Provide program participants with information on rights and remedies available under applicable federal, State and local fair housing and civil rights laws.

RIHousing and Project Sponsors will comply with applicable civil rights and fair housing laws and requirements, and comply with nondiscrimination and equal opportunity provisions of Federal civil rights laws, including:

1. The Fair Housing Act which prohibits discriminatory housing practices based on race, color, religion, sex, national origin, age, disability, or familial status. Additionally, the Equal Access Rule prohibits denial to apply or receive assistance for a family or individual based on marital status, gender identity or sexual orientation;
2. Section 504 of the Rehabilitation Act which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
3. Title VI of the Civil Rights Act which prohibits discrimination on the basis of race, color or national origin under any program or activity receiving Federal financial assistance;
4. Title II of the Americans with Disabilities Act which prohibits public entities, which include State and local governments, and special purpose districts, from discriminating against individuals with disabilities in all their services, programs and activities, which include housing and housing-related services, such as housing search and referral assistance;
5. Title III of the Americans with Disabilities Act which prohibits private entities that own, lease, and operate places of public accommodation, which includes shelters, social service establishments, and other public accommodations that provide housing from discriminating on the basis of disability.

The RIHousing Rental Assistance program will not use data collected from the assessment process to discriminate or prioritize applicants for housing and services based on a protected status. The referral process is informed by Federal, State and local Fair Housing laws and regulations, to ensure applicants are not steered toward any particular housing facility or neighborhood.

It is the responsibility of the RIHousing Rental Assistance Program to ensure maintenance of copies of marketing, outreach, and other materials used to inform eligible persons of the program to document compliance with these requirements (24 CFR 578.103).

Additionally, RIHousing Rental Assistance Program will ensure meaningful access to persons with limited English proficiency by:

1. Translating documents that advertise assistance, services, and contact information into other languages common in the community, including notices about participant's rights and other documents vital for program access; and
2. Work with language services or a pool of interpreters to assist persons who speak an alternate primary language other than English and need assistance communicating.

Equal Access

In February 2012, HUD published the final rule on Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity. Through this final rule, HUD implemented a policy to ensure that its core programs, including the CoC Rental Assistance program, are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. As such, eligibility determinations for the RIHousing Rental Assistance program must be

made without regard to actual or perceived sexual orientation, gender identity, or marital status. Furthermore, CoC Rental Assistance programs are prohibited from making inquiries regarding sexual orientation or gender identity for the purpose of determining eligibility or otherwise making housing available, and inquiries related to an applicant's or occupant's sex are allowed only for the limited purpose of determining the number of bedrooms to which a household may be entitled.

The prohibition on inquiries is not intended to prohibit mechanisms that allow for voluntary and anonymous reporting of sexual orientation or gender identity solely for compliance with data collection requirements of state or local governments or other federal assistance programs. Any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are to be considered a family and must be served together as such. Furthermore, a recipient or sub-recipient receiving funds under the CoC Rental Assistance program cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any family member, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity. As such, the age and gender of a child under age 18 must not be used as a basis for denying any family's admission to a project that receives CoC Rental Assistance funds (24 CFR 578.93).

While it is acceptable for a CoC Rental Assistance program to limit assistance to households with children, it may not limit assistance to only women with children. Such a program must also serve the following family types, should they present, in order to maintain compliance with the Equal Access Rule: Single male head of household with minor child(ren); and any household made up of two or more adults, regardless of sexual orientation, marital status, or gender identity, presenting with minor child(ren). In this example, the CoC Rental Assistance program would not be required to serve families composed of only adult members and could deny access to these types of families provided that all adult only families are treated equally, regardless of sexual orientation, marital status, or gender identity.

Reasonable Accommodation

Applicants and participants have the right to request a reasonable accommodation as an exception to a policy or practice or request a reasonable modification to the premises if the modification is necessary to allow full use of the premises. A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service. To be approved for a reasonable accommodation, the applicant/participant must be a person with a disability and must demonstrate that a nexus between the disability and the request exists.

To grant a reasonable accommodation, an accommodation request must be made verbally or in writing. If made verbally, the Program Sponsor must document the request in writing. Reasonable accommodations will be evaluated on a case by case basis considering whether the applicant/participant requesting the accommodation is a person with a disability, whether there is a disability-related need for the accommodation, whether the request poses an undue financial burden

on the RIHousing Rental Assistance Program and whether it would alter the nature of the operations of the program.

Verification must be obtained to verify disability and the need for the accommodation. If an exception to the policy or process is requested, the Project Sponsor must forward the request with contact information and supporting documentation to RIHousing for approval. Once a decision is made, a written determination must be sent to the applicant/participant and all documentation must be retained in the file. If the accommodation is denied, the applicant/participant has the right to appeal the decision.

Domestic Violence (DV)/ Violence Against Women Act(VAWA)

The Violence Against Women Act final rule (VAWA Final Rule), 24 CFR, Part 5, Subpart L) codifies the core protection under the CoC ensuring survivors are not denied assistance as an applicant, evicted, or have assistance terminated as a tenant, because the applicant or tenant is or has been, a victim of domestic violence, dating violence, sexual assault, or stalking, as long as they would otherwise qualify for the program. All efforts shall be made to protect the rights, privacy and safety of survivors of domestic violence, dating violence, sexual assault or stalking (hereinafter “domestic violence survivors”).

Tenants may not be denied assistance or residency solely based on criminal activity relating to domestic violence, dating violence, sexual assault, or stalking, if:

- The criminal activity is engaged in by a member of the household or any guest or other person under the control of the tenant; and
- If the tenant or an affiliated individual of the tenant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking.
 - “Affiliated individual” means a spouse, parent, brother, sister, or child, or a person the tenant stands in the place of a parent or guardian (e.g., a person that is in the custody, care, or control of the tenant). It also refers to any individual, tenant, or lawful occupant living in the household.

When a member of the household engages in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, the owner may remove the abuser or perpetrator from the lease (i.e., bifurcate the lease) without affecting the occupancy rights of the victim.

- Any bifurcation must be carried out in accordance with any requirements or procedures required by Federal, State, or local law for termination of assistance in leases and in accordance with the requirements of the applicable housing program.
- If the owner removes the abuser or perpetrator through bifurcation, and that person was the eligible tenant under the program, the owner must allow any remaining tenant(s), who are not already eligible, time to establish eligibility under the same or another housing program covered by VAWA or find alternative housing.

- Before bifurcating a lease, an owner may, but is not required to, ask the tenant for documentation or certification of the incidence of domestic violence, dating violence, sexual assault, or stalking.

Victims of domestic violence, dating violence, sexual assault, or stalking may request emergency transfers to other units or projects. Before permitting such a transfer, owners may request that the tenant submit a written request or fill out form HUD-5383 (Certification Form). In this way, the tenant will be certifying that he or she meets the criteria for an emergency transfer. The criteria are:

- The tenant (or member of the household) must be a victim of domestic violence, dating violence, sexual assault, or stalking;
- The tenant must expressly request the emergency transfer (submission of form HUD-5383 is considered a request for a transfer); and
- The tenant reasonably believes that he or she is threatened with imminent harm from further violence if they remain in the current unit, or he or she has been a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before the request for transfer.

Owners must keep requests for emergency transfers, and the location of any such move, in strict confidence.

Project Sponsors must do the following:

- Domestic Violence Project Sponsors are prohibited from entering client-level data into the HMIS System. However, these programs must record client level data within a comparable internal database and be able to generate aggregate data for inclusion in reports.
- Protect the privacy of individuals and families who are fleeing, or attempting to flee violence, by not including intake/treatment data in HMIS if a non-victim Project Sponsor.
- The location of Domestic Violence shelters/programs shall not be made public, if applicable.
- Provide support to survivors in accessing needed and requested services related to their incident of domestic violence while in housing (for example, a non-victim service provider can work with a survivor to locate advocacy and community-based domestic violence resources to assist in safety planning).
- Establish an emergency transfer plan that allows for survivors to move to another safe and available unit if they fear for their life and safety. Recipients and subrecipients of grants for tenant-based rental assistance may use grant funds to pay amounts owed for breaking the lease if the family qualifies for an emergency transfer under the emergency transfer plan established under §578.99(j)(8).

The form HUD-5380 (VAWA Notice of Occupancy Rights) and form HUD-5382 (Certification of Domestic Violence form) must be provided to all applicants and existing households. These forms must be provided to participants at the time they are provided assistance/admission or at the time an applicant is denied assistance/admission. Existing households must be provided these forms at each

annual recertification or with any notification of eviction or termination of assistance. Additionally, the VAWA Lease Addendum must be attached to all leases signed by the participant and landlord.

Program Approval

Before RIHousing can initiate rental assistance, it must receive a complete Program Approval packet from a participating Project Sponsor endorsed by the RI Statewide Coordinated Entry System (CES). Project Sponsors will promptly notify RIHousing of any actual or anticipated vacancies and RIHousing will contact the RI CES to obtain a new referral. This is consistent with RICO C Statewide Coordinated Entry Policies and Procedures ([Rhode Island CES Statewide Strategy Manual](#)).

The process begins when a Project Sponsor notifies RIHousing it has or expects to have an available PSH unit as a result of a participant leaving the program, when newly funded units are available for occupancy, or it identifies additional subsidies that may be issued based on projected spending of rental assistance subsidies. In all situations, RIHousing will notify the CES to obtain an eligible referral for placement.

Once a Project Sponsor receives a referral and determines eligibility, the sponsor will submit an approval packet to RIHousing. The approval packet will be used to:

- Verify that the household is eligible to receive PSH and accompanying rental assistance;
- Determine the appropriate unit size for the household.

Efforts will be made by the CES to ensure the approval packet is complete, however, if additional information is needed to complete the approval packet, the Project Sponsor will coordinate and support the participant to obtain the additional information and the Project Sponsor will submit the documents to RIHousing.

The Program Approval Packet must include the following:

- Coordinated Entry Placement Cover Sheet signed by the designated CES lead agency representative(s)
 - RICO C Authorization to Share Information-HMIS form
 - Intake Certification form
 - Documentation of identity for all household members (SS card, Birth Certificate, Photo ID)
 - Authorization of Release of Information and Consent
 - Chronic Homelessness/Disability Status Certification
 - Chronic Homelessness Verification
 - Disability Verification
 - Federal Privacy Act Notice
 - Due Process Acknowledgement
-

Upon receipt of the Program Approval packet and all the required forms, RIHousing will review and confirm the applicant's eligibility and determine the appropriate unit size for the family. RIHousing will notify the Project Sponsor and CES as soon as a determination has been made.

If the applicant is deemed eligible by RIHousing for the rental assistance program the Project Sponsor will notify the applicant, schedule a briefing and assist the applicant in identifying and securing an appropriate rental unit.

If the applicant is denied, RIHousing will forward a written letter to the Project Sponsor and the CES explaining the reason(s) for denial. The applicant may appeal the decision. See below for Appeal Process.

Verification of Chronic Homelessness

The following are requirement to document homelessness for the RIHousing Rental Assistance Program:

Project staff shall use the following order of priority for obtaining evidence:

1. **Third-party documentation**, such as
 - ✓ Letter from a shelter
 - ✓ Letter from an outreach team
 - ✓ Letter from another service provider (e.g., doctor, therapist, counselor, clergy member, etc.)
 - ✓ HMIS record

Letters must:

- ✓ Be on agency letterhead
- ✓ Be signed and dated
- ✓ Include name and title of the person signing

Project staff may not rely on letters from an applicant or an applicant's friend or family as third-party documentation.

2. **Intake worker observation** of the conditions where the individual was living
3. **Self-certification**, including:
 - ✓ A dated letter signed by the applicant attesting to the qualified locations where the applicant lived and the approximate dates living in each location; AND

Intake worker must also document in the client file:

- ✓ The living situation and circumstances that necessitate reliance on self-certified evidence (such as, client was camping in a remote area and did not have contact with any service providers or emergency shelter where client resided was unresponsive to multiple attempts to obtain third party documentation); AND

- ✓ Steps taken to obtain third-party documentation, including documenting attempts to locate HMIS records and attempts to obtain letters from an emergency shelter or other service provider knowledgeable of the applicant's homelessness.

Verification of Disability

The following are the requirements for documenting disability for the RIHousing Rental Assistance Program:

- Written verification of disability from a professional licensed by the state to diagnose and treat the disability and his or her certification that the disability is expected to be long-continuing or of indefinite duration and substantially impedes the individual's ability to live independently. A Verification of Disability form should be completed; or
- Written verification from the Social Security Administration; or
- The receipt of a disability check.

In the absence of the above noted methods of verification, an observation of a qualifying disability by an agency identified staff person may be used to temporarily verify disability; however, this must be confirmed by one of the above methods within 45 days of the applicant being housed. If verification by one of the above-mentioned types is not secured within the 45-day period, the rental assistance will be impacted and may not be paid at all for the duration of the time the participant is in the housing.

Disability cannot be self-certified under any circumstances. In all instances, project staff must perform due diligence as specified above in attempting to obtain third party documentation prior to relying on self-certification. As necessary for all clients, up to 3 months of homelessness can be documented through self-certification. In limited circumstances, up to the full 12 months of homelessness can be documented through self-certification. Self-certification of the full 12 months should be limited to rare and extreme cases and may not be used for more than 25 percent of households served by a project during an operating year. This limitation does not apply to documentation of breaks in homelessness between separate occasions, which may be documented entirely based on self-report.

Occupancy Standards for CoC Supported Rental Assistance

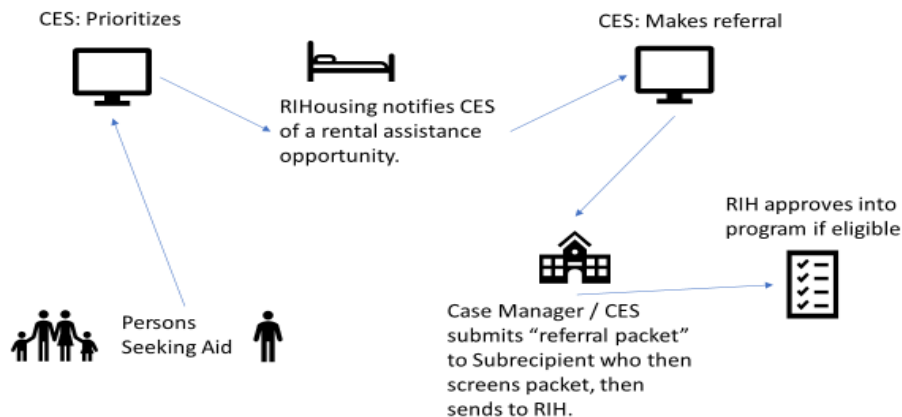
As part of the approval and review process, RIHousing will determine the appropriate unit size for the assisted household. The occupancy standards below provide guidance in establishing the number of persons that can occupy a housing unit, in accordance with the number of living/sleeping rooms in that unit. The minimum required number of living/sleeping rooms per unit must be determined by RIHousing in accordance with HUD standards (24 CFR 578.75):

- Households shall be provided with the smallest number of bedrooms to house a family without overcrowding;

- Persons of the opposite gender (other than spouse, co-head and children up to age 5) will be allocated separate bedrooms;
- Single person households will be allocated a zero or one-bedroom unit;
- Live-in Aides, if determined necessary for a person with disabilities to live independently in the community, will be allocated a separate bedroom. No additional bedrooms will be provided for the Aide's family. HUD defines a Live-in Aide (24 CFR 5.403) as a person who resides with one or more elderly persons or persons with disabilities and who (1) is determined to be essential to the care and well-being of the persons; (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services. Live-in Aides are not family members, their income is not considered to be part of the family income, and they have no rights to remain in the unit when their care is no longer required;
- Two children of the same gender will be assigned a single bedroom regardless of age; and
- Any changes in household composition should be reported to the Project Sponsor who is responsible for notifying RIHousing. Additional members may not be added to the assisted household without obtaining the approval first of the Project Sponsor and then of RIHousing, unless it's because of birth, adoption or court ordered custody; in these situations, RIHousing should be notified of the updated household composition by the Project Sponsor as soon as possible.
- Any person who is expected to stay in the unit for more than 30 consecutive days or 90 cumulative days within a 12-month period is no longer considered a guest and should be listed on the lease as a part of the household.

Overview of the Program Approval Process

RI CoC Rental Assistance Program Approval Process



As shown above, the intake process for rental assistance begins when a Project Sponsor and/or RIHousing notifies the Coordinated Entry Lead, that there is an available PSH unit. Individuals and families seeking housing assistance will be prioritized by Coordinated Entry and referred to Project Sponsors. The Project Sponsors will determine initial eligibility, assemble needed documentation, and submit a complete referral packet to RIHousing. RIHousing will verify eligibility and issue authorization for the household to seek eligible rental housing.

Briefing and Housing Search

All participants who qualify for rental assistance will be provided a briefing by the Project Sponsor.

Housing Briefings must cover:

- ✓ Where in Rhode Island the participating household may use their rental assistance;
- ✓ The requirement for the participant to make a monthly rental payment;
- ✓ The housing that will be affordable to the participant with the rental assistance subsidy;
- ✓ HUD's Housing Quality Standards and what to look for in a unit;
- ✓ The responsibilities of the participant in the CoC program – notifying RIHousing and the Project Sponsors of changes in income and family composition; and
- ✓ The support that the Project Sponsor will provide in the housing search and stabilization process.

Participants seeking housing will have an initial period of 60 days to secure housing; this search period may be extended as needed but the program goal is to house families as quickly as possible. If an extension is needed, the Project Sponsor must notify RIHousing in writing, on or before the 60th day following the approval of a rental assistance subsidy.

Participants and/or Project Sponsors must locate and secure a housing unit that is: affordable, meets HUD Housing Quality Standards, has a reasonable rent, is free from or safe of, lead-based paint hazards (where applicable), and meets HUD environmental review standards. Project Sponsors must assist participants in securing housing, which includes providing transportation assistance and support in negotiating with property owners.

RIHousing will monitor the length of time participants require to secure a housing unit. Project Sponsors whose assigned participants require extensions to secure housing may have their number of units reduced or may be replaced by other eligible entities as Project Sponsors.

Once a unit has been located and the property owner has agreed to rent to the program participant a Unit Approval Packet will be submitted to RIHousing.

Unit Approval

To approve a unit for rental assistance, the owner must be willing to enter into a Rental Assistance Contract with RIHousing and a Unit Approval Packet must be provided which includes the following:

- Request for Tenancy Approval
- Owner's Certification
- Rent Reasonableness
- Lead Disclosure Form
- W-9 Form
- SSN or EIN verification
- EFT Form
- Voided Check
- Proof of Ownership
- Lead Certificate (if visual assessment determines lead hazards)
- Unexecuted Lease
- Management Agreement

RIHousing will then review the packet and all the paperwork provided with the packet, including the proposed lease. Leases must be standard residential leases and must not contain clauses or conditions that are not included in standard leases. The initial lease term must be at least one year, and language must exist within the lease agreement to automatically renew upon expiration for a term no shorter than one month. If the lease is acceptable, RIHousing will determine if the rent is acceptable for the unit.

Rent Reasonableness

In order to approve the rent, RIHousing will base the maximum allowance for rent and utility payments on rent reasonableness although the FMR will be reviewed for grant management purposes. The amount of rental assistance funds may exceed the current FMR for that unit size and

location, as long as the contract rent is reasonable in relation to rents being charged for comparable unassisted units in the area.

- To determine Rent Reasonableness:
 - RIHousing will use the ‘Go Section 8’ program to determine rent reasonableness.
 - Three comparable rental units will be identified, analyzed and recorded in the ‘Go Section 8’ program.
 - The units must be similar in terms of location, size and amenities.
 - If the requested rent for the unit is equivalent to or less than that being charged for the comparable units, RIHousing will determine that the rent is reasonable. If the proposed rent is significantly different than the comparable, then RIHousing may not approve the unit for subsidy under the RIHousing Rental Assistance Program.
 - The Rent Reasonableness Certification must be placed in the participant’s file to document that rent reasonableness was assessed.
 - The second element of determining rent reasonableness is based on whether the rent charged for the assisted unit is the same as the owner charges for comparable unassisted units.
 - The property owner addresses this on the Rent Reasonableness form in the Unit Approval Packet
 - If the owner has other comparable units that are unassisted, their details and their rents must be listed on the form. The landlord’s comparable units must be equal to or more than the requested rent for the potential new unit.

Once the rent is approved, before the unit can be approved, it must:

- ✓ Be compliant with HUD Housing Quality Standards.
- ✓ Meet Environmental Review requirements; and
- ✓ Lead Based Paint Requirements

Housing Quality Standards (HQS)

One of the goals of the CoC Program is to provide “decent, safe, and sanitary” housing to all its participants. To accomplish this, HUD has established basic Housing Quality Standards (HQS) which all units must meet before rental by individuals and families receiving CoC rental assistance. These standards are found in the regulations at 24 CFR Part 982.401.

HQS establishes a basic “floor” of minimum acceptable housing quality with respect to the following categories:

- Sanitary facilities
- Food preparation and refuse disposal
- Space and security

- Thermal environment
- Illumination and electricity
- Structure and materials
- Interior air quality
- Water supply
- Lead-based paint
- Access
- Site and neighborhood
- Sanitary condition
- Smoke detectors

HQS standards are not the same as local building codes (for new construction) or local housing codes (for existing housing). In fact, HQS may seem less stringent than these codes. The reason is that HQS standards are set “high” enough to guarantee a basic level of decent, safe, and sanitary housing nationwide but not too high as to restrict the availability of passable units, or to make large number of habitable units unavailable in areas where supply is more limited.

RIHousing, Project Sponsors, owners/landlords, and individuals and families seeking assistance under the CoC program all have a role to play in the process of ensuring that the unit satisfies the HQS requirements.

RIHousing will perform the following:

- Monitor oversight and adherence to HQS;
- Review HQS inspection forms and inspection letters for accuracy;
- Require that deficiencies be corrected in 30 days and life- threatening deficiencies be corrected within 24 hours;
- Withhold rental assistance payments for repairs that are not completed in 30 days;
- Terminate the rental assistance if inspections are not conducted annually and renewal paperwork is not submitted;
- Request that a participant consider moving if the unit repeatedly fails the HQS inspection;
- Conduct random Quality Review HQS Inspections of units subsidized through the CoC Program.

Project Sponsors will perform the following:

- Ensure that all units in the CoC Program, at a minimum, meet the HQS. The Project Sponsor will schedule and conduct or arrange the inspection. If the Project Sponsor owns the unit in
-

an SBRA program, an inspector without conflict of interest must conduct the HQS inspection;

- Ensure an initial inspection of potential rental units is performed within 10 days of receiving unit approval from RIHousing to determine if the unit meets HQS. The Project Sponsor will inform the participants and landlords of the inspection results and any deficiencies that require correction in the unit prior to signing the lease. Any repairs should be completed within 2 weeks and a follow up inspection must be performed. If the deficiencies are not corrected as required, the move may be cancelled, and another unit will have to be located;
- Schedule an annual inspection of CoC units at least 60-90 days before the date they are due. A written notice should be mailed to the participant and a copy mailed to the owner and placed in the participant file;
- Ensure annual inspections of CoC units are performed within 12 months of the last initial inspection or the last annual inspection to ensure that the unit continues to meet HQS. The Project Sponsor will inform the participants and landlords in writing of the inspection results and of any deficiencies that need to be corrected in the unit;
 - If the unit does not meet HQS, a letter is sent to owner requesting correction within 30 days. A re-inspection of the apartment must occur after the repair work has been completed to verify that the unit meets HQS.
 - If the unit does not pass, the Project Sponsor schedules a second inspection to be completed no later than thirty days after the first reinspection.
 - If the unit does not pass the first reinspection, housing assistance payments on behalf of the unit are suspended. A second reinspection is scheduled for not later than thirty days after the first reinspection. If the unit does not pass the second reinspection, the unit is terminated from the program and the participant must be rehoused.
 - If the unit passes the second reinspection, rental assistance payments can be resumed as of that day; however, no retroactive payments may be made to cover the abatement period.
- A form HUD-5258 “Inspection Checklist” must be completed for every HQS inspection that is performed, including reinspection. The checklist and copies of the written notices to the participant and owner, must be placed in the participant file;
- Encourage tenants and landlords to maintain units, at a minimum, up to the Housing Quality Standards.

Owners/Landlords shall do the following:

- Cooperate with Project Sponsors on initial and annual inspections. Make necessary repairs within the required time frame;
- Cooperate with the tenant by responding promptly to requests for needed repairs or maintenance;
- Comply with the terms of the unit lease executed with the tenant or family and the contract signed with RIHousing.

Participants of the CoC Program will do the following:

- Maintain the housing unit by not causing damage to the unit above normal wear and tear;
- Cooperate with the owner by informing him or her of any necessary repairs;
- Cooperate with the sponsors or designated housing inspector on annual inspections;
- Comply with the terms of the dwelling lease executed with the landlord.

Environmental Review

CoC Rental Assistance is subject to environmental review by HUD (24 CFR part 50 and part 58).

- Environmental reviews for the RIHousing CoC Rental Assistance Program will be conducted by RIHousing. RIHousing will provide a copy of the completed Environmental Review form(s) to the Project Sponsor for recordkeeping.
- The [Exempt/CENST Form](#) must be completed for each CoC funded **project using tenant based rental assistance**. A copy of the form specific to the project must be included in each participant’s file. This is a change in HUD requirements established in the 2017 HUD CoC NOFA. Only a single review is required for each CoC funded project.
- Units receiving **SBRA rental assistance** will have a “Limited Scope” Environmental Review completed by RIHousing. A limited scope review is appropriate only if the project consists entirely of leasing or rental assistance activities in existing residential buildings without any associated physical impacts, including repairs, rehabilitation, or new construction. The Limited Scope review must follow HUD guidance found here: [Limited-Scope-Environmental-Review-Instructions-CoC.pdf](#). A copy is attached to this Manual.

Program Admission/Move

Once the unit has been approved, RIHousing will process the Program Admission/Move certification by reviewing and approving the Program Admission/Move Packet with the verifications provided from the Program Sponsor including the following:

- Authorization of Release of Information
-

- CoC Tenant Certification form
- Household Composition Documents (if changes)
- Income Verification
- Assets Verification
- Medical Expense/Disability Expense Verification
- Student Verification
- Household Obligations
- Rental Assistance Participant Rights
- Document Acknowledgment

These documents must be provided to:

- Re-determine the family composition;
- Determine the household's gross and adjusted income;
- Calculate the utility allowance based on the utilities and appliances included
- Process rent calculation and calculate the housing assistance payment for which the household is eligible

RIHousing will send the Project Sponsor a Calculation Summary which summarizes the household information, calculation and housing assistance payment.

Verification of Income Procedures

All reported income should be documented with third party verification. All verifications must be recent and dated within 60 days of receipt by the Project Sponsor. The verifications must be date stamped. Records and documents that Project Sponsors may ask applicants to provide for income certification and/or recertification:

Records of Earned Income

- ✓ Paycheck stub – should document at least four consecutive weekly payroll stubs or two consecutive bi-weekly stubs
- ✓ W-2 forms (if additional verification can support the number of pay weeks the W-2 includes)
- ✓ Income tax return (state and/or federal) (if additional verification can support the number of pay weeks the W-2 includes)
- ✓ Wage tax receipts

Records of Other Income

- ✓ Pensions and annuities latest check stub from issuing institution
 - ✓ Social Security current award letter, benefit letter or Proof of Income Letter
 - ✓ Unemployment compensation determination letter Form 2000, Form UC 30, or latest check stub
 - ✓ SSI award letter, *Proof of Income Letter*
 - ✓ TANF award letter, recent check stub
 - ✓ Worker's compensation Form DOL 203, recent check stub
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- ✓ Alimony copy of court order
- ✓ Child support court order or an updated document verifying the amount from the CS office
- ✓ Education scholarships/stipends award letter
- ✓ Trade union benefits recent check stub
- ✓ Other public assistance award letter
- ✓ Income from assets credit union/bank/S&L statements, etc.

Asset Information

- ✓ Bank statements
- ✓ Stock/bond certificates
- ✓ Mortgage note
- ✓ Income tax return
- ✓ Certificates of deposit

Records of Family Circumstances/Family Composition/Allowances

- ✓ Statement of disability
- ✓ Social security record
- ✓ Adoption papers
- ✓ Income tax returns
- ✓ Legal documents showing formal adoption being pursued
- ✓ Birth certificates
- ✓ Copies of medical bills
- ✓ Social security cards/alternative documents
- ✓ Payment receipts for dependent care, child care, etc.

Third Party Verification.

Third party verification is required for all income information. Acceptable third-party information includes:

- An original or authentic document generated by a third-party source that is dated within the 60-day period preceding the reexamination or the Project Sponsor request date.
 - Such documentation may be in possession of the tenant (or applicant), and commonly referred to as tenant-provided documents.
 - Also acceptable is written documentation sent directly by the third-party source by mail or electronically by fax, email or internet.
 - Accurate third-party written verification may be obtained by facsimile, email, or Internet, if adequate effort is made to ensure that the sender is a valid third-party source.
 - Facsimile. Information sent by fax is most reliable if the owner and the verification source agree to use this method in advance during a telephone conversation. The fax should include the company name and fax number of the verification source.
 - Email. Similar to faxed information, information verified by email is more reliable when preceded by a telephone conversation and/or when the email address includes the name of an appropriate individual and firm.

- Internet. Information verified on the Internet is considered third party verification if the owner is able to view web-based information from a reputable source on the computer screen. Use of a printout from the Internet may also be adequate verification in many instances.
- Third party oral verification: When verifying information over the telephone, it is important to be certain that the person on the telephone is the party he or she claims to be. Generally, it is best to telephone the verification source rather than to accept verification from a source calling the property management office. Oral verification must be documented in the file.

Rent Determination

The tenant rent payment (funds paid by the participating household for their housing) will be applied as follows and may not exceed the highest of:

- (1) 30 percent of the family's monthly adjustment income (adjustment factors include the number of people in the family, age of the family members, medical expenses, and child-care expenses);
 - (2) 10 percent of the family's monthly income; or
 - (3) If the family is receiving payments for welfare assistance from a public agency and a part of the payments (adjusted in accordance with the family's actual housing costs) is specifically designated by the agency to meet the family's housing costs, the portion of the payments that is designated for housing costs;
 - (4) Income must be calculated in accordance with 24 CFR 5.609 and 24 CFR 5.611(a).
- If the required tenant rental payment is in excess of the utility allowance, the program participant shall pay the difference between their required rental payment and the utility allowance to the property owner.
 - The participant will be credited for tenant paid utilities according to the utility allowance schedule provided by RIHousing. If the utility allowance is greater than the tenant rent contribution (including instances where the tenant has zero income), the utility balance due on behalf of the participant will be paid directly to the tenant or the utility company.
 - Prior to this payment arrangement, the Project Sponsor will obtain the consent of the program participant for payments to be made on their behalf.

For further information see Notice CPD 17-11: ([CPD Notice 17-11:Determining Program Participant Rent Contribution](#))

Tenancy

Once the Project Sponsor receives the Calculation Summary; the Project Sponsor must prepare and complete the information on the applicable forms from the Tenancy Packet and obtain all the required signatures. The tenancy packet includes:

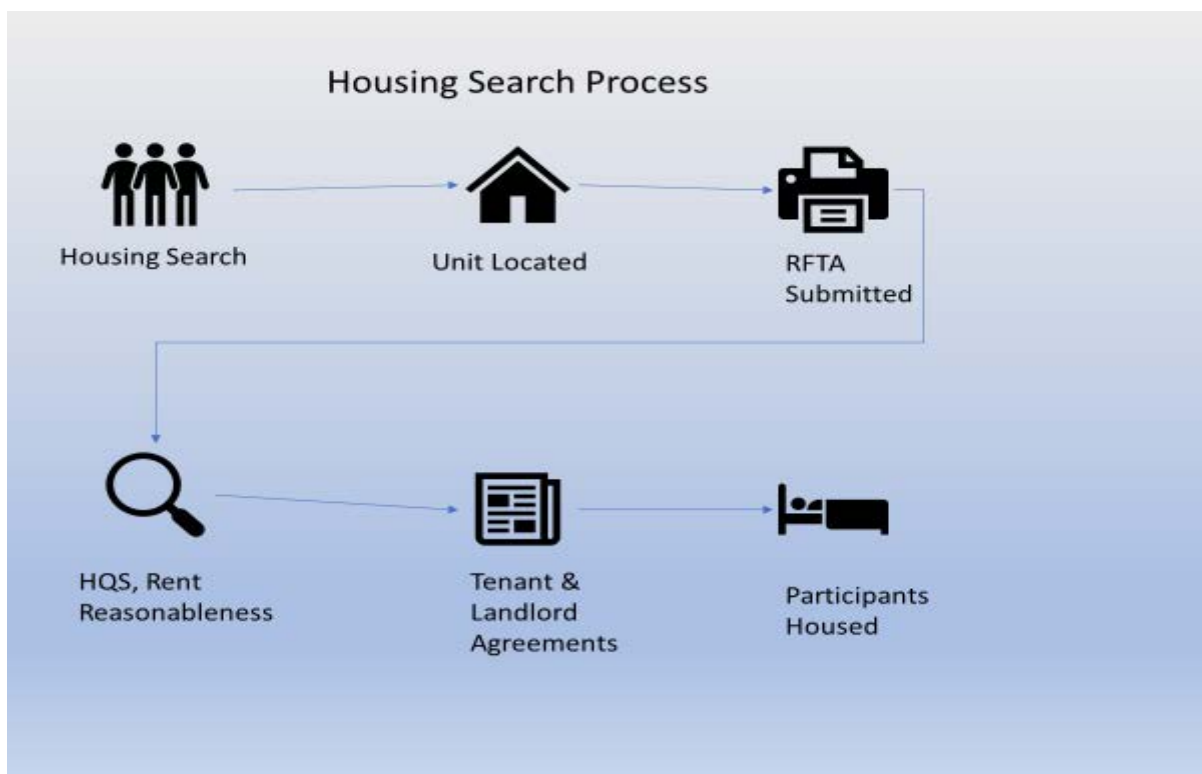
- Lease Agreement
- Sublease Agreement (SBRA only)

- VAWA Lease Addendum
- Agreement to Return Security Deposit
- Rental Assistance Agreement
- HAP Contract

The initial lease term must be for at least one year. 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.

Once the Tenancy Packet is complete and returned to RIHousing, the Housing Assistance Payments will be released on the 1st of the month following the receipt of the packet and made monthly to the owner (TBRA) and Project Sponsors (SBRA). Payments will continue automatically for the 12-month duration of the lease. After acceptance into the program, the participant must abide by the conditions of the lease and the Rental Assistance Agreement.

Overview of the Unit Approval/Program Admission Process



Annual Recertification

The CoC Rental Assistance Program requires that the eligibility of each participant and need for continued assistance be recertified annually. RIHousing will ensure the Project Sponsors annually

reverify participants' continued eligibility, household composition and subsidy amount and ensure that the units continue to meet HQS.

The recertification process shall be completed as follows:

- The Project Sponsor sends an annual recertification letter to each participant 90-120 days before the effective date of the recertification to schedule an interview to complete the Annual Packet, which includes:
 - ✓ Authorization of Release of Information and Consent
 - ✓ CoC Tenant Certification Form
 - ✓ Household Obligations
 - ✓ Rental Assistance Participant Rights
 - ✓ Document Acknowledgement and Acceptance
- The Project Sponsor is required to request verification of all information and/or documentation applicable to the recertification process. e.g. confirmation of household composition, written verification of current income, assets, child care expenses, education institutions, and non-reimbursed medical expenses.
- The Project Sponsor confirms with owner/landlord that there will be no changes in the contract rent, or, if an increase is requested, a request must be sent to RIHousing at least 60 days prior to the effective date of Annual for approval. (If the rent increase is not requested to be effective with the annual, RIHousing will review any requests received to be effective on a later date.)
- Once the Annual Packet is received by RIHousing with all the required documents and verifications, RIHousing will review and process a calculation of the participating household's income, assets and deductions and prepare an updated summary detailing the Housing Assistance amount and the Tenant Rent amount.
- The Project Sponsor must then send the tenant a lease addendum/rent change letter in writing at least 30 days before the effective date listing the new tenant rent amount and to schedule the tenant to sign a new Rental Assistance Agreement.
- Provide the owner with copy of the lease addendum/rent change letter notifying the owner of the changes. If the lease expired and is not renewable, a new lease must be executed by all required parties.

Income and Household Changes (Interims)

Interim certifications may be completed upon the request of a participant. If an Interim is requested, the Project Sponsor must provide an Interim packet to RIHousing which includes:

- Request for Interim Certification
- Verification of changes (Income, assets, expense, student, contract rent/utilities/lease)

Participants can request an Interim Certification if:

- ✓ Any household member moves out of the unit or there is a change in family composition (birth of a child). (Additional members cannot be added to the household without the prior approval of the Project Sponsor.)

- ✓ The household income decreases.

Additionally, if a household is determined to be a zero-income household, income must be reevaluated every 90 days. The Project Sponsor must send the participant and the owner a rent change letter/lease addendum.

Termination from the CoC Rental Assistance Program

Except in cases where the participant no longer has financial need for assistance and/or has achieved housing stability, terminations from the CoC Rental Assistance Program shall be the option of last resort and pursued only after efforts to resolve issues have been insufficient. Termination from the CoC program is a different situation than an eviction by a landlord or Project Sponsor from a TBRA or SBRA unit. For example, a household may be evicted from their unit for violating their lease agreement with their landlord (TBRA) or Project Sponsor (SBRA); in such a situation all efforts should be made to stabilize the household in another unit rapidly. Project Sponsors should seek assistance from RIHousing if they believe they are unable to stabilize the household. When appropriate RIHousing may transfer the household to another Project Sponsor if required to stabilize the household and avoid a return to homelessness.

When termination from the CoC Program cannot be avoided, the Project Sponsor must comply with HUD requirements as outlined in 24 CFR 578.91:

- In terminating assistance to a program participant, the recipient or sub-recipient must provide a formal process that recognizes the rights of individuals receiving assistance under the due process of law. This process, at a minimum, must consist of:
 - (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.
- It is the responsibility of Project Sponsor to ensure that where applicable, documentation of compliance with the termination of assistance requirement in § 578.91 is maintained in program participant files.
- In all cases termination must also comply with written standards adopted by the CoC, including Housing First standards, which may, for example, disallow terminations from the program for any reason other than lease violations and through any means other than the legal court eviction process.
- RIHousing and/or the Project Sponsor is not prohibited from resuming assistance at a later date to a participant who has been terminated.

Reasons for Possible Termination from the CoC Rental Assistance Program

The Project Sponsor or RIHousing may recommend termination of a participant from the program for the following reasons. In all cases, where the cause for seeking the termination would be grounds for eviction, the termination should be sought through a court ordered eviction process rather than the process described below. Grounds for seeking to terminate participation include:

- The participant fails to:
 - ✓ Supply such certification, release of information, or documentation as RIHousing determines necessary, including documentation required for an annual or interim reexamination of family income and composition.
 - ✓ Allow the Rental Assistance Program to inspect the dwelling unit at reasonable times and after reasonable written notification.
 - ✓ Notify Project Sponsor before vacating the unit.
 - ✓ Maintain the unit as his/her sole residence.
 - ✓ Participant commits any fraud in connection with the CoC Rental Assistance Program.
 - ✓ Participant adds any persons to the household without the approval of the Project Sponsor and RIHousing except by birth, adoption or court ordered custody.
 - ✓ Participant sublets, assigns, or accepts payment for any use of the unit.
 - ✓ Participant receives assistance under the CoC Rental Assistance Program while occupying or receiving assistance in any other unit assisted under any Federal housing assistance program (including any Section 8 or Housing Authority program).
 - ✓ Participant or any family member, residing or visiting a CoC Rental Assistance subsidized apartment, engages in any illegal drug-related and/or violent criminal activity on the premises. (For purposes of this provision, “premises” means the building or complex or development in which the participant’s dwelling unit is located, including common areas and grounds).
 - ✓ Any violations of the Rental Assistance Agreement, which was reviewed, signed and dated by participant upon entering the CoC Rental Assistance Program.
- If the failure to comply with the tenancy or program obligations is related to the person’s disability and reasonable accommodation can ameliorate the breach, then RIHousing must grant the reasonable accommodation and refrain from terminating the participant.

Warning Letter from the Project Sponsor

- Prior to commencing the termination process, the Project Sponsor shall first notify the participant in writing, that his/her CoC Rental Assistance subsidy is in jeopardy. This “warning letter” shall specify the reasons for the concern with detail and instruct the participant to contact the Project Sponsor immediately to discuss steps to remedy the problem. This letter, mailed first class, will be sent to the participant and his/her caseworker. A copy should be forwarded to RIHousing and a copy will be maintained in the participant’s file.
 - If the participant and Project Sponsor cannot reach an agreement within 60 working days about the issue(s) raised in the “warning letter”, the Project Sponsor shall advise the
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participant and RIHousing (in writing via first class US Mail to the participant and RIHousing via email) that assistance will be terminated and that the participant has the right to appeal the decision. The letter will advise the participant of his/her right to appeal the decision. A copy will be maintained in the participant's file. Reasonable accommodation issues can be discussed as part of the appeal process. See below for details regarding the appeal process.

Appeal Process

Any participant denied admission or being terminated from the RIHousing Rental Assistance Program has the right to appeal. There are several levels of appeal set out below.

At all stages of the appeal process, factual findings relating to the individual circumstances of the applicant shall be based on a preponderance of the evidence presented. Any deadlines for the applicant will be liberally construed.

Informal Conference with the Project Sponsor

- If the Project Sponsor or RIHousing determine upon intake or referral from coordinated entry that the applicant is not eligible, the Project Sponsor will notify the applicant in writing, clearly stating the specific reasons for the ineligibility determination and informing the applicant that he/she has the right to appeal the decision.
 - The appeal process begins with an informal conference with the Project Sponsor or coordinated entry lead. The Project Sponsor shall provide the applicant/participant with an Informal Conference request form when it notifies the applicant/participant of the determination to terminate participation. The determination letter must be mailed to the applicant by first class mail and a copy will be maintained in the applicant/participant's file.
 - When an applicant/participant requests an informal conference, the informal conference shall be held within thirty (30) working days of the receipt of the request.
 - The Project Sponsor shall mail a notice of the informal conference to the applicant/participant. The notice of the informal conference shall include the date, time and place for the conference and a clear and specific statement of the issues presented. The notice of the conference shall be mailed to the applicant/participant by first class mail
 - Participants requesting an informal conference shall be advised that:
 - ✓ The applicant/participant has a right to review and receive (free of charge before the informal conference) photocopies of the documents in the CoC Rental Assistance file upon which the determination being appealed is based.
 - ✓ The applicant/participant has the right to have a representative or advocate present at the informal conference.
 - ✓ The applicant/participant will be 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 initial decision at the informal conference.
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- ✓ The applicant/participant has the right to question any witnesses who may be present at the informal conference and to be informed in advance who those witnesses will be.
- ✓ The applicant/participant has the right to bring his/her own witnesses and/or advocates to the informal conference.
- ✓ If the applicant/participant has any special needs or accommodations or transportation problems which may affect his/her ability to attend the informal conference, he/she should contact the Project Sponsor
- At the conference, the applicant/participant and the Project Sponsor may make an agreement that will allow the participant/applicant to enter in or remain in the RIHousing Rental Assistance Program. The Agreement will specify the actions that need to be taken by the applicant/participant and/or the Project Sponsor to permit participation.
- If the Project Sponsor and the applicant/participant do not reach an agreement, the Project Sponsor will inform the applicant/participant and RIHousing, in writing (mailed first class) of the specific reason(s) for the determination, and the applicant/participant's right to an appeal with the RIHousing Appeal Panel.
- The Project Sponsor shall make its determination and mail the notice of the determination to the applicant/participant within fifteen (15) working days following the informal conference.
- If applicable, the Project Sponsor will support the applicant/participant as needed to make an appeal request in writing to RIHousing.

Hearing with RIHousing Appeal Panel

This panel will have three members, appointed by RIHousing. The Panel will conduct the hearing as follows:

- ✓ When an applicant/participant requests a hearing with the RIHousing Appeal Panel, the hearing shall be held within fifteen (15) working days of the receipt of the request.
- ✓ The notice of hearing shall include the date, time, and place of the hearing and a clear statement of the issues presented. The notice of the hearing shall be mailed to the applicant/participant by first class mail not less than ten (10) days before the scheduled hearing. The notice of hearing with the RIHousing Appeal Panel shall contain the same advisements as described in above section.
- ✓ At the hearing, evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. However, a decision to deny or terminate eligibility cannot be based on hearsay evidence alone. Applicants/participants must have the opportunity to confront and cross examine adverse witnesses.
- ✓ RIHousing staff shall keep a sign-in sheet of those who attended the hearing and a list of the documents discussed and witnesses present.
- ✓ Within five (5) working days of the hearing, the RIHousing Appeal Panel shall issue a written decision specifying the reasons for the decision. The decision shall be mailed to the applicant by first class mail and a copy will be maintained in the applicant/participant file.

Service Requirements

Services provided to all RIHousing Rental Assistance participants must, at a minimum, meet HUD requirements, and the Project Sponsor must keep records for each program participant that document provision of those services:

- The Project Sponsor must conduct an annual assessment of services for program participants that remain in the program for more than a year and adjust the services accordingly (24 CFR 578.103). The Project Sponsor will send a copy of the Annual Assessment to RIHousing.
 - Supportive services designed to meet the needs of the program participants must be made available to the program participants (24 CFR 578.37). Permanent supportive housing projects must provide supportive services for the residents to enable them to live as independently as is practicable throughout the duration of their residence in the project (24 CFR 578.53).
 - Project Sponsors may not require the program participants to take part in supportive services that are disability-related as a condition of continued participation in the program. Examples of disability-related services include, but are not limited to, mental health services, outpatient health services, and provision of medication, which are provided to a person with a disability to address a condition caused by the disability. Notwithstanding this provision, if the purpose of the project is to provide substance abuse treatment services, recipients and sub-recipients may require program participants to take part in such services as a condition of continued participation in the program. (24 CFR 578.75).
 - Project Sponsors must establish policies and practices that are consistent with the education subtitle of McKinney-Vento Act and other laws relating to education and related services to homeless people (e.g. Head Start, Individuals with Disabilities Education Act, Higher Education Act), including designating a staff person to ensure that children are enrolled in school and connected to services in the community including programs such as Head Start , Part C of the Individuals with Disabilities Education Act, McKinney-Vento education services. These need not be the only responsibilities of the designated staff person, and the designated person should participate in service planning where there are extensive or significant unmet educational needs.
1. Each participant should have a case manager who has a critical role in assisting a participant with obtaining housing and maintaining housing. Every attempt should be made to assist participants with maintaining permanent housing. For all participants in the CoC Program, it is expected that they will have a case manager and the case manager will provide the following services: Case management services, which includes linking participants and families to housing and services;
 2. Conduct at least one face to face visits monthly;
 3. Monitor a participant’s compliance with supportive services;
 4. Complete the Supportive Services Documentation forms monthly;
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5. Provide assistance to the landlord to resolve any problems with the CoC tenant;
6. Notify RIHousing in writing when termination from the program is recommended;
7. Report any changes in the participant's income, family size, and other status changes;
8. Track and report all time spent on allowable administrative services for billing.

Confidentiality

In addition to meeting specific confidentiality and security requirements for HMIS data, the Project Sponsors and RIHousing must develop and implement written procedures to ensure (24 CFR 578.103):

- All records containing protected identifying information of any individual or family who applies for and/or receives CoC assistance will be kept secure and confidential;
- The address or location of any family violence project assisted with CoC funds will not be made public, except with written authorization of the person responsible for the operation of the project; and
- The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or sub-recipient and consistent with State and local laws regarding privacy and obligations of confidentiality.

RIHousing and Project Sponsors will:

- Obtain consent to share personal identifying information with relevant parties for all program participants when referrals or information sharing is needed;
- Establish agency protocol for when staff are permitted or prohibited from sharing personal identifying information;
- Establish protocols for storing or protecting paper records within the building;
- Establish protocols for protecting electronic records containing protected identifying information; such as logging off computers, setting computer timers to automatically log off after a period of inactivity, and policies for password protection and encryption of documents;
- Comply with mandatory reporting laws and protect clients and the community when a client may be dangerous to self or others;
- In the absence of a subpoena or other legal requirement, information will not be provided about clients to law enforcement or other outside entities without written consent of the client.

Additionally, RIHousing has implemented a Privacy Policy and Website Privacy Policy ensuring the responsibility of protecting private and confidential information and a commitment to safeguarding sensitive information. RIHousing has adopted the RI HMIS Personal Protected Information Policy to ensure HMIS confidentiality requirements are met.

Grievances

Filing a grievance or complaint regarding a program, staff or service delivery is a right of all program participants. RIHousing and Project Sponsors have a responsibility to respond to these complaints in a fair and efficient process. Addressing grievances provides another way to improve program delivery and further gives voice and power to program participants.

Participants who have a complaint or problem relating to their participation in the CoC Program may communicate their grievance to the Program Sponsor by filing a grievance in writing or orally. The Program Sponsor must meet with the participant and any other relevant parties to discuss the issue and will gather any relevant information needed to make a decision. All decisions will be communicated in writing to the participant. The informal grievance process is not applicable for participants who are being terminated from the program.

Recordkeeping Requirements

- **Services Provided.** Project Sponsors must document the types of supportive services provided to individuals and families and the amounts spent on those services. They must also document that such information undergoes review at least annually and that the service package offered to program participants was adjusted accordingly.
- **Housing Quality Standards.** RIHousing will maintain documentation that all units assisted with rental assistance comply with housing standards at 578.75(b). Units must be inspected prior to occupancy and at least annually thereafter.
- **Match.** The Project Sponsor will maintain documentation of the cash and/or in-kind match used to satisfy the 25 percent match requirement (578.73). Responsibility for meeting this 25% match is solely the Project Sponsor's. The Project Sponsor will provide Match commitment letter(s) and documentation of Match requirement to RIHousing as requested to support new and renewal application(s) and reporting.
- **Homeless Status.** Documentation that the participant meets eligibility requirements (578.103) will be maintained by RIHousing and the Project Sponsor.
- **Annual Income.** RIHousing will maintain records that document: the income calculation form, source documentation to support the income and deduction calculations, and asset determinations.
- **Period of Retention.** All records containing information related to CoC program funds and activities must be retained and kept accessible for five years. In the case of program participant information, it must be maintained for five years after the expenditure of funds from grant under which the participants were served.

RIHousing Housing First Principles

Housing First is a programmatic and systems approach that centers on providing homeless people with housing quickly and *then* providing services as needed using a low barrier approach that emphasizes community integration, stable tenancy, recovery and individual choice.

Low barrier approach to entry:

- Housing First offers individuals and families experiencing homelessness immediate access to permanent supportive housing without unnecessary prerequisites. For example:
 - a. Admission/tenant screening and selection practices do not require abstinence from substances, completion of or compliance with treatment, or participation in services.
 - b. Applicants are not rejected on the basis of poor or lack of credit or income, poor or lack of rental history, minor criminal convictions, or other factors that might indicate a lack of “housing readiness.”
 - c. Blanket exclusionary criteria based on more serious criminal convictions are not applied, though programs may consider such convictions on a case by case basis as necessary to ensure the safety of other residents and staff.
 - d. Generally, only those admission criteria that are required by funders are applied, though programs may also consider additional criteria on a case by case basis as necessary to ensure the safety of tenants and staff. Application of such additional criteria should be rare, and may include, for example, denial of an applicant who is a high risk registered sex offender by a project serving children, or denial of an applicant who has a history of domestic violence involving a current participant.

Community integration and recovery:

- Housing is integrated into the community and tenants have ample opportunity to form connections outside of the project and are supported in doing so.
 - a. Housing is located in neighborhoods that are accessible to community resources and services such as schools, libraries, houses of worship, grocery stores, laundromats, doctors, dentists, parks, and other recreation facilities.
 - b. Efforts are made to make the housing look and feel similar to other types of housing in the community and to avoid distinguishing the housing as a program that serves people with special needs.
 - c. Services are designed to help tenants build supportive relationships, engage in personally meaningful activities, and regain or develop new roles in their families and communities.
 - d. Services are recovery-based and designed to help tenants gain control of their own lives, define their personal values, preferences, and visions for the future, establish meaningful individual short and long-term goals, and build hope that the things they want out of life are attainable. Services are focused on helping tenants achieve the things that are important to them and goals are not driven by staff priorities or selected from a pre-determined menu of options.
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Lease compliance and housing retention

- Tenants 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.
 - a. Leases do not include stipulations beyond those that are customary, legal, and enforceable under Rhode Island law.
 - b. 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 ask for identification from visitors.
 - c. Services are designed to identify and reduce risks to stable tenancy, and to overall health and well-being.
- Retention in housing is contingent only on lease compliance and is not contingent on abstinence from substances or compliance with services, treatment or other clinical requirements. 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)
 - PH providers only terminate occupancy of housing in cases of noncompliance with the lease or failure of a tenant to carry out obligations under the Rhode Island Residential Landlord and Tenant Act – Chapter 34-18.
 - To terminate housing, PH providers are required to use the legal court eviction process.

Separation of housing and services

- 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.
 - Those processes are designed to protect client confidentiality and share confidential information on a need to know basis only.

Tenant Choice

- Efforts are made to maximize tenant choice, including type, frequency, timing, location and intensity of services and whenever possible choice of neighborhoods, apartments, furniture, and décor.

- Staff accepts tenant choices as a matter of fact without judgment and provides services that are non-coercive to help people achieve their personal goals.
- Staff accepts that risk is part of the human experience and helps tenants to understand risks and reduce harm caused to themselves and others by risky behavior.
- Staff understands the clinical and legal limits to choose and intervenes as necessary when someone presents a danger to self or others.
- Staff helps tenants to understand the legal obligations of tenancy and to reduce risk of eviction.
- Projects provide meaningful opportunities for tenant input and involvement when designing programs, planning activities and determining policies.

CoC Participant Files

CoC participant files must include the following items:

1. Documentation of Eligibility

- a. Documentation of Homelessness (See Homelessness Verification Form)
- b. Documentation of Disability - required for Permanent Supportive Housing (PSH) (See Disability Verification Form)
- c. Referral from Coordinated Entry Placement

2. Current Lease and/or Occupancy Agreement and/or Sublease – All leases and agreements must be consistent with Housing First and include descriptions of VAWA protections.

3. Income and Rent/Occupancy Charge Information–

- a. Income must be calculated at least annually and updated upon change in accordance with 24 CFR 5.609 and 5.611.
- b. Supporting documentation of income (e.g. pay stubs or copy of disability check) and allowable deducted expenses (e.g., unreimbursed medical, child care) must be maintained in file.
- c. Occupancy/rent charged may not be greater than 30% of family’s adjusted income or 10% of gross income.

4. Housing Quality Standards - Units must be inspected prior to occupancy and re-inspected at least annually. Form available at: <http://portal.hud.gov/hudportal/documents/huddoc?id=52580.pdf>.

5. Environmental Reviews- A copy of a completed Environmental Review executed by all required parties with all the backup documentation.

6. Rent Reasonableness - Provide information of 3 comparable units to determine rent is reasonable. Rent Reasonableness form is included with the Unit Approval Packet.

7. Lead-Based Paint- Must conduct a visual assessment of all units receiving financial assistance if the unit was constructed prior to 1978 and if there will be a child under 6 years

of age or a pregnant woman residing in the unit. Participant files must include a Lead Disclosure Statement and document receipt of the Lead Hazard Information pamphlet.

8. **Termination of Assistance** –Applies to files of participants who have been terminated/discharged from the CoC program. Must demonstrate participant was notified of formal due process and provided a written copy of rules included VAWA forms, written notice of termination with clear statement of reasons for terminating, opportunity to appeal decision, and right to receive written notification of final decision. Additionally, include a Status Change Form.
9. **On-going assessment of supportive service needs** - Evidence that an assessment of each participant’s service needs was conducted initially and at least annually.
10. **Provisions of Services** - Evidence that supportive services were made available to meet the needs of program participants (e.g. case notes).
11. **Releases** - Information sharing evidenced in charts is authorized by a current release of information signed by the participant. This also includes HMIS release form.
12. **Participant/Applicant Bill of Rights**- All participants/applicants should sign the form to indicate that they received a copy of their rights and that someone helped them to review.
13. **Application Records** - Retain all application records, including outcome and reason for denial.
14. **VAWA** – Retain evidence that the Notice of Occupancy Rights and Incident Certification Form was provided to each adult tenant and applicant. Retain records for all emergency transfer requests and outcomes. Forms available at:(<https://www.hud.gov>).

FORMS