

SONOMA COUNTY CONTINUUM OF CARE RAPID REHOUSING PROGRAM STANDARDS

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Rational

The CoC Program Interim Rule requires CoCs to establish and follow written standards for providing CoC assistance in consultation with recipients of the Emergency Solutions Grants (ESG) program (24 CFR 578.7(9)). The ESG Program Interim Rule requires the ESG recipient to establish and consistently follow written standards for providing assistance with ESG funds (24 CFR 576.400 (e)). At a minimum, these written standards must include:

- Policies and procedures for evaluating individuals' and families' eligibility for assistance in the CoC and ESG Program;
- Policies and procedures for determining and prioritizing which eligible individuals and families will receive assistance for Street Outreach, Emergency Shelter, Homelessness Prevention (HP), Permanent Supportive Housing (PSH), Transitional Housing (TH), and Rapid Re- Housing (RRH);
- Standards for determining what percentage of rent a program participant must contribute while enrolled in a RRH or HP project.

The County of Sonoma's Continuum of Care has adopted the following standards of care for Rapid Rehousing (RRH). This document provides guidelines for operating local RRH programs. Rapid re-housing rapidly connects families and individuals experiencing homelessness to permanent housing through a tailored package of assistance that may include the use of time-limited financial assistance and targeted supportive services. Providers working collaboratively on these standards have also contributed their own best practices to its development. The core components of the RRH program are housing location, move-in assistance, short to medium-term rental assistance, and ongoing case management.

GUIDING PRINCIPLES

HOUSING FIRST

On September 29, 2016, Governor Jerry Brown signed Senate Bill 1380, making California a Housing First state. This requirement applies to any program providing housing or housing-based services to people experiencing homelessness or at risk of experiencing homelessness, whether or not the program was designed to address homelessness.

The Housing First model is an approach to serving people experiencing homelessness that recognizes a homeless person must first be able to access a decent, safe place to live, that does not limit the length of stay (permanent housing), before stabilizing, improving health, reducing harmful behaviors, or increasing income.

Under the Housing First approach, anyone experiencing homelessness should be connected to a permanent home as quickly as possible, and programs should remove barriers to

accessing housing, like requirements for sobriety or absence of criminal history. It is based on the “hierarchy of need” where people must access basic necessities—like a safe place to live and food to eat—before being able to achieve a quality of life or pursue personal goals.

TRAUMA-INFORMED CARE

Sonoma County homeless service providers seek to provide a trauma-informed system of care. Trauma-informed services should include case management; onsite integrated health resources; ACEs-based programs; living skills programs focused on communication skills, grief/loss, and well-being.

OPERATIONS

ELIGIBILITY

Target populations:

RRH is an effective intervention for many types of households experiencing homelessness, including those with no income, with disabilities, and with poor rental history. The only exceptions are households that can exit homelessness with little or no assistance, those who experience chronic homelessness and who need permanent supportive housing, and households who are seeking a therapeutic residential environment, including those recovering from addiction. Coordinated Entry will refer clients experiencing homelessness with VI-SPDAT scores of 4-9. Upon receiving the referral, the agency will determine if the client is eligible to receive services from their agency.

COORDINATED ENTRY

Coordinated Entry will refer eligible clients to projects upon request. Clients referred will have a vulnerability score of 4-9. Upon receiving the referral, the agency will be responsible for determining if the client is eligible for RRH services. If the individual is found to be ineligible for the RRH program, the agency will reject the referral and must request another. If a family/individual has a VI score that is above 9, but the agency feels the vulnerable client can successfully be served by the RRH program, the agency may submit a mitigation form to CES for consideration.

PROGRAM DESIGN

Sonoma County RRH providers will work consistently within the frame of Housing First, as it applies to various forms of funding and target demographics. The Sonoma County Coordinated Entry System defines baseline eligibility for entry into RRH Programs across the Continuum of Care based on local, state, and federal regulations.

There are various vulnerable populations in need of housing services in Sonoma County including, but not limited to, survivors of domestic violence or trafficking, and transitional

age youth. There is a variety of potential funding streams for RRH programs when more flexible funding is available, agencies are encouraged to work with County Staff to ensure that any flexibility (per the funding specific guidelines) is utilized to more efficiently serve the homeless population in our community.

All RRH participants must meet the federal definition of 'Literally Homeless' and be referred through the Coordinated Entry System (CES). Homeless verification must be gathered by providers prior to entry despite enrollment in CES.

- ESG Regulation: Category 1 & 4 only
- Other CDC Funding Regulation: Category 2 & 3 for special populations allowable with support and approval by CDC. (see “prevention” below)

VARIANCE

As previously mentioned, Emergency Solutions Grants (ESG) will be the guiding regulations for RRH programs in Sonoma County. ESG Regulations guide project models and service delivery. A project may be guided by ESG regulations and project definitions despite not having ESG dollars in their budget. If a different funding source offers more flexible use of funds, or a variance is needed to better serve clients experiencing homelessness, RRH providers may submit a variance request to the CDC for support and consideration.

Information on requesting variances can be found at

<https://sonomacounty.ca.gov/CDC/Homeless-Services/Providers/>

WAIVERS

If waivers to the normal ESG regulations are available for more flexible uses of RRH funding, providers are encouraged to contact CDC staff to ensure they remain in compliance with the waivers and regulations.

PREVENTION

Local policy states that agencies with Homeless Prevention (HP) funds may not serve categories 2 and 3 with their RRH funds. If an agency has RRH funds only, they can serve categories 2 and 3, but the agency must submit a breakout request. The agency must allocate a specific amount of funds for HP which cannot be more than 30% of their RRH funds. If an agency has a HP project, they cannot submit a breakout request.

VERIFICATION OF ELIGIBILITY

RRH providers are responsible for the verification of eligibility. The preference is for third party documentation. Second party documentation (observation by a homeless services provider) is acceptable if third party documentation is not available. At a minimum, client self- certification will be accepted. Lack of 3rd party documentation must not prevent an

individual or family from being immediately admitted to a RRH program. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of 3rd party documentation and intake worker observations.

DETERMINING AMOUNT AND DURATION OF RENTAL ASSISTANCE

DURATION OF ASSISTANCE

RRH providers will create individualized service plans with program participants to support the participant while maximizing the use of limited funds. The maximum length of time a program participant may receive rental assistance through ESG is 24 months during any 3-year period. Short term rental assistance is for up to 3 months. Medium-term rental assistance is for more than 3 months, but not exceeding 24 months. Payment of rental arrears consists of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears. The limit of up to 24 months of payments must include the arrears payments. For example, if a participant received assistance for 6 months of rental arrears, the maximum amount of monthly rental assistance they may receive is 18 months. Providers must run a report in HMIS to determine if the client received previous RRH assistance and adjust the duration of assistance accordingly.

AMOUNT OF RENTAL ASSISTANCE

RRH providers will establish policies and procedures to determine how much assistance to provide a participant on an individual basis. These policies and procedures must comply with the Rent Reasonableness and Fair Market Rent standards while making every effort to maximize funds. Below are some examples of how assistance may be administered.

A RRH provider may design RRH rental assistance so that:

- each program participant pays a fixed percentage of income toward rent;
- each program participant pays a rent contribution based on an incremental, sliding scale;
- each program participant pays a fixed amount or percent of the rent (e.g., \$1000 per month or 50% of the monthly rent); or
- each program participant pays a rent contribution that increases over time until the program participant is paying 100% of the monthly rent

ROOM SHARE RENTAL

ESG or ESG-CV funds may be used under the Rapid Rehousing or Homelessness Prevention component to help eligible program participants who are **not part of the same household** rent a shared unit - including shared room arrangements if safe and

appropriate - as long as they meet ESG standards as defined below. However, to be considered a separate household for ESG eligibility, each household assisted with ESG rental assistance must have a **separate lease** with the property owner or a sublease with the primary leaseholder if ESG-CV or annual ESG (used for COVID purposes) funds are used.

With regard to being placed with roommates, as with all tenant-based rental assistance, it is up to the program participant to select a housing unit in which to live and the people with whom they will share that housing (if any). While the ESG Interim Rule does not prohibit **sharing a bedroom** or housing unit, HUD recommends that when using such a model, a recipient/sub recipient carefully assesses the needs of each program participant and the appropriateness of the shared living situation for the individual. For some program participants, a roommate situation may not support long-term stability in permanent housing.

If a recipient/subrecipient is going to house people in shared housing/roommate situations, there are certain requirements that must be met, and other considerations to keep in mind.

1. The purpose of ESG assistance is to help program participants *achieve stability in permanent housing*. ESG funds may not be used to move an individual or family into a situation you know will not be stable.
2. Conducting an inspection may also help the recipient/subrecipient assess whether this can be a permanent living situation for the program participant.

Additionally, the RRH provider must make sure that the assisted unit meets with Fair Market Rent (FMR) and Rent Reasonableness standards. Providers are encouraged to seek guidance from the CDC if they are considering placement of a program participant in a shared room situation.

SOBER LIVING ENVIRONMENT (SLE)

In very limited circumstances it is possible to use ESG or ESG-CV funds to provide rental assistance to help an individual who would reside in a shared room or Sober Living Environment (SLE). For this to be possible, the individual must be an eligible program participant and the unit must qualify as permanent housing. Please note, however, as provided by the CARES Act and section III.F.12 of [Notice CPD-21-08](#), people experiencing homelessness cannot be required to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services funded with ESG grants provided under the CARES Act. Therefore, ESG-CV/annual ESG funds used to prevent, prepare for, and respond to coronavirus cannot be used if the program requires any prerequisites, including sobriety for admission or ongoing residence, testing, or treatment.

If the program does not require program participants to perform any prerequisite activities as a condition for receiving assistance, a subrecipient could focus their program on providing

services for individuals in recovery. However, access to rental assistance cannot be limited to those in recovery. A subrecipient may target this subpopulation, but they would be required to serve any eligible individual or family seeking rental assistance, regardless of recovery needs.

To determine whether it is possible to help this individual with ESG assistance, you will need to consider multiple factors including whether the housing is considered permanent and whether the unit complies with rent reasonableness and Fair Market Rent (FMR) standards. The CDC has received HUD guidance on how to properly determine if a shared unit can be approved and how to properly calculate utility rates in a shared situation. RRH providers are encouraged to contact the CDC for guidance if they are considering placement of a program participant in an SLE.

HABITABILITY STANDARDS

All units that are assisted with RRH funds must meet the applicable Housing Standards under 24 CFR § 576.403 (a) (c). All units must be inspected and meet the minimum standards mentioned above prior to any assistance being paid for the unit.

RENT REASONABLENESS AND FAIR MARKET RENT

The ESG program Interim Rule allows for RRH rental assistance to be provided to eligible participants only when the rent, including utilities (gross rent), does not exceed the Fair Market Rent established by HUD for each geographic area **AND** the rent is determined to be reasonable as established under 24 CFR 982.507. FMR is published by HUD annually by fiscal year for 530 metropolitan areas. Current FMRs can be found here:

<https://www.huduser.gov/portal/datasets/fmr.html>

FAIR MARKET RENT

Whether a household is seeking to maintain its current housing or relocate to another unit to avoid homelessness (Homelessness Prevention) or exiting homelessness into new housing (Rapid Re-Housing), the process for determining acceptable rent amounts is the same:

- The recipient or subrecipient first compares the gross rent for the current or new unit within current FMR limits, which are updated annually. Gross rent is the cost of the rent and utilities that the tenant is responsible for paying. Utility costs include: gas, electric, water, sewer, and trash. Telephone, cable, or internet costs are not included in determining gross rent.
- If the unit's gross rent is at or below FMR, the recipient/subrecipient next uses current data to determine rent reasonableness (more information is provided below on how to determine and document this).

RENT REASONABLENESS

The rent reasonableness standard is designed by HUD to ensure that the rent being paid is reasonable in comparison to similar units in the same market. In determining comparability, the RRH provider must consider the following elements where appropriate and practical: location, quality, size, type, and age of the unit, and any amenities, maintenance, and utilities to be provided by the owner. Comparable rents can be checked by using a market study of rents charged for units of different sizes in different locations or by reviewing advertisements for comparable rental units. Providers must develop their own policies and procedures for determining if a rent is reasonable and this must be documented in the client file.

If the gross rent is at or below the FMR and is determined to be reasonable, ESG funds can be used to pay rental assistance. If the rent exceeds FMR or the rent is not reasonable, ESG funds cannot be used to pay rental assistance. However, these requirements do not apply when a participant receives assistance with rental application fees, security deposits, moving costs, case management, legal services, and credit repair.

PROGRAM TRANSFERS RRH-PSH

A participant may be transferred from a RRH program to a PSH program if the PSH program better meets their needs. Individuals must meet all PSH program requirements including chronic homelessness status. Individuals or families who participate in a RRH project maintain their Chronically Homeless status while in the program. It is important to note that program participants maintain their Chronically Homeless status for purposes of eligibility for other programs. The RRH assisted unit is considered permanent housing therefore participants are not considered homeless for purposes of the CoC's point in time count. Transfers from PSH to RRH are not permitted.

PROGRAM TRANSFERS RRH-RRH

A participant may be transferred from one RRH program to another if one program better suits their needs. These transfers must be done in coordination and agreement with both providers through case conferencing to ensure a warm handoff. Additionally, the duration of the assistance may not exceed 24 months in a 3-year period.

TRANSFERS TO OTHER HOUSING PROGRAMS

If a RRH participant has the ability to move to a different subsidized housing program like a Housing Choice Voucher, the participant may receive a second deposit to secure the unit. An additional deposit may also be paid to a transitional aged youth (TAY) who is aging out of a TAY RRH program. In general, if a RRH participant has an opportunity to transition to another assisted housing program, RRH providers are encouraged to contact the CDC to see what services the client may be eligible for.

GRIEVANCE PROCEDURE

RRH providers will develop their policies and procedures for participant grievances. Grievances include appeals of decisions that impact RRH participants (exits, extensions, etc.) and grievances regarding RRH policies or perceived unfair/inequitable treatment by agency staff. Participants should inform clients about their grievance policy upon intake or orientation. Copies of the grievance policy should be provided to participants upon intake into the RRH program. RRH staff will make grievance forms available to clients upon request. Clients should be informed of how their grievances will be handled and given a timeframe for the completion of each step of the process.

REASONABLE ACCOMMODATIONS

The Sonoma County Continuum of Care is committed to providing equal opportunity and reasonable accommodations to participants with disabilities to provide them with full access to RRH programs. RRH providers must develop their reasonable accommodation policies and communicate them clearly to RRH participants.

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, or dwelling unit that will allow a qualified person with a disability to

- Participate fully in a program;
- Take advantage of a service;
- Live in a dwelling

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. When a client requires an accessible feature(s), policy modification, or other reasonable accommodation, the program must provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the program. In such a case, if possible, the program will offer an alternative solution that would not result in fundamental alteration of the program or a financial or administrative burden. RRH providers will report the number of Reasonable Accommodation requests, as well as the number of denials and the reasons for denials on their quarterly reports.

RENTAL ASSISTANCE AGREEMENTS

The rental assistance agreement between the RRH provider and the property owner must set forth the terms under which rental assistance is being provided. It must contain all of the requirements set forth in 24 CFR § 576.106(e).

LEASE REQUIREMENTS

Each RRH participant receiving assistance must have a legally binding lease for the rental unit. The lease must be between the owner and the program participant and must comply with all requirements set forth in 24 CFR § 576.106(g).

VIOLENCE AGAINST WOMEN ACT (VAWA) PROTECTIONS

VAWA protections apply to RRH participants. RRH providers must provide participants with a notice of occupancy rights under the Violence Against Women Act. Housing providers are prohibited from denying admission to, denying assistance under, terminating from participation in, or evicting from housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. Additionally, victims of domestic violence, dating violence, sexual assault, or stalking are entitled to all protections contained in 24 CFR § 5.2005 until the expiration of the rental assistance agreement. If RRH assistance is limited to deposit assistance, VAWA protections do not apply.

ADMINISTRATION

RECORD RETENTION AND STORAGE

It is the common practice of Sonoma County homeless service providers to retain paper records for 7 years. The Continuum of Care's preference is that all data be entered into HMIS. HMIS meets all HIPAA, privacy and security requirements, more completely than most paper systems. Private user information can be drawn from the meta-data. Participating providers may scan documents and upload them to HMIS. Under HUD's data standards, the HMIS vendor will be responsible for regular secure storage of data retained beyond the required periods. To the extent possible, providers will move toward such electronic records, with the understanding some agencies will be required to retain paper records for monitoring by their funders

Files containing personal information shall be stored in locked and safe locations to maintain confidentiality. Shelter providers will maintain policies and procedures that detail their agency's retention times and how release-of-information requests are processed.

CARRY OVER PROCESS

Funding Agreements for Homeless Services projects, funded through The Sonoma County Continuum of Care, allocate funding on a Fiscal Year basis. These one-year Funding

Agreements contain budgets that often consist of dollars from multiple sources comprised of State, Federal, and/or Local funds. SCCDC policy allows Rapid Rehousing (RRH) and Homeless Prevention (HP) projects to provide financial support such as rental assistance and utility assistance to program participants for up to 24 months during any three years. Since this is a time frame longer than the single year covered by the Funding Agreement, the SCCDC recognizes that situations may arise where Funding Agreements and/or funding sources are ending despite participants requiring ongoing service.

If program participants require ongoing services beyond the end date of the Funding Agreement and/or when one funding source is exhausted during the same fiscal year, participants may be able to continue with services despite the changing funding source. Subrecipients may ask to “carry over” those program participants to the period covered by the new funding source. This allowance can ensure that the participant receives ongoing services to the extent that they are eligible per the original funding source.

Potential changes in the funding levels, sources of funds, available dollars, or funding regulations may lead to fluctuations in the annual amount of public dollars available for homeless services. For this reason, Rapid Rehousing and Homelessness Prevention projects should not make guarantees of ongoing support past the end of the contract term. A copy of the “Request to Carry Over Program Participants” procedure can be found at <https://sonomacounty.ca.gov/CDC/Homeless-Services/Providers/> For assistance with this process, please contact the CDC.

ELIGIBLE COSTS

Some eligible costs are listed below however, RRH providers should refer to their funding agreements for a complete list of eligible activities. Eligible activities can also be found here <https://www.govinfo.gov/content/pkg/CFR-2018-title24-vol3/xml/CFR-2018-title24-vol3-part576.xml#seqnum576.104>

RENTAL ASSISTANCE

- Short term rental assistance (up to 3 months)
- Medium term rental assistance (4-24 months)
- Rental arrears (one-time payment of up to 6 months of rent in arrears, including any late fees on those arrears)

RENTAL ASSISTANCE TYPE

- Tenant-based rental assistance
- Project-based rental assistance
 - If the recipient or subrecipient identifies a permanent housing unit that meets ESG requirements and becomes available before a program participant is

identified to lease the unit, the recipient or subrecipient may enter into a rental assistance agreement with the owner to reserve the unit and subsidize its rent in accordance with the requirements found in 24 CFR 576.106 (i) Please contact the CDC for guidance on project based RRH assistance.

HOUSING LOCATION AND STABILIZATION

- Financial Assistance Costs
 - Rental assistance fees
 - Security deposits (up to 2 months)
 - Last month's rent
 - Utility deposits and payments (up to 24 months, including up to 6 months for payment in arrears)
 - Moving costs
- Service Costs
 - Housing search and placement
 - Housing stability case management
 - Mediation
 - Legal services
 - Credit repair

HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)

All RRH providers are required to participate in HMIS in accordance with 24 CFR 578. Providers are required to receive referrals from CES through HMIS and to complete all entry, annual and exit touchpoints.

Victim Service Providers (VSP) are prohibited from participation in HMIS and must maintain client records through a comparable database.

REPORTING

Programs are required to be timely on any required reporting. If a program is not able to meet the deadline for a required report, the program administration will provide notice of an estimated time frame for when reports can be received.

PROGRAM MONITORING

RRH providers can expect the Sonoma County Community Development Commission to monitor their program annually to ensure adherence to these standards.

RESOURCES

RRH providers are encouraged to use all of the resources that HUD makes available to providers to better understand program rules and regulations and to better implement programs. Below are resources that can assist providers:

- ESG Laws and Regulations
https://www.hud.gov/program_offices/comm_planning/esg/regulations
- ESG program Interim Rule: <https://www.hudexchange.info/resource/1927/hearth-esg-program-and-consolidated-plan-conforming-amendments/>
- ESG Rent Reasonableness and FMR: <https://www.hudexchange.info/resource/3070/esg-rent-reasonableness-and-fmr/>
- Rapid Rehousing ESG v. CoC: <https://www.hudexchange.info/resource/2889/rapid-rehousing-esg-vs-coc/>
- 24 CFR 576: <https://www.law.cornell.edu/cfr/text/24/part-576>
- HUD Virtual Binders ESG/CoC: <https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/>
- CDC Service Providers webpage: <https://sonomacounty.ca.gov/CDC/Homeless-Services/Providers/>