



**Westchester County Continuum of Care Partnership To End Homelessness**  
NY-604-Yonkers, Mount Vernon/Westchester County COC

## **Continuum of Care Assistance Policies**

Continuum of Care Program (24 CFR Part 578) describes in § 578.7 Responsibilities of the Continuum of Care, subsection (a) Operate the Continuum of Care (9), the Continuum of Care must:

“In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and consistently follow written standards for providing Continuum of Care assistance.”

This subsection also states that at a minimum, written standards must include “policies and procedures for evaluating individuals’ and families’ eligibility for assistance” for:

1. permanent supportive housing;
2. rapid rehousing; and
3. transitional housing.

**These written standards will continue to be developed as HUD provides more guidance.**

This subsection also states that written standards must also include:

“policies and procedures for determining and prioritizing which eligible individuals and families will receive” transitional housing, rapid rehousing, and permanent supportive housing assistance.

## **Goals of the Written Standards**

The CoC recognizes and supports HUD’s goals for local written standards and strives to meet its obligations under the HEARTH Act in a way that helps to enhance its systemic response to homelessness. These standards are meant to:

- Establish community-wide expectations on the operations of projects within the community
- Ensure that the system is transparent to participants and providers
- Establish a minimum set of standards and expectations in terms of the quality expected of projects
- Make the local priorities transparent to recipients and subrecipients of funds and all community stakeholders
- Create consistency and coordination between projects within the Westchester County CoC.

The Westchester County CoC expects recipient and subrecipients to administer their assistance in compliance with the CoC's written standards. Recipients and subrecipients of CoC and local funds may develop additional standards for administering program assistance, but these additional standards may not conflict with those established by the Westchester County CoC or HUD regulations. Other agencies that serve homeless persons within Westchester County are strongly encouraged to adopt the standards and practices discussed in this document.



## **Guiding Principles**

Westchester County CoC commits to the following Guiding Principles as part of its overall approach to ending and preventing homelessness throughout the CoC. These Guiding Principles shall inform program and policy decisions of the CoC and its funded or affiliated housing and service providers.

### **Housing First**

Housing First is a programmatic and systems approach that centers on providing people who are homeless with housing quickly and then providing services as needed. Westchester County CoC incorporates the Housing First approach as well as non-discrimination policies into the coordinated entry system and its funding priorities.

- Housing is not contingent on compliance with services.
- Participants are expected to comply with a standard lease or occupancy agreement and are provided with services and supports to help maintain housing and prevent eviction.
- Services are provided in housing to promote housing stability and well-being.
- All programs are expected to ensure low barriers to program entry for program participants.

### **Non-Discrimination**

Westchester County CoC commits to a policy of non-discrimination for all CoC projects and activities. Elements of this principle include:

- Providers must have non-discrimination policies in place and assertively outreach to people least likely to engage in the homeless system.
- Providers must comply with all federal statutes including the Fair Housing Act and the Americans with Disabilities Act.
- Westchester County CoC practices a person-centered model that strongly incorporates participant choice and inclusion of subpopulations present in Westchester, including, but not limited to, homeless veterans, youth, families with children, and victims of domestic violence.
- Westchester County CoC is committed to abiding by the Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity Final Rule published in 2012.

### **Client Choice**

Given the geography of the Westchester County CoC, the CoC strives to ensure that clients seeking assistance are provided choice in the types and duration of services they receive, dependent on available resources. This choice is limited by the prioritization strategies outlined in this document, with fair discretion where possible. To the degree possible based on resources and the prioritization mechanisms described in this document, and where safety is not compromised, clients are given choice in:

- The type of services they receive, by whom, and over what time period
- The location and type of housing they access
- The elements and goals of their housing stability plans



## **I. Written Standards for Permanent Supportive Housing**

### **A. Background information**

In regards to Permanent Supportive Housing, § 578.7 Responsibilities of the Continuum of Care (a) (9) of the HEARTH Act Interim Rule notes that:

In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and consistently follow written standards for providing Continuum of Care assistance. At a minimum, these written standards must include:

- Policies and procedures for evaluating individuals' and families' eligibility for assistance under this part;
- Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance.

Permanent supportive housing is considered permanent housing. HUD's regulatory definition of "permanent housing" states:

"The term 'permanent housing' means community-based housing without a designated length of stay, and includes both permanent supportive housing and rapid re-housing."

HUD also states:

"Additionally, in the regulatory definition of "permanent housing," HUD clarifies that to be permanent housing, "the program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long. HUD has determined that requiring a lease for a term of at least one year that is renewable and terminable only for cause, assists program participants in obtaining stability in housing, even when the rental assistance is temporary. These requirements are consistent with Section 8 requirements."

### **B. Eligible clients**

Per the 2016 CoC NOFA V.G.2.(4):

(a) The only persons who may be served by any non-dedicated permanent supportive housing beds are those who come from the streets, emergency shelters, safe havens, institutions, or transitional housing.

- i. Homeless individuals and families coming from transitional housing must have originally come from the streets or emergency shelters.
- ii. Homeless individuals and families with a qualifying disability who were fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions and are living in transitional housing are eligible for permanent supportive housing even if they did not live on the streets, emergency shelters, or safe havens prior to entry in the transitional housing.
- iii. Persons exiting institutions where they resided for 90 days or less and came from the



streets, emergency shelter, or safe havens immediately prior to entering the institution are also eligible for permanent supportive housing.

(b) The only persons who may be served by dedicated or prioritized permanent supportive housing beds are persons experiencing chronic homelessness as defined in 24 CFR 578.3, including individuals, families, and unaccompanied youth.

In addition, per § 578.37 (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.

Eligible clients must also meet eligibility criteria as defined in the NOFA under which the program was funded and match any identified target populations served by a specific project as defined in the Project Application to HUD.

### **C. Prioritizing Permanent Supportive Housing**

On 7/25/16 HUD published rules<sup>1</sup> in Notice CPD 16-11 detailing how local Continuums of Care (CoCs) must prioritize Chronically and non-Chronically homeless people into CoC-funded Permanent Supportive Housing (PSH)<sup>2</sup>. The Westchester CoC Board adopted the order of priority described in Notice CPD 16-11 on 08/02/17.

The following details implementation of the HUD order of priority for Westchester County CoC:

1) When Chronically Homeless individuals or families are located within the geographic area of the CoC, Westchester County CoC will place individuals in **PSH units dedicated or prioritized for persons experiencing chronic homelessness or meeting the definition of DedicatedPLUS** in the following order:

1. CH/DedicatedPLUS individuals and families who match the goals and any identified target populations served by the project with the most severe needs (PSH score of 5+ using Westchester Comprehensive Homeless Assessment Tool). and then sorted by length of time homeless.
2. CH/DedicatedPLUS individuals and families who match the goals and any identified target populations served by the project sorted by PSH score from the Westchester Comprehensive Homeless Assessment Tool and then by length of time homeless.

2) Westchester County CoC will place individuals in **PSH units not dedicated or not prioritized for persons experiencing chronic homelessness or meeting the definition of DedicatedPLUS** in the following order; in addition, Westchester County CoC will place individuals in **PSH units dedicated or prioritized for persons experiencing chronic homelessness or meeting the definition of DedicatedPLUS** when there are no CH/DedicatedPLUS individuals and families who match the

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<sup>1</sup> <https://www.hudexchange.info/resources/documents/notice-cpd-16-11-prioritizing-persons-experiencing-chronic-homelessness-and-other-vulnerable-homeless-persons-in-psh.pdf>

<sup>2</sup> Note: only individuals and families with disabilities can be placed in CoC-funded PSH.



goals and any identified target populations served by the project in the following order:

1. Homeless individuals and families with a disability who have been homeless for more than 365 days and with the most severe needs (PSH score of 5+ using Westchester Comprehensive Homeless Assessment Tool) and then sorted by length of time homeless.
2. Homeless individuals and families with a disability who have been homeless for less than 365 days and with the most severe needs (PSH score of 5+ using Westchester Comprehensive Homeless Assessment Tool) and then sorted by length of time homeless.
3. Homeless individuals and families with a disability coming from emergency shelters or places not meant for human habitation sorted by PSH score from the Westchester Comprehensive Homeless Assessment Tool and then by length of time homeless.
4. Homeless individuals and families with a disability coming from transitional housing sorted by PSH score from the Westchester Comprehensive Homeless Assessment Tool and then by amount of time homeless.

Severity of need must be determined using CoC-wide objective assessment tools, adjusted when necessary by well-documented and fairly applied professional judgment. Westchester CoC currently uses the Westchester Comprehensive Homeless Assessment Tool score to assess severity of need. Highest need is defined as PSH scores of 5 or higher using the Westchester Comprehensive Homeless Assessment Tool.

The CoC is dedicated to eradicating veteran homelessness and Chronic Homelessness. First priority within all categories above will be veterans. Essentially, this means that if two households present for assistance and both fall under the same order of priority (e.g. both chronically homeless with Westchester Comprehensive Homeless Assessment Tool score of 5+ and same length of time homeless), but one is a veteran household and the other is not, the veteran household should be prioritized first. In general, the CoC will prioritize any veteran households who are not eligible for VA housing or services by targeting those Veterans to the most appropriate CoC-funded projects.

Westchester County will prioritize otherwise eligible households in a nondiscriminatory manner. Program implementation, including any prioritization policies, will be implemented consistent with the nondiscrimination provisions of the Federal civil rights laws, including, but not limited to the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, and Title II or III of the Americans with Disabilities Act, as applicable. For example, while it is acceptable to prioritize based on level of need for the type of assistance being offered, prioritizing based on specific disabilities would not be consistent with fair housing requirements or program regulations.

HUD notice 14-012 sets “Recordkeeping Requirements for Documenting Chronic Homeless Status.” HUD stated that this notice “establishes recordkeeping requirements for all recipients of CoC Program-funded PSH that are required to document a program participant’s status as chronically homeless as defined in 24 CFR 578.3 and in accordance with 24 CFR 578.103.

Per the **Emergency Transfer Plan** adopted by the Westchester County CoC, priority will be given to current PSH participants who are victims of domestic violence, dating violence, sexual assault, or



stalking who request an emergency transfer from the tenant's current unit to another unit if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit or if the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

Where it is impossible or unsafe to transfer these participants to a new unit in the current PSH project, emergency transfers will be prioritized over all other referrals, and will receive the next available bed placement for which they match the goals and any identified target populations served by the new PSH project.

**CoC Project Closure:** In the event of Project closure, where allowed by HUD *and* needed to prevent homelessness, the CoC will transfer enrolled participants of de-funded projects to other CoC projects as openings become available. These transfers will be prioritized over all other referrals, and will receive the next available bed placement for which they match the goals and any identified target populations served by the new CoC project.

In specific (and rare) instances, case conferencing groups may determine a homeless individual or family to have a higher need than indicated by their raw Comprehensive Homeless Assessment Tool (CHAT) score. By consensus of the Coordinated Entry/ Data Systems committee, these households may be prioritized at a higher level of need and referred to housing vacancies before other households with higher CHAT scores or longer length of time homeless.

The household must still meet all eligibility criteria, target populations, and identified goals of the specific project with the vacancy.

#### **D. Recipient Recordkeeping Requirements**

In addition to any other records required in 24 CFR 578.103, recipients of CoC Program-funded PSH must retain:

- 1) Documentation of qualifying homelessness:
  - Written referral by another housing or service provider(s) indicating the entry and exit dates from the previous housing for homeless persons; or
  - Written observation by an outreach worker indicating the dates of contact with the homeless persons living in a place not meant for human habitation; or
  - Certification by the individual or head of household seeking assistance of living on the streets or an emergency shelter; or
  - Record of service produced by HMIS for Emergency Shelter (and Transitional Housing) indicating the entry and exit dates from the previous housing for homeless persons

For individuals exiting an institution where they resided for 90 days or less – one of the forms of evidence above and:

- Discharge Paperwork from the institution indicating the entry and exit dates from that institution



Individuals or families entering PSH from Transitional Housing must provide evidence of the stay in the Transitional Housing in addition to the immediately prior stay in emergency shelter or the streets (or evidence of fleeing Domestic Violence).

2) Documentation of disability:

- Written verification of the 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; or
- Written verification from the Social Security Administration; or
- The receipt of a disability check (e.g., Social Security Disability Insurance check or Veteran Disability Compensation);

3) Documentation of annual household income including client contribution calculation form and source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement).

4) Records of supportive services and assistance provided to program participants, including evidence that the recipient or subrecipient has conducted an annual assessment of services for those program participants that remain in the program for more than a year and adjusted the service package accordingly, and including case management services.

For clients that are enrolled in projects that are required by grant agreement to document chronically homeless status of program participants in some or all of its PSH beds must maintain the following records:

- Written Intake Procedures;
- Evidence of Chronically Homeless Status
  - Evidence that the homeless occasion was continuous, for at least 365 days;
  - Evidence that the household experienced at least four separate homeless occasions over 3 years with a cumulative duration of 365 days;
  - Evidence of diagnosis with one or more of the following disabling conditions as described above: substance use disorder, serious mental illness, developmental disability (as defined in Section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability.

## **E. Written Standards**

### **Written Standard #1: No Designated Length of Stay**

- **Program participants are provided housing without a designated length of stay that permits them to live as independently as possible.**



In Program Components and Eligible Costs (Subpart D) of the Preamble of the HEARTH Act (see p. 25) the following is noted:

“Consistent with the definition of permanent housing in section 401 of the McKinney-Vento Act and § 578.3 of this interim rule, the permanent housing component is community-based housing without a designated length of stay that permits formerly homeless individuals and families to live as independently as possible. The interim rule clarifies that Continuum of Care funds may be spent on two types of permanent housing: permanent supportive housing for persons with disabilities (PSH) and rapid rehousing that provides temporary assistance (i.e., rental assistance and/or supportive services) to program participants in a unit that the program participant retains after the assistance ends.”

**Written Standard #2: Lease Agreement**

- **The program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long.**

On page 12 of the Preamble of the HEARTH Act Interim Rule,

“HUD clarifies that to be permanent housing, “the program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long. HUD has determined that requiring a lease for a term of at least one year that is renewable and terminable only for cause, assists program participants in obtaining stability in housing, even when the rental assistance is temporary. These requirements are consistent with Section 8 requirements.”

Also, § 578.77 Calculating occupancy charges and rent (a) states the following about occupancy agreements:

“(a) Occupancy agreements and leases. Recipients and subrecipients must have signed occupancy agreements or leases (or subleases) with program participants residing in housing.”

**Written Standard #3: Restricted Assistance and Disabilities**

- **Permanent supportive housing can only provide assistance to individuals with disabilities and families in which one adult or child has a disability.**

§ 578.37 Program components and uses of assistance (a) (1) (i) states that:

“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.”*

**Written Standard #4: Supportive Services**

- **Supportive services designed to meet the needs of program participants must be made available to the program participants.**

§ 578.37 Program components and uses of assistance (a) (1) (i) states that:

*“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.”*

**Written Standard #5: Duration of Supportive Services Assistance**

- **Supportive services to enable program participants to live as independently as possible must be provided throughout the duration of their residence**

§ 578.53 Supportive services (b) (2) states that:

*“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.”*

**Written Standard #6: Shared Housing - One Person per Bedroom**

- **Two individuals in a shared housing situation must have their own lease and their own bedroom unless the two individuals are presented together as a household**

**Written Standard #7: Program Income**

- **Program income generated from rent and occupancy charges may be collected from program participants and added to funds committed to the project by HUD and used for eligible program activities**

§ 578.97 Program income includes the following:

*“(a) Defined. Program income is the income received by the recipient or subrecipient directly generated by a grant-supported activity.*

*(b) Use. Program income earned during the grant term shall be retained by the recipient, and added to funds committed to the project by HUD and the recipient, used for eligible activities in accordance with the requirements of this part. Costs incident to the generation of program income may be deducted from gross income to calculate program income, provided that the costs have not been charged to grant funds.*



(c) Rent and occupancy charges. Rents and occupancy charges collected from program participants are program income. In addition, rents and occupancy charges collected from residents of transitional housing may be reserved, in whole or in part, to assist the residents from whom they are collected to move to permanent housing.”

Also, § 578.49 Leasing (b) (7) states the following about program income:

“Program income. Occupancy charges and rent collected from program participants are program income and may be used as provided under § 578.97.”

**Written Standard #8: Calculating Occupancy Charges and Rent**

- ❓ **if occupancy charges are imposed, they may not exceed the highest of: 1) 30 percent of the family’s monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child-care expenses); 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.**

§ 578.77 Calculating occupancy charges and rent (b) (1) (2) (3) notes the following about occupancy agreements:

“(b) Calculation of occupancy charges. Recipients and subrecipients are not required to impose occupancy charges on program participants as a condition of residing in the housing. However, if occupancy charges are imposed, they may not exceed the highest of: (1) 30 percent of the family’s monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child-care expenses);

(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.”

**Written Standard #9: Examining Program Participant’s Initial Income**

- ❓ **a program participant’s initial income must be examined at least annually to determine the amount of the contribution toward rent payable by the program participant and adjustments to a program participant’s contribution toward the rental payment must be made as changes in income are identified.**



§578.77 Calculating occupancy charges and rent (c)(2) states that:

“Recipients or subrecipients must examine a program participant’s income initially, and at least annually thereafter, to determine the amount of the contribution toward rent payable by the program participant. Adjustments to a program participant’s contribution toward the rental payment must be made as changes in income are identified.”

§578.103 Recordkeeping requirements (7) (i) (ii) states that the recipient or subrecipient must keep records for each program participant that document:

“(i) The services and assistance provided to that program participant, including evidence that the recipient or subrecipient has conducted an annual assessment of services for those program participants that remain in the program for more than a year and adjusted the service package accordingly, and including case management services as provided in § 578.37(a)(1)(ii)(F); and

(ii) Where applicable, compliance with the termination of assistance requirement in § 578.91.”

**Written Standard #10: Verifying Program Participant’s Initial Income**

- ❓ **each program participant must agree to supply the information or documentation necessary to verify the program participant’s income.**

§578.77 Calculating occupancy charges and rent (c)(3) states that:

“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. Program participants must provide the recipient or subrecipient 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.”

§578.103 Recordkeeping requirements (6) (i) (ii) (iii) and (iv) states that the following documentation of annual income must be kept by recipient or subrecipient:

“(i) Income evaluation form specified by HUD and completed by the recipient or subrecipient; and

(ii) Source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement) for the assets held by the program participant and income received before the date of the evaluation;

(iii) To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., employer, government benefits administrator) or the written certification by the recipient’s or subrecipient’s intake staff of the oral verification by the



relevant third party of the income the program participant received over the most recent period; or

(iv) To the extent that source documents and third-party verification are unobtainable, the written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.”

**Written Standard #11: Recalculating Occupancy Charges and Rent**

- ❑ **if there is a change in family composition (e.g., birth of a child) or a decrease in the resident’s income during the year, the resident may request an interim reexamination, and the occupancy charge will be adjusted accordingly.**

§ 578.77 Calculating occupancy charges and rent (b) (4) notes the following about recalculating occupancy charges and rent:

“(4) Income. Income must be calculated in accordance with 24 CFR 5.609 and 24 CFR 5.611(a). Recipients and subrecipients must examine a program participant’s income initially, and if there is a change in family composition (e.g., birth of a child) or a decrease in the resident’s income during the year, the resident may request an interim reexamination, and the occupancy charge will be adjusted accordingly.”

**Written Standard #12: Termination of Assistance**

- **Assistance may be terminated to a program participant who violates program requirements or conditions of occupancy by providing a formal process that recognizes the due process of law.**

On page 37 of the Preamble of the HEARTH Act, the following is stated concerning termination of assistance:

“The interim rule provides that a recipient may terminate assistance to a participant who violates program requirements or conditions of occupancy. The recipient must provide a formal process that recognizes the due process of law. Recipients may resume assistance to a participant whose assistance has been terminated.

Recipients that are providing permanent supportive housing for hard-to-house populations of homeless persons must exercise judgment and examine all circumstances in determining whether termination is appropriate. Under this interim rule, HUD has determined that a participant’s assistance should be terminated only in the most severe cases. HUD is carrying over this requirement from the Shelter Plus Care program.”

§578.91 states the following regarding Termination of assistance to program participants:



(a) Termination of assistance. The recipient or subrecipient may terminate assistance to a program participant who violates program requirements or conditions of occupancy. Termination under this section does not bar the recipient or subrecipient from providing further assistance at a later date to the same individual or family.

(b) Due process. In terminating assistance to a program participant, the recipient or subrecipient 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.

(c) Hard-to-house populations. Recipients and subrecipients that are providing permanent supportive housing for hard-to-house populations of homeless persons must exercise judgment and examine all extenuating circumstances in determining when violations are serious enough to warrant termination so that a program participant’s assistance is terminated only in the most severe cases.

**Written Standard #13: Maintenance of Housing Assistance**

PSH projects will not administer drugs tests, impose income requirements, require employment, or require services (case management, mental health, behavioral health) as a condition of housing. Providers are encouraged to practice Trauma Informed Practices, Motivational Interviewing, and Client-Centered Housing Stability Planning. This standard may be flexible in cases of immediate safety concerns other extreme circumstances.

**Written Standard #14: Bedrooms per household**

Per 24 CFR 578.75(c) Continuum of Care housing units must have at least one bedroom or living/sleeping room for each two persons.

Therefore, the following chart indicates the number of bedrooms allowed for a household of a specific number of persons:

Number of Persons in Household	Number of Bedrooms Allowed
1	1 Bedroom, Studio, SRO
2	1 Bedroom
3	2 Bedrooms
4	2 Bedrooms



**WESTCHESTER COUNTY CONTINUUM  
OF CARE PARTNERSHIP TO END  
HOMELESSNESS**

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5	3 Bedrooms
6	3 Bedrooms
7	4 Bedrooms
8	4 Bedrooms
9	5 Bedrooms

Some households may require units larger than indicated above, for example so that children of opposite sex, other than very young children, are not required to occupy the same bedroom.

If household composition changes during the term of assistance, CoC housing providers will relocate the household to a more appropriately sized unit.

**Written Standard #15: Duration of Housing Search**

Once a participant is enrolled into a Permanent Supportive Housing project, it is expected that they will work with the provider agency to rapidly locate an apartment and move into Permanent Housing.

Therefore, participants are allowed a housing search period of 4 months from the 1st day of the month on or following enrollment into the Permanent Supportive Housing project.

e.g. if a household has a Project Start Date of March 1, then the housing search period ends June 30; if the household has Project Start Date of March 10, then the housing search period ends July 31.

Once a unit is secured and pending inspection, the 4 month “clock” is suspended until the unit passes inspection or is rejected due to inspection failure. The window resumes on the 1st of the month following the rejection of a unit. All provider and participant activity must be recorded in an HMIS Case Note.

Extensions

A Permanent Supportive Housing provider may, if circumstances warrant, grant a 1 month extension to a participants housing search period after the initial 4 month search period has ended.

There is no limit to the number of 1 month extensions that may be granted, but the case must be evaluated each month before an extension is approved by the provider. Reasonable measures should be taken by the provider and the Participant to avoid multiple extensions as it is expected that multiple extensions will rarely be granted.

Extensions to the housing search period must be documented in the participants file and in an



HMIS Case Note, including indications why the extension was granted.

As always, all households involved in Permanent Supportive Housing search should be discussed during meetings of the PSH CERC.

**Written Standard #16:** Disapproval of owner

A CoC Project must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the CoC Project determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

## **II. Written Standards for Rapid Rehousing**

### **A. Background information**

In regards to rapid rehousing, § 578.7 Responsibilities of the Continuum of Care (a) (9) of the HEARTH Act Interim Rule notes that:

In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and consistently follow written standards for providing Continuum of Care assistance. At a minimum, these written standards must include:

- Policies and procedures for evaluating individuals' and families' eligibility for assistance under this part;
- Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid rehousing assistance;
- Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid rehousing assistance;

Rapid rehousing is considered permanent housing. HUD's regulatory definition of "permanent housing" states:

"The term 'permanent housing' means community-based housing without a designated length of stay, and includes both permanent supportive housing and rapid re-housing."

HUD also states:

"Additionally, in the regulatory definition of "permanent housing," HUD clarifies that to be permanent housing, "the program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long. HUD has determined that requiring a lease for a term of at least one year that is renewable and terminable only for cause, assists program participants in obtaining stability in housing, even when the rental assistance is temporary. These requirements are consistent with Section 8 requirements."



Types of rapid rehousing assistance include:

- Rental assistance;
- Case management;
- Supportive services;
- Security deposits.

### **B. Eligible Clients**

To be eligible for Rapid Re-housing, clients must be “Literally Homeless” or Category 1 according to the HUD Homeless Definition, which is:

(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) Has a primary nighttime residence that is a public or private place not meant for human habitation;

(ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or

(iii) Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution

Certain CoC-funded RRH may also serve clients who are Fleeing or Attempting to Flee Domestic Violence & Human Trafficking /Category 4 according to the HUD Homeless Definition, which is:

(4) Any individual or family who:

(i) Is fleeing, or is attempting to flee, domestic violence;

(ii) Has no other residence; and

(iii) Lacks the resources or support networks to obtain other permanent housing

Eligible clients must also meet eligibility criteria as defined in the NOFA under which the program was funded. To date, CoC-funded Rapid Re-housing is restricted to clients living in a place not meant for human habitation or emergency shelters.

In addition to homeless status, the criteria for program entry are: (1) the need for the subsidy to achieve permanent housing and the (2) willingness to work with staff throughout and after the subsidy period to increase income, budget effectively, and increase life skills as needed to foster the sustainability of permanent housing after the subsidy period.

### **C. Prioritizing Rapid Rehousing**

Recently, HUD provided guidance for rapid rehousing in terms of prioritizing subpopulations. HUD noted in a SNAPS In Focus: Rapid Re-Housing As a Model and Best Practice, August 6, 2014, that:

“Rapid re-housing can be effective for many populations, such as families with children,





youth aging out of foster care, domestic violence survivors, single adults, and veterans, but should be targeted to those households that would not be able to get out of homelessness without the assistance. It is particularly a key strategy for achieving the Opening Doors goal of ending family, youth, and child homelessness by 2020.

Rapid re-housing should prioritize people with more challenges, including those with no income, poor employment prospects, troubled rental histories, and criminal records. Providers should link participants with community resources that will help them achieve longer-term stability and well-being. Now is the time for communities to be working together to establish written standards for administering rapid re-housing and thinking strategically about how this type of assistance will be used most effectively within the CoC.”

Recently, HUD also noted on [www.hudexchange.info/resources/documents/Rapid-Re-Housing-Brief.pdf](http://www.hudexchange.info/resources/documents/Rapid-Re-Housing-Brief.pdf) that:

“Rapid re-housing is an effective intervention for many different types of households experiencing homelessness, including those with no income, with disabilities, and with poor rental history. The majority of households experiencing homelessness are good candidates for rapid re-housing. 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.”

Westchester County CoC will prioritize individuals and families for Rapid Re-housing in the following order:

1. Homeless individuals and families with the highest need for Rapid Rehousing interventions by sorting from highest to lowest Westchester Comprehensive Homeless Assessment Tool RRH score.
2. Homeless individuals and families that have been homeless for the longest amount of time.

Homeless households within the following subpopulations will be given first priority: families with children, youth ages 18-24, domestic violence survivors, and veterans. Essentially, this means that if two households present for assistance and both fall under the same order of priority (e.g. both with the same Westchester Comprehensive Homeless Assessment Tool RRH score and length of time homeless), but one is a family, youth, DV survivor or veteran household and the other is not, the priority subpopulation household should be housed first.

Westchester County will prioritize otherwise eligible households in a nondiscriminatory manner. Program implementation, including any prioritization policies, will be implemented consistent with the nondiscrimination provisions of the Federal civil rights laws, including, but not limited to the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, and Title II or III of the Americans with Disabilities Act, as applicable. For example, while it is acceptable to



prioritize based on level of need for the type of assistance being offered, prioritizing based on specific disabilities would not be consistent with fair housing requirements or program regulations.

Clients 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 will not be prioritized for Rapid Re-housing.

Per the Emergency Transfer Plan adopted by the Westchester County CoC, priority will be given to current Rapid Re-housing participants who are victims of domestic violence, dating violence, sexual assault, or stalking who request an emergency transfer from the tenant's current unit to another unit if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit or if the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

Where it is impossible or unsafe to transfer these participants to a new unit in the current Rapid Re-housing project, emergency transfers will be prioritized over all other referrals, and will receive the next available bed placement for which they match the goals and any identified target populations served by the new Rapid Re-housing project.

**CoC Project Closure:** In the event of Project closure, where allowed by HUD *and* needed to prevent homelessness, the CoC will transfer enrolled participants of de-funded projects to other CoC projects as openings become available. These transfers will be prioritized over all other referrals, and will receive the next available bed placement for which they match the goals and any identified target populations served by the new CoC project.

In specific (and rare) instances, case conferencing groups may determine a homeless individual or family to have a higher need than indicated by their raw Comprehensive Homeless Assessment Tool (CHAT) score. By consensus of the Coordinated Entry/ Data Systems committee, these households may be prioritized at a higher level of need and referred to housing vacancies before other households with higher CHAT scores or longer length of time homeless.

The household must still meet all eligibility criteria, target populations, and identified goals of the specific project with the vacancy.

#### **D. Recipient Recordkeeping Requirements**

In addition to any other records required in 24 CFR 578.103, recipients of CoC Program-funded Rapid Re-housing must retain:

- 1) Documentation of qualifying homelessness:
  - Written referral by another housing or service provider(s) indicating the entry and exit dates from the previous housing for homeless persons; or
  - Written observation by an outreach worker indicating the dates of contact with the



homeless persons living in a place not meant for human habitation; or

- Certification by the individual or head of household seeking assistance of living on the streets or an emergency shelter; or
- Record of service produced by HMIS for Emergency Shelter (and Transitional Housing) indicating the entry and exit dates from the previous housing for homeless persons

For individuals exiting an institution where they resided for 90 days or less – on of the forms of evidence above and:

- Discharge Paperwork from the institution indicating the entry and exit dates from that institution

For clients fleeing or attempting to flee domestic violence:

- Oral statement by the individual or head of household that they are fleeing. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and
- Certification by the individual or head of household that no subsequent residence has been identified; and
- Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

- 2) Documentation of Annual household income including income evaluation form and source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement).
- 3) Records of supportive services and assistance provided to program participants, including evidence that the recipient or subrecipient has conducted an annual assessment of services for those program participants that remain in the program for more than a year and adjusted the service package accordingly, and including case management services.

## **E. Written Standards**

### **Written Standard #1: Lease Agreement**

- **The program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long.**

On page 12 of the Preamble of the HEARTH Act Interim Rule,

“HUD clarifies that to be permanent housing, “the program participant must be the tenant on a lease for a term of at least one year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one month long. HUD has determined that requiring a lease for a term of at least one year that is renewable and terminable only for cause, assists program participants in obtaining stability in housing, even when the rental assistance is temporary. These requirements are consistent with Section 8



requirements.”

### **Written Standard #2: Rental Assistance**

- **Program participants may receive short-term (up to 3 months) and/or medium-term (for 3 to 24 months) tenant-based rental assistance**

§ 578.37 Program components and uses of assistance (a) (1) (ii) states that:

“Continuum of Care funds may provide supportive services, as set forth in § 578.53, and/or **short-term (up to 3 months) and/or medium-term (for 3 to 24 months) tenant-based rental assistance**, as set forth in § 578.51(c), as necessary to help a homeless individual or family, with or without disabilities, move as quickly as possible into permanent housing and achieve stability in that housing.”

### **Written Standard #3: Amount of Rental Assistance**

Rapid Re-housing rent assistance programs are designed to close the gap between homeless households' available funds for housing (earned income and local subsidies) and the cost of available affordable housing, to allow homeless clients to achieve permanent housing and exit homeless shelters.

RRH will close the gap between other housing subsidies and 40% or less of earned income, and the affordable rental market.

Standards for determining the share of rent and utilities costs that each program participant must pay, if any, will be based on the following guidelines:

- The maximum amount of rent that a participant will pay can be up to 100% of the rental amount;
- The maximum percentage of income paid by participants towards rent at program completion shall be no more than 40%. However, in certain circumstances, on a case-by-case basis, there may be participants whose rental share may exceed 40% of the rent based on their financial circumstances. In general, the goal will be that participants pay generally no more than 40% of their income in rent;
- Housing subsidies from other sources can be fully applied to housing. Rapid Rehousing rental assistance will provide 30% to 70% of rental costs (plus utilities); participants funds (including earned income and local subsidies) will provide 30% to 70% of rental costs (plus utilities).
- 100% of the cost of rent in rental assistance may be provided to program participants. However, to provide the best chance for households to become successfully independent, and to maximize the number of households that can be served with rapid re-housing resources, it is expected that the level of assistance provided will be the minimum necessary for each household to be stably housed for the longterm;
- The rent charged for a unit must be reasonable in relation to rents currently being charged



for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units.

The rental subsidy will not be provided beyond 24 months. The goal is to terminate rental assistance for all clients after 12 months. Clients will continue to receive voluntary monthly case management services for up to 6 months after the end of the rental assistance period.

§ 578.37 Program components and uses of assistance (a) (1) (ii) (F) states that a Continuum of Care:

“May set a maximum amount or percentage of rental assistance that a program participant may receive, a maximum number of months that a program participant may receive rental assistance, and/or a maximum number of times that a program participant may receive rental assistance. The recipient or subrecipient may also require program participants to share in the costs of rent. For the purposes of calculating rent or rapid rehousing, the rent shall equal the sum of the total monthly rent for the unit and, if the tenant pays separately for utilities, the monthly allowance for utilities (excluding telephone) established by the public housing authority for the area in which the housing is located.”

**Written Standard #4: Duration of Assistance**

- The rental subsidy will not be provided beyond 24 months. The goal is to terminate rental assistance for all clients after 12 months. Clients will continue to receive voluntary monthly case management services for up to 6 months after the end of the rental assistance period.
- It is expected that program participants will only receive minimum level of assistance necessary to be stably housed for the long-term.

§ 578.37 Program components and uses of assistance (a) (1) (ii) states that:

“Continuum of Care funds may provide supportive services, as set forth in § 578.53, and/or short-term (up to 3 months) and/or medium-term (for 3 to 24 months) tenant-based rental assistance, as set forth in § 578.51(c), as necessary to help a homeless individual or family, with or without disabilities, move as quickly as possible into permanent housing and achieve stability in that housing.”

**Written Standard #5: Security Deposits including Last Month’s Rent**

- **Program participants may receive funds for security deposits in an amount not to exceed 2 months of rent.**

§ 578.51 Rental assistance (a) (2) states that:

“Grant funds may be used for security deposits in an amount not to exceed 2 months of rent. An advance payment of the last month’s rent may be provided to the landlord, in



addition to the security deposit and payment of first month's rent."

**Written Standard #6: Receiving Rental Assistance through Other Sources**

- **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.**

§ 578.51 Rental assistance (a) Use states that:

"Grant funds may be used for rental assistance for homeless individuals and families. 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."

**Written Standard #7: Case Management**

- Program participants must meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability.

§ 578.37 Program components and uses of assistance (a) (1) (ii) (F) states the following requirement:

"Require the program participant to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability. The project is exempt from this requirement if the Violence Against Women Act of 1994 (42 U.S.C. 13925 *et seq.*) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 *et seq.*) prohibits the recipient carrying out the project from making its housing conditional on the participant's acceptance of services."

**Written Standard #8: Supportive Services**

- **Program participants may receive supportive services as set forth in § 578.53 (see Appendix A)**

§ 578.37 Program components and uses of assistance (a) (1) (ii) states that:

"Continuum of Care funds may provide **supportive services**, as set forth in § 578.53, and/or short-term (up to 3 months) and/or medium-term (for 3 to 24 months) tenant-based rental assistance, as set forth in § 578.51(c), as necessary to help a homeless individual or family, with or without disabilities, move as quickly as possible into permanent housing and achieve stability in that housing."

**Written Standard #9: Duration of Supportive Services**



- **Program participants may receive supportive services for no longer than 6 months after rental assistance stops**

§ 578.37 Program components and uses of assistance (a) (1) (ii) (F) states that the Continuum of Care “May provide supportive services for no longer than 6 months after rental assistance stops.”

**Written Standard #10: Re-evaluation**

- **Program participants must be re-evaluated, with their income and rental assistance needs recertified, not less than quarterly, in order to determine whether program participants lack sufficient resources and support networks necessary to retain housing without Continuum of Care assistance and the types and amounts of assistance that the program participant needs to retain housing.**

§ 578.37 Program components and uses of assistance (a) (1) (ii) (E) states that the Continuum of Care:

“Must re-evaluate, not less than once annually, that the program participant lacks sufficient resources and support networks necessary to retain housing without Continuum of Care assistance and the types and amounts of assistance that the program participant needs to retain housing. The recipient or subrecipient may require each program participant receiving assistance to notify the recipient or subrecipient of changes in the program participant’s income or other circumstances (e.g., changes in household composition) that affect the program participant's need for assistance. When notified of a relevant change, the recipient or subrecipient must reevaluate the program participant’s eligibility and the amount and types of assistance that the program participant needs.”

**Written Standard #11: Bedrooms per household**

Per 24 CFR 578.75(c) Continuum of Care housing units must have at least one bedroom or living/sleeping room for each two persons.

Therefore, the following chart indicates the number of bedrooms allowed for a household of a specific number of persons:

Number of Persons in Household	Number of Bedrooms Allowed
1	1 Bedroom, Studio, SRO
2	1 Bedroom
3	2 Bedrooms
4	2 Bedrooms
5	3 Bedrooms



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6	3 Bedrooms
7	4 Bedrooms
8	4 Bedrooms
9	5 Bedrooms

Some households may require units larger than indicated above, for example so that children of opposite sex, other than very young children, are not required to occupy the same bedroom.

If household composition changes during the term of assistance, CoC housing providers will relocate the household to a more appropriately sized unit.

**Written Standard #12: Duration of Housing Search**

Once a participant is enrolled into a Rapid Re-housing project, it is expected that they will work with the provider agency to rapidly locate an apartment and move in Permanent Housing.

Therefore, participants are allowed a housing search period of 4 months from the 1st day of the month on or following enrollment into the Rapid Re-housing project.

e.g. if a household has a Project Start Date of March 1, then the housing search period ends June 30; if the household has Project Start Date of March 10, then the housing search period ends July 31.

Once a unit is secured and pending inspection, the 4 month “clock” is suspended until the unit passes inspection or is rejected due to inspection failure. The window resumes on the 1st of the month following the rejection of a unit. All provider and participant activity must be recorded in an HMIS Case Note.

Extensions

A Rapid Re-housing provider may, if circumstances warrant, grant a 1 month extension to a participants housing search period after the initial 4 month search period has ended.

There is no limit to the number of 1 month extensions that may be granted, but the case must be evaluated each month before an extension is approved by the provider. Reasonable measures should be taken by the provider and the Participant to avoid multiple extensions as it is expected that multiple extensions will rarely be granted.

Extensions to the housing search period must be documented in the participants file and in an HMIS Case Note, including indications why the extension was granted.

As always, all households involved in Rapid Re-housing housing search should be discussed during meetings of the RRH CERC.





**Written Standard #13: Disapproval of owner**

A CoC Project must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the CoC Project determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

### **III. Written Standards for Transitional Housing**

#### **A. Background Information**

This section proposes written standards for transitional housing based upon information provided in the HEARTH Act.

Under § 578.3 Definitions of the HEARTH Act, the following is stated:

“Transitional housing means housing, where all program participants have signed a lease or occupancy agreement, the purpose of which is to facilitate the movement of homeless individuals and families into permanent housing within 24 months or such longer period as HUD determines necessary. The program participant must have a lease or occupancy agreement for a term of at least one month that ends in 24 months and cannot be extended.”

#### **B. Eligible Clients**

To be eligible for Transitional Housing, clients must be homeless under one of the four Categories of the HUD Homeless Definition, which is:

(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- (i) Has a primary nighttime residence that is a public or private place not meant for human habitation;
- (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or
- (iii) Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution

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

- (i) Residence will be lost within 14 days of the date of application for homeless assistance;
- (ii) No subsequent residence has been identified; and
- (iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing



(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- (i) Are defined as homeless under the other listed federal statutes;
- (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
- (iii) Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and
- (iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers

(4) Any individual or family who:

- (i) Is fleeing, or is attempting to flee, domestic violence;
- (ii) Has no other residence; and
- (iii) Lacks the resources or support networks to obtain other permanent housing

Eligible clients must also meet eligibility criteria as defined in the NOFA under which the program was funded and any other project specific eligibility criteria.

### **C. Prioritizing Transitional Housing**

Westchester County CoC will prioritize individuals and families for Transitional Housing in the following order:

1. Homeless individuals and families within the following subpopulations:
  - families with children,
  - youth ages 18-24,
  - domestic violence survivors,
  - veterans,
  - households with severe service needs that threaten their immediate health or safety and who cannot safely live in an independent living environment but for whom institutional recovery or treatment services are not desired or available.
2. Homeless individuals and families that have been homeless for the longest amount of time.

All chronically homeless individuals and families will not be served through transitional housing.<sup>4</sup> Such households will be served by permanent supportive housing through a Housing First approach.

Per the Emergency Transfer Plan adopted by the Westchester County CoC, priority will be given to current Transitional Housing participants who are victims of domestic violence, dating violence, sexual assault, or stalking who request an emergency transfer from the tenant's current unit to another unit if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit or if the tenant is a victim of sexual assault, the



tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

Where it is impossible or unsafe to transfer these participants to a new unit in the current Transitional Housing project, emergency transfers will be prioritized over all other referrals, and will receive the next available bed placement for which they match the goals and any identified target populations served by the new Transitional Housing project.

#### **D. Written Standards**

##### **Written Standard #1:**

The program participant must have a lease or occupancy agreement for a term of at least one month that ends in 24 months and cannot be extended”; in exceptional cases a “homeless individual or family may remain in transitional housing for a period longer than 24 months, if permanent housing for the individual or family has not been located or if the individual or family requires additional time to prepare for independent living” as noted in § 578.79 Limitation on transitional housing.

Under § 578.51 Rental assistance, (l) Leases (2) Initial lease for transitional housing, the following is required:

“Program participants in transitional housing must enter into a lease agreement for a term of at least one month. The lease must be automatically renewable upon expiration, except on prior notice by either party, up to a maximum term of 24 months.”

##### **Written Standard #2:**

Assistance in transitioning to permanent housing must be provided to participants. Permanent housing plans should be established immediately upon intake to the Transitional Housing program, even if those plans anticipate a prolonged length of stay in TH prior to moving to PH.

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<sup>4</sup>Chronically homeless households are no longer considered chronically homeless once they become residents of transitional housing programs. As a result, such households are no longer eligible for permanent supportive housing beds that are dedicated or prioritized to serve only chronically homeless households. In addition, HUD strongly encourages permanent supportive housing providers to fill vacant beds with chronically homeless households.



Supportive services must be made available to program participants “throughout the duration of their residence” and such services “may also be provided to former residents of transitional housing and current residents of permanent housing who were homeless in the prior 6 months, for no more than 6 months after leaving transitional housing or homelessness, respectively, to assist their adjustment to independent living.”

Under § 578.53 Supportive services (b) Duration, the following is also noted:

(1) “For a transitional housing project, supportive services must be made available to residents throughout the duration of their residence in the project.”

(3) “Services may also be provided to former residents of transitional housing and current residents of permanent housing who were homeless in the prior 6 months, for no more than 6 months after leaving transitional housing or homelessness, respectively, to assist their adjustment to independent living.”

**Written Standard #3:**

Recipients and subrecipients of funding for transitional housing “are not required to impose occupancy charges on program participants as a condition of residing” in transitional housing. However, if occupancy charges are imposed, they may not exceed the highest of:

(1) 30 percent of the family’s monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child-care expenses);

(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. Income must be calculated in accordance with 24 CFR 5.609 and 24 CFR 5.611(a). Recipients and subrecipients must examine a program participant’s income initially, and if there is a change in family composition (e.g., birth of a child) or a decrease in the resident’s income during the year, the resident may request an interim reexamination, and the occupancy charge will be adjusted accordingly.

Under § 578.77 Calculating occupancy charges and rent, the following guidelines are provided:

“(a) Occupancy agreements and leases. Recipients and subrecipients must have signed occupancy agreements or leases (or subleases) with program participants residing in housing.

(b) Calculation of occupancy charges. Recipients and subrecipients are not required to impose occupancy charges on program participants as a condition of residing in the housing. However, if occupancy charges are imposed, they may not exceed the highest of:

(1) 30 percent of the family’s monthly adjusted income (adjustment factors



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include the number of people in the family, age of 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. Income must be calculated in accordance with 24 CFR 5.609 and 24 CFR 5.611(a). Recipients and subrecipients must examine a program participant’s income initially, and if there is a change in family composition (e.g., birth of a child) or a decrease in the resident’s income during the year, the resident may request an interim reexamination, and the occupancy charge will be adjusted accordingly.”

**Written Standard #4:**

**Assistance for a transitional housing project may be discontinued “if more than half of the homeless individuals or families remain in that project longer than 24 months.”**

Under § 578.79 Limitation on transitional housing, the following is stated:

“A homeless individual or family may remain in transitional housing for a period longer than 24 months, if permanent housing for the individual or family has not been located or if the individual or family requires additional time to prepare for independent living. However, HUD may discontinue assistance for a transitional housing project if more than half of the homeless individuals or families remain in that project longer than 24 months.”

**Written Standard #5: Bedrooms per household**

Per 24 CFR 578.75(c) Continuum of Care housing units must have at least one bedroom or living/sleeping room for each two persons.

Therefore, the following chart indicates the number of bedrooms allowed for a household of a specific number of persons:

Number of Persons in Household	Number of Bedrooms Allowed
1	1 Bedroom, Studio, SRO
2	1 Bedroom
3	2 Bedrooms
4	2 Bedrooms
5	3 Bedrooms
6	3 Bedrooms



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7	4 Bedrooms
8	4 Bedrooms
9	5 Bedrooms

Some households may require units larger than indicated above, for example so that children of opposite sex, other than very young children, are not required to occupy the same bedroom.

If household composition changes during the term of assistance, CoC housing providers will relocate the household to a more appropriately sized unit.

**Written Standard #6: Disapproval of owner**

A CoC Project must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the CoC Project determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

**IV. Written Standards for Other Permanent Housing**

**A. Prioritizing Other Permanent Housing serving survivors of Domestic Violence**

The Westchester County Continuum of Care Partnership to End Homelessness will prioritize individuals and families for Other Permanent Housing serving survivors of Domestic Violence in the following order:

1. Unsheltered households fleeing DV (sorted by Length of Time Homeless in the current episode from longest to shortest)
2. Households fleeing DV and living in a DV Emergency Shelter or being served by a VSP (sorted by Coordinated Entry enrollment date from earliest to latest)
3. Households fleeing DV and living in a General Population Emergency Shelter (sorted by Length of Time Homeless in the current episode from longest to shortest)
4. Households fleeing DV and living in a County EHU (sorted by Length of Time Homeless in the current episode from longest to shortest)
5. Households whose homelessness was caused by fleeing DV and living in a Rapid Rehousing project & not yet referred to other permanent housing (sorted by length of time until RRH subsidy expires from soonest to latest)
6. Households fleeing DV with an existing Referral to a Permanent Housing subsidy project



**V. subject: LGBTQ+ Policy**

**Status: Adopted 6-21-2023**

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As part of the process of making the Westchester County Continuum of Care Partnership to End Homelessness (WCoC) more inclusive of lesbian, gay, bisexual, transgender and queer <sup>1</sup> (LGBTQ+) people, it is essential that non-discrimination and anti-harassment policies include language specifically addressing sexual orientation <sup>2</sup> and gender identity <sup>3</sup> or expression<sup>4</sup>. By promoting open, accepting service practices by our member organizations, we affirm our commitment to serve those in need without prejudice. For the purposes of this document the provision of shelter, outreach, housing, and related services provided to people experiencing homelessness or who are at risk of homelessness will be referred to as “services.”

In creating and adhering to the policy set forth below the Westchester Continuum of Care Partnership to End Homelessness and its member organizations agree to abide by the U.S. Department of Housing and Urban Development (HUD) Equal Access Rule.<sup>5</sup>

The Equal Access Rule states that **all** organizations and their staff members working within the Westchester Continuum of Care Partnership to End Homelessness must ensure that:

- Individuals will not be discriminated against based on actual or perceived gender identity,
- and where legitimate consideration of sex or gender is appropriate - for example, for shelters that serve only one sex or otherwise operate in a sex-segregated way - the individual's own self-identified gender identity will govern.

### **1. Sexual Orientation and Gender Identity Non-Discrimination Policy for all People Receiving Services**

We recognize that prejudice, discrimination, and stereotyping are prevalent through society and are dedicated to the creation of a safe, secure space for those seeking services with us. It shall be the policy of the WCoC to maintain and promote practices that provide the highest quality of services to people experiencing homelessness or at risk of homelessness regardless of their actual or perceived sexual orientation or gender identity. LGBTQ+-identified people receiving housing and related services shall receive fair and equal treatment, without bias, and be treated in a professional manner.

### **2. Transgender Identification and Support Policy**

As part of its commitment to provide services to those in need without discrimination or harassment, the WCoC and its member organizations will promote an environment that is accepting and encouraging to transgender service users. Service users identifying as transgender shall receive support and accommodation from the WCoC and its member organizations in determining their needs. Pronouns used and clothing provided shall reflect the gender with which the person identifies.

### **3. Confidentiality and Non-Disclosure Policy**

The WCoC seeks to provide a supportive environment for LGBTQ+ service users by treating with respect those persons who are open about their sexual orientation or gender identity. The WCoC also recognizes that some people might not wish to share this information with others involved in the organization and is



equally dedicated to respecting the confidentiality of those persons. Questions relating to a person's sexual orientation or gender identity should never be mandatory and failure to answer such questions shall not affect a person's prioritization for housing or access to other services excepting any programs or services limited to those with a particular sexual orientation or gender identity.

#### **4. WCoC Member Organizations**

The WCoC requires that all member organizations which operate HUD funded programs adopt, implement, and make available to their staff an LGBTQ+ Inclusion policy which:

- States and agrees to comply with the HUD Equal Access Rule;
- Protects against any discrimination and harassment of all people receiving services on the basis of sexual orientation, gender identity or gender expression, and
- Includes a statement that all people filing discrimination-related complaints will be notified that they also have a right to file a complaint with the organizations listed below in Section 6 of this Policy.

#### **5. CoC Role in Ensuring Compliance With This Policy**

- a. The CoC will include in its ranking of projects whether or not all recipients and subrecipients have complied with the requirements of Section 4 above.
- b. Each participating recipient and subrecipient is required to self-certify on an annual basis that it is in compliance with this policy.
- c. Self-certification shall include identification by the recipient or subrecipient of any complaints within the calendar year made by service recipients of failure to comply with these policies and confirmation that it has investigated any such complaints and taken appropriate remedial action. For clarity, the WCoC's role in this process is to confirm that a reasonable investigation and follow-up action took place and not to second guess the findings of the recipient or subrecipient.
- d. Any project for which all participating recipients and subrecipients are in compliance with the policy including the self- certification requirement shall be awarded 3 points during the annual Rank and Review process conducted by the WCoC Board.
- e. For each participating recipient and subrecipient that fails to self-certify as required, or that is found by the WCoC Board not to have adopted the policy or a similar policy or properly investigated or followed up any complaints from service recipients, the project will have the 3 points available for compliance with this policy reduced pro rata by dividing 3 by the total number of participating recipients and subrecipients and multiplying by the number of noncompliant providers. For example if there are 6 providers and 2 are non-compliant the project will receive a score of  $2 [3 - (3/6 \times 2)]$  in this criterion.





## **6. Report Discrimination**

Any person who has experienced or witnessed discrimination or a hate-related incident in Westchester County has the right to report discrimination to the organization where it took place, as well as the following authorities:

- Westchester County Human Rights Commission
  - Call 914-995-9500 or email [humanrights@westchestercountyny.gov](mailto:humanrights@westchestercountyny.gov);
  - Or, use this link to file an anonymous report  
<https://humanrights.westchestergov.com/file-an-incident-of-hate-bias-or-discrimination>
- U.S Department of Housing and Urban Development
  - 800-669-9777
  - Or fill out a form to submit online or by mail using this link  
[https://www.hud.gov/i\\_want\\_to/file\\_a\\_fair\\_housing\\_discrimination\\_complaint](https://www.hud.gov/i_want_to/file_a_fair_housing_discrimination_complaint)



**Notes:**

1 “Queer”: A political and sometimes controversial term that some LGBT people have reclaimed, while others still consider it derogatory. Used most frequently by younger LGBT people, activists, and academics, the term can refer either to gender identity, sexual orientation, or both and can be used by people of any gender.

2 “Sexual Orientation”: The culturally-defined set of meanings through which people describe their sexual attractions. Sexual orientation is not static and can shift over time.

3 “Gender Identity”: An individual’s internal view of their gender. Their own innermost sense of themselves as a gendered being and/or as masculine, feminine, androgynous, etc. This will often influence name and pronoun preference.

4 “Gender Expression”: Aspects of behavior and outward presentation that may (intentionally or unintentionally) communicate gender to others in a given culture or society, including clothing, body language, hairstyles, voice, socialization, relationships, career choices, interests, and presence in gendered spaces (restrooms, places of worship, etc.).

5 “Equal Access Rule”: On September 21, 2016, HUD published a final rule in the [Federal Register](#) entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs." Through this final rule, HUD ensures equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD). This rule builds upon HUD's February 2012 final rule entitled "[Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity](#)" (2012 Equal Access Rule), which aimed to ensure that HUD's housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. The final rule requires that recipients and subrecipients of CPD funding, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any CPD program to grant equal access to such facilities, and other buildings and facilities, benefits, accommodations and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family. The full text of these two final rules is available online at: <https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule>.



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