

**State of Connecticut  
Department of Housing**



**Continuum of Care Program  
Permanent Supportive Housing Rental Assistance Administrative Plan  
Updated November 14, 2018**

<b>I. Introduction .....</b>	<b>3</b>
<b>II. Purpose of Administrative Plan.....</b>	<b>3</b>
<b>III. Definitions.....</b>	<b>4</b>
<b>IV. Types of Rental Assistance.....</b>	<b>6</b>
<b>V. Fair Housing, Equal Access, and Accessibility/Integrative Housing and Services .....</b>	<b>7</b>
<b>VI. Roles and Responsibilities of CAN, DOH CoC Rental Assistance Office and Service Provider .....</b>	<b>9</b>
<b>VII. Outreach and Prioritization .....</b>	<b>10</b>
<b>VIII. Referral, Application and Eligibility Review .....</b>	<b>14</b>
<b>IX. Certification Process .....</b>	<b>16</b>
<b>XI. Termination from the CoC Rental Assistance Program .....</b>	<b>24</b>
<b>XI. Appeal Process .....</b>	<b>27</b>
<b>XII. Disputes/Complaints Regarding CoC Rental Assistance .....</b>	<b>29</b>
<b>XII. Safeguarding of Funds.....</b>	<b>29</b>
<b>XIV. Service Requirements.....</b>	<b>30</b>
<b>XV. Other requirements.....</b>	<b>31</b>
<b>XVI. Appendix.....</b>	<b>33</b>

## **I. Introduction**

The Continuum of Care (CoC) Rental Assistance Program, as operated by the State of Connecticut Department of Housing (DOH), provides housing subsidies in connection with supportive services on a long term basis for homeless persons with disabilities, primarily those with serious mental illness, chronic problems with alcohol and/or drugs, acquired immunodeficiency syndrome (AIDS) and/or related diseases who are coming from literally homeless situations, such as emergency shelters, places not meant for human habitation, and transitional housing.<sup>1</sup>

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, consolidates previously separate homeless assistance programs administered by the United States Department of Housing and Urban Development (HUD) under the McKinney-Vento Homeless Assistance Act into a single grant program, which is now known as the Continuum of Care (CoC) program. The former Shelter Plus Care program is subsumed by the CoC program. In July 2012, HUD published the CoC Program Interim Rule, which establishes the rules and regulations for the CoC Rental Assistance Program.<sup>2</sup> This Administrative Plan has been updated to reflect those rules and regulations and applies to tenant-based, project-based and sponsor-based CoC Rental Assistance in permanent supportive housing projects.

## **II. Purpose of Administrative Plan**

The purpose of the administrative plan is to establish requirements and policies and procedures to govern the administration of the CoC Rental Assistance program for the permanent supportive housing (PSH) component. The plan is not intended to govern the use of CoC Rental Assistance in the rapid re-housing or transitional housing components. The plan is meant to ensure that DOH and its sub-recipients uniformly apply standards, in accordance with the HEARTH Interim Rule, for providing CoC Rental Assistance in PSH, including compliance with the minimum standards required by HUD for the provision of supportive services in CoC PSH. The plan does not describe best practices for provisions of supportive services in PSH. The plan is primarily conceived as a resource for DOH staff working in CoC Rental Assistance Programs and sub-recipient agency staff providing services to CoC Rental Assistance participants in PSH. It is not intended to fully outline all administrative or fiscal requirements set forth by HUD.

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<sup>1</sup> 24 CFR Parts 91, 582, and 583; Homeless Emergency Assistance and Rapid Transition to Housing: Defining “Homeless” Final Rule; Federal Register / Vol. 76, No. 233 / Monday, December 5, 2011 / Rules and Regulations. Available at <https://www.hudexchange.info/resource/1928/hearth-defining-homeless-final-rule/>

<sup>2</sup> 24 CFR Part 578; Homeless Emergency Assistance and Rapid Transition to Housing: Continuum of Care Program; Interim Final Rule; Federal Register / Vol. 77, No. 147 / Tuesday, July 31, 2012 / Rules and Regulations. Available at <https://www.hudexchange.info/resource/2033/hearth-coc-program-interim-rule/>

### **III. Definitions**

#### **Chronically Homeless.**

HUD's Final Rule on Homeless Emergency Assistance and Rapid Transition to Housing: Defining "Chronically Homeless" defines chronic homelessness as follows:

(1) A "**homeless individual with a disability**":

- i. Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
- ii. Has been homeless and living as described in paragraph (1)(i) above continuously for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (1)(i) above. Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility;

(2) An individual who has been residing in an **institutional care** facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or

(3) A **family** with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

Continuum of Care Program recipients must comply with the regulations promulgated by the final rule on the definition of chronic homelessness for all program participants **admitted after January 15, 2016**. The regulations promulgated by this rule do not apply retroactively to program participants admitted to a Continuum of Care Program project prior to January 15, 2016.

**CoC Geographic Area:** The Communities in the State of Connecticut covered by the Connecticut Balance of State Continuum of Care. For this plan, it is all cities and towns in Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, and Windham counties.

**CoC Rental Assistance Housing Office:** DOH's organization contracted to administer the rental assistance program. Currently that agency is John D'Amelia and Associates.

**Consolidated Plan:** A HUD required plan that is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions.

**Disabling Condition:**

(1) A condition that: (i) Is expected to be long-continuing or of indefinite duration; (ii) Substantially impedes the individual’s ability to live independently; (iii) Could be improved by the provision of more suitable housing conditions; and (iv) Is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury; (2) A developmental disability, as defined in this section; or (3) The disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).

**Family**

Under the CoC Rental Assistance Program the definition of family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability. A child who is temporarily away from the home because of placement in foster care is considered a member of the family.<sup>3</sup>

**Literally Homeless**

The definition of “literally homeless” currently in effect for the CoC Program is that which is defined in the HEARTH Act: Defining “Homeless” Final Rule.<sup>4</sup>

The individual or head of household is living in a place not meant for human habitation, in an emergency shelter, transitional housing, or a safe haven.

OR

Is fleeing or attempting to flee domestic violence, dating violence, sexual assault or stalking; and has no other residence; and lacks the resources or support networks to obtain other permanent housing.

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<sup>3</sup> CoC FAQ ID: 1529; Date Published: July 2014 Available at: <https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>

<sup>4</sup> 24 CFR Parts 91, 582, and 583; Homeless Emergency Assistance and Rapid Transition to Housing: Defining “Homeless” Final Rule; Federal Register / Vol. 76, No. 233 / Monday, December 5, 2011 / Rules and Regulations. Available at <https://www.hudexchange.info/resource/1928/hearth-defining-homeless-final-rule/>

Participants currently receiving rapid re-housing assistance (RRH), who met these criteria prior to entry into RRH, retain their literal homeless status during the time period that they are receiving the RRH assistance.

Participants currently in transitional housing (TH), who originally came from the streets or an emergency shelter, retain their literal homeless status during the time period that they are residing in TH. Participants currently in TH may, however, be restricted for occupying some permanent supportive housing if that housing was funded under a 'Bonus' in the FY 2014 and FY 2015 NOFA Competitions, as they cannot be considered Chronically Homeless.

Applicants residing in an institution for less than 90 days who were homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter immediately prior to entry into the institutional care facility retain their literal homeless status. People who lived in Transitional Housing prior to entering an institution are not literally homeless.

### **Participant**

Participant means an individual (including an unaccompanied youth) or family who is assisted with Continuum of Care program funds (**24 CFR 578.3**).

### **Recipient**

Recipient means an applicant that signs a grant agreement with HUD.

### **Sub-recipient**

Sub-recipient is defined to mean a private nonprofit organization, State or local government, or instrumentality of a State or local government that receives a sub-grant from the recipient to carry out a project (24 CFR 578.3).

## **IV. Types of Rental Assistance**

### **A. Tenant-based rental assistance**

1. Tenant-based rental assistance is rental assistance in which program participants choose housing of an appropriate size in which to reside.
2. When necessary to facilitate the coordination of supportive services, recipients and sub-recipients may require program participants to live in a specific area for their entire period of participation, or in a specific structure for the first year and in a specific area for the remainder of their period of participation.

3. Program participants who have complied with lease terms during their residence retain the rental assistance if they move within the Continuum of Care geographic area.
4. Program participants who have complied with lease terms during their residence and who have been a victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believe they are imminently threatened by harm from further domestic violence, dating violence, sexual assault, or stalking (which would include threats from a third party, such as a friend or family member of the perpetrator of the violence), if they remain in the assisted unit, and are able to document the violence and basis for their belief, may retain the rental assistance and move to a different Continuum of Care geographic area if they move out of the assisted unit to protect their health and safety (24 CFR 578.51). All definitions and requirements under this subsection shall be interpreted consistent with those in the Violence Against Women Act (VAWA) (24 CFR 5.2003)

**B. Sponsor-based rental assistance.**

1. Sponsor-based rental assistance is provided through contracts between the recipient and sponsor organization.
2. A sponsor may be a private, nonprofit organization, or a community mental health agency established as a public nonprofit organization.
3. Program participants must reside in housing owned or leased by the sponsor.  
(24 CFR 578.51)

**C. Project-based rental assistance.**

1. Project-based rental assistance is provided through a contract with the owner of an existing structure, where the owner agrees to lease the subsidized units to program participants.
2. Program participants will not retain rental assistance if they move.  
(24 CFR 578.51)

**V. Fair Housing, Equal Access, and Accessibility/Integrative Housing and Services**

**A. Fair Housing**

The CoC Rental Assistance program must comply fully with all federal and state nondiscrimination laws and with the statutes and regulations governing fair housing and equal opportunity in housing and employment. No family or individual shall be denied the opportunity to apply for or receive assistance under the CoC Rental Assistance Program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, disability, ancestry, gender identity or expression or sexual orientation (24 CFR 578.93; 24 CFR 5.105(a))

The CoC Rental Assistance program affirmatively furthers Fair Housing in accordance with federal and state requirements, which means that it must (24 CFR 578.93):

- (1) Affirmatively market housing subsidies and supportive services to eligible persons regardless of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, disability, ancestry, gender identity or expression or sexual orientation who are least likely to apply in the absence of special outreach, and maintain records of those marketing activities;
- (2) Where a recipient encounters a condition or action that impedes fair housing choice for current or prospective program participants, provide such information to the jurisdiction that provided the certification of consistency with the Consolidated Plan; and
- (3) Provide program participants with information on rights and remedies available under applicable federal, State and local fair housing and civil rights laws.

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

## **B. Equal Access**

In February 2012, HUD published the final rule on *Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity*.<sup>5</sup> Through this final rule, HUD implemented policy to ensure that its core programs, including the CoC Rental Assistance program, are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. As such, eligibility determinations for the CoC Rental Assistance program must be made without regard to actual or perceived sexual orientation, gender identity, or marital status.

Furthermore, CoC Rental Assistance programs are prohibited from making inquiries regarding sexual orientation or gender identity for the purpose of determining eligibility or otherwise making housing available, and inquiries related to an applicant or occupant's sex are allowed only for the limited purpose of determining the number of bedrooms to which a household may be entitled. The prohibition on inquiries is not intended to prohibit mechanisms that allow for voluntary and anonymous reporting of sexual orientation or gender identity solely for compliance with data collection requirements of state or local governments or other federal assistance programs.

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<sup>5</sup> 24 CFR Parts 5, 200, 203, 236, 400, 570, 574, 882, 891, and 982; Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity; Federal Register / Vol. 77, No. 23 / Friday, February 3, 2012 / Rules and Regulations. Available at: <https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>

Any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. Furthermore, a recipient or sub-recipient receiving funds under the CoC Rental Assistance program cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any member's family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity (24 CFR 578.93).

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

To demonstrate compliance with Fair Housing and Equal Access requirements, copies of all application records, including those processed by the applicable Coordinated Access Network (CAN) must be maintained at the DOH CoC Rental Assistance Office for at least five years.

**C. Accessibility and integrative housing and services for persons with disabilities.**

The CoC Rental Assistance program complies fully with the accessibility requirements of the Fair Housing Act (24 CFR part 100), Section 504 of the Rehabilitation Act of 1973 (24 CFR part 8), and Titles II and III of the Americans with Disabilities Act, as applicable (28 CFR parts 35 and 36). In accordance with the requirements of 24 CFR 8.4(d), it is the responsibility of the CoC Rental Assistance Housing Office to ensure that their program's housing and supportive services are provided in the most integrated setting appropriate to the needs of persons with disabilities (24 CFR 578.93).

**VI. Roles and Responsibilities of CAN, DOH CoC Rental Assistance Office and Service Provider**

Ending chronic homelessness and establishing a path to end all homelessness across the State of Connecticut will require unprecedented coordination and prioritization of resources so that assistance

is allocated as effectively as possible and is easily accessible no matter where or how homeless people present. HUD has determined that an effective coordinated entry process is a critical component of efforts to end homelessness and has required that all CoCs develop Coordinated Entry Systems (24 CFR 578.7). Throughout the State of Connecticut, Coordinated Access Networks (CANs) have been established to serve that function. Because communities do not have adequate resources to meet all needs of people experiencing homelessness, CoCs across the State rely on their CANs to prioritize assistance based on length of homelessness and/or severity of service needs.

Ensuring that CoC Rental Assistance resources are effectively prioritized and mobilized requires close coordination among the relevant CAN, DOH CoC Rental Assistance Office and the agencies providing supportive services to program participants. To ensure that roles and responsibilities are clearly defined and consistent with local priorities, each CAN shall have written policies and procedures that are subject to review and approval by DOH. The roles and responsibilities of the entity primarily responsible for providing supportive services at each CoC Rental Assistance project, including both sub-recipients on the CoC grant and agencies that provide services through non-CoC program funding sources are defined in contracts with DOH.

## **VII. Outreach and Prioritization**

### **A. Outreach**

Outreach efforts will be conducted to identify and engage the participation of persons who have been homeless the longest and have the most severe service needs, including those who are living in emergency shelters and places not intended for human habitation. It is the responsibility of the Coordinated Access Network (CAN) that covers the applicable geographic region to ensure that available resources in its assigned area are effectively mobilized to identify and engage sheltered and unsheltered persons who have been homeless the longest and have the most severe service needs. Where adequate resources are not available to identify and engage sheltered and unsheltered persons who have been homeless the longest and have the most severe service needs, it is the responsibility of the relevant CAN to coordinate with the CoC and other local stakeholders to identify and mobilize new resources.

### **B. Prioritization**

Applicants will be screened and prioritized by the applicable CAN in accordance with policies established by each applicable Continuum of Care (CoC). Insofar as the relevant CoC has adopted the priorities established in HUD Notice CPD-14-012, the CAN is responsible for establishing and maintaining a single up-to-date CoC-wide priority list for all CoC funded PSH, including CoC Rental

Assistance programs.<sup>6</sup> That list will be established in accordance with the criteria defined in HUD Notice CPD-14-012, which are as follows:

**Order of Priority in CoC Program-funded Permanent Supportive Housing Beds Dedicated to Persons Experiencing Chronic Homelessness and Permanent Supportive Housing Prioritized for Occupancy by Persons Experiencing Chronic Homelessness**

(a) First Priority—Chronically Homeless Individuals and Families with the Longest History of Homelessness and with the Most Severe Service Needs. A chronically homeless individual or head of household as defined in 24 CFR 578.3 (see Section III. Definitions) for whom both of the following are true:

- i. The chronically homeless individual or head of household of a family has been homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter for at least 12 months either continuously or on at least four separate occasions in the last 3 years, where the cumulative total length of the four occasions equals at least 12 months; and
- ii. The CoC or CoC Program recipient has identified the chronically homeless individual or head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs (see Section I.D.3. of the Notice for definition of severe service needs).

**(b) Second Priority—Chronically Homeless Individuals and Families with the Longest History of Homelessness.** A chronically homeless individual or head of household, as defined in 24 CFR 578.3, for which both of the following are true:

- i. The chronically homeless individual or head of household of a family has been homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter for at least 12 months either continuously or on at least four separate occasions in the last 3 years, where the cumulative total length of the four occasions equals at least 12 months; and,

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<sup>6</sup> Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing and Recordkeeping Requirements for Documenting Chronic Homeless Status; Issued: July 28, 2014  
<https://www.hudexchange.info/resource/3897/notice-cpd-14-012-prioritizing-persons-experiencing-chronic-homelessness-in-psh-and-recordkeeping-requirements/>

ii. The CoC or CoC program recipient has **not** identified the chronically homeless individual or the head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs.

**(c) Third Priority–Chronically Homeless Individuals and Families with the Most Severe Service Needs.** A chronically homeless individual or head of household as defined in 24 CFR 578.3 for whom both of the following are true:

i. The chronically homeless individual or head of household of a family has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter on at least four separate occasions in the last 3 years, where the total length of those separate occasions equals less than one year; and

ii. The CoC or CoC program recipient has identified the chronically homeless individual or the head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs.

NOTE: The third priority is no longer applicable as the final rule on the definition of chronic homelessness excludes individuals whose total cumulative length of homelessness is less than 12 months. Additional guidance from HUD revising the order of priority is pending

**(d) Fourth Priority–All Other Chronically Homeless Individuals and Families.** A chronically homeless individual or head of household as defined in 24 CFR 578.3 for whom both of the following are true:

i. The chronically homeless individual or head of household of a family has been homeless and living in a place not meant for human habitation, a safe haven, or in an emergency shelter for at least 12 months either continuously or on at least four separate occasions in the last 3 years, where the cumulative total length the four occasions is **less than** 12 months; and

ii. The CoC or CoC program recipient has **not** identified the chronically homeless individual or the head of household, who meets all of the criteria in paragraph (1) of the definition for chronically homeless, of the family as having severe service needs.

NOTE: The fourth priority is no longer applicable as the final rule on the definition of chronic homelessness excludes individuals whose total cumulative length of homelessness is less than 12 months. Additional guidance from HUD revising the order of priority is pending.

**Order of priority for CoC Program-funded PSH beds that are not dedicated or prioritized for Persons Experiencing Chronic Homelessness**

CoC Rental Assistance shall be offered to persons experiencing chronic homelessness first, to the maximum extent possible. When no such household exists or a CoC has not dedicated or prioritized 100% of their permanent supportive housing to serve persons experiencing chronic homelessness, households should be selected in the following order:

**(a) First Priority** –A household should be prioritized first in non-dedicated and non-prioritized PSH if the following are true:

- i. Household is eligible for CoC Program-funded PSH meaning that there is a household member with a disability and they are coming from a place not meant for human habitation, a safe haven, or in an emergency shelter. This includes persons exiting an institution where they have resided for 90 days or less but were living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter immediately prior to entering the institution; and
- ii. The household has been identified as having severe service needs.

**(b) Second Priority** –A household should be prioritized second in non-dedicated and non-prioritized PSH if all of the following are true:

- i) Household is eligible for CoC Program-funded PSH meaning that there is a household member with a disability and they are coming from a place not meant for human habitation, safe haven, or emergency shelter. This includes persons exiting an institution where they have resided for 90 days or less but were living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter immediately prior to entering the institution; and,
- ii) The household has been living in a place not meant for human habitation, a safe haven, or in an emergency shelter for at least 6 months or has experienced three occasions in the past 3 years of living in one of these locations; and,
- iii) The household has NOT been identified as having severe service needs; and,
- iv) There are no eligible households within the CoC’s geographic area that meet the criteria under Order of Priority 1 for non-dedicated or non-prioritized PSH.

**(c) Third Priority** –A household should be prioritized third in non-dedicated and non-prioritized PSH if all of the following are true:

- i) Household is eligible for CoC Program-funded PSH meaning that there is a household member with a disability and they are coming from a place not meant for human habitation, safe haven, or emergency shelter. This includes persons exiting an institution where they have resided for 90 days or less but were living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter immediately prior to entering the institution; and,
- ii) The household has NOT been identified as having severe service needs **AND** has been living in a place not meant for human habitation, a safe haven, or in an emergency shelter for less than six months or has experienced less than three occasions of living in one of these locations in the past 3 years; and,
- iii) There are no eligible households within the CoC's geographic area that meet the criteria under Order of Priority 1 and 2 for non-dedicated or non-prioritized PSH.

**Fourth Priority** –A household should be prioritized fourth in non-dedicated and non-prioritized PSH if the following is true:

- i) Any household that is eligible for CoC Program-funded PSH meaning that there is a household member with a disability and they are coming from transitional housing where they entered directly from a place not meant for human habitation, emergency shelter, or safe haven.
- ii) There are no eligible households within the CoCs geographic area that meet the criteria under Order of Priority 1, 2, and 3 for non-dedicated or non-prioritized PSH.

## **VIII. Referral, Application and Eligibility Review**

### **A. Referral Process**

When the CoC Rental Assistance Housing Office becomes aware of a vacancy has occurred or is anticipated, the CoC Rental Assistance Housing Office will notify the applicable CAN. It is the responsibility of the CoC Rental Assistance Housing Office to ensure prompt notification (i.e., within 5 business days) to the DOH CAN Managers regarding actual and anticipated vacancies. Upon receipt of such notification, the applicable CAN will refer one or more applicants to the CoC Rental Assistance Housing Office in accordance with local CAN policy, for certification and placement. Insofar as the applicable CoC has adopted the priorities established in HUD Notice CPD-14-012, the CAN is responsible for making referrals in the order established in the notice and as represented on the CoC-wide priority list.<sup>7</sup> It is the responsibility of the applicable CAN to ensure prompt referrals.

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<sup>7</sup> Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing and Recordkeeping Requirements for Documenting Chronic Homeless Status; Issued: July 28, 2014 Available at: <https://www.hudexchange.info/resource/3897/notice-cpd-14-012-prioritizing-persons-experiencing-chronic-homelessness-in-psh-and-recordkeeping-requirements/>

## **B. Application Process**

Upon receipt of a referral, it is the responsibility of the CAN to manage the application and eligibility determination process, including identifying the documents necessary to establish eligibility, ensuring a case manager is assigned to assist the applicant, as needed, in completing the application and gathering the necessary eligibility documents, and ensuring the case manager is well informed regarding what information and documents are required and is actively working to secure the necessary information and documents. The applicant, with assistance provided as needed, will submit a signed and dated application which contains all necessary information. The application will be date/stamped by the receiving CoC Rental Assistance office.

## **C. Eligibility Criteria for Admission**

Only applicants who are literally homeless and have a verified disability are eligible to receive CoC Rental Assistance through DOH. 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.

In addition in order to be eligible for CoC Rental Assistance:

1. The applicant must be literally homeless as defined in the HEARTH Act: Defining HEARTH “Homeless” Final Rule (See Section III. Definitions);<sup>8</sup> AND
2. The applicant must be disabled in accordance with McKinney Vento Act and clarified by the HEARTH Act: Defining “Homeless” Final Rule (See Section III. Definitions);<sup>9</sup> AND
3. The applicant must also meet any additional eligibility criteria as defined in the written standards of the applicable CoC.<sup>10</sup>

In addition, in order to be eligible for CoC Rental Assistance for a unit that has been designated or prioritized for persons experiencing chronic homelessness, the applicant must be chronically homeless as defined in HUD’s Final Rule on the definition of chronic homelessness (See Section III Definitions).

The CAN is responsible for screening applicants for eligibility and providing the applicant written notification regarding eligibility decisions, in accordance with local CAN policies and procedures.

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<sup>8</sup> 24 CFR Parts 91, 582, and 583; Homeless Emergency Assistance and Rapid Transition to Housing: Defining “Homeless” Final Rule; Federal Register / Vol. 76, No. 233 / Monday, December 5, 2011 / Rules and Regulations.

<sup>9</sup> 24 CFR Parts 91, 582, and 583; Homeless Emergency Assistance and Rapid Transition to Housing: Defining “Homeless” Final Rule; Federal Register / Vol. 76, No. 233 / Monday, December 5, 2011 / Rules and Regulations.

<sup>10</sup> 24 CFR § 578.7 Responsibilities of the Continuum of Care - requires CoCs to establish and consistently follow written standards for providing Continuum of Care assistance. Available at <https://www.hudexchange.info/resource/2033/hearth-coc-program-interim-rule/>

The CAN is also responsible for ensuring that only eligible applicants are referred to the CoC Rental Assistance program and that eligibility is adequately documented in accordance with HUD requirements. The CoC Rental Assistance Housing Office is responsible for verifying that sufficient documentation of eligibility in accordance with HUD standards is present prior to admitting the participant and that sufficient documentation of eligibility is maintained in each participant's chart (24 CFR 578.103). Documentation of each program participant's eligibility must be retained for 5 years after the expenditure of all funds from the grant under which the program participant was served (24 CFR 578.103).

CANs may opt to use the sample *CoC Participant Homelessness and Disability Verification Forms* available at this link:

<http://www.csh.org/csh-solutions/community-work/housing-development-and-operation/2578-2/>

## **IX. Certification Process**

### **A. Housing Search**

After receiving the certificate the participant will begin the process of locating an apartment.

1. The CoC Rental Assistance Housing Office will develop a list of housing choices and make such lists available to participants to assist with locating housing. Under the tenant-based rental assistance program, a participant's housing choices are not limited to units included on any list, and the CoC Rental Assistance Housing Office will inform the applicant that he/she has the right to choose the location and type of unit in which he/she wishes to live with applicable restrictions only as allowable under the HUD requirements for the tenant-based rental assistance program (See Section IV Types of Rental Assistance).
2. A suitable housing unit will be identified in the most rapid manner possible.
3. Once a unit has been located, a Request for Lease Approval will be completed and submitted to the supervisor or manager of the CoC Rental Assistance Housing Office.

### **B. Unit Approval: Rent Reasonableness and Inspections**

1. The CoC Rental Assistance program will only provide rental assistance for a unit if the rent is reasonable. The CoC Rental Assistance Housing Office must determine whether the rent charged for the unit receiving rental assistance is reasonable in relation to rents being charged for comparable unassisted units, taking into account the location, size, type, quality, amenities, facilities, and management and maintenance of each unit. Reasonable rent must not exceed rents currently being charged by the same owner for comparable unassisted units. Rent reasonableness assessments must be based on a minimum of three comparable unassisted units. A sample *Rent*

*Reasonableness Checklist and Certification* form is available at this

link: [www.hud.gov/offices/cpd/affordablehousing/library/forms/rentreasonablechecklist.doc](http://www.hud.gov/offices/cpd/affordablehousing/library/forms/rentreasonablechecklist.doc)

2. Once the CoC Rental Assistance Housing Office receives the Request for Lease Approval, assuming the projected rent is reasonable (see #1 above), arrangements will be made to inspect the unit to determine if the unit meets Housing Quality Standards (HQS). The HUD HQS form is available at this link: <http://portal.hud.gov/hudportal/documents/huddoc?id=52580.pdf>
3. If the unit passes inspection, the Housing Assistance Payment (HAP) Contract (to be signed by the landlord and the CoC Rental Assistance Housing Office) is prepared by the CoC Rental Assistance Housing Office. The effective date of the contract and lease (signed by the landlord and participant) should be the same. All dwelling units must be inspected prior to occupancy and at least annually.
4. The CoC Rental Assistance Housing Office must keep a copy of the HAP contract and lease.
5. All units must meet the applicable Housing Quality Standards (HQS) specified at 24 CFR 982.401.
  - a. *HUD form 52580 - Inspection Checklist: Housing Choice Voucher Program* will be used to document the result of the inspection. The HUD HQS form is available at this link: <http://portal.hud.gov/hudportal/documents/huddoc?id=52580.pdf>
  - b. Before any assistance will be provided on behalf of a program participant, the recipient, or sub-recipient, must physically inspect each unit to assure that the unit meets HQS. Assistance will not be provided for units that fail to meet HQS, unless the owner corrects any deficiencies within 30 days from the date of the initial inspection and the recipient or sub-recipient verifies that all deficiencies have been corrected.
  - c. Recipients or sub-recipients must inspect all units at least annually during the grant period to ensure that the units continue to meet HQS. (24 CFR 578.75)
  - d. It is the responsibility of the CoC Rental Assistance Housing Office to ensure that Housing Quality inspections occur promptly in order to facilitate occupancy and avoid delays that might cause a participant to lose a housing opportunity.
  - e. It is the responsibility of the CoC Rental Assistance Housing Office to ensure that documentation of compliance with these requirements, including inspection reports, is maintained (24 CFR 578.103).

### **C. Environmental Review**

1. CoC Rental Assistance is subject to environmental review by HUD (24 CFR part 50). Projects that consist only of leasing or tenant-based rental assistance activities require only a “limited scope” environmental review. Responsible Entities, as defined by (24 CFR part 50) conducting a limited scope review need only analyze certain environmental laws and authorities and may

document that the project is in compliance with others without analysis. A limited scope review is appropriate only if the project consists entirely of leasing or tenant-based rental assistance activities in existing residential buildings without any associated physical impacts, including repairs, rehabilitation, or new construction.

2. Rental Assistance projects can contact their local Community Development Officer to identify who should sign-off for the project.
3. For each building in which one or more units is receiving CoC Rental Assistance, a completed *Environmental Review for Continuum of Care Leasing or Rental Assistance Project that is Categorically Excluded Subject to Section 58.5* form is required. The form and instructions for completing the “limited scope” environmental review are available at this link:  
<https://www.hudexchange.info/resource/3800/limited-scope-environmental-review-coc>
4. For projects that involve any additional activities beyond leasing or tenant-based rental assistance, Responsible Entities should complete a standard environmental review.
5. Environmental review is required for current units and for new housing units coming on-line. HUD requires that new units complete the Environment Review process prior to lease-up.

#### **D. Initial Certification/Lease Up**

1. The CoC Rental Assistance Housing Office will ensure the individual referred by the CAN still meets income eligibility requirements at lease up.
2. If the individual meets all eligibility requirements and the required documentation of eligibility has been obtained, the CoC Rental Assistance Housing Office will issue the individual a CoC Rental Assistance certificate.
3. If the individual does not meet income requirements at lease up, the CoC Rental Assistance Housing Office will notify the CAN and refer the individual back to the CAN. The CoC Rental Assistance Housing Office will also provide the applicant and CAN written notification regarding the income eligibility decision, including specific information about the reason for the decision, and detailed instructions regarding what additional documents are required, who the applicant can contact to obtain assistance, and how to appeal the decision (see Section XIV Appeals).
4. The occupancy standards below provide guidance in establishing the number of persons that can occupy a housing unit, in accordance with the number of living/sleeping rooms in that unit. The minimum required number of living/sleeping rooms per unit must be determined by the CoC Rental Assistance Housing Office in by the accordance with HUD standards (24 CFR 578.75):
  - a. The dwelling unit must have at least one bedroom or living/sleeping room for each two persons.
  - b. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.

- c. If household composition changes during the term of assistance, recipients and sub-recipients may relocate the household to a more appropriately sized unit at the next annual recertification. The household must still have access to appropriate supportive services.
5. The CoC Rental Assistance Housing Office will issue a certificate for an appropriately sized unit.
6. The CoC Rental Assistance Housing Office is responsible for reviewing the lease to ensure that it meets all program requirements, including that the initial lease between the participant/tenant and owner/landlord of a dwelling unit assisted under this program shall be for a term of at least one year, which is terminable only for cause, leases are automatically renewable upon expiration for terms that are a minimum of one month long, except on prior notice by either party, (24CFR 578.51) and that leases do not include stipulations beyond those that are customary, legal, and enforceable under Connecticut law.
7. Once the Lease and Housing Assistance Payment Contract are executed by the appropriate parties, the participant can move into his/her unit.

#### **E. Computation of Participant Rent**

1. The participant will be required to pay the greater of (24 CFR 578.77):
  - a. 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);
  - b. 10 percent of the family's monthly income; or
  - c. 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.
2. If the participant questions the amount of rent calculated, he/she may request to meet with the CoC Rental Assistance Housing Office to resolve any questions about the rent calculation. If the rent calculation issue cannot be resolved, the participant can appeal the decision through the appeal process as outlined in Section XI.
3. The CoC Rental Assistance Housing Office 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.
4. 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 sub-recipient 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.

5. It is the responsibility of the CoC Rental Assistance Housing Office to ensure current documentation of annual income is maintained in accordance with HUD requirements (24 CFR 578.103). For each program participant who receives housing assistance where rent or an occupancy charge is paid by the program participant, the recipient or sub-recipient must keep the following documentation of annual income:
  - (i) Income evaluation form specified by HUD and completed by the recipient or sub-recipient; 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 sub-recipient'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.

## **G. Income Changes**

1. A participant must report any change in household income and composition which occur during his/her tenancy. Changes in income may affect the amount of rent that the participant must pay and must be reported within 30 days of the change.
2. A participant must provide information regarding changes in income or other circumstances that may result in changes to a program participant's contribution toward the rent payment, including notifying the CoC Rental Assistance Housing Office if:
  1. Any household member moves out of the unit.
  2. Any adult member of the household, who was reported as unemployed on the most recent certification or recertification becomes employed or otherwise obtains income; or
  3. The household's income changes by more than \$50 per month and that change is expected to be ongoing.
  4. A participant should notify the CoC Rental Assistance Housing Office if the household income decreases.
3. Effective date of interim adjustments:

- a. The participant and owner/landlord must be notified of any change in family contribution or assistance payment resulting from the interim adjustment.
- b. **Adjustments for increase in income:** The participant must be given 30 days advance written notice before the increase is implemented. The increase will become effective on the first day of the first month following the 30 day notice.
- c. **Adjustments for decrease in income:** The decrease will become effective on the first day of the month following the month in which the decrease was reported.

## **H. Payment Standards for the CoC Rental Assistance Program [§ 24 CFR 982.503]**

The payment standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulations, the CoC Rental Assistance Housing Office has set the certificate payment standard amount between one-hundred and one-hundred ten percent of the fair market rents (FMR) as allocated by HUD through the CoC grant process. As these funds are directed by the HUD CoC grant, the small area FMR's will not apply. The CoC Rental Assistance Housing Office reviews the appropriateness of the payment standard annually when the FMR is published. In determining whether a change is needed, the CoC Rental Assistance Housing Office will ensure that the payment standard is always within the basic range of ninety percent to one-hundred ten percent of the new FMR, unless an exception payment standard has been approved by HUD.

The CoC Rental Assistance Housing Office will establish a single voucher payment standard amount for each FMR area. For each FMR area, the CoC Rental Assistance Housing Office will establish payment standard amounts for each unit size (as determined by the number of bedrooms in a unit). The CoC Rental Assistance Housing Office may have a higher payment standard within the its jurisdiction if that is needed to expand housing opportunities outside areas of minority or poverty concentration, as long as the payment standard is within the range of ninety to one-hundred ten percent of FMR, as funding permits.

The CoC Rental Assistance Housing Office may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with a disability or disabilities.

## **I. Security Deposits**

### **1. Initial Lease for new tenants**

- a. For an initial lease, a one-time security deposit of up to two (2) months of the contracted rent may be paid to the landlord as part of rental assistance for individuals under 62 years of age. For individuals 62 years of age or older, a one-time security deposit of up to one (1) month of contracted rent may be paid to the landlord.
- b. The DOH CoC Rental Assistance Office shall thoroughly document the condition of the unit prior to move-in.
- c. If a current tenant is vacating a unit, the DOH CoC Rental Assistance Office shall thoroughly document the condition of the unit after the tenant has moved out.

## **2. Lease Renewal**

- a. No security deposit will be paid for lease renewal.

## **3. Initial Lease for current tenants moving to a new unit**

- a. A one-time security deposit of up to two (2) months of the contracted rent for a tenant under 62 years of age and up to one (1) month for a tenant 62 years of age or older may be paid to the landlord as part of rental assistance for tenants moving to a new unit.
- b. The DOH CoC Rental Assistance Office shall attempt to recoup the security deposit from the previous unit from the landlord.
  - i. If the security deposit from the previous unit is returned in full or in part, the landlord shall submit payment of the total amount plus interest to the DOH CoC Rental Assistance Office.
  - ii. If a security deposit is not returned in full or partially returned but the tenant was not responsible for damage, the DOH CoC Rental Assistance Office shall work with the landlord to attempt to recoup the security deposit.
  - iii. If a security deposit is not returned in full or partially returned but the tenant was responsible for damage, the DOH CoC Rental Assistance Office shall attempt to recoup as much of the security deposit as possible.
- c. Additional Resources regarding Connecticut Laws related to security deposits can be found at: <http://www.jud.ct.gov/lawlib/Law/securitydep.htm>

## **I. Annual Recertification**

The CoC Rental Assistance Program requires that each participant be recertified, annually. The recertification process shall be completed as follows:

1. The CoC Rental Assistance Housing Office shall send an annual recertification letter to each participant 60-90 days before the effective date of the recertification, including the following:
  - a. Application for Continued Occupancy form,
  - b. Participant's Consent for Release of Information forms(s)
  - c. Federal Privacy Act information, and
  - d. Lead Based Paint Form
2. The CoC Rental Assistance Housing Office requests verification of all information and/or documentation applicable to the recertification process. e.g. Confirmation of household composition, written verification of current income, bank statements, child care expenses, names and addresses of schools, and non-reimbursable medical expenses.
3. The CoC Rental Assistance Housing Office confirms with owner/landlord that there will be no changes in the contract rent, or the CoC Rental Assistance Housing Office completes Certificate of Rent Reasonableness, if there is a change in contract rent.
4. The CoC Rental Assistance Housing Office inspects the unit to determine if it meets Housing Quality Standards (HQS). If the unit does not meet HQS, a letter is sent to owner/landlord requesting correction within 30 days, unless the failure is an emergency 24 hour repair (described below). The letter must be sent certified mail return receipt requested. A re-inspection of the apartment must occur after the repair work has been completed to verify that the unit meets HQS. If the unit continues not to meet HQS, the rent for the unit will be abated until such time that the unit does pass HQS.
5. The following items are considered to be of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within twenty-four hours of notice by the inspector:
  - a. Lack of security for the unit
  - b. Waterlogged ceiling in imminent danger of falling
  - c. Major plumbing leaks or flooding
  - d. Natural gas leak or fumes
  - e. Electrical problem that could result in shock or fire
  - f. No heat between November 1st and April 1st
  - g. Lack of functioning toilet
  - h. Non-operational smoke detector

Failures will be identified at the inspection if the owner is present or the owner will be notified by fax, email or telephone where possible. A letter marked urgent with an attachment listing unit failures will also be sent to the owner. The letter will inform owners that items marked "24 hour emergency repair" must be addressed immediately and the owner must fax or call the inspection firm within twenty hours verifying the repair has been completed. The CoC Rental Assistance Housing Office will re-inspect the unit within ten business days after notification by

the owner. The CoC Rental Assistance Housing Office may give a short extension (not more than forty-eight additional hours) whenever the responsible party cannot be notified or if it is impossible to effect the repair within the twenty four-hour period. In those cases where there is leaking gas, potential of fire or some other threat to public safety and the responsible party cannot be notified, or it is impossible to make the repair, the CoC Rental Assistance Housing Office will notify the proper authorities. If the emergency repair item(s) is not corrected in the period required by the CoC Rental Assistance Housing Office and the owner is responsible for the repair, the housing assistance payment will be abated.

6. The CoC Rental Assistance Housing Office prepares the HAP contract. The landlord must complete and sign Owner's Assurances form.

#### **J. Vacancies and Retention of Assistance**

1. If a unit assisted with CoC Rental Assistance is vacated before the expiration of the lease, the assistance for the unit may continue for a maximum of 30 days from the end of the month in which the unit was vacated, unless occupied by another eligible person. No additional assistance will be paid until the unit is occupied by another eligible person. Brief periods of stays in institutions, not to exceed 90 days for each occurrence, are not considered vacancies (24 CFR 578.51), and assistance may continue for up to 90 days during a participant's institutional stay.
2. Surviving members of any household who were living in a unit assisted under CoC Rental Assistance at the time of the qualifying member's death, long-term incarceration, or long-term institutionalization, have the right to rental assistance until the expiration of the lease in effect at the time of the qualifying member's death, long-term incarceration, or long-term institutionalization. (24 CFR 578.75)

#### **K. Property damage.**

Recipients and sub-recipients may use grant funds in an amount not to exceed one month's rent to pay for any damage to housing due to the action of a program participant. This shall be a one-time cost per participant, incurred at the time a participant exits a housing unit. (24 CFR 578.51)

### **X. Termination from the CoC Rental Assistance Program**

#### **A. Introduction**

1. DOH will work with the relevant CAN, exercise its judgment and examine all extenuating circumstances in determining when alleged violations are serious enough to warrant termination from the CoC Rental Assistance Program.
2. In all cases, terminations must comply with HUD requirements as defined in 24CFR 578.91:

- a. In terminating assistance to a program participant, the recipient or sub-recipient must provide a formal process that recognizes the rights of individuals receiving assistance under the due process of law. This process, at a minimum, must consist of: (1) Providing the program participant with a written copy of the program rules and the termination process before the participant begins to receive assistance; (2) Written notice to the program participant containing a clear statement of the reasons for termination; (3) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and (4) Prompt written notice of the final decision to the program participant.
- b. It is the responsibility of the CoC Rental Assistance Housing Office to ensure that where applicable, documentation of compliance with the termination of assistance requirement in § 578.91 is maintained in program participant files.
3. In all cases termination must also comply with written standards adopted by the applicable CoC, including Housing First standards, which may, for example, disallow terminations from the program for any reason other than lease violations.
4. DOH is not prohibited from resuming assistance at a later date to a participant who has been terminated. (24 CFR 578.91)

#### **B. Reasons for Possible Termination from the CoC Rental Assistance Program**

The CoC Rental Assistance Housing Office may recommend termination of a participant from the program for the following reasons, to the extent that the reason is allowable under the written standards of the applicable CoC.

1. Participant fails to:
  - a. Supply such certification, release of information, or documentation as DOH determines necessary, including documentation required for an annual or interim reexamination of family income and composition.
  - b. Allow the CoC Rental Assistance Housing Office or DOH to inspect the subsidized dwelling unit at reasonable times and after reasonable written notification.
  - c. Notify CoC Rental Assistance Housing Office before vacating the subsidized unit.
  - d. Maintain the unit as his/her sole residence.
2. Participant commits any fraud in connection with the CoC Rental Assistance Program.
3. Participant adds any persons to the household without the approval of the CoC Rental Assistance Housing Office except by birth, adoption or court ordered custody.
4. Participant sublets, assigns, or accepts payment for any use of the subsidized unit.

5. Participant receives assistance under the CoC Rental Assistance Program while occupying or receiving assistance in any other unit assisted under any Federal or State housing assistance program (including any Section 8, Housing Authority program or State Rental Assistance Program).
6. Participant or any family member, residing in a CoC Rental assistance subsidized apartment, engages in any illegal drug-related and/or violent criminal activity, resulting in the participant's conviction. (For the purposes of this provision, drug related criminal activity is the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use a controlled substance. Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member).
7. Participant or any family member, residing in a CoC Rental Assistance subsidized apartment, engages in any threatening, abusive or violent behavior involving CoC Rental Assistance Program staff.
8. Any violations of the provisions set forth in the Termination from the CoC Rental Assistance Form, which was reviewed, signed and dated by participant upon entering the CoC Rental Assistance Program (See Appendix).
9. If the failure to comply with the tenancy or program obligations is related to the person's disability and reasonable accommodation may ameliorate the breach, then CoC Rental Assistance must consider the reasonable accommodation and refrain from terminating the subsidy if a reasonable accommodation is appropriate.

**C. Warning Letter from the CoC Rental Assistance Housing Office**

1. Prior to commencing the termination process, the CoC Rental Assistance Housing Office shall first notify the participant in writing, that his/her CoC Rental Assistance subsidy is in jeopardy. This "warning letter" shall state the reasons for the concern with specificity and instruct the participant to contact the CoC Rental Assistance Housing Office immediately to discuss steps to remedy the problem. This letter, mailed first class, will be sent to the participant and his/her social service agency case manager, if there is a release of information on file, and a copy will be maintained in the participant's file.
2. If the participant and the CoC Rental Assistance Housing Office cannot reach an agreement within 60 days about the issue(s) raised in the "warning letter" the CoC Rental Assistance Housing Office shall advise the participant and relevant CAN (in writing via first class US Mail) that assistance will be terminated and that the participant has the right to appeal the decision. The letter will advise the participant of his/her right to appeal the decision in the manner set forth in Section XIV Appeal Process, below. A copy of the letter will be maintained in the participant's

file. Reasonable accommodation requests may be made in the context of the informal conference and/or hearing. See below for details regarding the appeal process.

## **XI. Appeal Process**

### **A. Introduction**

1. Any participant determined to be ineligible for, or being terminated from CoC Rental Assistance, has the right to appeal. There are several levels of appeal set out below.
2. At all stages of the appeal process, factual findings relating to the individual circumstances of the applicant shall be based on a preponderance of the evidence presented.
3. At all stages of the appeal process, any deadlines for the applicant will be liberally construed.
4. If the relevant CAN finds that the applicant is not eligible or is to be terminated from the program, it will notify the applicant in writing, clearly stating the specific reasons for the ineligibility determination or termination and informing the applicant that he/she has the right to appeal the ineligibility decision or termination.
5. When the CAN notifies the applicant of the determination, the CAN shall also provide the applicant/participant with an informal conference request form and a list of available advocates the applicant/participant may ask to attend the informal conference when it notifies the applicant/participant of the determination. The applicant/participant will not be precluded from bringing an advocate to the informal conference who is not included on the list provided. The determination letter must be mailed to the applicant by first class mail and a copy will be maintained in the applicant/participant's file.

### **B. Informal Conference with the relevant CAN**

1. The appeal process shall begin with an informal conference with representatives from the relevant CAN. When an applicant/participant requests an informal conference with the CAN, the informal conference shall be held within thirty (30) days of the receipt of the request.
2. The CoC Rental Assistance Housing Office or CAN shall mail a notice of the informal conference to the applicant/participant. The notice of the informal conference shall include the date; time and place for the informal conference and a clear and specific statement of the issues presented and shall include a list of available advocates that may accompany the applicant/participant to the informal conference. The notice of the informal conference shall be mailed to the applicant/participant by first class mail.
3. The notice of informal conference with the CAN shall contain the following advisements:

- a. The applicant/participant has a right to review and receive (free of charge before the informal conference) photocopies of the documents in the CoC Rental Assistance file upon which the determination being appealed is based.
  - b. The applicant/participant has the right to have a representative, advocate, or attorney present at the informal conference with the CAN. A list of available advocates shall be provided with the notice of the informal conference. The applicant/participant will not be precluded from having a representative, advocate or attorney not included on the list attend the informal conference.
  - c. The applicant/participant will be given the opportunity to present written or oral objections before a representative of the CAN other than the person (or a subordinate of that person) who made or approved the initial decision at the informal conference.
  - d. The applicant/participant has the right to question any witnesses who may be present at the informal conference and to be informed in advance who those witnesses will be.
  - e. The applicant/participant has the right to bring his/her own witnesses and/or advocates to the informal conference.
4. If the applicant/participant has any special needs or accommodations or transportation problems which may affect his/her ability to attend the informal conference, he/she should contact the CoC Rental Assistance Housing Office in order to make the necessary arrangements.
  5. At the informal conference, the applicant/participant and the CAN may make an agreement to resolve the matters upon which the determination is based and to allow the applicant/participant to participate in the program.
  6. If the CAN and the applicant/participant do not reach an agreement, the CAN will inform the applicant/participant, in writing (mailed first class) of the specific reason(s) for the determination, and the applicant/participant's right to an administrative hearing with the DOH Hearing Officer. That written notification will include a list of advocates who may assist the applicant/participant in the hearing process. The applicant/participant will not be precluded from having an advocate not included on the list attend the hearing.
  7. The CAN shall make its determination and mail the notice of the determination to the applicant/participant within fifteen (15) days following the informal conference.
  8. The CAN shall provide the applicant/participant with a hearing request form, which contains the name and address of the DOH Hearing Officer, and instructions for requesting the administrative hearing orally.

### **C. Administrative Hearing by DOH Hearing Officer**

1. When an applicant/participant requests an administrative hearing from the DOH Hearing Officer, an administrative hearing shall be held with the DOH Hearing Officer within thirty (30) days of the receipt of the request.
2. The notice of the administrative hearing shall include the date, time and place for the hearing and a clear and detailed statement of the issues. The notice of the hearing shall be mailed to the applicant/participant by first class mail not less than ten (10) days before the scheduled hearing. The notice shall contain the same advisements as stated above (Section XIV, Part B 5) and a copy will be maintained in the applicant/participant file.
3. The DOH Hearing Officer shall keep a recording of the proceedings.
4. At the hearing, evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. However, a decision to deny or terminate eligibility cannot be based on hearsay evidence alone. Applicants/participants must have the opportunity to confront and cross examine adverse witnesses.
5. The DOH Hearing Officer shall issue a written decision within sixty (60) days of the administrative hearing, giving a short statement of the facts on which the decision is based.
6. Copies of the DOH Hearing Officer's decision shall be mailed to the applicant or participant by first class mail and retained in the applicant/participant's file.

## **XII. Disputes/Complaints Regarding CoC Rental Assistance**

When a participant has a dispute (complaint) about the administration of the CoC Rental Assistance Program (e.g., rent calculation, repair issues, mistreatment by the Housing Office, etc.) he/she may contact the Director of the Individual and Family Support Program Unit at DOH.

## **XIII. Safeguarding of Funds**

### **A. Participant Obligation to Pay**

1. If a participant fails to provide required interim changes in income or other factors, or submits incorrect or falsified information on any application, certification or re-certifications and, as a result, is charged a rent less than the amount required by HUD's rent formulas, the participant must reimburse DOH for the difference between the rent the participant should have paid and the rent he/she paid. The participant is not required to reimburse DOH for undercharges caused solely by DOH's failure to follow HUD's procedures for computing rent or assistance payments. A participant shall have the right to a reasonable repayment agreement.

### **B. Owner/Landlord Obligation to Repay**

1. The owner/landlord or housing provider must reimburse DOH for all overpayments where such overpayments are due to the owner/landlord or housing provider's error or the owner's failure to

follow HUD's procedures. DOH may permit the owner/landlord or housing provider to repay such overpayments in one lump sum or over a period of time through reduction of normal housing assistance payments.

#### **XIV. Service Requirements**

1. Services provided to all CoC Rental Assistance participants must, at a minimum, meet HUD requirements, and the recipient or sub-recipient must keep records for each program participant that document provision of those services:
  - a. The recipient or sub-recipient must conduct an annual assessment of services for program participants that remain in the program for more than a year and adjust the service package accordingly (24 CFR 578.103).
  - b. Supportive services designed to meet the needs of the program participants must be made available to the program participants (24 CFR 578.37). Permanent supportive housing projects must provide supportive services for the residents to enable them to live as independently as is practicable throughout the duration of their residence in the project (24 CFR 578.53).
  - c. Program participant records must be retained for 5 years after the expenditure of all funds from the grant under which the program participant was served (24 CFR 578.103).
2. Recipients and sub-recipients may not require the program participants to take part in supportive services that are disability-related as a condition of continued participation in the program. Examples of disability-related services include, but are not limited to, mental health services, outpatient health services, and provision of medication, which are provided to a person with a disability to address a condition caused by the disability. Notwithstanding this provision, if the purpose of the project is to provide substance abuse treatment services, recipients and sub-recipients may require program participants to take part in such services as a condition of continued participation in the program. (24 CFR 578.75), unless otherwise prohibited by the written standards adopted by the applicable CoC.
3. Each recipient and sub-recipient who provides supportive housing for homeless persons with disabilities must provide meals or meal preparation facilities for residents. (24 CFR 578.75)
4. Each recipient and sub-recipient must provide residential supervision as necessary to facilitate the adequate provision of supportive services to the residents of the housing throughout the term of the commitment to operate supportive housing. Residential supervision may include the employment of a full- or part-time residential supervisor with sufficient knowledge to provide or to supervise the provision of supportive services to the residents. (24 CFR 578.75)
5. Services must be provided in compliance with all applicable State and local requirements, including licensing requirements. (24 CFR 578.75)

6. Supportive services must be necessary to assist program participants obtain and maintain housing. (24 CFR 578.53)
7. Sub-recipients and service providers must establish policies and practices that are consistent with the education subtitle of McKinney-Vento Act and other laws relating to education and related services to homeless people (e.g. Head Start, Individuals with Disabilities Education Act, Higher Education Act), including designating a staff person to ensure that children are enrolled in school and connected to services in the community including programs such as Head Start , Part C of the Individuals with Disabilities Education Act, McKinney-Vento education services. These need not be the only responsibilities of the designated staff person, and the designated person should participate in service planning where there are extensive or significant unmet educational needs.

## **XV. Other requirements**

### **A. Confidentiality**

In addition to meeting specific confidentiality and security requirements for Homeless Management Information System (HMIS) data, the recipient and its sub-recipients must develop and implement written procedures to ensure: (24 CFR 578.103)

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

### **B. Consistency with CoC Written Standards.**

CoC Rental Assistance must be administered in accordance with the written standards established by the applicable Continuum of Care as set forth in § 578.7(a)(9) of the HEARTH Interim Final Rule.<sup>11</sup>

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<sup>11</sup> 24 CFR § 578.7 Responsibilities of the Continuum of Care - requires CoCs to establish and consistently follow written standards for providing Continuum of Care assistance. HUD regulations available at: <https://www.hudexchange.info/resource/2033/heardh-coc-program-interim-rule/>; CT BOS CoC written standards (i.e. Policies & Procedures available at: <http://www.csh.org/csh-solutions/community-work/housing-development-and-operation/2578-2/>. Opening Doors Fairfield County CoC written standards are included in the Appendix to this document (See “Fairfield County CAN / Opening Doors of Fairfield County Housing System Operations Manual Principles, Policies and Procedures.”

**C. Number of Assisted Households**

Each CoC Rental Assistance Project must serve at least as many program participants as shown in its project application submitted to HUD. If the amount in each grant reserved for rental assistance over the grant period exceeds the amount that will be needed to pay the actual costs of rental assistance, due to such factors as contract rents being lower than FMRs and program participants being able to pay a portion of the rent, recipients or sub-recipients may use the excess funds for covering the costs of rent increases, or for serving a greater number of program participants. (24 CFR 578.51)

**D. Participation of homeless individuals**

1. Each recipient and sub-recipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policymaking entity of the recipient or sub-recipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or CoC Rental Assistance. This requirement is waived if a recipient or sub-recipient is unable to meet such requirement and obtains HUD approval for a plan to otherwise consult with homeless or formerly homeless persons when considering and making policies and decisions. (24 CFR 578.75)
2. Each recipient and sub-recipient of assistance under this part must, to the maximum extent practicable, involve homeless individuals and families through employment; volunteer services; or otherwise in constructing, rehabilitating, maintaining, and operating the project, and in providing supportive services for the project. (24 CFR 578.75)

**E. HMIS requirements**

All projects receiving CoC Rental Assistance must comply with HMIS requirements.<sup>12</sup>

**F. APR data submission requirements**

All sub-recipients and service providers in projects receiving CoC Rental Assistance must collect and report data on its use of Continuum of Care funds in an Annual Performance Report (APR), as well as in any additional reports as and when required by HUD and DOH.

**G. Records of reasonable belief of imminent threat of harm.**

For each program participant who moved to a different Continuum of Care due to imminent threat of further domestic violence, dating violence, sexual assault, or stalking under § 578.51(c)(3), it is the

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<sup>12</sup> For more information please visit the CT HMIS website at <http://cthmis.com/>

responsibility of the CoC Rental Assistance Housing Office to retain (24 CFR 578.103) the following:

1. Documentation of the original incidence of domestic violence, dating violence, sexual assault, or stalking, only if the original violence is not already documented in the program participant's case file. This may be written observation of the housing or service provider; a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom the victim has sought assistance; medical or dental records; court records or law enforcement records; or written certification by the program participant to whom the violence occurred or by the head of household.
2. Documentation of the reasonable belief of imminent threat of further domestic violence, dating violence, or sexual assault or stalking, which would include threats from a third-party, such as a friend or family member of the perpetrator of the violence. This may be written observation by the housing or service provider; a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom the victim has sought assistance; current restraining order; recent court order or other court records; law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts; or a written certification by the program participant to whom the violence occurred or the head of household.

#### **H. Access to records**

1. **Federal Government rights.** Notwithstanding the confidentiality procedures established under the HEARTH Interim Final Rule, HUD, the HUD Office of the Inspector General, and the Comptroller General of the United States, or any of their authorized representatives, must have the right of access to all books, documents, papers, or other records of the recipient and its sub-recipients that are pertinent to the Continuum of Care grant, in order to make audits, examinations, excerpts, and transcripts. These rights of access are not limited to the required retention period, but last as long as the records are retained.
2. **Public rights.** The recipient must provide citizens, public agencies, and other interested parties with reasonable access to records regarding any uses of Continuum of Care funds the recipient received during the preceding 5 years, consistent with State and local laws regarding privacy and obligations of confidentiality and confidentiality requirements in this part.

#### **I. Significant Changes**

The recipients or sub-recipients may not make any significant changes to a project without prior HUD approval, evidenced by a grant amendment signed by HUD and the recipient. Significant changes include a change of recipient, a change of project site, additions or deletions in the types of eligible activities approved for a project, a shift of more than 10 percent from one approved eligible activity to another, a reduction in the number of units, and a change in the subpopulation served (24 CFR 578.105). Any other changes to an approved grant or project must be fully documented in the recipient's or sub-recipient's records.

#### **J. Educational Rights of Children and Youth Under McKinney Vento Act**

Connection to local educational agency (LEA) Homeless Liaison: Local Coordinators will refer parents, children and youth to the local educational agency (LEA) Homeless Liaison if there is a question or concerns about their rights under the McKinney Vento Act. Local Coordinators will also contact the appropriate LEA Homeless Liaison should any general issues arise. Local Liaisons are identified by school district by the Connecticut Department of Education. This list is available on the Connecticut Department of Education website.

### **XVI. Appendix**

#### **Termination from CoC Rental Assistance Program**

The CoC Rental Assistance Housing Office may recommend termination of a participant from the program for the following reasons, to the extent that the reason is allowable under the written standards of the applicable CoC:

1. Participant fails to:
  - a. Supply such certification, release of information, or documentation as DOH determines necessary, including documentation required for an annual or interim reexamination of family income and composition.
  - b. Allow CoC Rental Assistance Housing Office or DOH to inspect the dwelling unit at reasonable times and after reasonable written notification.
  - c. Notify CoC Rental Assistance Housing Office before vacating the unit.
  - d. Maintain the unit as his/her sole residence.
2. Participant commits any fraud in connection with the CoC Rental Assistance Program.
3. Participant adds any persons to the household without the approval of the CoC Rental Assistance Housing Office except by birth, adoption or court ordered custody.
4. Participant sublets, assigns, or accepts payment for any use of the unit.
5. Participant receives assistance under the CoC Rental Assistance Program while occupying or receiving assistance in any other unit assisted under any Federal housing assistance program (including any Section 8 or Housing Authority program).
6. Participant or any family member, residing or visiting a CoC Rental Assistance subsidized apartment, engages in any illegal drug-related and/or violent criminal activity on the premises. (For purposes of this provision, "premises" means the building or complex or development in which the participant's dwelling unit is located, including common areas and grounds).

7. Any violations of the Termination from the CoC Rental Assistance Form, which was reviewed, signed and dated by participant upon entering the CoC Rental Assistance Program.
8. If the failure to comply with the tenancy or program obligations is related to the person's disability and reasonable accommodation can ameliorate the breach, then CoC Rental Assistance must grant the reasonable accommodation and refrain from terminating the subsidy.

I have read and understand the above and agree to the conditions contained herein.

Participant

Name: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

CoC Rental Assistance Housing Office

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date