
El Paso CoC TX-603

Governance Charter
May 14, 2020



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Introduction and Purpose

As required by federal regulation, 24 CFR 578, every U.S. Department of Housing and Urban Development (HUD)-funded Continuum of Care (CoC) must develop a governance charter that describes the organization and governance of the CoC and defines the roles and responsibilities of its major stakeholders.

This document identifies such components for the El Paso Continuum of Care, which operates to prevent and end homelessness in El Paso County, Texas.

Organization

The El Paso Continuum of Care (hereinafter referred to as the “El Paso CoC”) is comprised of stakeholders representing numerous aspects of the El Paso community. They are known as the “General Membership”. General Membership refers to stakeholders who fulfilled their financial yearly membership obligations which are established by the CoC Lead Agency. These stakeholders have delegated decision-making authority to the CoC Board and its committees. The El Paso CoC’s purpose, governance structure, and standards are addressed in more detail later in this charter.

Geographic Area

The El Paso CoC includes all of El Paso County (TX-603).

Purpose

The purpose of the El Paso CoC is to:

1. Promote community-wide commitment to the goal of ending homelessness through advocacy, education and collaboration;
2. Identify gaps in the CoC and develop resources to fill those gaps, including the provision of decent affordable housing, education and employment and accessible healthcare;
3. Promote access to and effective utilization of mainstream programs by homeless individuals and families; and
4. Optimize self-sufficiency among individuals and families experiencing homelessness.

Responsibilities

According to HUD’s CoC Program Interim Rule, the El Paso CoC has three major responsibilities:

1. Operate the Continuum of Care according to its nine HUD-established duties.
2. Designate a Homeless Management Information System (HMIS) and an eligible applicant to manage the HMIS.
3. Plan for how the Continuum of Care will meet the housing and service needs of its homeless.

Operation of the El Paso CoC

The El Paso CoC is responsible for carrying out the following activities and responsibilities:

1. **Regular meetings.** The CoC Board shall meet the 2nd Thursday of every month except upon electronic agreement of the majority of the Board.
2. **Invitation for new members.** Issue a public invitation annually for new members, who reside within the confines of the geographic area (El Paso County), to join the General Membership.
3. **Board selection.** Adopt and follow a written process to select a CoC Board. The General Membership must review and approve the selection process at least once every 5 years.
4. **Additional committees.** Appoint additional committees, subcommittees, or work groups as needed.
5. **Governance charter.** In consultation with the Collaborative Applicant, CoC Lead and the HMIS Lead, develop, follow, and annually update the following:
 - 1) A governance charter that includes all policies and procedures needed to comply with 24 CFR part 578.5(b) and with HMIS requirements as prescribed by HUD; and
 - 2) A code of conduct and recusal process for the CoC Board, its chair(s), and any person acting on behalf of the board.
6. **Monitoring.** Monitor CoC- and/or Emergency Solutions Grants (ESG)-funded recipient and subrecipients performance, evaluate outcomes, and take action against poor performers. (See Appendix A)
7. **Evaluation.** Establish performance targets appropriate for population and program type in consultation with CoC- and/or ESG-funded recipients and subrecipients, then monitor said recipient and subrecipients performance, evaluate outcomes, and take actions against poor performers. (See Appendix A)
8. **Centralized or Coordinated Entry.** Establish and operate a coordinated entry system (CE), in consultation with the recipients of ESG program funds. (See Appendix B)
9. **Written Standards.** Establish and follow written standards for providing CoC assistance in consultation with recipients of ESG Funds. At a minimum, these written standards must include:
 - 1) Policies and procedures for evaluating individuals' and families' eligibility for assistance;
 - 2) Policies and procedures for determining and prioritizing which eligible individuals and families will receive transitional housing assistance;
 - 3) Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid rehousing assistance;
 - 4) Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid rehousing assistance; and
 - 5) Policies and procedures for determining which eligible individuals and families will receive permanent supportive housing assistance.

Designation of the Continuum of Care Lead Agency

The CoC Board designates the CoC Lead agency (Infrastructure Organization) to provide meeting support for the El Paso CoC Governing Body as well as scheduling meetings, creating agendas, providing meeting materials as necessary to implement and coordinate community and federal initiatives. In addition, the CoC Lead Agency will fulfill the responsibilities designated to the CoC as identified in this charter. The CoC Lead Agency will be evaluated for conformance to this charter every two years. In response to negligence or poor performance of the CoC Lead Agency, as determined by this evaluation process, the CoC Board reserves the right to either create a process to designate a new CoC Lead Agency or develop an improvement process.

Designation and Operation of HMIS for the El Paso CoC

HMIS is a tool to collect unduplicated counts of individuals and families experiencing homelessness. The consequent data is vital for creating an accurate picture of the El Paso CoC. To have an effective HMIS, the following steps must be followed:

1. **HMIS.** Designate a single HMIS for the geographic area (El Paso County).
2. **HMIS Lead.** Designate an eligible applicant to manage the CoC's HMIS.
3. **HMIS quality.** Review, revise, and approve a privacy plan, security plan, and data quality plan for HMIS.
4. **HMIS participation.** Ensure consistent participation of recipients and subrecipients in HMIS.
5. **HMIS compliance.** Ensure HMIS is administered in compliance with requirements prescribed by HUD.

Planning for the El Paso CoC

1. **System Coordination.** The CoC is responsible for coordinating and implementing a system to address the needs of the homeless population and subpopulations (i.e. Veterans, Youth, DV, Substance Abuse), as well as individuals experiencing a housing crisis, within its geographic area. At a minimum, this system must include the following:
 - 1) Outreach, engagement, and assessment;
 - 2) Shelter, housing, and supportive services; and
 - 3) Prevention strategies.
2. **Point-in-Time Count.** At least biennially, the CoC must plan for and conduct a point-in-time (PIT) count of homeless persons with its geographic area. The PIT must:
 - 1) Identify the number of unsheltered homeless persons. Such persons are those living in a place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.
 - 2) Identify the number of sheltered homeless persons. Such persons are those living in emergency shelters and transitional housing projects.
 - 3) Address other requirements established by HUD by Notice, including the annual FY CoC Program Notice of Funding Availability (NOFA).
3. **Annual Gaps Analysis.** The CoC must conduct an annual gaps analysis of the homeless needs and services available within its geographic area. This includes a housing inventory (HIC).
4. **Consolidated Plan Information.** The CoC must provide the information required to the City of El Paso, who is responsible for completing the Consolidated Plan(s).
5. **ESG Consultation.** The CoC must consult with the State and local government ESG program recipients within its geographic area on:
 - 1) The plan for allocating ESG program funds; and
 - 2) Reporting on and evaluating the performance of ESG program recipients and subrecipients.
6. **Program Funds.** A major function of the El Paso CoC is to prepare and oversee the development and submission of an annual application for CoC program funds. The process must involve the following steps:
 - 1) **Funding Priorities.** The CoC must establish priorities for funding projects in its geographic area. The selection process must be transparent, inclusive, and based on the standards indicated in 24 CFR part 547.19(b).
 - 2) **Collaborative Application Process.** The CoC must design, operate and follow a collaborative process for developing applications and approving the submission of them in response to its NOFA, and in concert with the funding priorities and plan adopted by the CoC. The CoC should also ensure that all project applications are submitted by eligible applicants.
 - 3) **The Collaborative Applicant.** The CoC must designate an eligible applicant to serve as the Collaborative Applicant. This entity will submit the annual CoC Consolidated Application for funding on behalf of the CoC. This application can include requests for project funding from more than one eligible applicant; the Collaborative Applicant is responsible for collecting and combining all the

applicants' information into the final application.

Governance Structure

CoC General Membership

Overview. The El Paso CoC is made stronger through the participation of its diverse Membership. Membership is open to any individual or organization that embraces the mission, values, and goals of the CoC. Despite CoC General Membership meetings being open to the public, only Members are eligible for certain privileges. Only dues paying members are eligible for certain privileges.

1. *Dues paying membership benefits*

a. *Voting rights*

CoC Board

1. Overview. Required by HUD, the Board will act on behalf of the El Paso CoC (24 CFR part 578.8(a) (3)). The CoC Board is the primary decision-making body for the El Paso CoC. Board members determine the policy direction of the CoC and ensure that the CoC fulfills its responsibilities as assigned by HUD. Additionally, the Board oversees and approves the work of CoC committees and workgroups and the CoC Lead Agency and HMIS Lead Agency. The Board also approves the Consolidated Application for HUD CoC Program funding.

2. Requirements.

a. Must be representative of the relevant organizations and projects serving homeless subpopulations within the CoC. (24 CFR part 578.5(b) (1)) A single Board Member may represent the interests of more than one homeless subpopulation if s/he is willing. Examples of organizations/projects include:

- Homeless assistance providers
- Victim service providers
- Faith-based organizations
- Government entities
- Businesses
- Advocates
- Public housing agencies
- School Districts
- Social service providers
- Mental health agencies
- Hospitals
- Universities
- Affordable housing developers
- Law enforcement
- Veteran organizations

b. Must include at least one homeless, or formerly homeless, individual. (24 CFR part 578.5(b) (2))

3. Policy

- a. The Board will consist of up to 11 seats. The CoC will strive to ensure broad representation among the positions, utilizing the examples previously given as a reference.
- b. All nominees for Boards seats must live or work in the CoC's geographic area.
- c. No more than one representative from the same agency/organization may be an elected member at a given time.
- d. Board Members will serve 3-year terms. They may resign at any time by giving oral or written

notice to the Board Chair. Board Members can be removed from the Board by a majority vote of the remaining Board Members for repeated absences or for violation of the Board Member Code of Conduct or Conflict of Interest Policy. (Appendix C)

- e. Elections will be held in September of each year. The CoC Board will solicit applications from the Membership and the community at-large and elect a member(s) to serve staggered three-year terms in 3 cohorts. Selection of candidates will be compliant with 24 CFR 578. Those members having completed a 3-year term and interested in re-election must submit an application.
- f. End of Term Process – Any member who has completed their 3-year term is eligible for re-election to additional 3-year terms as determined through the election process.
- g. If a vacancy occurs due to a Board Member resigning or being removed, the Board will immediately move to fill the position.
- h. Vacancy Process - The CoC Board solicits applications from the Membership and community at-large, and elect a member(s) to fill the vacancy ensuring that representatives of the board are compliant with 24 CFR 578.
- i. A quorum must exist for the Board to conduct business. A quorum is 1/3 of the current number of Board Members. Any one or more of the CoC Board members may participate in a meeting of the CoC Board by means of a conference telephone or similar communications equipment allowing all persons to hear each other at the same time. Such participation shall constitute presence in person at such meetings.

4. **Composition**

- a. **Chair.** Governs and leads the CoC Board. Responsible for scheduling the agenda for Special Meetings of the CoC Board.
- b. **Vice Chair.** In the absence of the Chair, assumes the Chair’s duties.
- c. **Secretary.** Keeps accurate records of every CoC Board meeting, or designates another person to do so at each meeting, including the names of those in attendance. Additionally, if any actions are taken outside the confines of an “official” meeting, these will also be recorded. Responsible for the timely posting and dissemination of all meeting summaries, minutes, announcements, and notices, or for ensuring that said information is posted and disseminated by the designated entities. In the absence of the Chair and Vice Chair, assumes the Chair’s duties.
- d. **Treasurer.** Keeps the Board informed of any financial events, trends, and/or concerns that may affect the CoC’s fiscal health. Completes required financial-reporting forms in a timely fashion and makes these forms available to the Board.
- e. **Members.** Comprise the remaining Board seats. Participate in basic Board functions.

5. **Duties.** The CoC Board will execute the following duties:

- a. Review, provide guidance as needed, and approve the following areas of recommendations for action that are developed by the CoC Committees and/or workgroups:
 - i. The prioritization of funding need for housing and services for people experiencing homelessness
 - ii. The emphasis or direction of service delivery approaches for the CoC
 - iii. Appointing subcommittees or workgroups as may be necessary to perform its duties and responsibilities.
- b. Develop policies and procedures conforming to HUD requirements detailed in 24 CFR part 578.1 to:
 - i. Review and approve for execution the Memorandum of Understanding (MOU) for the CoC Lead Agency to operate the El Paso CoC, the Collaborative Applicant, and the HMIS Lead Agency.
 - ii. Conduct year-round CoC planning of homelessness prevention and homeless assistance housing and services.

- c. Review the CoC Strategic Plan annually and recommend adjustments, as needed.
- d. Review the CoC Governance Charter annually and make any recommended changes to the General Membership every five years.
- e. Ensure a fair and transparent process is established to assist with the Consolidated Application for HUD CoC Program funding.
- f. Review and approve the CoC Policies and Procedures (i.e. Coordinated Assessment Oversight Committee, Performance Committee, Planning Committee, etc.) needed to comply with requirements associated with establishing and operating a CoC and HMIS requirements prescribed by HUD.
- g. When a vote is necessary, majority vote will be the final decision. All votes shall be “by-voice”, ballot, or email; the Chair has discretion in this matter. Each Board Member is allowed one vote. The Secretary will be responsible for recording all votes.
- h. The CoC Board shall hold a minimum of eight (8) regular meetings each year, the day and time to be set by the Chair with the approval of the CoC Board.

6. Expectations

- a. **Code of Conduct and Conflict of Interest Policy.** In order to maintain the highest ethical standards, all Board Members, as well as any person acting on behalf of the CoC Board, must comply with the Code of Conduct and Conflict of Interest Policy. These can be found in Appendix C. All Members will be asked to sign these forms prior to assuming their position. The Secretary will be responsible for maintaining these records.
- b. **Recusal Policy.** No member of the CoC (Board, Committee, Member, Agent or employee of Agent) shall vote or make recommendations on funding decisions that directly benefit them or any organization in which they have a direct fiduciary interest. To that end, neither Board nor Committee members whose organizations are submitted in the HUD CoC Application and ranked for that application may participate in discussions about ranking policies or vote on ranking policies. Such members may participate in the development of performance targets and the evaluation tool. Members of the CoC will disclose potential conflicts of interest that they may have regarding any matters that come before the CoC Board.
- c. **Attendance.** In order to maintain a high-functioning and effective Board, Members are expected to attend every meeting. An attendance problem will occur if any of the following conditions exist:
 - The Member has *two unexcused absences* in a row. (An unexcused absence is when the Member did not notify the Chair prior to the meeting.)
 - The Member misses *30%* of the total number of Board meetings in a consecutive twelve-month period.

Members with attendance problems are subject to removal with majority vote of the CoC Board.

CoC Committees

In addition to its Board, the El Paso CoC will carry out its responsibilities through the work of Committees. CoC Members and/or Stakeholders will comprise these Committees. The CoC Board shall appoint committee chairs and may replace them for non-participation. Availability permitting, Members may sit on more than one committee. Procedural rules instituted by Committees must first be approved by the Board. Each Committee will be responsible for recording its minutes, and must be report them to the Board. The CoC may establish as many Committees as it deems necessary. Currently, the following are active:

1. Planning Committee.

- Collaboratively develops a strategic plan which supports federal and local initiatives

- Establishes committees and/or subcommittees to implement the strategic plan
 - Analyzes the demand for and availability of resources to identify duplications or unmet needs
 - Advocates on behalf of homeless persons
- 2. HMIS Management Committee.**
- Works with HMIS Lead to develop policy recommendations to CoC Board
 - Reviews and updates
 - Privacy Plan
 - Security Plan
 - Data Quality Plan
 - Recommends modifications of the El Paso CoC Participation Standards to the CoC Board
 - Recommends other HMIS policies to the CoC Board as appropriate
- 3. HMIS Steering Committee**
- Provides a forum for users to network, identify and discuss any new issues and/or concerns (data entry, system, reporting or other)
 - Informs users of any new HUD updates or changes
 - Provides additional training related to data entry and CoC initiatives
- 4. Coordinated Access Oversight Committee.**
- Serves as the primary governing body for CE
 - Investigates and resolves consumer and provider complaints or concerns about the CE process
 - Provides information and feedback to the CoC, CoC Board, and the community at-large regarding the CE process
 - Evaluates the efficiency and effectiveness of the CE process
 - Reviews performance data from the CE process
 - Recommends changes or improvements to the process to the CoC and CoC Board
- 5. Performance Committee.**
- Develops Community Benchmarks
 - Reviews CoC overall performance
 - Establishes policies that guide performance and monitoring
 - Evaluates program performance based on established policies

HMIS

Employees, volunteers, affiliates, contractors, associates and any other persons with access to the El Paso's HMIS are subject to certain guidelines regarding use of the HMIS. HMIS contains a range of personal and private information on individuals and all such information must be treated carefully and professionally by all who access it.

Guidelines for use of the System include:

- Personal User Identification and Passwords must be kept secure and are not to be shared. If passwords are shared, user IDs will be terminated, consequently jeopardizing agencies 'in good standing' status.
- Passwords shall:
 - Include at least one letter and one number
 - Not include username, HMIS name, or the HMIS vendor name.
 - Not consist entirely of any word in the common dictionary or any of the above spelled backwards.
 - Not be stored or posted in any publicly accessible location.

- Only general, non-confidential information is to be entered in the “Client Notes” section of the Client identification page of the System. Confidential information, including TB diagnosis, domestic violence and mental or physical health information, is not permitted to be entered in this section.
- The date when a client enters and exits program is vital to accurate reporting in APRs, LSA, etc.
- Informed written client or guardian consent, as documented by either a standard El Paso HMIS release of information Authorization form or a current Agency-modified Authorization for Release of Information form with an El Paso HMIS clause is required before entering updating, editing, printing, or disclosing information.
- Confidential information obtained from HMIS is to remain confidential, even if relationship with client changes or concludes for any reason.
- Any paper copies of Protected Personal Information (PPI) generated by or for the HMIS must be secured.
- Information beyond basic identifying data, which includes all assessment or case note screens is not to be edited. If any update or correction is needed, a new note must be created.
- Only individuals that exist as clients under the Agency’s jurisdiction may be entered into the system
- Misrepresentation of the client base by entering known, inaccurate information is prohibited.
- Client records are not to be deleted from the System. If a client or guardian of a client chooses to rescind consent to participate in the System, his/her file shall become “inactive.” Contact HMIS Staff to change a client to inactive.
- HMIS will only be accessed from authorized Agency locations on approved computer systems and networks.
- Operations of HMIS installed computer and networked virus protection, firewall and screen saver systems will not be disabled or limited.
- Discriminatory comments based on race, color, religion, national origin, ancestry, handicap, age, sex, and sexual orientation are not permitted in the system. Profanity and offensive language are not permitted in the system.
- The System is to be used for business purposes only. Transmission of material in violation of any United States Federal or State of Texas Regulations or laws is prohibited and includes material that is copyrighted, legally judged to be threatening or obscene. The System will not be used to defraud the Federal State or local government or an individual entity or to conduct any illegal activity.
- Any unauthorized access or unauthorized modification to computer system information or interference with normal system operations will result in immediate suspension of access to the system and may jeopardize employment status.

Performance and Monitoring

The El Paso CoC is responsible for establishing performance targets for projects funded under CoC and ESG, monitoring said recipients’ performance, evaluating the outcomes, and taking action against poor performers. To review policies and tools for performance monitoring and evaluation, please see Appendix A.

Performance

Performance targets will include HUD and community priorities as determined by the Performance Committee and will include but not be limited to:

1. Increase the percentage of homeless persons staying in permanent housing over 6 months
2. Increase the percentage of homeless persons moving from transitional housing to permanent housing
3. Increase percentage of homeless persons employed at exit
4. Increase percentage of homeless persons receiving other sources
5. Increase the percentage of participants in all CoC-funded projects that obtained mainstream benefits at

program exit

6. Decrease the number of homeless households with children
7. Increase the overall health of all participants
8. Provide 100% of housing units totally furnished with household items and furniture
9. Provide weekly, ongoing case management with 70% of client service goals accomplished for each client
10. Ensure timely, accurate, and complete data entry into HMIS by the provider to produce the Annual Performance Report (APR) and contribute data to the Longitudinal System Analysis (LSA) formerly known as Annual Homeless Assessment Report (AHAR).

The recommendation on these performance benchmarks will be submitted to the CoC Board for approval on an annual basis.

Project Monitoring

The CoC Lead shall monitor all homeless programs annually.

The Monitoring will consist of a review of the program's performance based on data collected from HMIS for the following activities/components:

- Length of Stay
- Increased Earned Income
- Increased Other Income
- Increased Total Income
- Exits to Housing
- Data Entry/Exit Timeliness
- Bed Utilization
- Recidivism

The above listed performance items are compared to the community established benchmarks and reported to the Program. Quarterly reports reflecting CoC performance are provided to the Performance Committee and CoC Board.

Project Evaluation

Performance will be evaluated by the Performance Committee and the CoC Lead. Evaluation will include, but will not be limited to, the following:

1. HMIS Administrator will publish Report Cards quarterly that include measurement of HMIS usage and CoC & ESG program performance criteria
2. Grantees with failing HMIS grades must attend refresher training
3. Grantees with failing or consistently low performance grades must meet with the Performance Committee to discuss ways to improve performance
4. Grantees with consistently failing grades will be required to implement a recommended improvement plan

Grantees unable to improve HMIS usage and performance may have funds reallocated.

Annual Performance Report

Annual Performance Reports (APRs), formerly called Annual Progress Reports, are required by HUD on an annual basis to track the progress and accomplishments of HUD's CoC Homeless Assistance Programs.

The APR gathers information on how programs assist homeless persons to obtain and remain in permanent housing, increase skills and income, and attain greater self-determination. This information is used by HUD and Congress to assess outcomes from federal funding. The APR is also useful to the CoC, grantees, and sponsors

as a planning and management tool to analyze client demographics and service needs; to evaluate project outcomes and performance; to make improvements; and to set future goals for their projects.

To ensure accurate reporting and local accountability, it is the policy of the CoC that agencies are to submit a pdf draft copy of their *e-snaps* submission to the HMIS designated staff person 60 days before the APR is due to HUD. Following that review, agencies are to submit a draft copy to the CoC designated staff person, no later than 30 days before the APR is due to HUD. Once the HMIS staff and CoC staff have reviewed the reports and any corrections have been incorporated, the agency may then submit their APR to HUD.

Coordinated Entry

The subrecipients must keep documentation evidencing the use of, and written intake procedures for, the centralized or coordinated entry system(s) developed by the CoC in accordance with the requirements established by HUD. The Policies and Procedures for the local CE are contained in a separate document. See Appendix B.

ESG Written Standards

I. Definitions

Program Participant – an individual or family who is assisted under ESG Program

Recipient - means any State, territory, metropolitan city, or urban county, or in the case of reallocation, any unit of general purpose local government that is approved by HUD to assume financial responsibility and enters into a grant agreement with HUD to administer assistance.

Subrecipient - means a unit of general purpose local government or private nonprofit organization to which a recipient makes available ESG funds.

II. Program Summary

A. Purpose

The ESG program provides federal funds to assist individuals and families to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness. ESG funds are available for five program components: street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and data collection through the HMIS; as well as administrative activities. The ESG program is authorized by subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 – 11378).

B. Program Written Standards

Subrecipients are required to comply with the minimum standards for providing ESG assistance and when established, those standards relevant to ESG that are required by the CoC. The following minimum program standards are required for delivering the ESG program as outlined in CFR 576.400 (c) (3):

1. Evaluating Eligibility for Assistance

Subrecipients are required to participate in and comply with their CoC coordinated entry process including utilizing Coordinated Assessment tools and protocols. Domestic Violence subrecipients may choose to utilize a different system for victims of domestic

violence.

The minimum eligibility process will include an initial phone or in person screening to determine whether or not the applicant meets one of HUD's categorical definitions of homeless or at risk of homelessness by CE staff using the VI-SPAT assessment tool to determine housing need and priority. CE Staff will refer to appropriate program. Once participant arrives at appropriate program an eligibility determinations must be documented in client files and preferably through third-party documentation. Intake worker observation or participant self-certification can be used when due diligence by staff and client is documented in the file indicating third-party verification is unavailable.

Re-evaluations of eligibility for continued receipt of homelessness prevention and rapid re-housing assistance are required—every three (3) months for prevention and annually for rapid re-housing. Minimally, each re-evaluation of eligibility must verify that the client household does not have an annual income that exceeds thirty (30%) percent of HUD determined median family income for the service area **and** the household continues to lack sufficient resources and support networks needed to retain housing without ESG assistance. If a client household informs, but is not required to notify the Subrecipient of a change in income or other circumstances that may affect eligibility, there is no immediate effect on the program participant's eligibility and assistance can continue at the discretion of the Subrecipient until the next required re-evaluation.

2. Targeting and Providing Essential Services Related to Street Outreach

Subrecipients are required to target unsheltered homeless individuals and/or families whose primary nighttime residence is a public or private place not meant for human habitation. It is recommended that preference be given to those special populations who are most vulnerable to being harmed by living in unsafe and unprotected places, i.e. victims of domestic and other forms of violence, youth, families with children, disabled, elderly, etc.

Engagement activities must include an initial assessment of needs and eligibility in order to prioritize the type and source of assistance required with safety and urgent health needs being the highest priority. Emergency health services, including mental health, can be funded with ESG only to the documented extent that other non-ESG funded appropriate health services are inaccessible or unavailable within the service area. Based on need and assessment, qualifying individuals and/or families will be offered essential services beyond emergency health and other crisis intervention assistance that include case management, transportation, and housing stabilization. Whenever feasible, rapid re-housing will be a priority over the provision or referral to emergency shelter or transitional housing.

3. Emergency Shelter Operations

Admission

Subrecipients are required to have standardized screening and intake criteria in writing for determining eligibility for admission to emergency shelter. The criteria must be in compliance with Fair Housing Law and cannot force involuntary family separation by denying family admission based on the age of a child less than 18 years. The admission process requires an initial assessment to determine the homeless status of the applicant based on HUD's four categorical definitions of homeless (24 CFR 576.2) and meeting other

Subrecipient determined eligibility criteria. The assessment process and tools must meet CoC CE requirements (24 CFR 576.400(d)).

Diversion from Shelter

Based on screening results, individuals and families should be diverted when appropriate to the most stable housing available including supportive or subsidized permanent housing using the Housing First or Rapid Re-housing service models.

Essential Services and Referral

Emergency shelter participants must have access to essential services either through direct service delivery by the Subrecipient and/or provision of information and referral to other service providers. Essential services include: case management; child care; education services, employment assistance and job training; outpatient health services; legal services; life skills training; mental health services; substance abuse treatment services; transportation; services for special populations and mainstream income and health benefits where appropriate.

Safety and Accommodations for Special Populations

Any shelter facility that receives ESG assistance for conversion, major rehabilitation, renovation or operations is required to meet all federal, state and local government safety, sanitation and accessibility standards including compliance with the safety, sanitation and privacy requirements contained in 24 CFR 576.403.

Subrecipients are required to develop and implement written procedures and communication tools/materials that ensure persons of any particular race, color, ethnicity, religion, sex, age, national origin, familial status, or disability who may qualify for shelter and essential services are aware of and have access to such facilities and assistance. Reasonable accommodations for persons with disabilities must be available in order to ensure disabled participants have an equal opportunity to utilize the shelter and receive essential services. Greater levels of accessibility may be required for some shelters in compliance with The Americans with Disabilities Act.

Subrecipients are also required to have written procedures in place that ensure access to shelter facilities, assistance and services for Limited English proficiency (LEP) persons. It is highly recommended that Subrecipients develop and implement an agency Language Access Plan following guidelines provided in the Fair Housing Guide for Shelter and Transitional Housing Providers which can be accessed at www.hudexchange.info.

Domestic violence victims and other persons in need of victim services must have access to a safe setting and have their identity protected. Subrecipients are required to implement procedures to ensure confidentiality of records pertaining to any individual who is provided family violence prevention, treatment or other services. Subrecipients must also certify that the address of a family/individual violence shelter will not be made public without permission of the shelter agency.

Subrecipient emergency shelter policies and procedures must:

- Prohibit disclosing personally identifying victim information to any third party

- without consent of the victim;
- Ensure victim consent is reasonably time-limited, written and specific as to whom information will be shared;
- Identify and utilize a comparable HMIS data base to collect program data that will prevent the disclosure of personally identifying victim information; and
- Include confidentiality policies and procedures that require staff to refrain from discussing client information in public and ensure client records are secure and only accessible to authorized staff.

4. Assessing, Prioritizing and Reassessing Needs for Essential Services

Related to Emergency Shelter

Subrecipients are required to have a written standard assessment process and tool(s) that are applied to all eligible recipients of shelter essential services. Prioritization for services must align with service area homeless and/or community needs assessment plans. When developed, Subrecipients are required to comply with their services area(s) CoC assessment and prioritization requirements (576.400(d)), including verifying and documenting eligibility.

Shelter essential services include: case management; child care; education services; employment assistance and job training; outpatient health services; legal services; life skills training; mental health services; substance abuse treatment services; transportation; and services for special populations. Provision of services should be determined based on client need and in alignment with Subrecipient's targeted populations.

Provision of essential services and shelter must be available to shelter residents for at least the time period during which the ESG funds are provided. Services do not need to be limited to a particular site as long as the site serves the same categories and types of homeless originally provided with essential services or serves homeless persons in the same service area where the Subrecipient originally provided the services.

5. Coordination among Homeless Assistance Providers, Mainstream Service Providers and Housing Providers

El Paso's CoC is a community-based homeless assistance program planning networks whose responsibilities include the promotion of access to and effective utilization of homeless and mainstream programs by the homeless. Subrecipients are required to be active members of their respective COC and contribute to the identification, development and coordination of resources that will promote and increase the efficiency and effectiveness of the community's homeless system.

Subrecipients must coordinate and integrate, to the extent possible, their ESG-funded assistance with other programs serving homeless and at-risk of homelessness people within their service area (refer to 24 CFR 576.400). Documentation of such coordination will minimally include written COC verification of review and support of the Subrecipient's plan for utilizing ESG funds as part of the Subrecipient's funding application.

6. Determining and Prioritizing Eligibility for Homeless Prevention and Rapid Re-housing Assistance

Determination of eligibility for homeless prevention requires an in-person assessment (in compliance with COC CE process when established) to verify that applicants meet HUD's categorical definition for imminent risk of homelessness, homeless under other federal statutes, fleeing/attempting to flee domestic violence, or at-risk of homelessness **and** have an annual income at 30% or below of area median income. Homeless status and income eligibility must be documented in client files through third-party verification unless written justification is provided showing that due diligence was conducted substantiating that third-party was not available/accessible. Additionally, the assessment must indicate that prevention assistance would likely allow the applicant to regain stability in their current permanent housing or access other permanent housing and achieve stability..

Prioritization for homeless prevention assistance must comply with CoC standards. Minimally, prioritization should align with vulnerable homeless and at-risk of homelessness populations identified in Subrecipient's service area homeless plan(s) and/or community assessment(s) Determination of eligibility for rapid re-housing requires an initial assessment to verify that clients meet HUD's categorical definition for literally homeless or fleeing/attempting to flee domestic violence and are literally homeless. Homeless status must be documented in client files in accordance with HUD documentation standards with preference given to third-party verification where available. No income eligibility is required for Rapid Re-housing.

Prioritization for Rapid Re-housing must comply with CoC standards and be supported by Subrecipient service area homeless plans and/or community assessment data. When appropriate, local prioritization should also align with HUD's homeless strategic plan goals for ending chronic homelessness, homelessness among Veterans, and families with children and youth homelessness.

7. Determining Client's Share of Rent and Utility Costs

Subrecipients must comply with existing CoC standards once developed for determining client's required share of rent and utility costs. State minimum standards require that whatever rent assistance model is chosen must be consistently implemented for all households within each ESG funded program. Acceptable models include a client flat rate (specific dollar amount) contribution, percent of gross household income (typically not to exceed 30%) or a graduated client share over a fixed time at intervals predetermined by the Subrecipient and communicated in advance to the client. Subrecipients can choose to not require any client contribution toward rent or utility costs unless their CoC standards require such contribution.

Utility assistance is limited to 12 months and can be used to pay the cost of utility deposits, utility arrears, and gas, electric, water and sewage services. Assistance can only be provided if the utility account is in the name of a member of the client household or there is documented proof of household responsibility for utility payments. Utility arrears assistance for homeless prevention requires a shut off notice and for rapid re-housing must result in utilities being turned on at the new permanent housing location. The client's share of the utility costs, in the absence of COC standards, is at the discretion of the Subrecipient who is encouraged to assist clients in accessing energy assistance programs for which they

are eligible as a first option in providing utility assistance. It's recommended that utility deposits be returned to households when feasible.

8. Determining Duration and Amount of Rental Assistance Provided to Client

The duration of rental assistance is limited to twenty-four months within a 3-year time period. Short-term assistance can be provided up to three (3) months and medium-term assistance is limited to twenty-four (24) months. The amount of rent assistance provided must be the least amount needed to stabilize clients in their permanent housing. Subrecipients have the discretion to further set a maximum number of months that a client may receive rental assistance and the maximum dollar amount of assistance. The process for determining such conditions must be applied consistently for all households within each ESG funded program, incorporated into the Subrecipient's ESG policies and procedures and communicated in advance to eligible clients.

Rent arrearage assistance is defined as: past due rent owed to a current or previous landlord. If arrears are owed to a previous landlord, these arrears may be paid, but only when there is documented evidence that payment of those arrears is necessary for the participant to obtain permanent housing and maintain stability in that housing. Payment of arrears is restricted to a one-time payment for up to 6 months

9. Determining Type, Amount, and Duration of Housing Stabilization and/or Relocation Services Provided to Client

Type of Housing Stabilization and/or Relocation Services is limited to financial assistance costs and service costs, subject to the general conditions and restrictions identified under 24 CFR 576.103 and 576.104. Security deposits are limited to no more than 2 month's rent. A last month's rent must not exceed one month's rent and must be included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any 3-year period. Utility payments are limited to up to 24 months per client, per service, including up to 6 months of arrears, per service. Eligible utility services are gas, electric, water, and sewage. No program participant shall receive more than 24 months of utility assistance within any 3-year period. Temporary storage fees associated with moving costs are limited to up to 3 months, provided that the fees are accrued after the date the program participant begins receiving assistance.

ESG funds may be used to pay cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing. This assistance cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing.

Mediation services are allowable, provided that the mediation is necessary to prevent the program participant from losing the permanent housing in which the client currently resides. Legal services must be necessary to resolve a legal problem that prohibits the client from obtaining permanent housing or will like result in the client losing the permanent housing in which they currently reside. Credit repair does not include the payment or modification of a debt.

Financial assistance cannot be provided to a client who is receiving the same type of assistance through other public sources or to a client who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments.

The Subrecipient may set a maximum dollar amount that a client may receive for each type of financial assistance and may set a maximum period for which a client may receive any of the types of assistance or service. However, except for housing stability case management, the total period for which any client may receive assistance must not exceed 12 months during any 3-year period. The limits on the assistance apply to the total assistance an individual receives, either as an individual or as part of a family.

10. **Terminating assistance**

(a) ***In general.*** If a program participant violates program requirements, the recipient or Subrecipient may terminate the assistance in accordance with a formal process established by the recipient or Subrecipient that recognizes the rights of individuals affected. The recipient or Subrecipient must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases.

(b) ***Program participants receiving rental assistance or housing relocation and stabilization services.*** To terminate rental assistance or housing relocation and stabilization services to a program participant, the required formal process, at a minimum, must consist of:

- (1) Written notice to the program participant containing a clear statement of the reasons for termination;
- (2) 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
- (3) Prompt written notice of the final decision to the program participant.

(c) ***Ability to provide further assistance.*** Termination under this section does not bar the recipient or Subrecipient from providing further assistance at a later date to the same family or individual.

C. HMIS Data Collection

All data on persons served and all activities funded with ESG must be entered into the El Paso CoC's HMIS or a comparable database. The purpose of the HMIS is to record and store client-level information about the numbers, characteristics, and needs of homeless and at risk homelessness persons who receive program assistance. Additional information about the HMIS requirements is provided under the HMIS section above.

Victim service providers are prohibited from entering data in HMIS; however, they are required to maintain comparable databases of their own design which provide aggregate information and data consistent with HMIS data collection requirements. Projects serving survivors of domestic violence where the recipient is not a victim services provider are required to enter

data in their HMIS.

Data entry requirements for shelters are:

Emergency or transitional shelters, day or mass shelters, or hotel/motel vouchers are required to collect data and report outcomes using the Entry/Exit method of data collection.

Shelters which meet the three criteria below may be set up in HMIS to use the Night-by- Night method of tracking shelter use:

- The shelter serves a large number of clients on a nightly basis;
- Clients are permitted to spend nights at the shelter on an irregular basis; and
- There is a high degree of client turnover.

Night-by-Night (NBN) data collection involves recording, in HMIS, contacts with each person served. A contact is defined as the date of an interaction between a worker and a client designed to engage the client. A contact must be recorded any time a client is met. Engagements must also be recorded. An engagement is an interaction which results in a formalized assessment or discussion. The date of engagement should be entered into HMIS at the point when the client has been engaged by the shelter worker.

With the NBN method:

- All data required to be collected, is collected at project entry; and
 - The duration of each stay can be accurately aggregated to calculate each client's total length of stay in the project.
- Regardless of the method used to track shelter use, Subrecipients must be able to determine who and how many people were served by a shelter or shelter type for any given night, based on HMIS data.
- For additional, detailed information about the reporting requirements, refer to the HMIS Operation Manual found at: <https://www.hudexchange.info/programs/hmis/>.

D. Continuum of Care Coordination

1. HUD requires collaboration between ESG recipients/subrecipients and CoC in planning, funding, implementing and evaluating homeless assistance and homelessness prevention programs locally. Subrecipients are required to be active participants in their respective CoC and comply with Program Standard #5—*Coordination Among Homeless Assistance Providers, Mainstream Service Providers and Housing Providers*.
2. Recipients/Subrecipients are expected to coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to homeless people in the area covered by their Continuum of Care and/or service area. These programs include (24 CFR 576.400 and 24 CFR 91.100(d)(e)) but are not exclusive to:
 - a. Shelter Plus Care Program (CoC Program)
 - b. Supportive Housing Program (CoC Program)
 - c. Section 8 Moderate Rehabilitation Program for SRO Program for Homeless Individuals
 - d. Veterans Affairs Supportive Housing
 - e. Education for Homeless Children and Youth Grants for State and Local Activities
 - f. Grants for the Benefit of Homeless Individuals
 - g. Healthcare for the Homeless
 - h. Programs for Runaway and Homeless Youth
 - i. Projects for Assistance in Transition from Homelessness

- j. Services in Supportive Housing Grants
 - k. Emergency Food and Shelter Program
 - l. Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program
 - m. Homeless Veterans Reintegration Program
 - n. Domiciliary Care for Homeless Veterans Program
 - o. VA Homeless Providers Grant and Per Diem Program
 - p. Health Care for Homeless Veterans Program
 - q. Homeless Veterans Dental Program
 - r. Supportive Services for Veteran Families Program
 - s. Veteran Justice Outreach initiative
3. As well as mainstream housing, health, social services, employment, education, and youth programs for which families and individuals at risk of homelessness and homeless individuals and families may be eligible, such as:
- a. Public housing programs
 - b. Housing programs receiving tenant-based or project-based assistance
 - c. Supportive Housing for Persons with Disabilities
 - d. HOME Investment Partnerships Program
 - e. Temporary Assistance for Needy Families
 - f. Health Center program
 - g. State Children’s Health Insurance Program
 - h. Head Start
 - i. Mental Health and Substance Abuse Block Grants
 - j. Services funded under the Workforce Investment Act.

III. Client Eligibility

E. Assessment

All applicants must be assessed to determine eligibility for receipt of ESG funded services and assistance in accordance with *Program Standard #1—Evaluating Eligibility for Assistance*. Client assessment and determination of ESG eligibility includes the cost of staff time to complete an intake and/or assessment, either as a sole provider or through a coordinated entry process even if it’s determined from the evaluation the applicant is not eligible for ESG program assistance. When ESG funds are used to provide coordinated entry, a Subrecipient is encouraged to utilize ESG funding with non-ESG funding in proportionate to the percentage of clients who are determined ESG eligible versus those referred to other programs. Other service costs associated with applicants determined to be ineligible for ESG assistance are not allowable including follow-up and case management.

F. Household Composition

Homeless or at-risk of homelessness households who meet one or more of HUD determined categorical homeless definitions or criteria are eligible to receive program assistance. Household composition includes an individual living alone, family with or without children, or a group of individuals who are living together as one economic unit. In all cases a household must lack sufficient resources and support networks necessary to obtain or retain

housing without the provision of ESG assistance in order to be program eligible.

The type of ESG assistance for which an eligible household qualifies is determined by the stability of their current housing or their homeless status.

G. Categorical Homeless Definitions and Criteria

Eligible applicants for program services must meet one of the following categorical definitions of homeless or criteria for being at-risk of homelessness:

Category 1: Literally homeless--a household that lacks a fixed, regular, and adequate nighttime residence, meaning:

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

Category 2: Imminent risk of homelessness--a household that will imminently lose their primary nighttime residence, provided that:

- The residence will be lost within 14 days of the date of application for homeless assistance; **and**
- No subsequent residence has been identified; **and**
- The household lacks the resources or support networks needed to obtain other permanent housing.

Category 3: Homeless Under Other Federal Statutes-- Unaccompanied youth under 25 years of age, or family who do not otherwise qualify as literally homeless or imminent risk of homelessness, but who:

- Are defined as homeless under Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); **and**
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance; **and**
- Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; **and**
- Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the

presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

Category 4: Fleeing, or attempting to flee, domestic violence-- a household who:

- Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and
- Has no other residence; **and**
- Lacks the resources or support networks to obtain other permanent housing.

H. Criteria for At Risk of Homelessness Qualification

Applicants for program services for at-risk individuals or households must meet the following definition of At Risk of Homelessness:

- Have an annual income at or below 30% of median household income for the area; and
- Do not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the "homeless" definition; **and** meet one of the following conditions:
- Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for assistance; **or**
- Is living in the home of another because of economic hardship; **or**
- Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; **or**
- Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; **or**
- Lives in an SRO or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than one and a half persons per room; **or**
- Is exiting a publicly funded institution or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); **or**
- Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in OHCS' approved Consolidated Plan.

A youth who does not qualify as homeless under the above eligibility criteria, is eligible if they:

- Qualify as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A))m section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); **or**
- Qualify as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

I. Criteria for Chronically Homeless Qualification

Chronically homeless means:

- (1) A “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:
 - (i) Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; **and**
 - (ii) Has been homeless and living as described in paragraph (1)(i) of this definition continuously for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (1)(i). Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility;
- (2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; **or**
- (3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

Evidence of chronically homeless individuals must be kept in the program participant file in order to demonstrate that an individual or family met the definition of “chronically homeless” at the point of entry into a program.

J. Income Determination and Requirements

1) Income Eligibility

Homeless prevention assistance requires applicants to be at or below 30% AMI at time of intake.

Rapid re-housing does not have income eligibility requirements at the time of intake; however, to qualify for continuation of rapid re-housing assistance, an applicant must have an annual income at or below 30% AMI at the time of re-evaluation.

There are no other initial income eligibility requirements to receive program services.

2) Calculating Gross Annual Income

Annual Income is the gross amount of income anticipated to be received by a household during the coming year based on the household's circumstances at the time of program intake and assessment. Annual Income determination is consistent with the Housing Choice Voucher definition of annual Income found at 24 CFR 5.609.

When determining the annual income of a household to establish eligibility for ESG assistance, Subrecipient must count the income of all adults in the household, including nonrelated individuals, within the limitations imposed by 24 CFR 5.609. Not everyone living in the unit is considered a member of the household for the purposes of determining a household's income. Excluded persons include: foster children, foster adults, live-in aides, children of live-in aides and an unborn child. A child subject to a shared-custody agreement should be counted as a household member if the child resides with the household at least 50 percent of the time.

Income generated by an asset, such as the interest on a savings or checking account is considered household income even if the household elects not to receive it. For example, though an applicant may elect to reinvest the interest or dividends from an asset, the interest or dividends are still counted as income anticipated to be received during the coming 12 months. Asset income is discussed in 24 CFR 5.609. Income producing assets include: bank accounts; life insurance policies; lump sum additions (legal settlement, refund, etc.); personal property held as investments; retirement/pension funds; trusts; assets disposed of for less than fair market value; and stocks, bonds or mutual funds.

K. Eligibility Documentation and Recordkeeping

Subrecipients must establish written intake procedures that include requirement of written documentation verifying eligibility for program services in accordance with the following preferred order of documentation:

Third-party Verification—source documents provided by an outside source.

Third party documentation is the preferable form of verification and includes but is not exclusive to written statement or document from employer, landlord, public benefit worker, or agency service provider. Written verification sent directly to program staff or via the applicant is preferred.

Intake/Case Manager Worker Observation—documented by ESG staff.

Staff documentation may include oral statements made by a social worker, case manager, or other appropriate official at an institution, shelter, or other facility and documented by the program intake worker/case manager. Use of oral statements is allowable when third-party documentation is not available.

Participant Self-certification—applicant signed document certifying eligibility.

Self-certification requires a written and signed document by the individual or head of household seeking assistance attesting to the eligibility facts for which they are certifying. A third party may be designated by a participant to sign documents on their behalf when they are unable to do so. If needed, Subrecipient must provide access to language interpretation services and assistive devices necessary for participants to understand the documents they are certifying.

Self-certification documentation is only used when documented staff efforts verify that third-party or worker observation documentation is not available. However, lack of third-party documentation must not prevent an individual or household from being immediately admitted to emergency shelter, receiving street outreach services or immediately accessing domestic violence/victim service shelter and assistance.

Documentation verifying eligibility must be available in client files or if kept electronically, available upon request. See the appendices in this manual for examples of appropriate documentation of applicant eligibility.

Appendix C Code of Conduct

CoC Board Code of Conduct

No Officer or Agent of the El Paso CoC Board or any member of his or her immediate family, his or her partner or an organization that employs any of the indicated parties, shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation with the El Paso CoC Board. Each individual shall disclose to the El Paso CoC Board any personal interest that he or she may have in any matter pending before the El Paso CoC Board and shall refrain from participation in any decision on such matter.

No Officer or Agent of the El Paso CoC Board shall participate in the selection or in the award or administration of a contract supported by funding sources if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when a financial and/or other interest in the entity selected for the award would involve the employees, officers, or agents, any member of their immediate families, their partners, or, an organization that employs or is about to employ any of the previously mentioned parties.

No Officer or Agent of the El Paso CoC Board, who is an officer, board member, a committee member or staff member of a borrower organization or a loan applicant agency shall identify his or her affiliation with such agency or agencies; further, in connection with any credit policy committee or board action specifically directed to that agency, he/she shall not participate in the decision affecting that agency and the decision must be made and/or ratified by the full board.

No Officer or Agent may solicit or accept gifts or gratuities from general public or other agencies without approval from the El Paso CoC Board, with the exception of donated gifts to attend community sponsored events that are equal to or less than \$200. Gifts within this range must be reported to the CoC Board after the fact. Officers or Agents may accept promotional items or meals, not to exceed \$25 each.

Any member of the El Paso CoC Board shall refrain from obtaining any list of Coalition members for personal or private solicitation purposes at any time during the term of their affiliation.

Any Officer or Agent of the El Paso CoC Board should report violations of this Code of Conduct to the Chair of the CoC Board. There will be no retaliation against any party who makes a good faith complaint concerning violations of this Code of Conduct, regardless of whether it is ultimately determined that such violation has in fact occurred. Nor will there be any retaliation against any party who provides information in the course of an investigation into alleged violations of this Code of Conduct. The Executive Officers of the CoC Board have a responsibility to be sensitive to and deal with violations of this Code of Conduct.

Persons alleged to be violating the Code of Conduct for the El Paso CoC Board will be placed on suspension pending a formal review by the Executive Committee. Following the review, the alleged violating party will be instructed as to the decision of the board. In the event the finding is valid, arrangements for compensation to the agency will be determined. Consistent failure to comply with this Code of Conduct may result in dismissal from the Board.

Appendix D Shelter Standards

The El Paso CoC developed the following minimum standards to ensure:

1. Program accountability to individuals and families experiencing homelessness;
2. Program compliance with HUD regulations;
3. Program uniformity amongst providers.

Emergency Shelter

Definition

Any facility that's primary purpose is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements. (576.2)

Population

Emergency Shelter providers should admit anyone who meets the HUD definition of "homeless" as specified in 24 CFR 576.2 (See Appendix 1).

Time Frame

- Program participants should be discharged from services only when they choose to leave or when they have successfully obtained permanent housing. (Rural Nevada)
- Program participants should keep their length of stay under 90 days. (Detroit)
- Emergency shelters are not the ideal placement for anyone, which is why communities should move individuals and families into permanent housing as quickly as possible. (HUD)

Essential Elements

1. Low Barriers for Entry
 - i. Sobriety is not a condition.
 - ii. Proper identification is not a condition.
2. Equal Access
 - i. Regardless of Sexual Orientation, Gender Identity, or Marital Status
 - Individuals should not be subjected to intrusive questioning, which includes being asked to provide anatomical information or documentary, physical or medical, evidence of one's gender identity. An individual's self-identification of gender identity is sufficient evidence of the individual's gender identity for purposes of making a decision regarding admission, placement, accommodation, or services.
 - In no case may a provider's policies isolate or segregate transgender or gender nonconforming occupants.
3. "Housing First" Mentality
 - i. Create a housing stabilization plan for every program participant.
 - ii. Housing case management is priority.
 - Permanent housing should be prioritized over the provision of Emergency Shelter services.
 - Case management for other necessary services should still be provided in order to quickly move participants into permanent housing.

Transitional Housing

Definition

Time-limited housing programs intended to facilitate the movement of individuals and families experiencing homelessness to permanent housing. Participants must sign a lease or occupancy agreement for a term of at least one month that cannot exceed 24 months.

Population

- Transitional housing should be provided to anyone who meets Categories 1 or 4 of the HUD definition of “homeless” as specified in 24 CFR 576.2 (See Appendix 1).
- Transitional housing should be provided to a household that has a F-SPDAT score of 40-67. (Detroit)
- Transitional housing should be provided to an individual who has a SPDAT score of 29-50. (Detroit)

Time Frame

- Utilization of the Transitional Housing program should not exceed 24 months.
 - Follow-up contact should continue at least once every 30 days for the first three months after the client exits the program. (Rural Nevada)
- Transitional Housing programs should provide up to 2 years of housing subsidy and case management per participant.
 - Upon exiting the program, follow-up services should continue to be provided for up to 6 months. (Detroit)

Essential Elements

1. Low Barrier
 - i. Encourage willingness to, but do not require (or place an undue burden on), the individual/family to participate in supportive services.
 - ii. Background checks? When at all possible, utilize landlords that do not require them?
 - iii. Do not have residency requirements?
 - iv. Do not disqualify the individual/family because of eviction or poor rental history.
2. Does not violate HUD’s Fair Housing, Equal Opportunity, or Equal Access to Housing in any way.
 - i. A religious organization receiving ESG funding retains independence from the government and may continue with its mission provided that ESG funds are not used to support inherently religious activities. However, such organizations must still abide by federal discrimination laws.