



**SONOMA COUNTY  
HOMELESS  
COALITION**

Rapid Rehousing Program Standards

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## RATIONALE

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

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

The County of Sonoma's Continuum of Care has adopted the following standards of care for Rapid Rehousing (RRH). This document provides guidelines for operating local RRH programs. Rapid re-housing rapidly connects families and individuals experiencing homelessness to permanent housing through a tailored package of assistance that may include the use of time-limited financial assistance and targeted supportive services. Providers working collaboratively on these standards have also contributed their own best practices to its development. The core components of the RRH program are housing location, move-in assistance, short to medium-term rental assistance, and ongoing case management. While a Rapid Re-housing program must have all three components available, it is not required that a single entity provide all three services not that a household utilize them. Agencies must either provide all of these components or have an established relationship with another agency to provide those services.

Program Standards serve as a common policy framework and the minimum standards for Sonoma County's RRH programs. All projects funded under the CoC Program, Emergency Solutions Grant (ESG) Program, shall apply the following standards consistently for the benefit of all program participants. The Sonoma County Homeless Coalition strongly encourages projects that do not receive the above-mentioned funds to accept and utilize these standards.

## GUIDING PRINCIPLES

### HOUSING FIRST

On September 29, 2016, Governor Jerry Brown signed Senate Bill 1380, making California a Housing First state. This requirement applies to any program providing housing or housing-

based services to people experiencing homelessness or at risk of experiencing homelessness, whether or not the program was designed to address homelessness.

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

Under the Housing First approach, anyone experiencing homelessness should be connected to a permanent home as quickly as possible, and programs should remove barriers to accessing housing, like requirements for sobriety or absence of criminal history. It is based on the “hierarchy of need” where people must access basic necessities—like a safe place to live and food to eat—before being able to achieve a quality of life or pursue personal goals.

## TRAUMA-INFORMED CARE

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

## OPERATIONS

### COORDINATION WITH COORDINATED ENTRY

All Rapid rehousing referrals must be made through Coordinated Entry. Rapid Rehousing providers will notify the CES operator when an opening is available, and whenever possible, advanced notice is provided so as to minimize the length of time of vacancies.

## ELIGIBILITY

### Target populations:

RRH is an effective intervention for many types of households experiencing homelessness, including those with no income, with disabilities, and with poor rental history. The only exceptions are households that can exit homelessness with little or no assistance, those who experience chronic homelessness and who need permanent supportive housing, and households who are seeking a therapeutic residential environment.

## PRIORITIZATION FOR RAPID REHOUSING

Coordinated Entry will refer eligible clients to projects upon request. Clients referred will have a Total Prioritization Score of 4-8. Participants who receive referrals prioritized according to community standards and scoring between 4 and 8 on the Total Prioritization Score shall be prioritized for Rapid Rehousing services first before moving to scores below 4. Clients may also

be referred through the Enhanced Assessment and Prioritization procedure, using the Housing Mitigation Form and CES Case Conference to assess the strengths and abilities of higher scoring clients to succeed in RRH. Please reference the CES Policies and Procedures for exceptions and updates to RRH CES prioritization described in these standards.

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## REJECTION OF REFERRALS

Only four standardized options are available for rejecting a referral from Coordinated Entry: the participant does not meet eligibility requirements, the project is not currently accepting applications, the participant has disappeared or is not able to be located, or the participant refused the housing offer. Providers may not reject a referral without a consensus approval of all parties present at CES Case Conference.

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## REJECTION STANDARDS

### Does not meet eligibility requirements:

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The Sonoma County Homeless Coalition maintains a public website with eligibility requirements for all projects in the CoC's geographic area participating in Coordinated Entry. A housing provider may reject a referral only if the participant does not meet basic published eligibility requirements, inclusive of (when applicable) immediate safety risk or meeting activities of daily living (ADLs), or the provider has exhausted all options to document eligibility. Examples include single adults that were part of a family unit when assessed and have been referred to a families-only project, or non-veterans attempting to access SSVF funded units. An agency may not reject a participant on presumed "fit" in housing or shelter. An agency may not reject a participant due to barriers in documenting eligibility without exhausting all possible options first.

### Program no longer accepting applications:

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If a program is no longer accepting applications, the referring agency and CE will work together to redirect the referral to another program within HMIS. This includes instances when a project serves multiple populations (ex: individuals and families) but only has openings for one population at a given type.

### Unknown/disappeared

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If referring agencies have exhausted all options to contact a referral, they may request to decline the referral as "unknown/disappeared." Every attempt shall be made to contact the participant, including physical outreach, contacting HOST workers, Coordinated Entry staff, and all known service providers.

### Participant refused offer

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If a participant refuses a referral. See Right of Refusal policy in Coordinated Entry Policies and Procedures.

## PROGRAM DESIGN

Sonoma County RRH providers will work consistently within the frame of Housing First, as it applies to various forms of funding and target demographics.

There are various vulnerable populations in need of housing services in Sonoma County including, but not limited to, survivors of domestic violence or trafficking, and transitional age youth. There is a variety of potential funding streams for RRH programs when more flexible funding is available, agencies are encouraged to work with County staff to ensure that any flexibility (per the funding specific guidelines) is utilized to more efficiently serve the homeless population in our community.

All RRH participants must meet the federal definition of 'Literally Homeless' or 'Fleeing/ Attempting to Flee domestic violence and be referred through the Coordinated Entry System. Homeless verification must be gathered by providers prior to entry despite enrollment in CES.

- ESG Regulation Category 1 & 4 only, those who meet category 4 must also be literally homeless (24 CFR part 576.104)
- CoC Regulation: Eligible categories of homelessness can change from year to year. Providers must ensure that they follow the eligibility criteria for the CoC NOFA/NOFO in the year of their original award.

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## VARIANCE

As previously mentioned, Emergency Solutions Grants (ESG) will be the guiding regulations for RRH programs in Sonoma County. ESG Regulations guide project models and service delivery. A project may be guided by ESG regulations and project definitions despite not having ESG dollars in their budget. If a different funding source offers more flexible use of funds, or a variance is needed to better serve clients experiencing homelessness, RRH providers may submit a variance request to the Sonoma County Department of Health Services Ending Homelessness team for support and consideration. Information on requesting variances can be found at <https://sonomacounty.ca.gov/CDC/Homeless-Services/Providers/>

Variance requests do not pertain to the CoC Program rapid-rehousing projects. If the agency receives CoC RRH dollars, CoC Program regulations will guide use of funds.

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## WAIVERS

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



Waivers through the CoC Program are only available as released by HUD. Waivers are to be requested directly through HUD for approval. CoC recipients should communicate these requests to the Sonoma County Department of Health Services Ending Homelessness Team if requested and if approved.

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## VERIFICATION OF ELIGIBILITY

RRH providers are responsible for the verification of eligibility. The preference is for third party documentation. Second party documentation (observation by a homeless services provider) is acceptable if third party documentation is not available. At a minimum, client self-certification will be accepted. Lack of 3<sup>rd</sup> party documentation must not prevent an individual or family from being immediately admitted to a RRH program. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of 3<sup>rd</sup> party documentation and intake worker observations. See Record Keeping section below for more information.

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## DETERMINING AMOUNT AND DURATION OF RENTAL ASSISTANCE

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### DURATION OF ASSISTANCE

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

Under the CoC Program, rental assistance can be provided for up to 24 months and the provider can provide supportive services to the participant no longer than 6 months after the rental assistance stops.

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### RE-EVALUATIONS

RRH providers must reevaluate a program participant's eligibility not less than once annually. At a minimum, each re-evaluation of eligibility must establish that;

- 1) The program participant does not have income that exceed the income limit for continued service. This limited is dependent on funding source. See below
  - a. ESG/CoC RRH: Program participant's income cannot exceed 30% AMI

- b. ESG-CV: Program participant's income cannot exceed 50% AMI
- 2) The program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance.

RRH providers may require each program participant receiving RRH assistance to notify the RRH provider regarding changes in the program participant's income or other circumstances (e.g., changes in household composition) that affect the program participant's need for assistance under ESG. When notified of a relevant change, the recipient or subrecipient must re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs.

For recording keeping requirements for re-evaluations, see "Record Retention and Storing" below.

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## AMOUNT OF RENTAL ASSISTANCE

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

A RRH provider may design RRH rental assistance so that:

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

## ROOM SHARE RENTAL

ESG or ESG-CV funds may be used under the Rapid Rehousing or Homelessness Prevention component to help eligible program participants who are **not part of the same household** rent a shared unit – including shared room arrangements if safe and appropriate – as long as they meet ESG standards as defined below. However, to be considered a separate household for ESG eligibility, each household assisted with ESG rental assistance must have a **separate lease** with the property owner or a sublease with the primary leaseholder if ESG-CV or annual ESG (used for COVID purposes) funds are used.

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

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

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

Additionally, the RRH provider must make sure that the assisted unit meets with Fair Market Rent (FMR) and Rent Reasonableness standards. CoC RRH funds can be above FMR as long as the unit is still found to be Rent Reasonable. Providers are encouraged to seek guidance from the CDC if they are considering placement of a program participant in a shared room situation.

## HABITABILITY STANDARDS

All units that are assisted with RRH funds must meet the applicable Housing Standards under 24 CFR § 576.403 (a) (c). All units must be inspected and meet the minimum standards mentioned above prior to any assistance being paid for the unit. Units must pass a Housing Quality Standards (HQS) inspection within one month of move in. If the unit has been inspected by another agency within 1 month of move in, a new inspection is not required however, the RRH file must contain a copy of the inspection report and verification that any noted deficiencies have been remedied.

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## UNIT SIZE

All units must be an appropriate size for the household. The unit must have at least one bedroom or living/sleeping room for each two persons in the household. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living room/sleeping room. If household composition changed during the term of assistance, providers may relocate the household to a more appropriately sized unit.

## LEAD-BASED PAINT DISCLOSURE/HUD'S LEAD SAFE HOUSING RULE

### LEAD-BASED PAINT DISCLOSURE

RRH providers must establish policies and procedures describing how they will comply with [HUD/EPA's Lead-Based Paint Disclosure](#) and [HUD's Lead Safe Housing Rule](#). Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as Title X, to protect families from exposure to lead from paint, dust, and soil. Section 1018 of this law directed HUD and EPA to require the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of most housing built before 1978.

HUD/EPA's Lead-Based Paint Disclosure requires that before any rental contract is executed, landlords must;

- Give an EPA-approved information pamphlet on identifying and controlling lead-based paint hazards (“Protect Your Family From Lead In Your Home” pamphlet, currently available in English, Spanish, Vietnamese, Russian, Arabic, Somali) to RRH program participants.
- Disclose any known information concerning lead-based paint or lead-based paint hazards. The landlord must also disclose information such as the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.
- Provide any records and reports on lead-based paint and/or lead-based paint hazards which are available to the seller or landlord (for multi-unit buildings, this requirement includes records and reports concerning common areas and other units, when such information was obtained as a result of a building-wide evaluation)
- Include an attachment to the contract or lease (or language inserted in the lease itself) which includes a Lead Warning Statement and confirms that the landlord has complied with all notification requirements. This attachment is to be provided in the same language used in the rest of the contract. Landlords, and agents, as well as tenants, must sign and date the attachment.

### LEAD-SAFE HOUSING RULE

The Lead Safe Housing Rule applies to all target housing that is federally owned and target housing receiving Federal assistance. Assisted units that were built before 1978 must be screened for lead-based paint concerns. RRH providers will use the [HPRP Lead-screening worksheet](#) to guide providers through lead-based paint inspections, to document any exemptions that may apply to identify whether any potential hazards have been identified and if safe work practices and clearance are required and used. A copy of the completed worksheet, compliance steps completed to ensure safe and decent housing units when

children under six are living in the unit, and Lead hazard information and documentation kept by landlords should be maintained in participant files.

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## MONITORING

Lead-agency staff will monitor RRH projects for compliance with the Lead-Safe Housing Rule and Lead-based paint exposure. Participant files must contain documentation listed above to comply with HUD/EPA's lead-based paint disclosure requirements as well as evidence that the RRH provider has completed the HPRP lead screening worksheet.

## RENT REASONABLENESS AND FAIR MARKET RENT

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

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

The CoC Program Interim Rule permits rental assistance in units that are above FRM, as long as the unit is still found to be rent reasonable.

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## FAIR MARKET RENT

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

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

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## RENT REASONABLENESS

The rent reasonableness standard is designed by HUD to ensure that the rent being paid is reasonable in comparison to similar units in the same market. In determining comparability, the RRH provider must consider the following elements where appropriate and practical: location, quality, size, type, and age of the unit, and any amenities, maintenance, and utilities to be provided by the owner. Comparable rents can be checked by using a market study of

rents charged for units of different sizes in different locations or by reviewing advertisements for comparable rental units. Providers must develop their own policies and procedures for determining if a rent is reasonable and this must be documented in the client file.

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

HUD's Rent Reasonable Checklist:

<https://files.hudexchange.info/resources/documents/RentReasonableChecklist.pdf>

## ABSENCE FROM UNIT

In the event an adult household member is considered permanently absent, the housing provider will conduct a reexamination of the household's income and rental payment. The income, assets and allowances of any adult household members who is no longer part of the family will not be counted towards the household's rental payment.

If the project is supported by vouchers through a Housing Authority, the project will report the absence to the Housing Authority and will follow their absence from the unit policy. Otherwise, providers will refer to the following policies.

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## NON-INSTITUTIONAL ABSENCE FROM UNIT

Any member of the assisted household will be considered permanently absent if they are away from the unit for 60 or more consecutive days except when they are absent due to institutionalization.

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## RENTAL ASSISTANCE PAYMENTS

Rental assistance payments on behalf of the program participant are limited to 30 days after the participant has exited the project unless the participant is not considered absent under the policies below. For example, if someone is determined to be permanent absent in September of 2024, the last rental assistance payment would be October 2024. Rental assistance payments cannot exceed 90 days from the date the individual vacated the unit.

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## LEASING PAYMENTS

If a program participant is determined to be permanently absent, projects that use a master-lease model may continue to make leasing payments to the property owner in accordance with their lease agreement however, they are expected to fill the unit as quickly as possible.

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## TENANT PAYMENTS

Regardless of the type of absence, program participants must continue paying their rental portion and any utilities they are responsible for during the absence.

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## ABSENCE DUE TO INSTITUTIONALIZATION

If an assisted household member is staying in an institution (jail, hospital, skilled nursing facility etc.) for less than 90 days, they are not considered absent.

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## ABSENCES DUE TO MEDICAL REASONS

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the housing provider will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less 90 consecutive days, the family member may not be considered permanently absent.

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## ABSENCES DUE TO INCARCERATION

If an individual is absent from the unit for more than 90 days due to incarceration, they are considered permanently absent.

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## ABSENCE WHILE SEARCHING FOR HOUSING

This applies to only tenant-based interventions. If the participant is temporarily staying with family or friends while they are looking for permanent housing, and have been determined to be eligible for assistance, they are not considered absent.

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## INSTITUTIONAL ABSENCES BEYOND 90 DAYS

In the event a client is absent from a unit beyond 90 days, housing providers will turn over the unit and fill the vacancy with another eligible household. In these cases, the housing provider will leave the client enrolled in the project in HMIS for the duration of the absence. The housing provider would then be permitted to re-house the client in a new unit when they exit the institution. If the participant remains absent after 180 consecutive days, the project will exit the client from the project in HMIS.

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## REMAINING HOUSEHOLD MEMBERS

Surviving/remaining members of a household that has lost the qualifying household member due to long-term incarceration, death, or long-term institutionalization have the right to rental assistance until the end of the lease.

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## LEASE BIFURCATION OR EVICTION AS A RESULT OF DOMESTIC VIOLENCE

For permanent supportive housing projects, members of any household who were living in a unit assisted under this part at the time of a qualifying member's eviction from the unit because the qualifying member was found to have engaged in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, have the right to rental assistance under this section until the expiration of the lease in effect at the time of the qualifying member's eviction.

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## PROGRAM TRANSFERS

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### RRH-PSH

A participant may be transferred from a RRH program to a PSH program if the PSH program better meets their needs. Transfers must be approved through Coordinated Entry Case Conferencing using Enhanced Assessment and Prioritization. It is the responsibility of the outgoing RRH program to complete initial eligibility documentation for the incoming PSH program. Individuals must meet all PSH program requirements including chronic homelessness status at time of RRH housing date. Individuals or families who participate in a RRH project maintain their Chronically Homeless status while in the program. It is important to note that program participants maintain their Chronically Homeless status for purposes of eligibility for other programs. The RRH assisted unit is considered permanent housing therefore participants are not considered homeless for purposes of the CoC's point in time count.

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### PROGRAM TRANSFERS RRH-RRH

A participant may be transferred from one RRH program to another if one program better suits their needs. Decisions about these transfers will be completed at CES Case Conference and will be done in coordination and agreement with both providers to ensure a warm handoff. Additionally, the duration of the assistance may not exceed 24 months in a 3-year period.

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## TRANSFERS TO OTHER HOUSING PROGRAMS

If a RRH participant has the ability to move to a different subsidized housing program like a Housing Choice Voucher, the participant may receive a second deposit to secure the unit.



An additional deposit may also be paid to a transitional aged youth (TAY) who is aging out of a TAY RRH program.

## REMEDIES AVAILABLE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING: **EMERGENCY TRANSFER PLAN**

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### BACKGROUND

The following policies and procedures are intended to ensure that Sonoma County Homeless Coalition-funded housing program clients, who are victims of domestic violence, dating violence, sexual assault, and stalking who are at imminent risk of further harm, have a process to transfer from their existing housing unit to a new, safe housing unit. Requests for emergency transfers should be treated with the utmost urgency. Providers will reduce barriers to requesting these transfers and will communicate these policies to clients in their programs. This plan identifies clients who are eligible for an emergency transfer, how clients can request an emergency transfer, confidentiality protections related to transfers, the specific steps that providers are required to take to facilitate an emergency transfer, and guidance to clients on safety and security. Sonoma County Homeless Coalition providers will inform the Department of Health Services' Homelessness Services Team, (hereafter "Lead Agency") when they receive transfer requests, whether they can/have facilitated an internal transfer and whether they need to seek an external transfer. Sonoma County Homeless Coalition providers are encouraged to contact the Lead Agency with questions or concerns. Housing providers will provide reasonable accommodations to this policy for individuals with disabilities.

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### APPLICABILITY

These policies cover all projects with housing assistance (leasing and rental assistance) activities funded by, or under the purview of, the Sonoma County Homeless Coalition. These policies apply regardless of the type of funding (federal, state, local), (hereafter referred to as "Sonoma covered projects").:

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### ELIGIBILITY

A client receiving rental assistance through, or residing in a unit subsidized by, the Sonoma County Homeless Coalition who is a victim of domestic violence, dating violence, sexual assault, or stalking qualifies for an emergency transfer if:

(i) The client expressly requests the transfer; and

(ii)

(A) The client reasonably believes there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying; or

(B) In the case of a client who is a victim of sexual assault, either the client reasonably believes there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying, or the sexual assault occurred on the premises during the 365-calendar-day period preceding the date of the request for transfer. A client requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Requests may be made verbally, but clients are encouraged to make the request in writing if reasonable. Housing providers cannot require requests to be in writing and cannot require clients to be in good standing to qualify for an emergency transfer.

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## REQUESTING AN EMERGENCY TRANSFER

To request an emergency transfer, the client shall submit either a verbal or written request to any representative of their housing provider. The housing provider may request additional documentation of the occurrence for which the client is requesting an emergency transfer; however, the provider is not required to request documentation, and is encouraged to refrain from doing so except when there the provider receives substantively conflicting or inconsistent information. The client's request should include either:

1. A statement expressing that the client reasonably believes that there is a threat of imminent harm from further violence if the client were to remain in the same dwelling unit assisted under the Sonoma covered project; OR
2. A statement that the client was a sexual assault victim and that the sexual assault occurred on the premises during the 365-calendar-day period preceding the client's request for an emergency transfer.

Housing providers must approve emergency transfer requests from any client who submits a request and who meets criteria (1) or (2), above.

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## DOCUMENTATION AND RECORDKEEPING

Housing providers will maintain documentation of emergency transfers requests, either the written request completed by the client, or log of the time and date of the request, if the request was made verbally. Housing providers will maintain logs of steps taken to facilitate and internal transfer which include time frames. Housing providers will maintain logs of the outcome of those requests in client files. Housing providers will inform the Lead Agency when they receive a request within 3 working days so the Lead Agency can assist with the transfer and monitor for compliance with these policies.

If this is a transfer from PSH to PSH, the original documentation of that individual's Chronic Homeless Status shall be copied and provided to the new project for documentation of eligibility. Documentation of the stay at the original PSH should be included in the provided documentation; this can either be pulled from an HMIS report or written from the other service provider.

Programs must retain records of all emergency transfer requests and their outcomes for a period of 5 years following the grant year of the program in which the household was a participant and report them to HUD as required.

Written verification of the client's situation or any documents pertaining to the abuse shall not be stored electronically in HMIS for protection. This includes uploaded documents as well as case notes.

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## CONFIDENTIALITY

With the exception of the reporting requirements in this policy, the housing provider will keep confidential any information that the client submits in requesting an emergency transfer, and information about the emergency transfer, unless the client gives the housing provider time-limited written permission to release the information, or disclosure is required by law, or disclosure is required for use in an eviction proceeding or hearing regarding termination of assistance from Sonoma covered project. This includes keeping confidential the location of the dwelling unit of the client from the person(s) that committed the act(s) of domestic violence, dating violence, sexual assault, or stalking against the client. See the Notice of Occupancy Rights under the Violence Against Women Act For All Clients for more information about the provider's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, and stalking.

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## TYPES OF TRANSFERS

Internal emergency transfer refers to an emergency relocation of a client to another unit where the client would not be categorized as a new applicant; that is, the client may reside in the new unit without having to undergo an application process.

External emergency transfer refers to an emergency relocation of a client to another unit where the client would be categorized as a new applicant; that is the client must undergo an application process in order to reside in the new unit.

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## SAFE UNIT

A safe unit is defined as a unit that the victim of domestic violence, dating violence, sexual assault, or stalking deems is safe. [emphasis added] This unit may be outside the jurisdiction of Sonoma County.

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## INTERNAL TRANSFER

Where the client requests an internal emergency transfer, the program should take steps to immediately transfer the client to a safe unit if a unit is available.

If an internal transfer is available, the housing provider must allow the client to accept and complete the transfer. (If there are multiple clients requesting an internal transfer to the same unit, the housing

provider must follow its internal policies and procedures to determine which client shall receive priority.) If an internal transfer is not immediately available, program staff will inform the client that they have the following options:

1. Wait for a safe unit to become available for an internal transfer,
2. Offer placement into a different project type if housing is not available (internal emergency shelter for example),
3. Request an external emergency transfer, and/or
4. Pursue both an internal and external transfer at the same time in order to transfer to the next available safe unit in the CoC.
5. Contact local victims' services providers (YWCA, Family Justice Center, Verity) to discuss any additional resources available for additional placements and resources.

Clients may pursue some, all, or none of the above options, may pursue multiple options at the same time, and may change which options they wish to pursue at any time.

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## EXTERNAL TRANSFER

If a client requests an emergency transfer and an internal transfer is not immediately available, the housing provider must offer the client an external transfer. External transfer clients have priority over all other applicants for Sonoma County Homeless Coalition funded housing assistance, provided the household meets all eligibility criteria required by the destination program and its funder(s).

After the agency communicates the client's emergency transfer request to the Coordinated Entry System, they will facilitate referral of the participant to the next available appropriate unit through the Coordinated Entry System. The client is not required to accept a transfer option. They can elect to wait for a different option. The household retains their original homeless status for purposes of the transfer. In this case, the client would be categorized as a new applicant; that is the client must undergo the CE referral process and any applications required in order to reside in the new unit. Providers will also refer clients to temporary housing options like shelter while they await a transfer.

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## TRANSFERS OUTSIDE SONOMA COUNTY

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### INCOMING TRANSFERS:

The Sonoma County Homeless Coalition will accept up to 5 transfers requests a year from victims of domestic violence, dating violence, sexual assault or stalking who reside in another jurisdiction. Any additional external transfer requests will be reviewed on a case-by-case basis.

If the Lead Agency receives a request, they will provide the same priority and emergency transfer services described in this policy. The originating jurisdiction must provide all eligibility documentation at the time of the transfer request. The Sonoma County Homeless Coalition may delay a transfer request if eligibility documentation is not provided by the originating jurisdiction.

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## OUTGOING TRANSFERS

If a victim of domestic violence, dating violence, sexual assault, or stalking requests a transfer outside Sonoma County's jurisdiction, the Lead Agency will contact the Coordinated Entry lead in the receiving jurisdiction to coordinate this transfer. The Lead Agency cannot impose any enhanced priority and these transfers will follow the receiving jurisdiction's ETP process. The housing provider in Sonoma County will provide all eligibility documentation to the receiving jurisdiction's CE lead and housing provider.

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## CONTINUITY OF SERVICES

Housing providers will maintain supportive services during an emergency transfer. If a participant in a tenant-based rental assistance program needs an emergency transfer, the housing provider will assist the client in locating more suitable housing as quickly as possible through housing location services. Additionally, the provider will also refer the client to other services like PSH transfers, referrals to victim services providers and referrals to temporary housing options like shelter.

The housing provider will continue to assist the client until the client is able to secure alternate housing. The provider should bring the situation to the Lead Agency team and the CE operator for assistance with an external transfer.

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## EMERGENCY TRANSFER PRIORITY

Where the client requests an internal emergency transfer, the program shall take steps to immediately transfer the client to a safe unit if a unit is available or assist the client in locating more suitable housing. If an external program transfer is required, the participant shall be prioritized over all other referrals for the next available housing opportunity within the same program model, provided the participant meets all eligibility criteria. The participant shall retain their original homeless status for purposes of the transfer.

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## LEASE BIFURCATION

A project owner may bifurcate a lease in order to evict or terminate assistance to a client or occupant who commits acts of violence against family members or others. The abuser or offender may be evicted while preserving the rights of the survivor. Sonoma covered project providers may choose to continue to serve the offender with other resources to avoid homelessness.

If the offender is the qualifying household member, the remaining household members must have the opportunity to demonstrate eligibility to remain in the project permanently. If they cannot establish eligibility, the remaining household members must be allowed to remain in the housing until the end of the lease. The housing or supportive service provider must assist the remaining household members to find alternate housing at the end of the lease.

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## RESOURCES/HOTLINES

In all cases, please provide the individual seeking an emergency transfer or even contemplating an emergency transfer, with our local victims' services contact information. In case of an emergency, do not hesitate to call 9-1-1.

YWCA 24/7 domestic violence hotline: 707-546-1234

Verity 24/7 sexual assault crisis hotline: 707-545-7273

Family Justice Center Sonoma County (business hours only): 707-565-8255

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## TRAINING

Housing providers shall train their staff on this policy. All staff that work in a housing program shall receive this training as part of their initial training and annually. The Lead Agency has created trainings that can be used. Additionally, the lead agency and the Coordinated Entry operator shall offer this training to providers at least annually. The lead agency encourages providers to contact them for technical assistance if they have questions.

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## INFORMING PARTICIPANTS OF THEIR RIGHTS

Housing and supportive service providers shall inform clients of their rights under this policy upon intake into their programs. Housing and supportive service providers shall post flyers in their offices and in common spaces of assisted project-based units of this policy.

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## COSTS ASSOCIATED WITH ETPS

Sonoma County Homeless Coalition providers can include a budget line item for facilitating and ensuing compliance with these policies. Examples of eligible costs for emergency transfer facilitation include the costs of assessing, coordinating, approving, denying, and implementing a survivor's emergency transfer which includes:

- Assistance with moving costs. Reasonable moving costs to move survivors for an emergency transfer.
- Assistance with travel costs. Reasonable travel costs for survivors and their families to travel for an emergency transfer.
- Security Deposits. Grant funds can be used to pay for security deposits of the safe units the survivor is transferring to via an emergency transfer.
- Utilities. Grant funds can be used to pay for costs of establishing utility assistance in the safe unit the survivor is transferring to.
- Housing Fees. Fees associated with getting survivor into a safe unit via emergency transfer, includes but not limited to application fees, broker fees, holding fees, trash fees, pet fees where the person believes they need their pet to be safe, etc.
- Case management. Grant funds can be used to pay staff time necessary to assess, coordinate and implement emergency transfers.

- Housing navigation. Grant funds can be used to pay staff time necessary to identify safe units and facilitate moves into housing for survivors through emergency transfers.
- Technology to make an available unit safe. Grant funds can be used to pay for technology that the individual believes is needed to make the unit safe, including but not limited to doorbell cameras, security systems, phone and internet service when necessary to support security systems for the unit, etc.

Examples of eligible costs for monitoring compliance with the VAWA

confidentiality requirements include the costs of ensuring compliance with the VAWA confidentiality requirements which includes:

- Monitoring and evaluating compliance with VAWA confidentiality requirements.
- Developing and implementing strategies for corrective actions and remedies.
- Program evaluation of confidentiality policies, practices and procedures.
- Training on compliance with VAWA confidentiality requirements.
- Reporting to Collaborative Applicant, HUD and other interested parties on compliance with VAWA confidentiality requirements
- Costs for establishing methodology to protect survivor information.
- Staff time associated with maintaining adherence to confidentiality requirements.

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## PROCEDURE / WORKFLOW

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### INTAKE

At intake and annually, client is informed of their rights under VAWA including the ability to request emergency transfers and lease provisions that are afforded to them under VAWA. The client is provided this information in writing.

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### EMERGENCY TRANSFER REQUEST

A client can request a transfer if they reasonably believe there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying; or

In the case of a client who is a victim of sexual assault, either the client reasonably believes there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying, or the sexual assault occurred on the premises during the 365-calendar-day period preceding the date of the request for transfer. A client requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Upon receipt of the verbal or written request, the Sonoma Covered project will contact the lead agency and inform them of the request within 3 business days. The Sonoma Covered project will acknowledge receipt of the request to the client within 3 business days. The Sonoma Covered

project will inform the client of their ability/inability to provide an internal transfer within 5 business days of receipt of the request.

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## FACILITATING TRANSFER

- 1) Sonoma Covered project receives report, verbal or written, that a client residing in a covered project believe there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying; or in the case of a client who is a victim of sexual assault, either the client reasonably believes there is a threat of imminent harm from further violence if the client remains within the same dwelling unit that the client is currently occupying, or the sexual assault occurred on the premises during the 365-calendar-day period preceding the date of the request for transfer.
- 2) Within 3 business days, Sonoma Covered project staff acknowledge receipt of request and inform the client that they are eligible to transfer their assistance to a safe unit. Safe unit is defined by the participant requesting the transfer.
- 3) Within 3 business days, the Sonoma Covered project contacts lead agency to inform them of the request.
- 4) Within 5 business days of receiving the request, Sonoma Covered project staff inform the client requesting the transfer of their ability/inability to complete an internal transfer. If an internal transfer is not immediately available, staff inform the client that they can;
  - a. Wait for a safe unit to become available for an internal transfer,
  - b. Offer placement into a different project type if housing is not available (internal emergency shelter for example),
  - c. Request an external emergency transfer, and/or
  - d. Pursue both an internal and external transfer at the same time in order to transfer to the next available safe unit in the CoC.

Clients may pursue some, all, or none of the above options, may pursue multiple options at the same time, and may change which options they wish to pursue at any time.

- 5) Sonoma Covered project staff connects client to local victims' services providers (YWCA, Family Justice Center, Verity) to discuss any additional resources available for additional placements and resources.
- 6) If client requests an external transfer within Sonoma County, the Sonoma Covered project staff will inform the lead agency and the Coordinated Entry (CE) Operator of the request. The client will be given absolute priority over all other referrals. The Coordinated Entry operator will inform the covered project of the housing options that are available. If a project opening has specific eligibility criteria, the CE operator will coordinate with the Sonoma Covered project staff to see if the individual requesting the transfer meets the project's eligibility criteria.
- 7) When an external transfer is available, the CE operator will inform the Sonoma Covered project of the opening. The client can elect to take one of the available options or wait for another option. If the client elects to wait for another option, they maintain absolute priority for all future openings. The Coordinated Entry operator will inform the Sonoma Covered project staff of upcoming housing opportunities before they are presented at case



conferencing. If/When the client selects a project, the CE operator will immediately make the referral to the project. The CE operator will inform the housing program receiving the referral of the special nature of the referral and that it will not be made in case conferencing. The CE operator will not share any information about the referral with the case conferencing group.

- 8) If the client requests a transfer outside Sonoma County, the Sonoma Covered project will inform the lead agency of the request and the jurisdiction the client is requesting a transfer to within 3 business days. The lead agency will contact the new jurisdiction to see if that jurisdiction will prioritize transfer requests from outside their jurisdiction. If the transfer is possible, the lead agency, in coordination with the Sonoma Covered project provider requesting the transfer, will facilitate completing the transfer. If the jurisdiction will not prioritize the individual for placement, the Sonoma Covered project requesting the transfer will inform the client. The client can decide to seek any of the transfer options listed in number 4 of this procedure.
- 9) If/When a transfer option is selected, the Sonoma Covered project that requested the transfer request will provide a “warm handoff” to the new project.
- 10) The Sonoma Covered project will inform the lead agency when the transfer is complete.

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## EXITS TO HOMELESSNESS

RRH providers endeavor to exit all participants into permanent housing. In the unfortunate and rare circumstance that the participant must be discharged from the RRH program into homelessness, the provider will attempt to offer the CES Assessment after discharge to ensure the participant is enrolled in CE for future housing opportunities.

## GRIEVANCE PROCEDURE

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

## REASONABLE ACCOMMODATIONS

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

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

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

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

## NON-DISCRIMINATION

All projects must comply with the non-discrimination and equal opportunity provisions of Federal civil rights law as specified at [24 CFR 5.105 \(a\)](#) and [24 CFR 5.2005, including but not limited to](#).

- Fair Housing Act
- Section 504 of the Rehabilitation Act
- Title VI of the Civil Rights Act
- Title II of the Americans with Disabilities Act
- HUD's Equal Access Rule
- Violence Against Women Act (VAWA) Protections
- Local and state non-discrimination laws

Services are provided to program participants are offered in a nondiscriminatory basis with respect to race; color; national origin or citizenship status; age; disability (physical or mental); religion; sex; sexual orientation or identity; genetic information; HIV or AIDS; medical conditions; political activities or affiliations; military or veteran status; status as a victim of domestic violence, assault or stalking; or any other federal, state or locally protected group.

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## EQUAL ACCESS FINAL RULE AND GENDER IDENTITY FINAL RULE

Providers of the Sonoma County Homeless Coalition are required to adhere to [HUD's Equal Access Final Rule](#) and HUD's [Gender Identity Final Rule](#). Through the final rules, HUD ensures equal access to individuals in accordance with their gender identity in

programs administered by HUD's Office of Community Planning and Development (CPD). HUD's housing programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status.

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## HOUSING FOR SPECIFIC SUBPOPULATIONS

Providers may exclusively serve a particular homeless subpopulation in a permanent housing project if the housing addresses a need identified by the Coalition for the geographic area and meets one of the following:

- 1) The housing may be limited to one sex where such housing consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex;
- 2) The housing may be limited to a specific subpopulation, so long as admission does not discriminate against any protected class under federal nondiscrimination laws in 24 CFR 5.105 (e.g., the housing may be limited to homeless veterans, victims of domestic violence and their children, or chronically homeless persons and families).
- 3) The housing may be limited to families with children. However, it may not restrict housing or services to families with a single-sex parent. For example, it is not permissible to have a project that only serves women with children, the project must serve all families with children, regardless of the head-of-household's gender.

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## PREVENTING FAMILY SEPERATION

Individuals and families presenting for service will be asked if there are additional family members not present at intake and ask if those family members wish to reside with the referred individual. Projects will not separate family members. Projects will not deny a client because they want to live with a family member unless it would cause overcrowding in the unit.

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

- 1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or,
- 2) A group of persons residing together, and such group includes, but is not limited to:
- 3) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - a. An elderly family;
  - b. A near-elderly family;
  - c. A disabled family;
  - d. A displaced family; and,
  - e. The remaining member of a tenant family.

If a group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, they are a family. A family must be served as such, regardless of how the present. Providers need to be able to serve every kind of family, regardless of the ages and sexes of the adults and children.

#### Examples

- 1) A program cannot separate out or deny assistance to adult men that present as part of the family (e.g., fathers, uncles, the mother's boyfriend, etc.)
- 2) A program may limit assistance to a household with children, it may not limit assistance to only one woman with children.
- 3) If two adults present together as a family for housing, the project must serve the two adults as a family and may not require proof of marriage and may not limit assistance to couples in a heterosexual relationship.
- 4) A household cannot reduce the size of a family because one child is in foster care. If a family presents for permanent housing and one child is in foster care, it would be acceptable to house them in a larger unit and document it is necessary for family reunification.

Please see HUD FAQ 1529 for additional information:

<https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>

### RENTAL ASSISTANCE AGREEMENTS

The rental assistance agreement between the RRH provider and the property owner must set forth the terms under which rental assistance is being provided. It must contain all of the requirements set forth in ESG regulation 24 CFR § 576.106(e) or CoC regulation 24 CFR § 578.51(a), depending on the project funding source.

### LEASE REQUIREMENTS

Each RRH participant receiving assistance must have a legally binding lease for the rental unit. The lease must be between the owner and the program participant and must comply with all requirements set forth in ESG regulations 24 CFR § 576.106(g) or CoC regulation 24 CFR 578.51(L)(1), depending on the project funding source.

### VIOLENCE AGAINST WOMEN ACT (VAWA) PROTECTIONS

[24 CFR 576.409](#) is the regulatory body for VAWA protections. VAWA protections apply to RRH participants.

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### HMIS COMPARABLE DATABASE

Domestic violence service providers (VSPs) are prohibited from maintaining participant data in the Sonoma County Homeless Coalition's HMIS; instead, they are required to maintain participant data in an HMIS comparable database.

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## PROHIBITION ON RETALIATION

It is illegal for owners or managers of covered housing to discriminate against any person because that person has opposed any act or practice made unlawful by VAWA's housing provisions, or because that person testified, assisted, or participated in any related matter.

Additionally, it is illegal for an owner or manager of covered housing to coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises or assists or encourages a person to exercise any rights or protections under VAWA's housing provisions.

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## RIGHT TO REPORT CRIME AND EMERGENCIES

Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance. Also prohibited is penalizing or threatening to penalize persons because they request assistance or report criminal activity of which they are a victim or otherwise not at fault under the laws or policies adopted or enforced by covered governmental entities.

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## PROHIBITION ON DENIAL OR TERMINATION OF ASSISTANCE OR EVICTION ON THE SOLE BASIS OF DOMESTIC VIOLENCE

RRH program participants cannot be denied assistance, have their assistance terminated, or be evicted from their housing solely because they are a victim of domestic violence.

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## NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT

RRH providers that determine eligibility for or administer ESG rental assistance is responsible for providing the following two forms to each applicant for ESG rental assistance and each participant receiving ESG rental assistance:

- “Notice of Occupancy Rights under the Violence Against Women Act” (Form HUD5380), available [here](#)
- “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation” (Form HUD-5382), available [here](#)

These forms must be provided at each of the following times:

- When an applicant is denied ESG rental assistance
- When an applicant's application for a unit receiving project-based rental assistance is denied
- When a participant begins receiving ESG rental assistance
- When a participant is notified of termination of ESG rental assistance

- When a participant receives notification of eviction

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## LEASE BIFURCATION

When a family receiving tenant-based rental assistance separates under the lease bifurcation clause of 24 CFR 5.2009(a), the family's tenant-based rental assistance and utility assistance, if any, shall continue for the family member(s) who are not evicted or removed.

If a family living in a unit receiving project-based rental assistance separates under the lease bifurcation clause of 24 CFR 5.2009(a), the family member(s) who are not evicted or removed can remain in the assisted unit without interruption to the rental assistance or utility assistance provided for the unit.

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## VAWA LEASE LANGUAGE

RRH providers are required to ensure that the requirements listed under 24 CFR Part 5, Subpart L, are included or incorporated into all rental assistance agreements and leases for units that receive ESG-funded short-term or medium-term rental assistance. If a landlord-provided lease includes all protections listed in 24 CFR Part 5, Subpart L, subrecipients do not need to take any further action. Under most circumstances, however, subrecipients will need to provide and require a lease amendment including the necessary language. Subrecipients may choose between two options for VAWA lease amendments:

- Subrecipients may use the sample "Lease Addendum" (HUD-91067), provided [here](#)
- Subrecipients may create their own lease addendum, which must incorporate all protections listed in [24 CFR Part 5, Subpart L](#).

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## EMERGENCY TRANSFER PLAN

An Emergency Transfer Plan provides for emergency transfers for survivors of domestic violence residing in permanent housing while receiving rapid rehousing assistance.

A client qualifies for an emergency transfer if:

1. The client is a survivor of domestic violence, dating violence, sexual assault, human trafficking, assault, or stalking;
2. The client expressly requests the transfer; and
3. Either:
  - a. The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or
  - b. In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently

occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

If a participant needs an emergency transfer, the RRH provider will assist the client in locating more suitable housing as quickly as possible. The provider will also refer the client to other services such as victim services providers and referrals to temporary housing options like shelter (internal and external shelters).

Additionally, the RRH provider will continue to assist the client until the client is able to secure alternate housing. The provider will bring the situation to the CES Operator, who will identify the next available RRH program, and when that program is accepting referrals convene a case conference between the three parties to coordinate transfer. The provider should also refer the client to centralized housing location services, if available, to assist in location of alternate housing.

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## PROGRAM INCOME

Program income is defined as “gross income earned by the RRH provider that is directly generated by a supported activity or earned as a result of the federal award during the period of performance.” Additional information about what constitutes program income can be found in 2 CFR 1201.80.

Few activities funded by ESG can or are likely to generate program income. If an ESG subrecipient generates program income, it is most likely because the subrecipient paid for a security deposit under the homelessness prevention (ESG-HP) or rapid re-housing (ESG-RRH) components, and some or all of the security deposit was returned to the subrecipient.

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## SPENDING PROGRAM INCOME

Program income must be spent:

- By the subrecipient organization that generates it
- On eligible costs within the component that generated it
- Within the contract year during which it was generated

For example: if Acme Corporation, a subrecipient organization, generates \$900 in program income from a returned security deposit under its ESG-RRH project in FY 2022, it must spend that \$900 on ESG-RRH eligible activities before the end of the FY 2022 contract performance period.

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## PROGRAM INCOME AS MATCH

Costs paid by program income shall count toward meeting the subrecipient's matching requirements, provided the costs are eligible ESG costs that supplement the subrecipient's ESG program.

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## RECORDKEEPING

RRH providers are required to maintain records of their receipt and use of program income. These records must be kept in accordance with the financial records requirements in 24 CFR 576.500(u). Program income must be tracked separately from grant funds to ensure subrecipients can demonstrate that program income was spent in accordance with this Policy

## SERVING UNDOCUMENTED INDIVIDUALS

### I. PRWORA Restrictions and Exceptions

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA") restricted undocumented individuals from accessing a number of public benefits, including housing and homeless services. However, the PRWORA also created exceptions that allow access, regardless of the recipients' immigration status, to programs and services that:

- deliver in-kind services at the community level;
- do not condition the provision of assistance on the program participants' income or resources; and
- are necessary for the protection of life or safety.

### II. Guidance from the U.S. Attorney General and HUD

The U.S. Department of Justice (DOJ) interpreted the above three-prong test to mean that all individuals, regardless of immigration status, should be given access to:

- "Short-term shelter or housing assistance for the homeless, for victims of domestic violence, or for runaway, abused or abandoned children," and
- "Programs, services, or assistance to help individuals during periods of heat, cold, or other adverse weather conditions."

To date, U.S. Department of Housing and Urban Development (HUD) has not issued any similar guidance clarifying which of its homeless assistance programs are subject to PRWORA's noncitizen eligibility restrictions.<sup>3</sup> However, in 2016, HUD, DOJ and the U.S. Department of Health and Human Services (HHS) issued guidance specifying that the following programs and services shall remain accessible to all eligible individuals, regardless of immigration status:

- Transitional Housing (for up to two years, where the recipients or sub-recipients of government funds own or lease the housing)
- Street Outreach Services
- Emergency Shelters
- Safe Havens
- ***Rapid Rehousing***



### III. Exceptions to Verification Requirements for “Nonprofit Charitable Organizations”

While the PRWORA generally requires government agencies to verify the immigration status of applicants for public benefit programs, “nonprofit charitable organizations” are *not* required to verify the immigration status of applicants for federal, state or local public benefits, including for Permanent Supportive Housing programs.

### IV. Other Applicable Restrictions

Notwithstanding the PRWORA’s immigration-related restrictions, organizations or agencies that receive federal funding must not discriminate against individuals on the basis of race, national origin or any basis protected under the following:

- Title VI of the Civil Rights Act of 1964
- Fair Housing Act
- Violence Against Women Act
- Family Violence Prevention and Services Act
- Section 109 of Title I of the Housing and Community Development Act of 1974
- Any other applicable nondiscrimination law
- In addition, HUD, HHS and DOJ have advised that:
- *“Denying an individual a public benefit or treating an individual differently because of that individual’s race or national origin would violate one or more of these statutes. For example, a recipient of federal financial assistance may not deny benefits to applicants because they have ethnic surnames or origins outside the United States. Nor may the recipient single out individuals who look or sound “foreign” for closer scrutiny or require them to provide additional documentation of citizenship or immigration status. Also, because individuals might come from families with mixed immigration status, there may be some family members who are eligible for all benefits and others who are not eligible or who can receive only a more limited subset of those benefits. Therefore, benefits providers must ensure that they do not engage in practices that deter eligible family members from accessing benefits based on their national origin”.*

#### Useful links:

- Full text of the PRWORA: <https://www.congress.gov/104/plaws/publ193/PLAW-104publ193.pdf>
- Joint Letter: <https://files.hudexchange.info/resources/documents/HUD-HHS-DOJ-Letter-Regarding-Immigrant-Access-to-Housing-and-Services.pdf>
- HUD Fact Sheet: <https://files.hudexchange.info/resources/documents/PRWORA-Fact-Sheet.pdf>
- DOJ Interim Guidance: <https://www.govinfo.gov/content/pkg/FR-1997-11-17/pdf/97-29851.pdf>
- CRS Report: <https://crsreports.congress.gov/product/pdf/R/R46462>

## ADMINISTRATION

### RECORD RETENTION AND STORAGE

It is the common practice of Sonoma County homeless service providers to retain paper records for 7 years. The Continuum of Care’s preference is that all data be entered into

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

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

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## RECORDKEEPING AND REPORTING: INTAKE AND ELIGIBILITY

RRH providers will maintain policies and procedures to ensure compliance with the homelessness definition defined in [24 CFR 576.2](#). Procedures must require documentation of homeless status at intake relied upon to establish and verify homeless status. The procedure will reflect HUD's order of priority for obtaining evidence of homeless status

- 1) Third-party documentation
- 2) Intake worker observations
- 3) Self-certification

Records contained in an HMIS,

or comparable database used by victim service providers or legal service providers are acceptable evidence of third-party documentation. Where third-party documentation is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence will be maintained with the self-certification.

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## RECORD KEEPING: RE-EVALUATIONS AND INCOME CALCULATION

When determining annual income of an individual or family, the RRH provider must use the standard for calculating annual income under [24 CFR 5.609](#). The following documentation of annual income must be maintained:

- (1) Income evaluation form containing the minimum requirements specified by HUD and completed by RRH provider; and
- (2) Source documents for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation (*e.g.*, wage statement, unemployment compensation statement, public benefits statement, bank statement);

(3) To the extent that source documents are unobtainable, a written statement by the relevant third party (*e.g.*, employer, government benefits administrator) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period for which representative data is available; or

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

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#### RECORD KEEPING: LEASE UP DOCUMENTS

Each program participant file must contain the following lease-up documents;

- An executed, legally binding written lease or sublease and rental assistance agreement, which also addresses late payment requirements;
- Evidence that each program participant resides in a housing unit that has met, or passed, the ESG minimum habitability or alternative standards threshold; and
- Evidence of an analysis and documentation showing that ESG rental assistance was only provided to units for which the rent complied with HUD's standard of rent reasonableness and Fair-Market Rent.
- For CoC RRH programs, evidence of an analysis and documentation showing that CoC rental assistance was only provided to units for which the rent complied with HUD's standard of rent reasonableness.

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#### RECORD KEEPING: LEAD-BASED PAINT REQUIREMENTS

Each program participant must contain the following documents

- Evidence that the program participant was provided with EPA's "Protect Your Family from Lead" pamphlet.
- Leases with adequate lead-based paint disclosure information.
- A copy of a completed HPRP Lead-Based Paint Screening worksheet. 23
- If analysis determines the presence of lead-based paint, evidence of further evaluation and stabilization efforts.

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#### RECORD KEEPING: SERVICES PROVIDED & PAYMENTS MADE ON BEHALF OF PROGRAM PARTICIPANTS

In accordance with [24 CFR 576.500\(f\)\(1\)](#), RRH providers must maintain records for each program participant that document:

- The services and assistance provided to that program participant, including, as applicable, the security deposit, rental assistance, and utility payments made on behalf of the program participant.

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## RECORD KEEPING: EQUIPMENT

In accordance with [2 CFR 200.313](#), equipment must be used by the RRH provider in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal/State award, and the RRH provider must not encumber the property without prior approval of the awarding agency. The awarding agency may require the submission of the applicable common form for equipment. When no longer needed for the original program or project, the equipment may be used in other activities supported by the awarding agency, in the following order of priority:

- Activities under a Federal/State award from the Federal/State awarding agency which funded the original program or project, then
- Activities under Federal/State awards from other Federal/ awarding agencies. This includes consolidated equipment for information technology systems.

During the time that equipment is used on the project or program for which it was acquired, the RRH provider must also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by awarding agency that financed the equipment and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-federally funded programs or projects is also permissible. User fees should be considered if appropriate.

Notwithstanding the encouragement in [§ 200.307](#) to earn program income, the RRH provider must not use equipment acquired with the Federal/State award to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal Government retains an interest in the equipment.

When acquiring replacement equipment, the RRH provider may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

## MANAGEMENT REQUIREMENTS

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal/state award, until disposition takes place will, as a minimum, meet the following requirements:

- (1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property, who holds title, the acquisition date, and cost of the property, percentage of Federal/State participation in the project costs for the Federal/State award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
- (2) A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two years.
- (3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
- (4) Adequate maintenance procedures must be developed to keep the property in good condition.
- (5) If the RRH provider is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

## DISPOSITION

When original or replacement equipment acquired under a Federal/State award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal/State awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the RRH provider must request disposition instructions from the awarding agency if required by the terms and conditions of the Federal/State award. Disposition of the equipment will be made as follows, in accordance with Federal/State awarding agency disposition instructions:

- (1) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further responsibility to the Federal/State awarding agency.
- (2) Except as provided in [§ 200.312\(b\)](#), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair market value in excess of \$5,000 may be retained by the RRH provider or sold. The Federal/State awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal/State awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal/State awarding agency may permit the RRH provider to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

(3) The RRH provider may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the RRH provider must be entitled to compensation for its attributable percentage of the current fair market value of the property.

(4) In cases where a RRH provider fails to take appropriate disposition actions, the Federal/State awarding agency may direct the RRH provider to take disposition actions.

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## RECORD KEEPING: SORCE DOCUMENTATION

All financial costs must be documented in accordance with [2 CFR 200.403 \(g\)](#). RRH providers must keep documentation showing that program funds were spent on allowable costs in accordance with the requirements for eligible activities. All financial costs must show when the expense occurred, a prepared invoice or receipt and proof of payment.

For projects supported by multiple sources of funds, the project must include general ledgers that reflect revenue that was expensed by each funding source. If this is staff time, the general ledger must show how many hours the staff spent on each source. For all other expenses, the general ledger must reflect the percentage that the project was supported by each funding source.

## CARRY OVER PROCESS

Funding Agreements for Homeless Services projects, funded through The Sonoma County Continuum of Care, allocate funding on a Fiscal Year basis. These one-year Funding Agreements contain budgets that often consist of dollars from multiple sources comprised of State, Federal, and/or Local funds. SCCDC policy allows Rapid Rehousing (RRH) and Homeless Prevention (HP) projects to provide financial support such as rental assistance and utility assistance to program participants for up to 24 months during any three years. Since this is a time frame longer than the single year covered by the Funding Agreement, the Sonoma County Department of Health Services Ending Homelessness Team recognizes that situations may arise where Funding Agreements and/or funding sources are ending despite participants requiring ongoing service.

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

Potential changes in the funding levels, sources of funds, available dollars, or funding regulations may lead to fluctuations in the annual amount of public dollars available for

homeless services. For this reason, Rapid Rehousing and Homelessness Prevention projects should not make guarantees of ongoing support past the end of the contract term. A copy of the “Request to Carry Over Program Participants” procedure can be found [here](#). For assistance with this process, please contact the Sonoma County Department of Health Services Ending Homelessness Team .

This section does not pertain to the CoC Program funded RRH projects.

## ELIGIBLE COSTS

Some eligible costs are listed below however, RRH providers should refer to their funding agreements for a complete list of eligible activities.

Eligible activities for the ESG Program can be found here

<https://www.govinfo.gov/content/pkg/CFR-2018-title24-vol3/xml/CFR-2018-title24-vol3-part576.xml#seqnum576.104>

Eligible activities for the CoC Program can be found here:

<https://www.govinfo.gov/content/pkg/CFR-2017-title24-vol3/xml/CFR-2017-title24-vol3-part578.xml>

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## RENTAL ASSISTANCE

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

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## RENTAL ASSISTANCE TYPE

- Tenant-based rental assistance
- Project-based rental assistance
  - If the recipient or subrecipient identifies a permanent housing unit that meets ESG requirements and becomes available before a program participant is identified to lease the unit, the recipient or subrecipient may enter into a rental assistance agreement with the owner to reserve the unit and subsidize its rent in accordance with the requirements found in 24 CFR 576.106 (i) Please contact the

Sonoma County Department of Health Services Ending Homelessness Team for guidance on project based RRH assistance.

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## HOUSING LOCATION AND STABILIZATION

- ESG Financial Assistance Costs
  - Rental application fees
  - Security deposits (up to 2 months)
  - Last month's rent
  - Utility deposits and payments (up to 24 months, including up to 6 months for payments in arrears)
  - Moving costs
- CoC Financial Assistance Costs
  - Security deposits (up to 2 months)
  - First and last month's rent
  - Property damage
- ESG Supportive Service Costs
  - Housing search and placement
  - Housing stability case management
  - Mediation
  - Legal services
  - Credit repair
- CoC Supportive Services Costs
  - Case management
  - Child Care
  - Education Services
  - Employment assistance and job training
  - Food
  - Housing search and counselling services including mediation, credit repair, and payment of rental application fee
  - Legal services
  - Life Skills training
  - Mental Health services
  - Moving Costs
  - Outpatient health services
  - Outreach services



- Substance abuse treatment services
- Transportation

## HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)

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

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

## REPORTING

Programs are required to be timely on any required reporting. If a program is not able to meet the deadline for a required report, the program administration will provide notice of an estimated time frame for when reports can be received. For detailed reporting requirements view agency contract/grant. Reports can be made available upon request by contacting the Sonoma County Department of Health Services Ending Homelessness Team.

## PROGRAM MONITORING

RRH providers can expect the Sonoma County Department of Health Services Ending Homelessness Team to monitor their program annually to ensure adherence to these standards.

In addition to monitoring by the Sonoma County Department of Health Services Ending Homelessness Team, CoC Program RRH providers and are subject to direct HUD monitoring.

## RESOURCES

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

- HUD Virtual Binders Rapid Re-Housing Program Components  
<https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/esg-program-components/rapid-re-housing/>
- ESG Laws and Regulations  
[https://www.hud.gov/program\\_offices/comm\\_planning/esg/regulations](https://www.hud.gov/program_offices/comm_planning/esg/regulations)
- ESG program Interim Rule: <https://www.hudexchange.info/resource/1927/hearth-esg-program-and-consolidated-plan-conforming-amendments/>

- ESG Rent Reasonableness and FMR: <https://www.hudexchange.info/resource/3070/esg-rent-reasonableness-and-fmr/>
- CoC Laws and Regulations: [https://www.hud.gov/program\\_offices/comm\\_planning/coc](https://www.hud.gov/program_offices/comm_planning/coc)
- CoC Program Interim Rule: <https://www.hudexchange.info/resource/2033/hearth-coc-program-interim-rule/>
- CoC Rent Reasonableness and FMR: <https://files.hudexchange.info/resources/documents/CoC-Rent-Reasonableness-and-FMR.pdf>
- Rapid Rehousing ESG v. CoC: <https://www.hudexchange.info/resource/2889/rapid-rehousing-esg-vs-coc/>
- 24 CFR 576: <https://www.law.cornell.edu/cfr/text/24/part-576>
- HUD Virtual Binders ESG/CoC: <https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/>
- CDC Service Providers webpage: <https://sonomacounty.ca.gov/CDC/Homeless-Services/Providers/>

## FILE CHECKLIST

# SONOMA COUNTY RAPID RE-HOUSING PROGRAM FILE CHECKLIST

This document lists all documents that are required for a rapid re-housing participant file. Some documents listed may not be applicable to all RRH participants. Please refer to the Sonoma County Rapid re-housing standards for exemptions that may apply. Each item references the page of the standards where more information can be found. Lead-agency staff recommends that RRH providers keep a copy of this list in participant files to assist in monitoring.

- Verification of eligibility for RRH assistance (homelessness status). Priority: 3<sup>rd</sup> party documentation, intake worker observations, self-certification. (standards pgs. 21-22)
- Individualized service plans which document the duration of assistance. (Standards pg. 8-9)
- Calculation of income at intake and re-evaluation including source documents used to calculate income and assets. (Standards pg. 22)
- Lease-up documents (standards pgs. 22-23)
  - an executed legally binding written lease containing VAWA requirements listed under 24 CFR Part 5, Subpart L or [lease addendum](#)

- rental assistance agreement between the landlord and the RRH program
- Evidence unit meets ESG minimum habitability standards.
- Evidence of Rent reasonableness examination.
- Evidence unit is withing current Fair-market rent limits.
- Lead-based paint requirements (Standards pg. 23)
  - Evidence that the program participant was provided with EPA’s “Protect Your Family from Lead” pamphlet.
  - Leases with adequate lead-based paint disclosure information.
  - A copy of a completed HPRP Lead-Based Paint Screening worksheet.
  - If analysis determines the presence of lead-based paint, evidence of further evaluation and stabilization efforts.
- Violence Against Women Act (VAWA) (standards pgs. 17-19):
  - Evidence that RRH participant was provided with “Notice of Occupancy Rights under the Violence Against Women Act”
  - Evidence that RRH participant was provided with “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation”
- Services provided and payments made on behalf of RRH participants (Standards pg. 23)
- Documentation related to equipment purchased with program funds. (standards pgs. 23-25)
- Variance requests (if applicable)
- Documentation of program transfer (if applicable)
- Documentation of emergency transfer plan (if applicable)
- Documentation of reasonable accommodations requested and granted (if applicable)
- Participant carry over form (if applicable)