



North Dakota-500 Statewide Continuum of Care

Written Standards for Emergency Solutions Grant and Continuum of Care Programs

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I. Introduction

- A. The North Dakota Housing Finance Agency (NDHFA) is the Collaborative Applicant (CA) for the North Dakota Continuum of Care (ND CoC). A CoC works to coordinate a community-based process of identifying needs relating to the experience of homelessness and of building a system of housing and services to address those needs. The ND CoC works to establish local priorities for system planning and to evaluate system-wide performance with the goal of making homelessness rare, brief, and non-recurring.
- B. The North Dakota Department of Commerce Division of Community Services (DCS) is currently the statewide recipient of Emergency Solutions Grant (ESG) funds for the state of North Dakota. The 2023 ND Legislative Assembly is reviewing the transfer of these funds to NDHFA. If the transfer is approved by the legislature and governor, ESG funds will transfer to NDHFA on July 1, 2023.

II. Purpose

- A. The Department of Housing and Urban Development (HUD) requires that a CoC establish and follow written standards for recipients and subrecipients aiding with CoC and ESG Program funds.
- B. This document establishes the minimum standards for all programs that provide housing and services funded by the CoC and ESG programs in North Dakota. They serve to ensure that programs within the state are coordinated and integrated, as well as follow best practices in a manner consistent with the requirements outlined by the programs' funding sources and populations served.
- C. All CoC and ESG funded programs must develop internal policies and procedures that comply with both these standards and all applicable eligibility and other requirements established by federal and state laws.
- D. All projects funded under the ND CoC and ESG programs shall apply the following standards consistently for the benefit of all program participants. The ND CoC strongly encourages organizations and projects that do not receive the abovementioned funds to accept and utilize these standards.

III. Overview

- A. The HUD Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) was signed into law on May 20, 2009, reauthorizing the McKinney-Vento Homeless Assistance Act of 1987 with important updates. The overall goal of the HEARTH Act is to make homelessness rare, brief, and non-recurring by reducing the duration of time people spend homeless and reducing recidivism back into homelessness.
- B. The HEARTH Act revised the existing Emergency Shelter Grants Program and created the Emergency Solutions Grant Program. The [ESG Program Interim Rule](#), which took effect on January 4, 2012, broadened existing emergency shelter and homelessness prevention activities, placing greater emphasis on helping people quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness by expanding prevention as an eligible use and adding a rapid rehousing component.

Projects funded through ESG include Rapid Rehousing, Homelessness Prevention, Street Outreach, Emergency Shelter, and Homeless Management Information System (HMIS).
- C. The HEARTH Act also created the CoC Program, which is designed to promote a community-wide commitment to the goal of ending homelessness; to provide funding

for efforts by nonprofit providers, states, Indian Tribes or tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) (TDHEs)), and local governments to quickly rehouse homeless individuals, families, persons fleeing domestic violence, dating violence, sexual assault, and stalking, and youth while minimizing the trauma and dislocation caused by homelessness; to promote access to and effective utilization of mainstream programs by homeless individuals and families; and to optimize self-sufficiency among those experiencing homelessness. The [CoC Program Interim Rule](#), effective August 30, 2012, implements the regulatory requirements of the CoC Program.

Projects funded through the CoC program include Transitional Housing, Rapid Rehousing, Permanent Supportive Housing, Supportive Services Only, and HMIS.

IV. Key Terms

A. Chronically Homeless:

1. A homeless individual with a disability as defined in section 401(9) of the McKinney-Vento Assistances Act who:
 - a. Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter, and
 - b. Has been homeless and living as described for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described.
2. An individual who has been residing in an institutional care facility for less, including jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria of this definition before entering that facility; or
3. A family with an adult head of household (or, if there is no adult in the family, a minor head of household) who meets all of the criteria of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

B. Collaborative Applicant (CA): The CA is the eligible applicant (state, unit of local government, private, nonprofit organization, or public housing agency) designated by the CoC to collect and submit the CoC Registration, CoC Consolidated Application, and apply for CoC planning funds on behalf of the CoC during the CoC Program Competition. May also apply to HUD to be designated as a Unified Funding Agency (UFA).

C. Continuum of Care: The group organized to carry out the responsibilities required by the CoC Program Interim Rule and is composed of representatives of organizations, including nonprofit homeless service providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formally homeless individuals to the extent these groups are represented within the geographic area and are available to participate.

- D. **Coordinated Entry:** A centralized or coordinated process designed to coordinate program participant intake, assessment, and provision of referrals. The system covers the geographic area, is easily accessible and should ensure that all people experiencing a housing crisis have fair and equal access and are quickly identified, assessed for, referred, and connected to housing and assistance based on their strengths and needs. The [Coordinated Access, Referral, Entry, and Stabilization \(CARES\) System](#) is the coordinated entry and homeless response system for the ND and West Central Minnesota CoCs.
- E. **Emergency Shelter (ES):** Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for persons experiencing homelessness in general or for specific subpopulations of persons experiencing homelessness.
- F. **Homeless Management Information System (HMIS):** A local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.
- G. **Homelessness Prevention (HP):** Activities designed to prevent an individual or family from moving into an emergency shelter or living in a public or private place not meant for human habitation. Provides Short-term or medium-term rental assistance and housing relocation and stabilization services. For the CoC, HP funds are only available to High Performing Communities that are designated by HUD. The ND CoC is not a High Performing Community.
- H. **HUD At Risk of Homelessness Categories:** There are three federally defined categories under which persons are defined as At Risk of Homelessness:
1. An individual or family who:
 - a. Has an annual income below 30 percent of median family income for the area; AND
 - b. Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; AND
 - c. Meets one of the following conditions:
 - Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for assistance; OR
 - Is living in the home of another because of economic hardship; OR
 - Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; OR
 - Lives in a hotel or motel and the cost is not paid for by charitable organizations or by federal, state, or local government programs for low-income individuals; OR
 - Lives in a Single Room Occupancy or efficiency apartment unit in which there resides more than two persons or lives in a larger housing unit in which there resides more than one and a half persons per room; OR
 - Is exiting a publicly funded institution or system of care; OR

- Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved Consolidated Plan.
 - 2. Unaccompanied Children and Youth: A child or youth who does not qualify as homeless under the homeless definition but qualifies as homeless under another federal statute.
 - 3. Families with Children and Youth: An unaccompanied youth who does not qualify as homeless under the homeless definition but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) of that child or youth is living with him or her.
- I. **HUD Homeless Categories:** There are four federally defined categories under which persons are defined as homeless:
1. Literally Homeless: Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - a. Has a primary nighttime residence that is a public or private place not meant for human habitation;
 - b. Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, and local government programs); or
 - c. Is exiting an institution where they resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
 2. Imminent Risk of Homelessness: Individual or family who will imminently lose their primary nighttime residence, provided that:
 - a. Residence will be lost within 14 days of the date of application for homeless assistance;
 - b. No subsequent residence has been identified; and
 - c. The individual or family lacks the resources or support networks needed to obtain other permanent housing.
 3. Homeless Under other Federal statutes: Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
 - a. Are defined as homeless under the other listed federal statutes;
 - b. Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
 - c. Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and
 - d. Can be expected to continue in such status for an extended period of time due to special needs or barriers.
 4. Fleeing/Attempting to flee domestic violence: Any individual or family who:
 - a. Is fleeing, or is attempting to flee, domestic violence;

- b. Has no other residence; and
 - c. Lacks the resources or support networks to obtain other permanent housing.
- J. **Permanent Housing (PH):** A community-based housing model, the purpose of which is to provide housing without a designated length of stay. Program participants must be the tenant on a lease (or sublease) that must have an initial term of at least one year, be renewable for a minimum term of one month, and be terminable only for cause.
- K. **Permanent Supportive Housing (PSH):** Permanent housing in which housing assistance (e.g., long-term leasing or rental assistance) and supportive services are provided to assist households with at least one member (adult or child) with a disability in achieving housing stability.
- L. **Rapid Rehousing (RRH):** A permanent housing solution emphasizing housing search and relocation services and short- (up to 3 months) and medium-term (4-24 months) tenant-based rental assistance and supportive services to move homeless persons and families (with or without a disability) as rapidly as possible into housing.
- M. **Street Outreach (SO):** Essential services related to reaching out to unsheltered individuals and families experiencing homelessness within the CoC's geographic area, including those least likely to request assistance. Services are provided on the street, or in parks, abandoned buildings, bus stations, campgrounds, and other unsheltered settings. Services can include engagement, case management, emergency health services, emergency mental health services, transportation, and services for special populations.
- N. **Supportive Services Only (SSO):** Projects allow recipients to provide supportive services, such as conducting outreach to sheltered and unsheltered homeless personal and families and providing referrals to other housing or other necessary services, to families and individuals experiencing homelessness. The recipient may only assist program participants for whom the recipient or subrecipient of the funds is not providing housing or housing assistance.
- O. **Transitional Housing (TH):** Provides temporary housing with supportive services to individuals and families experiencing homelessness with the goal of interim stability and support to successfully move to and maintain permanent housing. TH projects can cover housing costs and accompanying supportive services for participants for up to 24 months.

V. **General Standards for All Projects**

- A. **Access to Mainstream Services.** The ND CoC and ESG expects that every organization that is funded through the ND CoC or ESG programs will coordinate with and access mainstream and other targeted homeless resources. Organizations should assess and assist participants with obtaining any mainstream resource(s) for which they may be eligible for including Temporary Assistance for Needy Families (TANF), Veterans Health Care, Supplemental Nutrition Assistance Program (SNAP), Medicaid, Federally Qualified Health Plan (Affordable Care Act), Children's Health Insurance Program (CHIP), Supplemental Security Income/Social Security Disability Insurance (SSI/SSDI), Workforce Investment funds, and Welfare-to-Work. Where possible, organizations should streamline processes for applying for mainstream benefits such as the use of a singular form to apply for benefits or collecting necessary information in one step.

- B. **Applications.** CoC projects should submit an annual application for project funding to the CoC in compliance with the CoC’s timeline for submission to HUD. ESG projects should submit applications for project funding according to NDHFA’s annual application process.
- C. **Collaboration with Educational Entities.** For projects that serve households with children, program policies must be in place to ensure children are enrolled in school and connected to appropriate services in the community, including early childhood projects such as Head Start, Part C of the Individuals with Disabilities Education Act, and McKinney Vento education services. The ND CoC encourages projects to utilize the CoC Educational Agreement as a standard for engagement and collaboration (contact the ND CoC coordinator for the agreement).
- D. **Conflict of Interest.** CoC-funded projects must follow [24 CFR 578.95](#). ESG projects are expected to follow the conflict-of-interest standards outlined in [24 CFR 576.404](#) related to the provision of ESG assistance and procurement of goods and services.
- E. **Coordinated Entry Participation.** North Dakota’s coordinated entry system is called Coordinated Access, Referral, Entry, and Stabilization (CARES) System. All CoC-funded TH, RRH, and PSH projects and ESG RRH projects are required to only accept referrals and fill vacancies and/or turnover units using the CARES referral process. All ESG and CoC funded projects are required to participate in CARES and abide by CARES policies and procedures. CARES policies and the Written Standards are therefore intended to be in alignment. All CARES documents can be found on the [CARES website](#).
- F. **CoC Participation.** All recipients (CoC and ESG) are expected to be members of the ND CoC and participate in CoC quarterly meetings and required trainings. CoC- and YHDP-funded agencies are also required to participate in, at a minimum, one CoC committee or workgroup. The ND CoC is a member organization driven by the collaborative efforts of its members.
- G. **Documentation.** All programs must verify and retain in each household’s file proof of program eligibility. This may include one or more of the following depending on funding source and specific program requirements:
1. [At-Risk of Homelessness Certification](#): ESG programs must complete the form and provide appropriate document(s) as indicated on the form.
 2. [Homeless Definition Certification](#): Must be completed for each household receiving ESG or CoC housing program.
 3. Disability Verification: CoC PSH will need to document disability status according to HUD requirements. A sample form is available on the [HUD Exchange website](#).
 4. [Income Verification](#): All sources of household income must be verified and documented at intake and updated every three months (ESG HP) or annually (ESG RRH, CoC RRH, and CoC PSH).

ESG: To be eligible for HP assistance, gross household income must be below 30 percent area median income (AMI) for the county in which the household is residing. For RRH assistance, there is no income requirement at program entry; however, the household must be below 30 percent AMI at the annual recertification.
 5. Prevention Screen: All ESG funded prevention programs will complete the CARES Housing Crisis Triage to determine level of assistance.

6. CARES Housing Prioritization Tool: All ESG and CoC funded housing programs will complete the CARES Housing Prioritization Tool (formerly known as the VI-SPDAT + Supplement) prior to entry into TH, RRH, or PSH.
7. Self-Certification: Must be completed if required verifications/other documentation cannot be secured and self-certification is the only way to verify information to determine program eligibility.
8. Lease Agreement: Tenants of CoC scattered site housing programs hold their own lease agreement. A signed copy of the lease agreement must be placed in the client's file.

ESG: A lease is required for households receiving financial assistance such as rental assistance, security deposits, rental arrearages, and utility payments/deposits.
9. VAWA Forms: All ESG and CoC housing programs must provide recipients with VAWA forms [HUD-5380 Notice of Occupancy Rights](#) and [HUD-91067 Lease Addendum](#).
10. Housing Plan: A Housing Plan must be completed for all individuals that receive a housing assessment and are determined eligible for services.
11. Rent Reasonableness: This standard is designed to ensure that program rents being paid are reasonable in relation to rents being charged for comparable unassisted units in the same market. ESG and CoC programs must complete and file a [Rent Reasonableness form](#) to ensure compliance prior to executing the lease for an assisted unit and anytime unit rent is increased thereafter.
 - a. CoC: Total rent for a unit assisted with CoC funds can exceed FMR if the rent meets rent reasonableness. For programs using **leasing** funds, rent paid using CoC funds may not exceed the lower of FMR or rent reasonableness. In situations where a unit is found to be rent reasonable, but the rent is above FMR, the recipient must use other funds, such as leverage (not match), to cover those costs. For programs using **rental assistance** funds, if rent reasonableness is higher than FMR, rental assistance funds can be used up to the amount of rent reasonableness.
 - b. ESG: For a unit supported by ESG rental assistance, the gross unit rent may not exceed either rent reasonableness or FMR; if it does exceed either standard, ESG funds may not be used for any portion of the rent. Rental assistance may cover up to the FMR for a unit. Programs should establish and follow policies that document that the rent for a unit is reasonable **and** within established FMR limits. However, rent reasonableness and FMR requirements do not apply when a program participant receives only financial assistance or services under ESG Housing Stabilization and Relocation Services rental application fees, security deposits, an initial payment of last month's rent, utility payments/deposits, moving costs, housing search and placement, housing stability case management, landlord tenant mediation, legal services, and credit repair. Such financial assistance and services may be provided using ESG funds even when the eligible participant's unit exceeds FMR and/or rent reasonableness.
12. Habitability/Housing Standards: All units must meet Habitability Standards for ESG and Housing Quality Standards for CoC before financial assistance can be provided for rent, security deposits, rental arrears, and utility payments.

13. Lead-Based Paint Inspection: Lead-Based Paint Inspection is required for housing for properties if built before 1978 and if a child aged 6 or younger or a pregnant woman will be residing in the unit.
 14. Annual Reports: Consolidated Annual Performance and Evaluation Report or HUD Annual Performance Reports are due for all funded programs on or before the annual deadline.
 15. Universal Data Elements: All projects are required to collect and report upon the required Universal Data Elements for their program in HMIS or an approved CoC comparable database. Data is to be current and accurate when reporting.
 16. Identification Documentation: There must be identification documentation for all household members whether receiving case management and/or financial assistance. Documentation must be a copy of one of the following: driver's license, social security card, Medicaid card, birth certificate, or passport.
- H. **Eligibility for Assistance:** See Project Standards by Type section for additional information regarding eligibility for assistance.
- I. **Emergency Transfers:** Projects must follow the [ND CoC Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking](#).
- J. **Environmental Review.** All CoC-funded projects (unless exempt) are required to complete an environmental review per 24 CFR 578.315. However, per 24 CFR 576.407(d)6, ESG activities will require some level of environmental review and clearance. No funds may be expended until an environmental review that meets the standards outlined in 24 CFR 587 has been submitted to the ND CoC or NDHFA.
- K. **Fair Housing and Equal Opportunity.** All recipients and subrecipients of ND CoC and ESG program funding must comply with the non-discrimination and equal opportunity provisions of federal civil rights laws as specified at 24 CFR 5.105(a), including, but not limited to the following:
1. Fair Housing Act
 2. Section 504 of the Rehabilitation Act
 3. Title VI of the Civil Rights Act
 4. Title II of the Americans with Disabilities Act
 5. HUD's Equal Access Rule
 6. Affirmatively Furthering Fair Housing. Providers must have non-discrimination policies in place and conduct assertive outreach to people least likely to engage in the homeless system. Organizations receiving ND CoC and ESG program funding shall market housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or disability; and shall provide program applicants and participants with information, in writing, on their rights and remedies under applicable federal, state, and local fair housing and civil rights laws.
 7. Integration and Accessibility (Fair Housing and Equal Opportunity). Housing and supportive services must be offered in an integrated manner, such that persons with disabilities may enjoy a meaningful life within the community. Organizations shall offer housing and supportive services to enable individuals with disabilities to interact with nondisabled persons to the fullest extent possible.

8. Reasonable Accommodations and Modifications for Persons with Disabilities. Organizations are required to provide reasonable accommodations and modifications for persons with disabilities. For federally funded housing, the recipient is responsible for paying for the modification. Organizations must inform applicants during the intake process of their right to request a reasonable accommodation or modification. A reasonable modification is a structural change (e.g., installing a grab bar in the bathroom for a person with a disability). A reasonable accommodation is a change to rules, policies, or services so that a person with a disability has equal opportunity to use and enjoy a dwelling unit or common space (e.g., permitting a person with a disability to have a service animal).
9. Discrimination Based on Actual or Perceived Gender. [HUD's Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity](#). Final Rule (Equal Access Rule) requires that HUD's housing projects be made available to individuals and families without regard to actual or perceived sexual orientation, gender identity, or marital status. The rule defines "gender identity" to mean "actual or perceived gender-related characteristics." The final rule also prohibits owners and administrators of HUD-assisted or HUD-insured housing, approved lenders in a Federal Housing Administration (FHA) mortgage insurance program, and any other recipients or subrecipients of HUD funds from inquiring about sexual orientation or gender identity to determine eligibility for HUD-assisted or HUD-insured housing.
 - a. There is a limited exception to this rule. Temporary, emergency shelters, and other buildings and facilities that are not covered by the Fair Housing Act because they provide short-term, temporary accommodations may provide sex-segregated accommodations, which they sometimes do to protect the privacy and security of individuals when the buildings and facilities have physical limitations or configurations that require shared sleeping quarters or shared bathing facilities. For purposes of this rule, shared sleeping quarters or shared bathing facilities are those that are designed for simultaneous accommodation of multiple individuals in the same space. For example, a single-user bathing facility with a lock on the door is not designated for simultaneous occupancy by multiple individuals, so it is not a "shared bathing facility" for purposes of the Equal Access Rule or this rule.
 - b. Organizations should ensure that its services do not isolate or segregate victims of domestic violence based upon actual or perceived gender identity.
10. [Discrimination Based on Household Composition](#). Organizations cannot discriminate against a group of persons presenting as a family based on the composition of the family, the age of any member of the family, the disability status of any member of the family, marital status, actual or perceived sexual orientation, or gender identity. The people who present together for assistance, regardless of age or relationship, are considered a household and are eligible for assistance as a household. Projects that serve families with children must serve all types of families with children; if a project targets a specific population, (e.g., homeless veterans), these projects must serve all families with children that are otherwise eligible for assistance, including families with children that are headed by a single adult or consist of multiple adults who reside together.
11. Preventing Family Separation. In an effort to maintain family unity, for housing projects serving households with children, the age and gender of a child under age 18 shall not be used as a basis for denying any family's admission, nor may

a recipient deny admission to any member of the family (e.g., 15-year-old son). Projects will make every attempt possible to avoid family separation, unless absolutely necessary for the safety and well-being of the family.

12. **Guidance for Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities.** Organizations operating ESG-single-sex emergency shelters (or other ESG- and/or CoC facilities) may not make a determination about services for one participant based on the complaints of another participant when those complaints are based on a participant's gender identity or non-conformity with gender stereotypes. For the purpose of assigning a participant to sex-segregated or sex-specific services, it is a requirement that intake staff and emergency housing providers ask a transgender participant which group or service the participant wishes to join. The organization must take reasonable steps to address safety and privacy concerns; the organization should provide for privacy in bathrooms and dressing areas. For instance, organizations may install privacy curtains or partitions. When deciding how to house a victim of domestic violence, an organization that provides sex-segregated housing may consider on a case-by-case basis whether a particular housing assignment would ensure the victim's health and safety. A victim's own views with respect to personal safety deserves serious consideration. The organization should ensure that its services do not isolate or segregate victims of domestic violence based upon actual or perceived gender identity.
13. **Prioritized Subpopulations and Fair Housing Implications.** Organizations shall comply with applicable civil rights laws, including the Fair Housing Act. Within this framework, these standards establish subpopulations to be prioritized for housing and services that align with the identified needs of the local community and the goals of the [Federal Strategic Plan to End Homelessness](#). Subpopulations may be prioritized as long as doing so does not discriminate against any protected class under federal nondiscrimination laws (e.g., the housing may be limited to homeless veterans, victims of domestic violence and their children, or chronically homeless households); subpopulations may also be prioritized according to who needs the specialized supportive services that are offered by the project (e.g., substance use disorder treatment, domestic violence services, or a high intensity package of services designed to meet the needs of hard-to-reach people experiencing homelessness).
 - a. Dedicated versus prioritized projects and/or beds that are dedicated to serving a specific subpopulation must continue serving only this subpopulation (e.g., a permanent supportive housing project that is dedicated to serving households experiencing chronic homelessness must continue serving those households). This means that if two otherwise eligible households are seeking admission into the program, one who falls within the designated prioritized subpopulation and one who does not, the household who is in the designated prioritized subpopulation must be given priority for admission. If there are no persons on a waiting list or applying for entrance to the program who fall within the dedicated or first priority subpopulation, organizations should not hold the unit vacant, but instead should serve the next prioritized subpopulation who may benefit from the services being provided.
 - b. **Fair Housing Implications.** CoC coordinated entry may establish priorities for subpopulations by project type (i.e., permanent supportive housing or transitional housing), but organizations may not set more restrictive priorities.

For instance, while a permanent supportive housing project may prioritize households experiencing chronic homelessness with a qualifying disability per coordinated entry policies, beds may not be reserved to persons with a specific disability (i.e., physical disability). If an individual, who is otherwise qualified, but who does not have a physical disability, seeks admission and would benefit from the services offered, this person may not be excluded from the project. Organizations may reserve beds for persons with HIV/AIDS if the housing also receives funding from the Housing Opportunities for People with AIDS program (HOPWA).

- L. **Housing First Orientation.** The ND CoC practices a Housing First model of care that with the following core principals of practice.
1. **Low Barrier Access:** Immediate access to permanent housing with no housing readiness requirements.
 2. **Client Choice:** Client centered approach that emphasizes client choice of housing options and level and time of supports currently available to them.
 3. **Recovery Orientation:** Assures clients have access to a wide range of supports that help stabilize and thrive in housing. Ensures that care be provided with a harm reduction orientation aimed at reducing the risks and harmful effects associated with addictive and other harmful behaviors versus expecting zero tolerance for these behaviors unless they threaten the rights or safety of others.
 4. **Individualized Client-Driven Supports:** Supports are offered based on each client's unique needs and desires and are presented in a creative, ongoing, and culturally appropriate manner.
 5. **Social and community integration:** Providers assist clients to integrate into their community and connect with natural supports that are healthy, to avoid isolation, and support long-term stability.
 6. **Persistent Engagement (youth):** Staff should utilize an assertive style of case management, and continuously attempt to engage youth, even if youth are resistant to services.
- M. **HMIS Participation.** All projects, apart from domestic violence (DV) or other projects not allowed to use HMIS, must enter data into ND HMIS accurately and in a timely manner, as defined in ND HMIS Policies and Procedures and ND HMIS Data Quality Management Plan. HMIS policies can be found on the [ND ICA website](#). DV projects or other projects not allowed to use HMIS, must enter data into a CoC approved comparable database accurately and in a timely manner and make their aggregate data available to the ND CoC for planning, monitoring, and ranking. Projects should use this data to measure project outcomes and identify areas for improvement. Non-CoC and non-ESG funded projects are also encouraged to track project data using HMIS or a CoC approved comparable database.
- N. **Limited English Proficiency.** All CoC- and ESG-funded projects should take reasonable steps to ensure meaningful access to their projects and activities by individuals with Limited English Proficiency, regardless of the language spoken. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Grantees must follow the requirements outlined in 24 CFR 576.407(b)³⁴. HUD published Final Guidance to Federal Financial Assistance Requirements Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons in the Federal Register on January 22, 2007 (72 F.R. 2732)³⁵.

- O. **Performance Measures by Project Type.** Each project type will have performance measure goals. The CoC System Performance Committee continues to work on establishing these goals based on the System Performance Measures submitted to HUD annually.
- P. **Persons with Lived Experience Inclusion.** Each recipient and subrecipient of assistance under this part must, to the maximum extent practicable, involve homeless individuals and families through employment; volunteer services; or otherwise in constructing, rehabilitating, maintaining, and operating the project, and in providing supportive services for the project.
1. CoC-funded projects must follow [24 CFR 578.75](#) Participation of homeless individuals. Each recipient and subrecipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policymaking entity of the recipient or subrecipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this part. This requirement is waived if a recipient or subrecipient is unable to meet such requirement and obtains HUD approval for a plan to otherwise consult with homeless or formerly homeless persons when considering and making policies and decisions.
 2. ESG-funded projects must follow [24 CFR 576.405](#). The provisions requiring homeless participation on boards or in an advisory capacity can be fulfilled by ESG Grantees bringing any policy decisions regarding their facility and services to the CoC governing board where homeless participation is already existing. Also, to the maximum extent practicable, grantees should involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities, in providing services assisted under the ESG Project, and in providing services for occupants of facilities assisted with ESG.
- Q. **Point-in-Time and Housing Inventory Counts Participation.** All ND CoC- and ESG-funded projects must participate in the annual point-in-time and housing inventory counts, including participation in the unsheltered count if needed.
- R. **Recordkeeping Requirements.** See Appendix B.
- S. **Transition and Move-On Strategy Principles.**
1. Transition should be a voluntary process that participants choose.
 2. Collaboration of mainstream housing and services must be fostered.
 3. Connections to community-based supports are necessary for housing stability.
- T. **Termination and Grievance Procedures.** Organizations must have a written grievance procedure, including a formal process for participants to provide feedback.
1. Organizations must have a written termination policy outlining project rules and termination processes, including a formal due process.
 2. Terminations may only occur in the most severe circumstances, which includes, but are not limited to, consistent failure to make rental payments or adhere to a repayment schedule, consistent violation of the lease, or destruction of property.
 3. Termination from a project should not prohibit the household from being readmitted into the program at a future date.
 4. The termination process, at a minimum, must consist of:

- a. Providing the participant with a written copy of the rules and the termination process before the participant begins to receive assistance;
- b. Written notice to the program participant containing a clear statement of the reasons for termination (e.g., lease obligations, tenant payments, damage to the property).
- c. A review of the decision, in which the program participant is given the opportunity to present written or oral objections/appeal before a person other than the person (or a subordinate of that person) who made or approved the termination decision;
- d. Prompt written notice of the final decision to the program participant; and
- e. Providing Notice of VAWA Occupancy Rights.

U. Violence Against Women Act (VAWA). VAWA requires that CoC and ESG programs:

- 1. Provide participants with the HUD Notice of VAWA Occupancy Rights (form HUD-5380) and Self-Certification (form HUD-5383);
- 2. Add a lease addendum that includes VAWA protections; and
- 3. Allow participants to make emergency transfers (form HUD-5381) when safety is a concern.

Standards by Project Type

Street Outreach (SO)

SO includes provision of essential services necessary to reach out to people experiencing unsheltered homelessness; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility-based care to those who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. Coordinated SO efforts that identifies and engages people living in unsheltered locations, such as in cars, parks, abandoned buildings, encampments, and on the streets, plays a critical role within the system for ending homelessness. Effective SO reaches people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensures that people's basic needs are met while supporting them along pathways toward housing stability. Core services of SO include: engagement, case management, emergency health services, emergency mental health services, transportation, and services to special populations.

Funding source: ESG

Access

Outreach workers are able to enroll households across the community, outside office walls, engaging with participants early and often.

Eligibility

The following HUD categories of individuals or families are eligible for SO services:

1. [Category 1, Literally Homeless](#)
2. [Category 4, Fleeing/Attempting to Flee Domestic Violence](#) (where the individual or family also meets the criteria for Category 1); AND

Individuals and families must be living on the streets (or other places not meant for human habitation) and be unwilling or unable to access services in emergency shelter, housing, or an appropriate health facility.

Documentation

Relevant documentation standards include the information presented in section V.G of this document. Additionally, staff should be working with participants to obtain their necessary documentation (i.e., social security card, photo identification, birth certificates, etc). These efforts should be documented in the case files along with any additional case notes.

Prioritization

Anyone who is unsheltered is prioritized for SO, although everyone who meets eligibility should be able to be enrolled.

Duration and Amounts

1. There should be repeated attempts to assist, respecting client choice.
 2. ESG-funded SO projects should conduct SO at a minimum of weekly, depending on budget and staffing.
 3. No one is terminated from this project type unless they are placed in housing of their choice; they indicate they no longer need services and request their case be closed; or they pose a serious threat of harm to the outreach staff or other participants.
-

Homeless Prevention (HP)

Housing stability is the primary goal of HP. ESG funds may be used to provide housing relocation and/or stabilization and services and rental assistance to prevent an individual or family from moving into an emergency shelter, safe haven, or other place not meant for human habitation. ESG HP is not an eviction prevention project. It is intended to prevent households from losing all housing and ending up in emergency shelter or on the street. Non-ESG-funded prevention projects are encouraged to also follow these standards. Core services of HP include:

1. Housing relocation and stabilization services (annual income below 30 percent median family income)
 - a. Financial assistance costs (i.e., rental application fees, security deposits, last month's rent, utility deposits utility payments, and moving costs)
 - b. Service costs (i.e., housing search and placement, housing stability case management, mediation, legal services, and credit repair), and rental assistance (may be tenant- or project-based).

Funding source: ESG

Access

Households will be screened for prevention resources through CARES using the Housing Crisis Triage. If a household is identified at risk of homelessness, the access site will refer to prevention providers in their region (if available). These households will not be added to the prioritization list.

Eligibility

The following HUD categories of individuals or families are eligible for SO services:

1. [Category 2, Imminent Risk of Homelessness](#)
2. [Category 4, Fleeing/Attempting to Flee Domestic Violence](#)
3. [At Risk of Homelessness](#), AND

Gross household income must be below 30 percent area median income (AMI) for the county in which the household is residing.

Some households who apply for ESG HP assistance may be losing their housing, but they have another safe and appropriate housing option, including temporary options, where they can stay while they work to obtain their own housing. An applicant may also have another resource they can use to maintain current housing or obtain new housing. Such applicants would not be considered at imminent risk of literal homelessness.

An individual or family that qualifies as homeless under Category 4 but does not live in an emergency shelter or other place described in paragraph (1) of the 'homeless' definition (see Appendix A) would not be eligible for ESG rapid re-housing assistance but may be eligible for ESG HP assistance. Additionally, if the household meets the criteria under either Category 2 or 3 of the homeless definition or the criteria under the at-risk definition, the household may be eligible for HP assistance.

Documentation

Relevant documentation standards include the information presented in section V.G of this document.

Prioritization

Individuals and families should be assessed with the CARES Housing Crisis Triage offered at an Access site. After screening for eligibility based on funder criteria and agency capacity (availability of funding to assess new households), households will be referred to the

appropriate resources based on their vulnerability outcome (i.e., shelter, prevention/diversion, or mainstream resources). When appropriate, based on the individual's needs and wishes, the provision of or referral to homeless prevention or rapid rehousing services, or other available housing programs offered through the ND CoC that can quickly assist individuals to maintain or obtain safe, permanent housing, shall be prioritized over the provision of emergency shelter services.

Duration and Amounts

1. Short-term rental assistance up to three months of rent or medium-term rental assistance for more than 3 months of rent but not more than 24 months.
 - a. Minimum standards for determining how long a particular program participant shall be provided with rental assistance and whether and how the amount of that assistance shall be adjusted over time are:
 - Participants received approval for the minimum amount of financial assistance necessary to prevent homelessness. Documentation of financial need shall be kept in the participant's file for each month of financial assistance received. Participants shall not be approved for more rental assistance than can be justified given their income and expenses at a given time.
2. Agencies cannot set organizational maximums or minimums but must rely on the ESG Interim Rules and Regulations to determine household eligibility.
3. Payment of rental arrears for up to six months of rent in arrears, including any late fees.
4. Security deposits. ESG funds may pay for a security deposit that is equal to no more than 2 months' rent
5. Last month's rent. Must not exceed 1 month's rent and must be included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any 3-year period.
6. Housing stability case management cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing.
7. **Participant contribution:** Minimum standards for determining what percentage or amount of rent and utilities costs each program participant shall pay while receiving homelessness prevention:
 - a. Participant's income shall be verified prior to approval for initial and additional financial assistance. Documentation of the participant's income and expenses, including how the participant is contributing to housing costs, if at all, shall be maintained in participant's file. This file shall also contain a plan to sustain housing following the assistance, including either a plan to increase income or decrease expenses or both.

Minimum Standards

1. Re-evaluations for homelessness prevention. The subrecipient must re-evaluate the program participant's eligibility and the types and amounts of assistance the program participant needs not less than once every three months. At a minimum, each re-evaluation of eligibility must establish that:
 - a. The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and
 - b. The program participant lacks sufficient resources and support networks necessary to retain housing without assistance.

2. The subrecipient may require each program participant receiving homelessness prevention assistance to notify the recipient or subrecipient 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 subrecipient must re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs.
3. HP programs must require program participants to engage in monthly case management meetings to assist the program participant in ensuring long-term housing stability.

Emergency Shelter (ES)

An ES is any facility, the primary purpose of which is to provide a temporary shelter for households experiencing homelessness and which does not require occupants to sign a lease or occupancy agreement. The goal for all ESs is to exit households to permanent housing as quickly as possible. Upon admission to ES, all households should be entered into CARES to expedite exit to permanent housing resources. It is the CoC's goal that all ES, regardless of funding source, will follow the CoC's written standards. Non-ESG-funded prevention projects are encouraged to also follow these standards. Core services include:

1. Essential services including case management, childcare, education services, employment assistance and job training, outpatient health services, legal services, life skills training, substance abuse treatment services, transportation, and services for special populations.
2. Shelter operations eligible costs include the costs of maintenance (including minor or routine repairs), rent, security, fuel, equipment, insurance, utilities, food, furnishings, and supplies necessary for the operation of the emergency shelter. Where no appropriate emergency shelter is available for an individual or family experiencing homelessness, eligible costs may also include a hotel or motel voucher.

Funding source: ESG

Access

ES may accept participant referrals from CARES, other agencies, or from the participants themselves (i.e., self-referral/participant reaches out for services). Shelter intake staff should explore all options prior to enrolling a household in ES, including problem-solving conversations, identifying community supports (coordinating with HP projects), and offering lighter touch solutions.

Victims of domestic violence, dating violence, sexual assault, and stalking: To the extent possible, these households will be referred to the local domestic violence agency for safe shelter. When not feasible, shelter providers will work with their local domestic violence agency to develop protocols to meet their safety needs.

Eligibility

Individuals and families experiencing homelessness in emergency shelters. Providers of emergency shelter services shall admit individuals and families who meet the HUD definition of "homeless" and agency's eligibility criteria. The following HUD categories of individuals or families are eligible for ES services:

1. [Category 1, Literally Homeless](#)
2. [Category 2, Imminent Risk of Homelessness](#)
3. [Category 4, Fleeing/Attempting to Flee Domestic Violence](#)

Documentation

Relevant documentation standards include the information presented in section V.G of this document.

Prioritization

Except for crisis situations, emergency shelter resources must fill open beds by the highest vulnerability. This includes motel/hotel vouchers, domestic violence beds, and emergency shelter bed openings. After shelter eligibility based on funder policies and openings are determined, beds/rooms shall be filled in the following order:

1. Communities with limited demand and resources must regionally identify how to prioritize their resources.
2. Communities who have high emergency shelter demand and/or have had a wait list in the last 30 days must prioritize based on the following:
 - a. Accessibility. Those who are in closest proximity to the shelter are served first.
 - b. Vulnerability (e.g., an individual literally sleeping on the streets should be sheltered over an individual that has a safe doubled-up situation).
 - c. Length of time homeless (e.g., individuals who have been unsheltered the longest should be prioritized over those who have been unsheltered for a shorter period).
3. Emergency shelter resources should not be spent on individuals or households that could fund their own hotel/motel or acquire their own housing.

NOTE: Shelter eligibility is based on funder restrictions (domestic violence, youth, etc.) or target population preference (youth, singles, families, women, men). Preference restrictions are revised based on CoC or sub-regional planning needs.

Duration and Amounts

The CoC has not established a maximum length of stay in ES. Subrecipients shall make every effort to ensure program participants are discharged from emergency shelter services only when they choose to leave or when they have successfully been obtained safe, permanent housing. Shelters should provide flexibility related to length of stay based on individual needs, recognizing factors that may necessitate a longer length of stay such as awaiting housing through the CoC's CARES process. Shelters should maintain a housing-focused approach when working with participants.

ES should not charge fees to participants.

Minimum Standards

1. Reassessment. Program participants will be reassessed as case management progresses.
2. Safety and Shelter Safeguards for Special Populations. Safety and Shelter Safeguards shall be determined by the individual special population service provider's policies and clearly communicated to program participants.

Transitional Housing (TH)

TH facilitates the movement of individuals and families experiencing homelessness to permanent housing. The standards adopted for TH will apply to projects funded under the CoC and to the TH portion of the CoC-funded joint TH/RRH projects.

Enrollment is based on client choice in conjunction with the provider's assessment of health and safety needs. TH should be as low barrier as possible while honoring eligibility and prioritization criteria as outlined below.

Core services of TH include, rental and utility assistance, case management, linkage to mainstream services, and a housing stability plan.

Funding source: CoC

Access

All households access HUD-funded TH projects via CARES and should be offered the option with as few barriers to project entry as possible.

Eligibility

The following categories of individuals or families are eligible for TH services:

1. [Category 1, Literally Homeless](#)
2. [Category 2: Imminent Risk of Homelessness](#)
3. [HUD Category 4, Fleeing/Attempting to Flee Domestic Violence](#)

Documentation

Relevant documentation standards include the information presented in section V.G of this document.

Prioritization

All CoC-funded projects are required to prioritize individuals and families using the CARES process. Households with a vulnerability outcome of Low or Medium from the Housing Prioritization Tool will be selected based on the following criteria after meeting program eligibility:

1. Category 1: unsheltered
2. Category 1: other
3. Category 4
4. Category 3: Youth programs ONLY
5. Category 2

If all else is equal, the following prioritization will be used for ties:

1. Longest period of time homeless
2. Veterans
3. Age: Persons under age 24 or over age 50
4. Length of time on the priority list

Duration and Amounts

While TH may be used to cover the costs for up to 24 months of housing with accompanying supportive services, it is intended to be used as bridge housing (i.e., temporary housing when shelter is unavailable or the participant is preparing to enroll in permanent housing), not exceeding twelve months, except in extenuating circumstances, with an average target of a six-month stay per household. The actual length of stay for a particular household will vary based on their specific needs and the availability of affordable permanent housing resources.

Rents collected from participants of TH may be reserved in whole or in part to assist the participants to move to permanent housing.

For TH projects using **rental assistance funds**, the participant's rent contribution must be the highest of the following amounts (rounded to the nearest dollar):

1. 30 percent of the household's monthly adjusted income;

2. 10 percent of the household's monthly gross income; or
3. If the household is receiving payments for welfare assistance from a public agency and a part of the payments (adjusted in accordance with the family's actual housing costs) is specifically designated by the agency to meet the family's housing costs, the portion of the payments that is designated for housing costs

TH projects using **leasing funds** do not have to impose an occupancy charge; if they choose to do so, the occupancy charge cannot be higher than the highest of the three figures listed above.

Minimum Standards

1. Projects provide appropriate services to meet participants' health and safety needs. Case management should be offered to participants on at least a monthly basis. Services are not required in order to participate in housing.

Joint Transitional Housing/Rapid Rehousing (TH/RRH)

A Joint TH/RRH component project is a project type that includes two existing project components, TH and RRH, in a single project to serve individuals and families experiencing homelessness. Generally, TH/RRH can be appropriate in areas with low ES housing stock and emphasis should be on rapid movements from TH to permanent housing.

Projects administering Joint TH/RRH projects should defer to the RRH and TH sections of these written standards. The areas which deviate from those standards or had additional nuances associated with them for the Joint TH/RRH project type are addressed below.

Funding source: CoC

Access

All households access HUD-funded Joint TH/RRH projects via CARES. Projects must offer both components. Participants can choose what housing setting makes the most sense, which may include TH only, RRH only, or TH and RRH. The choice should be driven by client choice and needs.

Eligibility

The following categories of individuals or families are eligible for Joint TH/RRH services:

1. [Category 1, Literally Homeless](#)
2. [Category 2, Imminent Risk of Homelessness](#)
3. [HUD Category 4, Fleeing/Attempting to Flee Domestic Violence](#)

In addition, the individual or household assisted must meet eligibility requirements identified in the Notice of Funding Opportunity (NOFO) for the grant year in which the program is funded.

Documentation

Relevant documentation standards include the information presented in section V.G of this document.

Prioritization

All CoC-funded projects are required to prioritize individuals and families using the CARES process. Households with a vulnerability outcome of Low or Medium from the Housing Prioritization Tool will be selected based on the following criteria after meeting program eligibility:

1. Category 1: unsheltered
2. Category 1: other
3. Category 4

4. Category 3: Youth programs ONLY
5. Category 2

If all else is equal, the following prioritization will be used for ties:

1. Longest period of time homeless
2. Veterans
3. Age: Persons under age 24 or over age 50
4. Length of time on the priority list

Duration and Amounts

The maximum duration of support for both components combined is 24 months per household.

For more information about TH or RRH specific criteria, please refer to those project component sections within this document.

Minimum Standards

2. Case management with weekly contact including in-home visits.
3. Assessment of needs conducted every three months.

Rapid Rehousing (RRH)

The standards adopted for RRH apply to projects funded under both ESG and CoC unless otherwise noted. RRH is an intervention designed to help individuals and families quickly exit homelessness and return to permanent housing. RRH assistance is offered without preconditions (i.e., employment, income, absence of criminal record, or sobriety) and the resources and services provided are tailored to the unique needs of the household.

Core services for those receiving assistance through a CoC-funded agency includes rental assistance or utility subsidies, security deposits, voluntary case management, linkage to mainstream resources, and a housing stability plan.

Core services for those receiving assistance through an ESG-funded agency includes housing relocation and stabilization services including financial assistance (i.e., rental application fees, security deposits, last month's rent, utility deposits, utility payments, and moving costs) and service costs (i.e., housing search and placement, housing stability case management, mediation, legal services, and credit repair).

Funding source: CoC and ESG

Access

All referrals to RRH must come through CARES.

Eligibility

The following categories of individuals or families are eligible for RRH services:

1. [Category 1, Literally Homeless](#)
2. [Category 2, Imminent Risk of Homelessness](#) (CoC ONLY)
3. [Category 4, Fleeing/Attempting to Flee Domestic Violence](#) (for ESG-funded RRH, household must also meet requirements of Category 1)

In addition, the individual or household assisted must meet eligibility requirements identified in the Notice of Funding Opportunity (NOFO) for the grant year in which the program is funded.

There is no income requirement at program entry for RRH, however, for ESG-funded RRH, the household must be below 30 percent AMI at the annual recertification.

Documentation

Relevant documentation standards include the information presented in section V.G of this document.

Documentation of financial need shall be kept in the participant's file for each month of financial assistance received.

Prioritization

All CoC- and ESG-funded projects are required to prioritize individuals and families using the CARES process. Based on the length of time rental assistance will be provided, households will be referred by their vulnerability outcome from the Housing Prioritization Tool (short-term: Low, medium-term: Medium, and long-term: Medium-High). Along with the vulnerability outcome, households will be selected based on the following criteria after meeting program eligibility:

1. Category 1: unsheltered
2. Category 1: other
3. Category 4
4. Category 2

If all else is equal, the following prioritization will be used for ties:

1. Longest period of time homeless
2. Veterans
3. Age: Persons under age 24 or over age 50
4. Length of time on the priority list

Duration and Amounts

Since rental and/or financial assistance is to match the needs of the household, the duration of assistance will vary by household, lasting for no longer than the household needs to stabilize. In no instances, will the household receive more than 24 months of RRH assistance in any three-year period, and no fees can be imposed on project participants beyond payment of rent. Minimum standards for determining what percentage or amount of rent and utilities costs each program participant shall pay while receiving rapid rehousing assistance are:

1. Participants received approval for the minimum amount of financial assistance necessary to prevent homelessness. Participants shall not be approved for more rental assistance than can be justified given their income and expenses at a given time.
2. Agencies cannot set organizational maximums or minimums but must rely on the CoC and ESG Interim Rules and Regulations to determine household eligibility:
 - a. Program participant's total rental assistance cannot exceed 24 months during any 3-year period.
 - b. Payment of rental arrears may be made for up to six months of rent in arrears, including any late fees.
 - c. ESG funds may pay for a security deposit that is equal to no more than two months' rent.
 - d. Last month's rent must not exceed one month's rent and must be included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any 3-year period.

3. Participant contribution. Neither HUD nor the ND CoC require that participants share in the cost of their rental assistance. If the agency requires rent cost sharing, the agency must have standards for client income contributions to rent. If an agency has income contribution standards, they must apply to all program participants equally.

The amount of rental assistance provided is highly individualized but should generally reduce the level of RRH subsidies over time so that each household contributes more as they are able to and as stabilization is realized.

Initial assistance can be as much as 100% of the rent. Clients will pay a percentage of their rent based on the program's assessment of the client's financial situation, with rental assistance decreasing over time; to provide flexibility for projects, the schedule for assistance and process of decreasing will be determined by program staff as included in the program's policies.

4. Rent calculations. The rent shall equal the total monthly unit rent and, if the tenant pays separately for utilities, the monthly utility allowance set by the local public housing authority.
5. Rental assistance ESG-funded RRH may be tenant- or project-based. Rental assistance for CoC-funded RRH may only be tenant-based.

Minimum Standards

1. Project staff should support clients in their housing search to secure housing more rapidly.
2. Re-evaluations. The subrecipient must re-evaluate the program participant's eligibility and the types and amounts of assistance the program participant needs not less than once annually for program participants receiving rapid rehousing assistance with ESG and CoC funds. At a minimum, each re-evaluation of eligibility must establish that:
 - a. The program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance; and
 - b. [For ESG-funded RRH only] The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD.
3. The subrecipient may require each program participant receiving rapid re-housing assistance to notify the recipient or subrecipient 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. 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.
4. RRH program must require program participants to engage in monthly case management meetings to assist the program participant in ensuring long-term housing stability.
 - a. The recipient or subrecipient is exempt from the requirement if the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits that recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.
 - b. For ESG-funded RRH, housing stability case management cannot exceed 30 days during the period the program participant is seeking permanent housing and

cannot exceed 24 months during the period the program participant is living in permanent housing.

- c. For CoC-funded RRH, supportive services may be provided until 6 months after rental assistance ends. *For a full list of services available under the CoC program, see 24 CFR § 578.53.*

Permanent Supportive Housing (PSH)

PSH is community-based housing without a designated length of stay, offering a higher level project option for those in need of such interventions. It is important to note that as needs change, a lower-level intervention may be more appropriate, at which time other options may be explored and decided upon between the project and participant. PSH provides housing assistance and supportive services to assist project participants to maintain their housing stability. Core services of PSH include rental assistance for length of eligibility, other direct support services (i.e., childcare, transportation, utilities), voluntary case management with initial weekly contact up to monthly and regular in-home visits, linkage to mainstream services, and a housing stability plan.

Funding source: CoC

Access

All referrals to PSH must come through CARES.

Eligibility

The following categories of individuals or families are eligible for PSH services:

1. [Category 1, Literally Homeless](#)
2. [Category 4, Fleeing/Attempting to Flee Domestic Violence](#)

At least one household member must have a documented disability.

Chronically homeless must have an adult member with a disability and have at least one consecutive year of homelessness or 4+ episodes of homelessness in the past three years where the total time homeless equals one year.

In addition, the individual or household assisted must meet eligibility requirements identified in the Notice of Funding Opportunity (NOFO) for the grant year in which the program is funded.

Documentation

Relevant documentation standards include the information presented in section V.G of this document.

Prioritization

All CoC-funded projects are required to prioritize individuals and families using the CARES process. Households with a vulnerability outcome of Highest or High from the Housing Prioritization Tool will be selected based on the following criteria after meeting program eligibility:

1. Category 1: unsheltered and disabled
2. Category 1: emergency shelter and disabled
3. Exiting transitional housing where the individual or household entered as homeless with a disability
4. Highest priority homeless (based on the Housing Prioritization Tool outcome)

100 percent of CoC-funded PSH units are chronic dedicated. This means that they should first be made available to a household that meets the chronically homeless definition. If there are no

chronically homeless households choosing to occupy a particular PSH unit, it may then be rented to a non-chronically homeless household.

Duration and Amounts

Each project participant should be assessed at least annually to determine whether they are able to move from PSH to other permanent housing without supports (either subsidized or market rate) in order to make PSH resources available for those with the greatest need for supported housing. If it is determined that it is feasible for a participant to exit from PSH, project staff should support them in this transition, including assistance with identifying alternative housing and connection to community supports. To support households transitioning from PSH, project staff are encouraged to assist participants in signing up for all appropriate subsidized housing waiting lists including: Housing Choice Vouchers, public housing, senior housing, and other privately-owned assisted housing.

For PSH projects using **rental assistance funds**, the participant's rent contribution must be the highest of the following amounts (rounded to the nearest dollar):

1. 30 percent of the household's monthly adjusted income;
2. 10 percent of the household's monthly gross income; or
3. If the household is receiving payments for welfare assistance from a public agency and a part of the payments (adjusted in accordance with the family's actual housing costs) is specifically designated by the agency to meet the family's housing costs, the portion of the payments that is designated for housing costs

PSH projects using **leasing funds** do not have to impose an occupancy charge; if they choose to do so, the occupancy charge cannot be higher than the highest of the three figures listed above.

If an assisted unit is vacated before the expiration of the lease, the project may pay no more than 30 days from the end of the month in which the unit was vacated. Brief periods of stays in institutions (not to exceed 90 days) by project participants are not considered "vacancies", and rent can continue to be paid on the unit while the project participant is in the institution.

Minimum Standards

1. Project staff should support clients in their housing search to secure housing more rapidly (only for scattered site projects).
2. Households must have a lease for at least one year which is automatically renewable for a term of at least one month and only terminable for cause.
3. Supportive services should be proactively offered to help tenants achieve and maintain housing stability. Programs may not require participation in supportive services as a condition of tenancy.
4. Scattered-site projects should engage in landlord engagement, including identifying available units, facilitating move-in, and ensuring participants' ongoing success in housing.
5. Projects must exercise judgment and examine all extenuating circumstances in determining when violations are serious enough to warrant termination so that a PSH participant's assistance is terminated only in the most severe cases.
6. Annual assessments should be completed with each participant to determine whether they are able to move from PSH to other permanent housing.

NOTE: All grantees are responsible for understanding and abiding by the allowable costs for their respective programs as listed in their annual grant agreement or amended grant agreement. Grantees should also refer to the eligible program components listed in the CoC and ESG Interim Rules and Regulations.

The ND-500 CoC Written Standards for ESG and CoC Programs were approved by the ND Department of Commerce in April 2023, the ND CoC Board in April 2023 and the full CoC membership in May 2023.

APPENDIX A

Homeless Definition – Criteria for Defining Homelessness



Homeless Definition

| | | | |
|---------------------------------------|---------------|---|---|
| CRITERIA FOR DEFINING HOMELESSNESS | Category 1 | Literally Homeless | <p>(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:</p> <ul style="list-style-type: none"> (i) Has a primary nighttime residence that is a public or private place not meant for human habitation; (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); <u>or</u> (iii) Is exiting an institution where (s)he has resided for 90 days or less <u>and</u> who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution |
| | Category 2 | Imminent Risk of Homelessness | <p>(2) Individual or family who will imminently lose their primary nighttime residence, provided that:</p> <ul style="list-style-type: none"> (i) Residence will be lost within 14 days of the date of application for homeless assistance; (ii) No subsequent residence has been identified; <u>and</u> (iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing |
| | Category 3 | Homeless under other Federal statutes | <p>(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:</p> <ul style="list-style-type: none"> (i) Are defined as homeless under the other listed federal statutes; (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application; (iii) Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; <u>and</u> (iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers |
| | Category 4 | Fleeing/ Attempting to Flee DV | <p>(4) Any individual or family who:</p> <ul style="list-style-type: none"> (i) Is fleeing, or is attempting to flee, domestic violence; (ii) Has no other residence; <u>and</u> (iii) Lacks the resources or support networks to obtain other permanent housing |

APPENDIX B

Homeless Definition – Recordkeeping Requirements



Homeless Definition

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| RECORDKEEPING REQUIREMENTS | Category 1 | Literally Homeless | <ul style="list-style-type: none"> • Written observations by the outreach worker; or • Written referral by another housing or service provider; or • Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter; • For individuals exiting an institution – one of the forms of evidence above <u>and</u>: <ul style="list-style-type: none"> ○ Discharge paperwork or written/oral referral; <u>or</u> ○ Written record of intake worker’s due diligence to obtain above evidence <u>and</u> certification by individual that they exited institution |
| | Category 2 | Imminent Risk of Homelessness | <ul style="list-style-type: none"> • A court order resulting from an eviction action notifying the individual or family that they must leave; <u>or</u> • For individual and families leaving a hotel or motel – evidence that they lack the financial resources to stay; <u>or</u> • A documented and verified oral statement; <u>and</u> • Certification that no subsequent residence has been identified; <u>and</u> • Self-certification or other written documentation that the individual lacks the financial resources and support necessary to obtain permanent housing |
| | Category 3 | Homeless under other Federal statutes | <ul style="list-style-type: none"> • Certification by the nonprofit or state or local government that the individual or head of household is seeking assistance met the criteria of homelessness under another federal statute; <u>and</u> • Certification of no PH in the last 60 days; <u>and</u> • Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; <u>and</u> • Documentation of special needs <u>or</u> 2 or more barriers |
| | Category 4 | Fleeing/ Attempting to Flee DV | <ul style="list-style-type: none"> • <i>For victim service providers:</i> <ul style="list-style-type: none"> ○ An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification or a certification by the intake worker. • <i>For non-victim service providers:</i> <ul style="list-style-type: none"> ○ Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; <u>and</u> ○ Certification by the individual or head of household that no subsequent residence has been identified; <u>and</u> ○ Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing. |