



SACRAMENTO STEPS FORWARD

Ending Homelessness. Starting Fresh.

Coordinated Entry Committee Meeting
Monday, September 9, 2019 3-4:30 p.m.
1331 Garden Highway, Sacramento, CA 95833

VCR Room (second floor)

Agenda Item	Presenter	Time	Item Type
1. Welcome and Introductions	Co-Chairs John & Jenn	3:00 PM (15 min)	Informational
2. Policies: VAWA & anti-discrimination	Michele Watts	3:15 PM (30 min)	Informational
3. Review CESH fact sheet	Lisa Bates & Michele Watts	3:45 PM (20 min)	Action
4. CES Committee structure	Lisa Bates	4:05 PM (20 min)	Discussion
5. Future agenda topics	Co-Chairs John and Jenn	4:25 PM (5 min)	Discussion
6. Adjourn	Co-Chairs John and Jenn	4:00PM	Action



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To: Sacramento CoC Board Coordinated Entry System Committees
From: Michele Watts, Sacramento Steps Forward Chief Programs Officer
Date: September 5, 2019
Subject: CoC Adoption of HUD Policies

Background

In preparation for the FY2019 HUD CoC Program competition, the CoC Board must adopt local policies pertaining to anti-discrimination and domestic violence as detailed below. These policies were presented to the CoC Board in August and are slated for approval at the September 11, 2019 meeting. These policies are also being shared with the Coordinated Entry System Committees for additional input prior to the September board meeting. The attached drafts use track changes to highlight revisions made after the August CoC Board meeting.

Anti-Discrimination Policy & Training:

NOFA applicants must indicate whether the CoC has implemented a CoC-wide anti-discrimination policy. An annual training with CoC providers on how to effectively implement the Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity (Equal Access Final Rule) is also required. Additionally, the application should indicate whether an annual training with CoC providers on how to effectively implement the Rule in accordance with an individual's gender identity in Community Planning Development Programs is conducted. HomeBase, as part of their TA contract with the CoC/SSF, has provided examples of non-discrimination policies established by other localities (attached). SSF recommends the Board develop and approve a policy to optimize our application score.

Compliance with Violence Against Women Act (VAWA) Rule:

The grants awarded under the CoC NOFA must comply with the VAWA rule (24 CFR 578.99(j)). Compliance with this rule requires that each CoC establish an emergency transfer plan and make related updates to the written standards for administering CoC program assistance. These tasks are required to be completed by the time the local HUD Field Office issues the first grant agreement for a project in the CoC's geographic area for projects awarded funds in the FY 2019 CoC Program Competition. HomeBase has outlined these requirements (attached) and apply to all CoC-funded PSH, RRH, and TH programs. SSF recommends the Board develop and approve a policy for compliance to optimize our application score.

Attachments: Anti-Discrimination Policy; VAWA Policy



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Sacramento Continuum of Care Non-Discrimination Requirements for CoC-Funded Programs Compliance Policy

Non-Discrimination: Sacramento Steps Forward does not tolerate discrimination on the basis of any protected class (including actual or perceived race, color, religion, national origin, sex, age, familial status, mental or physical disability, sexual orientation, gender identity, or marital status). Recipients and subrecipients must operate in compliance with federal, state, and local nondiscrimination and equal opportunity requirements including the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. Housing, services or other benefits shall be made available to all participants, and participants will not be “steered” toward any particular housing facility or neighborhood because of race, color, national origin, religion, sex, perceived sexual orientation, gender identity, marital status, mental or physical disability, or the presence of children. Some programs may be forced to limit enrollment based on requirements imposed by their funding sources and/or state or federal law. All such programs will avoid discrimination to the maximum extent allowed by their funding sources and their authorizing legislation.

Filing of Non-Discrimination Complaints: All locations where persons are likely to access or attempt to access housing and services provided by recipients and subrecipients will include signs or brochures displayed in prominent locations informing participants of their right to file a non-discrimination complaint and containing the contact information needed to file a non-discrimination complaint. The requirements associated with filing a nondiscrimination complaint, if any, will be included on the signs or brochures.

When a non-discrimination complaint is received, Sacramento Steps Forward/ the Coordinated Entry Provider, in coordination with a [standing ad hoc](#) committee of the CoC Board, will complete an investigation of the complaint within 60 days by attempting to contact and interview a reasonable number of persons who are likely to have relevant knowledge, and by attempting to collect any documents that are likely to be relevant to the investigation. Within 30 days after completing the investigation, Sacramento Steps Forward/the Coordinated Entry Provider will write an adequate report of the investigation’s findings, including the investigator’s opinion about whether inappropriate discrimination occurred and the action(s) recommended by the investigator to prevent discrimination from occurring in the future. If appropriate, the investigator may

recommend that the complainant be re-assessed or re-prioritized for housing or services. The report will be kept on file for two years.

The CoC Board standing committee responsible for investigating complaints will report annually to the full Board on the number of complaints investigated and their resolution. Sacramento Steps Forward/ the Coordinated Entry Provider will coordinate and host training on federal, state, and local nondiscrimination and equal opportunity laws to proactively support providers with compliance.

Federal Citations:

24 CFR 578.93 (a)

24 CFR 5.105 (a)

24 § 576.500 (S) (1)



Sacramento Continuum of Care Violence Against Women Act (VAWA) Requirements for CoC-Funded Programs Compliance Policy

All CoC-funded programs are required to protect the rights, privacy and safety of survivors of domestic violence, dating violence, sexual assault or stalking. Programs are prohibited to deny, terminate, or evict a person as “a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.”

I. Required Forms and Notices

- A. The program must provide each applicant and participant with a *Notice of Occupancy Rights* under the Violence Against Women Act and a *Certification of Domestic Violence* form in the following situations:
 - 1. When the applicant is denied housing assistance;
 - 2. When the participant is provided housing assistance or admitted into the housing program;
 - 3. With any notification of eviction or notice of termination or assistance; and
 - 4. During the annual recertification or lease renewal process, whichever is applicable, or if there is not recertification or lease renewal, through other means.
- B. The *Notice of Occupancy Rights* must include:
 - 1. VAWA protections, including survivor rights of confidentiality and the prohibited bases for denial or termination of assistance or eviction; and
 - 2. Limitations of VAWA protections, including a housing provider's compliance with court orders and right to evict or terminate assistance to tenants for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking.
- C. The *Certification of Domestic Violence* form will provide space for the applicant to state:
 - 1. That they are a survivor of domestic violence, dating violence, sexual assault or stalking;
 - 2. That the incident that is the ground for protection meets the applicable definition for such incident under 24 CFR 5.2003; and
 - 3. The name of the individual who committed the violent act, if the name is known and safe to provide.

- D. For tenant-based rental assistance (TBRA), the program must ensure that the landlord or manager of the housing provides the *Notice of Occupancy Rights* under the Violence Against Women Act and a *Certification of Domestic Violence* form to the program participant with any notification of eviction.

II. Contracts and Leases

- A. For tenant-based rental assistance (TBRA), a program must require the following:
 - 1. The lease between the landlord and participant includes a provision for all requirements that apply to tenants under 24 CFR part 5, including the prohibited bases for eviction and restrictions on construing lease terms under 24 CFR 5.2005(b) and (c);
 - 2. A statement that the “owner/landlord will comply with 24 CFR part 5, subpart L”;
- B. For programs that are not TBRA, a program must include the following provisions in any lease or occupancy agreement between the program and the participant:
 - 1. The program allows the participant to terminate the lease, sublease or occupancy agreement without penalty if the program determines that the participant qualifies for an emergency transfer under the requirements of the emergency transfer plan
 - 2. The program must follow the terms of the VAWA Final Rule (24 CFR part 5, subpart L). The term may be narrowed to specify this requirement is for only as long as CoC assistance is being contributed to the unit.
- C. Confidentiality Requirements
 - 1. Any information submitted to the program or landlord, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking (confidential information), shall be maintained in strict confidence.
 - 2. The program shall not enter confidential information into any shared database or disclose to another entity, except to the extent that the disclosure is: (i) Requested or consented to in writing by the individual in a time-limited release (ii) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or (iii) Otherwise required by applicable law.

III. Emergency Transfers

- A. A participant is eligible for an emergency transfer if:
 - 1. The participant expressly requests the transfer; and
 - 2. The participant is a survivor of domestic violence, dating violence sexual assault, or stalking; and
 - 3. Either
 - a. The participant reasonably believes there is a threat of imminent harm from further violence if the participant remains in the same dwelling unit; or

- b. The participant is a survivor of sexual assault that occurred on the premises ~~within the 90-calendar day period preceding the date of the request for transfer.~~
- B. Participants can submit an emergency transfer request directly to program staff, certifying that they meet the emergency transfer qualification requirements. The program may request additional documentation of the event for which the participant is requesting an emergency transfer, but is not required to do so. No other documentation is required.
- C. The program must notify the Coordinated Entry System (CES) team that an emergency transfer request is being made and indicate whether the request is an internal transfer, an external transfer, or both.
 1. Internal transfer occurs when a participant is relocated to a new unit with the same program, without having to undergo an application process
 2. External transfer occurs when a participant is relocated to a new unit in a different program in the CoC.
 3. A participant can pursue both an internal and external transfer at the same time in order to transfer to the next available safe unit in the CoC.
- D. If the participant resides in a TBRA unit, the program will take reasonable steps to support the participant in securing a new, safe unit as soon as possible and a transfer may not be necessary.
- E. When a participant requests an emergency internal transfer, the program should take steps to immediately transfer the participant to a safe unit, if available. The transfer should receive at least the same priority as other transfer requests within the program. If a safe unit is not available immediately, program staff will notify the participant that a unit is not immediately available and explain the participant's options:
 1. Wait for a safe unit to become available for an internal transfer;
 2. Request an emergency external transfer; or
 3. Pursue both an internal and external transfer at the same time in order to transfer to the next available safe unit in the CoC.
- F. Where the participant requests an external emergency transfer, top priority will be given over any other applicants for CoC-funded housing assistance, provided the household meets all eligibility required by HUD and the program. After the program notifies the CES team of the emergency transfer request, CES staff will facilitate a referral of the participant to the next available appropriate unit. The household retains their original homeless or chronically homeless status for purposes of the transfer.
- G. Programs will ensure strict confidentiality measures are in place to prevent disclosure of the location of the client's new unit to a person who committed or

threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the client.

H. The housing provider must keep a record of all emergency transfers requested, and the outcomes of such requests, and retain these records for a period of 5 years following the grant year of the program of which the household was a participant. Requests and outcomes of such requests will be reported to HUD annually.

H.I. The Coordinated Entry System operator will report to the CoC Board annually on the number of emergency transfers requested and the outcomes of such requests.

H.J. Family Separation: Where a family receiving TBRA separates as part of the emergency transfer, the family member(s) receiving the emergency transfer will retain the TBRA assistance when possible. The program will work with CES staff and the household to support an effective transfer in situations where the program is not a good fit for the family member(s) receiving the emergency transfer.

*VAWA Final Rule, 24 CFR, Part 5, Subpart L
24 CFR § 578.99*

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