

Asheville-Buncombe HOMELESS INITIATIVE

NC-501 Written Standards for Chronically Homeless Prioritization for Permanent Supportive Housing

Agencies within the Asheville-Buncombe Continuum of Care, (NC-501, CoC) shall prioritize clients who are chronically homeless for the Permanent Supportive Housing (PSH) beds not already dedicated to chronically homeless as described in CPD-16-11, issued on July 25, 2016, which supersedes all previous notices. All recipients of CoC Program-funded PSH will be required to follow these written standards as required by their grant agreement.

I. Purpose

These written standards reflect the new definition of chronically homeless as amended by the Final Rule on Defining “Chronically Homeless” (herein referred to as the Definition of Chronically Homeless final rule) and updates the orders of priority that were established under the prior written standards in Notice CPD-14-012, which CPD-16-11 supersedes.

To end chronic homelessness, it is critical that limited resources awarded through the CoC Program are being used in the most effective manner possible and that households that are most in need of assistance are being prioritized. Therefore, PSH must be targeted to serve persons with the highest needs and greatest barriers towards obtaining and maintaining housing in the Continuum.

II. Goals of the Orders of Priority

The overarching goal of the Orders of Priority is to ensure that those individuals and families who have spent the longest time in places not meant for human habitation, in emergency shelters, or in safe havens and who have the most severe service needs within our community are prioritized for PSH. By ensuring that persons with the longest histories of homelessness and most severe service needs are prioritized for PSH, the goal of ending chronic homelessness by 2017 will increase. These standards revise the orders of priority related to how persons should be selected for PSH as previously established in Notice CPD-14-012 to reflect the changes to the definition of chronically homeless as defined in the Definition of Chronically Homeless final rule.

These standards achieve two goals:

1. Establish a recommended order of priority for dedicated and prioritized PSH that ensure that those persons with the longest histories residing in places not meant for human habitation, in emergency shelters, and in safe havens and with the most severe service needs are given first priority.
2. Establish an order of priority for PSH that is not dedicated or prioritized for chronic homelessness in order to ensure that those persons who do not yet meet the definition of chronic homelessness but have the longest histories of homelessness and the most severe service needs, and are the most at risk of becoming chronically homeless, are prioritized.

III. Key Terms

Housing First refers to a model of housing assistance that prioritizes rapid placement and stabilization in permanent housing that does not have service participation requirements or preconditions for entry (such as sobriety or a minimum income threshold).

Chronically Homeless; The definition of “chronically homeless”, as stated in HUD’s Definition of Chronically Homeless final rule is:

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

Severity of Service Needs refers to persons who have been identified as having the most severe service needs.

- (a) An individual for whom at least one of the following is true:
 - i. History of high utilization of crisis services, which include but are not limited to, emergency rooms, jails, and psychiatric facilities; and/or
 - ii. Significant health or behavioral health challenges, substance use disorders, or functional impairments that require a significant level of support in order to maintain permanent housing.

- iii. For youth and victims of domestic violence, high risk of continued trauma or high risk of harm or exposure to very dangerous living situations.
 - iv. When applicable, CoC Program-funded PSH may use an alternate criteria used by Medicaid departments to identify high- need, high cost beneficiaries.
- (b) Severe service needs as defined in paragraphs i.-iv above, should be identified and verified through data-driven methods such as an administrative data match or through the use of a standardized assessment tool and process and shall be documented in a program participant’s case file. The determination must not be based on a specific diagnosis or disability type, but only on the severity of needs of the individual. The determination cannot be made based on any factors that would result in a violation of any nondiscrimination and equal opportunity requirements (*see* 24 C.F.R. § 5.105(a)).

IV. Dedication and Prioritization of Permanent Supportive Housing Strategies to Increase Number of PSH Beds Available for Chronically Homeless Persons

A. Increase the number of CoC Program-funded PSH beds that are dedicated to persons experiencing chronic homelessness.

Dedicated PSH beds are those which are required through the project grant agreement to only be used to house persons experiencing chronic homelessness unless there are no persons within NC 501’s geographic area that meet that criteria. When there are no persons within NC 501’s geographic area that meet the definition of chronically homeless at a point in which a dedicated PSH bed is vacant, the recipient may then follow the order of priority for non- dedicated PSH as described in these standards. However, the bed will continue to be a dedicated bed, so when that bed becomes vacant again it must be used to house a chronically homeless person unless there are still no persons who meet that criterion within NC 501’s geographic area at that time. These PSH beds are reported as “CH Beds” on NC 501’s Housing Inventory Count (HIC).

B. Prioritize non-dedicated PSH beds for use by persons experiencing chronic homelessness.

Prioritization means implementing an admissions preference for chronically homeless persons for CoC Program-funded PSH beds. During the CoC Program competition, project applicants for CoC Program-funded PSH indicate the number of non-dedicated beds that will be prioritized for use by persons experiencing chronic homelessness during the operating year of that grant, when awarded. Projects are required to prioritize chronically homeless persons in their non-dedicated CoC Program-funded PSH beds for the applicable operating year as the project application is incorporated into the existing grant agreement.

All recipients of non-dedicated CoC Program-funded PSH shall change the designation of their PSH to dedicated beds or at a minimum shall prioritize the chronically homeless as PSH beds become vacant to the maximum extent practicable, until there are no persons within NC 501’s geographic area who meet that criteria. The total number of non-dedicated beds designated as being prioritized for the chronically homeless may be increased at any time during the operating year and may occur without an amendment to the grant agreement.

V. Order of Priority in CoC Program-funded Permanent Supportive Housing

A. Prioritizing Chronically Homeless Persons in CoC Program-funded Permanent Supportive Housing Beds Dedicated or Prioritized for Occupancy by Persons Experiencing Chronic Homelessness

1. These written standards include an order of priority for CoC Program-funded PSH that is dedicated or prioritized for persons experiencing chronic homelessness that is based on the length of time in which an individual or family has resided in a place not meant for human habitation, a safe haven, or an emergency shelter and the severity of the individual's or family's service needs. Recipients of CoC Program-funded PSH that is dedicated or prioritized for persons experiencing chronic homelessness are required to follow this order of priority when selecting participants for housing, in a manner consistent with their current grant agreement.
2. When there are no chronically homeless individuals and families within NC 501's geographic area, recipients of CoC Program-funded PSH shall follow the order of priority in these standards.
3. Recipients of CoC Program-funded PSH shall follow the order of priority above while also considering the over-all goals of the CoC and any identified target populations served by the specific project. For example, a CoC Program-funded PSH project that is permitted to target homeless persons with a serious mental illness should follow the order of priority to the extent in which persons with serious mental illness meet the criteria. However, if there were no persons with a serious mental illness that also met the criteria of chronically homeless within the NC 501's geographic area, the recipient should follow the order of priority under Section B, below, for persons with a serious mental illness.
4. Recipients must exercise due diligence when conducting outreach and assessment to ensure that chronically homeless individuals and families are prioritized for assistance based on their total length of time homeless and/or the severity of their needs. Some persons—particularly those living on the streets or in places not meant for human habitation—might require significant engagement and contacts prior to entering housing. Recipients of CoC Program-funded PSH are not required to allow units to remain vacant indefinitely while waiting for an identified chronically homeless person to accept an offer of PSH. However, CoC Program-funded PSH providers shall follow a Housing First approach to the maximum extent practicable. Therefore, a person experiencing chronic homelessness should not be forced to refuse an offer of PSH if they do not want to participate in the project's services, nor should a PSH project have eligibility criteria or preconditions to entry that systematically exclude those with severe service needs. Street outreach providers should continue to make attempts to engage those persons that have been resistant to accepting an offer of PSH and these chronically homeless persons must continue to be prioritized for PSH until they are sustainably housed.

B. Prioritizing Chronically Homeless Persons in CoC Program-funded Permanent Supportive Housing Beds Not Dedicated or Not Prioritized for Occupancy by Persons Experiencing Chronic Homelessness

1. Recipients of CoC Program-funded PSH that are not dedicated or prioritized for the chronically homeless shall be required to follow this order of priority when selecting participants for housing, in a manner consistent with their current grant agreement.

(a) First Priority—Homeless Individuals and Families with a Disability with Long Periods of Episodic Homelessness and Severe Service Needs

An individual or family that is eligible for CoC Program-funded PSH who has experienced fewer than four occasions where they have been living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter but where the cumulative time homeless is at least 12 months **and** has been identified as having severe service needs.

(b) Second Priority—Homeless Individuals and Families with a Disability with Severe Service Needs.

An individual or family that is eligible for CoC Program-funded PSH who is residing in a place not meant for human habitation, a safe haven, or in an emergency shelter and has been identified as having severe service needs. The length of time in which households have been homeless shall also be considered when prioritizing households that meet this order of priority, but there is not a minimum length of time required.

(c) Third Priority—Homeless Individuals and Families with a Disability Coming from Places Not Meant for Human Habitation, Safe Haven, or Emergency Shelter Without Severe Service Needs.

An individual or family that is eligible for CoC Program-funded PSH who is residing in a place not meant for human habitation, a safe haven, or an emergency shelter where the individual or family has not been identified as having severe service needs. The length of time in which households have been homeless shall be considered when prioritizing households that meet this order of priority, but there is not a minimum length of time required.

(d) Fourth Priority—Homeless Individuals and Families with a Disability Coming from Transitional Housing.

An individual or family that is eligible for CoC Program-funded PSH who is currently residing in a short term transitional housing project, where prior to residing in the transitional housing had lived in a place not meant for human habitation, in an emergency shelter, or safe haven. This priority also includes individuals and families residing in transitional housing who were fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking and prior to residing in that transitional housing project even if they did not live in a place not meant for human habitation, an emergency shelter, or a safe haven prior to entry in the transitional housing.

2. Recipients of CoC Program-funded PSH shall follow the order of priority above, as adopted by the CoC, while also considering the goals and any identified target populations served by the project. For example, non-dedicated or non-prioritized CoC Program-funded PSH that is permitted to target youth experiencing homelessness should follow the order of priority under Section V.B.1., to the extent in which youth meet the stated criteria.
3. Recipients must exercise due diligence when conducting outreach and assessment to ensure that persons are prioritized for assistance based on their length of time homeless and the severity of their needs following the order of priority as adopted by the CoC. Some persons—particularly those living on the streets or in places not meant for human habitation—may require significant engagement and contacts prior to their entering housing and recipients are not required to keep units vacant indefinitely while waiting for an identified eligible individual or family to accept an offer of PSH. Recipients of CoC Program-funded PSH shall follow a Housing First approach to the maximum extent practicable and street outreach providers should continue to make attempts to engage those persons that have been resistant to accepting an offer of PSH and these individuals and families must continue to be prioritized until they are housed.

VI. Using Coordinated Entry and a Standardized Assessment Process to Determine Eligibility and Establish a Prioritized Waiting List

A. Coordinated Entry Requirement

Provisions at 24 CFR 578.7(a)(8) requires that the CoC, establish and operate either a centralized or coordinated entry system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services. These written standards incorporate a coordinated entry process to ensure that there is a single prioritized list for all CoC Program-funded PSH within the CoC. The NC 501 Coordinated Assessment Policy and Procedure manual provides the criteria for coordinated entry and mandates use of a standardized assessment tool. Under no circumstances shall the order of priority be based upon diagnosis or disability type, but instead on the length of time an individual or family has been experiencing homelessness and the severity of needs of an individual or family and in accordance with NC 501 Coordinated Assessment Policy and Procedure.

B. Written Standards for Creation of a Single Prioritized List for PSH

All CoC Program-funded PSH shall accept referrals through a single prioritized list that is created through NC 501's coordinated assessment process and informed by the CoCs street outreach and other administrative data systems. Adoption of this referral process into the CoC's policies and procedures for coordinated entry will ensure that CoC Program-funded PSH is used most effectively. The single prioritized list should be updated frequently to reflect the most comprehensive, up-to-date and real-time data as possible.

C. Standardized Assessment Tool Requirement

Agencies must utilize the standardized assessment tool and referral requirements as described in the NC 501 Coordinated Assessment Policy and Procedure manual, and in accordance with 24 CFR 578.3 and these written standards.

D. Nondiscrimination Requirements

Recipients of CoC Program-funded PSH must continue to comply with the nondiscrimination provisions of Federal civil rights laws, including, but not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, and Titles II or III of the Americans with Disabilities Act, as applicable (*see* 24 C.F.R. § 5.105(a)).

VII. Recordkeeping Recommendations for the Orders of Priority

Documentation requirements are outlined in 24 CFR 578.103(a)(4) for all recipients of dedicated and non-dedicated CoC Program-funded PSH for determining whether or not an individual or family is chronically homeless for the purposes of eligibility. In addition to those requirements, recipients of CoC Program-funded PSH will maintain evidence of implementing these priorities. Evidence of following these orders of priority may be demonstrated by:

- A. Evidence of Severe Service Needs.** Evidence of severe service needs is that by which the recipient is able to determine the severity of needs as defined, using data-driven methods such as an administrative data match or through the use of a standardized assessment tool. The documentation should include any pertinent information on how the determination was made, such as notes associated with case conferencing decisions.
- B. Evidence that the Recipient is Following the CoC's Written Standards for Prioritizing Assistance.** Recipients must follow these written standards for prioritizing assistance, as adopted by the CoC. In accordance with the written standards for prioritizing assistance, recipients must document that the CoC's written standards have been incorporated into the recipient's intake procedures and that the recipient is following its intake procedures when accepting new program participants into the project.
- C. Evidence that there are no Households Meeting Higher Order of Priority within NC 501's Geographic Area.**
 - (a) When dedicated and prioritized PSH is used to serve non-chronically homeless households, the recipient of CoC Program-funded PSH should document how it was determined that there were no chronically homeless households identified for assistance within NC 501's geographic area. This documentation should include evidence of the outreach efforts that are undertaken to locate eligible chronically homeless households within the defined geographic area and, where chronically homeless households have been identified but have not yet accepted assistance, the documentation should specify the number of persons that are chronically homeless that meet this condition and the attempts that have been made to engage the individual or family. The recipient of PSH may refer to the priority list as evidence to satisfy this requirement.
 - (b) When non-dedicated and non-prioritized PSH is used to serve an eligible individual or family that meets a lower order of priority, the recipient of CoC Program-funded PSH shall document how the determination was made that no eligible individuals or families were within NC 501's geographic area. The recipient of PSH may refer to the priority list as evidence that there were no households identified within NC 501's geographic area that meet a higher order of priority.