



Department of Health and Human Services

*Maine People Living
Safe, Healthy and Productive Lives*

Program Manual For **Permanent Supportive Housing Program**

Formerly Shelter Plus Care

Revised March 2024

Permanent Supportive Housing Program Summary

The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 was signed into law on May 20, 2009. The HEARTH Act amends and reauthorizes the McKinney-Vento Homeless Assistance Act with substantial changes. The HEARTH Act consolidated three separate McKinney-Vento homeless assistance programs including the Supportive Housing Program, Shelter Plus Care (SPC) Program, and Section 8 Moderate Rehabilitation SRO program into a single grant program known as the Continuum of Care (CoC) Program. HUD published the Continuum of Care Program interim rule in the Federal Register on July 31, 2012. The regulation took effect on August 30, 2012, and now governs the program. An updated version of the CoC Program interim rule was published in the Federal Register on April 1, 2017. With the implementation of the Continuum of Care program, the Shelter Plus Care program will cease to exist and will be known as the CoC Program, the State of Maine will continue to refer to the CoC program as Shelter Plus Care for the purposes of program administration and program continuity. The program is guided primarily by the Code of Federal Regulations (CFR) found 24 CFR Part 578 of the Federal Register.

The CoC Program is funded by the U.S. Department of Housing and Urban Development (HUD), through Maine's Continuum of Care system. The Continuum of Care Shelter Plus Care program is a Permanent Supportive Housing for persons with disabilities (PSH) program. PSH programs are designed to provide rental subsidies and supportive services and can only provide assistance to individuals with disabilities and families in which one adult or child has a disability (24 C.F.R. § 578.37).

The DHHS PSHP program promotes community-wide commitment to the goal of ending homelessness; provides funding for efforts to quickly re-house homeless individuals and families, while minimizing trauma and dislocation; promotes access to and effective utilization of mainstream programs; and optimizes self-sufficiency among individuals and families experiencing homelessness. The program assists hard to serve homeless individuals with disabilities and their families. These individuals primarily include those with serious mental illness, chronic problems with alcohol and/or drugs, and HIV/AIDS or related disease.

DHHS PSHP is administered throughout the State of Maine by four (4) Local Administrative Agencies (Program), with each serving local communities in their area, as well as a Central Administrative Agency (CAA) that oversees the program on behalf of the Department.

TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
DEFINITIONS.....	5
SPECIAL CONSIDERATIONS.....	10
Limited English Proficiency	10
Non-Discrimination Policy	10
Maine Human Rights Act	11
HOW HUD DEFINES HOMELESSNESS	13
Literal/Chronic Homelessness Definition - Quick Reference.....	15
ELIGIBILITY	16
DOCUMENTING HOMELESSNESS	18
DOCUMENTING DISABILITY	24
DHHS PROGRAM ORGANIZATION.....	25
Local Administrative Agency Activities	26
Rental Assistance Fee for Service	28
Central Administrative Agency Activities.....	30
Program Administration Fee for Service	31
EQUAL OPPORTUNITY AND FAIR HOUSING.....	32
DOMESTIC VIOLENCE (DV) / VIOLENCE AGAINST WOMEN ACT (VAWA).....	35
PROGRAM APPLICATION & COORDINATED ENTRY	37
Coordinated Entry –	37
SLOT ALLOCATIONS – <i>Under Review</i>	38
REFERRAL POLICY	39
PROGRAM ENROLLMENT	42
HOUSEHOLD COMPOSITION AND UNIT SELECTION	1
Household Composition	1
Unit Size	1
Special Housing Types – Shared Housing.....	3
INCOME & ASSETS	6
Verification of Tenant Income	6
Income Includes	7

Income does not include:	8
Assets.....	10
Allowances	12
Over Income	13
RENT REASONABLNESS / FAIR MARKET RENT / UTILITY ALLOWANCE.....	14
Fair Market Rent.....	14
Payment Standards.....	15
Utility Allowance.....	15
SECURITY DEPOSIT & DAMAGES.....	2
Security Deposit.....	2
Move-Out Inspection	2
Damages	2
HOUSING QUALITY STANDARDS.....	3
Staff Training.....	3
LAA Admin Plan	3
Initial Inspection	3
Annual Inspection	4
Special Inspections:	4
Failures:	4
Lead-Based Paint	4
Radon Hazard	6
LEASES.....	7
ANNUAL & INTERIM RE-CERTIFICATIONS	8
Rent determination.....	8
Move In Certification.....	8
Annual.....	9
Interims and other Certifications	9
SUBSIDY PORTABILTY.....	12
Awarded Applicants	12
Current Program Participants.....	13
PROGRAM SUBRECIPIENT COMPLIANCE.....	14
Compliance & Auditing.....	14

SUBSIDY TERMINATION.....	16
GREVIANCE / APPEALS PROCEDURE	18
FUNDING & GRANT ADMINISTRATION	20
Funding Overview/ HUD Notice of Funding Opportunity (NOFO)	20
Grant Inventory Worksheet (GIW).....	21
Annual Performance Review (APR).....	21
MATCH –	22
Basics of Match and Services Provided.....	22
Review of Match Performance	22
NOFO Match Timeline.....	22
Service Provider Match Process	22
Match Commitment Letter.....	22
Memorandum of Understanding (MOU).....	23
Reporting	23
Eligible Services	24
HOMELESS MANAGEMENT & INFORMATION SYSTEM (HMIS)	25
Minimum Participation Standards	26
Hardware, Connectivity and Computer Security Requirements.....	27
HMIS User Information.....	27
User Levels	29
HMIS Client Data Policies and Procedures	30
Client Notification Policies and Procedures	30
Open Data Sharing.....	30
Definitions and Descriptions of Client Notification and Consent Procedures.....	30
Client Refusals.....	31
HMIS Data Quality Policies and Procedures.....	31
Data Quality	31
HMIS Guide and Best Practices	32
CONFIDENTIALITY.....	36
PROGRAM RECORDKEEPING	38
STATEWIDE HOUSING DATABASE	40

DEFINITIONS

504 ADA: Section 504 of the Americans with Disabilities Act enables individuals with disabilities to request a "reasonable accommodation" to modify program rules, policies, practices or services in order to participate fully in a program. Any such request must relate to the person's disability.

Annual Performance Review (APR): When each HUD-funded grant expires, the grantee must submit an APR within 90 days of the grant end date. This report includes program performance, demographic and HUD-required data element data from HMIS, and grant operating year financials.

Awarded applicant: a person who meets eligibility criteria and has been issued an award letter, but has not yet found a housing placement.

Central Administrative Agent (CAA): is the Provider under this Agreement, responsible for providing direction, guidance, interpretation, and training to each Local Administrative Agent (Program) throughout the state.

Chronically Homeless: Per HUD Definition, someone who is "chronically homeless is 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:

Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph

Note: Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility; (2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or (3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless. (24 C.F.R. §578.3).

A "break" in homelessness is considered to be seven (7) or more nights, and an individual residing in an institutional care facility does not constitute a break in homelessness.

Collaborative Applicant: The Collaborative Applicant is the eligible applicant designated by the Continuum of Care (CoC) to collect and submit the CoC Registration, CoC Consolidated Application (which includes the CoC Application and CoC Priority Listing), and apply for CoC planning funds on

behalf of the CoC during the CoC Program Competition. *At this time, Maine Housing acts as the Maine CoC's Collaborative Applicant.*

Continuum of Care: The group organized to carry out the responsibilities prescribed in the CoC Program Interim Rule for a defined geographic area.

A CoC should be composed of representatives of organizations including: nonprofit homeless 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 formerly homeless persons.

Responsibilities of a CoC include operating the CoC, designating and operating an HMIS, planning for the CoC (including coordinating the implementation of a housing and service system within its geographic area that meets the needs of the individuals and families who experience homelessness there), and designing and implementing the process associated with applying for CoC Program funds.

Coordinated Entry: a consistent, streamlined process for accessing the resources available in the Maine Continuum of Care (MCoC) homeless crisis response system. Through coordinated entry, the MCoC ensures that housing resources and supportive services are used as efficiently and effectively as possible. This is done by assessing households experiencing homelessness quickly and uniformly to connect them to the best available housing resource whenever possible.

Disability: The definition of disabling condition which is used as the basis for determining eligibility for the SPC program is a disability which is defined as one of more of the following: A physical, mental or emotional impairment, including impairment caused by alcohol or drug abuse, post-traumatic stress disorder, brain injury or a chronic physical illness that: (i) is expected to be long-continuing or of indefinite duration; and (II) substantially impedes the individual's ability to live independently; and (III) could be improved by the provision of more suitable housing conditions.

Fair Market Rent (FMR): is the rental amount as established by the U.S. Department of Housing and Urban Development (HUD) on an annual basis, by geographic location; which can be located on the following HUD link: <https://www.huduser.gov/portal/datasets/fmr.html>

Homeless: A person is considered homeless if he/she is characterized by one of the following:

- (1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
(i) Has a primary 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; or (iii) is exiting an institution where (s)he has 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.
- graduating from transitional housing specifically for homeless persons

Household: A household comprises all persons who occupy a housing unit. The occupants may be a single family, one (1) person living alone, two (2) or more individuals living together, or any other group of related or unrelated persons who share living arrangements.

Housing Assistance Payment (HAP): HAP is the subsidy portion representing the difference between the Fair Market Rent (FMR) and the tenant-paid portion of the rent.

Housing Quality Standards (HQS): HQS are basic standards which all units must meet before assistance can be paid on behalf of a family and are established minimum criteria necessary for the health and safety of program participants.

Housing Quality Standards Inspectors: An individual who has fulfilled the certification requirements of the HCV Housing Standards Examination through an approved authorized provider.

HQS regulations: www.hud.gov/offices/adm/hudclips/.../7420.../7420glOGUID.pdfCachedSimilar

Live-in aide: is a person who resides with an elderly, handicapped or disabled person who:

- Is determined essential to the care and well-being of the person; and
- Is not obligated for the financial support of the person; and
- Would not be living in the unit except to provide the necessary supportive services.

*Note: The household must provide a licensed professional's certificate that the live-in aide is essential to the care or well-being of the tenant. A relative may be a live-in aide but must meet all of the requirements listed above.

Local Administrative Agent (Program): is an agency which administers the DHHS PSHP program in its respective catchment area.

Long-Term Stayer: A Maine initiative that consists of individuals/families that meet literal homeless guidelines and are homeless, or have been homeless for one-hundred and eighty (180) days or longer within a 12-month period. The LTS Homeless Initiative has been written into the HUD application and is an identified priority for the CoC SPC program. This initiative complies with HUD's goal of ending chronic homelessness. The initiative's main goal is to house individuals who are at risk of becoming chronically homeless. In addition to dedicated chronic homeless vouchers, the intention of the LTS initiative is to expedite the elimination of chronic homelessness by targeting vulnerable populations prior to becoming chronically homeless.

Maine General Assistance: is a program administered through municipalities which purchases basic necessities for individuals who are without means to pay for such services.

Maine State Housing Authority (MSHA): is an independent state agency that bridges public and private housing finance, combining them to benefit Maine's low and moderate-income people.

Maine Temporary Assistance for Needy Families (TANF): is financial assistance to keep children in their homes while the family is temporarily unable to support themselves. While receiving assistance, parents or caretaker relatives work on an employment plan to become self-supporting.

Match: Statutory provisions of the McKinney-Vento Homeless Assistance Act require recipients of CoC Program funds to “match” a portion of the CoC funds they receive. Simply put, “match” is the non-federal share of costs that the recipient is required to contribute to accomplish the purposes of the grant.

Match is actual cash or in-kind resources contributed to the grant. All costs paid for with matching funds must be for activities that are eligible under the CoC Program, even if the recipient is not receiving CoC Program grant funds for that activity. All grant funds must be matched with an amount no less than 25 percent of the awarded grant amount (excluding the amount awarded to the leasing budget line item) with cash or in-kind resources. Match resources may be from public (not statutorily prohibited by the funding agency from being used as a match) or private resources.

Method of Understanding (MOU): A written document that establishes unconditional commitment, upon selection to receive a grant, by a third party to provide services, which outlines the specific service to be provided, the profession of the persons providing the service, and the hourly cost of the service to be provided.

Notice of Funding Opportunity (NOFO): The **Notice of Funding Opportunity and the Notice of Funding Availability**, better known as NOFO and NOFA, are the means by which the federal government announces grant opportunities.

Formal Name Change: A name change occurs when a household member has recently married, divorced, placed in victim protection, or has had other reason to officially change their name.

Originating Program: the Program in the region for which the tenant is transferring from.

Public Housing Authority (PHA): an instrumentality of state, county, or local government recognized by the U.S. Department of Housing and Urban Development (HUD) with the authority to administer Housing Choice Vouchers, formerly known as Section 8.

Reasonable Accommodation: Section 504 of the Americans with Disabilities Act enables individuals with disabilities to request a "Reasonable Accommodation" to modify program rules, policies, practices or services in order to participate fully in a program. Any such request must relate to the person's disability.

Receiving Program: the Program in the region for which the tenant is moving to.

Service Provider: a person or organization licensed or otherwise qualified to provide supportive services, either for profit or not for profit.

Severe Mental Illness (SMI): is a medical condition defined in Section 17 of the MaineCare Benefits Manual.

Social Security Disability Insurance (SSDI): pays benefits to "insured" individuals, meaning that they worked long enough and paid Social Security taxes.

Stewart B. McKinney Homeless Assistance Act: was enacted by Congress to establish distinct assistance programs for the growing numbers of homeless persons. Recognizing the variety of causes of

homelessness, the original McKinney Act authorized twenty (20) programs offering a multitude of services, including emergency food and shelter, transitional and permanent housing, education, job training, mental health care, primary health care services, substance abuse treatment, and veterans' assistance services.

Supplemental Security Income (SSI): pays benefits based on financial need.

Tenant Certification: when a tenant certifies that the income information presented is true and complete; and signs forms to verify.

Transitional Housing for Homeless: Transitional Housing means housing, where all program participants have signed a lease or occupancy agreement, the purpose of which is to facilitate the movement of homeless individuals and families into permanent housing within 24 months or such longer period as HUD determines necessary.

Unit size: The following factors will be considered in determining the unit size:

- Number of persons
- Relationship of persons
- Gender and age of persons
- Need to avoid overcrowding, maximize the use of space, and minimize the subsidy costs

Unit Transfer (UT): The household has transferred to a new unit within the same region.

U.S. Department of Housing and Urban Development (HUD): a federal agency that administers programs which provide housing and community development assistance.

Utility Allowance: is used in most federal housing programs and helps to ensure that owners who take on the financial responsibility for tenants' utility charges are able to receive a higher rent than owners who do not.

SPECIAL CONSIDERATIONS

Limited English Proficiency

As a state-funded housing program, we wish to ensure that all participants are given a fair chance to understand all program rules, notices, and important paperwork.

If an applicant or participant is having a hard time understanding any documentation or requires interpreter services, they may request an interpreter or special accommodation at no charge.

The LAA will be required to retain or contract with interpreter services, as needed based on need.

At application, each tenant will identify their preferred language, if other than English on the program application.

If, at any time while on the program, the participant wishes to request interpreter services or special accommodations, they should contact the LAA.

The CAA will monitor and regularly review program-wide data related to preferred language, and will decide on which languages important documents should be translated into, if required by need. The CAA has the discretion to translate documents as the need arises, or at the request of the LAA and their participants.

Important Documents include, but are not limited to:

- Award Letter
- VAWA Notice
- Incomplete Application / Denial Letter
- Expiration / Termination Letter(s)
- Annual Recertification Notices

Non-Discrimination Policy

The Department of Health and Human Services (DHHS) does not discriminate on the basis of disability, race, color, creed, gender, sexual orientation, age, or national origin, in admission to, access to, or operations of its programs, services, or activities, or its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and in accordance with the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972 and the Maine Human Rights Act and Executive Order Regarding State of Maine Contracts for Services.

Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to DHHS' ADA Compliance/EEO Coordinators, 11 State House Station – 221 State Street,

Augusta, Maine 04333, 207-287-4289 (V), 207-287-3488 (V), 1-800-606-0215 (TTY). Individuals who need auxiliary aids for effective communication in program and services of DHHS are invited to make their needs and preferences known to the LAA that they are assigned to, or covers their area. This notice is available in alternate formats, upon request.



Maine Human Rights Act

The Maine Human Rights Act (“MHRA”) is Maine’s anti-discrimination law. It prohibits discrimination on the basis of protected class in employment, housing, places of public accommodation, education, and extension of credit.

Protected classes include: race, color, ancestry, national origin, sex, sexual orientation (which includes gender identity and expression), physical or mental disability, religion, age, and other categories in certain contexts.





The MHRA also prohibits retaliation for asserting MHRA-protected rights.

Discrimination means any action, omission or decision that results in restricting your choice of housing and access to housing assistance.

- Learn more about state fair housing and equal access laws from the [Maine Human Rights Commission](#) . They are the state agency responsible for enforcing Maine’s fair housing laws.
- Learn more about federal fair housing and equal access laws from the [Office of Fair Housing & Equal Opportunity](#) at the U.S. Department of Housing & Urban Development. They are the federal agency responsible for enforcing federal fair housing laws.

Advocacy Groups and Legal Resources

- [Pine Tree Legal Assistance](#)
 - Augusta, 39 Green Street
Tel: 207-622-4731 or 207-623-7777 or 207-623-7770 (TTY)
 - Bangor, 61 Main Street
Tel: 207-942-8241 or 207-942-1060 (TTY)
 - Lewiston, 37 Park Street, Suite 401
Tel: 207-784-1558
 - Machias, Route 1 and Old County Road
Tel: 207-255-8656 or 207-255-6179 (TTY)

- Portland, 88 Federal Street
Tel: 207-774-8211 or 207-828-2308 (TTY)
- Presque Isle, 373 Main Street
Tel: 207-764-4349 or 207-764-2453 (TTY)
- Farmworker & Native American Units - Bangor
Tel: 207-942-0673
- Multi-lingual Language Line
Tel: 207-774-8211
- [Maine Volunteer Lawyers Project](#) 
Tel: 1-800-442-4293
- [Maine Equal Justice Project](#) 
Tel: 207-626-7058
- [Disability Rights Center](#) 
Statewide Hotline, Tel. 1-800-452-1948 (V/TTY)
- For information about other [advocacy groups in Maine](#) 

HOW HUD DEFINES HOMELESSNESS

HUD's definition of homelessness (24 CFR 578.3) has four (4) categories.

Category 1 - Literal Homelessness: Includes individuals and families who lack a fixed, regular, and adequate nighttime residence, meaning:

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

Please Note: An "institutional care facility" includes jail, substance abuse treatment center, mental health treatment facility, hospital, or other similar facility. For the COC SPC program these are baseline eligibility rules and SPC can only assist those individuals who meet Category 1 – Literal Homelessness as this time (<https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/coc-esg-homeless-eligibility/four-categories/category-1/>).

Category 2 - Individuals/families who will imminently lose their primary nighttime residence with no subsequent residence, resources, or support networks, where:

- i. The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- ii. No subsequent residence has been identified; and
- iii. The individual or family lacks the resources or support networks, *e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing.*

Category 3 - Unaccompanied youth under 25 years of age, or families with children/youth, who do not otherwise qualify as homeless under this definition, but who:

- (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832),

section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

- (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
- (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance: and
- (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment

Category 4: - Individuals/families fleeing or attempting to flee domestic violence

This includes any individual or family who:

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

““Domestic Violence” includes dating violence, sexual assault, stalking, and other dangerous or life-threatening conditions that relate to violence against the individual or family member that either takes place in, or him or her afraid to return to, their primary nighttime residence (including human trafficking).” [24 CFR 578.3]

Literal/Chronic Homelessness Definition - Quick Reference

<u>Current Housing Situation</u>	<u>Is applicant considered Literally Homeless?</u>	<u>Does time count towards Chronic Homelessness purposes?</u>	<u>Notes</u>
Emergency Shelter, Place not meant for habitation, Rapid Rehousing, Transitional			
Emergency Shelter	Yes	Yes	
Place not meant for human habitation	Yes	Yes	
Rapid Rehousing	Yes	Maybe*	*Must have been chronically homeless prior to receiving RRH assistance.
Transitional Housing for formerly homeless individuals	Yes	No	
Hotel/Motel			
Paid by emergency funds, government agency, or charity	Yes	Yes	If the hotel is paid for by an agency to divert indiv/family from homelessness, they retain homeless status.
Paid by applicant, relatives, friends, or others	No	No	
Institutional Stays (Jail, hospital, inpatient treatment setting)			
Less than 90 days	Yes	Yes	Stays in institution of fewer than 90 days do not constitute as a break and count toward total time homeless. Applicants residing in an institution for fewer than 90 days who were literally homeless when they entered the institution retain their literal homeless status.
More than 90 days	No	No	
Staying with Friends/Family ("Couch Surfing")			
More than 7 consecutive days	No	No	While staying with friends/family for less than 7 days will not constitute a break in any situation listed above, stays of 7 or more days is, and will not count towards the total time homeless.

ELIGIBILITY

❖ Program Eligibility

All DHHS PSHP recipients must meet the following requirements:

1. Have a qualifying disability as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9))

To be considered qualifying, the recipient must have one or more of the following:

1. Physical, mental or emotional impairment, including impairment caused by alcohol or drug abuse, post-traumatic stress disorder, brain injury or a chronic physical illness that:
 - Is expected to be long-continuing or of indefinite duration; **and**
 - Substantially impedes the person's ability to live independently; **and**
 - Could be improved by more suitable housing.
2. Developmental Disability: Defined in Section 102 of the Developmental Disability Assistance and Bill of Rights Act of 2000. Means a severe, chronic disability that:
 - Is attributable to a mental or physical impairment or combination; **and**
 - Is manifested before age 22; **and**
 - Is likely to continue indefinitely; **and**
 - Results in substantial limitations in three or more major life activities, **and**
 - Self-care
 - Receptive and expressive language
 - Learning
 - Mobility
 - Self-direction
 - Capacity for independent living
 - Economic self-sufficiency
 - Reflects need for:
 - A combination and sequence of special, interdisciplinary or generic services; **or**
 - Individualized supports; **or**
 - Other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.
2. Be homeless, as defined by the McKinney-Vento Homeless Assistance Act As Amended by S. 896 HEARTH ACT of 2009 as funded by the U.S. Department of Housing and Urban Development [42 USC 11302]

There are no income eligibility requirements for CoC Program funded PSH projects.

HUD does not require PSH programs to deny assistance to potential PSH clients for anything other than not being categorically eligible, or not being prioritized for PSH based on need and homeless history. The only way an applicant would be ineligible for the Shelter Plus Care program is if they were not experiencing literal homelessness and did not have a disability.

❖ **Program Priorities**

The DHHS PSHP Program awards applicants based on a set of priorities established by Hud and the State of Maine to maintain a fair and balanced assessment of sub-populations in the greatest need that lack proper resources.

This priority system is designed to award vouchers first to applicant's that demonstrate the greatest severity of need. The SPC program understands that unique circumstances exist and may award reasonable accommodations, as resources permit, for vulnerable homeless persons.

The current order of priority is as follows:

Priority 1 - Chronically Homeless

Priority 2 – Long-Term Stayer

Priority 3 – Literally Homeless

Priority 4 – Transitionally Homeless (*Individuals and families coming from transitional housing must have originally come from the streets or emergency shelter*)

Priority 5 – Fleeing or Attempting to Flee Domestic Violence

Please Note:

The HEARTH Act outlines federal eligibility requirements for homelessness and disabilities, as does Permanent Supportive Housing (PSH) for persons with disabilities eligibility requirements. To be eligible for PSH under the CoC Program, the potential program participant must also meet any additional eligibility criteria set forth in the Fiscal Year NOFA under which the project was funded (e.g., be experiencing chronic homelessness). The program participant recordkeeping requirements and acceptable forms of evidence for homeless status, as well as disability verification are detailed in resources available on the HUD Exchange. The Homeless Definition final rule (2012) integrates the regulation for the definition of homelessness and the corresponding recordkeeping requirements. It also defines the recordkeeping requirements for homeless individuals with disabilities (<https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/coc-esg-homeless-eligibility/coc-and-esg-homeless-eligibility-overview/>). We encourage you to refer to these materials, as program participant eligibility documentation is a complex topic.

While eligibility for different HUD homeless interventions is generally defined by statute and regulation, modifications of eligibility may be set annually in the Notice of Funding Availability (NOFA) for the HUD CoC program. Additionally, because local CoCs have the authority and flexibility to narrow eligibility according to community needs, further restrictions may be placed on eligibility at the local level. General eligibility criteria for homeless assistance funding from HUD is based on the McKinney Vento (as amended by the HEARTH Act) statute and regulations (42 USC 11301 et seq., 24 CFR Part 576, and 24 CFR Part 578). Always consult the most recent CoC NOFA and the most recent local and state eligibility requirements for the most accurate eligibility determination.

DOCUMENTING HOMELESSNESS

HUD does not require documentation showing that an applicant is literally homeless for every day of the 12 months used to determine eligibility for chronic homelessness. One documented day within a calendar month is enough to establish homelessness for that entire calendar month, unless there is documentation showing that the applicant had a break in literal homelessness during that month.

For literal homelessness status at time of intake, documentation must show that the applicant was literally homeless within 14 days of eligibility determination.

HUD has established additional specific record-keeping requirements and standards for documenting homelessness status for current literal homelessness, and chronic homelessness that outlined below.

❖ Order of Priority for Collecting Eligibility Documentation

HUD has established an “Order of Priority” for documenting literal homelessness. This order of priority establishes guidelines for how program staff should prioritize different forms of documentation, with attempts to collect higher-priority documentation before moving on to lower- priority documentation.

Reasonable efforts should be made to follow the order of priority established by HUD.

The order of priority is as follows:

1. **Third Party Verification** – Intake staff should make a reasonable effort to obtain third party documentation for current literal homelessness and for all 12 months showing chronic homelessness. For months that cannot be covered by third party documentation, the effort to do so should be recorded as due diligence.
 - Must be on agency letterhead and signed by individual providing verification.
 1. Electronic Signature is acceptable.
 - Must list date(s) that the individual witnessed the living situation, and where.
 - What kind of letters or documents do we ask for?
 1. Written verification from a shelter or overnight warming center with HMIS Printout or Screenshot of shelter entries.
 2. Written observation by an outreach worker.
 3. Written observations from a general services provider, like a case manager, navigator, records person, etc.
2. **Intake Worker Observation** – Where applicable, intake worker observation should take priority over self-certification of literal homelessness.
3. **Self-Certification** – A self-certification form filled out by intake staff that covers any period that the applicant must document literal homelessness because third-party verification or intake-worker

observation is not available. We can only accept self-certification for a maximum of up to 3 months. *(Please see self-certification form for more information.)*

**Self-certification should only used to fill in gaps when short periods cannot be verified using #1 or #2. The program will still need primary verification of witnessed homelessness for most of the time being reported.*

Order of Preference for Third Party Verification

In order to build the strongest case possible for documenting literal homelessness and chronic homelessness, the following order of preference should be used when collecting third party verification.

1. HMIS
2. Third Party Verification provided by a housing or service provider or institutional documentation.
3. Third Party Verification provided by a community member that does not have a personal relationship with the applicant.
4. Third Party Verification provided by a community member that has a personal relationship with the applicant.

HMIS Records

HMIS records can be used to establish shelter stays and outreach worker contacts.

An HMIS record should be a “screen shot” that includes Client name, Shelter name, and entry/exit dates, or dates of case manager observation and location, or a report that contains the same information.

Institutional Records

Institutions, such as hospitals or prisons, can provide official records that confirm institutional stays or literal homelessness at time of intake. If an individual qualifies as chronically homeless because he or she has been residing in an institutional care facility for less than 90 days and was living in a shelter or place not meant for human habitation immediately prior to entering the institutional care facility, evidence must include one of the following:

- Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institutional care facility stating the beginning and end dates of the time residing in the institutional care facility. All oral statements must be recorded by the intake worker; or
- Where the evidence listed above is not obtainable, a written record of the intake worker’s due diligence in attempting to obtain that evidence and certification by the individual seeking assistance that states that he or she resided for fewer than 90

days; and third-party verification or self-certification that the individual was living in a shelter or place not meant for human habitation immediately prior to entering the institutional care facility.

Verification by a Housing or Service Provider or a Community Member

Third party contacts have different authorization to provide verification, based on their relationship with the applicant. Housing and service providers who know the applicant in their professional capacity, such as shelter staff, housing staff from other programs, doctors, teachers, case managers, therapists, or police officers can verify living situations that they see or that they hear about. If they hear about a living situation, they need to clarify that it is their professional opinion that the information is accurate.

Outreach Workers must physically observe an applicant's living situation to verify current literal homelessness but may provide verification for previous months of homelessness that they either observed or were told about at the time of the encounter.

Community Members such as shop keepers, volunteers, neighbors, family members or friends may only provide third-party verification for living situations that they physically observed.

Written verification is always preferred over oral verification. There are two circumstances where oral verification is appropriate.

When it is not possible to obtain written verification.

When written verification that has already been provided is not complete, and requesting updated written verification is burdensome, program staff can document oral conversations where they obtained clarification about the details of the third-party's encounter with the applicant.

Written third party verification must include a printed name, signature, and contact information of the person providing verification. Details of the verification must provide either the specific date or the month for which verification is being provided, exactly where the applicant was residing, the third party's relationship to the applicant, and why the third party is able to provide verification.

If the written verification is provided by a housing or service provider, the document should be on letterhead. If verification is being provided because the applicant reported their homelessness status to the housing or service provider, then the verification must include certification that the provider believes the information to be accurate.

Documenting Breaks in Homelessness

When documenting episodic chronic homelessness, any breaks in literal homelessness need to be documented and all breaks can be documented using self-certification by the applicant. A minimum of three separate breaks must be documented in the file, in order to establish episodic chronic homelessness.

Please Note: *All 12 months used to establish chronic homelessness must be covered by one of the following: third party verification, intake worker observation, or self-certification by applicant.*

Please see the attached Chronic Homeless Summary for more information. It is highly recommended that providers use this form to document and compile supporting documentation for homelessness.

Please Note: DHHS PSHP requires that only up to 3 months of the period being reported can be documented using self-certification. This is to ensure that the program stays in compliance with HUD guidance related to the Final Rule on Defining Chronically Homeless and in order to avoid undue administrative burden in documenting homelessness over our grants and across the state.

When using a self-certification, the provider assisting the application must provide a minimum of 3 attempts that they tried to obtain 3rd party verification. (This section **MUST** not be left blank.)

Per HUD requirements, it is highly recommended that programs still obtain 3rd party documentation within one hundred and eighty (180) days of program acceptance.

See HUD guidance here: <https://www.hudexchange.info/faqs/2872/for-many-persons-experiencing-chronic-homelessness-obtaining-the-required/>

IMPORTANT: HUD guidelines state that documentation of a single encounter by a homeless service provider on a single day is sufficient to count that individual homeless for that entire month, as long as there is no supporting documentation (such as HMIS, or self-statement) that the individual was not living in a defined homeless situation, i.e. couch-surfing, exited and HMIS-reporting program to PH, letter states they were housed, etc).

For example, PATH worker Doug sees Jane Doe at the local encampment on 5/1 and 6/2. There is no evidence that Jane stayed anywhere else for those months in HMIS or by chatting with other providers that know her. We can count those two dates as Two months towards the total 12 months required for Chronic Homelessness.

For literal homelessness status at time of intake, documentation must show that the applicant was literally homeless within 14 days of eligibility determination.

The CAA must review all applications against the Coordinated entry Assessment (including interims) in order to support the referral with documentation supporting the reported length of time homeless.

HUD Recordkeeping Requirement for Chronic Status

<https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/coc-esg-homeless-eligibility/definition-of-chronic-homelessness/recordkeeping-requirements/>

Chronic Homeless Summary: Please complete this form in its entirety.

In the table below, chart the Head of Household's (HoH) housing situation for one year or three years, depending on the category by which they are qualified. Attach sufficient documentation for each change in housing situation. Up to 3 months (or one episode) can be documented through self-certification.

The HoH is eligible because they have experience (check one):

- ☐ Continuous homelessness on the streets or in shelters for one (1) year or longer (document **at least** the last year).
- ☐ Four (4) or more occasions of homelessness totaling 12+ months on the street or in shelters in the past three (3) years.

	Start Date	End Date	Duration	Location (Type)	Locations (Provider name of location description)	Documentation	Attached
Episode 1				<input type="checkbox"/> Place not meant for habitation. <input type="checkbox"/> Emergency Shelter <input type="checkbox"/> Institution <90 days		<input type="checkbox"/> HMIS or Institutional record <input type="checkbox"/> Housing/Service Provider <input type="checkbox"/> Outreach/Referral Provider <input type="checkbox"/> Client Self-Certification	<input type="checkbox"/> Yes <input type="checkbox"/> No
Episode 2				<input type="checkbox"/> Place not meant for habitation. <input type="checkbox"/> Emergency Shelter <input type="checkbox"/> Institution <90 days		<input type="checkbox"/> HMIS or Institutional record <input type="checkbox"/> Housing/Service Provider <input type="checkbox"/> Outreach/Referral Provider <input type="checkbox"/> Client Self-Certification	<input type="checkbox"/> Yes <input type="checkbox"/> No
Episode 3				<input type="checkbox"/> Place not meant for habitation. <input type="checkbox"/> Emergency Shelter <input type="checkbox"/> Institution <90 days		<input type="checkbox"/> HMIS or Institutional record <input type="checkbox"/> Housing/Service Provider <input type="checkbox"/> Outreach/Referral Provider <input type="checkbox"/> Client Self-Certification	<input type="checkbox"/> Yes <input type="checkbox"/> No
Episode 4				<input type="checkbox"/> Place not meant for habitation. <input type="checkbox"/> Emergency Shelter <input type="checkbox"/> Institution <90 days		<input type="checkbox"/> HMIS or Institutional record <input type="checkbox"/> Housing/Service Provider <input type="checkbox"/> Outreach/Referral Provider <input type="checkbox"/> Client Self-Certification	<input type="checkbox"/> Yes <input type="checkbox"/> No

Certifications

I, the Head of Household named below, certify that the timelines documented above is accurate to the best of my knowledge.

Head of Household Name (Printed): _____ Signature: _____ Date: _____

I, the Staff named below, certify that the timeline documented above is accurate as the HoH described it during the interview(s) conducted on the following date(s): _____

Staff Name (Printed): _____ Signature: _____ Date: _____

Homelessness Self Certification Statement

Instructions: *This form may be used when an applicant lacked connections with service providers to complete a third-party verification of homelessness during a time period for which homelessness must be verified. Service providers must document all attempts to obtain third party verification for each self-certification (see below).*

Applicant Name: _____ Date of Birth: _____ Phone or E-mail: _____

I certify that I have been homeless during the following periods of time and in the following locations.

Location (address, name of public space, street name, landmark, etc.):	Description of living conditions (sleeping in a car, in a tent, in the open, etc.):	Start date:	End date:

What else would you like to share about your homeless status during the period of time referenced above (optional)?
For example, *"I cannot remember the name of the place where I was living during the fall of 2018 but I believe it was an emergency shelter. I have problems with my memory from that time due to an illness."*

I certify that the above information is correct.

Signature of Client: _____ Date of Signature: _____

Staff Section: **DO NOT SKIP THIS STEP**

Please document all attempts to obtain 3rd party verification for the period of homelessness documented above.

- 1) _____
- 2) _____
- 3) _____

I reviewed the above statement with the applicant and certify that the attempts to obtain third-party verification are accurate.

Name of Staff (Print): _____

Staff Member Organization and Title: _____ Staff Phone Number: _____

Signature of Staff: _____ Date of Signature: _____

* <https://files.hudexchange.info/resources/documents/Defining-Chronically-Homeless-Final-Rule.pdf>

DOCUMENTING DISABILITY

The following are the requirements for documenting disability for the DHHS PSHP Rental Assistance Program

- Written verification of disability from a professional licensed by the state to diagnose and treat the disability and his or her certification that the disability is expected to be long-continuing or of indefinite duration and substantially impedes the individual's ability to live independently. A Verification of Disability form should be completed; or
- Written verification from the Social Security Administration

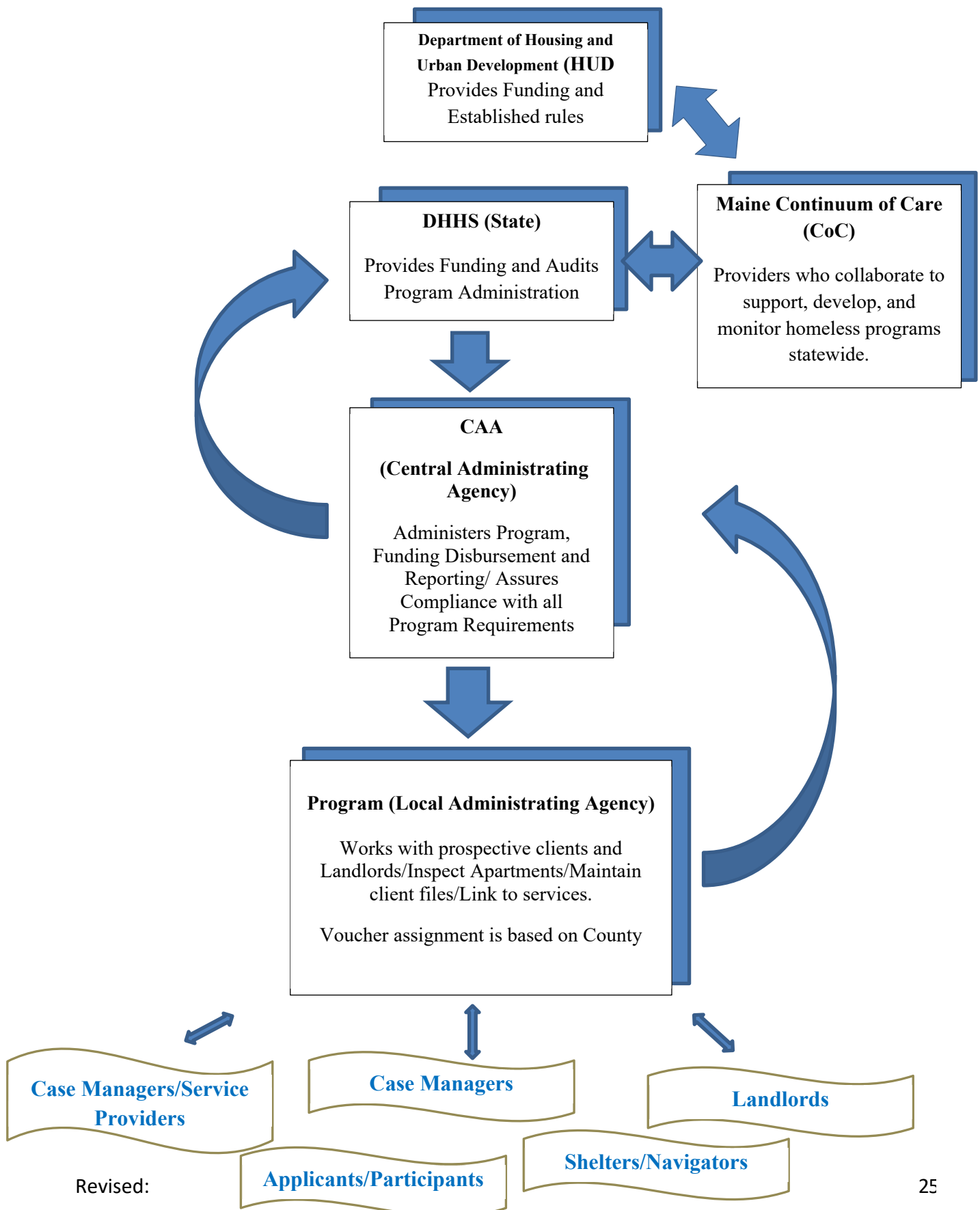
In the absence of the above noted methods of verification, an observation of a qualifying disability by an agency identified staff person may be used to temporarily verify disability; however, this must be confirmed by one of the above methods within 45 days of the applicant being awarded.

If verification by one of the above-mentioned types is not secured within the 45-day period, the rental assistance will be ceased, and the voucher will be terminated.

Disability cannot be self-certified under any circumstances.

In all instances, project staff must perform due diligence as specified above in attempting to obtain third party documentation prior to relying on self-certification.

DHHS PROGRAM ORGANIZATION



Local Administrative Agency Activities

The Local Administrative Agency shall:

1. Establish and maintain relations with local landlords, Public Housing Authorities (PHA), Service Providers, Behavioral Health Homes, and property managers, so that the LAA can:
 - a. provide outreach to mental health consumers to alert them to the availability of services;
 - b. assess consumer needs at the local level;
 - c. assist recipients in locating, securing, and establishing themselves in safe and decent housing;
 - d. assist in the arrangement and the provision of community support services.
2. Accept all subsidy applications from applicants or their caseworkers, verify the applicant's income and eligibility (according to Section 2, "Eligibility"), and approve or deny the application accordingly. In circumstances where an applicant has no income, General Assistance must be utilized until benefits from the Social Security Administration or other income is obtained, whichever comes sooner.
 - a. If the application is approved, the LAA shall send a letter to the applicant, informing the applicant that he/she has thirty (30) days in which to contact the LAA to initiate acceptance of the subsidy (using Sample Letter, attached as Appendix 3).
 - b. If the application is denied, the LAA shall send a letter to the applicant, stating the reason for the denial and informing the applicant of the DHHS Housing Subsidy Appeals Procedure (using Sample Letter, attached as Appendix 4).
 - c. If an applicant does not meet eligibility or priority criteria, the LAA may under certain circumstances request a Waiver of eligibility or priority criteria (according to Section 7, "Waiver").
3. Accept all written Extension requests from applicants or their caseworkers, and may grant up to three (3) thirty (30) day extensions (according to Section 8, "Extensions").

Please Note: The LAA shall not grant any applicant more than one hundred and twenty (120) days to secure suitable housing. The LAA shall ensure that all applicants who have not initiated subsidy, within the prescribed one hundred and twenty (120) days of acceptance, shall be notified that they must reapply

4. Complete initial Housing Quality Standards (HQS) inspections on units located by recipients (according to Section 12, "Housing Quality Standards"), inform the landlord and/or property manager in writing of any deficiencies and/or needed repairs, and establish a timeline for completion of the repairs and/or deficiencies (using Sample Letter, attached as Appendix 18). The LAA shall have at least one (1) HQS Certified Inspector on staff. The LAA shall also ensure that:
 - a. All households receive the lead paint brochure, Protect Your Family from Lead in Your Home published jointly by the United States Environmental Protection Agency, Consumer Product Safety Commission, and HUD (attached as Appendix 15a); and
5. Negotiate rent with all recipients' landlords and/or property managers. BRAP-subsidized Units must

meet size requirements and be set at the HUD FMR allowable rent or Payment Standards as determined by the local Public Housing Authority.

6. Conduct initial certifications with all recipients (using Sample BRAP Initial Certification Guide as further guidance, attached as Appendix 13), which shall include the following:
 - a. Rental Calculation and Certification Form (attached as Appendix 14) completed (according to Section 14, "Rental Calculations"); and
 - b. Release of Information Additional Forms signed (using Sample Release, attached as Appendix 11 & 12); and
 - c. Tenant Responsibility Agreement Form signed (attached as Appendix 8) and attachments distributed (according to Section 15, "Tenant Responsibility Agreement"); and
 - d. Move-In Forms (attached as Appendix 14a); and
 - e. Section 8 Waitlist verification (according to Section 6, Waitlist and Census); and
 - f. Housing Quality Standard Long Form completed and signed (attached as Appendix 15); and
 - g. Income Verification forms obtained (according to Section 10, "Income Information").
7. Execute a Housing Assistance Payment Contract with all recipients' landlords/property managers (attached as Appendix 6).
8. Ensure that all recipients enter into a Lease or Rental Agreement with their landlord. Verify that recipients are residing in BRAP subsidized units.

Please note: If a BRAP tenant is not residing in their unit for more than 90 days, BRAP assistance on that unit will be terminated.
9. Prepare the Monthly Request Form to request funds from the Central Administering Agency (CAA) (attached as Appendix 5).
10. Disburse monthly HAPs to landlords/property managers in accordance with respective HAP Contracts.
11. Complete interim certifications with recipients, as necessary (according to Section 19, "Annual and Interim Re-Certifications").
12. Complete annual re-certifications, which include the following:
 - a. Rental Calculation and Certification Form completed (attached as Appendix 14); and
 - b. Release of Information/Additional Forms signed and Tenant Responsibility Form signed; and
 - c. Section 8 Waitlist verification (according to Section 6, "Wait List and Census"); and
 - d. Housing Quality Standard Form completed and signed (attached as Appendix 16); and
 - e. Income Verification forms obtained (according to Section 10, "Income Information")

- f. Verification that head of household is receiving, or is in the process of being (re-) instated, or applying for, or is actively appealing a denial for Social Security Income and/or Social Security Disability Income.
13. Accept payments (e.g. for loans, security, damages) from recipients and issues them receipts.
14. Request all waiver renewals, when necessary (according to Section 7, "Waivers").
15. Processes all Move-Out inspections, as needed (according to Section 12, "Housing Quality Standards").
16. Process all Unit Transfers (according to Section 4, "Paperwork and Billing Compliance").
17. Process all DHHS Termination of Subsidy Forms, as needed, and send all former recipients a copy of the DHHS Subsidy Appeals Procedure (using the "BRAP Subsidy Termination Form", attached as Appendix 27, and the "Sample Termination Letter", attached as Appendix 25.
18. Ensure that there is at least one (1) staff person in the LAA's office who holds a certificate as a HQS Certified Inspector. In addition, the LAA shall ensure that there is at least one (1) staff person in the LAA's office who holds a valid certificate from a HUD-recognized training organization in one (1) or more of the following: Asset Management, Assisted Housing Real Estate Management, Property Management, and HUD Property/Asset.
19. Provide a written response and provide a written copy of the DHHS Housing Appeals Procedure (attached as Appendix 27) to any past, present, or pending applicant or tenant for any service requested in writing, that the LAA may turn down, reject, refuse, or deny in the administration of this Agreement.
20. The LAA shall maintain complete tenant files on all current recipients, or those who have been denied or exited/terminated from the BRAP program. Closed files must be retained for a minimum of eight (8) years. If any litigation, claim, or audit is started before the expiration period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

Rental Assistance Administration Fees and Allowable Costs

Costs and Expenses related to Program Administration of CoC grants under 24 CFR § 578.51

Sub-recipients that use CoC Program funds to pay for staff salaries or plan to use staff time must be able to provide documentation that the staff worked the stated number of hours on the CoC Program grant-funded project and that the time was spent on eligible costs.

For the services provided for the DHHS PSHP (program), each subrecipient shall be paid for all eligible activities performed, including indirect costs and overhead, that fall within the scope of the mutually agreed upon contract, and are allowable, as determined by the CAA, DHHS, and in accordance with federal regulations (24 CFR Part 578, Subpart D, and 2 CFR Part 200, Subpart E).

➤ **Eligible Rental Assistance Activities:**

- a. **Housing and Certifications** - Providing general housing information, housing search assistance, general questions, and working with third parties, to include landlords. Preparing certification paperwork, Determining income and rent, performing re-certifications, filing and misc. paperwork.
- b. **Inspecting** - Inspecting units for compliance with Housing Quality Standards; and travel related to inspections.
- c. **Processing Rent** – Processing rental payments to landlords, receiving payments, and preparing and submitting billing to the CAA.
- d. **Applications** - Receiving and reviewing applications, accepting applicants onto the program, returning incomplete applications, and following up with awarded clients while looking for a unit.

➤ **Indirect Costs**

These are costs incurred by the agency for staff and overhead, that are not directly associated with the program activities or **direct costs** that fall under part (a) of this section, such as general facilities and administration, but are required in order for the program to function. These are generally referred to as General & Administrative (G&A):

These are broken down into two categories:

“Administrative”: Staff and overhead for essential management, such as executive directors, departmental directors, and any other staff that have indirect association with the program and its staff or are crucial to the operation of the program. This section also includes

“Facilities”: Depreciation on buildings, equipment and capital improvement, interest on debt associated with certain buildings, equipment and capital improvements, and operations and maintenance expenses.

Central Administrative Agency Activities

The Central Administering Agency shall:

1. Coordinate with DHHS in order to ensure that all program activities performed are in compliance with corresponding rules, regulations, codes, and state priorities.
2. Provide continuous engagement with the Department, stakeholders, advocacy groups and providers by:
 - a. Actively engage in the Statewide Homeless Council (SHC) and regional homeless councils.
 - b. Educating the public about rental assistance program services;
 - c. Providing outreach material for use by community mental health providers to mental health consumers regarding the availability of rental assistance programs; and
 - d. Informing policy decisions in collaboration with the Department, State Legislature and SHC through evidence-based practices with a behavioral health approach to achieving housing stability.
3. Provide training to LAA's involved in the administration of the Program.
4. Assure that LAA's receive notification of HQS and other relevant training.
5. Provide consultation and assistance to LAA's and DHHS to maintain compliance with local, state, and federal housing related policies, rules, regulations, and statutes.
6. Provide financial oversight activities, including but not limited to:
 - a. Producing a Program Budget
 - b. Reviewing and approving payments to LAAs on a monthly basis
 - c. Disbursing rental subsidy funds to LAA's on a monthly basis.
 - d. Coordinate with DHHS to develop forms and procedures for use in the disbursement and accounting of funds to the LAA and to the DHHS.
7. Process waivers when requested on a monthly basis, as approved by the DHHS.
8. Maintain files of activities related to BRAP.
9. Review completed applications from all LAAs and issue voucher based on eligibility criteria as outline in Eligibility (Section 2).
10. Allocate Vouchers Statewide, in collaboration with the Department and LAAs. The allocation of vouchers shall be adjusted as needed according to Participant need, LAA capacity, financial availability, and with the approval of the Department.
11. Comply with additional priorities and requests from the DHHS.

Program Administration Fees and Allowable Costs

Administrative Costs and Expenses related to Program Administration of CoC grants under 24 CFR § 578.59

Sub-recipients that use CoC Program funds to pay for staff salaries or plan to use staff time must be able to provide documentation that the staff worked the stated number of hours on the CoC Program grant-funded project and that the time was spent on eligible costs.

For the services provided for the DHHS PSHP (program), each subrecipient shall be paid for all eligible activities performed, including indirect costs and overhead, that fall within the scope of the mutually agreed upon contract, and are allowable, as determined by the CAA, DHHS, and in accordance with federal regulations (24 CFR Part 578, Subpart D, and 2 CFR Part 200, Subpart E).

➤ Eligible Administrative Activities include:

- a. **Budgeting/Processing Payments** – Preparing program budgets and allocations, amendments to budgets, reviewing LAA billing, and processing payment to-from the department
- b. **Supervising** - Supervising and Coordinating housing staff to include drafting budgets, creating/maintaining staff schedules and activities, performing audits, overseeing agency compliance, and preparing reports.
- c. **Contract/Agreements** – Preparing and executing contracts and agreements with the Department and subcontractors to carry out statewide activities.
- d. **Monitoring/Compliance**- Regularly Monitoring program activities for progress and compliance with program requirements
- e. **Audits** – Audit subcontractors and coordinate resolution of audit and monitoring findings.
- f. **Reporting** – Evaluating program results and reporting results to the department.
- g. **Travel** – Travel time associated with monitoring subcontractors.

➤ Indirect Costs

These are costs incurred by the agency for staff and overhead, that are not directly associated with the program activities or **direct costs** that fall under part (a) of this section, such as general facilities and administration, but are required in order for the program to function. These are generally referred to as General & Administrative (G&A):

These are broken down into two categories:

“Administrative”: Staff and overhead for essential management, such as executive directors, departmental directors, and any other staff that have indirect association with the program and its staff or are crucial to the operation of the program. This section also includes

“Facilities”: Depreciation on buildings, equipment and capital improvement, interest on debt associated with certain buildings, equipment and capital improvements, and operations and maintenance expenses.

EQUAL OPPORTUNITY AND FAIR HOUSING

❖ Fair Housing

DHHS and its sub-contractors must comply fully with all federal and state nondiscrimination laws and with the statutes and regulations governing fair housing and equal opportunity in housing and employment. As a program, DHHS and its sub-contractors affirmatively further Fair Housing, which means that according to 24 CFR 578.93 we must:

- i. Affirmatively market housing subsidies and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or handicap who are least likely to apply in the absence of special outreach and maintain records of those marketing activities.
- ii. Where a recipient encounters a condition or action that impedes fair housing choice for current or prospective program participants, provide such information to the jurisdiction that provided the certification of consistency with the Consolidated Plan; and,
- iii. Provide program participants with information on rights and remedies available under applicable federal, State and local fair housing and civil rights laws.

The Program comply will applicable civil rights and fair housing laws and requirements, and comply with nondiscrimination and equal opportunity provisions of Federal civil rights laws, including:

- i. The Fair Housing Act which prohibits discriminatory housing practices based on race, color, religion, sex, national origin, age, disability, or familial status. Additionally, the Equal Access Rule prohibits denial to apply or receive assistance for a family or individual based on marital status, gender identity or sexual orientation;
- ii. Section 504 of the Rehabilitation Act which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iii. Title VI of the Civil Rights which prohibits discrimination on the basis of race, color or national origin under any program or activity receiving Federal financial assistance;
- iv. Title II of the American with Disabilities Act which prohibits public entities, which include State and local governments, and special purpose districts, from discriminating against individuals with disabilities in all their services, programs and activities, which include housing and housing-related services, such as housing search and referral assistance;
- v. Title III of the Americans with Disabilities Act which prohibits private entities that own, lease, and operate places of public accommodation, which includes shelters, social service establishments, and other public accommodations that provide housing from discriminating on the basis of disability.

We will not use data collected from the application process to discriminate or prioritize applicants for housing and services based on a protected status. The referral process is informed by Federal, State and local Fair Housing laws and regulations, to ensure applicants are not steered toward any particular housing facility or neighborhood.

It is the responsibility of the DHHS PSHP Program to ensure maintenance of copies of marketing, outreach, and other materials used to inform eligible persons of the program to document compliance with these requirements (24 CFR 578.103).

Additionally, the DHHS PSHP Program Rental Assistance Program will ensure meaningful access to persons with limited English proficiency by:

Translating documents that advertise assistance, services, and contact information into other languages common in the community as needed, including notices about participant's rights and other documents vital for program access; and

Work with language services or a pool of interpreters to assist persons who speak an alternate primary language other than English and need assistance communicating.

A reasonable accommodation is an adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the DHHS PSHP program. Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the DHHS PSHP Program, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

❖ **Reasonable Accommodation**

Types of Reasonable Accommodations:

When needed, the DHHS PSHP program will modify its policies and procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting certifications to be completed by mail.
- Using higher payment standards if the DHHS PSHP program determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing additional time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Approving a live-in aide that is necessary for the care and well-being of a person with a disability
- Allowing an additional bedroom (e.g. to accommodate medical equipment or a live-in aide)
- Rent from a relative
- Extend or reinstate a voucher
- Waive a stated deadline to provide information, make a request, or file an appeal of a decision regarding housing assistance

Request for an Accommodation

If an applicant or program participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, OBH requires that the Program treat the information as a request for a reasonable accommodation, even if no formal request is made

The person with a disability does not have to be the person making the request. The request can be made by a family member or someone else acting on the person's behalf.

The person requesting the accommodation must explain what type of accommodation is needed to provide the person with the disability full access to the DHHS PSHP program.

If the need for the accommodation is not readily apparent or known to the PHA, the person requesting the accommodation must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the disability.

The Program shall ensure that all such requests are submitted in writing to the CAA for determination.

The Program shall ensure that each written request for a Reasonable Accommodation includes reliable disability related information that:

- Verifies that the individual has a disability that falls under the Fair Housing Act; and
- Describes the needed accommodation; and
- Shows an identifiable relationship between the requested accommodation and the individual's disability.

The CAA may deny a request for a reasonable accommodation if the request was not made by on or behalf of a person with a disability or if there is no disability-related need for the accommodation.

In addition, a request for a reasonable accommodation or modification may be denied if providing the accommodation or modification would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the housing provider's program.

The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors. If an undue burden or fundamental alteration exists, the housing provider is still required to provide any other reasonable accommodation up to the point that would not result in an undue financial and administrative burden on the DHHS PSHP program and/or constitute a fundamental alteration of the program.

If the DHHS PSHP program denies a requested accommodation, the Program shall discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs without a fundamental alteration to the provider's operations and without imposing an undue financial and administrative burden as part of an interactive process.

DOMESTIC VIOLENCE (DV) / VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence Against Women Act final rule (VAWA Final Rule), 24 CFR, Part 5, Subpart L) codifies the core protection under the CoC ensuring survivors are not denied assistance as an applicant, evicted, or have assistance terminated as a tenant, because the applicant or tenant is or has been, a victim of domestic violence, dating violence, sexual assault, or stalking, as long as they would otherwise qualify for the program. All efforts shall be made to protect the rights, privacy and safety of survivors of domestic violence, dating violence, sexual assault or stalking (hereinafter “domestic violence survivors”).

Tenants may not be denied assistance or residency solely based on criminal activity relating to domestic violence, dating violence, sexual assault, or stalking, if:

- i. The criminal activity is engaged in by a member of the household or any guest or other person under the control of the tenant; and
- ii. If the tenant or an affiliated individual of the tenant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking.

“Affiliated individual” means a spouse, parent, brother, sister, or child, or a person the tenant stands in the place of a parent or guardian (e.g., a person that is in the custody, care, or control of the tenant). It also refers to any individual, tenant, or lawful occupant living in the household.

When a member of the household engages in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, the owner may remove the abuser or perpetrator from the lease (i.e., bifurcate the lease) without affecting the occupancy rights of the victim.

- i. Any bifurcation must be carried out in accordance with any requirements or procedures required by Federal, State, or local law for termination of assistance in leases and in accordance with the requirements of the applicable housing program.
- ii. If the owner removes the abuser or perpetrator through bifurcation, and that person was the eligible tenant under the program, the owner must allow any remaining tenant(s), who are not already eligible, time to establish eligibility under the same or another housing program covered by VAWA or find alternative housing.

Before bifurcating a lease, an owner may, but is not required to, ask the tenant for documentation or certification of the incidence of domestic violence, dating violence, sexual assault, or stalking.

Victims of domestic violence, dating violence, sexual assault, or stalking may request emergency transfers to other units or projects. Before permitting such a transfer, owners may request that the tenant submit a written request. In this way, the tenant will be certifying that he or she meets the criteria for an emergency transfer. The criteria are:

- i. The tenant (or member of the household) must be a victim of domestic violence, dating violence, sexual assault, or stalking;

- ii. The tenant must expressly request the emergency transfer (submission of form HUD-5383 is considered a request for a transfer); and
- iii. The tenant reasonably believes that he or she is threatened with imminent harm from further violence if they remain in the current unit, or he or she has been a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before the request for transfer.

Owners must keep requests for emergency transfers, and the location of any such move, in strict confidence.

Program Agencies **MUST** do the following:

- i. DHHS PSHP administrative agencies are prohibited from entering client-level data into the HMIS System. However, these programs must record client level data within a comparable internal database and be able to generate aggregate data for inclusion in reports.
- ii. Protect the privacy of individuals and families who are fleeing, or attempting to flee violence, by not including intake/treatment data in HMIS if a non-victim Project Sponsor.
- iii. The location of Domestic Violence shelters/programs shall not be made public, if applicable.
- iv. Provide support to survivors in accessing needed and requested services related to their incident of domestic violence while in housing (for example, a non-victim service provider can work with a survivor to locate advocacy and community-based domestic violence resources to assist in safety planning).
- v. Establish an emergency transfer plan that allows for survivors to move to another safe and available unit if they fear for their life and safety. Recipients and subrecipients of grants for tenant-based rental assistance may use grant funds to pay amounts owed for breaking the lease if the family qualifies for an emergency transfer under the emergency transfer plan established under §578.99(j)(8).
- vi. Provide a copy of the VAWA Rights Notice to the participant at Award, Move-in, Annually, and at Termination.

PROGRAM APPLICATION & COORDINATED ENTRY

Coordinated Entry –

➤ Overview of Coordinated Entry

Coordinated entry is a consistent, streamlined process for accessing the resources available in the Maine Continuum of Care (MCoC) homeless crisis response system. Through coordinated entry, the MCoC ensures that housing resources and supportive services are used as efficiently and effectively as possible. This is done by assessing households experiencing homelessness quickly and uniformly to connect them to the best available housing resource whenever possible.

➤ Coordinated Entry Participation

All Continuum of Care and Emergency Solutions Grant funded projects are required to participate in the Maine CoC Coordinated Entry Process. Ideally, all homeless assistance projects will participate in Coordinated Entry in some capacity, and the CoC will continue to work to facilitate the participation of new partners.

➤ Access

❖ Access Model Overview

Coordinated Entry operates locally within the state's Service Hub structure. Maine has a total of 9 Service Hub areas, each covering one or more counties. Some towns are assigned to Hubs outside their county where that made more sense in terms of access to resources.

- Hub 1: York
- Hub 2: Cumberland
- Hub 3: Midcoast (Sagadahoc, Knox, Lincoln, Waldo, and Towns of Brunswick and Harpswell)
- Hub 4: Androscoggin
- Hub 5: Western: Oxford, Franklin, and Towns of Livermore and Livermore Falls
- Hub 6: Central: Somerset and Kennebec
- Hub 7: Penquis: Penobscot and Piscataquis
- Hub 8: Downeast: Washington and Hancock
- Hub 9: Aroostook

Each of the 9 Service Hub areas will have designated access points as well as hub partners to help ensure that a household experiencing homelessness in any county will have access to the Coordinated Entry System. The goal of establishing localized access points and partners in each of the Service Hubs is to reduce the number of households who do not know where to turn or who to call when they are experiencing homelessness, and to reduce the need for households to leave their communities of origin to seek crisis housing and services in more populated areas of the state.

➤ **Assessment**

The Maine CoC will provide a standardized assessment process to all Coordinated Entry participants, ensuring uniform decision-making and coordination of care for households experiencing homelessness in the state. A standardized assessment approach allows for all households to be assessed for housing resources in the same way regardless of where they are assessed and who they are assessed by, with the goal of reducing disparities in access to housing resources and how households are prioritized for them.

➤ **Prioritization**

The Maine CoC uses the data collected through the Coordinated Entry assessment process to prioritize people experiencing homelessness in the state of Maine for housing resources.

Households will be prioritized based on the numeric score that is produced by the assessment tool. This score is based primarily on a household's length of time homeless (days) in the last three years. The assessment tool also considers additional criteria that may further prioritize a household based on the following:

1. "Long-term stayer Status" – households who have 6+ months of homelessness in the past year
2. People actively fleeing domestic violence
3. People experiencing unsheltered homelessness
4. Barriers to accessing housing

This prioritization method will be utilized for all housing resources available through the Coordinated Entry Process.

SLOT ALLOCATIONS

The PSH program accepts referrals from Maine's Coordinated Entry System (CES) in alignment with Maine's Continuum of Care's (MCoC) order of priority. DHHS administers this program through a Central Administrative Agency (CAA) who utilizes a network of local nonprofit mental health agencies or Local Administering Agencies (LAAs). These agencies assist local participants with linkage to MaineCare supportive services, including communication with a participant's landlord and conducting HQS inspections, in addition to administering rental assistance.

To encourage long-term stability and improve housing outcomes, LAA's support pursuing mainstream resources such as primary healthcare, behavioral healthcare, community-based resources, and educational and employment opportunities when serving persons experiencing homelessness. As part of an ongoing commitment to ending homelessness for all, DHHS and its subcontractors will work with the 9 HUBs.

When Openings Become Available

1. The CAA and the Department will determine that the openings correspond to the PSHP grant agreement's current targeted allocations and fit within the financial resources of the program.
 - On the 20th of every month, the CAA will review the grant portfolio to determine the recommended number of opening(s) for referral.
 - The CAA will review the recommended openings with the program manager at OBH.
 - Together they will review the following information:
 - Any unit attrition that may have occurred during the month

- Projected number to be served by the grant
 - Rate of expenditure to determine if any over-leasing may be possible
 - The CAA will communicate openings to the Hub Coordinators
2. Out of the total number of PSHP openings, a subset of 160 are dedicated by the grant for chronically homeless individuals and households. If an available opening corresponds to one of these slots, the CAA will request that the Hub Coordinator make the appropriate referral.

Notification of Openings to Coordinated Entry System

1. Once an opening is confirmed, the CAA will notify the respective Hub Coordinator within 2 business days as agreed upon in the DHHS Internal Referral Policies and Procedures. When an opening occurs, the CAA will notify the respective Hub Coordinator of the opening(s) via email and inform them of the following: # of Referrals Desired
 - Preferred slot Size (i.e. SRO, 2BR)
 - Location
 - Category needed, if applicable.

Hub Referrals to the CAA

1. The Hub Coordinator will send the CAA a list of the names of the referred households in writing via email preferably within 2 business days, but no later than 15 business days of receiving the notification of openings.
2. If the CAA has not received a referral from the Hub Coordinator within 15 business days or the referral received did not meet the attributes of the available resource as described above, the CAA will follow up with the Hub Coordinator.

Allocation Determination and Method

The PSHP has established that 70% of available resources will be allocated to Hub 2 and Hub 7, and 30% of available PSHP resources will be allocated to the remaining Hubs (1, 3, 4, 5, 6, 8, and 9).

This target is based on Hub population size and the rate of return to homelessness amongst the Hubs. We will closely monitor it and will adapt if needed. Due to the maturity of the program, the allocation of available openings will remain constrained and subject to funding availability.

The Department as grantee of the PSHP has discretion to shift the allocation of available resources in the event of a public health emergency or natural disaster.

REFERRAL POLICY

Referral refers to the process by which a participant who is prioritized on the by-names list is connected to a housing opening. All CoC Program- and ESG Program-funded housing projects must accept referrals exclusively through the CoC's defined CE process as described below. Housing resources available from

alternate funding streams may also opt in to the Maine CoC's Coordinated Entry process upon request. The referral process will take place at the Service Hub level.

This document outlines the referral process for State of Maine DHHS CoC-funded Permanent Supportive Housing Program (PSHP) (formerly known as Shelter Plus Care or S+C). The process herein is consistent with the established referral process outlined in the Maine CES Policies and Procedures (See Maine CES Policies and Procedures, "*Overview of Referral Process*") and provides further details specific to how DHHS will abide by the MCOC referral process given the unique organizational structure of DHHS and the volume of PSH referrals the organizations processes on a regular basis.

Critical elements of this document include:

- Parties involved at each step of the referral process
- Appropriate channels of communication at each step
- Anticipated timelines for completion of each step
- Criteria documenting updates within HMIS
- Procedures for addressing unsuccessful referrals

Overview of the State of Maine DHHS PSHP Referral Process

Referral, in the context of Coordinated Entry, refers to the process by which a participant who is prioritized on the by-name list is connected to a housing opening. All State of Maine DHHS CoC- funded PSHP projects must accept referrals exclusively through the CoC's defined CE process as described within the MCOC CES Policies and Procedures. The referral process will take place at the Service Hub level.

Step 1: Notification of Housing Opening

DHHS has contracted with Shalom House to serve as its Central Administrative Agency (CAA). In its role as CAA, Shalom House will provide statewide administration of all DHHS CoC-funded PSHP projects. DHHS, as the CoC-grantee, is responsible for ensuring that the CAA follows the referral process outlined herein.

The CAA is responsible for identifying the number of available PSH openings within each Hub's geographic region on an ongoing basis, and notifying the respective Hub Coordinator of openings within 2 business days of identifying an opening. Notification of openings should be sent to the respective Hub Coordinator via email and should include as much information as possible including:

- # of Referrals desired
- Unit size (if applicable)
- Location (if applicable)
- Homelessness definition (if applicable)
- Date by which they would like list of referrals
-

Step 2: Identification of Households to be Referred locally

Case conferencing meetings will be used to identify housing needs and preferences for the top 10-20 households on the list; therefore Hub Coordinators will be able to match CE referrals from the BNL to recommend resources. This will allow Hub Coordinators to make referrals in real time when the CAA requests openings to be filled.

Hub Coordinator will use the priority list to refer the requested number of prioritized households to the opening(s). In some cases, the household(s) being referred may not be the very first name on the list. In some cases, Hub Coordinator will use housing needs and preferences of those households toward the top to ensure appropriate match. For example, a housing provider may have an opening that is available only to households who have a documented disability. If the first person on the list does not have a disabling condition, Hub Coordinator may look to the next person on the priority list.

The Hub Coordinator will send the CAA a list of the names of the referred households in writing via email preferably within 2 business days, but no later than 15 business days of receiving the notification of openings. At a minimum, the list of referred households should the following information:

- Referred CE participant names
- Participant contact information
- Name and contact information of the case manager or service provider working with the participant

***Note:** If the participant is not working with anyone, the Hub Coordinator will utilize case conferencing to create a plan to support the participant with the application process. The Hub Coordinator must communicate this plan to the CAA via email at the time of referral.*

Step 3: Notifying Case Manager and/or Service Provider of Referrals

In addition to sending the referral to the CAA, the Hub Coordinator is responsible for contacting the case manager or service provider of the referred household to inform them of the referral and the application process that should be followed. The Hub Coordinator will make at least 3 attempts at contact on non-consecutive days if the case manager or service provider is unreachable at first contact. The Hub Coordinator should utilize multiple methods of contact (i.e. phone, e-mail) and these attempts should be recorded in HMIS.

In instances where the respective Hub Coordinator has not identified a case manager or provider to support a household on the priority list, the Hub Coordinator may contact the participant directly via phone or email to inform them of their referral to a housing opening. These attempts should be recorded in HMIS.

Step 4: CAA Engagement with Referred Participants

The CAA will provide the case manager or service provider with how to access information or provide a copy of the program application and all required documentation. The case manager or service provider is responsible for assisting the participant with completing the program application and gathering any required documentation.

Program Application Submission

1. Complete program applications must be submitted to the CAA within 15 business days of notification of referral.

If the program application has not been submitted within 15 business days of referral contact:

1. The CAA has discretion to extend the application deadline in 10-day increments based on the needs of the participant, up to a total of 45 days for extension. The CAA is responsible for recording the extensions and justification for extensions.
 2. If the CAA determines that they are unable to contact the client through all known channels and has documented attempts to reach the client, or the participant has exhausted all extensions, the CAA will notify the respective Hub Coordinator in writing and request a replacement referral.
 3. If program application is received by CAA within the 15 business day deadline, but the application is determined to be incomplete, CAA will communicate what is missing to the person who submitted the application and or the case worker in writing; the required information is then due back to CAA within ten (10) business days.
2. Once CAA receives a complete application and determined that the applicant is eligible for MaineCare services, The CAA will also assign the participant to an LAA for ongoing PSH services once the participant has been approved. CAA will notify LAA and Hub Coordinators in writing of the award.

PROGRAM ENROLLMENT

The CAA will enroll participants into the appropriate PSH project in HMIS at the time of receipt of the completed application. If after 120 days from the date of PSH enrollment participant has not secured a unit, the LAA will notify CAA of the expiration of the voucher and participant will be disenrolled from the PSH project in HMIS.

Step 5: Feedback Loop Between Hub Coordinator and the CAA

The CAA will be responsible for communicating with the respective Hub Coordinators to inform them of the outcome of the referrals made. The Hub Coordinators will be responsible for updating the status of those household's on the priority list as appropriate.

Please Note:

It is possible for a DHHS PSHP voucher to be held open if a unit is located, a RFT is received, and a HQS is completed prior to the voucher's expiration date. If the unit does not initially meet HQS standards, the voucher can then be held to allow the landlord of the identified unit to make necessary fixes, as long as the initial inspection was performed before the expiration date of the voucher.

HOUSEHOLD COMPOSITION AND UNIT SELECTION

Household Composition

The Program shall ensure that all DHHS PSHP applicants identify on their initial program application all persons expected to reside in the household.

Upon entry into the DHHS PSHP program, all persons expected to reside in the household shall be confirmed by the Program and the Program shall ensure that their information is documented through the completion of program Move In forms.

After award, any changes in household composition must be reported by the tenant to the Program within ten (10) days of such change. The addition or subtraction of household members may affect the unit income level and eligible unit size; therefore a new Rental Calculation and Certification Form shall then be completed by the Program. The Program shall ensure that a Move-In form or Move-Out form is completed for each new or exiting person respectively, regardless of their age. In addition, the Program shall ensure that all income for new household members is counted at the time of Move-In, regardless of the amount.

Unit Size

Generally, no more than two (2) persons are required to occupy a bedroom. Children may share a bedroom with a parent, if the parent so wishes. This decision shall be made by the parent.

Unless a live-in-aide resides with the applicant, the applicant unit size for any applicant consisting of a single person must be either a zero or one-bedroom unit, as determined under the Program's subsidy standards.

The following requirements apply when determining the applicant unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house applicants without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards (HQS).
- The subsidy standards must be applied consistently for all families of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the applicant in determining the applicant's unit size.
- An applicant that consists of a pregnant woman only, and (no other persons), must be treated as a two-person applicant.
- Any live-in aide approved by the Program /CAA to reside in the unit to care for the applicant must be counted in determining the applicant unit size.
- Two elderly or disabled household members may be given separate bedrooms.

In determining applicant unit size for a particular applicant, the Program may grant an exception to its established subsidy standards if the Program determines that the exception is justified by the age, sex, health, handicap, or relationship of applicant members or other personal circumstances. (For a single person other than a disabled or elderly person or a remaining applicant member, such exception may not override the requirement of providing only a zero or one-bedroom unit to a single person.)

For each applicant, the Program determines the appropriate number of bedrooms under the Program subsidy standards and enters the applicant unit size on the voucher that is issued to the applicant. The applicant unit size does not dictate the size of unit the applicant must actually lease, nor does it determine who within a household will share a bedroom/sleeping room

➤ **Maximum Bedroom Allotment**

The maximum number of bedrooms (BR) that shall be allowed by the Program are:

- 1BR for head of family/spouse/partner
- 1BR for every two (2) children of the same gender (not including adult children of the family)
- 1 BR for an only child
- 1 BR for a multi-generation member or other adult not covered in above bullets
- 1 BR for approved live-in aides

Subsidy Awarded Voucher Size	Minimum No. of Person in Household	Maximum No. pf Persons in Household	Unit Size	Max Occupancy
0-BR	1	1	0-BR	1
1-BR	1	2	1-BR	4
2-BR	2	4	2-BR	6
3-BR	4	6	3-BR	8
4-BR	6	8	4-BR	10
5-BR	8	10	5-BR	12
6-BR	10	12	6-BR	14

A participant may request to be assigned a larger unit as a Reasonable Accommodation (according to Section, "Reasonable Accommodation"). The Program shall ensure that all such requests are made in writing to the Program and sent to the CAA for approval.

In all cases the Program shall ensure that all local, state, or federal rules, regulations, or ordinances take precedence over the above-stated policies, should a conflict arise.

➤ **Live-in Aide**

What is a Live-In Aide?

A person who resides with an elderly, handicapped, or disabled person who is determined essential to the care and well-being of the person, is not obligated for the financial support of the person, and would not be living in the Unit except to provide necessary Supportive Services.

The household must request a live-in aide in writing and provide verification that the live-in aide is essential to the care or well-being of the tenant.

Please Note: A relative may be a live-in aide but must meet all of the requirements listed in this Section.

A live-in aide qualifies for occupancy only so long as the individual needs support services and may not qualify for continued occupancy merely as a remaining household member in the event the program participant is deceased or leaves the unit.

Please Note: Landlord approval is required.

Approval

When requested by the tenant, the LAA will review and decide if the accommodation is warranted. The LAA will forward the request to the CAA for final approval.

Policy

The Live-In Aide is used in order to calculate bedroom size and allotment, however the income of a live-in aide shall not be counted by the LAA as a part of the household income.

Live-in Aides should be noted in the file; however, they are not required to fill out a move-in packet, nor should they be listed on the Rent Calculation Form or other program documents.

When practical, the LAA should have the Head of Household fill out and sign a Live-In Aide Request Form for the file. This will ensure that they are aware that the live-in aide is not a member of the household and has no legal right to the unit. It also allows the LAA to ensure that the landlord agrees with the special accommodations of having a live-in aide in the unit.

Special Housing Types – Shared Housing

Shared Housing is a single housing unit occupied by an assisted family and another resident or residents, such as a 3 BR apartment being rented to three separate people, all with their own lease. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family. The unit may be a house or an apartment. There is a separate Housing Assistance Payment (HAP) contracts and leases for each assisted family.

The owner of the property may reside in the same unit, but in a separate private space, and housing assistance may not be paid on their behalf. Additionally, a resident owner cannot be related to the assisted household.

Housing Quality Standards (HQS)

The LAA may not give approval to reside in Shared Housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease or rental agreement, meets HQS and MUST include (shared or private), at a minimum:

- a living room
- a bathroom
- food preparation and refuse disposal

The LAA should not inspect bedrooms that are not part of the lease, unless there is concern of life and safety issues being present.

Please Note: *The private, non-shared space for each assisted family must contain at least one bedroom for each two persons in the family as required by their approved household composition.*

Lease and HAP Contract

While program guidelines do not require leases, for this special housing type, the program will require a lease for the individual room to ensure that the housing situation fits these guidelines.

The lease should clearly define the arrangement, and that the Participant is only responsible for their share, i.e. the Participant cannot be held accountable if another Participant moves in or out, another Participant's behavior, eviction, etc.

Utilities

Utilities are to be included in the rent. *This will help ensure that each Participant's best interest is considered and should alleviate any issues related to utility responsibility if when another Participant moves in or out.*

Rent Reasonableness/Payment Standards

The payment standard for a family in shared housing is the lower of the locality's payment standard for the **family unit size*** or the pro-rata share of the payment standard for the **shared housing unit size****.

The pro-rata share is calculated by dividing the number of bedrooms available for occupancy by the assisted family in the private space by the total number of bedrooms in the unit. If owner occupied, do not count the landlords bedroom(s).

❖ What is Shared Housing, and how is it different from other types of housing like SRO's and Group Homes?

SRO's are rooms in a residential property or facility that includes multiple single room dwelling units. Each unit provides living and sleeping space for the exclusive use of the occupant but requires that the occupant share sanitary and/or food preparation facilities with others. There is no federal limitation on the

number of SRO units in an SRO facility. There is a separate lease and HAP contract for each assisted person in an SRO unit.

Example: Facility ran by the YMCA that offers single rooms to individuals and have shared bathrooms on each floor, and each room has a microwave/fridge combo. They have a lease that is for their room, and only their room.

Group Homes are rooms in a local/state-licensed, certified, or otherwise government-approved facility intended for occupancy by elderly persons and/or persons with disabilities. The group home consists of residents' bedrooms, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.

Example: Local Mental Health agency owns a former single-family home and converted to a transitional living home for clients coming from a hospitalization, such as a PNMI. Each individual has their own rooms, shares bathrooms, and will have shared eating/prepared meals.

Shared Housing is a single housing unit or home occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family. The unit may be a house or an apartment. There is a separate HAP contract and lease for each assisted family.

Example: The owner of a 5-bedroom single-family home lives by himself and rents out each room to individuals. They share the bathroom, living room, and kitchen. Each person has a separate lease. The owner may live in the home in their own space. If one person leaves, it will not affect the others who remain as they all have their own individual leases.

This is not roommates sharing a house under 1 lease and divvying up the rent amongst themselves.

INCOME & ASSETS

Verification of Tenant Income

At this time, HUD does not require that a participant have income. It is recommended that each agency provide assistance to any participant in gaining/maintaining income, or at a minimum ensure that participants are referred to services to provide this assistance.

All income received by the tenant and any household members shall be verified by the Program prior to Move-In and at each annual certification.

All verifications shall be documented by the Program in each tenant's file. Two (2) methods of verification shall be considered acceptable, listed below in the order of acceptability:

- a. Verification from a verifiable third (3rd) party
- b. The tenant certifies the information is true and complete via a written statement or affidavit, when the third (3rd) party verification is not possible

- i. Non-Third Party Verification Technique:

Tenant Declaration: This verification method should be used as a last resort when the Program has not been successful in obtaining information via all other verification techniques. When the Program relies on tenant declaration, the Program shall document in the tenant file why third (3rd) party verification was not available.

- ii. Exceptions to Third (3rd) Party Verification Requirements:

DHHS is aware that in some situations, third (3rd) party verification is not available for a variety of reasons. Oftentimes, the Program may have made numerous attempts to obtain the required verifications with no success, or it may not be cost effective to obtain third (3rd) party verification of income, assets, or expenses, when the impact on total tenant payment is minimal. In these cases, the Program shall document in the tenant file the reason(s) why third (3rd) party verification was not available.

Note: State Supplemental and SSI payments the correspond to the Standard Maximum Monthly Payment may be routinely self-certified.

Examples of Acceptable 3rd Party Documentation

Benefit Letter from Social Security, Veterans Affairs, etc
Paystubs
Tax Documents (1099, W-2 Return, etc) for most recent year
Profit/Loss Expense Report for 3 separate months (for self-employment)
Employment Verification Form signed by Employer
Printout from DHHS regarding Child Support, TANF, etc
Financial Review from DHHS

Employer report showing Gross and Net earnings

Verification shall be considered valid for one hundred and twenty (120) days from the date of the verification.

Income Includes

1. The gross amount (before any payroll deductions) of wages and salaries, overtime pay, commissions, fees, tips, bonuses, and other compensations for personal services.
2. Net income (after Expenses) from a business.
3. The gross amount (before deductions for Medicare, etc.) of periodic social security payments. Includes payments received by adults on behalf of minors or by minors for their own support.

Note: If Social Security is reducing a family's benefits to adjust for a prior overpayment, use the amount remaining after the adjustment.

4. Monthly or regular amounts drawn from annuities, insurance policies, retirement funds, pensions, trusts, disability or death benefits and other similar types of periodic receipts.
5. Payment in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. Any payments that will begin during the next twelve (12) months must be included.
6. Alimony and child support, as awarded as part of a divorce or separation agreement unless the tenant certifies the income is not being provided and tenant takes all reasonable legal actions to collect amounts due, including filing with appropriate courts or agencies responsible for enforcing payment.
7. Monthly or regular amounts from Interest, dividends and other income from net family assets (including income distributed from trust funds). On deeds of trust or mortgages, only the interest portion of the monthly payments received by the tenant is included.
8. Armed Forces Income - All regular pay, special day and allowances of a member of the Armed Forces. (Except the Armed Forces Hostile Fire Pay paid to a family member who is exposed to hostile fire)
9. Lottery winnings paid in periodic payments. (Winnings paid in a lump sum are included in net family assets -not in Annual Income).
10. Recurring monetary contributions or gifts regularly received from persons not living in the unit. *(Includes rent or utility payments regularly paid on behalf of the tenant).*
11. Welfare assistance payments made under the Temporary Assistance for Needy

Families (TANF) program.

12. Employment income up to \$480/year (\$40/month) for each full-time student eighteen (18) years old or older (excluding the head of household or spouse). *Must provide verification of full-time status.*

13. Employment income of children younger than eighteen (18) (including foster children) and employment income of full-time students eighteen (18) and older up to \$480/ year (\$40/month) (excluding head of household and spouse).

14. Adoption assistance payments up to the \$480/year (\$40/month).

Income does not include:

1. Stimulus checks and enhanced unemployment insurance assistance.
2. Lump-sum additions to family assets, such as inheritances, cash from sale of assets; one-time lottery winnings; insurance payments (including payments under health and accident insurance and workers' compensation) capital gains and settlement for personal or property losses.
3. Lump sum income received as a result of deferred periodic payments of Social Security and SSI benefits are excluded from annual income in all housing programs.
4. Amounts received that are specifically for, or in the reimbursement of, the cost of medical expenses for any family member.
5. Adoption assistance payments in excess of \$480 per adopted child.
6. The full amounts of educational scholarships or financial assistance paid directly to the student or to an educational institution or the full amount of educational scholarships paid by the government to a veteran or under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs
7. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
8. Earned income tax credit refund payments received including advanced earned income credit payments.
9. Hazardous duty pay to a family member serving in the Armed Forces who are exposed to hostile fire.

10. Payments received under training programs funded by HUD, volunteers under the Domestic Volunteer Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparent Program, youthful offenders incarceration alternatives senior companions), or under programs funded wholly or in part under the Job Training Partnership Act of 1998 (employment and training Programs for Native Americans and migrant and seasonal farm workers, Job Corps, veterans employment Programs, state job training programs, career intern programs).
11. Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
12. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of pocket expenses incurred (special equipment, clothing, transportation, child care) and which are made solely to allow participation in a specific program.
13. Temporary, non-recurring or sporadic income (including gifts).
14. Income of a live-in aide.
15. Compensation from state and local employment training programs and training of a family member as resident management staff.
16. Reimbursement of child care to the family by persons not living in the household.
17. The value of the allotment provided to a person for Food Stamps.
18. Payments received from programs funded under Title V of the Older Americans Act of 1965, including Older Americans Community Service Employment Program, Green Thumb and Senior Aides Program.
19. Employment income of children younger than eighteen (18) (including foster children) and employment income of full-time students eighteen (18) and older in excess of \$480 (except head of household and spouse).
20. Payments in excess of \$480 per child received for the care of foster children or foster adults (usually person with disabilities, unrelated to the tenant family, who are unable to live alone.)
21. Loans
22. Earnings in excess of \$480 for each full-time student eighteen (18) years old or older (excluding the head of household or spouse).

23. Reparation payments from foreign governments in connection with the Holocaust.
24. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives, coordination and serving as a member of the PHA's governing board. No resident may receive more than one (1) such stipend during the same period of time.
25. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
26. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care under the Child Care and development Block Grant Act of 1990.
27. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
28. The first \$2,000 for per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court and the interest of individual Indians in the trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interest held in such trust or restricted lands. Source 24 CFR 5.609 paragraph (b) (April 2004)

Assets

There is no asset limitation for participation in HUD assisted-housing programs, however any assets of \$5,000 will be counted if they generate income.

In general, assets generate income when the tenant receives regular income from said asset, or the asset accrues interest.

When calculating assets that accrue interest, the Program will use the higher of the actual interest rate of the account and the federal passbook rate. At this time (February 2023) the Passbook rate is 0.2%.

Assets should be calculated and added to the monthly income of the household.

Assets Include:

1. Current amounts in savings accounts and the average balance for the last six months for checking accounts. Also include cash held at home or in a safe deposit box.
2. Cash value of revocable trusts. A revocable trust can be changed by the grantor at

any time and is therefore counted as an asset.

3. Cash value of any asset that the participant receives regular payments (i.e. The family member has a trust established by their parents and they receive a regular payment each month to cover housing, clothing, food, health, etc)
4. Equity in real property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset.
5. Stocks, bonds, Treasury Bills, certificates of deposit, money market funds.
6. IRA, Keogh and similar retirement savings accounts, even though the withdrawal would result in a penalty
7. Some contributions to company retirement/pension funds. Include contributions while an individual is employed, count only the amount the family can withdraw without retiring or terminating employment. After retirement or terminating, count as an asset any amount the employee elects to receive as a lump sum.
8. Surrender value of whole life or universal insurance policy.
9. Personal property held as an investment (such as jewelry or antiques).
10. Inheritances, lottery winnings, capital gains, insurance settlements and other lump sum amounts are considered assets.
11. Mortgages or deed of trust held by a family member. The value of the asset is determined by calculating the unpaid principal at the end of the 12-month period following certification. Each year this balance will decline as more principal is paid off.

Assets Do Not Include:

1. Personal property not held as an investment.
2. Assets that are a part of an active business or farming operation. Note: Rental properties are considered personal assets held as an investment rather than business assets unless real estate is the tenants' main occupation.
3. Assets a tenant legally owns but are not accessible by the tenant (e.g., a battered spouse owns a home with her husband, but because of the domestic situation, she receives no income from the asset and cannot convert it to cash).

4. Assets that are not effectively owned by the applicant (i.e., when asset is held in tenant name), meaning that:

- i. The Asset and income from the asset accrue to someone else, and
- ii. That other person is responsible from paying taxes on the income.

Allowances

Allowances are deductions from your Annual Gross Income (Monthly income x 12) and are given to account for various expenses that a household may incur due to different situations.

There are four (4) allowances that the Program offers.

Disability Allowance - \$400

Per HUD rules, as a core eligibility requirement for our program is that the participant have a qualifying disability, we deduct \$400 from the households annual income.

Childcare Allowance – Varies

In order to qualify for this allowance, the head of household MUST be working, the child is 12 years old or younger, and:

- i. The Care is necessary to allow the head of household to go to work or school, and no other adult household member is capable of providing care,
- ii. The expenses **ARE NOT** paid to another household member, and
- iii. The Amount reflects a reasonable child-care expense and **DOES NOT** exceed the amount earned by the head of household.

The Allowance equals the total expense for the year.

Dependent Allowance - \$480 per dependent

In order to qualify for this allowance the household must have at least one (1) member who is under 18 years old or a full-time student in high school or a post-secondary college or university.

Medical Expense – Varies

Amount of total expense that exceeds 3% of the households Gross Annual income.

Expenses must be paid by the household member and cannot exceed the income of the individual. Amounts that are covered under insurance or paid by another entity are not allowed to be counted.

Examples include, but are not limited to:

Insurance Premiums

Out-of-pocket Prescription costs and co-pays

Dental Treatment
Vision Care

For a full list of what's allowed and not, see the HUD Occupancy Handbook Exhibit 5-3 (<https://www.hud.gov/sites/documents/43503e5-3HSGH.PDF>)

Over Income

If, during the recertification process, it is found that the client's income now exceeds an amount that would effectively negate any HAP payment, then it is reasonable to terminate the voucher as long as income change is permanent and it is unlikely the client will lose the increased income. The client is not considered "ineligible" for the program; it is just that the tenant's income amount makes payment of HAP irrelevant as their income exceeds the rent amount.

Example: Tenant's Total Rent (Contract + UA) is \$546. Tenant comes in for an Interim and you verify that tenant now grosses \$32,000/year, which equates to roughly \$2600/month. Tenant is on BRAP which requires tenant to pay 51% of monthly income towards rent, which would be \$1326, which is twice the actual rent for their unit. In this case, HAP would be zero and the tenant no longer "needs" their voucher.

The LAA should hold the participant's file open for no less than ninety (90) days to ensure that the household's situation does not change.

Once income is verified, proceed with termination. (See **Terminations**)

RENT REASONABLNESS / FAIR MARKET RENT / UTILITY ALLOWANCE

Rents for units leased with SPC assistance must meet a "rent reasonableness" test. This section describes this standard for rents and how a reasonable rent is documented

LAAS must determine whether the rent being charged for an assisted unit is both:

A. Reasonable in relation to rents being charged for comparable unassisted units with similar features and amenities; **AND**

B. Not more than rents currently being charged by the same owner for comparable unassisted units. [See Section 582.305(b)]

In order for the LAA to show that a unit is “rent reasonable”, they must compare the requested unit to at, at the minimum, 3 similar units. In determining comparability, you must consider the following factors where appropriate and practical: Location; Quality; Size; Unit type; Age of the contract unit; Amenities; Housing services; Maintenance; and Utilities the owner must provide under the lease. These comparisons must be documented in each file each time the rent for a unit is recertified.

Rent Comparability MUST be completed at Initial Move-in/Unit Transfer, and with every Gross Rent Change

As each local agency knows their own rental market, it will be up to the agency to decide what method of search they employ, such as compiling a database of units, or by saving ads that can be reused as needed as long as they reflect the current market rates in your area. This data should be updated regularly or when there are visible signs that the local market is shifting.

Each LAA must utilize use the Rent Comparability Worksheet to summarize the units compared.

The DHHS PSHP program expects the Programs to be aggressive in negotiating the best rent. Securing the lowest possible rents will result in savings for the program and thus allow more people to be served by DHHS PSHP. In order to do this, there are two sets of rates that should be used as a guide.

The two types of rates are as follows:

Fair Market Rent

Programs should ensure that all rental units subsidized by DHHS PSHP are reasonable when compared to the local Fair Market Rents (FMR), or current established PHA payment standards. The FMRs are established by HUD and are updated on an annual basis. The FMR is the maximum allowable rent for a unit, including all utilities. These rates can be found at: <https://www.huduser.gov/portal/datasets/fmr.html>

DHHS expects the Programs to be aggressive in negotiating the best rent. Securing the lowest possible rents will result in savings for the program and thus allow more people to be served by DHHS PSHP.

FMR schedules are published by HUD on an annual basis and are established by region (HMFA). In Maine, there are nineteen (19) HMFAs.

HUD Metro Areas (including a non-extensive list of communities in the area)

Bangor Metro

Bangor, Brewer, Old Town, Orono, Holden, Eddington, Hampden

Lewiston-Auburn (Androscoggin County)

Portland Metro

Portland, Cape Elizabeth, South Portland, Westbrook, Falmouth, Freeport, Gorham, Scarborough, Old Orchard Beach, Windham, Gray, Buxton)

York-Kittery-South Berwick

York, Berwick, South Berwick, Kittery,

Non-Metro Areas

Aroostook County

Cumberland County (non-Metro)

Franklin County

Hancock County

Kennebec County

Knox County

Lincoln County

Oxford County

Piscataquis County

Penobscot County (non-Metro)

Sagadahoc County

Somerset County

Waldo County

Washington County

York County (excluding York-Kittery-South Berwick)

Payment Standards

Payment Standards (PS) are the maximum total rent amount Maine State Housing Authority (MSHA), or a local Public Housing Authority (PHA) can pay on behalf of a program participant. These rates are based on the HUD-established rents for the area and are updated at least once per year. Payment Standards will be published by the CAA each year, or as new rates are published by MSHA or local PHA.

If a Participant is responsible for utilities, the LAA MUST include the calculated Utility Allowance in the total rent when approving a requested rent amount for the unit.

For example: 1 Bedroom PS for area is **\$1,250** and the Participant UA would be **\$48**

The HIGHEST Contract Rent that the program can approve would be **\$1,202**.

Payment Standard:	\$1,250
UA:	-\$48
Max Contract Rent:	\$1,202

Subject to funding availability, as rates are published by MSHA or local PHAs, the CAA will review and set limits for each area or municipality, within the highest possible rate set by the PHAs.

LAA's can request to go above established rates via the waiver process, however they MUST document that they have negotiated the rent directly with the Landlord showing that they have attempted to stay within guidelines. The final decision is based on funding availability and program sustainability.

Utility Allowance

The Utility Allowance is a deduction from the tenant's income and their calculated portion of rent if they are responsible for payment of utilities outside the contract rent of the unit.

If a landlord is willing to include the utilities in the rental amount, the Utility Allowance is \$0.

If, however, a landlord is not willing to do so, the Program shall include a Utility Allowance in the rental calculations when determining Tenant Rent and assistance payment.

Utility Allowances shall be obtained from the Maine State Housing Authority (MSHA) and should correspond to the most recent published worksheets. They are based on HUD Region, Type of Building (Low-Rise, High-Rise, Mobile Home, etc), and Bedroom size of Voucher.

Utility Allowance Schedule **U.S. Department of Housing and** OMB Approval No. 2577-0169
See Public Reporting Instructions on Back **Urban Development** exp. 7/31/2022
Office of Public and Indian Housing

The following allownaces are used to determine the total cost of tenant-furnished utilites and appliances.

Locality/PHA		Unit Type						Date (mm/dd/yyyy)	
1		Low Rise, Walkup, Row, Garden, Townhouse						1/1/2023	
Utility or Service	Fuel Type	0BR	1BR	2BR	3BR	4BR	5BR	6BR	
Heating	Fuel Oil	133	186	244	302	383	429	493	
	Electric	94	125	186	234	267	310	356	
	Natural Gas	--	--	--	--	--	--	--	
	Bottled Gas	106	145	188	226	290	333	382	
	Wood	48	64	85	103	118	139	174	
	Other: Kerosene	166	231	304	376	477	535	614	
	Electric - Heat Pump	68	81	97	109	121	133	152	
Air Conditioning		--	--	--	--	--	--	--	
Cooking	Electric	10	13	17	20	27	31	33	
	Natural Gas	--	--	--	--	--	--	--	
	Bottled Gas	18	21	27	34	43	49	55	

Types of Utilities include, but are not limited to:

Heat (Oil, Electric, Natural /Bottled Gas)
Cooking (Electric, Natural/Bottled Gas)
“Other” Electric (Lighting, Outlets, etc)
Water Heating (Electric, Natural/Bottled Gas)
Water/Sewer

Please Note: Utility Allowances are only an allowance and paying the utilities are the responsibility of the tenant. In some circumstances, if the utility allowance is large enough due to the number of utilities that are not included in the rent, and the tenant has limited income, the Program will pay an amount equal to all or a portion of the Utility Allowance directly to the utility company on the tenant’s behalf.

Example: Tenant is on SSI and after calculating their Contract Rent and Income, their portion of rent (what they would pay landlord) is \$150. Tenant is responsible for Oil-Fueled Heat, Electricity (including Cooking), and Electric Hot Water. Their total Utility Allowance equals \$249. The allowance is subtracted from their portion of \$150, which reduces their portion to the landlord to \$0 and the Program would pay the applicable utility companies \$99. (\$150 - \$249 = -\$99)

SECURITY DEPOSIT & DAMAGES

Security Deposit

The Program may pay the full security deposit on a unit for eligible participants. This security deposit will not exceed one month's rent.

The Program shall ensure that no more than one (1) security deposit is outstanding to any participant at a given point in time.

If a tenant is forced to move because a landlord will not make necessary HQS repairs, then the Program may issue another security deposit to help the tenant make a smooth transition to a new unit. This does not apply to deficiencies resulting from the action or inaction of the tenant.

Move-Out Inspection

The LAA shall conduct an inspection after each tenant moves out of a unit, to determine the condition of the unit. This will aid an agreement with the landlord about what is considered damage or what is normal wear and tear. This inspection MUST be completed in order for the landlord to retain any portion of the security deposit and/or request additional damages.

The only exception to this is if the landlord is not claiming any damages and is only requesting past-due tenant rent.

Damages

When a tenant moves from a unit, the landlord may retain the full security deposit and request additional damages, as long as a move-out inspection is performed by program staff. In these instances, the Program may pay an amount not to exceed an additional security deposit.

The maximum amount that the Program can pay to the landlord for security deposit and damages must not exceed two-times the Contract Rent at the time of move-out.

For Example: At move-in, the program pays the landlord a \$1,200 security deposit. At the time of move-out, the Contract Rent for the unit is \$1800, and the landlord reports damages totaling \$5,500. The maximum amount allowed is \$3,600. As the landlord retains the security deposit of \$1,200, the maximum the program can pay in additional damages is \$2,400.

Past Due Tenant Rent

When a tenant moves from a unit, the landlord may retain the full security deposit, or any portion of in order to recoup for unpaid tenant portion that has accrued while the tenant was in legal possession of the unit. The landlord must submit a breakdown of rent owed by month, and these amounts must correspond to program records.

HOUSING QUALITY STANDARDS

The U.S. Department of Housing and Urban Development (HUD) has developed Housing Quality Standards (HQS) that define the minimum health and safety regulations that must be met in order to pass inspection.

NSPIRE Inspections

Please Note: HUD is in the process of updating inspection guidelines and will be implementing new NSPIRE rules and inspection processes. The program will be rolling these changes out over the next year. (as of 12/14/2023)

Per Notice PIH 2023-28, the new compliance date has been changed to October 1, 2024.

Housing Quality Standards (Current)

Staff Training

Each LAA must employ, at a minimum, one (1) HQS certificated inspector. HQS trainings are regularly offered by Nan McKay, and at this time offer in-person as well as online certification trainings.

PLEASE NOTE: Units may be inspected by a person who has been trained by a Certified Inspector, as long as the inspection is signed off on by a certified individual.

LAA Admin Plan

Each agency should have a written Admin Plan regarding inspections, which would detail locally recognized priorities, additional safety/security items of importance beyond HQS Standards.

Normally a landlord has 30 days from the fail date to correct issues. Through this plan, an agency can prioritize some safety/security items higher than this and require that the issues be addressed in a shorter time due to concern of our tenant's safety.

Initial Inspection

The Program shall ensure that an HQS Inspection is conducted by an HQS trained certified inspector prior to each tenant moving into a unit. The Program shall not provide assistance for units that fail to meet the initial HQS. The Program shall begin assistance on the day the unit passes inspection, or the day the tenant signs a lease (takes possession of the unit), whichever is later. The condition of the unit must also be noted by the Program on the Sample Move Out inspection Form for purposes of determining normal wear-and-tear and damage after a tenant moves from the unit.

The Program shall ensure that all inspections are conducted with the landlord or management agent present.

The Program shall utilize the HUD authorized HQS long form 52580-A on initial inspections.

Annual Inspection

The Program shall conduct inspections at least annually for all DHHS PSHP subsidized units. If a unit fails the annual inspection, the Program shall give the landlord (30) days to correct the deficiencies. If the tenant is able to correct certain deficiencies immediately with the HQS inspector present (such as replacing batteries for a smoke detector or replacing a light bulb so it is operable and working) the unit may pass inspection. The Program shall provide the landlord, tenant, and any involved service providers with written notification of any deficiencies, and the Program shall schedule a re-inspection prior to the thirtieth (30th) day to check for compliance. If repairs have not been made the Program shall withhold all HAPs. If the deficiencies have not been made by the sixtieth (60th) day following the inspection, then the tenant must find another unit which meets HQS standards in order to continue in the program (see Section 8, "Extensions", for policy on extensions of these deadlines). If there is an immediate health and safety violation, the Program shall withhold all HAPs prior to the thirty (30) day deadline.

The Program shall utilize the authorized HUD HQS short form 52580 on all subsequent annual inspections. The Program shall also utilize the short form for all re-inspections resulting from referrals or requests made by persons including, but not limited to: the DHHS PSHP recipient, landlord, service providers, Intensive Case Managers (ICMs), or other housing providers.

Special Inspections:

Sometimes, a tenant, landlord, or other entity may request a Special Inspection due to apparent safety concerns that crop up in between annuals. These case-by-case inspections do not effect the normal annual inspection dates.

Failures:

Any items that do not meet standards are failed and must be fixed and re-inspected in the proper timeframe. **Normal HQS Standards allow 30 days.** As a program, if a failed items is related to the life, safety, and security of the household, the failed item **MUST** be remedied within **24 Hours.**

Each LAA, in accordance with local standards, can add additional time periods for items that may not necessarily be life, safety, or security concerns, but are more urgent then the prescribed standard **30 days.** For example, **72 Hour** failures.

As a program, if a failed items is related to the life, safety, and security of the household, the failed item **MUST** be remedied within **24 Hours.**

If failed items are not addressed within the proper timeframe, the unit rent should be held until the items are properly addressed and the unit re-inspected. HAP CANNOT be paid for a unit that is out of compliance with HQS standards. If HAP is held for a failed HQS, the HAP CANNOT be retroactively paid to the landlord.

Lead-Based Paint

The Program shall provide all households, regardless of composition, with the brochure Protect Your Family from Lead in the Home.

Inspections

The Lead-Based Paint section of the HQS applies only to dwelling units occupied or to be occupied by families or households that have one (1) or more children of less than six (6) years of age, common areas servicing such dwelling units, and exterior painted surfaces associated with such dwelling units or common areas. Common areas servicing a dwelling unit include those areas through which residents pass to gain access to the unit and other areas frequented by resident children of less than six (6) years of age, including on-site play areas and child care facilities (24 C.F.R. § 35.1200).

The Program shall inspect all units as described above for Lead-Based paint deterioration, as defined in HQS form 52580-A. The Program shall follow all procedures, as written in section 1.9 of HQS form 52580-A, for needed corrections. Deteriorated paint includes any painted surface that is peeling, chipping, chalking, cracking, damaged or otherwise separated from the substrate.

The Program shall refer to 24 C.F.R. § 35.1200 and the "Interpretive Guidance, The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally owned housing being sold (24 CFR Part 35)" if further information is needed.

➤ Staff Training

The Program shall ensure that all newly hired staff have reviewed the following within two (2) weeks of their hire date:

- Lead hazards are found not only in peeling paint but also in dust from window sashes and around door jambs, plumbing fixtures, water flowing from lead pipes, marine painted surfaces, costume jewelry, pottery, and in residue on shoes or clothing of people who work with car radiators and batteries.
- Lead dust, often found in window sashes, can be a greater hazard than peeling paint.
- Children in Maine households who are members of a "high risk population group," i.e., those that receive MaineCare, TANF, Head Start and/or WIC, receive routine screenings at twelve (12) and twenty-four (24) months. If not previously screened, children ages thirty-six (36) to seventy-two (72) months that are in a high-risk group shall also be screened.

➤ New Households

If the dwelling unit occupied or to be occupied by families or households will have or expect to have one (1) or more children less than six (6) years of age, the Program shall:

- Inform the head(s) of household about lead hazards often present in housing in the State of Maine.

- Provide the subsidy recipient with Protect Your Family from Lead in Your Home brochure.
- Advise family to look for housing in buildings built after 1978 or housing that has been recently rehabilitated.
- Advise family to look for housing that is free from peeling, chipped paint not only inside the unit, but also in building common areas and outside where children will play.
- Pay particular attention when conducting initial and also annual HQS inspections in units. The Program staff performing the HQS inspection shall evaluate not only the interior of the unit, but also the exterior and common areas of the building, especially areas where children may play.

➤ **Lead Hazard**

If it comes to the attention of the Program that a lead hazard exists, the Program shall make a written request to the landlord to correct the lead hazard within thirty (30) days; so that the unit becomes compliant with HQS requirements. If the hazard is not remedied within thirty (30) days, the Program shall stop the HAP.

The Program may refer to the Maine Center for Disease Control & Prevention's website on lead, for further information. <http://www.maine.gov/dhhs/mecdc/environmental-health>

Radon Hazard

Radon is the second leading cause of lung cancer. High levels of radon gas occur naturally in Maine soil and water, and can move up into a house from the ground. The house then traps the radon in the air inside. Radon gas can also dissolve into well water, which is then released into the air when you use the water. Simple air and well water tests can show whether home radon levels meet state and national safety guidelines.

As soon as a radon hazard is identified (at any point in the household's tenancy) the Program shall make a written request to the landlord to correct the hazard within thirty (30) days. If the hazard is not remedied within thirty (30) days, the Program shall stop the HAP.

The Program may refer to the Maine Center for Disease Control & Prevention's website on Radon, for further information. <http://www.maine.gov/dhhs/mecdc/environmental-health/rad/radon!hp-radon.htm>

LEASES

The DHHS PSHP Program, per 24 CFR § 578.51 (l)(1), requires that at move-in to a new unit, all program participants must have a lease that is, at a minimum:

- i. be for a term of at least one year; and
- ii. be terminable for cause; and
- iii. be automatically renewable at its conclusion for no less than a month.

These requirements assist program participants in obtaining stability in housing. After the initial year lease, clients may continue to lease on a month-to-month basis.

Lease vs Rental Agreement

Rental Agreement

A rental agreement tends to cover a short term—usually month-to-month terms. Rent can be changed from month-to-month if the landlord follows notification laws or terms, and they are usually more flexible and can end with a simple notice.

Lease

A lease is a contract that tends to be longer term, usually 12, 18, or 24 months (longer or shorter depending on the situation). It will have a clearly defined term (date range), as well as a litany of obligations, rules, and legal mumbo jumbo that define the landlord/tenant relationship. They also tend to describe the process that either the tenant or landlord can take to end the contract. In the State of Maine, This requires a written 7-day notice, served in-hand, or, after 3 good faith efforts, mailed by first class mail, with a copy left at the tenant's home.

ANNUAL & INTERIM RE-CERTIFICATIONS

Rent determination

The tenant rent payment (funds paid by the participating household for their housing) will be applied as follows and may not exceed the highest of:

- 30 percent of the family's monthly adjustment income (adjustment factors include the number of people in the family, age of the family members, medical expenses, and child-care expenses);

or

- 10 percent of the family's monthly income

*Income must be calculated in accordance with Section 8 of this manual.

The participant will be credited for tenant paid utilities according to the utility allowance schedule provided by the Program. If the utility allowance is greater than the tenant rent contribution (including instances where the tenant has zero income), the utility balance due on behalf of the participant will be paid directly to the utility company.

Certification Paperwork is completed at the following times and consists one of the following:

Move In Certification

Initial program paperwork which must be completed prior to a program participant moving into a unit.

Paperwork includes completion of a Tenant Responsibility Agreement, Notice of Privacy Practices, Releases, Rent Calculation, Income, One-Year Lease, Rent Comparability, and other documents as needed.

To complete the Move In Certification and for HAP Payments to begin, the Program Participant's Landlord must complete and return the HAP Contract to the Program.

The Move-in date MUST be on or after the date the unit passes an Initial HQS Inspection. If the tenant moves into a unit before the unit passes inspection, the program is unable to pay any assistance and the entire contract rent would be the responsibility of the tenant.

Please note: The HAP Contract Effective Date Must match the effective date of the Move-in Rent Calculation, which should also match the Effective (Move-in) date of the Lease (unless tenant is already residing in unit, such as already being housed under Rapid Rehousing).

Income Documents MUST be dated within 120 days of the Effective Date of the move-in.

Once the certification has been completed, the Program shall provide both the Program Participant and Landlord with a copy of the HAP Amendment which reflects DHHS PSHP HAP due to the Landlord and Tenant Rental amount. A copy shall be retained in the file.

Any documentation used from the application, such as income verification, should be duplicated with a copy filed with the application, and a copy filed with the move-in.

Annual

Program paperwork which must be completed Annually. The recertification date for an annual certification is one (1) year from the original certification date, effective the first (1st) day of the month that the tenant began receiving DHHS PSHP assistance. *For example if the program participant was first housed on October 11, 2021 then the recertification effective date is October 1, 2022.*

Annual Re-Certification Paperwork generally includes the completion of a Tenant Responsibility Agreement, Notice of Privacy Practices, Releases, Rental Calculation Form, and other documents as needed.

Income Documents MUST be dated within 120 days of the Effective Date of the Annual.

Program Participants will receive at least three (3) notices in advance of their recertification date as follows:

1st Notice occurring at least ninety (90) Days in advance

2nd Notice occurring at least sixty (60) days in advance

3rd Notice occurring at least thirty (30) days in advance.

If the Program does not have a completed certification packet by the 10th day of the month preceding the Annual Re-Certification Due Date, the Program shall send out a termination notice to the Program Participant and will notify the Program Participant's landlord in writing that Program HAP Payments may suspend assistance on the recertification date if the annual is not completed.

If at the time of Annual Re-Certification, the Program Participant is not housed and is in between units, the Program and Program Participant shall still complete the certification by the Annual Due Date to ensure that all releases, income, and household composition is up-to-date.

Once the certification has been completed, the Program shall provide both the Program Participant and Landlord with a copy of the HAP Amendment which reflects DHHS PSHP HAP due to the Landlord and Tenant Rental amount. A copy shall be retained in the file.

Interims and other Certifications

An Interim Re-Certification is a certification which falls outside of the annual timeframe and is not related to a Program Participant changing or moving units. An Interim Re-Certification may occur when:

- Household Members move in or move-out
- Changes in Household Income are reported

- Landlord or Property Management changes

Program Participants are required to report any income changes within ten (10) days from the date of such change.

If a reported change in income is temporary or not regular, then the LAA should not complete an interim. As a practice, LAAs should only re-calculate household income if the change is going to be longer than 30 days, or would drastically effect the families ability to pay their rent.

Please Note: The Program may terminate a Participant if an increase in income is not reported to the Program in a timely manner, or if a decrease in income was caused by a deliberate action of the Participant to avoid paying rent.

The Program shall process an interim certification when a household gains income (from \$0) or when household income increases \$500 or more per month.

An Interim shall also be completed when a new Household Member moves in regardless of the amount of income.

If the household had no income and was utilizing General Assistance gains any qualifying income, an Interim must be completed, even if new income is below the \$500 threshold, or is the same amount as the GA amount previously used.

Unit Transfer

A Unit Transfer occurs when the Program Participant has given proper written notice to a current Landlord and/or has vacated their previous unit and has secured a new unit and submits an Request for Tenancy (RFT)

Unit Transfer program paperwork which must be completed prior to a program participant moving into a unit.

Paperwork includes completion of a Tenant Responsibility Agreement, Notice of Privacy Practices, Releases, Rent Calculation, and other documents as needed.

Once the certification has been completed, the Program shall provide both the Program Participant and Landlord with a copy of the HAP Amendment which reflects DHHS PSHP HAP due to the Landlord and Tenant Rental amount.

To complete the Unit Transfer and in order for HAP Payments to begin, the Program Participant's Landlord must complete and return the HAP Contract to the Program.

Gross Rent Change

A Gross Rent Change (GRC) occurs when the contract rent paid to the landlord is being changed, the utilities for which the household are responsible have changed, or there is a change in both the contract rent and utility allowance.

Gross Rent Change paperwork generally includes the completion of a Rental Calculation Form, Copy of the notice sent to the tenant in a timeframe as directed by State/Local laws, and a Rent Comparability form (with supporting comparable).

In order to make a change to the Contract Rent and/or Utilities for which the household is responsible for, the landlord must submit a written copy of the request to both the Program Participant within the timeframe(s) under State and Local laws, and a copy of this notice to the LAA. The minimum timeframe to request such a change from the LAA is with forty-five (45) days written notice per the HAP Contract.

At this time, Maine State Law requires a minimum of forty-five (45) days' notice to tenants of any increase. The cities of Portland and South Portland require ninety (90) days notice and Bangor requires sixty (60) days notice.

In most cases, a GRC will not change the tenant portion of rent to the landlord, and in this case the Rent Calculation does not need to be signed by the tenant. The LAA must send a copy of the Rent Calculation form and HAP Amendment to the tenant.

If there are any other changes (income, utilities, utility allowances, household composition) that are effective on the same date as the GRC, the tenant and adult household members will be required to sign.

Once the certification has been completed, the Program shall provide both the Program Participant and Landlord with a copy of the HAP Amendment which reflects DHHS PSHP HAP due to the Landlord and Tenant Rental amount. A copy shall be retained in the file.

SUBSIDY PORTABILITY

To better meet the individual needs of consumers and enhance consumer choice, independence, and control over where they live, each Program shall make reasonable efforts to accommodate voucher portability throughout the State of Maine. The establishment of this DHHS PSHP Portability Policy will help to ensure programmatic consistency across all geographic regions of the state and will also help to empower consumers.

There are two (2) distinct elements to portability:

1. Awarded Applicants who have not yet been housed on the DHHS PSHP program; and
2. Current Program Participants who are moving to a new unit with continued DHHS PSHP assistance.

The Program responsible for administering DHHS PSHP vouchers in the geographic area from which the Awarded Applicant/ Program Participant is transferring (“Initial Program”) must coordinate various issues with the Program responsible for administering DHHS PSHP vouchers in the geographic area to which the Awarded Applicant/ Program Participant is moving (“Receiving Program”).

The DHHS PSHP subsidy is portable within the State of Maine for DHHS PSHP Awarded Applicants and Program Participant as detailed in the procedures below.

Awarded Applicants

A DHHS PSHP applicant currently submits their application to the Program responsible for administering DHHS PSHP vouchers in the specific geographic area in which the applicant is seeking housing. For example, if a consumer chooses to live in the town of Skowhegan, located in Somerset County, Maine, they would apply with Kennebec Behavioral Health who administers DHHS PSHP in Somerset County.

Due to high demand in some parts of the State, if an Awarded Applicant chooses to locate housing in a county not covered by the Initial Program, that Program shall utilize the following protocol:

1. Complete a Portability Request Form and submit the request to the CAA
2. The CAA will then review the request.
3. If approved, the CAA will then notify both the Initial Program and the Receiving Program of the portability request approval.
4. The Receiving Program shall send an approval letter with the 30-day look information to the Awarded Applicant.
5. The Receiving Program will then manage all extension requests until the Awarded Applicant either secures housing or the application expires.

Current Program Participants

Due to high demand in some parts of the State, if a current Program Participant chooses to locate housing in a county not covered by the Initial Program, that Program shall utilize the following applicable protocol:

Program Participant is Currently Between Units and not Housed:

If the Program Participant is currently housed and HAP payments are not being made to a Landlord, the Initial Program shall utilize the applicable protocols described below.

Program Participant is Currently Housed:

If the Program Participant is currently housed and HAP payments are being made on behalf of the Program Participant to a Landlord, the Initial Program shall ensure the Program Participant has provided the Initial Program and current Landlord with a 30-Day Notice-to-Vacate the unit, then the Initial Program shall utilize the protocols described in 1. through 7. below.

1. Complete a Portability Request Form and submit the request to the CAA
2. The CAA will then review the request.
3. If approved, the CAA will then notify both the Initial Program and the Receiving Program of the status of the portability request.
4. Once approved, the Receiving Program shall send out an approval letter with the 30-day look information.
5. If contact is not made by the Program Participant with the Receiving Program or the Program Participant does not secure a unit within thirty (30) days of the port request approval date, the request will expire and the Receiving Program will notify both the Initial Program and the CAA to notify them that the transfer has not taken place.

PROGRAM SUBRECIPIENT COMPLIANCE

Compliance & Auditing

In order to guarantee that the Program complies with all regulations, rules, guidance, and obligations as established by the State of Maine, Office of Behavioral Health, the CAA regularly monitors all paperwork, certifications, and adherence to program priorities throughout the state.

➤ Regular Monthly Compliance

On a monthly basis, as certifications are completed, each LAA will forward all applicable paperwork to the CAA for review.

The following missing or incorrect documents are examples of findings which may trigger a compliance finding and may require the LAA to work with the client and/or landlord to correct deficiencies and submit updated/amended documentation to the CAA:

- DHHS PSHP Application does not align with program priorities or is missing documentation
- HQS Inspection form is missing or unacceptable
- Contract Rent and/or Total Rent does not fall within allowable Payment Standards
- HQS Re-inspection form has not been submitted to the CAA within one (1) year of the previous inspection or a unit has been failed for more than thirty (30) days
- Rental Calculation Forms is missing income documents or includes incorrect calculations; wrong Utility Allowance used; etc.
- Annual Rental Calculation Forms has not been submitted to the CAA by the Annual Due Date
- Interim Re-Certification appears to be missing due to adjustments/changes made to Program Monthly Billing submission
- Monthly billing does not correspond with the file
- Billed Administration and/or activities are not eligible under program or CoC rules.

➤ Site Visits

Each Fiscal Year (FY), the CAA will perform an annual on-site review at each LAA throughout the state. This visit will be used to review tenant files and additional records for adherence to program guidelines and contractual agreements.

At the conclusion of the FY, the CAA will send a formal notification of the site visit and will work with each agency to schedule the visit. This notification will include a spreadsheet of the selected files and requested documentation.

Examples of possible documentation to be requested:

- Client Files, to include correspondence, certifications, application materials, etc
- Billing and payments to program vendors

- Financial statements and documentation
- Agency policies and procedures, as related to DHHS PSHP

SUBSIDY TERMINATION

Termination of the Program is the avenue of LAST RESORT.

Program Termination may occur for Program Participants who fail to comply with Re-Certification requirements, or when they move-on to more permanent housing such as Section 8/HCV or they gain enough income to live independently without a voucher.

Termination must be requested through the CAA. The LAA MUST complete and submit a Termination Request Form to the CAA, which should include pertinent documentation as applicable.

Once approved, the Program will send the participant a Program Participant Termination Letter with a copy of the Subsidy Appeals Procedure.

If the Participant is being terminated while still in a unit, the Program will send a HAP termination letter to the landlord informing them of the effective date of the termination of the HAP Contract and assistance payments.

Reasons for Termination

Voluntary

Participant relinquishes their voucher. It is strongly recommended that the LAA get this request in writing.

Transition to Permanent Housing Program

Participant is awarded a Section 8 voucher or accepted into a Subsidized housing property. *Termination should be postponed until the LAA can verify that the Participant has leased up and will be moving into a unit.*

Program Non-Compliance

Participant neglects to abide by program rules or disregards requests for required information by agency.

Failure to Complete Annual Recertification

Participant fails to complete their Annual Recertification by the Due Date (Anniversary of their initial move-in). The LAA must ensure that all required letters are sent (90,60,30-day letters), including a HAP termination letter to the landlord if the Annual is not complete by the 10th of the preceding month.

Graduating from the Program

The client has gained or increased their income to a level that the calculated HAP payment to the landlord is \$0 after all income, deductions, and allowances (as applicable) are factored in. *The LAA should complete the certification that the income is being calculated for, including being signed by the participants.*

Look-Time Expired/No Contract

Following the move-out of the Participant, the Participant fails to contact the LAA in a reasonable timeframe or fails to locate a new unit within 120 days.

Death

The head of household passes away. The program can pay for an additional 14 days following the established date of death.

Please Note: The reasons given above do not constitute the only reasons that a voucher can be terminated. The LAA MUST ensure that all attempts are made to work with the household to rectify any deficiencies that may warrant termination from the program. Termination should be a last resort option.

The participant has the right to appeal any termination. Please see the subsidy appeals procedure.

GREVIANCE / APPEALS PROCEDURE

The goal of this program is to empower consumer choice, independence, and control by helping to provide safe and decent housing, a foundation of recovery and hope. The Department recognizes that you may not agree with a program decision. In these cases, you have the right to appeal.

Please note: In lieu of an appeal, informal CAA and/or LAA review and mediation is available anytime throughout the process. Any individual filing an appeal has the option to have a designated representative or advocate throughout the entire process.

Level I: The applicant or tenant makes a written request, called a Level I Appeal, to the designated LAA within ten (10) business days from the date of the decision or action the applicant or tenant is appealing.

The Level I Appeal should include the date the appeal is being filed; the specific policy, procedure, decision, or action being appealed; suggestions of possible ways the situation might be resolved; and where and how the applicant or tenant may be reached.

Within ten (10) business days, the LAA will respond in writing to the Level I Appeal. The LAA may request an extension of an additional five (5) business days, if necessary.

Level II: If the applicant or tenant is not satisfied with the outcome of the Level I Appeal, the applicant or tenant may appeal within ten (10) business days by filing a written Level II Appeal to the CAA (Shalom House).

Sent to: Statewide Subsidy Manager
Shalom House
106 Gilman Street
Portland, ME 04102

Within ten (10) business days, the CAA investigates and provides a written response to the applicant or tenant within ten (10) business days from the date that the program participant receives the appeal. The program representative may request an extension of an additional five (5) business days, if necessary.

Level III: If dissatisfied with the Level II response, the applicant or tenant may appeal to the Office of Behavioral Health Director or Director's designee.

The written appeal must be mailed within ten (10) business days from the date on the letter of the Level II decision.

Sent to: Office of Behavioral Health, Housing Program,
41 Anthony Avenue, 11 State House Station,
Augusta, Maine 04333-0011

Administrative Hearing: The director may decide to refer this appeal to the Department of Labor Division of Administrative Hearing Unit within five (5) business days. The

Department of Labor Division of Administrative Hearings will begin preparation for a hearing and will contact the applicant or program participant.

The director will receive an impartial recommended decision from the Department of Labor about the matter under dispute. The director may adopt, modify, or overturn the decision. The director's decision is the final agency action within DHHS.

If the applicant or tenant remains dissatisfied with the outcome of the Level III Appeal ruling, the applicant or tenant may appeal to the Maine Superior Court.

Filing a Grievance is another option for you. If you believe there has been a possible violation of the Rights of Recipients of Mental Health Services, you may file a Grievance by following the DHHS Grievance Process Guide for Recipients of Mental Health Services. A copy of this guide is available to you upon request.

FUNDING & GRANT ADMINISTRATION

Funding Overview/ HUD Notice of Funding Opportunity (NOFO)

Notice of Funding Opportunity (NOFO)

The U.S. Department of Housing and Urban Development (HUD) issues a Notice of Funding Opportunity (NOFO) each federal fiscal year to invite applications from eligible applicants across the country for the program and to notify applicants of any applicable priorities for that year.

Program Evaluation/Monitoring

The CoC Program Interim Rule requires project- and system-level performance monitoring and project-level compliance monitoring. The policies and procedures in this document describe the process the CoCs will use to conduct this monitoring. They are intended to help the CoCs separate project monitoring and evaluation from project scoring.

Performance Monitoring

When conducting project- and system-level performance monitoring, the interim rule requires CoCs to consult with CoC and Emergency Solutions Grant (ESG) recipients and subrecipients to:

- establish performance targets appropriate for population and program type;
- monitor recipient and subrecipient performance and evaluate outcomes;
- provide technical assistance to poorly performing projects;
- take action against poor performers.

To do this, the MCoC sets annual performance measures and targets in consultation with the CoC Board and recipients statewide.

Compliance Monitoring

Under the CoC Program interim rule, recipients must ensure they are operating their project(s) in accordance with the provisions of the McKinney-Vento Act and all requirements under the CoC Program.

Recipients must monitor their subrecipients at least annually to ensure compliance with CoC Program requirements. ESG subrecipient projects are monitored annually by the ESG recipients who assume responsibility for project-level compliance.

CoCs must monitor their recipients and their subrecipients regularly to ensure compliance system-level expectations.

Monitoring and Ranking

CoC program funded projects are evaluated each year in preparation for HUD's CoC Program competition by the CoC's Evaluation Committee. Evaluation results are used to inform project

selection and ranking, as well as to identify any performance issues that may need to be addressed. When a performance issue is identified, a provider may be referred to the MCoC's performance and quality improvement (PQI) committee for follow-up assistance and support in creating a plan to improve performance. Severe and persistent performance issues, including issues related to compliance with MCoC standards and chronic underspending, may negatively impact a project's ability to continue to receive CoC Program funding.

Grant Inventory Worksheet (GIW)

The Grant Inventory Worksheet (GIW) is a spreadsheet used to record all grants in each Continuum of Care (CoC) that are eligible for renewal in the CoC Program Competition. Prior to the CoC Program Competition, the Office of Special Needs Assistance Programs (SNAPS) provides GIWs to Collaborative Applicants, project applicants, and interested stakeholders by posting GIWs to the HUD.gov website for review. The GIW calculates an Annual Renewal Amount (ARA) for each project, which is the sum of all renewable budget line items (BLIs). ARA is the total renewal amount a project may request in the CoC Program Competition, e.g., rental assistance, leasing, supportive services. The sum of all ARAs within the CoC is then used to calculate the CoC's Estimated Annual Renewal Demand (ARD). The Estimated ARD is then used by CoCs to get an idea of the maximum renewal funding available to the CoC prior to any adjustments made by HUD during the CoC Program Competition.

SNAPS conducts a preliminary review of the populated GIWs prior to posting on the HUD.gov website in an effort to capture all projects that may be eligible for renewal. However, it is possible a project was inadvertently omitted and BLI amounts may not capture grants amended after the CoC Program Competition; therefore, SNAPS requests that CoCs, Collaborative Applicants, and project applicants review the posted GIW to ensure accuracy and report missing or incorrect information using a GIW Change Form.

Annual Performance Review (APR)

HUD requires Continuum of Care (CoC) recipients to submit Annual Performance Reports (APR) within ninety (90) days from the end of their grant operating year.

The APR is a series of tables with questions about service levels and outcomes for the funded projects.

HUD uses the APR to track the progress and performance of HUD-funded grants. Recipients submit their data in HUD's Sage HMIS Reporting Repository, which allows recipients to submit data from their Homeless Management Information Systems (HMIS)—or comparable databases—via a Comma Separated Value (CSV) import to eliminate the manual data entry requirement and to help recipients, CoCs, and HUD to generate accurate reports.

Grant information in Sage is populated with the grant information in e-snaps at the time of the award and is updated weekly with financial information from the Line of Credit Control System (LOCCS).

MATCH –

Under the U.S. Department of Housing and Urban Development's (HUD) CoC Program Interim Rule, 24 CFR Part 578.73, Maine Department of Health and Human Services (DHHS), Office of Behavioral Health (OBH) must match all Continuum of Care grant funds with no less than twenty-five percent (25%) of cash or in-kind match contributions from other sources.

For the Maine CoC (MCoC) geographic areas in which there is more than one grant agreement, the match must be provided on a grant-by-grant basis.

Match is actual cash or in-kind services contributed to the grant. All costs paid for with matching funds must be for activities that are eligible under the CoC Program, even if the recipient is not receiving CoC Program grant funds for such activities.

In order to provide as much coverage for eligible services to our program participants, OBH will coordinate with the Office of Maine Care Services (MaineCare), who oversees and coordinates the MaineCare Medicaid insurance program throughout the State of Maine, in order to ensure the largest safety net of available and needed services for our clients.

Basics of Match and Services Provided

In order to provide as much coverage for eligible services to our program participants, OBH will coordinate with the Office of Maine Care Services (MaineCare), who oversees and coordinates the MaineCare Medicaid insurance program throughout the State of Maine, in order to ensure the largest safety net of available and needed services for our clients.

Review of Match Performance

1. OBH and the Central Administering Agency (CAA) will routinely review match throughout each grant operating year to ensure match contribution projections are being satisfied for each grant.
2. Upon submission of a grant's Annual Performance Review (APR), or if service provider is not meeting match contribution projections, CAA staff will notify OBH of any changes which may be needed prior to the next HUD CoC Notice of Funding Opportunity (NOFO) for the grant.

NOFO Match Timeline

1. When HUD publishes the annual NOFO competition, CAA will work with DHHS on compiling the match contribution amount needed for the grant application and to generate the letters of commitment to be attached to each grant application.
2. OBH will draft and execute agreement (MOU) with MaineCare upon notification from HUD of grant award, for submission to HUD before a grant agreement is executed.

Service Provider Match Process

Upon notification from HUD regarding the announcement of a new NOFO competition, OBH will execute MOU with MaineCare.

Match Commitment Letter

CAA will draft match commitment letters for each grant and submit to the DHHS to be included in the grant application(s) submission as follows.

NOTE: This *must* be completed before the application submission deadline established by the MCoC.

1. OBH will attach match commitment letters to the grant applications.
2. OBH and CAA will monitor the NOFO in anticipation of notification of conditional award by HUD.

Memorandum of Understanding (MOU)

OBH will draft MOU and update providers as needed. Providers will be listed in Appendix A of the MOU.

NOTE: This *must* be completed by notification of award by HUD.

Important Notes

- a. All services and funds used towards match *must* be eligible costs listed within 24 CFR Subpart D (see examples listed in Attachment B of MOU).
 - b. **NOTE: Hourly rates should be consistent with those ordinarily paid for similar work in service provider's organization, and with those ordinarily paid by other organizations providing similar services in their areas.**
2. OBH executes MOU with MaineCare Services.
 3. Once MaineCare returns the executed MOU, OBH will forward it to HUD and submit a copy to the CAA for file.

Reporting

Upon the end of a grant's operating year, **CAA/DHHS has 90 days to complete the Annual Performance Review (APR) for each grant.** ALL match documents *must* be submitted and reviewed before the APR can be submitted to ensure that the correct information is being reported to HUD.

Upon reaching the end of the grant:

- 1) CAA will request MaineCare data from DHHS for agencies that provide outpatient services and bill to MaineCare. **For Detailed Instructions, see CAA Procedures for MCD requests**
Important Note: MCD request dates MUST align with operating dates of grant being reported and include ALL participants active at any point during the operating year.
- 2) CAA will review MCD data and remove all non-eligible services, and services that fall outside the time that a participant was active on the program, if applicable.
 - a. CAA Staff will use the list of agencies and eligible services from the MOU to remove all items not covered under the executed MOU.
 - b. CAA Staff will compare the MCD data to the participant list
- 3) CAA will enter match contribution totals into the grant match summary for APR.

Eligible Services

The following services are eligible activities that qualify under any, and all Memorandum of understandings covered under this policy. (See Attachment B of MOU for full list of agreed upon services.)

- Preventive and Non-cosmetic Dental care
- Family Planning services
- Case Management, Including Targeted management services
- Housing Search and Counseling
- Mental and Behavioral Health services
- Outpatient Non-Urgent Medical and Health services
- Opioid and Substance Abuse services
- Non-Emergency Transportation
- Occupational Therapy Services
- Community Based Services

HOMELESS MANAGEMENT & INFORMATION SYSTEM (HMIS)

The US Department of Housing and Urban Development (HUD) and other federal and state Partners, require the Program to provide unduplicated statistical demographic reports on the numbers and characteristics of clients served as well as on program outcomes.

The Maine Homeless Management Information System (HMIS) is an online database used to collect client-level data and data on the provision of housing and services to individuals and families experiencing homelessness. HMIS provides unduplicated counts of clients served, tracks services used by homeless persons, captures information from multiple agencies, and gauges community progress towards ending homelessness.

The software was developed in response to a mandate by Congress requiring states to collect data in order to receive funds from the U.S. Department of Housing and Urban Development (HUD) to address homelessness.

The importance of the integrity and security of HMIS cannot be overstated. Given such importance, it is equally important that HMIS is administered and operated under high standards of data quality and security.

The State of Maine HMIS is a collaborative effort between MaineHousing, the HMIS lead agency, and the Maine Continuum of Care (MCoC).

Why do we collect this information?

- So we know how many people we serve and the types of people we serve at our Agency and in the state.
- So we all understand what people need and can plan services to meet those needs.
- To satisfy U.S. Department of Housing and Urban Development requirements.

Who can see information that is in Maine's HMIS?

- People who work for this Agency will use it to help provide services to you or your family.
- Other agencies like this Agency that provide services and have received permission from you to see your information. The agencies that participate in Maine's HMIS may change from time to time. A copy of the current list of participating agencies is available upon request or on the lead agency website: www.mainehmis.org.
- Auditors or funders who have legal rights to review the work of this Agency, such as the U.S. Department of Housing and Urban Development and other state or local government entities.
- Organizations that run, administer, and work, on the HMIS system. When these organizations work on the system, they may see information about you. They are required to protect your confidential information.

- The law says we have to report physical or sexual abuse of children and vulnerable adults. If we have cause to suspect that there is abuse or neglect in your household, we must report it to Child or Adult Protection
- We may disclose your information to protect the health or safety of you or others as required by law.
- Others as required by law, including officials with a valid subpoena, warrant, or court order.

We will not disclose your information for any other use unless you permit us in writing.

How is your privacy protected?

- All users of HMIS data must sign an agreement to protect your privacy and comply with state and federal laws and policies before seeing any information.
- The HMIS computer program used for this purpose has industry standard security safeguards and protocols and is updated regularly to meet these security requirements.

What are your rights?

If you do not want your name, social security number, or date of birth entered in HMIS, tell the intake worker. This Agency will not refuse to help you if you refuse to authorize Agency to share your information with other providers/agencies through HMIS. However, federal and state regulations may require limited data collection for funding purposes.

- You have the right to request a copy of Maine's HMIS information about you.
- You have the right to correct mistakes in HMIS information about you.
- If you think this Agency or Maine's HMIS violated your privacy rights, you have the right to complain or appeal. Ask a staff person for a complaint and appeal form. If Agency is a HIPAA covered entity, see Agency's HIPAA Notice of Privacy Practices for information about how to file a HIPAA privacy complaint.

Minimum Participation Standards

- To collect all universal data elements, as defined by HUD, for all programs operated by the CAA that primarily serve persons who are homeless, formerly homeless, or at risk of becoming homeless,
- For all programs, enter federally required client-level data into the HMIS.
- Complete data entry within specific time frames, depending on the type or program.
- Comply with all HUD regulations for HMIS participation.

Our CAA and the Maine-CoC-HMIS, uses all submitted data for analytic and administrative purposes, including the preparation of Maine-CoC HMIS reports to funders, program monitoring, the Annual HIC & PIT, Annual Homeless Assessment Report (AHAR).

Hardware, Connectivity and Computer Security Requirements

Workstation Specification

The minimum desktop specification for Service Point are:

- Computer
- Monitor
- Internet connection - broadband
- Browser – i.e. Google, Explorer, Firefox

Internet Connectivity

Each Participating Program must have internet connectivity for each workstation accessing the HMIS. To optimize performance, all agencies are encouraged to secure a highspeed internet connection.

Security Hardware/Software

All workstations accessing the HMIS need to be protected by a Firewall. If the workstations are part of the CAA's computer network, the Firewall may be installed at a point between the network and the internet or other systems rather than at each workstation. Each workstation also needs to have anti-virus and anti-spyware programs in use and properly maintained with automatic installation of all critical software updates i.e. McAfee and Symantec (Norton) Security systems.

CAA Workstation Access Control

Access to the HMIS will be allowed only from computers specifically identified by the CAA's Executive Director or authorized designee and HMIS CAA Agency Administrator. Laptop computers will require an additional security statement indicating that they will not be used for unauthorized purposes from unauthorized locations.

HMIS User Information

➤ Eligible Users

The CAA shall authorize use of the HMIS only to users who need access to the system for data entry, editing of client records, viewing of client records, report writing, administration or other essential activity associated with carrying out CAA responsibilities.

The CAA Agency Administrator and End Users will be trained by HMIS System Administrators with program specific training by the HMIS Lead Agency and the CAA Agency Administrator.

The HMIS Lead Agency shall authorize use of the HMIS only to users who need access to the system for technical administration of the system, report writing, data analysis and report generation, back-up administration or other essential activity associated with carrying out their responsibilities.

➤ User Requirements

Prior to being trained and granted a username and password, users must sign the HMIS User Policy Agreement. This agreement acknowledges receipt of a copy of as well as a pledge to comply with the Agency's Privacy Notice.

Agency Admins and End Users must be aware of the sensitivity of client-level data and must take appropriate measures to prevent its unauthorized disclosure. Administrators and End Users are responsible for protecting institutional information to which they have access and for reporting security violations.

Agency Admins and End Users must comply with all policies and standards described in the following documents:

- The Agency Participation Agreement
- User Policy and Agreement
- The Maine HMIS Governance Charter
- The Maine HMIS Data Quality Plan and Best Practices Guide
- HUD HMIS Data Standards Manual

Users are accountable for their actions and for any actions undertaken with their username and password.

➤ Maine HMIS Training Process:

- Complete and Submit the following required HMIS Forms to Maine HMIS at :
HMISHelp@mainehousing.org
 - [Homeless Initiative Training Request Form](#)
 - [HMIS User Agreement](#)
- Once forms have been completed and returned, you will receive a "Welcome" email from Bridge (the Lead Agency's online learning site).
- Follow the instructions to create your account in Bridge.
- You will receive an email, with a link, for each training you are required to complete.
- After trainings have been completed you will need to contact Maine HMIS to receive your HMIS credentials.

User Levels

➤ **Agency Administrator**

The CAA must designate at least one Agency Administrator (Agency Admin) who is the point person and specialist regarding the Maine HMIS for their agency. (Maine HMIS limits each participating agency to two Agency Admins unless there is a demonstrated business need.

Some of the key roles of the Agency Admin are to:

- Run HUD Universal Data Elements, Data Incongruities Reports, and other data quality reports in ART at least monthly and upon request of the HMIS Team and/or the CoCs to check client data.
- Complete the Agency Administrator training.
- Maintain an active status with regards to their End User license (log into ServicePoint at a minimum, on a monthly basis).
- Inform the HMIS Team of all program changes that effect HMIS data entry workflow.
- Communicate and authorize personnel and security changes for End Users to the HMIS Team within 24 hours of a change; inactivating end user accounts when an End User leaves the agency or no longer needs HMIS access for any reason.
- **Ensure that End Users are using the correct HMIS-related forms and are following the most current Maine HMIS procedures and workflows.**
- Correct any data quality issues as soon as possible and notify the HMIS Team of findings and timelines for correction.
- Provide technical support to users by troubleshooting data errors and communicating with the HMIS Team on unresolved issues.
- Review and update HIC information or any other necessary federal reporting information to HMIS, as required or when changes occur.
- Attend Maine HMIS required meetings, trainings, and conference calls.
- Adhere to all of the policies and procedures outlined in the Maine HMIS Policies & Procedures.

➤ **End User**

ServicePoint is the primary tool for Client intake and reporting. An End User has an active license to the Live ServicePoint Site, as well as the ServicePoint Training Site.

An End User is expected to do the following:

- Enter the most complete and accurate information about each Client and the Services they need, using the appropriate, required HMIS workflow within the required timeframes (reference HMIS Data Quality Plan).
- Adhere to the data requirements set by HUD and other Federal Partners, the MCoC, the CAA, and the HMIS Participating Agency.

- Successfully pass all assigned training courses with a score of 80 or higher.
- Maintain an active status with regards to their End User license (log into ServicePoint on a monthly basis, for more details, see User Account Inactivity Section).
- Meet and follow the expectations of the Agency Administrator(s).
- Adhere to all policies and procedures outlined in the Maine HMIS Policies & Procedures.

HMIS Client Data Policies and Procedures

Client Notification Policies and Procedures

The Maine HMIS and the MCoC have prepared standard documents for the HMIS release of information: the Maine HMIS Authorization for Disclosure Information Form. All written consent forms must be stored in a client's file for record keeping and auditing purposes. Forms are located on the HMIS website <https://maineHMIS.org/>

By participating in the Maine HMIS, agencies and users agree to high standards of confidentiality and to seek explicit authority and permission from clients for release of any identifiable client information. The client has the right to have access to their own data.

A Release of Information (ROI) form must be signed by all clients before any Protected Personal Information (PPI) can be shared within HMIS.

The signed copy of the Agency Participation Agreement will have to be in place and on file at the participating CoC Program prior to sharing of information across agencies within the Maine HMIS.

All agencies participating in the Maine HMIS will be required to follow all current data security practices detailed in this document, and adhere to ethical data use standards, regardless of the location where agency users connect to the HMIS.

A privacy notice shall be prominently displayed in the program offices where intake occurs, or shared with clients via mail if completing intake/recertification remotely. The content of this privacy notice shall be in accordance with the HMIS Privacy Standards in: Federal Register / Vol. 69, No. 146 / Friday, July 30, 2004 and any other applicable standards.

Open Data Sharing

All demographic data such as Client name, Social Security Number, Date of Birth, Gender, Race, Ethnicity, and Veteran status is shared system wide. Also, to comply with HUD's Coordinated Access mandate, the HMIS system will be open to all agencies, unless the project serves unaccompanied minors, requires lawyer/client confidentiality or healthcare provider/patient confidentiality.

Definitions and Descriptions of Client Notification and Consent Procedures

Client Notice

A written notice of the assumed functions of the HMIS must be posted and/or given to each client so that he/she is aware of the potential use of his/her information and where it is stored. The client has a right to view a copy of his/her record upon request.

Applicability of Consents

The CAA shall uphold Federal and State Confidentiality regulations to protect client records and privacy. If the CAA is covered by the Health Insurance Portability and Accountability Act (HIPAA), the HIPAA regulations prevail.

Accountability for HMIS Policy

Participating Agencies must establish a regular process of training users on the HMIS policies and procedures outlined in this manual regularly auditing that the policy is being followed by CAA staff (including employees, volunteers, affiliates, contractors and associates), and receiving and reviewing complaints about potential violations of the policy.

Client Refusals

If a client does not want their data shared, the agency will ask the client to check the box next to “Do Not Disclose” on the Authorization to Disclose Information form, and the Agency will notify MaineHousing (by faxing the form to: 207-624-5768) who will ensure that the client’s information is unavailable to any other participating agency from the date of the client’s withdrawal of the authorization forward.

HMIS Data Quality Policies and Procedures

Data Quality

➤ HMIS Data Standards

HUD publishes and regularly revises the HMIS Data Standard Manual. The HMIS Data Standards identify Universal Data Elements, Program Specific Data Elements, and Project Descriptor Elements which are required of all homeless projects participating in HMIS.

➤ Universal Data Elements

The Universal Data Elements (UDEs) establish the baseline data collection requirements for all homeless housing and/or service providers entering data into HMIS. They are the basis for producing unduplicated estimates of the number of homeless people accessing services from homeless assistance providers, basic demographic characteristics of people who are homeless, and patterns of service use, including information on shelter stays and homelessness episodes over time.

The required UDEs include the following:

HUD Universal Data Elements		
Name	Social Security Number	Date of Birth
Race	Ethnicity	Gender
Veteran Status	Disabling Condition	Project Start Date
Project Exit Date	Destination	Relationship to Head of Household
Client Location	Housing Move-In Date	Prior Living Situation

A separate set of Common-Specific Data Elements for client level data are required for programs funded by State or Federal programs, including but not limited to SSVF, VASH, OFCS, DHHS/CoC-SPC, PATH, RHY, and ESHAP. These elements vary based on program and are defined by the most current HUD HMIS Data Standards and are collected from all clients that are served by applicable HUD-funded programs.

HUD Program-Specific Data Elements	
Income and Sources	Disabilities
Non-Cash Benefits	Domestic Violence
Health Insurance	Current Living Situation
Coordinated Entry Assessment	

HMIS Guide and Best Practices

➤ Key Activities and Data Entry Events

- 1. Referral from Coordinated Entry**
- 2. Program Award**
- 3. Initial Move-in**
- 4. Annual Re-Certification**
- 5. Interim(s)**
- 6. Unit Move-out**
- 7. Program Termination**

➤ Important Terms/Events (with HMIS Data Element Descriptor)

- Project Start Date (3.10)** - The date that the client is awarded and assigned a voucher on a grant.

- **Project Exit Date (3.11)** – The date that the client is terminated from the program or has left their unit. The specific use depends on which event is being recorded. (see Household move-out)
- **Destination (3.12)** – The outcome or destination of the client. For Example, if they are moving in with a family member, over income and now paying the entire rent themselves, returned to a shelter or the streets, etc. *While it is not ideal, if the LAA has lost contact with the client, this may be unknown.*

Destinations include:

- Homelessness** such as Shelters, places not meant for habitation, and safe havens.
- Institutional** settings such as Hospitals, Foster Care, Jail/Prison, Long-Term Care facilities.
- Permanent/Temp** settings like Renting without subsidy, renting with another subsidy like Section 8/HCV and VASH, staying with friends and family, Residential project, etc.
- Other** situations or circumstances like No Exit Interview completed, Deceased, Other, etc.

- **Relationship to Head of Household (3.15)** – If the Head of household (voucher holder), then this is “Self”, otherwise choose the applicable type, for Example: Spouse, Child, Non-Relation, etc.
- **Housing Move-in Date (3.20)** – The date that the household moves into housing. This can be the same as the Project Entry Date, however it MUST BE on or after the Entry Date.
- **Prior Living Situation (3.917)** – The type of situation that the client being entered lived in before entry on the program. There are three (3) classifications of specific destinations, and this field is conditional, so follow-up questions will be generated based on the primary selection.

Situations include:

- Homelessness** such as Shelters, places not meant for habitation, and safe havens.

- Length of Stay.
- Approximate Date Homelessness started.
- # of times homeless in the past three (3) years.
- Total # of months homeless in the past three (3) years.

- Institutional** settings such as Hospitals, Foster Care, Jail/Prison, Long-Term Care facilities.

- Length of Stay.
- Approximate Date Homelessness started.
- Less than ninety(90) days?
- Homeless on the night before?

- Permanent/Temp** settings like Renting without subsidy, renting with another subsidy like Section 8/HCV and VASH, staying with friends and family, Residential project, etc.

- Length of Stay.
- Less than seven (7) nights>

➤ Activity Overview/Workflow

➤ Referral from Coordinated Entry – (Work in Progress)

Need Process

❖ **Program Award**

When an applicant has submitted a completed application (application is complete, reviewed, and approved by the CAA), the CAA will assign the awarded applicant to a grant and the CAA HMIS User will create a program entry, using the award date as the Program Start Date.

The CAA will track and periodically update the status of the applicant.

- A. If Applicant does not find housing within established timeframe (120 days).

The CAA will Exit the applicant, using the date of expiration from the program as the Program Exit Date.

- B. If Applicant finds a unit.

When the LAA submits the completed Move-in to the CAA, the User will enter the move-in date and update any data as needed (See Initial Move-in)

❖ **Initial Move-in**

When an applicant finds housing (awarded applicants are given up to 120 days to locate a unit.) the CAA HMIS User will edit the Entry created in the previous step and add a Housing Move-In Date using the Effective Date of the Program's Move-in Certification.

If there are any changes to the household, income, resources, etc, the CAA User will create a Periodic Review and update the applicable UDEs and add/remove household members as needed, i.e. Income, Health Insurance, Non-Cash Benefits, Changes in Disabilities, DV, etc.

❖ **Annual Re-Certification**

The DHHS Shelter Plus Care/CoC Program requires all participants to complete an Annual re-certification based on the month that they first moved into a unit with their current voucher. When the CAA reviews the certification for compliance with program guidelines, the CAA HMIS User will create an interim "Annual Assessment" and update the applicable UDEs.

The User MUST add an assessment for every household member currently residing in the unit. If a member has moved in, or moved out since the last assessment, the user will need to enter/exit the member(s) from the household before creating the Annual.

❖ **Interim(s)**

Periodically, throughout a participant's time on the program, there may be changes to their status which require an interim assessment. These will be initiated by the LAA, and an Interim Recertification will be completed. When the CAA reviews the certification for compliance with program guidelines, the CAA HMIS User will create an interim "Periodic Review" and update the applicable Program-Specific UDEs. Possible changes that would warrant an Interim include, but are not limited to:

Income change (Increase of more than \$500 or any decrease that is long-term

Household Member Move-out/Move-In

❖ **Unit Move-out**

When a client moves out of a unit and does not immediately move into another one, the program will exit the client from their active Entry, effective the date of last Rental Assistance payment (move-out date).

If the client is remaining on the program, they will create a new entry with a Program Start Date that is the same as the Exit Date of the initial entry. If/When the household finds a new unit, the CAA will go into the new Entry and add a new move-in date for the new unit using the effective date of the Unit Transfer certification.

If the client is not staying on the program, or unable to find a unit within 120 days, then the client will be exited from the program and no further action is required (see Program Termination).

Example 1: The household vacates their unit on 4/29/2023, then moves into a unit effective 4/30/2023. No action is needed as there was no gap in housing status, just a change in location.

Example 2: The household vacated their unit on 2/12/2023, with no new unit available. They found a new unit on 4/15/2023 and a Unit Transfer was completed effective 4/15/2023. When the CAA was informed of the move-out by the LAA, the User would have gone in and exited the household from the initial entry effective 2/12/2023, then created a new entry under the same grant with a Program Start Date of 2/12/2023. After completing review of the Unit Transfer, the CAA user will go into the 2/12/2023 Entry and add a Housing Move-Date of 4/15/2023.

Example 3: The household vacated their unit on 1/2/2023, but is unable to find a unit, so they run out of look time effective 120 days from their move-out. As they have not found a new unit in the timeframe established by the program, they are terminated from the program and exited from HMIS.

❖ **Program Termination**

There are many reasons that a household may no longer be eligible for the program. When this happens, the program will Terminate their voucher. When the CAA reviews the Termination for compliance with program guidelines, the CAA HMIS User will Exit the client from the HMSI entry for the program.

Reason may include, but are not limited to:

- Timing out/Expiring due to inability to find a unit within the timeframe established by the program.
- Gaining enough income that the household no longer requires assistance.
- Non-Compliance with program rules.
- Death
- Moving out of state
- Moving into another federal/state program
- Moving in with friends/family and voluntarily relinquishing voucher

CONFIDENTIALITY

In addition to meeting specific confidentiality and security requirements for HMIS data, the CAA and LAAs must develop and implement written procedures to ensure (24 CFR 578.103):

- All records containing protected identifying information of any individual or family who applies for and/or receives CoC assistance will be kept secure and confidential;
- The address or location of any family violence project assisted with CoC funds will not be made public, except with written authorization of the person responsible for the operation of the project; and
- The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or sub-recipient and consistent with State and local laws regarding privacy and obligations of confidentiality.

DHHS, the CAA, and all LAAs will:

- i. Obtain consent to share personal identifying information with relevant parties for all program participants when referrals or information sharing is needed;
- ii. Establish agency protocol for when staff are permitted or prohibited from sharing personal identifying information;
- iii. Establish protocols for storing or protecting paper records within the building;
- iv. Establish protocols for protecting electronic records containing protected identifying information; such as logging off computers, setting computer timers to automatically log off after a period of inactivity, and policies for password protection and encryption of documents;
- v. Comply with mandatory reporting laws and protect clients and the community when a client may be dangerous to self or others;
- vi. In the absence of a subpoena or other legal requirement, information will not be provided about clients to law enforcement or other outside entities without written consent of the client.

Rights Regarding the Use and Disclosure of Participant Information

You have the right to review and obtain a copy your protected health information.

If a participant wishes to do so, they will be provided an opportunity to inspect their information within a timely manner after receipt of their written request.

Under federal law, however, they may not review or copy the following records:

- i. records covered by federal rules governing confidentiality of alcohol or drug abuse treatment programs;
- ii. records covered by state rules governing the rights of recipients of mental health services; or

- iii. records concerning their diagnosis or treatment for HIV infection.

They may have the right to have the Program amend their protected health information.

This means you may request an amendment of protected health information about you in the clinical record for as long as we maintain this information. In certain cases, we may deny their request for an amendment. If we deny their request for an amendment, you have the right to file a statement of disagreement with us and we may prepare a rebuttal to their statement and will provide you with a copy of any such rebuttal.

You have the right to request restrictions on the use and disclosure of your information.

However, the Program is not required to agree to a requested restriction, and it is the Program's policy not to agree to such restrictions unless the LAA determines, in agency's sole discretion, that a compelling reason exists to do so.

You have the right to receive communications about your protected health information from Agency in a confidential manner.

You must request in writing if you would like Agency to use another address or telephone number to contact you.

You have the right to receive an accounting of disclosures of your health care information that you have not authorized.

To receive such an accounting, contact your local agency.

PROGRAM RECORDKEEPING

For each CoC Program grant, recipients and subrecipients must maintain separate records to document that the project follows all requirements as stated in the SoC Program interim Rule.

Administration and recordkeeping activities include, but are not limited to:

➤ **Program Records (24 CFR 578.103(a)(3 through 17)**

Recipients and subrecipients will maintain documentation relating to implementation and operations of CoC Program projects, to include:

1. **Homeless Status** – Documentation of literal homelessness as defined in 24 CFR Part 576.500(b).
2. **Disability Verification** – Documentation of a qualifying disability as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9))
3. **Annual Income** – Perform initial, and at least annually thereafter, a review of income for people receiving housing assistance where rent or occupancy charge is paid by the program participant. The annual income review will be performed in compliance with 24 CFR Parts 578.77 Calculating Occupancy Charges and Rent and 578.103(a)(6) Annual Income.
4. **Program Participant Records** – Documentation for each program participant receiving services, an annual assessment of services for those program participants that remain in the program for more than a year, and compliance with the termination of assistance requirements under 24 CFR 578.91.
5. **Housing Standards** - Documentation of compliance with the housing quality standards (HQS), to include inspection reports under 24 CFR 578.75(b).
6. **Services Provided** – Documentation of supportive services provided under the recipient or subrecipients program and the amounts spent on those services, to include the annual assessment of services for participants and that the service package offered to program participants was adjusted, as applicable.
7. **Match** – Records of the source and use of contributions made to satisfy the match requirement in 24 CFR 478.73, to include the records of match provided by subrecipients. The record will show how the value placed on third party in-kind contributions was derived.
8. **Conflicts Of Interest** – Documentation to show compliance with organizational conflict-of-interest requirements.
9. **Faith-based Activities** – Documentation to show compliance with the faith-based requirements under 24 CFR 578.87(b), as applicable.
10. **Affirmatively Furthering Fair Housing** – Maintain marketing, outreach and other materials used to inform eligible persons of the program to document compliance with the requirements in 24 CFR 578.93(c).
11. **Other Federal Requirements** – Documentation in support of compliance with 24 CFR 578.99, as applicable.
12. **Subrecipients And Contractors** – The recipient will retain copies of all solicitations from and agreements with subrecipients, records of payment requests and payments, and documentation of monitoring findings with corrective actions and sanctions of subrecipients, as applicable.
13. **Other Records Specified by HUD** - Other documentation defined in 24 CFR 578.103(a)(17).

➤ **Confidentiality (24 CFR Part 578.103(b))**

In addition to meeting the specific confidentiality and security requirements for HMIS data, the recipient and subrecipient will establish written procedures to ensure records containing program participant identifying information are kept secure and confidential, address or location of violence program site will not be made public, and the address or location of any housing of a program participant will not be made public.

➤ **Record Retention (24 CFR Part 578.103(c))**

All records pertaining to CoC Program funds must be retained for the greater of 5 years from grant close-out, and 15 years from the date first occupied for acquisition, construction, and/or rehabilitation programs.

PLEASE NOTE: DHHS has directed that all participant files must be maintained for seven years following their termination from the program.

➤ **Access To Records (24 CFR Part 578.103(d))**

All records are subject to Federal and public rights as outlined in this rule. Notwithstanding the confidentiality procedures, HUD, the HUD Office of the Inspector General, and the Comptroller General of the United States, or any of their authorized representatives, must have the right of access to all books, documents, papers, or other records of the recipient and its subrecipients that are pertinent to the CoC Program grant audits, examinations, excerpts, and transcripts.

➤ **Reports (24 CFR Part 578.103(e))**

In addition to reports outlined in 24 CFR parts 84 and 85, the recipient must collect and report data on CoC Program funds in an Annual Performance Report (APR), as well as any additional reports required by HUD.

➤ **Financial Management**

Monitoring of CoC Programs will include internal controls to include:

1. Documentation demonstrating compliance with the Single Audit Act and OMB Circular 2 CFR 200. All non-Federal entities that expend \$750,000 or more of Federal awards in a year are required to obtain an annual audit in accordance with the 2 CFR 200.501 Audit Requirement and the OMB Circular Compliance Supplement and Government Auditing Standards. <http://harvester.census.gov/fac>
2. Compliance with the Federal Procurement Management Review under the Federal Suspension and Debarment. <http://www.gsa.gov> or <http://www.gsaig.gov/index.cfm/suspension-and-debarment-listed-by-state/>

STATEWIDE HOUSING DATABASE

On direction from DHHS, the CAA administers a Statewide Housing Database (SHD) that is utilized to record, track, and manage the Program at a local and statewide level. The database stores various program documents and letters, tracks statewide participant-level data, due dates, household demographics, and generates billing. Each LAA is encouraged to utilize the database in order to maintain up-to-date data, as well as to maintain standardized program-specific letters and forms.

At this time, the SHD uses a Virtual Private Network (VPN) portal, where all LAA staff members statewide can log in from any internet connection, allowing greater access to their data and paperwork in a safe and secure manner.

In order to utilize the SHD, the LAA must set up a secured connection to the CAA's internal network. It is recommended that the LAA has their IT department contact the CAA database administrators in order to streamline the process.

4 User Permission Levels

Read Only:	Assigned to approved individuals that are not authorized to enter data, however, have relevant access need and have been approved by DHHS and the CAA.
Housing Staff:	Assigned to workers at an LAA that will be entering, updating, and needing to review data. Housing Staff level is restricted to data assigned to their LAA and to their caseload.
Supervisor:	Assigned to supervisor-level workers at an LAA. Users at this level can perform all functions at Housing Staff level but are not restricted to a specific client. Supervisors can run reports at an agency level.
CAA:	Unrestricted access.

New User Access

When the LAA hires a new worker that needs access to the SHD, the agency should contact the CAA, who will add them to the authorized user list, assign them user credentials, and assist them in logging in for the first time.

DHHS INTERNAL PSH REFERRAL POLICIES & PROCEDURES

(Not an alternative process, but rather a detailed procedure demonstrating how the MCOC established referral process will be applied internally at DHHS, given its unique organizational structure and the volume of referrals it processes to fulfill its CoC grant requirements.)

This document outlines the referral process for State of Maine DHHS CoC-funded Permanent Supportive Housing Program (PSHP) (formerly known as Shelter Plus Care or S+C). The process herein is consistent with the established referral process outlined in the Maine CES Policies and Procedures (See Maine CES Policies and Procedures, “*Overview of Referral Process*”) and provides further details specific to how DHHS will abide by the MCOC referral process given the unique organizational structure of DHHS and the volume of PSH referrals the organizations processes on a regular basis.

Critical elements of this document include:

- Parties involved at each step of the referral process
- Appropriate channels of communication at each step
- Anticipated timelines for completion of each step
- Criteria documenting updates within HMIS
- Procedures for addressing unsuccessful referrals

Overview of the State of Maine DHHS PSHP Referral Process

Referral, in the context of Coordinated Entry, refers to the process by which a participant who is prioritized on the by-name list is connected to a housing opening. All State of Maine DHHS CoC-funded PSHP projects must accept referrals exclusively through the CoC’s defined CE process as described within the MCOC CES Policies and Procedures. The referral process will take place at the Service Hub level.

Step 1: Notification of Housing Opening

DHHS has contracted with Shalom House to serve as its Central Administrative Agency (CAA). In its role as CAA, Shalom House will provide statewide administration of all DHHS CoC-funded PSHP projects. DHHS, as the CoC-grantee, is responsible for ensuring that the CAA follows the referral process outlined herein.

The CAA is responsible for identifying the number of available PSH openings within each Hub’s geographic region on an ongoing basis, and notifying the respective Hub Coordinator of openings within 2 business days of identifying an opening. Notification of openings should be sent to the respective Hub Coordinator via email and should include as much information as possible including:

- # of Referrals desired
- Unit size (if applicable)
- Location (if applicable)

- Homelessness definition (if applicable)
- Date by which they would like list of referrals

Step 2: Identification of Households to be Referred locally

Case conferencing meetings will be used to identify housing needs and preferences for the top 10-20 households on the list; therefore Hub Coordinators will be able to match CE referrals from the BNL to recommend resources. This will allow Hub Coordinators to make referrals in real time when the CAA requests openings to be filled.

Hub Coordinator will use the priority list to refer the requested number of prioritized households to the opening(s). In some cases, the household(s) being referred may not be the very first name on the list. In some cases, Hub Coordinator will use housing needs and preferences of those households toward the top to ensure appropriate match. For example, a housing provider may have an opening that is available only to households who have a documented disability. If the first person on the list does not have a disabling condition, Hub Coordinator may look to the next person on the priority list.

The Hub Coordinator will send the CAA a list of the names of the referred households in writing via email preferably within 2 business days, but no later than 15 business days of receiving the notification of openings. At a minimum, the list of referred households should the following information:

- Referred CE participant names
- Participant contact information
- Name and contact information of the case manager or service provider working with the participant

Note: If the participant is not working with anyone, the Hub Coordinator will utilize case conferencing to create a plan to support the participant with the application process. The Hub Coordinator must communicate this plan to the CAA via email at the time of referral.

Step 3: Notifying Case Manager and/or Service Provider of Referrals

In addition to sending the referral to the CAA, the Hub Coordinator is responsible for contacting the case manager or service provider of the referred household to inform them of the referral and the application process that should be followed. The Hub Coordinator will make at least 3 attempts at contact on non-consecutive days if the case manager or service provider is unreachable at first contact. The Hub Coordinator should utilize multiple methods of contact (i.e. phone, e-mail) and these attempts should be recorded in HMIS.

In instances where the respective Hub Coordinator has not identified a case manager or provider to support a household on the priority list, the Hub Coordinator may contact the participant directly via phone or email to inform them of their referral to a housing opening. These attempts should be recorded in HMIS.

Step 4: CAA Engagement with Referred Participants

The CAA will provide the case manager or service provider with how to access information or provide a copy of the program application and all required documentation. The case manager or service provider is responsible for assisting the participant with completing the program application and gathering any required documentation.

Program Application Submission

1. Complete program applications must be submitted to the CAA within 15 business days of notification of referral.