

Continuum of Care Program Policies and Procedures Manual

**State of New Hampshire
Department of Health and Human Services (DHHS)
Bureau of Housing Supports (BHS)**

Introduction and Purpose

The New Hampshire Balance of State Continuum of Care (NH BoSCoC) is a committed group of public agencies, non-profit service and housing providers who work together toward the goal to end and prevent homelessness in New Hampshire. The NH BoSCoC (HUD NH – 500) has been successful over the years developing a system to address the issues of homelessness in the State by comprehensive planning, successful program development, and resource identification.

Much of the success of the NH BoSCoC lies in its ability to obtain federal homeless resources from the U.S. Department of Housing and Urban Development's Continuum of Care Program. The NH BoSCoC has close to 26 HUD CoC-funded housing programs including Permanent Supportive Housing, Rapid Re-housing, and Transitional Housing. In addition, the NH BoSCoC receives HUD funding for its Homeless Management Information System (HMIS), Coordinated Entry, and CoC Planning activities.

The Collaborative Applicant for the NH BoSCoC is the State of New Hampshire Department of Health and Human Services (DHHS), Bureau of Housing Supports (BHS). In addition to its role as the Collaborative Applicant, BHS is the recipient of the CoC funds for the PSH and RRH projects funded in the NH BoSCoC, one PSH project in Manchester CoC and one PSH project in Greater Nashua CoC. As the recipient of the CoC funds, BHS is responsible for ensuring that the funds are administered in full compliance with the CoC Interim Rule and other federal requirements. In turn, BHS subcontracts with private, non-profit organizations to administer the CoC programs. Subrecipients must adhere to the same CoC Interim Rule and federal contracting requirements as BHS.

This Policies and Procedures Manual is designed to provide guidance to the subrecipient agencies in administering the CoC programs so that all CoC programs can be in compliance with HUD and federal requirements. These Policies outline specific processes for administering the CoC projects.

This Guide only outlines the processes. All subrecipient agencies must ensure that these CoC-specific practices are incorporated into their broader financial management and internal controls. These Policies do not replace the need to understand the full breadth of the CoC Interim Rule federal financial management requirements and consider how they apply to individual agency and grant circumstances. These policies may be updated from time to time to reflect new HUD guidance or to ensure full compliance with HUD requirements.

As the Recipient, BHS assumes many responsibilities including:

- 1) Enters into a contract/subcontract with Subrecipients for each grant awarded;
- 2) Enters into a grant agreement with HUD for each grant awarded;
- 3) Obtains, reviews and approves monthly invoices submitted by subrecipients;
- 4) Submits individual requests for funding from HUD for each grant for each

- month through HUD's Electronic Line of Credit Control System (ELOCCS);
- 5) Pays subrecipients for all approved invoices;
 - 6) Communicates with subrecipients for costs that were disallowed;
 - 7) Maintains accurate records of project budgets, payments received from HUD and balances;
 - 8) Reviews and approves as appropriate budget changes including possible grant amendments;
 - 9) Tracks subrecipient match submissions and documentation;
 - 10) Monitors subrecipients to ensure all CoC Program Interim rule requirements are met including eligible participants, eligible activities and costs, tenant payment of rent, and quality of housing and rent levels;
 - 11) Trains and/ or provides technical assistance for subrecipient staff as needed; and
 - 12) Other responsibilities deemed necessary to ensure compliance with the CoC Interim Rule.

Subrecipients also have many responsibilities including the following:

- 1) Identify eligible program participants that meet the requirements laid out in Final Rule Defining Homeless (76 FR 75994) and the stipulations contained in the applicable NOFA under which the project was funded. NOFA requirements may change from year to year, therefore subrecipients must be aware of the relevant and current standards and rules;
- 2) Performs eligible activities including eligible support services, operations of housing, leasing of housing or supportive service and/or rental assistance for housing;
- 3) Submits monthly invoices with documentation required for payment;
- 4) Retains records in accordance with Record Keeping requirements;
- 5) Maintains financial management systems that comply with 2 CFR Part 200;
- 6) Maintains additional documentation in office files for review by BHS and/or HUD upon request;
- 7) Collect client specific information and submit in a timely fashion in HMIS per NH HMIS Data Standards;
- 8) Submit information requested by BHS for the purposes of completing the Annual Performance Report including data on participants, drawdowns, match, etc.; and
- 9) All other requirements as set forth in REGULATIONS and contract(s) with BHS.

The above lists highlight recipient and subrecipient responsibilities, but it is not a complete list. BHS and the subrecipients must be knowledgeable of all the

requirements found in the CoC Interim Rule 24 CFR Part 578, the Homeless Definition Final Rule, and 2 CFR Part 200.

Recipients and subrecipients must meet certain standards in the area of financial management. These areas include but are not limited to the following:

Financial Management Areas	Applicable Federal Standards/Requirements	Summary of Requirements
Internal Controls	Subparts A – F, Appendix 111 200.303	<p>Recipients and subrecipients must establish and maintain effective internal control to provide reasonable assurance that the non-federal entity is managing the funds in compliance with statutes, regulations, and the terms and conditions of the awards.</p> <p>Recipients and subrecipients must have procedures in place for minimizing the time that elapses between receiving funds from the U.S. Treasury and paying approved bills.</p>
Budget Controls	Subparts A – F, Appendix 111 200.302 (e)	Actual expenditures must be compared with budgeted amounts for each grant. Projects can only spend HUD money on items included in a HUD-approved budget.
Accounting Records and Source Documentation	Subparts A – F, Appendix 111 200.327	Recipients and subrecipients must maintain records that adequately identify the source and application of grant funds, unobligated balances, assets, liabilities, program income, etc.
Procurement	Subparts A – F, Appendix 111 200.317 through 200.231 And 200.318 through 200.322	When federal funds are used to purchase goods and services, procedures must be in place to ensure that all federal requirements are met including demonstrated outreach to small, minority, and women owned businesses.
Property Controls	Title 2 Subtitle A Chapter 2, Subpart D --) 2 200.311 to 200.313	<p>When federal funds have been used to purchase items, recipients and subrecipients must ensure that the purchased items are used for intended purposes, disposed of properly, etc.</p> <p>A. Title: will vest with the non-federal entity</p> <p>B. Use: Real property must be used for the originally authorized purpose as long as needed, during which the time the non-federal entity must not dispose of or encumber its title or other interests.</p> <p>C. Disposition: The non-federal entity must obtain disposition instructions from the federal awarding agency</p>
Audit Standards and the Single Audit Requirement	200.100 Title 2 Subtitle A Subpart F (d)	Recipients or subrecipients that expend more than \$750,000 per year in federal funds must comply with the requirements single audit requirements The single audit, is an entity-wide audit consisting of two main parts - an

		audit of the basic financial statements and an audit of the entity's major Federal award and related compliance with laws and regulations that govern those awards.
Subrecipient Monitoring and Management	Subpart D 200.330 to 200.332 578.7 a (7)	Recipients are required to monitor subrecipients to ensure that they are meeting all requirements. In addition, the CoC Interim Rule requires the CoC to evaluate outcomes of projects funded under the Emergency Solutions Grants program and the Continuum of Care program, and report to HUD, as required.

RADAR

According to 2 CFR Part 200.404, federal funds, including CoC funds, used to reimburse expenses, even eligible expenses, must meet the following criteria:

- Reasonable: Was the expense necessary? A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. Consideration must be given whether the cost is ordinary and necessary for the operation of the program.
- Allowable: Is it eligible as defined in the CoC Interim Rule **and** is it in the project's approved budget? (2 CFR Part 200.403)
- Documented: Is there back up information, receipts, timesheets, etc. for that expense?
- Allocated: Is it correctly allocated to the project/grant? (2 CFR Part 200.405)
- Reimbursed: The general rule at the federal level is that if you meet all of the criteria above then your costs can be reimbursed (assuming all other program rules are met).

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Section 1: Terminology

The following terminology is used in this Policies and Procedures Manual:

“Applicant”: A person or household in the process of applying for a NH BoSCoC’s housing assistance. A person or household is considered an Applicant until their overall eligibility for NH BoSCoC’s housing assistance is verified and approved.

“BHS”: State of New Hampshire’s Bureau of Housing Supports (BHS) is acting as the “recipient” for many of the permanent supportive housing (PSH) and rapid re-housing (RRH) projects under HUD’s CoC Program. BHS has executed a grant agreement with the US Department of Housing and Urban Development.

“Chronically Homeless” means the following as of January 16, 2016:

1. A “individual experiencing homelessness with a disability,” as defined in the Act, who:
 - a) Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
 - b) Has been homeless (as described below) continuously for at least 12 months or at least 4 separate occasions in the last 3 years where the combined occasions must total at least 12 months
 - i. Occasions separated by a break of at least seven nights do not constitute a break
 - ii. Stays in institution of fewer than 90 days do not constitute a break
2. An individual who has been residing in an institutional care facility for fewer than 90 days and met all 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 paragraphs (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.
4. “Contract rent”: The full monthly cost of renting a unit as set by the Owner or Landlord.

“Continuum of Care” (CoC): A collaborative group organized to carry out the responsibilities to plan to end homelessness and develop an annual funding approach that helps communities plan for and provide a full range of emergency, transitional, rapid re-housing and permanent housing and service resources to address the various needs of people experiencing homelessness.

“CoC Program” or “Program”: Any of the projects operated under the jurisdiction of BHS under the rules and regulations of HUD’s CoC Program.

“Coordinated Entry System (CES)”: A centralized or coordinated process designed to coordinate program participant intake, assessment, and provision of referrals. All CoC Program referrals must come from CES.

A **“disabled household”** is defined by HUD as follows:

- A household composed of one or more persons at least one of whom has a disability. A household experiencing homelessness whose sole member with a disability is a minor child is eligible for CoC Program assistance.
NOTE: For households being admitted to a chronic homeless bed the adult head of household must have the disability unless there is no adult in the family then a minor head of household would be a qualifying member.
- A person that has a physical, mental, or emotional impairment, which is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such nature that such ability could be improved by more suitable housing conditions.
NOTE: Impairments caused by alcohol or drug abuse that meet the additional criteria may also be qualifying disabilities.
- A person will also be considered to have a disability if he or she has a developmental disability, which is a severe, chronic disability that:
 - Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - Is manifested before the person attains age 22;
 - Is likely to continue indefinitely;
 - Results in substantial functional limitations in three or more of the following areas of major life activity;
 - Self-care
 - Receptive and expressive language;
 - Learning;
 - Mobility;
 - Self-direction;
 - Capacity for independent living; and
 - Economic self-sufficiency; and
 - Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

Eligible Costs/eligible activities: Eligible activities, also referred to as eligible cost categories, are the allowable uses of CoC Program funds

“Homeless Individual with a disability”: The term homeless individual with a disability' means an individual who is homeless, as defined in section 103 and as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002, and has a disability that:

- Is expected to be long-continuing or of indefinite duration;
 - Substantially impedes the individual's ability to live independently;
 - Could be improved by the provision of more suitable housing conditions; and
 - Is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury;

- Is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or
- Is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

“Fair Market Rent” (FMR): HUD’s estimate of the actual market rent for a modest apartment in the conventional marketplace. Fair Market Rents include utility costs (except for telephones). Every year, HUD develops and published FMRs for every market area across the nation. <https://www.huduser.gov/portal/datasets/fmr.html>

Family:

https://www.hudexchange.info/resources/documents/EqualAccess_FinalRule_2.3.12.pdf) includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

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

PLEASE NOTE: Further, a recipient or subrecipient receiving funds under the CoC Programs cannot discriminate against a group of people presenting as a family based on the composition of the family (e.g., adults and children or just adults), the age of any member’s family, the disability status of any members of the family, marital status, actual or perceived sexual orientation, or gender identity.

PER HUD Exchange FAQ 1529, <https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>: An emergency shelter, transitional housing project, or permanent housing project that serves households with children. While it is acceptable for a shelter or housing program to limit assistance to households with children, it may not limit assistance to only women with children. Such a shelter must also serve the following family types, should they present, in order to be in compliance with the Equal Access rule:

- Single male head of household with minor child(ren); and
- Any household made up of two or more adults, regardless of sexual orientation, marital status, or gender identity, presenting with minor child(ren).

In this example, the emergency shelter or housing program would not be required to serve families composed of only adult members and could deny access to these types of families provided that all adult-only families are treated equally, regardless of sexual orientation, marital status, or gender identity.

“HAP”: Housing Assistance Payment Agreement (or Rental Assistance Agreement), which is the contract between the subrecipient and the property owner in projects receiving rental assistance funding that identifies the amount of money the subrecipient pays in rent on behalf of a program participant to a Landlord.

“Homeless household”: An applicant when he/she resides in one of the places described below:

- In places not meant for human habitation, such as cars, parks, sidewalks, abandoned buildings (on the street);
- In an emergency shelter;
- In transitional housing for homeless households who originally came from the streets or emergency shelters; or
- In a short-term stay (up to 90 consecutive days) in an institution but having come from the streets or in an emergency shelter.

“Homeless Management Information System (HMIS)”: is the required data repository for all CoC Program-funded projects.

“Housing Quality Standards (HQS)”: Housing Quality Standards, which are rules set by HUD defining minimum standards of habitability for the CoC Program (and several other HUD programs). https://www.hud.gov/sites/documents/DOC_35620.PDF

“Operating year”: 12-month period that is defined by the HUD contract with the recipient. For new grants, the operating start date is the first day of the month in which the recipient or subrecipient begins incurring eligible costs. See the BHS contract for individual project operating year timeframes.

“Owner” and “Landlord”: A person or entity that owns one or more rental units and currently or prospectively rents to a program participant.

“Participant”: A person who has been approved for enrollment in a CoC Program project by a sub-recipient agency.

“Permanent Housing” (PH): community-based housing without a designated length of stay. To be considered permanent housing, the program participant must be the tenant on the lease (or sublease) for a term of at least one year, which is renewable for terms that are a minimum of one month long, and is terminated only for cause. A lease is different from a program agreement that the recipient may have with the participant. There are two types of PH:

1. **“Permanent Supportive Housing”(PSH):** provides long-term assistance to individuals and families with a disability. Long-term assistance is housing assistance that is allowed to last for over 24 months, does not have a designated end date, and is provided until the program participant chooses to exit the project or is terminated from the project. Supportive services designed to meet the needs of program participants must be provided and may be funded out of CoC resources or other resources. Subrecipients

shall partner with other community agencies to provide supportive services to participants.

2. **“Rapid Re-Housing” (RRH):** provides short- (1 to 3 months) and/or medium-term (4 to 24 months) rental assistance and/or supportive services to program participants in housing that is intended to be permanent—meaning the program participant stays in the unit after the CoC Program assistance ends.

“Reasonable” rent: is a rent that is comparable to other rents charged for other units in similar locations or similar size and which offer similar amenities.

“Recipient”: Entity that contracts with HUD. For this Policies and Procedures Manual the recipient is the State of New Hampshire Bureau of Housing Supports.

Subrecipient: Entity subcontracted with BHS to administer the CoC Program project and coordinate all aspects of the project.

“Tenant rent” or “TTP”: The Total Tenant Payment, i.e., the share of rent for which a program participant is responsible and which is not paid by BHS nor the subrecipient. The tenant rent must be calculated based on specified calculations (see Rent Calculations).

“Unit Rent”: Contract Rent plus Utility Allowance

“Utility Allowance”: Allowance for utilities not included in contract rent that are tenant’s responsibility. Published by the appropriate local Housing Authority or New Hampshire Housing Finance Agency.

“Victim Service Providers”: A private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. This includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs of this nature.

Section 2: Program Overview

Introduction

The Federal Continuum of Care (CoC) Program is designed to:

- Promote communitywide commitment to the goal of ending homelessness;
- Provide funding for efforts by nonprofit providers, and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness;
- Promote access to and effect utilization of mainstream programs by homeless individuals and families; and
- Optimize self-sufficiency among individuals and families experiencing homelessness.

New Hampshire Balance of State Continuum of Care

In the NH Balance of State CoC, the Bureau of Housing Supports (BHS) serves as the recipient of CoC program funds and contracts with HUD for these resources. BHS subcontracts with eligible agencies (called subrecipient agencies (SA)) who administer the programs. As the recipient of CoC funds, BHS is responsible to HUD to meet all the requirements of the CoC Interim Rule and related federal mandates.

To both advance the objectives of the CoC program to prevent and end homelessness and to ensure full compliance with the federal requirements, BHS has developed these policies and procedures to provide direction to subrecipients regarding HUD program requirements and BHS's procedures for managing CoC Program grants.

If a subrecipient has identified a need for a project specific policy and/or procedure that is different from the guidance in this manual, they may submit a request in writing to BHS staff for review. If approved, the subrecipient will be responsible for maintaining the written policy and procedure that is applicable to all project participants. Additionally, the subrecipient will be responsible for providing BHS staff with the policy and/or procedure for the administrative record.

Additional guidance for BHS CoC Program subrecipients:

- **HMIS Policies and Procedures Manual**
This manual provides information and instructions for subrecipients on the CoC's Homeless Management Information System (HMIS), an online data system. Subrecipients are required to provided participant level information into this system. Manual can be found at: <http://nh-hmis.org/sites/default/files/reference/NH-HMIS-Policies-&-Procedures-2016.pdf>
- **BHS Subrecipient Monitoring Procedures**
This manual describes the policies for subrecipient monitoring and available remedial actions and sanctions. Appendix 1

- **CoC Program Interim Rule, 24 C.F.R. . Part 578**, available at www.hudexchange.info/resources/documents/CoCProgramInterimRule_FormattedVersion.pdf
- **Defining Chronically Homeless Final Rule, 24 C.F.R. Part 578**, available at www.hudexchange.info/resources/documents/Defining-Chronically-Homeless-Final-Rule.pdf

Goals and Objectives

The CoC Program is designed to link permanent housing opportunities for individuals and families experiencing homelessness. BHS administers both permanent supportive housing (PSH) and rapid re-housing (RRH) projects in partnership with subrecipients.

PSH provides permanent housing and services assistance for those with disabilities experiencing homelessness and chronic homelessness, primarily those with serious mental illnesses and chronic problems with alcohol and/or other drugs.

The following are overall objectives of the PSH program:

- Provide housing and services to the most vulnerable of people experiencing homelessness who also have a disabling condition;
- Integrate participants into the community and promote housing stability;
- Assist participants to secure or increase their skills, income, and/or employment;
- Provide and/or to link to appropriate support services;
- Enhance the participant's ability to reach self-sufficiency; and
- Provide long-term housing stabilization supports.

RRH provides permanent housing and supportive service assistance for people experiencing homelessness and chronic homelessness. The participants can be individuals or families and are not required to have a disability unless it is stipulated in the grant application and contract with HUD.

The following are overall objectives of the RRH program:

- Provide housing and services to the most vulnerable of people experiencing homelessness;
- Integrate participants into the community and promote housing stability;
- Assist participants to secure or increase their skills, income and/or employment;
- Provide or to link to appropriate support services;
- Enhance the participant's ability to reach self-sufficiency; and
- Provide short or medium term housing stabilization supports.

Housing First

BHS expects all CoC Program projects to operate using Housing First principles and practices. These principles must be reflected in subrecipient written materials and

practice. At a minimum, projects will not impose barriers to entering housing, beyond those required by regulation or statute, and will only terminate project participation for the most severe reasons once available options have been exhausted to help a participant maintain housing.

Housing First is a homeless assistance approach that prioritizes providing permanent housing to people experiencing homelessness, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life. This approach is guided by the beliefs that people need basic necessities, such as food and a place to live, before attending to other needs such as: getting a job, budgeting or attending to substance use issues. Additionally, Housing First is based on the theory that participant choice is valuable in housing selection and supportive service participation, and that exercising that choice is likely to make a participant more successful in remaining housed and improving their life.

Note: As of December 2018, one renewal project, Dover Permanent Housing Project, has not been required to transition to Housing First practices due to the initial project design and requirements that are fulfilling an identified need in the community.

Section 3: Program Components and Eligible Costs

Program Components

Continuum of Care Program funds may be used for projects under five different categories, known as program components. These components are:

- Permanent Housing (PH)
 - Permanent Supportive Housing (PSH)
 - Rapid Re-Housing (RRH)
- Transitional Housing (TH)
- Supportive Services Only (SSO)
- Homeless Management Information System (HMIS)
- Joint Transitional Housing (TH) and Rapid Re-Housing (PH-RRH)

In the New Hampshire BoSCoC, BHS is the recipient on PSH, RRH, and HMIS. These Policies and Procedures target the systems of PSH and RRH.

Eligible Costs

CoC Program funds can be used to support eligible costs. The following summarizes the eligible costs under each Budget Line Item.

- Acquisition: The cost of acquiring property for the provision of one or more structures for housing or the delivery of supportive services
- Rehabilitation: The cost of rehabilitation of structures to provide housing or the delivery of supportive services
- New construction: The cost of new construction to be used as housing, including the building of a new structure or construction of an addition to an existing structure that increases the floor area by 100 percent or more, and the cost of land associated with that construction
- Leasing: The costs of leasing a structure or part of a structure in which supportive services or housing are provided to homeless persons
- Rental assistance: Rental assistance for homeless individuals and families provided on a short-, medium-, or long-term basis.
- Supportive services: The costs of eligible supportive services that address the special needs of program participants
- Operating costs: The daily costs associated with running housing.
- Homeless Management Information Systems: There are two ways HMIS costs are considered. One is for the HMIS Lead to cover costs to administer the HMIS system and the other is for Recipients to cover the cost of contributing data to the CoC-designated HMIS for their project.
- Project administrative costs: The costs to cover grant management related activities.

Although there are other eligible costs, such as CoC planning and Unified Funding

Agency (UFA), these Policies and Procedures focuses only on the costs currently approved in CoC funded programs for which BHS is the recipient.

Each grant may include multiple eligible costs. Each CoC Program grant has budget line items (BLIs) that correspond to the funded eligible activities. Not all eligible costs are eligible under every program component. Exhibit 1 on the following page shows the costs that are eligible under each CoC Program component.

Eligible Costs	Permanent Housing	
	PSH	RRH
Acquisition	X	
Rehabilitation	X	
New Construction	X	
Leasing	X	
Rental Assistance	X	X TBRA only
Supportive Services	X	X
Operating Costs	X	
HMIS	X	X
Project Administration	X	X

All CoC costs are described below and in detail at 24 CFR Parts 578.39 through 578.63. It is important to note that not all expenses are eligible under every program component (see Table above) and that not all costs may be combined in a structure/unit. Recipients and subrecipients must understand any restrictions that are relevant to their grant.

Approved versus Eligible Costs

There is an important distinction between eligible and approved costs.

- **Eligible costs** are all those costs that are included in the CoC Program interim rule, as discussed above.
- **Approved costs** are the budget line items specifically approved by HUD in the recipient's grant agreement.

As part of the annual CoC Program Competition, each subrecipient, through BHS, submits an application to HUD with a project budget. This budget requests CoC Program funds to pay for specific costs (such as leasing, rental assistance, supportive services, operations, supportive services, etc.). HUD reviews the project application and budget, and if approved as submitted, incorporates into the BHS grant agreement with HUD.

Eligible Activities within Eligible Costs

BHS subrecipients will have one or more of the following approved Budget Line Items.

- Leasing
- Rental Assistance
- Supportive Services
- Operations
- Project Administration

Within each budget line item, are specific items or activities that are eligible to be either billed to the CoC grant or to be counted as match.

Ineligible Leasing Costs

- Leasing funds cannot pay more than the FMR for housing. A Recipient can identify other funds to cover the difference if rents are above the FMR.
- Leasing funds cannot assist units that are not rent reasonable.
- Leasing funds cannot be used to rent housing owned by the recipient.
- Utilities are not eligible under the leasing budget line item. If utilities are not included in the rent, the cost of utilities can be paid out of the operating budget line item.

- **Special Note:** Technically, leasing funds cannot be used to make vacancy payments. However, since the lease is in the subrecipient's name, the subrecipient can keep paying rent until a new program participant moves in.

Eligible Cost: Leasing

Subrecipients lease a unit or structure from a property owner. CoC Program leasing funds may be used to cover costs including:

- Up to 100% of the cost of the unit, up to the Fair Market Rent and as long as the rent is reasonable (see page 53);
- Up to two months' rent for a security deposit;
- First and last month's rent;
- Staff time and costs related to carrying out leasing-related activities such as:
 - processing payments to landlords/landowners;
 - examining program participant income and family composition; and
 - inspecting units for compliance with housing quality standards.

Eligible Cost: Rental Assistance

Subrecipients use funds to provide rental assistance under the PH (PSH and RRH) components. Through rental assistance, recipients use CoC Program rental assistance funds to pay the difference of the actual rent for a unit and a percentage of the program

participant's income. The types, lengths, and requirements of rental assistance differ depending on the program component under which the rental assistance is being provided.

Rental Assistance may be:

- Short-term (up to 3 months) - RRH
- Medium-term (4-24 months) - RRH
- Long-term (more than 24 months) – PSH

In NH, CoC PSH and RRH projects receiving rental assistance funds are all **Tenant-based Rental Assistance**. Through the tenant-based rental assistance model (TBRA), program participants locate housing of their choice in the private rental market. If the participant later moves to another unit, he/she can take the rental assistance and use it in that new unit. Although TBRA program participants have the ability to move and retain the rental assistance, subrecipients administering TBRA may limit where participants may live if it is necessary to facilitate the coordination of supportive services. Subrecipients may require program participants to live in a specific area for their entire period of participation, or in a specific structure for the first year and in a specific area within their geographic area for the remainder of the period of participation.

CoC Program rental assistance funds may be used to cover costs including:

- Up to 100% of the cost of the unit minus the participant share (see page 50), up to rent reasonableness standard (see page 53). Note that rent reasonableness cannot be exceeded even if it is below FMR. The FMR can be exceeded if the higher rent is determined to be rent reasonable. However, subrecipients must manage the funds to ensure that there is sufficient funding to serve the number of participants included in the program application;
- Up to two months' rent for a security deposit;
- First and last month's rent;
- **For PSH only:** up to one month's rent for a damage payment due to the action of a program participant after the participant leaves the unit. This is a onetime payment throughout the participant's enrollment in the program. Property damage is not an eligible cost for RRH projects (AAQ 122509).
- Up to one month's rent for a vacant unit following the end of the month when vacated.

As with other CoC Program funds, rental assistance funds can also be used to cover the staff time and costs related to carrying out rental assistance-related activities such as:

- processing rental payments to landlords/landowners;
- examining program participant income and family composition;
- providing housing information and assistance;
- inspecting units for compliance with housing quality standards; and
- receiving new program participants into a program.

Supportive Services

Subrecipients may use CoC funds to pay for a wide range of supportive services that address the special needs of program participants. All CoC-funded supportive services must be essential to helping program participants obtain and maintain housing (24 CFR part 578.53(a)(1)).

The CoC Interim Rule specifies fifteen (15) eligible supportive service costs (24 CFR part 578.53(d)). **Subrecipients may not use CoC program supportive service funds for any expenses not specifically described in the regulation as an eligible costs of providing supportive services.** These services are outlined on the following pages.

For all eligible activities (i.e. Budget Line Items) staff time performing eligible activities is billed to that budget line item. For example, staff time conducting rent reasonableness would be billed to either rental assistance or leasing line items.

While these Policies and Procedures do not cover Supportive Services Only Projects, a special note to SSO projects:
If the supportive services are provided in a supportive services facility not contained in a housing structure, the costs of day-to-day operation of the supportive service facility, including maintenance, repair, building security, furniture, utilities, and equipment are eligible as a supportive service.

Supportive Service Category	General Description	Eligible Costs	Restrictions/Ineligible Costs
Annual Assessment of Service Needs	Costs of conducting annual assessment need of service needs	<ul style="list-style-type: none"> • Staff time arranging and conducting annual assessment 	N/A
Assistance with moving costs	Reasonable one-time moving costs	<ul style="list-style-type: none"> • Truck rental • Hiring Moving company 	<ul style="list-style-type: none"> • Costs are one-time only and must be reasonable
Case management	Costs of assessing, arranging, coordinating, and monitoring the delivery of individualized services	<ul style="list-style-type: none"> • Counseling • Developing, securing & coordinating services • Using the centralized or coordinated assessment system • Obtaining federal, State, and local benefits • Monitoring and evaluating program participant progress • Providing information and referrals to other providers • Providing ongoing risk assessment and safety planning with victims of domestic violence • Developing an individualized housing and service plan 	N/A
Child care	Costs of establishing and operating child care and providing child-care vouchers	<ul style="list-style-type: none"> • Provision of meals and snacks in child-care center • Provision of comprehensive and coordinated developmental activities in child-care center • Provision of vouchers to attend child-care center 	<ul style="list-style-type: none"> • Children must be under the age of 13, unless they are disabled children. • Disabled children must be under the age of 18. • Child-care center must be licensed by the jurisdiction in which it operates

Supportive Service Category	General Description	Eligible Costs	Restrictions/Ineligible Costs
Education services	Costs of improving knowledge and basic educational skills	<p>Instruction/training in:</p> <ul style="list-style-type: none"> • Consumer Education • Health Education • Substance Abuse Prevention • Literacy • English as a Second Language • General Educational Development (GED) <p>Component services include:</p> <ul style="list-style-type: none"> • Screening, assessment and testing • Individual or group instruction • Tutoring • Provision of books, supplies and instructional material • Counseling • Referral to community resources. 	<p>Ineligible Costs:</p> <ul style="list-style-type: none"> • Cost of tuition for a degree or vocational accreditation.
Employment assistance and job training	Costs of establishing and operating employment assistance and job training programs	<ul style="list-style-type: none"> • Classroom, online and/or computer instruction • On-the-job instruction • Services to assist individuals in securing employment including: <ul style="list-style-type: none"> ○ Employment screening, assessment, or testing ○ Structured job skills and job seeking skills ○ Special training and tutoring including literacy training and prevocational training ○ Books and instructional material ○ Counseling or job coaching ○ Referral to community resources 	

Supportive Service Category	General Description	Eligible Costs	Restrictions/Ineligible Costs
		<ul style="list-style-type: none"> • Services to assist individuals in acquiring learning skills and/or increasing earning potential including the acquisition of vocational licenses and/or certificates. • Providing reasonable stipends to program participants in employment assistance and job training programs 	
Food	Costs of providing meals or groceries to program participants	<ul style="list-style-type: none"> • Costs associated with purchasing, preparing and delivering meals to participants • Costs associated with the purchase of groceries for participants 	The purchase of gift cards in and of itself is not an eligible program cost under the CoC Program. However, if the recipient provides a gift card to be used by the program participant for food costs, and the recipient is able to document that it was used to pay for these eligible costs, gift cards may be used to pay for the cost of those services.
Housing search and counseling services	Costs of assisting eligible program participants to locate, obtain and retain suitable housing	<ul style="list-style-type: none"> • Conducting housing search and unit identification • Tenant counseling • Assisting individuals and families to understand leases • Securing utilities • Making moving arrangements. • Mediation with property owners and landlords on behalf of eligible program participants 	If a recipient or subrecipient chooses to fund housing counseling activities under their program, the housing counseling must be provided by HUD certified housing counselors working for an agency approved to participate in HUD's Housing Counseling Program, by August 1, 2020, the Final Compliance Date.

Supportive Service Category	General Description	Eligible Costs	Restrictions/Ineligible Costs
		<ul style="list-style-type: none"> • Credit counseling including accessing a free personal credit report, and resolving personal credit issues • The payment of rental application fees 	
Legal services	Costs for the fees charged by licensed attorneys and by person(s) under the supervision of licensed attorneys, for advice and representation in matters that interfere with program participant's ability to obtain and retain housing	<p>Legal fees for representation in the following subject matters:</p> <ul style="list-style-type: none"> • Child support • Guardianship • Paternity • Emancipation • Legal separation • Orders of protection and other civil remedies for victims of domestic violence • Appeals of veterans and public benefit claim denials • Landlord/tenant disputes • Resolution of outstanding criminal warrants including assistance with expungement <p>Component services or activities include:</p> <ul style="list-style-type: none"> • Receiving and preparing cases for trial • Provision of legal advice • Representation at hearings • Counseling • Filing fees and other necessary court costs 	<ul style="list-style-type: none"> • Fees based on the actual service performed (i.e., fee for service) are only allowed if the cost would be less than the cost of hourly fees • If the subrecipient is a legal services provider and performs the services itself, the eligible costs are the subrecipient's employees' salaries and other costs necessary to perform the services <p>Ineligible Costs:</p> <ul style="list-style-type: none"> • Legal services for immigration and citizenship matters • Issues related to mortgages and homeownership • Retainer fee arrangements and contingency fee arrangements

Supportive Service Category	General Description	Eligible Costs	Restrictions/Ineligible Costs
			<ul style="list-style-type: none"> Costs incurred by the recipient related to eviction of a program participant
Life skills training	Costs of teaching critical life management skills	Life skills training for: <ul style="list-style-type: none"> Budgeting of resources and money management Household management Conflict management Shopping for food and other needed items Nutrition, Use of public transportation Parent training 	<ul style="list-style-type: none"> Services must be necessary to assist the program participant to function independently in the community.
Mental health services	Costs of direct outpatient treatment of mental health conditions that are provided by licensed professionals	Component services include: <ul style="list-style-type: none"> Crisis interventions Counseling Individual, family, or group therapy sessions Prescription of psychotropic medications or explanations about the use and management of medications Combinations of therapeutic approaches to address multiple problems. 	
Outpatient health services	Costs of the direct outpatient treatment of medical conditions when provided by licensed medical professionals	<ul style="list-style-type: none"> Providing an analysis or assessment of an individual's health problems and the development of a treatment plan Assisting individuals to understand their health needs Providing directly or assisting individuals to obtain and utilize appropriate medical treatment 	

Supportive Service Category	General Description	Eligible Costs	Restrictions/Ineligible Costs
		<ul style="list-style-type: none"> • Preventive medical care and health maintenance services, including in-home health services and emergency medical services • Provision of appropriate medication • Providing follow-up services • Preventive and non-cosmetic dental care 	
Outreach services	Costs of activities to engage persons for the purpose of providing immediate support and intervention, as well as identifying potential program participants	<p>Outreach worker's transportation costs and a cell phone to be used when performing the outreach</p> <p>Component activities and services include:</p> <ul style="list-style-type: none"> • Initial assessment • Crisis counseling • Addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries • Connecting and providing people with information and referrals to homeless and mainstream programs • Publicizing the availability of the housing and/or services within CoC 	
Substance abuse treatment services	Costs of substance abuse treatment services	<ul style="list-style-type: none"> • Program participant intake and assessment • Outpatient treatment • Group and individual counseling • Drug testing 	<p>Program participants may be required to take part in such services as a condition of program participation but only if the purpose of the project is to provide substance abuse treatment</p> <p>Ineligible Costs:</p>

Supportive Service Category	General Description	Eligible Costs	Restrictions/Ineligible Costs
			<ul style="list-style-type: none"> Inpatient detoxification and other inpatient drug or alcohol treatment
Transportation	Costs of program participant's travel on public transportation or in a vehicle provided by the recipient or subrecipient to and from medical care, employment, child care, or other eligible CoC services	<ul style="list-style-type: none"> Mileage allowance for service workers to visit program participants and to carry out housing quality inspections Costs of purchasing or leasing a vehicle in which staff transports program participants and/or staff serving program participants Cost of gas, insurance, taxes, and maintenance for the recipient's vehicle Costs of staff to accompany or assist program participants to utilize public transportation (e.g. bus or train fares/passes) Where public transportation options are not sufficient, a one-time payment on behalf of a program participant needing car repairs or maintenance required to operate a personal vehicle 	<ul style="list-style-type: none"> Payments for car repairs or maintenance on behalf of the program participant may not exceed 10 percent of the Blue Book value of the vehicle Payments for car repairs or maintenance must be paid by the recipient or subrecipient directly to the third party that repairs or maintains the car Recipients may require program participants to share in the cost of car repairs or maintenance <p>Ineligible Costs:</p> <ul style="list-style-type: none"> Gas/Mileage costs for participant's personal vehicle
Utility deposits.	Assistance to pay utility deposits	<ul style="list-style-type: none"> Utility deposit payment 	Utility deposits must be a one-time fee paid directly to utility companies. The one-time limit applies to each utility type requiring a deposit (e.g. it is allowable

Supportive Service Category	General Description	Eligible Costs	Restrictions/Ineligible Costs
			to provide a one-time deposit to the gas company and a one-time deposit to electric company).
Direct provision of services.	Staff and overhead costs related to the direct provision of eligible services noted above by the recipient or subrecipient	<ul style="list-style-type: none"> Costs of labor or supplies, and materials incurred by directly providing supportive services Salary and benefit packages of the recipient and subrecipient staff who directly deliver the services 	Ineligible Costs <ul style="list-style-type: none"> Costs related to the provision of other services not described above. Staff training and the costs of obtaining professional licenses or certifications needed to provide supportive services

If supportive services are being provided directly by the subrecipient, eligible costs include the costs of labor (salary and benefits) or supplies and materials directly for providing supportive services to program participants.

Eligible Costs: Operating Costs

Subrecipients may use CoC operating funds to pay the costs of the day-to-day operations of permanent supportive housing in either a single building or structure or in individual housing units. Eligible operating costs include:

Eligible Cost	Description
Maintenance and Repair	Costs related to maintenance including cleaning, plumbing repairs, painting, heating system upkeep, building systems repairs.
Utilities	Electricity, gas, heating oil or other heating/cooling costs, and water
Furniture	Furniture for the operation of the housing; must be retained for use in the project and cannot be kept by program participants with the exception of mattresses.
Equipment	Refrigerators and ranges for use by participants and equipment needed for the maintenance of the housing (ladders, shovels, etc.)
Security	Security for a housing program where more than 50 percent of the units or building area is paid for with grant funds
Taxes and Insurance	Real estate taxes and building/property insurance
Landscaping	Basic lawn maintenance such as lawn mowing and maintenance of walkways.
Reserve fund	Scheduled payments to a reserve fund for the future replacement of major building systems, with payments based on the useful life of the system(s) and the expected replacement cost(s). HUD has not provided guidance on how payments can be made into a reserve fund so recipients should contact their HUD Field Office for additional guidance.

Ineligible Operating Costs

- Landscaping for beautification is not eligible
- Food (eligible supportive service cost only)
- Operating costs in units receiving rental assistance
- Operating funds may not be used in emergency shelters or SSO facilities.
- Building security where less than 50% of the units in the building are paid for with CoC Program funds.
- Maintenance and repair of housing where those costs are included in the lease

As with other CoC Program funds, eligible operating costs include the staff time and overhead costs related to carrying out eligible operating activities.

Project Administration

Up to 10 percent funds may be used to cover eligible administrative costs. However, each Notice of Funding Availability (NOFA) may set more restrictive limits on the percent of funds available for administrative costs. BHS, as the recipient, is required to offer no less than 50% of the allocated project administrative to subrecipients. A subrecipient may opt not to receive administrative funds and such decision will be

documented in writing by both parties and reviewed and documented on an annual basis. BHS will work with all subrecipients to understand eligible uses of administrative budget line item and explore and encourage eligible ways the subrecipient may use administrative funds. If a grant has more than one subrecipient, BHS may determine how funds will be split based on level of effort on grant activities. If the subrecipient chooses not to access the administrative funds, these resources may be used by BHS to cover eligible administrative costs. BHS will maintain documentation of a subrecipient's refusal to access administrative funds.

These limited administrative funds are meant to support BHS and subrecipients in:

Eligible Cost	Description
General management, oversight and coordination.	This includes salaries and related costs for staff engaged in administration including such activities as preparing budgets, monitoring compliance and evaluating program.
Training on CoC requirements	The costs of providing training on CoC requirements and attending HUD-sponsored trainings. This includes HQS training.
Environmental Review	Costs related to conducting Environmental review.
Ensuring Compliance	Monitoring including self-monitoring to ensure compliance with CoC Interim Rule and related requirements.
Fiscal	Preparing budgets, invoicing for reimbursement, pro-rated share of A-133 Audit
Other Administrative Services	Eligible and pro-rated legal, accounting and audit services.
Other Costs	Related to administration of the grant including rental or purchase of equipment, insurance, utilities, office supplies

Ineligible Administrative Costs

- Agency fundraising
- Agency's general operating costs

As with all CoC budget line items, subrecipients must have allowable costs and be able to fully document those costs in order to be reimbursed by BHS.

Section 4: Grant Applications, Contracts & Amendments

Grant Application, Selection and Award

The Continuum of Care (CoC) program is authorized under Subtitle F of Homelessness Emergency Assistance Rapid Transition to Housing (HEARTH) Act. The Bureau of Housing Supports (BHS) applies for CoC Program funds, from the U.S. Department of Housing and Urban Development (HUD) through a community-wide CoC application, which includes multiple projects for a CoC's geography. In addition to applying for project funds, BHS is also the Collaborative Applicant for the BoSCoC.

The CoC Program grant application process takes place annually under a framework established by HUD and is carried out by the CoC through the collaborative applicant. HUD issues a Notice of Funding Availability (NOFA), which identifies available funding and the procedures for the CoC to apply for funds. Upon release of the HUD NOFA, the NH CoCs (Nashua-GNCoC, Manchester-MCoC and BoSCoC) issue a request seeking new and renewal programs to apply for funding. Applicants must comply with the process established by the CoC for seeking new or renewal funding. Successful applicants are included in the CoC's collaborative application submitted to HUD. HUD provides public notice and notice to CoC Program approved applications.

BHS serves as the recipient for CoC Program funds and contracts with subrecipients to administer each project at the local level for individuals and families experiencing homelessness. Subrecipients may cover one area or have a statewide project. BHS directly notifies subrecipients of funded programs. BHS will contract directly with each funded subrecipient agency once all grant requirements and conditions are met to provide housing and services.

BHS ensures that contracted subrecipient agencies operating CoC programs operate in full compliance with the guidelines established by HUD (41 USC § 11403, 24 CFR § 582.5) and The Fair Housing Act (42 USC §§ 3601 – 19).

BHS will notify subrecipients of the required application documents to submit for new and renewal projects. BHS staff review all submitted documents prior to sending to the CoC's Project Ranking committee.

No Awards to Debarred and Suspended Parties

BHS will not make any subrecipient award or permit any award to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension."

Grant Requirements and Conditions

BHS and the subrecipient must satisfy all grant conditions before the execution of a grant agreement with HUD, including proof of the following:

- Site control (for new projects);
- Matching funds;

- Environmental review requirements; and
- Documentation of financial feasibility (for new projects).

In addition to standard conditions, HUD may impose additional conditions such as requests for supporting documentation, revisions to the project budget, or modifications to a proposed activity to ensure compliance with the regulations. HUD will withdraw an award if the applicant does not satisfy all conditions.

Site Control

Site control establishes evidence that project sites are secured and that subrecipients can operate in given locations. Acceptable evidence of site control is a deed or lease. If CoC Program funds are to be used for acquisition, a purchase agreement is acceptable evidence of site control. Site control requirements do not apply to housing that will be eventually owned or controlled by individuals or families served.

Environmental Review

All projects assisted with CoC Program funds are subject to environmental review, which is a review of the impact of the project on the local environment and the impact of the environment on the project. New projects may not proceed until the environmental review is completed. Renewal projects should have the environmental review completed every five years or sooner if environmental conditions change.

The environmental review is completed by BHS who works directly with the HUD defined responsible entity (RE). Subrecipients must provide all available and relevant information required for an environmental review. Before proceeding with grant implementation, BHS submits documentation to HUD supporting the successful completion of an environmental review.

Technical Submission/Issues and Conditions

At times, HUD may require new CoC Program projects awarded funding by HUD or existing projects that are renewed to submit additional information. For new projects, this is often referred to a technical submission. For renewal projects, this may be called Issues and Conditions. BHS will request information from the subrecipient to complete the Technical Submission or respond to HUD Issues and Conditions, and will submit that information to HUD.

Subrecipient Contracts

Successful agencies that enter into project contracts with State of NH, BHS, are referred to as subrecipients. Subrecipients must have all required documents on file with the State of New Hampshire in order for the initiation of the program contract between the agency and the State of New Hampshire.

For CoC Program-funded grants that will be administered by the BHS the following documents must be submitted with either the new or renewal project application:

- Agency Articles of Incorporation and Mission Statement;

- Current List of Board of Directors with identification of Officers and terms;
- List of Key Personnel including resumes;
- Certified Organization Audit/Financial Statements of most recent year;
- Copy of OMB A-133 Audit (Required if \$750,000 or more in aggregate Federal funds expended); or
- Profit and Loss statement (only first time applicants or those who do not meet above criteria may submit)
- IRS 501(c)3 Designation Letter;
- Notarized Tax Certification Affidavit;
- Conflict of Interest Statement;
- Debarment Certificate;
- Internal Control Questionnaire;
- Agency Equal Employment Opportunity Policy;
- Agency Fair Housing Policy;
- Agency Drug-Free Workplace Policy;
- Insurance certificate; and
- Vote of the Corporation Authorizing Execution of Contract.

Project Changes and Grant Amendments

Significant and minor changes to a project are sometimes necessary during the term of a CoC Program grant. Whenever it is necessary to make changes, BHS and the HUD field office must be involved – either to be informed of the change or to approve the change through a significant grant amendment, depending on the scope.

Process

BHS may not request an amendment from HUD to a grant before the grant agreement has been signed. Subrecipients must work with BHS staff if they anticipate needed changes that will go into effect on the first day of a grant year.

The subrecipient must submit any changes to BHS Program Administrator at least 90 days prior to the proposed implementation date.

No change requests will be allowed to go into effect during the last 90 days of any grant year. Subrecipient agencies may request changes if there are extenuating circumstances, which will need to be submitted, reviewed, and approved by BHS and HUD field office, if applicable, before being allowed to go into effect. In order to do so, amendment requests should be submitted to HUD 30 days prior to the end of the grant period to allow time for review and processing.

Significant Grant Changes/Amendments

Neither BHS as the grant recipient or any of BHS subrecipients may make any significant changes to projects without prior HUD approval as evidenced by grant amendments signed by HUD nor BHS. Significant changes substantially affect project implementation and represent a departure from the initial application. A significant change is defined as:

- Change of recipient(s) and/ or subrecipient;
- Change of project site;
- Addition or elimination of eligible costs approved for a project;
- Shift of more than 10 percent from (i.e. out of) one approved eligible cost category to another;
- Permanent change in subpopulation served by any one project under the grant; and/ or
- Permanent reduction in the total number of units funded under the grant.

To initiate a request for a significant grant amendment, the subrecipient must submit the request to BHS's CoC Program Administrator which includes:

- Detailed description of change;
- Reason for change;
- Projected implementation date; and
- Provide the budget in a format similar to the one provided below :

BLI	Original Budget	Revised Budget	Total

If BHS assents to the request, BHS will submit a written request for significant grant amendment directly to the local HUD field office, who will review the request to approve or reject the amendment. BHS and subrecipients are prohibited from proceeding with any changes unless HUD provides written approval.

HUD will approve a shift in funds or change in subpopulations only if such changes are necessary to better serve eligible persons within the CoC's geographic area and if the change supports priorities established under the CoC Program NOFA in which the grant was originally awarded or the most recent CoC Program NOFA. If necessary due to the significance of the grant amendment, there may be a need for an amendment to the State of NH contract as well.

Minor Changes

Minor changes to the approved grant do not substantially affect grant implementation. An example of a minor change is a shift of less than 10 percent of CoC Program funds from (i.e. out of) one approved activity to another approved activity over the term of the grant.

Minor changes do not require formal HUD approval. However, a subrecipient must notify BHS of these changes in writing and get BHS approval before proceeding with the change. BHS will notify the HUD field office of the change and any budget changes that must be reflected in in ELOCCS. BHS and subrecipients must fully document minor changes to an approved grant or project in their records.

Rental Assistance Project Changes

If a rental assistance (RA) project decides to move any funds from the RA budget line item (BLI) to another BLI the recipient/subrecipient must still serve same number of households/units. In addition, it is important to note that this will trigger ‘actual rent’ calculations during next grant renewal instead of ‘FMR rent’ calculations.

Note: FMR rent calculations are the standard way HUD determines a project’s rental assistance budget amount. FMRs may increase or decrease each year to reflect current market conditions.

Actual rent calculations increase based on the average increase in FMR amounts within the CoC’s geographic area, weighted for population density. Decreases occur when the published FMR is lower than the recipient requested per-unit amount.

Section 5: Program Operations

All steps completed on behalf of a CoC Program participant must be documented in the participant's file. Subrecipients must follow the recordkeeping requirements in this manual and may not destroy or replace documents as interim or annual processes are completed.

Subrecipient keeps a copy of all written notices and case notes for verbal instructions in the file. The written notices must include a copy of program rules and the grievance and appeals procedure.

Step 1: Application and Rent up Process

Subrecipient receives an application from a participant based on their referral from Coordinated Entry, verifies eligibility requirements, and approves or denies the application.

Rental Assistance Projects

If approved for a rental assistance project, the subrecipient advises the applicant that they have 60 days in which to initiate subsidy and move into the unit; housing search assistance is available if needed. Subrecipient agencies are allowed to authorize another 30-60 days for up to a total of 120 days to initiate the subsidy. Please note, in extenuating circumstances, the subrecipient agency can request an extension from the BHS in writing. The request must include the reason(s) why the subsidy has not been initiated as of yet.

If this request for additional time is denied by BHS, the subrecipient sends a letter to the applicant, stating the reason for denial and informing the applicant of the Appeals Procedure along with any appropriate referrals to other housing and or services that may be helpful.

Leasing Projects

If the subrecipient is currently leasing a vacant unit, the subrecipient will show the participant one or more of these vacant units that are available. The participant will have 7 days from the time they view a unit to either accept the unit or not.

If the subrecipient has to identify new units to lease, the subrecipient can work with the participant to identify a unit. It is anticipated that units will be identified within 60 days. Subrecipient agencies are allowed to authorize another 30-60 days for up to a total of 120 days to initiate the subsidy. Please note, in extenuating circumstances, the subrecipient agency can request an extension from the Bureau of Housing Supports in writing. The request must include the reason(s) why the subsidy has not been initiated as of yet.

If this request for additional time is denied by BHS, the subrecipient sends a letter to the applicant, stating the reason for denial and informing the applicant of the Appeals

Procedure along with any appropriate referrals to other housing and or services that may be helpful.

Operating Projects

For projects in which the subrecipient owns the unit and receives CoC Operating funds, the subrecipient will show the participant any appropriate vacant unit(s). The program participant is given 7 days to agree to that unit.

Step 2: Determination of Eligibility

All CoC funded projects must serve eligible participants. Subrecipients determine eligibility and maintain documentation of eligibility. For PSH projects this includes homelessness and disability.

- The subrecipient conducts initial certification with participant, which shall be retained in the participant's file and includes the following:
- Eligibility verification (Homeless for all/disability for PSH) is present and meets documentation standards in place at application approval;
- Release of Information Form (ROI)(s) signed and dated-Use agency release form, as necessary;
- NH HMIS Client Acknowledgement and ROI form is signed.

<http://nh-hmis.org/>

Step 3: Housing Search

In Rental Assistance projects, the subrecipient will provide housing search assistance, whenever applicable. Housing Search Assistance should be used as a teaching opportunity for the applicant as part of learning self-sufficiency.

In leasing projects, if new units are to be identified, the subrecipient will work with the participant to a conduct housing search. If the subrecipient already has a unit under lease, they will show this unit(s) to the applicant.

Housing Search is not applicable in Operating Projects as the subrecipient owns the units.

Part of Housing Search is making sure the unit meets CoC requirements including:

- The subrecipient negotiates unit rent with the landlord and/or property manager that meets HUD's 'Rent Reasonableness' test and is within BHS prescribed budget.
- The subrecipient completes initial Housing Quality Standards (HQS) inspections on units, informs the landlord and/or property manager of any deficiencies and/or needed repairs, and establishes a timeline for completion of repairs and/or deficiencies. No financial payments may be made on a unit until it passes HQS.

Step 4: Execution of Lease/Occupancy Agreements/Contracts

In Rental Assistance Projects, the Subrecipient will enter into a Housing Assistance Payment Contract (HAP) with the owner. This HAP stipulates the unit rent, the amount to be paid by the subsidy and the amount to be paid directly by the participant. In Leasing, the subrecipient enters into a lease with the owner.

Execution of a Lease with the Program Participant

PSH and RRH– Rental Assistance: CoC Program participants must enter into a Lease with their landlord. Participants must enter into an initial lease for a term of at least one year. This agreement must be automatically renewable upon expiration for a term of at least one month, except on prior notice by either the participant or landlord. Whenever possible, if the participant's housing will not be jeopardized, BHS encourages the subrecipient to work with the landlord and participant to sign another year long lease if that meets the participant's housing goals.

PSH – Leasing: The CoC Subrecipient enters into a lease with the property owner. The CoC subrecipient enters into a sublease or occupancy agreement with the program participants for an initial term of at least one year. This agreement must be automatically renewable upon expiration for a term of at least one month, except on prior notice by either the participant or subrecipient. BHS recommends, as best practice, that subrecipients execute a new lease for at least one year if the action will not jeopardize the housing unit and meets the participant's housing goals.

PSH – Operating: CoC Program participants must enter into a lease with the subrecipient. Participants must enter into an initial lease for a term of at least one year. This agreement must be automatically renewable upon expiration for a term of at least one month, except on prior notice by either the participant or subrecipient. BHS recommends, as best practice, that subrecipients execute a new lease for at least one year if the action will not jeopardize the housing unit and meets the participant's housing goals.

Step 5: Rent Calculation (see Section 9)

Rent Calculation form signed and dated by staff who completed the form, including an effective date of the rent calculation before a person moves into a unit;

Rent Reasonableness Documentation shall be completed at initial rent up; before any increase in rent; with any decrease of 5% or more of FMR, and as requested by HUD and BHS. (See [Rent Reasonableness section](#) for more information);

Income Verification documents completed and must be no older than 120 days with the exception of annual SSI/SSDI notices where amounts have not changed;

HQS Inspection form completed showing passed inspection before a person moves into a unit and form is signed and dated; (See Housing Quality Standards section for more information).

Step 6: On-Going Operations

Monthly Invoices:

The subrecipient prepares the Complete Monthly Invoice to request funds from DHHS/BHS, which is submitted by the 15th of the following month that the expenses were incurred. For example: Reimbursement for expenses incurred in January must be received by BHS by February 15th. Invoices received after the 15th of the month will be processed in the next month (e.g. March 15th). Invoices shall be submitted to: DHHS: Bureau of Housing Supports Invoices housingsupportsinvoices@dhhs.nh.gov

See page 67 for a description of invoicing.

Rental Assistance/Leasing Payments:

The subrecipient disburses monthly Housing Assistance Payments (HAP) to landlords/property managers in accordance with HAP Contracts. In Leasing projects, the subrecipients issues monthly rent payment to landlords/ owners.

Interim and Annual Rent Certifications

- The subrecipient completes interim rent certifications with participants, as necessary and at a minimum annually.
- If income decreases, a new rental calculation must be completed before the annual recertification and would go into effect on the first of the month following the recertification.
- If income increases, a new rental calculation must be completed and it will go into effect with at least 60 days' notice to the participant and be effective on the 1st of the month.

Example: Income increase reported 3/15/2019. Rent change would go into effect on 6/1/2019.

For both increases and decreases, the subrecipient agency will calculate the new rent amount and notify the participant and landlord of the change to take effect on the first of the month with at least 60 days' notice to the participant and be effective on the 1st of the month. (E.g. interim certification completed on March 15th then rent increase would take effect on June 1st) after recertification.

The subrecipient agency completes annual re-certification which includes the following and be retained in the participant's file. The annual re-certification can be started as early as 90 days before and should be completed no later than 30 days after the anniversary of a participant's entry date, in order for rent change notices to be sent to the participant and landlord before the effective date. See Section 14.3 for suggested recertification timetable.

Subrecipients will have the following completed and available with each recertification:

Eligible Cost	Description
Rent Calc. Form	Form is signed and dated by staff who completed the form including the effective date of the rental calculation
Income Verification	Income Verification documentation completed and must be no older than 120 with the exception of annual SSI/SSDI notices where amounts have not change
Release of Information Form (ROI)	ROIs signed and dated
Housing Quality Standards (HQS)	Inspection form completed and signed
HMIS Client Acknowledgement form and ROI	NH HMIS Client Acknowledgement form and Release of Information is signed and dated and updated every seven years as required by NH HMIS

RRH NOTE: To continue to receive CoC-RRH assistance, a program participant's re-certification must demonstrate eligibility based on:

- Lack of resources and support networks: The program participant's household must continue to document lack of sufficient resources and support networks to retain housing without CoC Program assistance, **and**
- Need: The sub-recipient must determine the amount and type of assistance that the individual or family will need to (re)gain stability in permanent housing.

Terminations or Move-outs (see page 64)

- The subrecipient completes move-out inspections, as applicable.
- The subrecipient processes Termination Forms and letters, as applicable, to include a copy of the Appeals Procedure
- The subrecipient provides BHS with notice of terminations on a monthly basis via email, which shall be included with the monthly invoice.

Additional Responsibilities of Subrecipient

- The subrecipient assures that its subcontractor or staff members are qualified to complete HQS. See HQS on page 45
- The subrecipient establishes and maintains relations with local landlords, property managers, General Assistance Offices, and Public Housing Authorities (PHAs).

- The subrecipient agency maintains complete CoC Program files on all participants. All denied or closed files must be retained for 5 years after the expenditure of grant funds unless Acquisition, Rehabilitation or New Construction is involved which mandates 15 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. For more information, please see the Required Policies & Procedures Section.

Section 6: Coordinated Entry

All referrals for CoC Program funded housing and services must come from the local CoC's Coordinated Entry System (CES). If a project is not getting actionable referrals from the CES they must reach out to the CES management and notify BHS Program Administrator to help work towards resolution.

See below for more details on the current practice and steps of the local CES.

The Continuum of Care (CoC) Program interim rule (24 CFR Part 578-https://www.hudexchange.info/resources/documents/CoCProgramInterimRule_FormattedVersion.pdf) requires that all CoCs implement a Coordinated Entry System (CES) in collaboration with any projects funded by the CoC Program, ESG Program, and HOPWA Program. CES is defined to mean a centralized or coordinated process designed to coordinate program participant intake, assessment, and provision of referrals. Coordinated entry works by establishing a common process to understand the situation of all individuals and families who request assistance through the homeless system. The core elements of this process include established system access points, referred to as Regional Access Hubs, use of standardized assessment processes, and prioritization of individuals and families for referrals to appropriate and available housing resources.

All CoC funded homelessness assistance programs must seek and accept referrals exclusively through the CES process described in the BoSCoC coordinated entry manual. Participating agencies may develop additional policies and procedures specific to their agency and programs, however they must not conflict with those outlined here and must not add any unnecessary barriers to accessing housing and/or services. NH BoSCoC has adopted HUD's Notice CPD 16-011, Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing: <https://www.hudexchange.info/resources/documents/notice-cpd-16-11-prioritizing-persons-experiencing-chronic-homelessness-and-other-vulnerable-homeless-persons-in-psh.pdf> and will prioritize the longest homeless and most vulnerable.

The CoC's coordinated entry process does not screen people out of the process due to perceived barriers related to housing or services, including, but not limited to: limited or no income, active or historical substance use, domestic violence history, resistance to receiving services, the type or extent of disability-related services or supports that are needed, history of evictions or poor credit, lease violations or history of not being a leaseholder, or criminal record—with exceptions for state or local restrictions that prevent projects from serving people with certain convictions. The CE process will eliminate barriers to housing access by identifying system practices and individual project or shelter eligibility criteria which may contribute to excluding people from services and work to eliminate those barriers.

The NH BoS Coordinated Entry Policies and Procedures will be maintained to ensure access to CES and safety and that all HUD and other federal requirements are met.

For further information on coordinated entry process and specifically PSH referral policy and procedure, review the NH BOS CES Policy Manual, <https://www.dhhs.nh.gov/dcbcs/bhhs/documents/ce-manual.pdf>

Section 7: Admission Process

Eligibility Criteria

When an applicant(s) presents seeking housing, the subrecipient will make a direct link for the person with the Coordinated Entry System. For referrals that have come from the Coordinated Entry System, subrecipients will verify that the applicant meets the basic eligibility requirements as determined by HUD Guidelines for their project type and project targets in the application. Program eligibility determination is required at the time of intake only.

In the homeless definition (link) there are four categories of homelessness:

Category 1: Literally Homeless

Category 2: Imminent Risk of Homelessness

Category 3: Homeless Under Other Federal Statutes

Category 4: Fleeing/Attempting to Flee Domestic Violence

For all PSH and RRH projects, eligible participants must meet the definition of Category 1: Literally Homeless.

Individual or family who lacks a fixed, regular and adequate nighttime residence, meaning:

- Has primary nighttime residence that is a public or private place not meant for human habitation; OR
- Is living in a publicly or privately-operated shelter designed to provide temporary living arrangements (including congregate shelters, transitional housing and hotels and motels paid by charitable organizations or by federal, state and local government programs); OR,
- Is exiting an institution where he or she 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.

All Project Types

a) Homelessness

b) Chronically Homeless – (Specific grants that are dedicated or prioritized for this population) *(NOTE: A person residing in transitional housing is NOT considered chronically homeless.)*

i) Chronic Homelessness is defined as an individual or family with a member who is disabled and who meets one of these criteria:

- (1) Continuously experiencing homelessness evidenced by living in places not meant for human habitation (e.g. living on the streets) or in an emergency shelter for at least 12 months; or
- (2) Have had at least four episodes of experiencing homelessness, evidenced by living in a place not meant for human habitation or emergency shelters, in the past three years that equal at least 12 months.

- (3) Can be diagnosed with one or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability;
- (4) 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 Category 1 before entering that facility; or
- (5) 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 Category 1, https://files.hudexchange.info/resources/documents/HomelessDefinition_RecordkeepingRequirementsandCriteria.pdf of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

All PSH Projects And Other Project Types That Target Resources To People With Disability

2) Disability

- a) The definition of disabled [24 CFR § 582.5] that is used as the basis for determining eligibility in the CoC program is:
 "Persons with disabilities" – a household composed of one or more persons at least one of whom has a disability.
- b) A person shall be considered to have a disability if such person has a physical, mental, or emotional impairment, which is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such nature that such ability could be improved by more suitable housing conditions.
- c) A person will be considered to have a disability if such person has a developmental disability, which is a severe, chronic disability that –
 - (i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (ii) Is likely to continue indefinitely;
 - (iii) Results in substantial functional limitations in three or more of the following areas of major life activity;
 - (A) Self-care
 - (B) Receptive and expressive language;
 - (C) Learning;
 - (D) Mobility;
 - (E) Self-direction;
 - (F) Capacity for independent living; and/ or
 - (G) Economic self-sufficiency; and
 - (iv) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

- d) A person will be considered to have a disability if such person has HIV/AIDS. *(This is currently not a target population for BHS CoC Program grants, but applications are still accepted and there are HOPWA resources within the State of NH.)*

Eligibility Determination and Documentation

Homelessness and Chronic Homelessness Documentation

To determine and document homeless status eligibility, the subrecipient must use the following order of priority and methods of verifying and documenting homeless or chronic homelessness living situations.

Order of priority:

- 1) Third-party documentation from the place the applicant is living;
- 2) Intake worker observations: if third-party documentation is not obtainable an intake worker may detail their observations of the living situation and/or notes of their calls to the third-party to verify living situation; or
- 3) Self-certification: if third-party and intake worker observations are not obtainable, applicants may self-certify living situation using documentation which includes
 - a. written record of the intake worker's due diligence in attempting to obtain the third-party documentation; AND
 - b. Certification by the person seeking assistance.

If your PSH or RRH program serves...	Then you need to...	This means...
Persons living in a place not meant for human habitation (e.g. streets, cars, vestibules, abandoned buildings)	Document their current living location	Verify that an individual or family is living in a place not meant for human habitation through certification from an outreach worker or organization. This may include a business who witnessed the person sleeping outside their offices. If you are unable to verify in this manner, the participant or a staff member may prepare a written statement about the participant's living location and have the participant and staff person sign and date the statement.

If your PSH or RRH program serves...	Then you need to...	This means...
Persons coming from an emergency shelter	Verify the applicants' history with the emergency shelter.	You need to obtain: HMIS data or a written, signed, and dated verification from the emergency shelter that the individual or family has been a resident of the emergency shelter; or documented phone conversation with emergency shelter staff that the participant has been residing at the shelter.
Persons coming from transitional housing for homeless persons <i>(Note: Very few BHS CoC Program projects may accept applicants from this living situation)</i>	Verify with the transitional housing staff that the participant has been residing at the transitional housing	You need to obtain: 1) a signed statement from the transitional housing staff indicating that the individual is a resident including admission date; and 2) the referring agency's signed and dated verification as to the individual's homeless status, living in an emergency shelter or place not meant for human habitation when he/she entered the TH program.
Persons from a short-term stay (up to 90 consecutive days) in an institution who previously resided in places not meant for human habitation or in an emergency shelter	Verify from the institution staff that the participant has been residing at the institution for less than 90 days and obtain proof of prior literal homelessness.	You must obtain: 1) written verification from the institution's staff that the participant has been residing in the institution for less than 90 days which includes the admission date; and 2) Information regarding previous living situation in a place not meant for human habitation or an emergency shelter. HMIS verification, shelter letter with dates preceding hospitalization, social worker affidavit regarding living in place not meant for human habitation prior to hospitalization are all acceptable.

If your PSH or RRH program serves...	Then you need to...	This means...
Person(s) fleeing domestic violence	Verify situation with a 3 rd party if appropriate and does not create an unsafe situation for the applicant;	<ol style="list-style-type: none"> 1) Obtaining written documentation from the DV emergency shelter, other DV provider or other entity with knowledge of situation OR 2) Self-certification as necessary so that an applicant is not put in danger to verify homelessness; and 3) Documentation of lack of resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

If the CoC Program grant is dedicated or prioritized to serve people experiencing chronic homelessness, subrecipients must obtain the following on the BHS Chronic Homelessness Documentation Checklist (Appendix 2) and provide back-up documents.

- Documentation of a continuous homeless episode, as described in the table above, for time spent in places not meant for human habitation or in emergency shelters, that documents 12 months of time with no breaks; OR
- Documentations of four homeless episodes within 3 year period, as described in the table above, for time spent in places not meant for human habitation or in emergency shelters, which documents 12 months of homelessness.

***NOTE 1:** Documentation of breaks in homelessness may be self-certified and third-party documentation is not required.*

***NOTE 2:** At least 9 months of the 12 month period must be documented by third-party sources in at least 75% of participants served during an operating year.*

For participants to receive CoC Program- RRH assistance, individuals and families are defined as homeless based on the rules of the NOFA under which they are funded. As of January 1, 2018 the following categories of homelessness apply to most RRH grants unless additional restrictions were entered as part of the grant application.

- Literally Homeless (Category 1)
- Fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening condition (Category 4).

Disability Documentation

To determine and document disability eligibility for a participant, a subrecipient must have one of the following:

- A complete BHS verification of disability form (page 3 of NH BHS CoC Program Chronic Homelessness Documentation Checklist, which includes one of the following attached documentation:
 - Written verification of the disability from a clearly identified, licensed professional which is signed and dated. When issued, include licensed professional's license number or other noted credentials;
 - Written verification from the Social Security Administration; or
 - Documentation of disability-related incomes such as Supplemental Security Income (SSI) (if under 65), Social Security Disability Income (SSDI), or Veteran disability payment.

NOTE: Qualified health professional must be either licensed or certified to make a diagnosis. LCSW, MSW, LMHP, RN, ARNP, MD, etc. are possible acceptable examples of a qualified health professional depending on the disability being documented.

Admission Determination

Participants will be notified if they are accepted or denied from the program by the subrecipient. This notification may be in writing with a copy of letter kept on file or verbally when supported by a case note detailing the offer.

If determined eligible and where a housing search is required, the subrecipient will provide written instructions to the participant regarding allowed geographic area, rent limits, the steps to secure a unit, and other relevant housing search information. Participants will be informed of the program rules (if applicable) and their rights and the appeals and grievance policy and procedures in writing. The offering and delivery of these program rules and procedures must be documented on a standard intake form signed by the participant which includes providing access to BHS and subrecipient CoC Program policies and procedures as requested. See Section '[Exit/Termination Process](#)' for the required content of the appeals and grievance procedure.

Educational Services Supports

Each project that serves households with children and households with youth up to age 25 must have a designated staff person to participate in service planning where there are extensive or significant unmet educational needs.

This will include, but is not limited to:

1. Informing homeless families and youth of their eligibility for McKinney Vento education services during the intake process;
2. Not requiring that children enroll in new schools as a condition of entry;
3. Not establishing program requirements that prohibit children from remaining in their school of origin;
4. Developing relationships with colleges to access Higher Education Services specifically for homeless youth (Higher Education Act); and
5. Ensuring that children are enrolled in school and connected to services in the community including programs such as:

- a) Head Start
- b) Part C of the Individuals with Disabilities Education Act; and
- c) McKinney-Vento education services.

Establishing policies and practices beyond this manual must be compliant with the education subtitle of McKinney-Vento Act and other laws relating to education and related services to homeless people (e.g. Head Start, Individuals with Disabilities Education Act, Higher Education Act).

Section 8: Identifying and Selecting Units

At a minimum, in rental assistance projects where participants have to perform a housing search, the subrecipient will provide written instructions regarding allowed geographic area, rent limits, the steps to secure a unit, and other relevant housing search information.

Occupancy Standards – ALL Project Types

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

- Number of persons
- Relationship of persons
- Gender and age of persons

To prevent overcrowding of units, or under-utilization of units, the following chart shall guide the minimum and maximum number of occupants for each unit size:

Number of bedrooms	Minimum household size
0	1
1	1
2	2
3	3
4	4

Generally, no more than two persons are required to occupy a bedroom. Children of the opposite sex are not required to occupy the same bedroom unless that is the parental decision. Children may share a bedroom with a parent, if the parent so wishes. The parent makes this decision.

1. All children *expected* to reside in the unit must be counted (e.g. unborn children, children in the process of being adopted, children who are subject to a joint custody agreement and live in the unit at least 50% of the time). A copy of the court ordered custody agreement or other equivalent document shall be retained in the participant file.
2. Live-in attendants, foster children, and children, who are temporarily absent due to placement in a foster home, are also counted when determining unit size.
3. Children who are away at school, who live with the family when school is not in session, may be counted.
4. Adult children on active military duty and/ or permanently institutionalized family members are ***not included*** in the bedroom count.

In all cases: local, state, or federal rules, regulations, or ordinance will take precedence over the above stated policies should a conflict arise.

All people living in the household must be counted as additional household members. If a household composition changes, requests for funding for extra bedrooms is dependent on available funding, funding priorities and must be approved by BHS staff before a person moves in.

Housing Quality Standards (HQS) – All Project Types

In accordance with 24 CFR § 578.75 (b), housing selected for rental assistance for the CoC Program must be decent, safe, and sanitary as determined by *Housing Quality Standards* (HQS).

It is each subrecipient's responsibility to ensure that HQS is implemented according to HUD requirements. A subrecipient can meet this requirement in several ways:

1. Subrecipients may enter into a subcontract with another entity, e.g. a local Public Housing Agency, to conduct HQS inspections. Any reasonable fee for this activity can be charged to the rental assistance or leasing budget line items. It is important to note that an entity cannot conduct HQS on units it owns.
2. Subrecipients can ensure that their own staff are adequately trained on HQS processes and procedures. Trainings are available on-line and the cost of which can be billed to their administrative budget line item. Subrecipients can also create their own training for staff.

When HQS is to be conducted by the subrecipient staff, the subrecipient must make certain that staff are adequately trained and supported and have a plan in place in cases of staff turnover.

IMPORTANT NOTE:

1. For rental assistance projects only, if the subrecipient owns the unit, they must have a third party, such as the local housing authority complete the HOS Inspection.
2. In leasing projects the subrecipient may not own the unit.

BHS may require a subrecipient to subcontract with a qualified third party or to certify that its own staff have been adequately trained or required that subrecipient staff attend formal HQS training.

Subrecipients will have each unit physically inspected, by trained staff or contractors, using HQS standards ***before initial move-in***, and annually thereafter, to assure that the units are deemed acceptable for the program. Financial reimbursement cannot be made on any unit that has not passed inspection prior to the participant taking occupancy.

BHS will not provide financial reimbursement for any unit that fails to meet the Housing Quality Standards. If the unit fails the initial or annual HQS inspection, the subrecipient must notify the landlord and the landlord has 30 days to make repairs. If the repairs are not made within 30 days, in the case of a recertification, financial assistance will stop and the participant will have 90 days to find a unit that is decent, safe, and sanitary. The subrecipient agency shall notify BHS of the unit's failure, and subsequent repairs, and recertification if applicable to ensure safety of housing for all participants. Any participants who have difficulty locating a unit should be assisted by the subrecipient staff to locate and secure adequate and affordable housing. Documentation of all HQS inspections must be kept in the participant's file and must include written documentation of repairs made, landlord notifications, and any payments to be withheld.

HQS form can be found at HUD's website:

- Inspection Form - <https://portal.hud.gov/hudportal/documents/huddoc?id=52580-a.pdf>
- Inspection Checklist - https://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11775.pdf

Establishing Rent Levels: Rental Assistance and Leasing Programs.

There are a few factors that must be considered in establishing unit rents that can be reimbursed with CoC Rental Assistance and Leasing funds. The rules are slightly different for Rental Assistance and Leasing programs so subrecipients are encouraged to learn the rules that apply specifically to them.

Rent Reasonableness

HUD will only provide rental assistance and leasing funds for a unit for which the unit cost is deemed reasonable. Projects receiving CoC operating funds without leasing funds do not pay rent and therefore proof of rent reasonableness is not necessary for these specific projects. For these projects, operating costs must be reasonable and allowable.

The subrecipient will determine rent reasonableness at the time of:

1. At initial lease (i.e. initial rent up)
2. Before ANY increase in rent
3. With any decrease of 5% or more of FMR
4. Whenever HUD or BHS requests

To determine rent reasonableness for a unit, the subrecipient completes a Rent Reasonable Certification, which shall be included in the participant's file. A sample form can be found at

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

The factors which determine rent reasonableness include:

1. the location;
2. Size (# of bedrooms, sq. ft., etc.);
3. Type (unit type, age);
4. quality/condition;
5. location/accessibility;
6. amenities (unit, site, facilities neighborhood, handicap accessible, management of unit); and
7. utilities

The approved unit rent to be paid by subrecipient and participant, including any utility allowance, may not be in excess of current charges for comparable unassisted units. Unit rent may not be increased without completion of a Rent Reasonable Certification.

In rental assistance projects where the subrecipient owns the unit, the subrecipient must have a third-party, such as a local PHA or other CoC Program recipient versed in rent reasonableness, complete the rent reasonableness review. Note: Landlords do not complete rent reasonableness forms but should provide the information to staff about their unit.

IMPORTANT: In both Leasing and Rental Assistance, a unit rent cannot exceed the reasonable rent.

Fair Market Rent (FMR)

FMRs are HUD-established estimates of gross rent, taking into account both rent and the cost of necessary utilities. They are based on a standard calculation, updated annually and are published [online](#). Recipients and subrecipients must use the FMR applicable to the geographic area in which the housing unit is located. If you fund a unit using leasing funds, the amount you pay with CoC Leasing Funds cannot exceed FMR. If the unit rent is funded with CoC Rental Assistance funds, the unit rent can exceed the FMR as long as it is reasonable and the subrecipient has determined that it has adequate resources in the project budget to pay the higher rent. The subrecipient must request permission from BHS to go above the FMR within a pre-determined cap to be able to compete for local units.

Fair Market Rent (FMR) refers to HUD's estimate of the actual market rent for a modest apartment in the conventional marketplace. Fair Market Rents include utility costs (except for telephones). Every year, HUD develops and published FMRs for every market area across the nation. Fair Market Rents can be found here:

<http://www.huduser.org/portal/datasets/fmr.html> or <https://www.nhhfa.org/hud-limits>

Leasing

If the rent is found to be reasonable, subrecipients may use CoC Program funds to pay up to the Fair Market Rent. CoC Program leasing funds may be used to cover costs including:

- Up to 100% of the cost of the unit, up to the Fair Market Rent and as long as the rent is reasonable (See page 53)
- Up to two months' rent for a security deposit
- First and last month's rent

If the reasonable rent is higher than the FMR, the subrecipient may use other non-HUD funds, including tenant rent, to pay up to the reasonable rent.

PSH and RRH Rental Assistance

Tenant-based units are scattered sites in the community, chosen by the participant. The participant holds the lease with the landlord for these units.

A unit or set of units may be owned by the subrecipient, however the participant must be advised in writing at the time of application, and annually thereafter, that they have the option to seek housing that is not owned or operated by the subrecipient. If the subrecipient is the owner of the unit, staff from the agency cannot inspect the unit or complete the rent reasonableness documentation.

CoC Program rental assistance funds may be used to cover costs including:

- Up to 100% of the cost of the unit minus the participant share (see page 50), up to rent reasonableness standard (see page 53). Note that rent reasonableness cannot be exceeded even if it is below FMR.
- The FMR can be exceeded if the higher rent is determined to be rent reasonable. However, subrecipients must manage the funds to ensure that there is sufficient funding to serve the number of participants included in the program application
- Up to two months' rent for a security deposit
- First and last month's rent
- **For PSH only:** up to one month's rent for a damage payment due to the action of a program participant after the participant leaves the unit. This is a onetime payment throughout the participant's enrollment in the program. Property damage is not an eligible cost for RRH projects (AAQ 122509).
- Up to one month's rent for a vacant unit following the end of the month when vacated.

Housing Search

Subrecipients are expected to assist the participant in locating and securing a housing unit of their choice that accepts CoC Program Rental Assistance, is rent reasonable, and meets the Housing Quality Standards (HQS). However, the participant may conduct a housing search on their own if they choose.

Security Deposits

Security Deposits may be made on behalf of the participant in an amount up to two months' contract rent. Upon vacating a unit, where refundable, a security deposit may be refunded to the subrecipient agency with participant's permission, and may be used to provide security deposit assistance if the participant moves into a new CoC Program assisted unit. If the participant is leaving the CoC Program and is staying in the unit, the

security deposit shall be refunded to the participant if they vacate their unit at a later date.

Vacancy Payments

Rental assistance funds may be used to pay for a vacancy where the unit was vacated prior to the end of the lease agreement. The subrecipient may pay for the remainder of the month in which the unit was vacated, and up to 30 additional days if necessary to given notice per the HAP contract terms, unless occupied by another eligible person.

Supportive Services After RRH Rental Assistance Ends

Participants may receive supportive services from the CoC Program RRH project for up to 6 months after the rental assistance support ends.

Operations

Projects with Operating funds will adhere to all policies and procedures within that are not specifically limited to rental assistance and/or leasing projects.

Eligible Operations activities include the following:

- Maintenance and Repair;
- Property taxes and insurance;
- Replacement Reserve;
- Building security;
- Electricity, Gas, Water;
- Furniture that stays with the program; and/ or
- Equipment (lease or buy).

Supportive Services

Projects with Supportive Services will adhere to all policies within that are not specifically limited to rental assistance and/or leasing projects. Eligible supportive services are outlined in detail starting on page 14.

Section 9: Rent Calculation

Projects receiving CoC rental assistance, operations and leasing funds through the NH BoSCoC, must determine the accurate monthly rent program participant's must pay and ensure that that amount is paid either to the landlord in the case of rental assistance projects or to the subrecipient in the case of leasing projects.

Accurate rent calculation requires that subrecipient staff are knowledgeable about all elements of a rent calculation and subrecipients must ensure that staff are property trained or contract with an entity that is property trained to carry out rent calculation. Additional guidance on determining income and calculating rent can be found in Chapter 5 of HUD's Occupancy Handbook:

<https://portal.hud.gov/hudportal/documents/huddoc?id=43503c5HSGH.pdf>

For both PSH rental assistance, operations and leasing projects and CoC RRH projects, each participant must pay rent which is the highest of:

- Thirty percent of the family's gross monthly income minus [allowances](#); or
- Ten percent of the family's gross monthly income.

For RRH projects, the subrecipient must the same procedures as PSH projects.

The amount of assistance paid on behalf of the participant is calculated using the entire household's annual income less allowable deductions. HUD program regulations, 24 CFR 5.609 and 24 CFR 5.611, specify the types and amounts of income and deductions to be included in the calculation of annual and adjusted income.

For each household, the subrecipients will:

- Calculate 10 percent of monthly gross income; or
- Calculate 30 percent of monthly adjusted income;
- Determine which of these two rent amounts is the highest and set the initial participant monthly rent contribution at this amount;
- Determine the utility allowance (if all allowable utilities are not included in unit rent); and
- Determine the final participant's monthly rent contribution at the highest amount of the two rent calculations minus utility allowance.

NOTE: If the participant's monthly rent contribution includes cents, please round up if equal to or over \$0.50 or down if under.

Once the participant's share of rent is determined, the subrecipients will calculate the amount of assistance to come from the CoC rental assistance or leasing budget line items.

Unit Rent minus participant share of rent = CoC program share of rent.

In the case of rental assistance, the HAP will reflect the amount to be paid out of CoC rental assistance funds and the amount to be paid by the program participant. In the

case of leasing programs, the lease will indicate the total rent for the unit which is paid by CoC Leasing funds and the subrecipient will collect the participant's share of rent and treat it as program income. (See page 77)

Short absences from unit

For rental assistance projects, subrecipients may continue to make the CoC Program portion of a rental payments on behalf of a participant for up to 90 days in order to maintain stability for the participant.

For leasing project, the subrecipients already pays the full unit rent to landlord so payment continues regardless of participant occupancy. If a participant has to be institutionalized (hospital, institution or jail) for a period of time over 90 days the subrecipient should have a policy stating when participants will be given notice to vacate a unit.

Utilities

All project types must include a utility allowance for participants, if the program participant is responsible for some or all utilities. Such allowances are estimates of the expenses associated with different types of utilities and their uses. The subrecipient must document clearly which utilities are included in the rent.

The utilities for which allowances may be provided include:

- electricity,
- natural gas,
- propane,
- fuel oil,
- wood or coal, and
- water and sewage service, as well as garbage collection.

Utility Allowances are not allowed for telephone or cable services.

BHS requires subrecipients to obtain the current Utility Allowance Schedule from either the Public Housing Authority (PHA) that is serving the area where the unit is located or from NHHFA. Subrecipients must get the schedule annually and update participant utility allowances annually.

Each file must have the applicable PHA utility allowance sheet in the chart with the rent calculation form that details what utilities are included in the calculation. This must be done with each rent calculation.

Utility Allowances are deducted from the monthly rent in accordance with HUD's guidelines noted below.

Utility Reimbursement

Rental assistance projects

The contract rent plus utility allowance must not exceed Rent Reasonableness.

This calculation is used when rental assistance is provided on behalf of program participants, but some or all utilities are not included in the rent and are the responsibility of the program participant.

Example 1: No Utility Reimbursement Owed to Program Participant

A	Contract Rent	\$500
B	Tenant Rent Contribution before making adjustments for utilities	\$80
C	Monthly Utility Allowance (from PHA utility schedule)	\$30
	Calculation of B-C	\$50
D	Program Participant Rent- to be Paid Directly to Landlord	\$50
E	Subrecipient Rental Assistance Payment to Landlord (A-D)	\$450
F	Utility Reimbursement to be Paid to Utility Company	\$0

In the above example, the program participant owes the landlord rent because the calculation of B minus C resulted in a positive number (\$50). This also means that the subrecipient does not owe the program participant a utility reimbursement to be paid to their utility company.

Example 2: Utility Reimbursement Owed to Program Participant's Utility Company

A	Contract Rent	\$600
B	Tenant Rent Contribution before making adjustments for utilities	\$30
C	Monthly Utility Allowance (from PHA utility schedule)	\$50
	Calculation of B-C	-\$20
D	Program Participant Rent- to be Paid Directly to Landlord	\$0
E	Subrecipient Rental Assistance Payment to Landlord (A-D)	\$600
F	Utility Reimbursement to be Paid to Utility Company	\$20

In the above example, the subrecipient owes the full contract rent to the landlord or property owner because the calculation in B-C resulted in a negative number (- \$20). Therefore, the amount the program participant owes to the landlord or property owner is \$0, and the amount the subrecipient owes to the program participant for a utility reimbursement is \$20.

Leasing projects

The contract rent plus utility allowance paid for with CoC Program Leasing funds must not exceed the Fair Market Rent (FMR).

This calculation is used when program participants are responsible for utilities and an occupancy charge is imposed by the subrecipient as required by BHS.

Example 1: No Utility Reimbursement Owed to Program Participant

A	Occupancy Charge Calculation before making adjustments for utilities	\$100
B	Monthly Utility Allowance	\$30
	Calculation A-B	\$70

C	Program Participant Occupancy Charge- to be Paid to the Subrecipient	\$70
D	Utility Reimbursement to be Paid	\$0

In the above example, the subrecipient does not owe a utility reimbursement to the program participant because the calculation of A-B resulted in a positive number (\$70). The program participant owes \$70 to the subrecipient as the occupancy charge.

Example 2: Utility Reimbursement Owed to Program Participant's Utility Company

A	Occupancy Charge Calculation in 578.77(b) before making adjustments for utilities	\$25
B	Monthly Utility Allowance	\$40
	Calculation A-B	-\$15
C	Program Participant Occupancy Charge- to be Paid to the Recipient or Subrecipient	\$0
D	Utility Reimbursement to be Paid	\$15

In the above example, the recipient/subrecipient does owe a utility reimbursement to the program participant's utility company because the calculation of A-B resulted in a negative number (-\$15). Therefore, the subrecipient owes the program participant \$15 and the program participant does not have to pay an occupancy charge to the subrecipient

Paying the Utility Reimbursement

Where a utility reimbursement is owed to the program participant, BHS strongly encourages subrecipients to work with program participants to approve payment by the subrecipient directly to the participant's utility company. The subrecipient must maintain records of the program participant's permission to pay the utility company directly and the notification(s) to the program participant of the amount(s) paid on their behalf. If permission to pay directly to the utility company(ies) is not provided by the program participant, the reimbursement will go directly to the program participant.

Note: If the program participant is receiving rental assistance, the utility reimbursement is an eligible rental assistance budget line item.

If the program participant lives in a unit receiving CoC leasing funds the utility reimbursement may be paid with CoC operating funds or other sources. In no case may leasing funds awarded under the CoC Program be used to pay the utility allowance. To the extent the utility reimbursement would be an eligible cost under the CoC Program, recipients or subrecipients may also use program income or matching funds to pay for it.

Maintaining Records

Recipients and subrecipients must maintain records demonstrating compliance with the utility requirements.

The following is a list of records that need to be maintained to demonstrate compliance:

- Subrecipient records. The following records should be maintained in the subrecipient records.
 - Utility schedules used to determine the reasonable monthly utility consumption amount; and
 - Occupancy Charges policy (for leasing).
- Program participant records. The following records should be maintained in each program participant's record.
 - The annual income calculation;
 - The utility schedule use to determine the participant's utility allowance;
 - The amount of the program participant's rent contribution, occupancy charge, or utility reimbursement and how the amount was determined; and
 - Where a utility reimbursement is due to the program participant, evidence that the utility reimbursement was paid appropriately to utility company needs to be maintained at the subrecipient agency.
 - Where the utility reimbursement is paid directly to the utility company, the written permission of the program participant to pay the utility company (should be included in the participant's file) directly as well as the documentation provided to the program participant that the utility was paid.

Income and Assets

All income received by the participant and any adult household member (See following pages, "Definition of Income") must be verified by the subrecipient prior to move in and at annual certification. All verifications must be documented in the participant's file.

Two methods of verifications are acceptable. They are, in the order of acceptability:

- a. Written documentation by a verifiable third party;
- b. Tenant certification or affidavit when third party verification is not possible

Verifications are valid for 120 days from the date of the verification. The verification document effective date must be within 120 days of the recertification effective date. For interim re-certifications, only those factors that have changed must be re-verified.

Exception: Annual Social Security award letter for benefits that do not change throughout the year may be utilized in lieu of securing new documentation.

When a participant and any household member whose income would be counted has no income, a no income statement form must be included in the participant file.

Income Inclusions

Income that is included in calculating the household's income consists of:

- 1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

- 2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
- 3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (2) above. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
- 4) The full amount of periodic amounts received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (e.g., Black Lung Sick benefits, Veterans Disability, Dependent Indemnity Compensation, payments to the widow of a serviceman killed in action). See paragraph (13) under Income Exclusions for an exception to this paragraph;
- 5) Payments in lieu of earnings, such as unemployment, disability compensation, worker's compensation, and severance pay, except as provided in paragraph (3) under Income Exclusions; retroactive rent **should not** be charged in cases where a resident receives retroactive SSI or other Social Security Cash benefits.
- 6) Welfare Assistance.
 - a) Welfare assistance received by the family.
 - b) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
 - i. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - ii. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.
- 7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling; and

- 8) All regular pay, special pay, and allowances of a member of the Armed Forces, except as provided in paragraph (7) under Income Exclusions.

Income Exclusions

Income that is excluded from calculating the household's income consists of:

- 1) Income from employment of children (including foster children) under the age of 18 years;
- 2) Payments received for the care of foster children or foster adults (usually persons with disabilities unrelated to the tenant family, who are unable to live alone);
- 3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, except as provided in paragraph (5) under Income Inclusions;
- 4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- 5) Income of a live-in aide, as defined in 24 CFR 5.403;
- 6) The full amount of student financial assistance paid directly to the student or to the educational institution;
- 7) Special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- 8) Amounts received under training programs funded by HUD (e.g., training received under Section 3);
- 9) Amounts received by a person with a disability 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);
- 10) Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
- 11) 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 owner, on a part-time basis, that enhances the quality of life in the project. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time; or
- 12) Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as a resident management staff person. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
- 13) Temporary, nonrecurring, or sporadic income (including gifts);

- 14) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (Examples include payments by the German and Japanese governments for atrocities committed during the Nazi era);
- 15) Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);
- 16) Adoption assistance payments in excess of \$480 per adopted child;
- 17) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump-sum amount or in prospective monthly amounts;
- 18) 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;
- 19) 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; or
- 20) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. The following is a list of income sources that qualify for that exclusion:
 - a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 [b]);
 - b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058) (employment through AmeriCorps, Volunteers in Service to America [VISTA], Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions);
 - c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626[c]);
 - d) Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
 - e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (LIHEAP) (42 U.S.C. 8624[f]);
 - f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552[b]; (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 [29 U.S.C. 2931], e.g., 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, AmeriCorps);
 - g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L- 94-540, 90 Stat. 2503-04);

- h) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court and the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);
- i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056[f]), e.g., Green Thumb, Senior Aides, Older American Community Service Employment Program;
- k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
- m) 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 (42 U.S.C. 9858q);
- n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991, including advanced earned income credit payments (26 U.S.C. 32[j]);
- o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);
- p) Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637[d]);

Assets Include

Assets that are included from calculating the household's income consist of:

- 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) 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;
- 4) Stocks, bonds, Treasury Bills, certificates of deposit, money market funds;
- 5) IRA, Keogh and similar retirement savings accounts, even though the withdrawal would result in a penalty;
- 6) 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;
- 7) Surrender value of whole life or universal insurance policy;

- 8) Personal property held as an investment (such as jewelry or antiques);
- 9) Inheritances, lottery winnings, capital gains, insurance settlements and other lump sum amounts are considered assets; plus
- 10) 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 Exclude

Assets that are excluded from calculating the household's income consist of:

- 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), excluding:
 - a) Asset(s) and income(s) from the asset accrue to someone else;
 - b) That other person is responsible from paying taxes on the income; and
 - c) Not to be confused with joint ownership.
- 5) Value of term life insurance policies;
- 6) Interest in Indian trust lands; and
- 7) Equity in cooperatives in which the family lives.

Allowances

Dependent Allowance

A dependent allowance in the amount of \$480 is allowed for each household member who is 17 years or younger, or is a full-time student. The head of household, foster child, adult live-in attendant, unborn child or child that has not joined the family are never counted as dependents.

A full-time student is defined as an individual carrying a full-time course load and is enrolled in a certificate or degree program at an institution.

Child Care and Support Expense Allowance

- Anticipated expenses for care of children 12 and younger may be deducted if:
- care is necessary to allow a family member to go to work or school,
- no adult household member capable of providing care is available,
- expenses are not paid to a family member living in the unit,
- the expense is not reimbursed by an agency or individual outside the household, and
- The amount deducted reflects reasonable child care expenses and does not exceed the amount earned by a working family member.

Child care allowances attributable to the work of a full-time student (except for the head of household, spouses and co-head), is limited to \$480 since the employment income of full-time students in excess of \$480 is not counted in the annual income.

Child support payments to guardians or estranged partners or child care payments on behalf of a minor who is not living in the applicant household cannot be deducted.

Medical Expense Allowance

Participants with a head of household or spouse that is at least 62 or disabled are eligible for a medical expense deduction. The medical expenses of all family members are counted.

Medical expenses include all expenses anticipated to be incurred during the 12 months following certification /re-certification, which are not covered by an outside source, such as insurance. They may include:

- Services of doctors and health care professionals
- Services of healthcare facilities
- Medical insurance premiums or cost of an HMO
- Prescription or non-prescription medicines
- Transportation to treatment
- Dental expenses
- Eyeglasses, contact lenses, hearing aids and batteries
- Live-in or periodic medical assistance such as nursing services, assisted animal and its upkeep
- Monthly payment on accumulated medical bills
- Medical care of a permanently institutionalized family member only if his or her income is included in the annual income
- Long-term care insurance premiums

Anticipated medical expenses may be based on the medical expenses the family paid in the 12 months preceding the certification less any one time non-recurring expenses.

The allowable medical expense deduction is that portion of the total medical expenses in excess of 3% of the total gross annual income.

NOTE: All Permanent Supportive Housing (PSH) participants are eligible for a medical expense deduction due to their disabled status.

Disability and Elderly Allowance

A \$400 household deduction is given to any elderly or disabled family. **Only one deduction per household is given even if more than one member has a disability.**

Only the head of household, spouse or sole member who is disabled or over the age of 62 is eligible for this deduction.

Disabled Household Member Expense Allowance

Owners may deduct anticipated cost(s) for attendant care and/or auxiliary apparatus for disabled family members that exceed 3% of annual income if such expenses:

- a. Enables one or more family members to work;
- b. Are not reimbursed by an agency or individual outside the household;
- c. Are not paid to a family member living in the unit; and/ or
- d. Does not exceed the earned income of the household member enabled to work.

Attendant care may include: homecare, housekeeping and errand services, interpreter service, etc.

Auxiliary apparatus includes: wheelchairs, ramps, adaptation to vehicles, special equipment, etc. if directly related to allowing the disabled person or other family member to work.

Income Calculations Examples

Child Support

Annual child support income will be determined by annualizing the amount awarded as part of a divorce or separation agreement. The documentation for this income may be either divorce or separation document or court document ordering a specific garnishment of the non-custodial parent's income. In the case of informal separations a self-affidavit document signed by both parties will be considered.

Example: Court documents show \$100 will be paid weekly to custodial parent.

Calculation: $\$100 \times 52 = \$5,200$ $\$5,200 / 12 = \433 monthly child support income

Child support income does not have to be counted if a tenant certifies that no child support income is received anytime throughout the recertification year. In order to invoke the exclusion of child support income the tenant must take all reasonable legal actions to collect amounts due, including filing with appropriate courts or agency responsible for enforcing payment.

Employment

BHS has developed an employment worksheet, which is required to be completed for each adult participant who is employed.

Section 10: Ongoing Program Participation

Supportive Services

Requirements

Subrecipients operating a CoC Program project must assure that adequate supportive services are available to participants in the program.

The subrecipient will assess a participant's strengths and needs in order to develop a stabilization plan and crisis management plan with the participant, at intake and at least annually from the date of initial project entry. An ongoing Assessment of Housing and Supportive Services is required, which shall be included in the participant's file. The ultimate goal is assistance to the participant in obtaining the skills necessary to live in the community independently.

Participants shall not be mandated to accept an offer of disability related support services as a condition of housing.

Projects may offer and engage (if possible) participants to attend housing related case management services.

RRH participants are required to meet with a case manager at least once per month to assist the participant in ensuring long-term housing stability.

Services

BHS expects that each subrecipient will offer, or assign to have offered, assistance with daily living skills, community living skills, tenancy education, symptom and medication education, social skills, and vocational skills/rehabilitation as appropriate. Living skills include, but are not limited to: cooking, home maintenance, money management, transportation to community resources and socialization/recreational activities. If provision is assigned to a third party, the subrecipient will monitor the participant's attendance and progression in this aspect of his/her stabilization plan.

Unit Transfers

Subrecipients must establish a process to review and approve or deny requests for rehousing which include transfers to another unit. Subrecipient staff must provide the participant with counseling on their lease terms and options to move based on the project design and allowable housing expenses.

If the participant decides to move from his/her initial housing location, subrecipients are to ensure that the new unit has a passing HQS inspection documented prior to the participant taking occupancy and making any payments. Housing Assistance Payments (HAP) and the tenant rent portion would be prorated based on the move out and move in dates. Please see page 49 for further information.

On a limited basis CoC Program tenant-based rental assistance projects may allow people to rent units outside of the CoC's geography as long as the subrecipient can still perform all required rental assistance duties in the new geography. Subrecipients must notify BHS when they are allowing a participant to rent a unit outside of the awarding CoC's geographic area and must clearly document the reasons and how housing and service needs will be met in the new area. No more than 50 percent of the units assisted at any given time in the project may be located outside of your CoC's geographic area. Subrecipients must work with Coordinated Entry to prioritize referrals for participants that want to live in the grant's designated geographic area.

Section 11: Exit/Termination Process & Reduction to Level of Housing and Services

Death, Incarceration, or Institutionalization of the Eligible Participant

If the qualifying participant of the family no longer resides in the unit because of incarceration or institutionalization for more than 90 days, the surviving household member(s) have the right to receive rental assistance until the expiration of the lease in effect at the time of the qualifying member's long-term incarceration or long-term institutionalization.

If the qualifying participant of the family passes away, the surviving household members have the right to receive rental assistance until the expiration of the lease in effect at the time of the qualifying member's death.

Please note, it is possible for the household to remain in the unit and continue to receive CoC Program assistance if the remaining members of the family met the eligibility criteria prior to entry into the project and one member of the household has a qualifying disability (Keep in mind, if this project is dedicated to serving chronically homeless individuals and families, then the adult head of household must have the qualifying disability). In this instance, the recipient or subrecipient must ensure that all eligibility requirements, including homeless status at intake to the project and qualifying disability, are documented in the household's case file. (AAQ # [89044](#))

Rental Assistance – PSH and RRH Projects

If there are no remaining household members, the project portion of the rent will be paid for the remainder of the month following the participants exit plus an additional 30 days (see Vacancy Payment section). If the family has not removed the possessions, they must pay market rent for any additional time needed.

Leasing and Operating

If there are no remaining household members, the rent will continue to be paid or operating expenses paid on the unit and the subrecipient must fill the vacancy as soon as possible with another eligible participant.

Appeals Procedure

The CoC Program is designed to link permanent housing opportunities for individuals and families experiencing homelessness. BHS administers both permanent supportive housing (PSH) and rapid re-housing (RRH) projects in partnership with subrecipient agencies who receive Continuum of Care funding.

PSH provides permanent housing and services assistance for those with disabilities experiencing homelessness and chronic homelessness, primarily those with serious mental illnesses and chronic problems with alcohol and/or other drugs.

The Bureau of Housing Supports (BHS) appeals procedures reinforces the community's approach to proactively engage with participants in solutions to maintain their housing. The policy protects participants from arbitrary reasons of termination and limits the use of termination to manage programs. It is also a goal of the Continuum of Care (CoC) to prevent occurrences of experiencing homelessness.

Provider-initiated termination of housing assistance should be rare and used only as a last resort to ensure safety or compliance with regulations, laws, or the signed lease agreement. Subrecipient agencies and programs are expected to maintain a low-barrier, housing-first approach (as applicable to CoC funded projects) and only terminate assistance in the most severe cases.

The program may terminate assistance to a program participant who violates program requirements or conditions of occupancy, however, **termination does not bar the project from providing further assistance later to the same household.**

Due process must be given to each participant when terminating assistance which includes providing a formal process that recognizes the rights of individuals receiving assistance.

The federal law, 24 CFR § 578.91, requires that recipients receiving housing supports through CoC funded projects have due process protections if the BHS or the agency that receives CoC funding terminates the recipient from the housing project. The regulation, 24 CFR § 578.91 provides the following:

“(a) Termination of assistance. The recipient may terminate assistance to a participant who violates program requirements or conditions of occupancy. Recipients must exercise judgment and examine all extenuating circumstances in determining when violations are serious enough to warrant termination, so that a participant's assistance is terminated only in the most severe cases. Recipients are not prohibited from resuming assistance to a participant whose assistance has been terminated.

(b) Due process. In terminating assistance to a participant, the recipient must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law. This process, at a minimum, must consist of:

(1) Written notice to the participant containing a clear statement of the reasons for termination;

(2) A review of the decision, in which the participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and

(3) Prompt written notice of the final decision to the participant.”

Subrecipient agencies are required to develop termination policies that include appeals and grievance procedures. These policies will identify subrecipient procedures related to the range of program violations from minor infractions to threats to property and personal safety.

TERMINATION PROCEDURE:

A. Termination by Participant

The participant may elect to leave the CoC Program at any time and may do so by informing their housing case manager, and the landlord. Participants who are currently receiving rental assistance must provide their landlord with a 30 day notice (or longer according to their lease) prior to vacating a unit.

B. Termination by CoC Program

1. Grounds for Termination

- a) Assistance may be terminated or a participant may be put on probation if the participant violates program requirements or conditions of occupancy. Examples of program violations are:
 - Repeated complaints from the landlord due to violations of the lease agreement, such as disturbing the quiet enjoyment of the neighbors, allowing unauthorized persons to visit or live in the unit, property damage, repeated failure of Housing Quality Standards inspections, or non-payment of rent;
 - Violent or threatening behavior, or other behavior that seriously threatens the health and safety of the community;
 - Illegal activities, including illicit drug-related activities; and/ or
 - Vacating the unit without notice for more than 30 consecutive days.
- b) The CoC Program shall exercise judgment in determining when violations are serious enough to warrant probation or termination. The program will do as much as possible to ensure the adequacy of support services so that a participant's assistance is terminated only in the most severe cases [24 CFR § 578.91]. Whenever possible the program will give participants written warning prior to termination so that they have an opportunity to take appropriate action to resolve the problems and thus continue their participation in the program.
- c) The subrecipient agency will not terminate a participant's assistance simply because the landlord or service provider feels the participant is "difficult." In requesting that a subrecipient initiate termination procedures, the landlord must demonstrate that the participant has committed repeated and serious violations of the lease. The subrecipient agency may request that a participant be terminated due to lack of participation in services, but only if the service provider can demonstrate that the refusal to participate is the underlying cause of repeated and serious lease violations.
- d) Extremely serious program violations (including violent behavior, drug sales, or other criminal behavior) will result in moving immediately to termination proceedings. In all other cases, the participant will first be placed on probation.

2. Roles and Responsibilities of Parties in Termination Process

There are four parties that have roles and responsibilities relating to a participant's participation in the CoC program and any decisions regarding termination of the participant's CoC assistance:

- **Bureau of Housing Supports (BHS)**: As a recipient of the CoC funds, the BHS is ultimately responsible for determining whether a participant continues to receive CoC assistance and for termination of assistance in cases where it is warranted. BHS will, in all cases, consult extensively with the other parties (i.e. the subrecipient agency) prior to terminating a participant from the program. In the event that BHS and the subrecipient agency disagree, BHS's decision will prevail.
- **Landlord**: as sponsor for the program and landlord for the assisted units, the landlord will advise the subrecipient agency as to whether a participant should be placed on probation or terminated from the program for repeated, serious lease violations. In the event that BHS/ subrecipient agency elects not to terminate program participation and/or the participant refuses to leave the unit following termination of assistance, the landlord may terminate tenancy by undertaking an eviction procedure in accordance with state and local law (see Section C, below). In the event that the participant is evicted but BHS chooses not to terminate participation in CoC, BHS and the subrecipient agency may assist the participant in locating a new unit.
- **Subrecipient Agency**: the service provider will advise BHS as to whether a participant should be placed on probation or terminated from the program for failure to participate in needed services. Participant: throughout the probation and termination process, the participant has a right to be treated respectfully, fairly and to be afforded due process under the law.

3. Termination Process

Termination is a formal process that recognizes the rights of individuals receiving assistance in accordance with due process.

At a minimum, if the subrecipient terminates a participant from the CoC Program then the subrecipient must maintain on file at the agency, per 24 CFR § 578.91, the following:

- Written notice to the participant containing a clear statement of the reason for the termination;
- A review of the decision, during which the participant has the opportunity to present written or verbal objections before someone other than the person (or a subordinate of the person) who made or approved the termination decision; and
- Prompt written notice of the final decision to the participant.

In addition to the minimum HUD requirements for termination, BHS also requires that subrecipients to:

- Notify BHS prior to a final termination letter being mailed via email;
- Maintain documentation of action steps taken to resolve the conflict with the participant and list all persons involved at the subrecipient agency;

- Maintain documentation of the reason for termination along with the steps taken and the timeline involved.
- Include copies of all letters to the participant related to the termination at the subrecipient agency;
- Maintain documentation that the participant was given ample opportunity to appeal the decision to terminate assistance at the subrecipient agency;
- Maintain documentation of steps taken to find the participant housing upon termination at the subrecipient agency or documentation as to why finding alternative housing was not possible;
- Provide a copy of the final termination letter to BHS; and
- Ensure that all participants are provided with information on how to contact free or reduced fee legal services if they are being terminated by the subrecipient agency or evicted by the landlord.

The termination process is as follows:

- **Step One: Informal Resolution.** The Housing Case Manager and/or the case manager will meet informally with the participant to address the problem. Both the Housing Case Manager and the case manager should document in the participant's file efforts to resolve the problem informally. In the case of serious criminal or violent acts, the subrecipient agency may proceed to termination procedures (Step 3) of the participant and not engage in an informal resolution or issue a written warning.
- **Step Two: Written Warning.** If the behavior cannot be corrected informally, the Housing Case Manager will send the participant written notice specifying the reasons his or her participation in the program may be in jeopardy, and that if the issues are not resolved, the next step may be to terminate their housing assistance. Copies of the letter will be sent to the Housing Case Manager.

If the participant disagrees with the warning notice, s/he may request an informal conference with the CoC Program Manager, and the Housing Specialist to review the matter. The participant must request an informal conference in writing to the subrecipient agency within 10 days of the warning notice.

- **Step 3: Written Notice of Termination.** If the participant does not fulfill the terms of the written warning, the Housing Case Manager shall either proceed with a termination, or postpone the written notice of termination for up to 30 days if the participant has demonstrated a willingness to address the problems and has partially corrected the issue. If the termination will be postponed for 30 days, the subrecipient agency will document the steps the participant will be taking to address any problems, or any corrections of the issues in a postponement letter to the participant. If the matter proceeds to termination, the Housing Case Manager shall notify the participant in writing that he or she is being

terminated from the program. The notice must contain a clear statement of the reason(s) for termination.

The written notice of termination must also contain a statement that the participant has a right to an Informal Hearing for a review of the decision, in which the participant is given the opportunity to present written or oral objections and may be represented by a third party advocate. To request an Informal Hearing, the participant must do so in writing within ten (10) days of the date of the termination letter. *A participant who fails to request an informal hearing waives this right, and the decision to terminate him or her from the program becomes final.*

Once the participant receives a Notice of Termination, the subrecipient agency will send the landlord a 30-day Notice of Termination and will place a hold on the account, effective the last day of the 30 day period.

If the participant requests a hearing within the allotted time period, the subrecipient agency will remove the hold on the account and will pay for the unit throughout the hearing, BHS appeal, and state fair hearing if applicable.

- **Step 4: Informal Hearing.**

The participant will submit a written appeal will include the participant's name and contact information, an explanation of the action being appealed, the reason for the appeal (why it is unjust or inaccurate), and any corroborating documents that support their position to the subrecipient agency within ten business (10) days of the termination letter.

The subrecipient agency will provide for a review of the decision, during which the participant has the opportunity to present written or verbal objections before someone other than the person (or a subordinate of the person) who made or approved the termination decision; and

If the participant requests an informal hearing, the subrecipient agency must schedule an Informal Hearing within ten (10) business days of receipt of the request. The Informal Hearing shall be a meeting between the participant, the Housing Case Manager, and the hearing committee. Additional groups of people may also attend as deemed necessary by the participant and the subrecipient agency, including legal representation, family supports, relevant witnesses or character references, and/or the partner agency case manager.

The Hearing Committee is comprised of 2 or more subrecipient agency's employees who are unrelated to the decision for termination and can assess the situation objectively. The Hearing Committee will make its decision based on the Continuum of Care HUD regulations as well as BHS's and subrecipient agency's policies and procedures.

The hearing committee shall issue prompt written notification of the decision to the participant within 10 business days, including a clear statement of the reason(s) for the decision. The finding of the Hearing Committee is final and may not be further appealed.

Subrecipient agency will also be responsible to pay its portion of rent to the Landlord for the month the hearing proceedings take place.

C. BHS Appeals Policy and Procedure

All subrecipient agencies appeals procedures and notices must include the following language regarding BHS Appeals Procedure requirements:

1. Subrecipient Agency

- Termination/Action appeals should first be requested by the participant and reviewed by the subrecipient agency;
- All appeals that do not find resolution at the subrecipient agency level will be submitted by the participant to BHS in writing within 30 days of the termination/action being appealed;

2. If a participant wishes to appeal the termination decision by the subrecipient agency to BHS:

The participant must submit a written appeal, will include the participant's name and contact information, an explanation of the action being appealed, the reason for the appeal (why it is unjust or inaccurate), and any corroborating documents that support their position.

3. BHS Appeals Procedure

- BHS will interview subrecipient agency staff, speak to the participant, any other relevant parties, and review all participant file(s) and any other related documentation to the appeal;
- BHS will make a determination on all appeals within 45 days of receiving the written appeal and will notify both the program recipient and the subrecipient agency involved in the determination in writing;
- CoC Program assistance will continue during the appeals process.

Appeals should be submitted in writing to:
Kristi Schott, BHS CoC Program Administrator
105 Pleasant St. Concord, NH 03301
Phone: (603) 271-9194
Fax: (603) 271-5159

When the subrecipient determines that risk to property or personal safety are present, the subrecipient agency can proceed to Step 3 (Bypassing Step 1 and 2). The

subrecipient agency should notify BHS that adherence to the above timeframes is not possible and why, immediately.

4. DHHS State Fair Hearing

- **If the Participant wants to appeal BHS's decision to the DHHS Administrative Appeals Unit**

If the program participant disagrees with BHS's decision the participant may submit a written request for a hearing (an adjudicative proceeding). Such a request must be submitted within 30 days of the receipt of the Notice. The written request must identify the specific issues the participant will intend to raise at the hearing.

The participant shall submit the request to:

Commissioner of Health and Human Services
C/o Administrative Hearings Unit
Attention: Lynne Smith
Main Building
105 Pleasant Street
Concord, NH 03301

If the participant fails to request a hearing within 30 days, BHS's notice of decision shall be considered final. If the participant does request a hearing, the participant will be notified of the schedule for the hearing and CoC program assistance will continue until the final decision is issued by the AAU.

D. Returning to the CoC Program Following Termination

After termination, the participant may be given the opportunity to continue with the CoC project provided through their existing subrecipient agency or another agency. By showing responsibility, motivation, and readiness, the participant may become eligible for reinstatement into the program. In order to qualify for reinstatement, at a minimum the participant must have continued to participate in services at the partner agency, and resolved any outstanding financial liabilities associated with the program. If BHS and the subrecipient agency determine that the participant qualifies for reinstatement, the participant will be placed on the By Name List for permanent housing. Once the participant reaches the top of the By Name List, his or her eligibility for the program must be verified prior to re-admission.

E. Termination of Tenancy by Landlord

All CoC program participants have the same tenancy rights as any tenant in the State of New Hampshire. If the landlord decides to evict a tenant in a CoC subsidized unit, they must follow the legal requirements governing the eviction of tenants under New Hampshire law, as well as any applicable local laws governing the landlord-tenant relationship.

As noted above, a decision by the landlord to evict the participant from his or her unit does not necessarily mean that the participant will be terminated from the CoC

program. Depending on the circumstances, BHS/ Subrecipient agency may elect to continue CoC program participation and offer the participant alternative housing and/or services.

F. Grievance Procedures

Informal Grievance Process

Participants who have a complaint or problem relating to their participation in the CoC Program may communicate their grievance to the CoC Program by completing a Grievance Form and submitting it to the Housing Case Manager. The Manager will meet with the participant and any other relevant parties to discuss the issue and will gather any relevant information needed to make a decision. The Manager's decision will be communicated in writing to the participant and cannot be appealed.

The informal grievance process is not applicable for participants who are being terminated from the program.

Participants may not submit a grievance request for the following types of actions or decisions:

- ☐ General policy issues
- ☐ Actions by BHS/ subrecipient agency which are required under CoC regulations (e.g. limiting security deposit amounts to a maximum of one month's rent).

Section 12: Administration and Invoicing

Project Administrative Costs

BHS, as the recipient, it must share at least 50 percent of project administrative funds with its subrecipients (578.59(b)(2)). There is no requirement that the subrecipient must accept or use the project administration funds. Additionally, there is no limitation on the recipient taking back funds from a subrecipient for project administration in instances where the subrecipient is not expending the funds in a timely or appropriate manner through a sanction as allowed in 24 CFR 578.107. In these instances, HUD will permit the recipient to keep the project administration funds for its own use.

Should a subrecipient decline to accept project administration funds (or who return project administration funds in the middle of the grant term), the following guidance should be followed:

1. BHS will document that it attempted to meet the requirement by offering project administration funds to the subrecipient and the subrecipient refused.
2. Should one or more subrecipients decline to accept project administration funds, BHS must first demonstrate (and document) that it offered the additional project administration funds to the other subrecipient(s). There is no requirement that administrative funds be shared equally among the remaining subrecipients.
3. In cases where BHS is taking away project administration funds from subrecipients due to inappropriate or untimely use of project administration funds, which would allow BHS to expend these funds for its own project administration costs, BHS will demonstrate (and document):
 1. The performance review/monitoring action that resulted in the need to carry out the allowable sanction of taking away grant funds from the subrecipient (see 24 CFR 578.107 for more information); and
 2. That BHS provided the subrecipient with the opportunity to correct the delinquency by carrying out a corrective action before the project administration funds are taken away (e.g., a schedule by when all project administration costs will be expended that is within the grant term and a list of eligible costs on which these funds will be expended).

These limited funds are meant to support BHS and subrecipients in:

- General management, oversight and coordination. This includes salaries and related costs for staff engaged in administration including such activities as preparing budgets, monitoring compliance and evaluation of the program.
- Training on CoC requirements which includes the costs of providing training on CoC requirements and attending HUD-sponsored trainings
- Costs related to conducting an environmental review.

Project administrative funding, per 24CFR 578.59, may be used for:

- Salaries, wages, and related costs of the recipient's staff, the staff of subrecipients, or other staff engaged in program administration including:

- Preparing program budgets and schedules, and amendments to those budgets and schedules;
- Developing systems for assuring compliance with program requirements;
- Developing agreements with subrecipients and contractors to carry out program activities;
- Monitoring program activities for progress and compliance with program requirements;
- Preparing reports and other documents directly related to the program for submission to HUD;
- Coordinating the resolution of audit and monitoring findings;
- Evaluating program results against stated objectives; and
- Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraph (a)(1)(i)(A) through (G) of this section.
- Travel costs incurred for monitoring of subrecipients;
- Administrative services performed under third-party contracts or agreements, including general legal services, accounting services, and audit services; and
- Other costs for goods and services required for administration of the program, including rental or purchase of equipment, insurance, utilities, office (but not purchase) of office space.
- Training on Continuum of Care requirements, which includes the costs of providing training on Continuum of Care requirements and attending HUD sponsored Continuum of Care trainings.
- Environmental review costs.

As with all CoC budget line items, subrecipients must have allowable costs and be able to fully document those costs in order to be reimbursed by BHS.

Rental Assistance and Leasing Cost

If all unit costs can be met by the subrecipient's budget, then a reasonable amount of rental assistance and leasing costs may be used for staff costs. The specific costs allowable are the following:

- Receiving new participants into the program;
- Providing housing information and search assistance;
- Determining participant income and rent contributions;
- Inspecting units for compliance with Housing Quality Standards; and
- Processing rental payments to landlords

Accounting Standards

BHS and the subrecipient(s) shall comply with 2 CFR Part 200 – the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (i.e. Uniform Guidance). As part of this Uniform Guidance, the subrecipient shall adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs

incurred. The subrecipient shall seek advice from a qualified accountant with federal funding experience at the beginning of the grant period to ensure that the subrecipient's existing accounting system is in compliance with federal standards. The current version of the Uniform Guidance, 2 CFR 200 is available at: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl.

Billing and Monthly Invoicing

Monthly Invoices:

The subrecipient prepares the Complete Monthly Invoice to request funds from DHHS/BHS, which is submitted by the 15th of the following month that the expenses were incurred. For example: Reimbursement for expenses incurred in January must be received by BHS by February 15th. Invoices shall be submitted to: DHHS: Bureau of Housing Supports Invoices <housingssupportsinvoices@dhhs.nh.gov>

Invoicing and Payment Processing

The subrecipient submits to BHS requests for reimbursement based on the budgets attached to the contract using the standardized invoice form attached to each contract and if applicable (for leasing and rental assistance projects), the Backup rent form ([Forms list #4](#)). Subrecipients are required to maintain source documentation for all funds requested and matched which may include, but is not limited to, time and attendance records, payrolls, invoices, canceled checks, paid bills, purchase orders, and other sufficient documentation to verify the expenditures.

Required Documentation

Invoices must identify match funds and sources expended during the billing period, and must be backed up with source documentation for matching funds. The documentation must verify that the cost was incurred within the month submitted on the invoice.

The following documents must be submitted, separately, with the invoice each month to BHS:

1. Supportive Services Master Spreadsheet; Forms list #5.
2. Any new rental calculations or changes in rental calculations; and
3. For leasing and rental assistance projects, the Rental or Leasing Assistance spreadsheet, Forms list #4.

Checklist

- Timesheets include specific hours worked and hours are broken down by CoC Program areas, CoC programs, Administration functions, etc.
- Timesheets are signed by employee
- Timesheets are signed by a supervisor

Unless there is a specific corrective action plan between BHS and a subrecipient, subrecipients are expected to maintain all source documentation and make this documentation available to BHS and HUD upon request. BHS may request this

documentation during scheduled or unscheduled desk audits and in the annual monitoring visit.

Documenting Eligible Costs

Eligible costs fall into spending categories including: personnel, third party contractors, supplies, mileage, equipment, utilities, furniture, food, and rent. The documentation requirements for these spending categories are generally the same regardless of the Eligible Cost with the exception of personnel, which has additional requirements.

Personnel

Under each eligible cost, HUD has stated that the costs of staff and direct overhead for carrying out eligible activities for each of the eligible activities under the CoC Program are to be charged to the eligible budget line item for that activity (e.g., maintenance worker should be charged to the operating budget line item, and costs of administering rental assistance should be charged to the rental assistance budget line item). Therefore, these costs (staff and overhead) should not be charged to the project administration budget line item. Only those staff and overhead costs related to carrying out project administration should be charged to the project administration budget line item.

All employees charged to federal grants or whose time is to be considered required match to a federal grant, **must maintain time and effort reporting**. These requirements include supervisory staff such as Executive Directors, who bill a portion of their time to the program. These time and effort records must be maintained and submitted with the monthly invoice to BHS. . Time and effort records become subject to review during audits, monitoring, or other situations that require the subrecipient to provide evidence that time funded by the HUD CoC grant or used as match was spent working towards the grant's objectives. Subrecipients may hire staff to operate their project. These often include supportive services staff such as case managers, operations staff such as maintenance workers and janitors, and administration staff such as a bookkeeper or administrative assistance. At times the staff person may wear only one hat (i.e. perform one job function on one grant) but often staff wear many hats (and perform multiple jobs on one grant or work on more than one grant).

Remember, under each eligible cost, HUD has stated that the costs of staff and direct overhead for carrying out eligible activities for each of the eligible activities under the CoC Program may be charged to the eligible budget line item for that activity (e.g., maintenance worker may be charged to the operating budget line item, and costs of administering leasing may be charged to the leasing budget line item).

Subrecipients should make sure they have the following documentation in place for all employee time for which they are seeking reimbursement:

- Timesheets
- Payroll company summary sheet or paystubs (demonstrating that the employee was actually paid)
- Activity sheets.

Timesheets

Subrecipients can use their own agency timesheet format as long as it contains the following:

- Employee Name;
- Pay period;
- Dates of service;
- Specific hours worked broken out by Program and/or CoC Budget Line Item (if applicable);
- Specific hours worked on non-CoC activities;
- Specific time attributed to agency-approved paid time off/leave time;
- Signature of employee;
- Signature of supervisor; and
- All time reported on the time sheet must add up to 100%.

Timesheets must be physically signed and dated by the employee and a supervisor. If an agency uses an electronic signature or related system, this process must prevent any overriding of employee time.

In addition to the timesheet, most payroll companies provides a summary of the employee's payroll including gross wages, hours worked, etc. The period covered by the timesheets and the payroll company summary sheets must align.

The Payroll Summary Sheet demonstrates that a payroll check was cut for the employee. It shows how much the employee was paid.

Fringe

Recipients can charge appropriate fringe benefit costs to the CoC program for staff performing CoC eligible activities. Some recipients have an annual fringe rate approved by a third-party auditor and can apply this rate to the hours billed or, recipients can calculate the fringe rate for each employee each pay period and apply that rate to the billing.

Time and Effort Reporting

All employees charged to the CoC grants or whose time is to be considered required match, must maintain time and effort reporting. These time and effort records **must be maintained by the subrecipient and submitted with the invoice monthly to BHS**. Time and effort records become subject to review during audits, monitoring, or other situations that require the subrecipient to provide evidence that time funded by the HUD CoC grant was spent working towards the grant's objectives.

There are two types of required time and effort records: (1) general semi-annual certifications and (2) detailed activity reports. The type of record that must be kept is based on the job responsibilities of the individual charged to the grant.

Semi-Annual Certifications (Single Cost Objective)

Employees who work on only one grant and only do one type of activity are considered to have a single cost objective. For example, a janitor who only works on Project A and only does janitorial duties on Project A would be considered to have a single cost objective. **It is rare to have a position that falls into a single cost objective.**

Positions that can be characterized as a single cost objective can create and maintain a Semi-annual Certification completed by the Employee and Supervisor. This Certification must identify the Employee's Name, Position, CoC Program, and Reporting Period (the previous 6 months). This document has the employee and a supervisor confirm that all of the employee's work during the previous 6 months was on the one project and the one budget line item. If a subrecipient has employees in this category they should maintain a copy of these Semi-annual Certifications along with the job description. Semi-annual Certification can be found in Appendix 3.

Staff costs must be tracked by the specific grant and include the actual time spent on eligible, approved activities. Budget estimates and allocations of time alone are not sufficient documentation to support staff charges to CoC Program grant or match. Documentation that supports staff costs must be kept for all staff who are reimbursed from the CoC Program grant or who are used as a match source.

Payroll disbursements must be backed up by employee time cards or timesheets. When a staff member's time is divided among different programs or different activities (e.g. 50 percent of time on one CoC Program grant and 50 percent of time on Agency Administrative Activities or another grant) then the organization must ensure that the employee completes and maintain timesheets and/or activity logs documenting in actual time the amount of time spent on each activity.

Subrecipients whose invoices seek reimbursement for staff costs must maintain the following documentation and have it available upon request, with a report from the agency financial system, general ledger or payroll that shows:

- Grant details;
- Total staff costs expended by eligible budget line item; and
- Individual staff costs by eligible budget line item.

Detailed documentation that supports staff time will be reviewed during the annual on-site visits. Documentation must meet all financial standards applicable to the CoC Program.

For example, Bill, a caseworker with 10 HUD clients and 10 non-HUD clients, must maintain detailed records of time spent working on each client's file separately. All direct costs, including personnel hours, require specific documentation. Bill must make sure he is not charging HUD for hours spent working on behalf of non-HUD clients.

Non-Personnel Costs

Non-Personnel costs include contractors or third party entities retained to provide either a one-time eligible service or regular on-going eligible services. Non-personnel costs also include eligible supplies and equipment that are purchased, utilities that are used, mileage expenses on personal vehicles and other transportation-related expenses, food, and rent and leasing charges.

Contractors and third party entities

The selection of all contractors and third party entities must align with the subrecipient's procurement policy to ensure that the selection was made in an open and competitive manner and that costs are reasonable.

If the service is an on-going, regular service the subrecipient should enter into a contract with the vendor for the service. This contract would outline the reimbursement rate or fee as well as the scope of services. For one-time or irregular services, a description of the work and any related materials or labor related to the work is needed.

Documentation to be maintained and available at the subrecipient's office includes: any contracts for services, any work orders or task orders generated, and the agency's procurement policy.

Supplies and Equipment

The purchase of supplies and equipment should align with the subrecipient's procurement policy. With the monthly invoice, the subrecipient will submit a receipt for the supplies and equipment. If the purchase is a building or housing unit specific a note with the address and/or unit number must be included in the documentation.

Mileage

At times employees must use their personal vehicles for work-related activities. This could be a case manager visiting participants in their apartments or a maintenance worker traveling to a unit to inspect a reported problem. If the subrecipient pays the employee for the use of their vehicle and wants to seek reimbursement from the CoC funds or seek match credit, documentation is required with the monthly invoice.

Reimbursement for mileage must be based on the subrecipient's mileage reimbursement rate. The subrecipient can elect to use the General Services

Administration (GSA) Reimbursement Rate or their own rate as long as it does not exceed the GSA rate. The GSA rate is updated annually.

Staff must maintain and submit documentation of the number of miles they traveled, the purpose of the trip, the date of travel. Tolls and parking can also be reimbursed with proper documentation submitted with the monthly invoice. Receipts for tolls and parking should be submitted when available or a memo explaining the cost (e.g. 2 hours at a meter = \$2.50). Parking tickets are not eligible for reimbursement. Subrecipients must maintain documentation that they reimbursed the employee for these expenses.

Subrecipient's Own Vehicle

If the subrecipient owns a vehicle and seeks mileage for the vehicle it owns, the subrecipient agency would follow the same procedures described above including maintaining a log with date, miles, purpose, etc. The only difference would be there would be no reimbursement made to a staff person.

Utilities

Utilities are an eligible operating expense (but not in units receiving rental assistance). In general, utility expenses may be incurred in housing owned by the subrecipient or in units leased by the subrecipient. In either case, documentation is required. The subrecipient will submit bills from the utility company and maintain documentation that it paid these bills.

Furniture

Under the CoC Interim Rule, furniture is only eligible under operations and must be for the operation of the housing program. As such the furniture must be retained for use in the project and cannot be kept by program participants. Furniture cannot be purchased in units receiving rental assistance since rental assistance and operations cannot be in the same unit.

The subrecipient would submit a receipt for the furniture with documentation on the address of the housing and any specific unit number, if applicable. The subrecipient must demonstrate a system for inventory control including when the furniture was purchased, type of furniture, date of purchase and housing where the furniture was moved. If the subrecipient has a system for inspecting the furniture (E.g. an annual inspection) then a note that the inspection took place and any findings.

Food

Food is only eligible under supportive services. Eligible food costs are those related to providing meals or groceries to program participants. Receipts for the purchase of food would be submitted with the monthly invoice if requested by BHS, or otherwise will be maintained on file for review during a BHS Monitoring Review.

If the subrecipient is using the donation of food as a match, the subrecipient must document either the value of the meal on a per meal basis using a negotiated per meal rate. If the subrecipient is using the value of the donated food it must document the value of the donated food and the provision of these donations to the CoC participants should be included.

Rental Assistance and Leasing

Subrecipients will track payments made to property owners on a monthly basis and submit the backup rent invoice with each invoice. In addition, invoices that include request for reimbursement for rental assistance or leasing shall include accompanying documentation with the following information:

- HMIS Client ID number;
- Unit size;
- Contract Rent;
- Utility Allowance;
- Apartment Rent;
- Tenant Portion of the Rent; and
- HAP Payment requested.

If there is a change in a participant's rental calculation or if a new participant enrolls in the project, the completed rental calculation must be included with the submitted Invoice to BHS.

Subrecipient agencies must include with the monthly billing submission a list of people looking for more than 60 days and the reasons why the people have been unable to initiate a housing subsidy.

Additional documentation related to units, (e.g. income documents, lease, HAPs, accounting reports, etc.) that supports the rental assistance or leasing funds will be reviewed during the annual site visit.

Operations

Invoices that request reimbursement for operations must include:

1. The specific item that is being charged under operations , which includes:
 - a) Maintenance and Repair;

- b) Property taxes and insurance;
 - c) Replacement Reserve;
 - d) Building security;
 - e) Electricity, Gas, Water or other allowable utilities;
 - f) Furniture; and/ or
 - g) Equipment (lease or buy).
2. For each item, there must be accompanying information in regards to the specific expense invoiced, including company and/ or staff time, and amount.

Supportive Services

Documentation for supportive service costs will be reviewed during the annual on-site visits. Documentation must meet all financial record standards. Supportive services costs must be tracked for actual time spent that addresses the special needs of program participants. All activities must be eligible activities, which are listed under 24 CFR 578.53.

Project Administration

Documentation for staff performing project administration duties should follow the procedures outlined above for personnel. For Third party vendors invoices with activities performed should be submitted. Full documentation for project administrative costs will be reviewed during the annual on-site visits. Documentation must meet all financial record standards in 2 CFR 200. Project administrative costs must be tracked for actual time spent on eligible activities under 24 CFR 578.59

Match

Subrecipients are required to submit match documentation including amounts with the monthly invoice. The match submitted must be consistent with the match letter and if in-kind services are utilized, it must be those services defined as MOU services. If the subrecipient agency would like to change the match committed, the agency must request, in writing, the change, reason for change, details of match source and funding amounts, in writing to the CoC Program Administrator.

The match for the month and the match to date encumbered is listed on a monthly invoice. If the match is not submitted for the month, a written explanation must be provided to BHS with the invoice. Documentation of the reason for the delay can be an email from the financial officer, director or manager of the project.

Timeframe for reimbursement of subrecipient

Per the State of New Hampshire's Exhibit B, (3) for each BHS state contract with subrecipient agencies:

Payment of Project Costs:

3.4.1 The State agrees to provide payment on a cost reimbursement basis for actual, eligible expenditures incurred in the fulfillment of this agreement, subject to the availability of sufficient funds.

3.4.2 The Contractor shall only be reimbursed for those costs designated as eligible and allowable costs as stated in Section 5. Expense Eligibility, Exhibit B. The Contractor must have written approval from the State prior to billing for any other expenses.

3.4.3 Eligible expenditures shall be in accordance with the approved line item not to exceed an amount as specified in this Exhibit, and defined by HUD under the provisions of Public Law 102-550 and other applicable regulations.

3.4.4 Payment of Project Costs shall be made through the utilization of funds as provided through the U.S. Department of Housing and Urban Development Title XIV Housing programs under the Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act), Subtitle A-Housing Assistance (Public Law 102-550), in an amount and time period not to exceed as specified in section 1.2 Exhibit B.

3.4.5 Schedule of Payments:

3.4.5.1 Reimbursement requests for all Project Costs shall be submitted on a monthly basis and accompanied by an invoice from the Contractor for the amount of each requested disbursement along with a payment request form and any other documentation required as designated by the State, which shall be completed and signed by the Contractor.

3.4.5.2 The Contractor shall keep records of their activities related to Department programs and services, and shall provide such records and any additional financial information if requested by the State to verify expenses.

3.4.5.3 Failure to submit required reports in Exhibit A, Scope of Services or Exhibit B, Methods and Conditions Precedent to Payment, or enter data into NH-HMIS, as specified in Exhibit A, Scope of Services, in a timely fashion could result in the delay or withholding of reimbursements until such reports are received or data entries are confirmed by BHS.

3.4.5.4 Invoices shall be submitted promptly to the address listed above in section 2.1.2. Exhibit B.

The final invoice shall be due to the State no later than forty (40) days after the contract completion date.

Original signature and documentation supporting this requisition and verifying "match" MUST be attached

Line of Credit Control System (LOCCS)

BHS will aim to drawdown funds from the HUD LOCCS system monthly. At a minimum, BHS will drawdown funds not less than quarterly for eligible, documented grant related expenses.

Program Income

Program income is generated when CoC Program grant activities result in the agency getting cash revenue. This is most common in Leasing and Operating projects when participants are charged a monthly occupancy charge.

Rental Assistance – The tenant portion of rent paid is paid to landlord and it is NOT program income. Subrecipients of tenant-based rental assistance (TBRA) should not be generating program income through program participant rent payments. This is because under TBRA in the CoC Program, the lease is between the program participant and the landlord. The program participant must be the sole tenant on the lease with the landlord. Additionally, the lease requires the program participant to pay rent directly to the landlord. Therefore, the program participant must not pay their rent share to the subrecipient agency. Subrecipient agencies are only allowed to bill the recipient for the subsidy portion of the rent being paid to the property owner.

Leasing and Operations – The tenant portion of rent paid to the subrecipient and it IS considered program income.

When program income is generated by CoC Program grant activities records must show that the program income was then expended on eligible CoC Program activities. These expenditures must be on eligible activities but are not limited to activities approved in the grant agreement.

Data Collection and Reporting

New Hampshire Homeless Management Information System (NH-HMIS)

Subrecipients are required to provide client level data into New Hampshire Homeless management Information System (NH-HMIS). Minimum data elements required by HUD, must be entered within 5 days of an individual's entry into the program.

See [http://nh-](http://nh-hmis.org/training/End%20User%20Training/ClientPoint/New%20Forms%202017/Universal%20and%20Common%20Data%20Elements%20ENTRY%20Form%2020171026%20HP.pdf)

[hmis.org/training/End%20User%20Training/ClientPoint/New%20Forms%202017/Universal and Common Data Elements ENTRY Form 20171026 HP.pdf](http://nh-hmis.org/training/End%20User%20Training/ClientPoint/New%20Forms%202017/Universal%20and%20Common%20Data%20Elements%20ENTRY%20Form%2020171026%20HP.pdf) for details on the data elements that must be collected.

New Hampshire has a dedicated HMIS Lead agency that addresses all the HMIS needs for the entire State of New Hampshire, including all three CoC areas (Manchester, Nashua, and the Balance of State). The lead agency works closely with the CoC's, providers, state, local, and public housing authorities to provide the most comprehensive and user-friendly system possible.

Subrecipients are required to reach out to the HMIS Lead agency to receive training and assistance to timely and accurate complete HMIS records for all participants and their household members. Each subrecipient is required to have at least one designated HMIS staff who is responsible for HMIS duties as they relate to each CoC Project contract.

Bi-Monthly Progress Report

Timely entry of HMIS data is required as reports are generated using NH-HMIS at BHS for project performance, and data quality reviews. These reports may include but are not limited to the following data:

- The number of participating individuals at the end of the reporting period;
- The number of vacancies at the end of the reporting period;
- The number of individuals who left the project during the reporting period;
- The number of new individuals who entered the project during the reporting period;
- The outlook for completion of the remaining Project Activities prior to the completion date; and
- Changes, if any, which need to be made in the Project or Project Activities.

Annual Performance Report (APR)

An Annual Performance Report (APR) is due to BHS from the subrecipient within 30 days after the end of the grant's operating year. The APR summarizes the activities and the performance of the project. Subrecipient agencies will submit the APR in the format requested by the State. BHS will submit the APR to HUD within 90 days of the end of the grant's operating year.

Fair Housing and Reasonable Accommodations

It is the policy of BHS to comply fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing.

BHS shall not deny any family or individual the opportunity to apply for or receive assistance under the CoC PSH program on the basis of race, color, sex, religion, creed, national origin, age, familial status, handicap or disability. In addition to these protected classes, New Hampshire prohibits discrimination based on age, marital status, sexual orientation, and/or gender identity per RSA 354 A:2.

The Fair Housing Act 42 U.S.C. § 3601 –19 makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.

Reasonable accommodation requests must be submitted in writing to the subrecipient agency and documentation kept on file.

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. A written request for a reasonable accommodation must include 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.

Some examples include:

- Assigned parking space for a person with a mobility impairment;
- Assigned lower mailbox for a person who uses a wheelchair; and
- Permitting an assistance animal in a “no [pets](#) building for a person who is deaf, blind, has seizures, or has a mental disability.

Depending upon the circumstance this information may be provided by the individual, a doctor or medical professional, a peer support group, a social service provider, or a reliable third party.

Subrecipients must notify BHS when a reasonable accommodation will have a financial impact on the program. BHS may refuse to approve the requested accommodation in consultation with the subrecipient after consideration of various factors, such as the cost of the requested accommodation, the financial resources of the subrecipient agency, the benefits that the accommodation would provide to the participant, and the availability of alternative accommodations that would effectively meet the participant's disability-related needs.

When the subrecipient refuses a requested accommodation because it is not reasonable, the subrecipient agency should discuss with the requester whether there is an alternative accommodation that would effectively address the subrecipient's disability-related needs without a fundamental alteration to the subrecipient's operations and without imposing an undue financial and administrative burden. These discussions often result in an effective accommodation for the participant that does not pose an undue financial and administrative burden for the subrecipient agency.

Environmental Reviews

BHS is responsible for working with the designated responsible entity to complete environmental reviews for each CoC Program project.

BHS follows the following standards to complete the review:

- Conducted by an authorized entity, such as town, city, municipal or state government on ALL CoC Program-funded projects.
- Recipient must obtain from obligated party a copy of completed environmental review and follow up every 5 years.
- A simple desk review is required of Leasing and Rental Assistance projects. TBRA, Operations and Supportive Services projects must complete a paper review, but are all categorically excluded from review.

When necessary, BHS will request site information from subrecipients to complete the review.

Match

Match is required for all CoC Program projects. The match required is a minimum of 25% of the total award excluding any amounts for leasing. Leasing funds do not require a match; other funds awarded to a leasing project are bound to the 25% match requirement. See [Invoices](#) for when documentation of actual match is required.

Matching funds are not connected to any one budget line item (BLI), but are for the overall award.

- Match can be cash and/or in-kind services.
- Match may also be donated goods and services.
- Some donated goods include: food, furniture, clothing, diapers etc.

Matching funds, cash and in-kind, must be utilized for eligible and allowable CoC Program costs as listed in subpart D of the CoC Program interim rule for each project type. Match must be committed on the letterhead of the agency(s) providing match.

In-kind services, require a Memorandum of Understanding (MOU) on the agency letterhead prior to the start of the operating year, and must indicate services will be rendered during the operating year.

Services that are not listed in the MOU are not eligible match.

Rental Assistance – The tenant portion of rent paid is paid to landlord and it is NOT program income and cannot be used as match.

Leasing and Operations – The tenant portion of rent paid to the subrecipient and it IS program income and can be used as match.

Match must be documented throughout the grant cycle. Proof of match expenditures must not only show that enough matching funds have been secured, but also that the funds have been spent on eligible activities. Records documenting match must indicate which grant and operating year the match is counted toward, as well as the value and use of match to demonstrate it was used for eligible costs.

Cash Match

Cash match is when the BHS or subrecipient, is using cash resources to pay for an eligible cost, including staff time to carry out an eligible activity, with funds from the agency (e.g. fundraising cash, grants, etc.) that are not CoC Program grant funds.

Cash match must be substantiated in a commitment letter and then must be tracked through the recipient or subrecipient's financial statements, general ledgers, and other records that reflect yearly financial status to show that the cash was spent on eligible program expenses within the grant term.

The cash match written commitment must be documented on the committing agency's letterhead and must be signed and dated by an authorized representative of the agency providing the cash match. The documentation, at a minimum, must include the following:

- Amount of cash to be provided for project
- Specific date the cash will be available to the project
- Grant and fiscal year to which the cash match will be contributed
- Allowable activities to be funded by the cash match
- Documentation of expended match needs to include:
 - Agreement for cash match;
 - Cash match tracking which is done according to general accounting principles in the general ledger; and
 - Source documentation that cash match is spent on eligible activities under CoC Program interim rule.

In-Kind Documentation

In-kind match is when another provider agrees to provide funds for eligible costs, including staff time to carry out an eligible activity, with funds from their agency that are not CoC Program grant funds.

In-Kind Property, Equipment, or Goods Documentation

In-kind property, equipment, or goods must be substantiated in a commitment letter and must be tracked by the recipient or subrecipient to demonstrate that these items were delivered to the project and, if applicable, its participants during the grant term. Written commitments for in-kind property, equipment, or goods must be documented on the committing agency's letterhead and must be signed and dated by an authorized representative of the agency providing the in-kind match. The documentation, at a minimum, must include the following:

- Description and value of the donated property, equipment, or goods;
- Specific date the property, equipment, or goods will be made available to the project;
- Grant and fiscal year to which the property, equipment, or goods will be contributed; and
- Method used to determine the value of the property, equipment, or goods

Land, buildings, and equipment are allowable in-kind match sources, but a recipient must determine how they will use these resources as match. For example, the full value of the property, as determined during the first year it is utilized as match, can be counted once, in a lump sum within a single grant year or over multiple grant terms as a prorated amount of the original value. The prorated amount is the full original value of the asset divided by a set number of years, which is then counted in multiple grant years. It is important to understand that proration is not the same as depreciation. Depreciation is a reduction in the value of an asset through the passage of time, due, in particular, to wear and tear. Depreciation is not an allowable source of match.

In-Kind Services Documentation

In-kind services must be substantiated in a Memorandum of Understanding (MOU), and then must be tracked by the recipient or subrecipient to show that the services were delivered to program participants during the grant term. Any services or benefits committed to a program participant rather than the recipient or subrecipient through an MOU are generally ineligible to be counted as match.

Written commitments of in-kind services, during the application, must be initially documented on the committing agency's letterhead. The document must be signed and dated by an authorized representative of the agency providing the in-kind services. An MOU must be in place between the recipient/subrecipient and service provider by the time of grant execution and must include detail of the in-kind services, their value, and the calculation method to be used in determining their value. Any services provided prior to the execution of the MOU cannot be counted towards match.

Each MOU must:

- Establish the unconditional commitment to provide the services, provided that the project is selected for funding by the CoC and HUD;
- Specify the services to be provided to the project;
- List the profession of the person who will provide the services;
- Include the hourly cost of the services;
- List the grant and fiscal year to which the in-kind match will be contributed; and
- Detail the system to be used to document the actual quantity and value of the services provided to program participants during the grant term.

During the grant term, the actual in-kind services provided to participants must be documented. The documentation must include the following:

- Quantity of services provided;
- Value of the services; and
- Date(s) on which the services were provided.

Subrecipients must request information from third-party service providers on in-kind service match activity at least annually and are responsible for verifying that the match is eligible and related to program participants served in the operating year.

Timing of Match Commitment Documentation

Application

Match sources to meet the requirements listed above must be identified and committed, signed, and dated on letterhead within 60 days of the release of the Notice of Funding Allocation (NOFA) unless otherwise directed in the CoC Program NOFA. BHS will provide match templates for subrecipients to complete and submit with their CoC Program NOFA project application(s).

Contract Execution

At time of contract execution, BHS requires subrecipients to verify the match source listed in the application is still available to support the match requirement. If the subrecipient wishes to change a match source they need BHS approval and new documentation must be submitted and approved by BHS that meets the standards in the CoC Program regulations.

The subrecipient agency must secure match documentation for the full amount of the project award.

Changing Match Source After the Start of an Operating Year

BHS understands that changes occur at the project level and this could include needing to change the source and type of matching funds. If the subrecipient wishes to change a match source, they need BHS approval and new documentation must be submitted and approved by BHS that meets standards in the CoC Program regulations.

Tracking Match

After contract execution and before the end of the grant year, subrecipients are required to track match expenditures and ensure that match documentation is present for at least 25% of the project's expended funds minus leasing. In some situations DHHS provides a portion of the subrecipient's match toward administrative funds. In these cases, BHS notifies the subrecipient of this arrangement and BHS tracks over the grant period that the State match requirement is being met. BHS staff complete monthly time studies by program area.

See [Billing and Monthly Invoicing Section](#) for requirements for submitting match documentation to BHS.

Section 13: Subrecipient Required Policies & Procedures

Subrecipients must establish and maintain policies and procedures for ensuring that CoC Program funds are used in accordance with the requirements of the CoC Program interim rule. The box below provides a list of the requirements, which that explained below.

Checklist of Required Subrecipient Policies and Documentation

- Board of Directors or equivalent policy making entity with at least one homeless/formerly homeless individual
- Conflict of Interest Policy
- Code of Conduct
- Procurement Policy
- Recordkeeping Policies and Procedures
- Nondiscrimination and Reasonable Accommodation/Modification Policy
- Affirmative Marketing /Outreach to those Least Likely to Apply
- Faith Based Organizations must have policies regarding the CoC-funded program which prohibit discrimination and required participation in religious activities; require overtly religious activities to be separate in time or place; and provide for referral to an alternate program for a participant who objects to the religious character of the subrecipient
- Program Rules, Grievance and Appeals and Termination Procedures
- Self-Monitoring Process

Homeless Consumer Participation

BHS and subrecipients must provide for the participation of at least one homeless or formerly homeless individual on the board of directors or other equivalent policymaking entity.

BHS and subrecipients must document compliance with the homeless participation requirements with a Board or policymaking entity list which identifies a homeless or formerly homeless person.

Conflict of Interest

The agency must have policies which prohibit both organizational conflicts of interest and other conflicts of interest.

Organizational Conflict of Interest

An organizational conflict of interest arises when, because of activities or relationships with other persons or organizations, the subrecipient is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance under this part, or when a covered person's objectivity in performing work with respect to any activity assisted under this part is or might be otherwise impaired. Such an organizational conflict would arise when an employee of a subrecipient participates in

making rent reasonableness determinations and housing quality inspections of property that the subrecipient or a related entity owns.

Other Conflict of Interest Requirements

No covered person¹ may obtain a financial interest or benefit from an assisted activity, have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity, or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or during the one-year period following his or her tenure.

The subrecipient must have a written Conflict of Interest Policy and must keep records documenting compliance with the policy.

Code of Conduct

Subrecipients must maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts.

Requirements for Subrecipient Code of Conduct

- No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.
- The officers, employees, and agents of the subrecipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub-agreements. However, subrecipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
- The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the subrecipient.

Subrecipients must have written Code of Conduct.

Procurement

Subrecipients must comply with the Procurement Standards in 2 CFR Part 200.318, which can be summarized generally as follows:

- The purchase complies with the organization's documented procedures in place;

¹A person who is an employee, agent, consultant, officer, or elected or appointed official of the Subrecipient and who exercises or has exercised any functions or responsibilities with respect to activities assisted under the CoC Program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under CoC Program.

- Purchases are necessary;
- Open competition (to the extent required by each method);
- A conflict of interest policy; and
- Proper documentation for the purchases.

BHS requests a copy of the subrecipient's documented procedures in place.

Recordkeeping: Confidentiality & Retention

Confidentiality of Records

Subrecipients must develop and implement written procedures to ensure:

- All records containing protected identifying information of any individual or family that applies for and/or receives CoC Program assistance will be kept secure and confidential.
- The address or location of any family violence project assisted with CoC Program 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 pre-existing privacy policy of the Subrecipient and consistent with State and local laws regarding privacy and obligations of confidentiality.

Period of Record Retention

All records containing information related to CoC Program funds and activities must be retained and kept accessible for either 5 years or the period specified below, whichever is longer. Copies of records may be substituted for original records.

Program participants' qualifications, eligibility documentation, and other program participant records must be retained for 5 years after expenditure of all funds from grant under which program participants were served.

Records for acquisition, new construction, and rehabilitation must be retained for 15 years following the date the project is first occupied, or used, by program participants. Only those records related to the acquisition, rehabilitation, or new construction must be retained for 15 years. All other records must be retained for the period of time specified above.

Nondiscrimination and Reasonable Accommodation/Modification Policy

CoC Programs must operate in compliance with federal nondiscrimination and equal opportunity requirements, including the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. The requirements of executive orders regarding equal opportunity and opportunities for minority- and women-owned businesses apply.

Subrecipients may not discriminate on the basis of actual or perceived sexual orientation, gender identity or marital status. The age and gender of a child under age 18

must not be used as a basis for denying any family's admission to a project that receives CoC program funds.

For persons with disabilities, fair housing law makes it illegal to: (1) fail to make reasonable accommodation in rules, policies, and services to give a person with a disability equal opportunity to occupy and enjoy the full use of a housing unit and (2) fail to allow reasonable modification to the premises if the modification is necessary to allow full use of the premises.

Subrecipients must have written policies regarding Nondiscrimination and Reasonable Accommodations/Modifications.

Affirmatively Furthering Fair Housing

A subrecipient must implement its programs in a manner that affirmatively furthers fair housing, which means that the subrecipient must:

- Affirmatively market its housing 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;
- Where a Subrecipient 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
- Provide program participants with information on rights and remedies available under applicable federal, State and local fair housing and civil rights laws.

To document compliance with the requirements to affirmatively further fair housing, Subrecipients must maintain copies of marketing, outreach, and other materials used to inform eligible program participants who are least likely to apply, in the absence of special outreach, for the project.

Faith-Based Activities

Subrecipients shall not, in providing program assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief, including a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

Explicitly religious activities (such as worship, religious instruction, or proselytization) must take place separately (in time or location) from CoC-funded activities and must be voluntary for participants in CoC-funded programs.

A faith-based organization receiving CoC funds may maintain its independence and religious character. Faith-based organizations may use space in their facilities to provide program-funded services, without removing or altering religious art, icons, scriptures, or other religious symbols. A CoC program-funded religious organization retains its authority over its internal governance, and it may retain religious terms in its

organization's name, select its board members on a religious basis, and include religious references in its organizations mission statements and other governing documents.

If a program participant or prospective program participant of the CoC program supported by HUD objects to the religious character of an organization that provides services under the program, that organization shall, within a reasonably prompt time after the objection, undertake reasonable efforts to identify and refer the program participant to an alternative provider to which the prospective program participant has no objection.

Subrecipients that are faith-based organizations must document compliance with the faith-based activities requirements.

Program Rules, Grievance and Appeals and Termination Procedures

The subrecipient must develop written program rules (if applicable to project design) and termination procedures that comply with the '[Exit/Termination Process](#)' requirements of this manual.

Participants must be provided a copy of the program rules, grievances and appeals procedure and termination process prior to project assistance. The participant file must contain proof that applicable procedures and rules were given to them before receipt of assistance.

Self-Monitoring








Each subrecipient must develop written policy and procedure to conduct internal monitoring of project activities to ensure compliance. Written records of self-monitoring should be kept and may be reviewed by BHS.



BHS Subrecipient Monitoring Policy







BHS is the recipient for many HUD CoC Program funded projects and works closely with local providers as subrecipients to deliver the housing and services to eligible participants. As part of this contractual relationship, BHS conducts subrecipient monitoring at least annually through a combination of on-site and remote monitoring reviews.








Appendices

Form List

	Intake/ Acceptance	Interim or Quarterly Recertification	Annual Recertification	Termination	Form
1. Activity Sheets					 BLANK Activity Log 7.12.19.pdf
2. Time Sheets					 Sample timesheets.pdf
3. Instructions for Completing Activity and Time Sheets					 BoSCoC Instructions for time
4. Rental or Leasing Assistance spreadsheet sample					 Rental or Leasing Assistance Spreadsh
5. Supportive Services Master Spreadsheet					 Supportive Services Master Spreadsheet
6. BHS Appeals Policy					 Appeals policy 12.10.19 FINAL.pdf
7. BHS CoC Program Chronic Homeless Documentation Checklist	√				 Chronic-Homelessn ess-Documantation-

	Intake/ Acceptance	Interim or Quarterly Recertification	Annual Recertification	Termination	Form
8. CES Referral	√				N/A
9. Project Application with supporting eligibility documents <ul style="list-style-type: none"> • Proof of homelessness • Disability Verification or SSI/SSDI statement (PSH only) 	√				Homeless Verification Form coming soon!
10. Notice of Acceptance or Notice of Denial of Eligibility	√				
11. Release(s) of Information	√		√		
12. HMIS Release of Information	√		√		 NH-HMIS ROI Oct2018 v2 10_10_18  NH-HMIS SUD ROI Oct2018 v2 10_10_20
13. Grievance Procedure with Participant Signature	√				

	Intake/ Acceptance	Interim or Quarterly Recertification	Annual Recertification	Termination	Form
14. Employment/Income Verification Form	√	√	√		 Employment Income Verification
15. Employment Worksheet	√	√	√		 Employment Worksheet.pdf
16. Extension Request					
17. HMIS Data Sheet Entry, annual, and termination	√		√	√	 NH-HMIS-Entry-Que stions-CoC,-ESG,-SG  NH-HMIS-Exit-Form ---CoC,-ESG,-SGIA,p  NH-HMIS-Update-F orm---CoC,-ESG,-SGI
18. Case Notes	√	√	√	√	
19. Rapid Rehousing Notice of Rental Subsidy Terms and Conditions	√		√		
20. Rent Reasonableness Form	√				 Rent Reasonableness for

	Intake/ Acceptance	Interim or Quarterly Recertification	Annual Recertification	Termination	Form
21. Request for Unit Approval					
22. HQS Inspection	✓		✓		 HQS Inspection Form.pdf
23. Housing Assistance Payment Contract	✓	✓	✓		 Housing Assistance Payment Contract 7.
24. Housing Stability Plan-Sample	✓	✓	✓		 Housing Stability Plan.pdf
25. Lead-Based Paint Pamphlet and Landlord Disclosure Form	✓				 ProtectYourFamilyFromLeadinYourHome  LL Disclosure of Lead Form.pdf
26. Rental Calculation (March 16, 2018)	✓	✓	✓		 Rent worksheet 8.2017.xlsx
27. Unemployed and \$0 Income Statement	✓	✓	✓		 Unemployed and \$0 income statement

Source documentation Examples

The following are examples of source documentation but this list is not exhaustive of all documents that are required to be compliant with documentation grant costs.

Salaries and Wages

- Signed timesheets with supervisory approval
- Payroll register
- Employment contract
- Cancelled checks/ Direct deposit schedule

Benefits Documentation

- Insurance policy
- Paid invoices and receipts
- Claims made against the insurance
- Cost allocation plan

Travel Documentation

- Authorization/reimbursement requests
- Paid invoices and receipts
- Per diem rates (applicable for area if applicable)
- Mileage calculation
- Connection to grant

Supplies

- Purchase orders
- Packing slips
- Paid receipts and invoices
- Donated Supplies, i.e., in-kind donations
- Connection to grant

Training

- Agenda
- Course description, cost
- Sign-in sheet
- Consultant/trainer agreement
- Paid invoices and receipts
- Connection to grant

Sample Recertification Timetable

Action	Timetable
The grantee sends Ms. Martin a letter notifying her that recertification needs to occur. This letter lists the information that needs to be provided and the date due; the tenant needs to have sufficient time to get all the required documentation.	February 1st
Once she receives this letter, Ms. Martin asks her employer for a letter verifying her income as well as a letter from the bank with the income generated from her checking account.	February 15th – March 15th
Tenant household has collected all necessary information and provides it to the grantee.	March 15th
The grantee reviews the information and calculates Ms. Martin's rent for the coming year. The grantee notifies Ms. Martin of the rent at least a month in advance so she has time to gather funds if the rent has increased.	Review and rent calculation by March 25th Ms. Martin notified of new rent by April 1st
New rent takes effect	May 1st