



Southern Nevada Homelessness Continuum of Care Monitoring Working Group Policies & Procedures

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INTRODUCTION

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) amended the McKinney-Vento Homeless Assistance Act. Among other changes, the HEARTH Act consolidated the three separate McKinney-Vento homeless assistance programs (Supportive Housing Program, Shelter Plus Care program, and Section 8 Moderate Rehabilitation SRO program) into the Continuum of Care (CoC) Program. The Emergency Solutions Grant, formerly known as the Emergency Shelter Grant will also be incorporated into the CoC system.

The CoC Program is designed to assist individuals, including unaccompanied youth, and families experiencing homelessness move into transitional, rapid rehousing, and permanent supportive housing, with the goal of long-term stability.

This policy manual reflects both the federal regulations of Title 24 Code of Federal Regulations Part 578 that governs the CoC, and the policies used SNHCoC Board in administration of this grant as directed by the U.S. Department of Housing and Urban Development (HUD). In addition, standards for financial management and internal controls reflect federal regulations 24 CFR part 200 entitled Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (OMB Uniform Guidance). SNHCoC Board is also responsible for assuring the environmental regulations of 24 CFR Part 50 and 58 are met.

Changes may occur as statutory interpretations and clarifications become available from HUD or as SNHCoC Board rules or guidelines are revised. No part of this policy guide shall override the rules set forth by the federal oversight of HUD.

1. MONITORING WORKING GROUP

A. PURPOSE

The Continuum of Care Program (CoC) is authorized by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) enacted into law on May 20, 2009 which consolidates three of the separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program. The HEARTH Act also codifies in law the Continuum of Care planning process.

Funding is awarded to CoCs through HUD's annual Notice of Funding Availability (NOFA). SNHCoC Board is the administrator of the COC and serves as the Collaborative Applicant to HUD in the funding process. The Monitoring Working Group (MWG) is a sub-committee of the SNHCoC and is charged with leading efforts as it relates to performance of the community's CoC including bed availability/capacity; monitoring the Community Queue in relation to coordinated intake; impact of outreach efforts; performance of HUD sub-grantees; creation/updating monitoring tools, and oversight of the external monitoring team.

B. Make-up of the Monitoring Working Group

The MWG consists of a member from the external monitoring team, collaborative applicant, each municipalities, and assorted non-profits. This is an open meeting and all members of the SNHCoC are encouraged to attend.

C. Meetings

Meetings of the MWG are held the second Wednesday of every month. Interested parties are able to attend meetings in person or by calling-in to a pre-designated number.

D. External Monitoring Group

CoC Planning Grant dollars support an External Monitoring Group, which expedites full monitoring of all HUD-funded CoC and ESG projects. This team administers a project performance tool, which is informed by performance reports from Clarity (Homeless Management Information System/Community Management Information System) HMIS/CMIS. Additional monitoring elements include compliance with verifying and documenting participant eligibility, not only in practice, but also reflected in program policies and procedures. Utilization rates (bed occupancy rates) and spending rates are also monitored.

The team conducts full on-site monitoring and complete appropriate monitoring tools accordingly. During the monitoring, the team reviews how the program is administered and provides technical assistance or direct recommendations to the project provider toward capacity building.

Upon completion of each project's monitoring, the team works with the project provider toward addressing observations and areas of improvement, provides technical assistance around course corrections, and performs secondary full monitoring if needed. The team then provides a full monitoring report containing a summary of their activities, findings, improvement efforts, and recommendations for overall improvements to the MWG.

E. Monitoring Timeline

CoC monitoring occurs from August through March, with the monitoring period encompassing the previous year July through June. ESG monitoring occurs from April through July and encompassed the previous year January through December.

F. How Are Organizations Selected for Monitoring (Risk Assessment)

For proposals received from organizations that have not had a prior CoC grant, a risk assessment will be completed by the external monitoring team for review by the Monitoring Working Group. The risk assessment will include an evaluation of the agency's financial position, operational activities, community participation, leadership, and governance. The results of the risk assessment will be forwarded to the Evaluation Working Group and the Scoring & Ranking Committee for consideration.

2. GENERAL REQUIREMENTS

A. Coordinated entry

Subrecipients of Continuum of Care funding must use the coordinated entry process designed by the Continuum of Care. Referrals to programs should be visible in all client history in HMIS. More information about the Coordinated Entry process can be found here: <http://helphopehome.org/wp-content/uploads/2019/01/Southern-NV-CES-PP-final-draft-1.2.18.pdf>

B. Data Collection and Evaluation

Subrecipients must enter data on all persons served and all activities assisted under CoC into the applicable community-wide Continuum of Care HMIS (Clarity) or comparable database. A comparable database is defined as a data collection/information system used by a victim service provider or legal service provider that collects client-level data over time and generates unduplicated aggregate reports based on the data in accordance with the requirements of 24 CFR 578. The comparable database must comply with all HMIS data information, security, and processing standards, as established by HUD in the notice.

Activities funded by CoC/HUD must comply with HUD's standards on participation, data collection and reporting under a local HMIS. See 578 for eligible activities. All client and program activity is expected to be entered into HMIS as close to real time as possible. Data entry timeliness is frequently monitored and is a scoring factor during project performance monitoring.

C. Recordkeeping and Reporting

Sufficient records must be established and maintained to demonstrate that CoC requirements are being met. There is an additional requirement to develop and implement written policies for recordkeeping that comply with the provisions established under CFR 24 Part 578.

Documentation of Participant eligibility and assistance provided must be retained for 5 years after the expenditure of all funds from the grant under which the program participant was served. Subrecipients must submit annual performance reports to SNHCoC Board. The program must maintain documentation on all households seeking assistance. If determined ineligible, documentation must reflect the reasons.

All recipients and subrecipients of CoC/HUD funding must comply with general and project specific recordkeeping requirements, per specific components of the Community Planning and Development (CPD) Monitoring Handbook 6509.2 REV-6 CHG-2 found here:

https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/6509.2.

D. Financial Management

Subrecipients should submit draws regularly; per the Interim Rule, drawdown of funds must occur at least quarterly. Subrecipients must provide matching funds equal to the amount specified in the Grant Agreement.

E. Conflicts of Interest

Assistance may not be conditioned on use of services or shelters owned by the subrecipient including a parent or subsidiary. A subrecipient cannot conduct the initial evaluation for individuals/families occupying housing owned by the subrecipient, including a parent or subsidiary.

For employees, agents, consultants, officers, or elected or appointed officials of the subrecipients there is a prohibition on obtaining a financial interest or benefit from an activity (including an interest in any contract/subcontract/agreement) either directly for him/herself or for familial/business ties during tenure or for one year after.

All recipients and subrecipients of CoC/HUD funding should have a current conflict of interest

policy. They also must comply with conflict of interest requirements, per general as well as specific recordkeeping and procurement components of the CPD Monitoring Handbook 6509.2 REV-6 CHG-2 found here:

https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/6509.2.

The MWG recognizes that members represent interests of organizations who ultimately receive benefits from the CoC program. To ensure that individuals and organizations that best serve the needs of the community will not be denied funds because of their active participation on the MWG, and to confirm that members serve the needs of the community and not the interests of any organization or entity, conflicts of interest are clearly stated by all members of the group, specifically at the beginning of each meeting with member introductions.

Further, the MWG avoids perceived conflicts of interests around monitoring activities by carefully considering each member's associated agency when assigning programs to project performance reviewers. Assignments are developed so as not to assign any member to monitor a program in which that member may have an interest. The MWG adds an extra layer of partiality by utilizing the services of an External Monitoring Team to conduct full monitoring of all programs.

F. Confidentiality

Data systems, such as Clarity, for required homeless tracking statistics include ample safety measures for confidentiality as well. Subrecipients must have a policy outlining confidentiality of Personal Protected Information for all participants in the program, not just victims of domestic violence. 42 U.S.C. 11375(c) (5) requires subrecipients assisting participants in domestic violence situations to ensure that their records are kept confidential. Locations of domestic violence shelter facilities receiving CoC funds will not be publicly disclosed except with the written authorization of the person responsible for shelter operations.

The Monitoring Working Group (as a whole or any members thereof) shall disclose any confidential information acquired during official duties. Members shall ensure that information is accessible to only those with authorized access and on a "need-to-know" basis. Each member during and subsequent to their time of service has an obligation to uphold confidentiality standards. Each MWG member signs a confidentiality agreement upon entry or as otherwise deemed necessary; agreement can be found here:

<http://helphopehome.org/wp-content/uploads/2019/02/MWG-Personal-Identifying-Information-Procedures.pdf>

G. Project Planning

The activities necessary for carrying out the project will be outlined in the original CoC application and should be maintained throughout the grant period. Any additional, unplanned or unexpected activities may not be added to the project budget without prior approval by SNHCoC Board. Major changes from the original scope of the application might trigger a monitoring visit.

H. HMIS

All subrecipients of funding under the CoC program are required to use an HMIS, or comparable database, to record client-level data on all persons served and all activities assisted

under CoC in accordance with HUD's standards for an HMIS. Information about the current HMIS Data Standards can be found here:

<https://www.hudexchange.info/resources/documents/HMIS-Data-Standards-Manual.pdf>;

this manual provides information on data elements and reporting requirements in HMIS.

Real-time data entry in HMIS is the expectation of all programs. Data entry will be conducted in accordance with the Nevada Statewide HMIS Data Quality Plan. The plan can be found here:

<http://helphopehome.org/wp-content/uploads/2019/01/Nevada-Statewide-HMIS-Data-Quality-Plan.pdf>

I. Housing Quality Standards (HQS)

HQS is required for all CoC funded programs to ensure housing facilities are safe, sanitary, and adequately maintained. Subrecipients will be responsible for performing inspections, documenting and communicating failed items to landlords, and re-inspecting units. Annual HQS inspections and re-inspections must be submitted to SNHCoC Board for review. The long form copy for HQS can be found here:

<http://helphopehome.org/wp-content/uploads/2018/08/HQS-Inspection-Long-Form.pdf>

J. Environmental Review

Federally funded projects are subject to an environmental review process in 24 CFR Part 58. SNHCoC Board acts on behalf of HUD as the responsible entity to determine if the CoC activity complies with the requirements in 24 CFR Part 50 or 58. Any subrecipient requesting funds for activities under CoC may be subject to full or partial environmental review as applicable. SNHCoC Board will define the level of review required and complete and document all environmental requirements. The environmental review process must be complete before the project can be approved and funded. The environmental review instructions can be found here:

<http://helphopehome.org/wp-content/uploads/2018/08/CoC-ER-Request-Form-Instructions-updated-9-19-17.pdf>

K. Spending Deadline and Reallocation

A normal spending cycle for the CoC program is twelve (12) months, although new projects may sometimes have a multi-year budget. Subrecipients are expected to plan their budgets in a way that project goals are met by the end of the spending period with little or no budget adjustment. In the event that SNHCoC Board determines a subrecipient to be unable to spend all grant funds by the grant agreement deadline, funds may be reduced in subsequent funding rounds and allocated to a new project.

L. Financial Standards

Internal controls reflect the overall financial management of an organization. Standards for financial management systems of non-profit organizations may be found in 24 CFR 84. The following areas should be included:

- **Budget Controls:** Budget controls ensure the subrecipient will have a regular, on-going basis of comparison between actual expenditures and COC-budgeted amounts for the activities. The COC budget will cover intended project expenses with very little

necessity for adjustments during the grant period. Budget controls allow for timely adjustments should they be necessary and should show amounts paid in each budget category.

- **Accounting Controls:** If SNHCoC Board does not require full documentation to accompany draw requests, expenditures must be supported by invoices, contracts, purchase orders, etc. If minimal documentation is allowed with a draw, subrecipients must have detailed records onsite to provide a complete audit trail at any time.
- **Wages:** When supported by more than one funding source, wages must be documented by records that clearly show the time distribution and wage breakdowns between programs.
- **Financial records:** Subrecipients are required to maintain financial records relative to the CoC program for five (5) years after the end of the grant period.
- **Procurement Rules:** 24 CFR Part 84 provides regulations that govern the procurement of supplies, equipment, and services to ensure that they are obtained economically and competitively. Subrecipients may use their own procurement procedures as long as they conform to the regulations. Important elements for subrecipients to consider are a system to handle contract disputes; a code of conduct preventing conflicts of interest, some form of cost analysis to ensure economic purchases; positive efforts to use small and minority-owned businesses to the maximum extent possible.
- **Property Controls:** Federal regulations regarding property controls in 24 CFR 84.34(f) are for the purpose of tracking the assets purchased with grant funds to ensure that they are properly maintained, secure, and being used for authorized purposes. SNHCoC Board is required to do a periodic physical inventory on these items to verify their existence, current utilization and continued need. For this reason, agencies using CoC funds to purchase furnishings, vehicles, or equipment for a project should keep accurate records including the following: a complete description of the item purchased, a serial or other identification number, the source of funds and grant agreement number, the acquisition date, and the cost.
These items are federal property and cannot be disposed of without requesting permission and guidelines from HUD. If the subrecipient no longer needs the item for the grant project it may be used for other activities if the conditions of 24 CFR 84.34(g) are met.
- **Dates of Service:** Only expenses incurred during the grant period are allowable. This includes utility receipts that may have service dates beginning before this date, but ending within the grant period except in the case of homelessness prevention assistance. In this case, the date of service becomes the date the subrecipient issues a check for payment of delinquent bills. In most cases, however, when services begin before the date of award, receipts must be pro-rated to reimburse costs only for the eligible days within the service period.
- **Insufficient Documentation:** Insufficient documentation will delay the reimbursement process. Subrecipients will be contacted to provide clarification. If information is not received within two weeks, the questioned portion of the payment request will be denied.

M. Audits

OMB Circular A-133 requires organizations to comply with federal audit standards if they receive more than \$500,000 in federal funds during one year. If the subrecipient's organization does not fall under this requirement, an independent financial audit by a certified public accountant is required in lieu of the Single Audit as required in OMB Circular A-133. These audits must be kept current and submitted to the SNHCoC Board.

N. Records Maintenance

Subrecipients must also follow the guidelines for equipment/inventory record keeping and for program outcomes. CoC funding should be directly related to service delivery through transitional or permanent housing facilities and projects. Accurate results regarding these services to the homeless population should be systematically gathered and maintained in agency files for regular reporting purposes. HUD requires the SNHCoC Board to report consistently on not only the proper and timely expenditure of grant funds, but also on the types of program activities being funded and their evidence of measurable outcomes. Reliable agency data, demographic data, service data, and outcomes data will be gathered and verified through HMIS or a comparable database used for reporting.

O. Fair Housing and Equal Opportunity

Subrecipients are required to ensure that CoC-funded services are made available to all eligible persons on a nondiscriminatory basis, and to publicize this fact. This availability must reach persons of any particular disability, race, color, religion, sex, age, familial status, sexual orientation, gender identity, or national origin within the subrecipient's service area.

P. Documentation

Subrecipients must establish written policies specific to recordkeeping (documenting eligibility, assessments at intake and re-evaluation). Subrecipients must maintain documentation on all households seeking assistance. If determined ineligible, documentation must reflect the reasons.

Sufficient records must be established and maintained to demonstrate that CoC requirements are being met. Documentation of participant eligibility and assistance provided must be retained for five (5) years after the expenditure of all funds from the grant under which the program participant was served.

Chronic homeless documentation guidance can be found here:

<http://helphome.org/wp-content/uploads/2018/08/Chronic-Homelessness-Documentation-Form-Set-PDF.pdf>

Non-chronic homeless documentation forms can be found here:

<http://helphome.org/wp-content/uploads/2018/08/Non-Chronically-Homeless-Verification-Form-SAMPLE.docx>

Q. Participant Files

Participant files should not only document project eligibility but should include a detailed record of the services provided to each participant and the program funds that supported each service. Any information requested on the APR should be a regular part of recordkeeping

procedures for Subrecipients. Participant files should reflect dates, types, program costs, etc. of all services in order to document both efficient grant management and the success of the project. Records should be retained for at least five years after the end of the grant period.

Note: The Monitoring Working Group utilizes a case file review checklist to ensure a participant's eligibility has been verified and required documentation is present. The Case File Review Checklist can be found here:

<http://helphopehome.org/wp-content/uploads/2019/01/MWG-Case-File-Review-Checklist.pdf>

3. MONITORING

A. Definition of Homelessness

Under the CoC grant, there are four categories of homelessness and different documentation required for each type, as follows:

i. Category 1 – Literally Homeless

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

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

ii. Category 2 – Imminent Risk of Homelessness (Applies to High Performing Communities Only for CoC)

An individual or family who will imminently lose their primary nighttime residence, provided that:

- o Residence will be lost within 14 days of the date of application for homeless assistance;
- o No subsequent residence has been identified; and
- o The individual or family lacks the resources or support networks needed to obtain other permanent housing

iii. Category 3 – Homeless under other federal statutes

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

- o Are defined as homeless under the other listed federal statutes;
- o Have not had a lease, ownership interest, or occupancy agreement in permanent

- housing during the 60 days prior to the homeless assistance application;
- o Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and
- o Can be expected to continue in such status for an extended period of time due to special needs or barriers.

iv. Category 4 – Fleeing/Attempting to Flee Domestic Violence

Any individual or family who:

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

Every participant served by COC funds must qualify for assistance according to HUD standards. Subrecipients are responsible for determining this eligibility status for both homeless participants and those at risk of homelessness. This documentation may come from either the participant or a third party information source (the preferred source) and is typically obtained at intake, entry, or referral by another ESG service provider. A copy of the documentation must be kept in the participant file and made available to SNHCoC Board or HUD for monitoring or risk analysis purposes. Third party verification of homelessness status should be the primary method of documentation.

B. Documentation of Homelessness

i. Category 1 – Literally Homeless

1. Written observation by the outreach worker; or
2. Written referral by another housing or service provider; or
3. Certification by the individual or head of household seeking assistance stating that (s)he was living on the streets or in shelter;
4. For individuals exiting an institution – one of the forms above or
5. Written record of intake worker’s due diligence to individual that they exited institution.

ii. Category 2 – Imminent Risk of Homelessness (Only allowed in High Performing Communities for CoC)

1. A court order resulting from an eviction action notifying the individual or family that they must leave; or
2. For individual and families leaving a hotel or motel – evidence that they lack the financial resources to stay; or
3. A documented and verified oral statement; and

4. Certification that no subsequent residence has been identified; and
5. Self-certification or other written documentation that the individual lack the financial resources and support necessary to obtain permanent housing.

iii. Category 3 – Homeless under other Federal Statutes

1. Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; and
2. Certification of no permanent housing in last 60 days; and
3. Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; and
4. Documentation of special needs or 2 or more barriers

iv. Category 4 – Fleeing/ Attempting to flee domestic violence

For victim service providers:

1. An oral statement by the individual or head of household seeking assistance which states: they are fleeing; they have no subsequent residence; and they lack resources. Statement must be documented by a self-certification by the intake worker.

For non-victim service providers:

2. Oral statements by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; and
3. Certification by the individual or head of household that no subsequent residence has been identified; and
4. Self-certification, or written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing.

C. Definition of At-Risk Homeless Status

i. Category 1 Individuals and Families

An individual or family who:

1. Has an annual income below 30% of median family income for the area; AND
2. Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; AND meets one of the following conditions:
 - Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance; OR
 - Is living in the home of another because of economic hardship; OR
 - Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; OR
 - Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; OR

- Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; OR
- Is exiting a publicly funded institution or system of care; OR
- Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved Con Plan

ii. Category 2 Unaccompanied Children and Youth

A child or youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under another Federal statute

iii. Category 3 Families with Children and Youth

An unaccompanied youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) or that child or youth if living with him or her.

D. Documentation of At-Risk Status

i. Category 1 Individuals and Families

1. Written observation by the outreach worker; or
2. Written referral by another housing or service provider; or
3. Certification by the individual or head of household seeking assistance stating that (s)he is at imminent risk of homelessness; or
4. A documented and verified oral statement; and
5. Certification that no subsequent residence has been identified; and
6. Self-certification or other written documentation that the individual lack the financial resources and support necessary to obtain permanent housing.

ii. Category 1 Individuals and Families

1. Certification by the nonprofit or state or local government that the individual or household seeking assistance met the criteria of homelessness under another federal statute; and
2. Certification of no permanent housing in last 60 days; and
3. Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; and
 - a. Documentation of special needs or 2 or more barriers

iii. Category 1 Individuals and Families

1. Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; and
2. Certification of no permanent housing in last 60 days; and

3. Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; and
4. Documentation of special needs or 2 or more barriers.

E. Qualification for Assistance

§ 578.89 Limitation on use of grant funds to serve persons defined as homeless under other federal laws. (a) Application requirement. Applicants that intend to serve unaccompanied youth and families with children and youth defined as homeless under other federal laws in paragraph (3) of the homeless definition in § 576.2 must demonstrate, to HUD's satisfaction, that the use of grant funds to serve such persons is an equal or greater priority than serving persons defined as homeless under paragraphs (1), (2), and (4) of the definition of homeless in § 576.2. To demonstrate that it is of equal or greater priority, applicants must show that it is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B) of the Act, especially with respect to children and unaccompanied youth. Documentation of homelessness is necessary for participants to receive CoC service. CoC participants must use coordinated entry and the appropriate assessment tool based on the population. Qualification for assistance requires documentation on the person's living situation prior to becoming homeless.

F. Document Retention

§ 578.103 Recordkeeping requirements. (a) In general. The participant and its Subrecipients must establish and maintain standard operating procedures for ensuring that Continuum of Care program funds are used in accordance with the requirements of this part and must establish and maintain sufficient records to enable HUD to determine whether the recipient and its Subrecipients are meeting the requirements of this part, including: (1) Continuum of Care records. The collaborative applicant must keep the following documentation related to establishing and operating a Continuum of Care: 110 (i) Evidence that the Board selected by the Continuum of Care meets the requirements of § 578.5(b); (ii) Evidence that the Continuum has been established and operated as set forth in subpart B of this part, including published agendas and meeting minutes, an approved Governance Charter that is reviewed and updated annually, a written process for selecting a board that is reviewed and updated at least once every 5 years, evidence required for designating a single HMIS for the Continuum, and monitoring reports of recipients and subrecipients; (iii) Evidence that the Continuum has prepared the application for funds as set forth in § 578.9, including the designation of the eligible applicant to be the collaborative applicant. All documents used to qualify for assistance will be verified at the time of monitoring. This may come in the form of copied or original documents. Monitoring authorities must be able to easily verify documents at an onsite-monitoring visit. HMIS data quality standards must be followed.

All records pertaining to Continuum of Care funds must be retained for the greater of 5 years or the period specified below. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records. Data entry will be conducted in accordance with CoC's HMIS data quality plan.

G. Performance Reporting

§ 578.107 (a) Performance reviews. (1) HUD or its designee will review the performance of each recipient in carrying out its responsibilities under this part, with or without prior notice to the recipient. In 115 conducting performance reviews, HUD will rely primarily on information obtained from the records and reports from the recipient and subrecipients, as well as information from on-site monitoring, audit reports, and information generated from HUD's financial and reporting systems and HMIS. Where applicable, HUD or its designee may also consider relevant information pertaining to the recipient's performance gained from other sources, including citizen comments, complaint determinations, and litigation. (2) If HUD or its designee determines preliminarily that the recipient or one of its subrecipients has not complied with a program requirement, HUD or its designee will give the recipient notice of this determination and an opportunity to demonstrate, within the time prescribed by HUD or its designee and on the basis of substantial facts and data that the recipient has complied with the requirements. HUD or its designee or its designee may change the method of payment to require the recipient to submit documentation before payment and obtain HUD's prior approval each time the recipient draws down funds. To obtain prior approval, the recipient may be required to manually submit its payment requests and supporting documentation to HUD or its designee in order to show that the funds to be drawn down will be expended on eligible activities in accordance with all program requirements. (3) If the participant fails to demonstrate to HUD or its designee's satisfaction that the activities were carried out in compliance with program requirements, HUD or its designee or its designee may take one or more of the remedial actions or sanctions. SNHCoC Board requires Subrecipients to submit necessary reports as requested. SNHCoC Board will notify Subrecipients when reports are due and provide parameters. The information reported must match the data entered by the Subrecipients in HMIS or a comparable database. All Subrecipients must follow the Nevada Statewide HMIS Data Quality Plan. The plan can be found here:

<http://helphopehome.org/wp-content/uploads/2019/01/Nevada-Statewide-HMIS-Data-Quality-Plan.pdf>

H. Risk Analysis and Monitoring

Using techniques, guidelines, and federal regulations at 24 CFR Part 578, SNHCoC Board has developed a process to ensure compliance with federal regulations, using the following:

- i. Failure to adhere to the grant agreement
- ii. Failure to draw funds in a timely manner
- iii. Failure to produce timely reporting
- iv. High staff turnover
- v. Has not had an on-site visit in two years

I. Non-Compliance

SNHCoC Board is responsible for ensuring compliance by Subrecipients found to be out of compliance with program requirements.

It is the hope of the SNHCoC that all sub-recipient agencies have all of the tools necessary to be in full compliance with HUD's regulations, the stipulations outlined in their funding agreement, and the requirements of the local CoC. It is the intent of the SNHCoC to support and provide

technical assistance to CoC sub-recipients in order to ensure that our homeless population receives the best care and services possible.

In the case that a sub-recipient is found to be noncompliant with any HUD regulations and/or requirements or those set forth by the SNHCoC, the local CoC will start the process of progressive consequences in an effort to help the sub-recipient back into compliance. The purpose of progressive consequence procedures is not to punish the sub-recipient, rather it is designed to help the sub-recipient come back into compliance as quickly as possible and to protect the effectiveness of services provided to our homeless population.

i. Level I:

If for any reason a sub-recipient is no longer in compliance with any of the HUD and/or local CoC regulations and requirements, the local CoC will provide technical assistance to the sub-recipient to help that agency return to full compliance.

ii. Level II

If for any reason a sub-recipient falls out of compliance a second time for the same or similar issue, the sub-recipient will receive an automatic 10-point deduction from the application submitted in the following funding year competition.

iii. Level III

If for any reason a sub-recipient falls out of compliance a third time for the same or similar issue, the local CoC will compose a letter to HUD outlining the sub-recipient's failure to comply with HUD and local CoC's regulations and requirements and request that a representative from HUD complete a full monitoring of the sub-recipient's program.

iv. Level IV

If for any reason a sub-recipient falls out of compliance for a fourth time on the same or similar issue, the sub-recipient will receive a one-year suspension, which will not allow the sub-recipient to apply for local CoC funding the following year.

It is with great hopes that the sub-recipient is able to work with the local CoC in a close partnership in order to provide quality services to our homeless community. The local CoC will do everything in its power to help the sub-recipient stay in compliance. The local CoC is available to answer questions, give guidance, and provide technical assistance if needed. It is the responsibility of the sub-recipient to reach out to the local CoC for assistance if the sub-recipient has any questions regarding regulations and requirements. It is the responsibility of the sub-recipient to know and understand all regulations and requirements set forth by HUD and the local CoC. Ignorance to regulations or requirements will not be accepted as a valid justification for noncompliance.