

HUD-Mandated Documentation for CoC-Funded Projects

Overview

This document will distinguish what documentation is *mandated* by HUD for CoC funded projects and what documentation is currently required by the community. Now more than ever programs should be lowering barriers to ensure that vulnerable persons have efficient and streamlined access to housing. Understanding what documentation is HUD-mandated and what documentation is optional or may be gathered after program entry may help identify community opportunities to lower barriers.

To this end, this document also includes references to temporary HUD Waivers released due to the COVID-19 public health emergency, a summary of which can be found [here](#). For quick reference, the following chart provides an overview of HUD-required documentation vs. community-required documentation, as of April 22, 2020.

HUD-Required Documentation	Additional Community-Required Documentation (NOT MANDATED BY HUD)
<p>Intake:</p> <ul style="list-style-type: none"> <input type="checkbox"/> HMIS Intake <input type="checkbox"/> HMIS ROI <input type="checkbox"/> Homeless Status <input type="checkbox"/> Chronic Homelessness Documentation <p>Move-in:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Client Income <input type="checkbox"/> Participant Rent Calculation <input type="checkbox"/> Rent Reasonableness and FMR Documentation <input type="checkbox"/> One-year Lease <input type="checkbox"/> VAWA Lease Addendum <input type="checkbox"/> Lead-Based Paint Documentation <input type="checkbox"/> HQS Inspection <input type="checkbox"/> Environmental Review <p>Ongoing and Annual Documentation:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Client Income <input type="checkbox"/> Services Provided <input type="checkbox"/> Program Participant Records <input type="checkbox"/> Annual HQS Inspection 	<ul style="list-style-type: none"> <input type="checkbox"/> Outreach Documentation Checklist <input type="checkbox"/> Coordinated Entry Verification <input type="checkbox"/> Limited English Proficiency Form <input type="checkbox"/> Identification <input type="checkbox"/> Veteran Documentation– DD214 <ul style="list-style-type: none"> <input type="checkbox"/> While not required for CoC funding purposes, may be required by HUD-VASH/Department of Veteran’s Affairs <input type="checkbox"/> *Verification for Companion Animal Complete (if applicable) <input type="checkbox"/> *Verification for Service Animal Complete (if applicable) <input type="checkbox"/> Budget Form

Note on Serving Undocumented Clients

Overview

Requirements for the receipt of public benefits are governed by Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ([PRWORA](#)). Generally speaking, undocumented immigrants can be served in RRH and TH programs, as well as in street outreach, emergency shelter or safe haven, but are precluded from receiving assistance from PSH programs. However, non-profit providers are not required to verify citizenship.

Verification of Citizenship NOT Required by Nonprofits

Nonprofit administrators of HUD's homeless assistance programs are not required to verify their clients' citizenship status. Please see this [helpful guidance from HUD](#).

Further, having a birth certificate is not requirement specified in the CoC regulations or CoC HUD guidance.

Even if the organization chooses to request a birth certificate, [the applicable regulations](#) **do not** specify it has to be a certified copy.

Additional Funding for Undocumented Individuals and Families Affected by COVID-19

On April 15, the Governor [announced](#) California's \$75 million Disaster Relief Fund will support undocumented Californians impacted by COVID-19 who are ineligible for unemployment insurance benefits and disaster relief, including the CARES Act funding, due to their immigration status. Approximately 150,000 undocumented adult Californians will receive a one-time cash benefit of \$500 per adult with a cap of \$1,000 per household to deal with the specific needs arising from the COVID-19 pandemic. Individuals can apply for support beginning in May.

The Governor's office has also developed this [Immigrant Resource Guide](#), to provide information about COVID-19 related assistance, including public benefits, that are available to immigrant Californians.

HUD Required Client Documentation

Please note that as of April 22, 2020 the documentation templates referenced in this section are still in draft form. The community continues to request feedback on these forms and they will be discussed and finalized in upcoming CES Task Force and CSoC meetings. **Please also note as DRAFT documentation templates are updated, the active links to the documentation templates may change. Please see the most current documentation templates on the [CSoC Website](#).**

HUD Required Documentation on Intake

- **HMIS Intake**
 - **Form can be found** [here](#).
- **HMIS ROI**
 - **Form can be found** [here](#).
- **Homeless Status:** Recipients or subrecipients must keep CoC Program records documenting acceptable evidence of homeless status of program participants as set forth in 24 CFR part 578.103(a)(3).
 - **Applicable Documentation Template(s):**
 - [Homelessness Documentation Checklist](#)
 - [Homelessness Certification](#)
 - [Certification Based on Intake Conversation](#)
 - [Client Self-Declaration of Homelessness](#)
- **Chronic Homelessness Documentation:** (if applicable/required by PSH Program)
 - **Applicable Documentation Template(s):**
 - [Chronic Homelessness Documentation Checklist](#)
 - [Verification of Disability](#)
 - [Guide: CA Professionals Licensed to Diagnose & Treat Disabilities](#)

Please see the [CoC Eligibility and Documentation Guide](#) for additional information on intake and eligibility documentation.

HUD-Required Documentation on Move-in

□ **Client Income:**

For CoC-funded programs, under 24 CFR 578.77(b)(4), client income must be calculated in accordance with [24 CFR 5.609](#) and [24 CFR 5.611\(a\)](#). Recipients and subrecipients must examine a program participant's income initially, and if there is a change in family composition (e.g., birth of a child) or a decrease in the resident's income during the year, the resident may request an interim reexamination, and the occupancy charge will be adjusted accordingly.

Further, under 24 CFR 578.77 (c)(2) recipients and subrecipients of CoC funds must examine a program participant's income initially, and at least annually thereafter, to determine the amount of the contribution toward rent payable by the program participant. Adjustments to a program participant's contribution toward the rental payment must be made as changes in income are identified.

- **Applicable Documentation Template(s):**
 - [Income Rent Calculator](#)
 - [Affidavit of No Income](#)
- **Additional Documentation Required:**
Under [24 CFR 578.103\(a\)\(6\)](#):

- Include source documents in client file (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement) for the assets held by the program participant and income received before the date of the evaluation;
 - To the extent that source documents are unobtainable, a written statement by the relevant third party should be included in the client file (e.g., employer, government benefits administrator) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period; or
 - To the extent that source documents and third-party verification are unobtainable, the written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the 3-month period following the evaluation should be included in the client file.

- **Participant Rent Calculation:** For CoC-funded projects, under 24 CFR 578.77(c), each program participant on whose behalf rental assistance payments are made must pay a contribution toward rent in accordance with section 3(a)(1) of the U.S. Housing Act of 1937 (42 U.S.C. 1437a(a)(1)), which dictates that the rent contribution must be the highest of the following amounts, rounded to the nearest dollar:
 - 30 per centum of the family's monthly adjusted income
 - 10 per centum of the family's monthly income; or
 - if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.
 - **Applicable Documentation Template(s):**
 - Income Rent Calculator

- **Rent Reasonableness and FMR Documentation**

For Leasing Projects:

Leasing projects are limited to paying rent on a unit up to the HUD determined FMR. Under 24 CFR § 578.49 (b)(2) regarding leasing individual units, when grants are used to pay rent for individual housing units, the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services. In addition, the rents may not exceed rents currently being charged for comparable units, and the rent paid may not exceed HUD-determined fair market rents.

- **Applicable Documentation Template(s):**

- [Rent Reasonableness Checklist & Certification](#)
- **Additional Documentation Required:**
 - The applicable FMR should be documented in the case file for each program participant assisted with leasing funds.
 - Please find HUD's current FMRs [here](#). Please be sure you are using the correct FMR for the applicable NOFA year under which your project is funded.

A HUD Waiver may be applicable during the current Public Health Emergency see [summary of applicable waivers and process for applying for those waivers here](#).

For Rental Assistance Projects:

HUD will only provide rental assistance for a unit if the rent is reasonable. The [recipient](#) or [subrecipient](#) must determine whether the rent charged for the unit receiving rental assistance is reasonable in relation to rents being charged for comparable unassisted units, taking into account the location, size, type, quality, amenities, facilities, and management and maintenance of each unit. Reasonable rent must not exceed rents currently being charged by the same owner for comparable unassisted unit.

- **Applicable Documentation Template(s):**
 - [Rent Reasonableness Checklist & Certification](#)

For additional information on Rent Reasonableness and FMR please see this helpful [HUD guide](#).

□ **Lease:**

For both leasing and rental assistance projects. Initial leases must be for one year and terminable for cause.

For Leasing Projects: HUD trainings confirm that all permanent housing projects, including leasing projects, must have initial leases for a term of at least one year, terminable for cause. The leases must be automatically renewable upon expiration for terms that are a minimum of one month long, except on prior notice by either party. (Please see HUD Training [here](#)). Please note that in projects that receive leasing funds, the recipient contracts for the space from the landlord, and therefore is primarily responsible for the housing. The recipient will then execute an occupancy agreement with the program participant to formalize the participant's rights in the housing.

For *transitional housing*, the occupancy agreement must be for a term of at least a month and be automatically renewable upon expiration, for a maximum term of 24 months. For permanent housing, the agreement must be for a term of at least one year and be automatically renewable upon expiration.

For Rental Assistance Projects:

Under 24 CFR 578.51(l)(1) for project-based, sponsor-based, or tenant-based rental assistance, program participants must enter into a lease agreement for a term of at least one year, which is terminable for cause. The leases must be automatically renewable upon expiration for terms that are a minimum of one month long, except on prior notice by either party. Please note that in projects that receive rental assistance, the program participant must execute a lease directly with the landlord.

- **Additional Documentation Required:**
 - As stated above all CoC-funded housing projects should include a one-year lease, terminable for cause in each client file.

A HUD Waiver may be applicable during the current Public Health Emergency see [summary of applicable waivers and how to apply here](#).

- **VAWA Addendums:** Under 42 U.S.C. 14043e, all leases should accompany an addendum which incorporates VAWA protections into each lease agreement. HUD programs covered by the rule include CoC funded programs.
 - **Applicable Documentation Template(s):**
 - Violence Against Women Act (VAWA) Certification of Domestic Violence
 - VAWA Lease Addendum
 - VAWA Notice of Occupancy Rights
- **Lead-Based Paint Disclosures:** All units rented/leased by CoC participants require the following documents to be disclosed and reviewed as described below:
 - Give an EPA-approved [Environmental Protection Agency \(EPA\) Lead-Based Paint Brochure](#) on identifying and controlling lead-based paint hazards ("Protect Your Family From Lead In Your Home" pamphlet, currently available in English, Spanish, Vietnamese, Russian, Arabic, Somali).
 - Disclose any known information concerning lead-based paint or lead-based paint hazards. The seller or landlord must also disclose information such as the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.
 - Provide any records and reports on lead-based paint and/or lead-based paint hazards which are available to the seller or landlord (for multi-unit buildings, this requirement includes records and reports concerning common areas and other units, when such information was obtained as a result of a building-wide evaluation).
 - Include an attachment to the [contract](#) or [lease](#) (or language inserted in the lease itself) which includes a Lead Warning Statement and confirms that the seller or landlord has complied with all notification requirements. This attachment is to be provided in the same language used in the rest of the

contract. Sellers or landlords, and agents, as well as homebuyers or tenants, must sign and date the attachment.

□ **Additional Documentation Required:**

- Include a copy of the EPA-approved [Environmental Protection Agency \(EPA\) Lead-Based Paint Brochure](#) in the client file.
- Include documentation of disclosure of any known information concerning lead-based paint or lead-based paint hazards in the client file.
- Provide any records and reports on lead-based paint and/or lead-based paint hazards which are available to the seller or landlord in the client file.
- Include [Disclosure of Information on Lead-Based Paint](#) to the lease, which includes a Lead Warning Statement and confirms that the landlord has complied with all notification requirements.

- **Housing Quality Standards:** Recipients or subrecipients must retain documentation to demonstrate compliance with the housing standards at 24 CFR part 578.75(b). These standards require the recipient or subrecipient to inspect housing units leased with CoC Program funds and units for which rental assistance payments are made with CoC Program funds to ensure the assisted units meet the applicable housing standards.

○ **Applicable Documentation Template(s):**

- [HQS Inspection Checklist](#)
- Please follow local processes for requesting HQS inspections and documentation.

[A HUD Waiver may be applicable during the current Public Health Emergency see summary of applicable waivers and how to apply here.](#)

- **Environmental Review:** An [environmental review](#) is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards. The environmental review process is required for all HUD-assisted projects, including CoC-assisted projects, to ensure that the proposed project does not negatively impact the surrounding environment and that the property site itself will not have an adverse environmental or health effect on end users. Not every project is subject to a full environmental review (i.e., every project's environmental impact must be examined, but the extent of this examination varies), but every project must be in compliance with the [National Environmental Policy Act \(NEPA\)](#), and other related Federal and state environmental laws. Environmental reviews should be based on the building and the surrounding

geography, and not on the actual unit. Therefore, if a unit is located within a building where an environmental review was already conducted, then HUD or the Responsible Entity (RE) will only need to verify that a review was conducted within the last five years or if/when the environmental conditions change.

- **Additional Documentation Required:**
 - Include documentation of environmental review in client file.

HUD Required Ongoing and Annual Client Documentation

- **Client Income:** Under 24 CFR 578.77 (c)(2) grantees must examine a program participant's income initially, and at least annually thereafter, to determine the amount of the contribution toward rent payable by the program participant. Adjustments to a program participant's contribution toward the rental payment must be made as changes in income are identified.
 - **Applicable Documentation Template(s):**
 - Income Rent Calculator
 - **Additional Documentation Required:**
Under 24 CFR 578.103(a)(6):
 - Include source documents in client file (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement) for the assets held by the program participant and income received before the date of the evaluation;
 - To the extent that source documents are unobtainable, a written statement by the relevant third party should be included in the client file (e.g., employer, government benefits administrator) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period; or
 - To the extent that source documents and third-party verification are unobtainable, the written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the 3-month period following the evaluation should be included in the client file.
- **Services Provided:** Recipients and subrecipients must document the types of supportive services provided to individuals and families and the amounts spent on those services. They must also document that such information undergoes review at least annually and that the service package offered to program participants was adjusted accordingly.

- Please follow local processes for requesting HQS inspections and documentation.

A HUD Waiver may be applicable during the current Public Health Emergency see summary of applicable waivers and how to apply [here](#).

Community Required Documentation:

Please note, these items are NOT required of CoC programs by HUD.

- Outreach Documentation Checklist
- Coordinated Entry Verification
- Limited English Proficiency Form
- Identification:
 - Valid California Identification or Driver's License
 - Social Security Card– All Household Members
 - Birth Certificate – All Household Members

Because these documents are NOT required by CoC or HUD, preventing a participant from a housing opportunity because they do not have these documents on hand may not align with housing first practices. As of April 2020, the CoC is requesting that intake/outreach providers collect information on identification from participants. Community documentation also states that: “It is understood that not all people may have such documents at the time of program entry, so some substitutions are allowable. For example, if no social security card is available a health plan card can substitute for a child. A birth announcement is to not be substituted for a birth certificate. In addition, it may be possible to admit a household with insufficient documentation with the understanding that appropriate identification forms can be secured within a reasonable amount of time, as dictated by specific program guidelines. Please speak with your program manager should this type of exception be needed.”

- Veteran Documentation– DD214
 - While not required for CoC funding purposes, may be required by HUD-VASH/Department of Veteran's Affairs
- *Verification for Companion Animal Complete (if applicable)
- *Verification for Service Animal Complete (if applicable)

- Budget Form:
 - **Applicable Documentation Template(s):**
 - **Budget Form**

Additional Questions or Concerns?

Please contact stanislaus@homebaseccc.org for additional assistance and support.