

# Memorandum of Understanding

## Emergency Housing Voucher Program

This Memorandum of Understanding (MOU) has been created and entered into on July 30, 2021 by and between the following parties for administration of the Emergency Housing Voucher (EHV) Program, under the operating requirements of PIH Notice 2021-15.

***Public Housing Authority (PHA)***

**Housing Authority of the City and County of San Francisco (SFHA)**

1815 Egbert Avenue  
San Francisco, CA 94124

***San Francisco Continuum of Care (CoC)***

**Department of Homelessness and Supportive Housing (HSH)**

440 Turk St.  
San Francisco, CA 94102

### I. Introduction and Goals

The American Rescue Plan Act of 2021, Section 3202, appropriated \$5 billion for: 1) new incremental Housing Choice Vouchers (HCVs) to be administered by Public Housing Agencies (PHA) to targeted populations that will allow eligible individuals and families to choose and lease safe, decent, and affordable housing; 2) renewal costs of EHV; and 3) administrative fees for administrative costs and other eligible expenses defined by notice to facilitate leasing of EHV.

On May 5, 2021, the U.S. Department of Housing and Urban Development (HUD) issued PIH Notice 2021-15 outlining the operating requirements of the EHV program (Attachment C). SFHA was awarded 906 vouchers with an effective date of July 1, 2021. After September 30, 2023, SFHA not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted individual or family ends or ended.

**A. SFHA and CoC's commitment to administering the EHV in accordance with all program requirements.**

By signing this memorandum, each party agrees to administer the EHV in accordance with all program requirements and operating requirements of the PIH Notice 2021-15 (Attachment D), and any subsequent updates published by HUD.

**B. Goals and standards of success in administering the program.**

1. 100% of EHV vouchers will be utilized by December 2022.
2. At least 85% of housed individuals and families will still be living in a subsidized unit or other permanent housing at least 12 months after their placement.
3. EHV holders accessing housing navigation services will be under HAP contract in an average of 90 days from the day voucher was received.
4. HSH and SFHA will offer a client driven, trauma-informed and culturally relevant referral process for 100% of individuals accessing the EHV program and in alignment with HUD guidelines.

**C. Equity Goals**

1. SFHA and HSH commit to administer the EHV in alignment with local equity principles, including ensuring utilization of vouchers that considers racial equity, disability equity, and other local priorities.
2. SFHA and HSH commit to a continuous quality improvement process to make necessary shifts over time to include monitoring the distribution of EHV's for equity by completing a quarterly equity analysis for the distribution of EHV's. SFHA and HSH commit to incorporating the voices of persons with lived experience of homelessness to strengthen access and service delivery.
3. SFHA and HSH will partner with a minimum of 3 organizations that have experience with providing culturally responsive supportive services for individuals or families who are disparately impacted by homelessness and housing instability.
4. SFHA and HSH commit to collaboratively collect sufficient data to analyze how EHV's are being allocated with the ability to analyze for equity, and retention of the vouchers over time.

**A. Identification of staff position who will serve as lead EHV liaisons**

**Lead SFHA Liaison:** Kendra Crawford, Director of Public Housing

**Lead HSH Liaison:** Salvador Menjivar

**II. Eligible populations to be referred****A. Eligibility.**

In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories:

- Homeless
- At risk of homelessness
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or

- Recently homeless and for whom providing rental assistance will prevent the individual or family from becoming homeless or having a high risk of housing instability.

The CoC will work with the PHA to identify priority populations within the four eligibility categories. The CoC, VSP, and designated referral partners are responsible for verifying eligibility and making direct referrals to SFHA, and must provide supporting documentation of the referring agency's verification that the individual or family meets one of the four eligible categories for EHV assistance. An example of the certification form is referenced in [Attachment A](#) (Certification of Homelessness Form).

The definitions of the eligibility criteria, as described in [Attachment B](#), always apply with respect to EHV eligibility, regardless of whether SFHA may have established another definition for any of these terms in its SFHA Administrative Plan.

### **B. Local preferences in accordance with the SFHA Administrative Plan**

Under the HCV program, SFHAs established a system of local preferences for the selection of families. HUD waived § 982.207(a)<sup>1</sup> and established an alternative requirement that the local preferences established by the SFHA for HCV admissions do not apply to EHV. The SFHA has identified the following local preferences and point system for the selection of families for EHV:

1. Individuals or families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; (+15 points)
2. Families with children who are homeless (+14 points)
3. Individuals without children who are homeless (+13 points)

The preference system prioritizes the order in which households on the EHV waiting list are assisted but does not allow SFHA to refuse to accept a referred household that meets one of the four EHV eligibility categories, or otherwise delay issuance of an available voucher to that eligible household in order to "hold" the voucher for a future referral of a preference holder.

### **C. Referral processes**

All referrals will be made to SFHA through the CoC Homelessness Response System (HRS) via the Coordinated Entry process, and designated VSP and other referral partners using the established prioritization criteria. Coordinated Entry is the referral system for the HRS and is designed to provide access to HRS, as well as assess, prioritize, and refer people experiencing homelessness to housing opportunities.

## **III. Services to be provided to eligible EHV individuals and families**

SFHA will only fund services that allow for direct cost reimbursement. Services will be coordinated through the CoC and will be provided directly by the CoC or other community partners. The CoC will be required to provide appropriate documentation listed in the reporting requirements to SFHA for reimbursement on a monthly basis. The services listed below are available services that SFHA may fund until all service fees are exhausted but are not necessary to deliver to all participants.

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<sup>1</sup> 24 CFR § 982.207(a) describes the requirements for PHAs establishes local preferences in admission to its program.

SFHA will not require any rental costs returned to an EHV participant to be repaid to SFHA. For example, if SFHA pays for a participant's initial security deposit and the tenant moves and receives the security deposit back from the landlord, SFHA will not require the tenant to pay it back to SFHA.

**A. Application fees/non-refundable administrative or processing fees/refundable application deposit assistance.**

An owner may request application/processing fees. The Authority may cover application/processing fees for up to 3 units or up to \$159, whichever is higher, for each participant.

**B. Holding fees**

An owner may request a holding fee that is rolled into the security deposit after an application is accepted but before a lease is signed. SFHA may cover holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing up to \$4,148 (double the Authority's PUC as of 6/2021). The service provider and owner must agree how the holding fee gets rolled into the deposit, and under what conditions the fee will be returned. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at fault for not entering into a lease.

**C. Security deposit assistance**

SFHA may fund security deposit assistance. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum-security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. SFHA allows the CoC to make payment directly to the owner or to the individual or family, provided the CoC provides verification that the individual or family paid the security deposit when submitting for reimbursement to SFHA.

**D. Utility deposit assistance/arrears**

SFHA may fund utility deposit assistance up to \$108 (based on the SFPUC's 2020 rates). Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. SFHA allows the CoC to make payment directly to the owner or to the family, provided the CoC provides verification that the individual or family paid the security deposit when submitting for reimbursement to SFHA.

Some individuals and families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. SFHA may also fund utility arrears to facilitate leasing.

**E. Owner incentive payments**

SFHA agrees to fund incentive payments to owners that agree to initially lease their unit to an EHV individual and/or family amounting to \$4,148 (double the Authority's PUC as of 6/2021). The payment will be made as a single payment at the beginning of the assisted lease term. The SFHA requires that the owner agree to contact and work with the individual or family's CoC case manager or other intervention services (assuming such services are available) should lease violations or other tenant related issues arise during the assisted tenancy before taking action to evict the tenant.

#### **F. Moving expenses (including move-in fees and deposits)**

SFHA may fund reasonable moving expenses when an individual or family initially leases a unit with the EHV up to the following for each bedroom size.

- Studio/1BR - \$1165
- 2BR - \$1375
- 3BR - \$1665
- 4BR - \$1925

SFHA will not fund moving expenses for subsequent moves, with the following exceptions:

- An individual or family has to move due to domestic violence, dating violence, sexual assault, or stalking.
- SFHA terminates the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner refuses to offer the family the opportunity to enter a new lease after the initial lease term (as opposed to the family choosing to terminate the tenancy in order to move to another unit).

#### **B. Essential household items**

SFHA may fund the costs of acquiring essential household items, as defined by the SFHA (e.g., tableware, bedding, etc.) up to \$200.

### **IV. Services Not Funded**

The services listed below will not be funded by the allocated services fee by the SFHA. These additional services will help individuals and families be successful and will be provided through and funded by the CoC.

#### **A. Housing search assistance**

Housing search assistance must be offered and may include many activities such as, but not limited to,

- helping an individual or family identify and visit potentially available units during their housing search
- helping an individual or family find a unit that meets the household's disability-related needs
- providing transportation and directions
- assisting with the completion of rental applications and SFHA forms, and
- helping to expedite the EHV leasing process for the individual or family.

#### **B. Tenant-readiness services**

Tenant-readiness services include helping create customized plans to address or mitigate barriers that individuals or families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental, or utility history, or to connect the individual or family to other community resources.

**C. Owner recruitment and outreach**

In addition to traditional owner recruitment and outreach specifically for EHV, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service.

**V. Roles and Responsibilities**

**A. SFHA Roles and Responsibilities**

1. Identify and maintain a single point of contact for communication with the CoC.
2. Coordinate and consult with the CoC in developing the services and assistance to be offered under the EHV services fee.
3. Accept referrals for eligible individuals and families through the CoC Homelessness Response System, and providers designated by the CoC and SFHA to provide EHV-related services.
4. Establish windows of time for EHV applicants to complete intake interviews for EHV.
5. Commit enough staff and necessary resources to ensure that the application, certification, voucher issuance, and inspections of units are completed in a timely manner.
6. Designate staff to serve as the lead EHV liaison and attend weekly meetings.
7. Comply with the provisions of this MOU.
8. Provide initial training and information on EHV application process to coordinated entry access points and designated service providers.

**B. CoC Roles and Responsibilities**

1. Identify and maintain a single point of contact for communication with the PHA.
2. Designate a staff to serve as the lead EHV liaison and attend weekly meetings.
3. Refer EHV eligible households to SFHA per the four eligible categories and community prioritization factors, including providing the certification of eligibility (Certification of Homelessness).
4. In partnership with PHA, identify service providers and services, to be provided to EHV holders.

Maintain partnerships with community-based organizations contracted to provide services identified in Section IV, above. While participants are not required to participate in services, the CoC will ensure the services are available and easily accessible.

5. Attend EHV participant briefings when needed.
6. Designate point person to ensure Access Point staff have adequate information and training.
7. Comply with the provisions of this MOU.

**C. Other Third-Party Entity Roles Responsibilities**

All third parties will comply with the provisions of this MOU and attend weekly meetings, as requested.

**D. Identification of staff position who will serve as lead EHV liaisons**

**Lead SFHA Liaison:** Kendra Crawford, Director of Public Housing

**Lead HSH Liaison:** Salvador Menjivar

**VI. Reporting Requirements – Financial**

SFHA is required to comply with reporting and financing record requirements mandated by HUD. SFHA will submit required reports to HUD monthly based on data from the Voucher Management System. This data will initially be used to track leasing and cost data and to reconcile funds advanced to participating SFHAs against actual expenditures reported. SFHA will also submit required data in HUD's IMS-PIC system or new PIC-NG system on EHV tenant information as required.

SFHA will require monthly reports and documentation from the CoC and VSP to support all services provided that allow for cost reimbursement (Section VI). At a minimum, the data that required includes:

- Application fees/non-refundable administrative or processing fees/refundable application deposit assistance – Tenant name, address, date of payment, cost, support of payment (in this case, fee receipt)
- Holding fees – Tenant name, address, date of payment, cost, support of payment (in this case, fee receipt)
- Security deposit assistance – Tenant name, address, date of payment, cost, support of payment (in this case, security deposit receipt)
- Utility Deposit assistance – Tenant name, address, date of payment, cost, support of payment (in this case, utility deposit receipt)
- Utility Arrears – Tenant name, address, date of payment, cost, support of payment (in this case, arrears bill, payment receipt)
- Owner incentive (signing bonus) – Tenant name, address, date of payment, cost, support of payment (in this case, security deposit receipt)
- Moving expenses – Tenant name, address, date of payment, cost, support of payment (in this case, receipts for expenses)

Essential household items – Tenant name, address, date of payment, cost, support of payment (in this case, receipts for expenses)

The appropriated funds for EHV are separate from the regular HCV program and may only be used for EHV purposes. If any of these funds are not expended on eligible EHV expenses before the end of the EHV program, the remaining unexpended EHV funds must be recaptured by HUD.

**VII. Reporting Requirements – Programmatic**

SFHA will require reports from the CoC at a predetermined frequency to address the following areas: Services, Eligibility, Unit Search, and Housed Individuals or Families. Programmatic reporting

requirements will address needs to ensure we understand who our clients are, what services clients are receiving, and who/how many people are in the different phases of the process from referral to housed.

HSH will require monthly reports from the SFHA to support EHV and Coordinated Entry synchronization. At a minimum, data that will be required include:

- First name, last name, DOB, SS#, date application submitted, voucher approval date, application denied date, address, and phone

**VIII. Program Evaluation**

The SFHA, CoC and third-party entities agree to cooperate with HUD, provide requested data to HUD or HUD-approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor, including possible random assignment procedures.

**IX. Data Sharing**

The CoC acknowledges all client information will remain confidential and will be held in the strictest confidence and are client records of the SFHA. The CoC may disclose confidential client information that SFHA provides to it only for the purpose of meeting the goals required to administer the Emergency Housing Voucher Program.

Signed:


**Housing Authority of the City and County of San Francisco**

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Tonia Lediju, PhD  
Chief Executive Officer

Date: 7/30/2021

**San Francisco Department of Homeless and Supportive Housing**

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Shireen McSpadden  
Director

Date: 7/30/2021

Approved as to Form:  
Dennis J. Herrera



City Attorney

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By: F013CEBF5B1B482...  
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DEPARTMENT OF  
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SUPPORTIVE HOUSING



## Attachment A: Emergency Housing Voucher: Certification of Eligibility

### Instructions:

To be eligible for the Emergency Housing Voucher program applicants must meet one of the Homeless Eligibility Criterion in Section 2, below, and complete this form to submit with the San Francisco Housing Authority Emergency Housing Voucher Application and the necessary documents identified in the Emergency Housing Voucher Application. This form needs to be completed for each adult in the household.

Section 1: GENERAL INFORMATION			
<b>Name of Staff Person Completing Form:</b>			
<b>Agency Name:</b>			
<b>Client/Participant Information:</b>	<b>Name (First, Middle, Last)</b>	<b>Last 4 of SSN</b>	<b>Date of Birth (MM/DD/YYYY)</b>
<b>Individual's Status (Select one):</b>	<input type="checkbox"/> Single Adult <input type="checkbox"/> Unaccompanied Minor <input type="checkbox"/> Family (with minor children), Household size: _____ <input type="checkbox"/> Family (without minor children), Household size: _____		
Section 2: HOMELESS ELIGIBILITY CRITERIA			
<b>Which of the Below Applies to the Client/Participant? (Check Only One)</b>			
Please note: This is to certify that the above-named individual or household meets the following criteria based on the check mark, other indicated information and signature indicating their current living situation			
<input type="checkbox"/> Unsheltered <input type="checkbox"/> Living in a shelter <input type="checkbox"/> Recently homeless <input type="checkbox"/> Fleeing domestic violence <input type="checkbox"/> Residing in institutional care facility for 90 days or less & homeless before entry <input type="checkbox"/> At risk of homelessness			
Section 3: VERIFICATION/DOCUMENTATION			
How do you know the Client/Participant or Family meets the Criterion you checked in Section 2 above? (You may check more than one)			
<input type="checkbox"/> Verified in ONE System or other data system. Please specify: _____ <input type="checkbox"/> Verified by a third party ( <b>attach documentation</b> ) <input type="checkbox"/> Client self-declaration of homelessness ( <b>attach documentation</b> )			
Section 4: CERTIFICATION			
I certify that the information on this form and attached documentation is accurate to the best of my knowledge.			
<b>Signature of Staff Person:</b>		<b>Date:</b>	



### HSH HOMELESSNESS PROGRAM ELIGIBILITY CRITERIA

Note: This guide is intended for quick reference only.

Criteria	Details
<p><b>1. Unsheltered</b></p>	<p>Primary nighttime residence 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.</p>
<p><b>2. Living in shelter</b></p>	<p>Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements for people experiencing homelessness (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).</p>
<p><b>3. Recently Homeless</b></p>	<p>Receiving financial and supportive services for persons who are homeless. Loss of such assistance would result in a return to homelessness (ex. Households in Rapid Rehousing Programs, residents of Permanent Supportive Housing Programs participating in Moving On, etc.)</p>
<p><b>4. Fleeing domestic violence</b></p>	<p>Fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, human trafficking or other dangerous or life-threatening conditions that relate to violence against the individual or a family member in the primary nighttime residence or has made the individual afraid to return to their primary nighttime residence, <b>AND</b></p> <p>Has no other residence, <b>AND</b></p> <p>Lacks the resources or support networks, such as family, friends, and faith-based or other social networks to obtain other permanent housing;</p>
<p><b>5. Residing in institutional care facility for less than 90 days; homeless before entry</b></p>	<p>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 was homeless in shelter, place not meant for habitation or fleeing/attempting to flee domestic violence before entry.</p>
<p><b>6. At risk of homelessness</b></p>	<p>Has an annual income below 30 percent of median family income for the area, as determined by HUD;</p> <p>Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place not meant for habitability; and</p> <p>Meets one of the following conditions:</p>



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- a) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
- b) Is living in the home of another because of economic hardship;
- c) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;
- d) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
- e) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
- f) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
- g) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

# Attachment B – Definitions of Eligible Populations

## Emergency Housing Voucher (EHV) Program

The following definitions always apply with respect to EHV eligibility, regardless of whether the PHA may have established another definition for any of these terms in its PHA administrative plan.

### Individuals and Families Who Are Homeless

The meaning of “homeless” is as such term is defined in section 103(a) of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11302(a)), which is codified in HUD’s Continuum of Care Program regulations at 24 CFR 578.3 and reads as follows:

*Homeless* means:

- (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
  - (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or
  - (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
- (2) An individual or family who will imminently lose their primary nighttime residence, provided that:
  - (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
  - (ii) No subsequent residence has been identified; and
  - (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.
- (3) 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:
  - (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

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

### Individuals or families who are at-risk of homelessness

The meaning of “at-risk of homelessness” is as such term is defined in section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)), which is codified in HUD’s Continuum of Care Program regulations at 24 CFR 578.3 and reads as follows:

*At risk of homelessness* means:

- (1) An individual or family who:
  - (i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;
  - (ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition above; and
  - (iii) Meets one of the following conditions:
    - (A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
    - (B) Is living in the home of another because of economic hardship;
    - (C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;
    - (D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
    - (E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

## Attachment B – Definitions of Eligible Populations

- (F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
  - (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.
- (2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or
  - (3) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

### **Individuals or Families Who Are Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking**

This category is composed of any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This includes cases where a HUD-assisted tenant reasonably believes that there is a threat of imminent harm from further violence if they remain within the same dwelling unit, or in the case of sexual assault, the HUD-assisted tenant reasonably believes there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they are currently occupying, or the sexual assault occurred on the premise during the 90- day period preceding the date of the request for transfer.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by:

- a. a current or former spouse or intimate partner of the victim (the term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship),
- b. a person with whom the victim shares a child in common,
- c. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- d. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- e. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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**Dating Violence** means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  1. The length of the relationship;
  2. The type of relationship; and
  3. The frequency of interaction between the persons involved in the relationship.

**Sexual Assault** means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's individual safety or the safety of others; or
2. Suffer substantial emotional distress.

**Human Trafficking** includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7102). These are defined as:

*Sex trafficking* means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; (and)

*Labor trafficking* means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

### Individuals or Families Who Are Recently Homeless

This category is composed of individuals and families determined by the CoC or its designee to meet the following definition.

**Recently Homeless** is defined as individuals and families who have previously been classified by a member agency of the CoC as homeless but are not currently homeless as a result of homeless assistance (financial assistance or services), temporary rental assistance or some type of other assistance, and where the CoC or its designee determines that the loss of such assistance would result in a return to homelessness or the individual or family having a high risk of housing instability. Examples of households that may be defined as recently homeless by the CoC include, but are not limited to, participants in rapid rehousing, and permanent supportive housing.