

Increasing Mobility Options for Homeless Households Assisted with TBRA Regions 9 & 10

Mike Lindsay: Hi, everybody. It is just about 1:00 o'clock Pacific Time, so we're going to go ahead and get started. I want to thank everyone for joining the webinar today. My name is Mike Lindsay. I'm with ICF International. We're one of HUD's TA providers and we're also the regional coordinator for Region 10. I am joined today by two other TA providers. I'm joined today by Kelli Barker from Abt and Irene Peragallo from CSH, and both Kelli and Irene are also regional coordinators in other regions.

I want to thank you for joining today's webinar. Today's webinar is going to focus on increasing mobility options for homeless individuals and families with tenant-based rental assistance. Today HUD will be talking and discussing with us amendments that have been made to the CoC program interim rule to increase those mobility options for individuals and families. Just a couple reminders before we get started today.

In typical fashion with our prior webinars all participants on the phone will be muted today. We're expecting a high volume of callers today so we'll be holding all of the lines muted today, but we do encourage you to ask questions. If you will see in the right-hand corner of your webinar screen, you will see a Q&A function, please feel free to ask your questions using that Q&A function. We will facilitate and attempt to work with HUD to answer as many of those questions as possible on today's webinar, but we also encourage you, if your questions aren't answered through the webinar today, we encourage you to submit those questions to the AAQ system as well and HUD will work to get you responses to your questions as quickly as possible.

If you have any problems in hearing the webinar audio or technical difficulties in accessing the audio, we'll ask you to use the chat function and Chantel Key from ICF International will work directly with you to address any issues that you have. So if you have any questions that you'd like to pose for today's participants, please use the Q&A function. If you have any technical problems, please use the chat function and we will work with you to get those issues taken care of as quickly as possible.

So at this point, I want to introduce very quickly our presenters today. From HUD headquarters we have Brett Gagnon, who is a senior SNAPS program specialist with the Office of Special Needs Assistance Programs; and we also have Robert Waters, who is a SNAPS program specialist also with the Office of Special Needs Assistance Programs.

So at this point I'll go ahead and pass it over to Robert and we will go into today's session. And again, at the end of the presentation we will have a Q&A opportunity to follow up on any questions that were submitted and we'll facilitate through those questions as well. Robert.

Robert Waters: All right. Thank you, Mike, and welcome everyone. So today we'll give a quick review of the regulations surrounding tenant-based rental assistance and how this amendment applies to Section 578.51(c) interim rule.

Participants on the call, as Mike mentioned, can use the dialogue chat window at the bottom in the Q&A section if you want to ask questions, and it's my understanding that you wouldn't have to wait until the end of the call to submit those questions. So if you have anything that, as far as a question -- if we say anything that's for the question, feel free to ask that. Next slide.

So that's, once again, that's me, Robert Waters but the slide includes also Brett Gagnon. She's a senior program specialist in the SNAPS office and she's going to provide a little more detail on what this amendment entails.

All right. So here's a quick illustration of the date on which the CoC interim rule was first published to the upcoming deadline for providing comments on an amended regulation. So the interim rule was first published in 2012 as many of you know and the public has until August 15th to provide comment on the amendment to the rule.

The amendment goes into effect on July 14th, so at that point, recipients can begin serving client and find units outside of the CoC's approved geographic area. So we're going to go into a little bit more detail on this amendment and how CoC's going to implement this change in their communities. So as mentioned before, the interim rule was first published in 2012. The rule required that all assistance be spent within the CoC's geographic area. DV victims, however, were the only client that can take tenant-based rental assistance outside of the geographic area if it was determined that the victim was at imminent risk of danger if they remained in the same geographic area. Next slide.

After the CoC program interim rule was opened for comment in 2012 we received some very helpful comments and intuitive suggestions and commenters in the high risk areas in particular expressed difficulty in locating affordable units within their CoC's geographic area. So HUD recently issued the final rule on affirmatively furthering fair housing, which emphasis the importance of housing choice and further spurred decision for HUD to amend the CoC program interim rule before we issued the final rule for the CoC program. So this would allow all individuals and families receiving tenant-based rental assistance funding through the CoC programs to have the opportunity to use that assistance outside of the CoC area in 2016. So we'll provide some more detail on that in the next couple slides.

So here are a few basics about the interim rule amendment published last month. The rule was published on June 16th, 2016. It amends the regulation under 587.51(c) of the interim rule, as we mentioned before, for the projects providing tenant-based rental assistance but it goes into effect today, July 14th, 2016. So that means program participants who are not victims of domestic violence and fleeing imminent risk of further harm can use their TBRA vouchers outside the CoC area beginning today.

So allowing this change in the interim rule, which goes into effect immediately, allows the recipients to provide this service to their clients immediately but it also gives the public to provide comments on the changes in the interim rule before we decide to implement any changes in the final rule. So in fact, we encourage you to read the preamble of the interim rule amendment to see our reason behind the change and also the specific areas where we are

particularly interested in your thoughts. So I'm going to kick this over to Brett and let her go into more detail of our changes and how you can implement these changes in your community.

Brett Gagnon: Great. Thank you, Robert. And good afternoon everybody. As Robert has already mentioned, this interim rule amendment it really does two things: It provides all program participants regardless of victim status with the option to use their tenant-based rental assistance from their original CoC outside of the CoC's geographic area so long as the recipient or subrecipient that's administering that rental assistance can meet all of their regulatory and statutory requirements.

And then it made one other small change for the allowance that was already permitted, for victims of domestic violence that are at imminent risk of further violence it continues to allow them to use their tenant-based rental assistance outside of the CoC's geographic area, but what it does is it releases the recipient or the subrecipient from their regulatory requirements. They still have to meet their statutory requirements but they no longer have to meet regulatory requirements. And it's our hope that in these particularly dangerous situations that that gives recipients and subrecipients a little bit more flexibility in helping victims of domestic violence move to where they need to move to be safe. Next slide, please.

And as we were working on the rule and the upcoming [inaudible] we're going to be publishing a FAQs to go along with this and this Power Point will also be posted to the HUD exchange. But as we're thinking about the questions that came up, one was, who determines whether a program participant can use their tenant-based rental assistance outside of the CoC's geographic area. And the important thing is here, is the program participant, they get to decide, but it has to be done in consultation with the recipient or the subrecipient because the recipient or the subrecipient still has to meet their program requirement.

And so if the recipient, subrecipient can't reasonably be expected to meet those requirements, then you don't have to permit the move. You can require that they use it somewhere where you can meet those requirements or you cannot permit -- well, they can move but they -- you can permit them -- you don't have to allow them to take their tenant-based rental assistance with them. There is no maximum distance that they can move so long as you can meet your regulatory and statutory requirements, they can move however far they want to move.

The CoC where they're moving doesn't need to be notified of the move in general, but you as the recipient or subrecipient need to work with providers in the CoC where the program participant is moving to meet some of your requirements. They may also need supportive services in that geographic area. So you may have to work with some providers but you aren't required to notify them of the move and the CoC where the program participant is moving they do not have the authority to deny the move. They can't say, absolutely not, this person can't come into my geographic area. Next slide, please.

Another question we thought might come up was how much can I pay in rent for a program participant who's using tenant-based rental assistance outside of our geographic area. And I think the short answer is you have to follow all existing regulatory requirements but what this means is

that for rental assistance, you can pay up to the reasonable rent for the geographic area where the unit is located.

And so that means, contract rent plus utilities that aren't included in the rent must be reasonable when compared to other comparable units where they're moving, not when compared to units in your geographic area. But your grant amount when you come in for renewal and the competition will continue to be based on the FMR amount or if you're using actuals on your current actual amount, the geographic area that's providing the tenant-based rental assistance.

So your grant renewal amount shouldn't change except for FMR updates. If the neighboring CoC that for the program participant moves if their FMR is \$600, you don't use their FMR; you use your FMR for calculating your grant amount. Next slide, please.

And then we thought you all might want to know how many people can you have living outside of your geographic area that are receiving tenant-based rental assistance from your agency at a time. And the important thing to note here is that the majority of the program participants in your project must continue to be assisted within your geographic area. So that means we've interpreted that to mean that no more than 50 percent of the units assisted at any given time in your project may be located outside of your CoC's geographic area. Next slide, please.

So the next two slides just go over the difference between regulatory requirements and statutory requirements. It can be a little bit confusing because a lot of the regulatory requirements have their basis and statutes, so on the slide that you're looking at, these are examples of some of the regulatory requirements. We obviously can't fit them all on one slide. It includes calculating rent contributions and reviewing income.

For rapid rehousing projects it means providing monthly case management. It's conducting the annual assessment of the program participant's service needs. And as a reminder, unless you're assisting a victim of domestic violence who's taking their tenant-based rental assistance to another CoC geographic area because they're at risk of harm in their current unit, you are required to meet these requirements. If you're assisting a victim of domestic violence in moving, you are not. Next slide, please.

And then this slide goes over some of the statutory requirements and these are the requirements that everybody has to meet regardless of whether you're serving a victim of domestic violence or not. And you can meet these through your own employees or you can meet them through contracts or MOUs with agencies in the community where your client is moving. These include, again, these are just some examples on the slide.

If you have specific questions about whether the requirement is regulatory or statutory, feel free to ask or submit it to the AAQ. You need to continue to inspect the unit. You need to ensure the unit that they're living in meets housing quality standards. You have to address their supportive service needs and you have to ensure that the children are enrolled in school and connected to appropriate services in the community. Those are some examples of the statutory requirements.

And the next slide is going to open up the question and answers, but before we kick that off, I do want to cover one thing that comes up in both of the past webinars and we hadn't included it in the slide yet but it's come up, what HMIS do they get entered into and what report is the program participant a part of.

So if somebody is part of your project and they move to another CoC's geographic area but you are continuing to pay the rental assistance then you continue to enter them into your CoC's HMIS. You continue to include them on your APR and when your continuum does their system performance measures, they're going to be measured in your home continuum system performance.

And so that is the bulk of our presentation and now we're going to open it up to questions. Again, it's a really small change but we hope it adds a lot of flexibility for communities and program participants.

Irene Peragallo: Great. Thanks, Brett, this is Irene and I'm going to kick this off with some of the questions that have come in. Thanks for that information on HMIS and reporting. We know that did come up earlier in the week.

So our first question here is, "Does this amendment apply to TBRA grants in the Shelter Plus Care Program?"

Brett Gagnon: It does not. I'm not sure how many Shelter Plus Care grants that are left out there, but actually it's my understanding that the Shelter Plus Care Program didn't have the geographic area restriction in the same way that the Continuum of Care Program did, which is why, when we limited it to the CoC's geographic area in the interim rule, I think it created some constranation for folks. But this only applies to the CoC Program. If you still have a Shelter Plus Care Grant we can talk about that offline and how it's covered.

Mike Lindsay: Great. Thanks, Brett, we did have a couple more questions that came in. We had one that came in earlier on the webinar asking for any differences between the regulatory or for differences between the regulatory requirements and the statutory requirements. You covered a bit of that in the Power Point itself with a couple of examples there. Is there anything else that you would like to highlight or anything else that you know folks have an interest in?

Brett Gagnon: Those are the ones we could think of. I think we included a few other examples in the preamble but those are the ones we could think of that would be most important to folks. Again, if there's specific questions we're happy to consider those but off the top of my head, it could be a whole long list.

Irene Peragallo: Okay. So it looks like we would just want a little more clarification on if this rule applies to only HUD CoC grantees or if it affects other funding streams and should affect any and every service provider within a CoC geographic area.

Brett Gagnon: Yes. It applies only to CoC program funds. It doesn't apply to ESG. It doesn't apply to HOME. It doesn't apply to HOPWA. It applies to anyone who is using CoC programs-

funded tenant-based rental assistance to serve an individual or family experiencing homelessness.

Mike Lindsay: Okay. Thanks, Brett. The next question that came in is asking if you could provide more detail or definition on the tenant-based rental assistance concept for the sake of this rule. The question goes on to say that in the CoC they have agencies who provide rapid rehousing services and agencies that provide tenant-based rental assistance and these programs have different names and eligibility criteria.

Brett Gagnon: So I don't have my statute in front of me, but tenant-based rental assistance in general is the type of rental assistance where the client can choose the unit and then the client, they sign a lease with the landlord and the agency usually have to contract with the landlord and the client pays a portion of their income in rent and the agency pays the remaining rent out of grant funds.

So that's generally what tenant-based rental assistance is. In our programs, that type of assistance can exist in permanent support of housing, rapid rehousing and transitional housing, but I'm not sure of any TH providers that are using it right now. It could include your permanent supportive housing that's funded with tenant-based rental assistance. It could also include your rapid rehousing, which is funded with tenant-based rental assistance.

And so when we talked about that 50 percent limit, it's going to be a lot more stable when you're providing permanent supportive housing in general because permanent supportive housing, folks generally stay in it for a long time and so your unit turnover is not as high, whereas in rapid rehousing whether or not you're at the 50 percent test on any given day can change quite frequently depending on how long a rapid rehousing assistance you provide.

Irene Peragallo: That's great, Brett. And it really ties into our next question about the 50 percent limit: Asking if people fleeing for domestic violence count in the 50 percent limit?

Brett Gagnon: They do.

Mike Lindsay: Okay. And then along the lines of the 50-percent requirement, there's another question in here to clarify regarding the requirement of no more than 50 percent of participants be placed outside of the county or the CoC geographic region. Is that for each grant or is that measured CoC wide at the system level?

Brett Gagnon: It's for each grant. So like the UFAs, that would be CoC wide, but for CoC's that are not UFAs it would be for each grant. And it's for the unit. I think it's important, it's for the unit not the program participants because families can vary in size and, so, that would be a little - we thought of that, it would be a little bit more challenging to implement.

Irene Peragallo: Okay. Brett and Robert, looks like we have a question here asking for a little more guidance on when programs might offer this option to clients or inform them of this existence, if it's something that is required to be included upon entrance or enrollment or if you have any more information on when this should be communicated to clients.

Brett Gagnon: Yeah. That came up the other day and I didn't have an answer for that, so that's something I think that we'll have to follow up on in another set of FAQs.

Mike Lindsay: Thanks, Brett. We have a question asking for a little bit of clarity on why this allowance is only being made available for program participants receiving tenant-based rental assistance and why it's not also applied to leasing projects and or sponsored based rental assistance programs.

Brett Gagnon: So as Robert mentioned, we still have to go to final rule stage on CoC program interim rule and we actually were planning to wait to make this change until we went to final rule stage but then everything that was going on with the affirmative [inaudible] housing rule and the new Lawler rule that's going to be coming out and then the developed [ph] protection, it really made us feel like now was the time to get out this small amendment and make it available for this type of assistance.

It doesn't mean that we can't consider it for other types and certainly when you submit your public comments, which is open for the next 30 days now, because it's already been opened for a month, that's something that you should include in your public comments and we are happy to consider it. But at this time we're just keeping the change really, really small.

Irene Peragallo: Thanks, Brett. Looks like we have another question following up on the 50-percent limit: Looking for some clarification on exactly how the 50 percent is calculated. Is it 50 percent of funds available or as people -- if you could follow up with some clarification there.

Brett Gagnon: The way that we thought about it is on unit. So if you, for instance, are funding ten units, then no more than five can be outside of your geographic area at any given time. I know with rapid rehousing that can be a little bit challenging because different families need different levels of assistance, which is why we decided not to go off of money and not to go off of people because households are all different sizes, so that can be harder to predict. But it's the number of units that you have leased up at any given time.

Mike Lindsay: Great. Thanks, Brett. A follow-up question on the 50-percent limitation. "Does HUD currently have any guidance as to the selection of participants who can port in the event that there are more than 50 percent who request to move outside of the jurisdiction with DV receiving the priority first?"

Brett Gagnon: We don't have any guidance yet. Part of it is we were waiting to use these webinars to see what kind of guidance communities would need so we can add this to the list and see what we can provide.

Irene Peragallo: And the questions keep coming in on the 50-percent limit. A follow-up question from an earlier submission about the calculation of the 50 percent, is it units over the course of the contract year or at any given point in time?

Brett Gagnon: The way we're interpreting it right now, is that at any given point in time.

Mike Lindsay: Okay. Well, thanks a lot, Brett and Robert, for taking the time to answer some questions today. It looks like that covers all of the questions that were submitted. Brett or Robert is there any further clarification that you'd like to provide to folks or answer any questions you know that you've heard on other webinars that folks have had in the field.

Brett Gagnon: I think the big one was the HMIS and the system performance. Reminding you guys that we will make these slides available on the HUD Exchange and we have a series of FAQs that are just about ready to be posted that will go over live what we covered today, and we'll also be taking all of the questions that come in through the AAQ and developing more FAQs off of that as they're needed.

And the other thing that came up, is what if somebody wants to move across the country and you aren't able to accommodate that would HUD expect you to? And again, that, if it's not reasonable then they would not expect you to permit them to take their tenant-based rental assistance with them. But there's nothing in this rule that limits transfers.

So if you aren't able to continue with assisting them and the client really wants to move there, if you can still work with another CoC and transfer them to the other CoC's permanent affordable housing program, if they have a unit available. So there's nothing in this that prohibits that.

Mike Lindsay: Great. Thanks, Brett. And then we did actually receive one additional question that came in through the chat function and it was, "Just to clarify again, that it doesn't apply to any already existing Shelter Plus Care; tenant-based rental assistance programs but then also asking if these requirements or considerations also expand to the ESG grants."

Brett Gagnon: Right now they don't. And they only apply to the CoC program.

They do apply -- so the Plus Shelter Care comes up a lot; like I said I don't think at this point that there are a lot of Shelter Plus Care grants still operating. There may be a couple that were awarded in '11 and had a hard time getting up and running right away

There may be, but if your Shelter Plus Care is renewed under the CoC program, it's considered a CoC grant and therefore this applies to that grant. So if you're on your one-year renewal cycle and you're coming into the CoC program, your CoC program grant, you may still call your Shelter Plus Care and I think a lot of people do, but this rule applies to you.

Mike Lindsay: Thanks for that clarification, Brett. It seems that we have been able to address all of the questions that came in today. There weren't any additional questions that came in, so I want to thank Brett and Robert for taking the time today. Also thank Kelli and Irene for assisting with today's webinar.

And at this point the resources that Brett mentioned are also highlighted on your screen. Please access the HUD exchange for additional resources. I want to thank everyone for taking the time to participate today. We'll go ahead and close the webinar. Thank you guys very much.

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