



Tehama County
Continuum of Care

Housing First Policy

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I. Introduction

A. Overview

This Policy requires certain homeless services activities to adhere to a set of Housing First principles as defined in this Policy.

California Welfare and Institutions Code § 8255 defines "Housing First" as:

"...the evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services."

According to the National Alliance to End Homelessness (NAEH),

"[Housing First] is guided by the belief that people need basic necessities like food and a place to live before attending to anything less critical, such as getting a job, budgeting properly, or attending to substance use issues. Additionally, Housing First is based on the understanding that client choice is valuable in housing selection and supportive service participation, and that exercising that choice is likely to make a client more successful in remaining housed and improving their life."¹

B. Applicability of this Policy

This policy applies to projects operating within Tehama CoC's geographic area supported by funding that originates through one or more of the following programs:

- a. Emergency Solutions Grant (ESG), including ESG-CV funding made available through the CARES Act
- b. The federal Continuum of Care (CoC) Program
- c. California Emergency Solutions and Housing (CESH)
- d. Homeless Housing, Assistance and Prevention (HHAP)
- e. Other "State Programs", defined as "any programs a California state agency or department funds, implements, or administers for the purpose of providing housing or housing-based services to people experiencing homelessness or at risk of homelessness, with the exception of federally funded programs with requirements inconsistent with [California Welfare and Institutions Code Chapter 6.5]"²
- f. Any other program administered by Tehama CoC through its designated CA/AE, unless otherwise specified.

¹ "Housing First." *National Alliance to End Homelessness*, 20 March 2022, <https://endhomelessness.org/resource/housing-first/>

² California Welfare and Institutions Code § 8255(e)

C. General Requirements

Covered activities must implement the following principles for all applicants and for all people currently receiving services (“participants”).

Applicants cannot be denied assistance and participants cannot have their assistance terminated except:

- As explicitly permitted or required by one or more of the activity’s funders; or,
- As explicitly permitted or required by State or local law; or,
- Under the most serious circumstances that present a clear threat of harm to homeless services provider staff, to other applicants/participants, or to a building leased or owned by the homeless services provider or by an activity applicant/participant (including the person under consideration for denial/termination)

Notwithstanding the above:

- Projects may continue to have applicant selection processes that prioritize people based on need, which may be evidenced by data including but not limited to length of time homeless, utilization of crisis services, and case manager expert knowledge of individual participant strengths and vulnerabilities.
- Projects are subject to Tehama CoC’s Coordinated Entry (CE) Policies and Procedures

D. Core Components

Per California Welfare and Institutions Code § 8255(b), components of Housing First include:

- (1) Tenant screening and selection practices that promote accepting applicants regardless of their sobriety or use of substances, completion of treatment, or participation in services.
- (2) Applicants are not rejected on the basis of poor credit or financial history, poor or lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of “housing readiness.”
- (3) Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts of crisis response systems frequented by vulnerable people experiencing homelessness.
- (4) Supportive services that emphasize engagement and problem solving over therapeutic goals and service plans that are highly tenant-driven without predetermined goals.
- (5) Participation in services or program compliance is not a condition of permanent housing tenancy.
- (6) Tenants have a lease and all the rights and responsibilities of tenancy, as outlined in California’s Civil, Health and Safety, and Government codes.
- (7) The use of alcohol or drugs in and of itself, without other lease violations, is not a reason for eviction.

- (8) In communities with coordinated assessment and entry systems, incentives for funding promote tenant selection plans for supportive housing that prioritize eligible tenants based on criteria other than "first-come-first-serve," including, but not limited to, the duration or chronicity of homelessness, vulnerability to early mortality, or high utilization of crisis services. Prioritization may include triage tools, developed through local data, to identify high-cost, high-need homeless residents.
- (9) Case managers and service coordinators who are trained in and actively employ evidence-based practices for client engagement, including, but not limited to, motivational interviewing and client-centered counseling.
- (10) Services are informed by a harm-reduction philosophy that recognizes drug and alcohol use and addiction as a part of tenants' lives, where tenants are engaged in nonjudgmental communication regarding drug and alcohol use, and where tenants are offered education regarding how to avoid risky behaviors and engage in safer practices, as well as connected to evidence-based treatment if the tenant so chooses.
- (11) The project and specific apartment may include special physical features that accommodate disabilities, reduce harm, and promote health and community and independence among tenants.

Further, California Welfare and Institutions Code § 8255(d)(2) states that:

- (A) "Housing First" includes time-limited rental or services assistance, so long as the housing and service provider assists the recipient in accessing permanent housing and in securing longer term rental assistance, income assistance, or employment.
- (B) For time-limited, supportive services programs serving homeless youth, programs should use a positive youth development model and be culturally competent to serve unaccompanied youth under 25 years of age. Providers should work with the youth to engage in family reunification efforts, where appropriate and when in the best interest of the youth. In the event of an eviction, programs shall make every effort, which shall be documented, to link tenants to other stable, safe, decent housing options. Exit to homelessness should be extremely rare, and only after a tenant refuses assistance with housing search, location, and move-in assistance.

E. Specific Exclusions

The following is a list of reasons upon which applicants cannot have their assistance denied assistance and for which participants cannot have their assistance terminated. This list is not all-inclusive; instead, it addresses some of the most common reasons that participants have historically had their assistance denied/terminated.

- **Income:** assistance cannot be denied or terminated based on income, including having little or no income (except where specified by the ESG Interim Rule)
- **Criminal activity:** assistance cannot be denied or terminated on the basis of current or a history of criminal activity except (1) under the most serious circumstances including criminal convictions related to tenancy or (2) State

or local law would otherwise expressly permit or require the denial or termination of assistance

- **Substance use:** assistance cannot be denied or terminated on the basis of current or a history of substance use; moreover, assistance cannot be conditioned upon participation in or completion of an alcohol or drug treatment program although Tehama CoC supports harm reduction principles as outlined in WIC Code § 8255, (10)
- **Program participation:** assistance cannot be denied because an applicant refuses to sign or agree to comply with one or more program rules, and assistance cannot be terminated because a participant does not comply with one or more program rules, unless compliance with a given rule is a requirement imposed by a program funder or (2) State or local law otherwise expressly requires adherence to a given rule
- **Rental history:** assistance cannot be denied or terminated on the basis of rental history, including but not limited to a past evictions
- **Fair Housing:** assistance cannot be denied or terminated as the result of discrimination prohibited under the Fair Housing Act, which specifies the following protected characteristics: race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability³
- **Equal Access in Accordance with Gender Identity Final Rule:** assistance cannot be denied or terminated as the result of discrimination prohibited under the Gender Equal Access Final Rule, which specifies the following: applicants and participants must be assisted in accordance with their gender identity, cannot be subjected to intrusive question or asked to provide anatomical information or documentary, physical, or medical evidence of their gender identity, and assistance must be provided in a manner that affords equal access to that assistance for the applicant's family⁴

F. Recordkeeping and Review

Projects are required to maintain a record for each applicant who is denied assistance and for each participant whose assistance is terminated. These records may be physical or electronic and may be created or kept by the project, however, the project is required to make them available to Tehama CoC's designated CA/AE and/or any relevant state or federal agency upon request.

Records should be as brief as possible while still containing all necessary information. At minimum, records must explain why the applicant/participant's assistance was denied/terminated and demonstrate that the denial/termination was conducted in accordance with this Policy.

³ "Housing Discrimination Under the Fair Housing Act." HUD.gov. https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview

⁴ Equal Access to Housing Final Rule." HUD.gov. September 2016. <https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>

Note: for street outreach-only projects such as ESG-funded Street Outreach, there is a distinction between non-engagement and termination. Subrecipients are encouraged but not required to maintain denial and termination records for participants who have not yet engaged. The distinction between non-engagement and termination is as follows:

- **Non-engagement** means a person experiencing unsheltered homelessness has been contacted and potentially offered or even accepted a very limited scope of services (e.g. an emergency care package) but who has not yet accepted follow-up services
- **Termination** means a person experiencing unsheltered homelessness has accepted more extensive services (e.g. multiple or more extensive care packages, case management beyond initial contact) and subsequently has their services discontinued by the service provider

G. Monitoring

Tehama CoC, through its designated CA/AE, will, as part of its subgrantee monitoring process, review records from each project within the program year(s) being monitored of applicant assistance denials and participant assistance terminations. The CA/AE may review a sample or the entirety of these records at its discretion. The CA/AE may also review these records outside the monitoring process at its discretion.

If the CA/AE determines that a project is in violation of this Policy, it will remedy the violation at its discretion and in accordance with all applicable Federal or state monitoring or corrective action rules and regulations. In the absence of guidance outside this Policy and where violations are not widespread or egregious, Tehama CoC and/or its CA/AE will attempt to remedy the violation by preventing violations going forward. More serious or repeat violations may result in more severe corrective actions up to and including the recapture of funds and may impact a project's or organization's eligibility for future funding.