



Office of Homeless Services
 215 N. D Street • San Bernardino, CA 92415
 Phone: (909)501-0610 • Fax: (909)501-0622
 Email: homelessrfp@hss.sbcounty.gov • Website: <http://www.sbcounty.gov/dbh/sbchp/>

Agenda: General Meeting of the Interagency Council on Homelessness (ICH)

Meeting date,
time, and place

THIS MEETING WILL BE CONDUCTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54953(e).

Date: **October 26, 2022**

Time: **9:00 am – 11:00 am**

Place: **WebEx Meeting:**

<https://hs-sbcounty.webex.com/hs-sbcounty/j.php?MTID=m0a99882c3aecc8d04911926217ed0929>

- Access #: 1-408-418-9388
- Access Code: 2482 740 6383

Note: Please remember to MUTE your phones. DO NOT place this call on hold should you get another call. Hang up and then rejoin the meeting.

		Time
Call to Order	Chair or Designee will call the meeting to order	9:00 – 9:01 am
Invocation/Pledge	Chair or Designee will lead the Invocation and Pledge of Allegiance	9:01 – 9:05 am
Introductions	Chair or Designee will lead the Introductions of the ICH Members by roll call.	9:05 – 9:10 am
Agenda Items:	The following items are presented for informational, consent, and discussion purposes.	

Public Comment	Open to the public for comments. Members of the public wishing to address the council will need to submit a request to speak prior to the time the Chair calls for public comment by typing in the chat box that you have a public comment. The Chair will call on you in the order the requests are received. Once your name has been called, please unmute yourself and you will then have up to 3 minutes to speak.	
Consent		
1	Adopt Resolution to Allow Participation in Public Meetings via Teleconference pursuant to Assembly Bill 361– Jessica Alexander, Chair and Sophie Akins, ICH Legal Counsel. <i>Page 3</i>	9:10 – 9:20 am
2	Approve Minutes of the September 28, 2022, ICH Meeting – Jessica Alexander, Chair <i>Page 5</i>	
Presentation		



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3	Presentation of Emergency Solutions Grant Information – Dr. Joe Colletti, HUB for Urban Initiatives <i>Page 13</i>	9:20 – 9:45 am
Discussion		
4	Approve the San Bernardino County Office of Homeless Services (OHS) as the Administrative Entity that will administer the State of California Homeless Housing, Assistance and Prevention (HHAP) Program Round 4 and authorize the Office of Homeless Services to submit the HHAP application no later than midnight on November 29, 2022, on behalf of the San Bernardino County (CA-609) Continuum of Care (CoC). – Tom Hernandez, Office of Homeless Services <i>Page 30</i>	9:45 – 10:00 am
5	Receive update regarding the status of review by San Bernardino County domestic violence providers of the Violence Against Women Act (VAWA) Policies and Procedures and Emergency Transfer Plan for the CA-609 CoC. – Tom Hernandez, Office of Homeless Services <i>Page 32</i>	10:00 – 10:10 am
6	HOME Investment Partnerships American Rescue Plan Program Allocation Plan Overview - Melissa Mailloux, Mosaic Community Planning <i>Page 41</i>	10:10 – 10:35 am
Information Sharing		
7	Update on Homeless Management Information System transition – Kristin Stevens, Office of Homeless Services <i>Page 51</i>	10:35 – 10:50 am
Council Roundtable		
	Open to comments by the Council	10:50 – 11:00 am
Adjournment		
		11:00 am
Next ICH Meeting	The next regularly scheduled Interagency Council on Homelessness meeting is scheduled for: <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Special ICH Meeting TBA Via Webex</p> </div> <div style="text-align: center;"> <p>ICH Meeting (Regular) Wednesday, January 25, 2023 9:00 am – 11:00 am Via Webex</p> </div> </div>	

Mission Statement

The mission of the San Bernardino County Homeless Partnership is to provide a system of care that is inclusive, well planned, coordinated, and evaluated and is accessible to all who are homeless and those at-risk of becoming homeless.

THE INTERAGENCY COUNCIL ON HOMELESSNESS MEETINGS ARE ACCESSIBLE TO PERSONS WITH DISABILITIES. IF ASSISTIVE LISTENING DEVICES OR OTHER AUXILIARY AIDS OR SERVICES ARE NEEDED IN ORDER TO PARTICIPATE IN THE PUBLIC MEETING, REQUESTS SHOULD BE MADE THROUGH THE OFFICE OF HOMELESS SERVICES AT LEAST THREE (3) BUSINESS DAYS PRIOR TO THE PARTNERSHIP MEETING. THE OFFICE OF HOMELESS SERVICES TELEPHONE NUMBER IS (909) 501-0610 AND THE OFFICE IS LOCATED AT 215 NORTH D STREET, SUITE 301, SAN BERNARDINO, CA 92415. <http://www.sbcounty.gov/dbh/sbchp/> AGENDA AND SUPPORTING DOCUMENTATION CAN BE OBTAINED AT 215 NORTH D STREET, SUITE 301, SAN BERNARDINO, CA 92415

INTERAGENCY COUNCIL ON HOMELESSNESS

RESOLUTION NO. 2022 - _____

A RESOLUTION OF THE INTERAGENCY COUNCIL ON HOMELESSNESS
 FINDING THAT MEETING IN PERSON CONTINUES TO PRESENT AN IMMINENT RISK
 TO THE HEALTH OR SAFETY OF ATTENDEES
 AS A RESULT OF THE COVID-19 STATE OF EMERGENCY

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20, under the provisions of Government Code section 8571, finding that strict compliance with various statutes and regulations specified in that order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19; and

WHEREAS, Executive Order N-29-20, in part, suspended certain provisions of the Ralph M. Brown Act (Brown Act) related to participation in meetings via teleconference in order to provide legislative bodies with more flexibility to hold public meetings while maintaining social distancing due to COVID-19; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21 which, in part, provides that the teleconferencing provisions set forth in Executive Order N-29-20 expire on September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 into law, amending the Brown Act in order to continue some of the teleconferencing flexibility during a State of Emergency following the expiration of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, in order to utilize the teleconferencing provisions of Assembly Bill 361, there must be a proclaimed State of Emergency and either: (1) social distancing measures recommended by State or local officials, or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, there is currently a State of Emergency in California pursuant to the Governor's March 4, 2020, proclamation; and

WHEREAS, due to the ongoing State of Emergency and the public health threat posed by COVID-19, the Interagency Council on Homelessness seeks to make findings, as required by Assembly Bill 361, that as a result of the COVID-19 State of Emergency, the highly contagious Omicron and BA.5 variants of COVID-19, the anticipated number of attendees, the likely inability to socially distance, and due to the unique characteristics of the size and capacity of its meeting location, meeting in person continues to present an imminent risk to the health or safety of meeting attendees; and

WHEREAS, the circumstances of the State of Emergency continue to directly impact the ability of the members of the legislative body and members of the public to meet safely in person at the meeting facilities of the Interagency Council on Homelessness; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the

spread of COVID-19, the Interagency Council on Homelessness thus intend to invoke the provisions of Assembly Bill 361 related to teleconferencing as provided in subdivision (e) of Government Code section 54953; and

NOW, THEREFORE, BE IT RESOLVED, by the Interagency Council on Homelessness as follows:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The Governor’s State of Emergency Declaration, issued on March 4, 2020, remains active.

Section 3. As a result of the March 4, 2020, State of Emergency, and the highly contagious Omicron and BA.5 variants of COVID-19, meeting in person at the meeting facilities of the Interagency Council on Homelessness continues to present an imminent risk to the health or safety of attendees due to the unique characteristics of the size and capacity of its meeting facilities, the anticipated number of attendees, and the likely inability to socially distance.

Section 4. This Resolution and the findings contained herein shall apply to all the committees of the Interagency Council on Homelessness that are subject to the Brown Act.

Section 5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty (30) days after the adoption of this Resolution, or (ii) such time the Interagency Council on Homelessness adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Interagency Council on Homelessness and its committees subject to the Brown Act may continue to teleconference in compliance with subdivision (e) of Section 54953 of the Government Code.

The foregoing Resolution was passed and adopted this 26th day of October 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Chairperson

ATTEST:

Secretary/Clerk



**Minutes for San Bernardino County Homeless Partnership
Interagency Council on Homelessness (ICH) Meeting**

September 28, 2022
9:00 a.m. – 11:00 a.m.
Via WebEx – Teleconference

Minutes Recorded and Transcribed by Claudia Doyle, Program Specialist, Office of Homeless Services

TOPIC	PRESENTER	ACTION/OUTCOME
	Maria Razo - Chair	<ul style="list-style-type: none"> The Chair called the meeting to order at 9:01 a.m.
Introductions	Maria Razo - Chair	<ul style="list-style-type: none"> Tom Hernandez took ICH Member roll call. Members of the public were not introduced but over 60 members of the public joined via telephone.
ICH Members Present		<ul style="list-style-type: none"> The following ICH members or their alternates were present for the meeting: Supervisor Baca, Erika Lewis Huntley, Cassandra Searcy, Jeff Drozd, Antoinette Jackson, Quinton Page, Gerry Gutierrez, Brenda Dowdy, Stephanie Bruce, Martha Zepeda, Dr. Yoshioka, Maria Razo, Sharon Green, Don Smith, Jessica Alexander, Wendell Wilson, Astrid Johnson, and Meghan Lloyd Late to the meeting were: Supervisor Rutherford approx. 9:45am Absent: none
PUBLIC COMMENTS	PRESENTER	ACTION/OUTCOME
		<ul style="list-style-type: none"> Public Comment was provided by Meghan Lloyd to state that she was stepping back from the ICH meetings, and an alternate has been voted on by the YAB members. Public Comment was provided by Ruben Mendoza - brief introduction of himself Public Comment was provided by Dr. Rene Keres – acknowledging Don Smith for coordinating the Critical Intervention Training
CONSENT	PRESENTER	ACTION/OUTCOME
<p>Adopt Resolution to Allow Participation in Public Meetings via Teleconference pursuant to Assembly Bill 361– Maria Razo, Chair and Sophie Akins, ICH Legal Counsel</p> <p>Approve Minutes of the August 31, 2022, Special ICH Meeting</p> <p>Ratify the action of the Chair to provide a Letter of Support for Inland Empire Health Plan (IEHP) for</p>	Maria Razo, Chair	<ul style="list-style-type: none"> Pastor Jessica Alexander made a motion to approve the consent calendar. Supervisor Baca seconded the motion. Discussion – Don Smith offered the following friendly amendments to the August 31, 2022, special meeting minutes: (1) on Ad Hoc CES committee report item, enter the resolution that Mr. Smith introduced at the August 31st special meeting into the record, and (2) Correct his statement during the Council Roundtable regarding HMIS and the ESG program. Pastor Alexander amended her motion to include the changes that Mr. Smith requested. Supervisor Baca seconded the motion, as amended. A roll call vote was taken. 18 members were in favor: Joe Baca Jr, Erika Lewis-Huntley, Kimberly Calvin, Jeff

Housing and Homelessness Incentive Program (HHIP) – Maria Razo, Chair		<p>Drozd, Antoinette Jackson, Quinton Page, Jerry Gutierrez, Brenda Dowdy, Stephanie Bruce, Martha Zepeda, Dr. Yoshioka, Maria Razo, Sharon Green, Don Smith, Jessica Alexander, Wendell Wilson, Astrid Johnson, Meghan Lloyd</p> <ul style="list-style-type: none"> • 0 members were opposed, • 1 member was absent from the vote: Supervisor Rutherford • The motion was approved.
INTRODUCTION	PRESENTER	ACTION/OUTCOME
Introduction Of New ICH Member, Martha Zepeda, Deputy Executive Officer	Maria Razo, Chair	The Chair introduced Martha Zepeda as the new ICH member appointed under the Human Services Director or designee.
DISCUSSION	PRESENTER	ACTION/OUTCOME
Approve and authorize the Vice-Chair to sign the Letter of Commitment to the Housing Authority of the County of San Bernardino for Stability Voucher	Jessica Alexander, Vice Chair	<p>The Chair, Maria Razo, recused herself due to a conflict of interest with this item.</p> <p>Maria Razo gave a brief description of the new Stability Vouchers. ICH members had an opportunity to ask questions regarding the vouchers.</p> <ul style="list-style-type: none"> • Don Smith made a motion to approve the item. Supervisor Baca seconded the motion. • Discussion ensued • Mr. Smith amended his original motion to include suggested language; Supervisor Baca seconded the amended motion. • A roll call vote was taken. 18 members were in favor: Joe Baca Jr, Erika Lewis-Huntley, Kimberly Calvin, Jeff Drozd, Antoinette Jackson, Quinton Page, Jerry Gutierrez, Brenda Dowdy, Stephanie Bruce, Martha Zepeda, Dr. Yoshioka, Sharon Green, Don Smith, Jessica Alexander, Wendell Wilson, Astrid Johnson, Meghan Lloyd • 1 member abstained: Maria Razo • 0 members were opposed, • 1 member was absent from the vote: Supervisor Rutherford • The motion was approved.
Introduction of proposed policies and procedures for the Coordinated Entry System	Dr. Pat Leslie, HUB for Urban Initiatives	<p>Chair Maria Razo recognized Dr. Leslie to lead to discuss this item.</p> <ul style="list-style-type: none"> • Dr. Leslie gave a brief introduction regarding the recommendations for the revision of the CES Guidebook and the five findings of review for the current policy guide. • The Chair requested that any additional input regarding the process needs to be sent to Dr. Leslie by October 7,

		<p>2022.</p> <ul style="list-style-type: none"> • The Chair made a call for volunteers to participate in the CES Ad hoc committee and requested that they email Claudia Doyle if interested. Looking for no more than 10 volunteers, the committee will run through January 2023. • Discussion ensued – Mr. Smith had a question about a new Ad hoc committee. The Chair confirmed that a new committee was being requested.
<p>Adopt the Violence Against Women Act (VAWA) Policies and Procedures and the Emergency Transfer Plan - Tom Hernandez, Office of Homeless Services</p>	<p>Tom Hernandez, Office of Homeless Services</p>	<p>Chair Maria Razo recognized Mr. Tom Hernandez to discuss this item.</p> <p>Mr. Hernandez gave a brief overview of the Violence Against Women Act (VAWA) Policies and Procedures and the Emergency Transfer Plan.</p> <ul style="list-style-type: none"> • Pastor Alexander made a motion to approve the item. Brenda Dowdy seconded the motion. • Discussion ensued: Mr. Quinton Page made a request not to approve the item due to the language used was taken from HUD a federal program. He stated that the State of California affords additional protections to survivors of violence that HUD does not recognize. In addition, there are a few concerns about confidentiality. However, if the group is comfortable with submitting the item as is for now because of the application deadline, he requests to have an opportunity to amend the document at a later meeting where the Domestic Violence Coalition can review and report back to ICH. • Chair proposed that the document be reviewed, and a report sent to ICH Board for review prior to the October 26 regular ICH meeting. • Pastor Alexander amended her motion to approve submitting the document but have a further review of the document and have it brought back with recommendations including the State required information. Supervisor Baca seconded the amended motion. • A roll call vote was taken. 19 members were in favor: Supervisor Baca, Supervisor Rutherford, Erika Lewis-Huntley, Kimberly Calvin, Jeff Drozd, Antoinette Jackson, Quinton Page, Jerry Gutierrez, Brenda Dowdy, Stephanie Bruce, Martha Zepeda, Dr. Yoshioka, Maria Razo, Sharon Green, Don Smith, Jessica Alexander, Wendell Wilson, Astrid Johnson, Meghan Lloyd • 0 members were opposed, • 0 members were absent from the vote: <p>The motion was approved.</p>
<p>Approve the date of January 26,</p>	<p>Tom Hernandez,</p>	<p>Chair Maria Razo recognized Tom Hernandez to discuss this item but wanted to thank Erika Lewis Huntley for</p>

<p>2023, to conduct the 2023 Point-In-Time Count</p>	<p>Office of Homeless Services</p>	<p>continuing to Chair the PITC Planning committee with OHS on behalf of the CoC.</p> <p>Mr. Hernandez gave a brief overview of the Point-In-Time-Count. Council Member Calvin made a motion to approve the item. Martha Zepeda seconded the motion.</p> <p>Discussion ensued:</p> <ul style="list-style-type: none"> • Mr. Smith urged the need to do a more aggressive and better job of collecting data on the sheltered population. • Mr. Mendoza (made a public comment) wanted to suggest that a specific PITC be conducted on for the homeless youth population. Mrs. Dowdy responded that a homeless youth count used to be done with only a few agencies taking part. • Ms. Johnson commented that in the Morongo Basin a more concerted effort needs to be made to count the families. Families are scattered around. • Supervisor Baca encouraged working with the school districts to incorporate their numbers on homeless students. Ms. Dowdy mentioned that due to the HUD’s definition of homelessness, the McKinney Vento identified students are not included in the count. • Miss Lloyd recommended contacting HUD to see about modifying the definition of Homelessness. • Mrs. Zepeda request that the planning group start it planning meetings and that progress check be provided at future ICH meetings. • The Chair read comments from the chat box. <ul style="list-style-type: none"> • A roll call vote was taken. 19 members were in favor: Supervisor Baca, Supervisor Rutherford, Erika Lewis-Huntley, Kimberly Calvin, Jeff Drozd, Antoinette Jackson, Quinton Page, Jerry Gutierrez, Brenda Dowdy, Stephanie Bruce, Martha Zepeda, Dr. Yoshioka, Maria Razo, Sharon Green, Don Smith, Jessica Alexander, Wendell Wilson, Astrid Johnson, Meghan Lloyd • 0 members were opposed, • 0 members were absent from the vote: <p>The motion was approved.</p>
<p>Accept nominations and vote to elect the following positions: a. Chair b. Vice-Chair</p>	<p>Tom Hernandez, Office of Homeless Services</p>	<p>Chair Maria Razo recognized Tom Hernandez to discuss this item.</p> <p>Mr. Hernandez gave a brief overview of the ICH policy to elect new Chair and Vice Chair. He stated that each seat is for a two-year term starting October 1st and ending on September 30th of the second year, nominated and voted by the members.</p> <ul style="list-style-type: none"> • Nominations for Chair ensued: <ul style="list-style-type: none"> ○ Maria Razo nominated Pastor Alexander for Chair. ○ Pastor Alexander accepted the nomination ○ No other nominations were made

		<ul style="list-style-type: none"> ○ A roll call vote was taken. 19 members were in favor: Supervisor Baca, Supervisor Rutherford, Erika Lewis-Huntley, Kimberly Calvin, Jeff Drozd, Antoinette Jackson, Quinton Page, Jerry Gutierrez, Brenda Dowdy, Stephanie Bruce, Martha Zepeda, Dr. Yoshioka, Maria Razo, Sharon Green, Don Smith, Jessica Alexander, Wendell Wilson, Astrid Johnson, Meghan Lloyd ○ 0 members were opposed, ○ 0 members were absent from the vote: ○ A unanimous vote was recorded, Pastor Alexander will be the new ICH Chair starting October 1, 2022 <ul style="list-style-type: none"> ● Nomination for Vice-Chair ensued: <ul style="list-style-type: none"> ○ Supervisor Baca nominated Martha Zepeda for Vice-Chair. ○ Martha Zepeda accepted the nomination. ○ No other nominations were made ○ A roll call vote was taken. 17 members were in favor: Supervisor Baca, Supervisor Rutherford, Erika Lewis-Huntley, Kimberly Calvin, Jeff Drozd, Antoinette Jackson, Quinton Page, Jerry Gutierrez, Brenda Dowdy, Stephanie Bruce, Martha Zepeda, Dr. Yoshioka, Maria Razo, Don Smith, Jessica Alexander, Astrid Johnson, Meghan Lloyd ○ 1 member opposed, Sharon Green ○ 1 member abstained: Wendel Wilson ○ 0 members were absent from the vote: ○ A vote was recorded, Martha Zepeda will be the new Vice- ICH Chair starting October 1, 2022 <p>Maria Razo gave closing comments of thanks and gratitude for serving as the Chair for the past two years.</p>
INFORMATION SHARING	PRESENTER	ACTION/OUTCOME
Update on HMIS transition	Nicholas Miller, Office of Homeless Services	<p>Chair Maria Razo recognized Nicholas Miller to discuss this item.</p> <p>Mr. Miller gave an update regarding the HMIS transition to Bit focus Clarity.</p> <ul style="list-style-type: none"> ● HMIS migration is complete ● Went live on September 23 ● Many counties already used the Clarity system ● Merging of documents is being done; the clarity system assists with the ease of that ● The user dashboard is better than before ● Connected to ESRI system ● Thank you to all HMIS users who attended the Webex meeting in late August ● Documents were sent out for the blackout period ● September 10 through 22 there was a blackout period ● A training was sent out during the time for users on how to use the Clarity system

COUNCIL ROUNDTABLE	PRESENTER	ACTION/OUTCOME
		<p>Mr. Smith requested to reactivate the monthly user group meetings on HMIS</p> <p>Maria Razo shared that the Ad hoc Governance Review Committee will start meeting this month. Special ICH meeting on October 5th.</p> <p>Martha Zepeda together with the Assistant Executive Officer Diana Alexander recognized Tom Hernandez for many years serving the community through his roles in the Office of Homeless Services and his time spent as Chief of Homeless Services.</p> <p>Tom Hernandez thanked Martha Zepeda, Diana Alexander, and the CAO Leonard Hernandez for the recognition. He also announced that he is moving into a new role as Chief Grant Writer for the County in the CAO's office. Tom stated that he would be around to assist OHS in the transition for a while.</p> <p>Sharon Green acknowledged and thanked Tom for his service. She wanted to state that her vote for Vice-Chair was not personal. Acknowledged the new Chair. Thanked Supervisor Baca for always being engaged.</p> <p>Supervisor Baca congratulated the Chair and Vice-Chair for their work. Announced that contract with SWAG was extended through March of 2023. His office is in the process of working with Arrowhead Medical Center to provide services to people who are discharged and homeless. Metro South in Rialto is under construction and finished in August of 2023. Also working with the forensic population in the unincorporated communities to provide beds and wraparound services for those get released from county jails, it's a private-public partnership they are working on. Is talking with the CAO office about a public-private partnership with a developer to provide housing for people with vouchers. Also looking at potential affordable housing project in Bloomington. Last item he met with the school districts regarding homelessness. Pacific Village will be going out for an RFP for wraparound services and 150beds, in the design stages now.</p> <p>Don Smith mentioned his appreciation for Tom Hernandez. Mr. Smith inquired about Kristin Stevens role in OHS. He congratulated Martha on her appointment to ICH and her new role as Vice-chair. Thanked Supervisor Baca for his engagement and work he has done with the homeless issue. Announced that Step-Up in Redlands is doing a screening event for new Home Key project. Mentioned that no funding was captured in NO Place Like Home in round four and even in the non-competitive ½ million guaranteed portions. Asked for an update on HHAP 3 application and corrections that were needed. Permanent local housing allocation the third year of funding came out, over 17.3 million for PLHA funding is coming to SB County and several cities. Exited about Ruben coming in. The seat goes to the chair of the YAB. Go back to having reports from CoC administrator or Chief of Homeless Services as standing agenda item. Lastly, he has been requesting that ESG be agenized for several months. There are a lot of things going on with ESG and it has not been discussed. He mentioned that there is Caper report that went out to the BOS, that had a lot of concerning things about ESG. Would like to work with whoever puts the report together to make sure its accurate. Looking forward to working with Martha to make some of those corrections on the report and ESG. Asking to have the memo to the Chair be entered into the record for this meeting. He sent it to</p>

		<p>the ICH members in the morning. Stated that the last two years have been less productive and has had serious consideration about his continuing in his role in ICH.</p> <p>Brenda Dowdy thanked and acknowledged Tom Hernandez, Maria Razo and Jessica Alexander. Welcomed Martha Zepeda. Mentioned she is the Superintendent of County Schools Homeless Liaison and offered to work with Supervisor Baca. Announce the gangs and Drug Taskforce annual Summit with the Sherif Department, will send the flyer for distribution. Tom asked if they would take sponsorships for their event.</p> <p>Astrid Johnson thanked Supervisor Baca for his comments, concern, and ability to understand what is happening. Also commented about ESG and the plan that came out. She stated that it impacts the non-profit she is with.</p> <p>Wendell Wilson would like to continue support for Don Smith and his comments. They have also suffered from the reimbursements from the ESG grant and are optimistic that that will change. The mountains appreciate Tom Hernandez for all his work.</p> <p>Martha Zepeda, thanked those who made comments about ESG and stated her hope is to partner with providers</p> <p style="text-align: center;">- Recording stopped abruptly</p>
Adjournment		<ul style="list-style-type: none"> • Being no further business, the meeting was adjourned at 11:19 a.m.
Next Meeting		<p>The Next ICH Meeting will be held on:</p> <p style="text-align: center;"><u>ICH Meeting (Special)</u> <u>Wednesday, October 05, 2022</u> <u>9:00 am – 11:00 am</u> <u>Via Webex</u></p> <p style="text-align: center;"><u>ICH Meeting (Regular)</u> <u>Wednesday, October 26, 2022</u> <u>9:00 am – 11:00 am</u> <u>Via Webex</u></p>

Office of Homeless Services

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Attendees on June 22, 2022, • Interagency Council on Homelessness – Teleconference				
LAST NAME	FIRST NAME	ORGANIZATION	PHONE NUMBER	EMAIL
Akins	Sophie	County Counsel		
Alexander	Jessica	Operation Grace		pastorjessicaalexander@gmail.com
Baca Jr	Joe	5th District – BOS		Joe.Baca@bos.sbcounty.gov
Drozd	Jeff	Town of Yucca Valley		
Bruce	Stephanie	Community Revitalization Chief of Operations		
Calvin	Kimberly	City of San Bernardino		
Lewis-Huntley	Erika	City of Rancho Cucamonga		
Green	Sharon			
Gutierrez	Jerry			
Hernandez	Tom	OHS	909-501-0611	Tom.Hernandez@hss.sbcounty.gov
Jackson	Antoinette	City of Victorville		
Johnson	Astrid	Morongo Basin ARCH		skvviewfarm29@gmail.com
Leslie	Pat			pleslie@pointloma.edu
Lloyd	Meghan	Youth Advisory Board		
Page	Quinton	DOVES Big Bear		
Perry	Shonie	SBCSS – Homeless Education Program Manager		Shonie_Perry@sbcss.k12.ca.us
Preciado	Juan	Probation		
Razo	Maria	Housing Authority of the County of San Bernardino		
Rutherford	Janice	2nd District BOS		
Smith	Don	Creating Community Solutions		donsmithsolutions@outlook.com
Walker	Sue	Mountain Homeless Coalition		
Webb	Scott	City of Victorville		
Wilson	Wendell	Mountains Homeless Coalition		
Knight	Michael	Dept. of Behavioral Health		

*Please note we do not take attendance of members of the public that joined via tele-conference



Community Revitalization

ESGP Funds: County and CoC Roles and Responsibilities.

Dr. Joe Colletti, Chief Executive Officer
Hub for Urban Initiatives, Homeless and Housing
Strategies for California
October 26, 2022

Concerning ESG funds, the relationship between the County and the Continuum of Care (CoC) is both similar and dissimilar when comparing both scenarios of awarded ESG funding

- **First Scenario:** County is directly awarded funds by HUD as an entitlement jurisdiction recipient; and
- **Second Scenario:** the County is awarded funds by the California Department of Housing and Community Development (HCD) on behalf of the CoC

The one primary activity that is similar to both scenarios is: **Consult**

- County must **consult** with the CoC as a recipient of ESG funds (24 CFR 576.2);
- CoC must **consult** with recipients of ESG funds (24 CFR 578.7).

Consult:

- **Note:** ESG-CV funds. As provided under the CARES Act, ESG-CV funds are **not** subject to the CoC consultation requirements at 24 CFR 576.400(a). However, each recipient **must** publish how its allocation has and will be used, at a minimum, on the Internet at the appropriate Government web site or through other electronic media.
- **Are there minimum requirements for consultation with the Continuum of Care?**
 - HUD recognizes that planning processes vary from community to community. The consultation requirements were developed broadly, in order to accommodate this variety. HUD expects that ESG recipients and CoC leadership will work together to determine the most effective process for their community.
- **ESG application requires**
 - a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project

Scenario 1: County Administration of ESG Funds

The County's roles/responsibilities in the Administration of the County ESG funds are tied to the Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance and Evaluation Report (CAPER).

- Consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the ESG and other Community Planning and Development (CPD) formula block grants ([Consolidated Plan - HUD Exchange](#)).
- Recipient consults with the public by inviting the public to come to public meetings including Continuum of Care members initiated and hosted by the ESG recipient
- Recipient consults with business and civic leaders, health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions

The Collaborative Applicant is the eligible applicant designated by the CoC to collect and submit the CoC Registration, CoC Consolidated Application (which includes the CoC Application and CoC Priority Listing) and apply for CoC planning funds on behalf of the CoC during the CoC Program Competition. As the Collaborative Applicant, the County:

1. Helps the CoC evaluate outcomes of projects by providing ESG related data,
2. Consult with CoC regarding:
 - CES,
 - Written standards, and
 - Its plan for allocating ESG funds.
3. Report on and evaluate the performance of ESG recipients, and
4. Consults with State and local government ESG recipients within the Continuum's geographic area on the plan for allocating ESG funds and reporting on and evaluating the performance of ESG recipients and subrecipients.

CoC does not have any roles or responsibilities in the administration of the ESG funds that are directly awarded by the U.S. Department of Housing and Urban Development (HUD) to the County.

The CoC roles and responsibilities, outlined by HUD, regarding the ESG include:

1. Consulting with ESG recipients (which include County of San Bernardino and the cities of Fontana, Ontario, and San Bernardino)
2. Reporting and evaluating the performance of ESG recipients/sub-recipients to include in the CoC's plan and coordinate the implementation of a housing and service system within its geographic area which will meet the needs of the homeless individuals
3. Evaluating outcomes of projects funded under the ESG and CoC program

Additional CoC roles and responsibilities, regarding ESG, include:

4. Operating either a centralized or coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services
5. Evaluating the operation of a Coordinated Entry System
6. Establish and consistently follow written standards for providing CoC assistance.

Scenario 2: The County as the Administrative Entity (AE) for ESG funds

The AE applies for ESG funding from the State on behalf of the CoC and is required, by the California Department of Housing and Community Development (HCD), to administer ESG funds “in collaboration with their local CoC for their respective CoC service area”.

- CoCs have at least one city or county that receives ESG funds directly from HUD.
- AEs are selected by the HCD to administer an allocation of funds.
- AEs must be local governments of ESG Entitlement Areas and must commit to administering ESG funds in collaboration with their CoC throughout their CoC Service area.

[\(Emergency Solutions Grants Program \(ESG\) | California Department of Housing and Community Development\)](#)

Scenario 2: The County as the Administrative Entity (AE) for ESG funds (con't)

The AE Provider selection process:

1. AEs are responsible for awarding ESG funds to eligible service providers for ESG eligible activities in their approved CoC Service Area(s).

2. AEs shall select qualified service providers through a process that is consistent with the following requirements:
 - Is a fair and open competition that avoids conflicts of interest;
 - Follows the procurement requirements of 24 CFR Part 84;
 - Evaluates provider capacity and experience, including the ability to deliver services in non-entitlement areas;

Scenario 2: The County as the Administrative Entity (AE) for ESG funds (con't)

3. Evaluates eligibility and quality of services, including adherence to Core Practices;
4. Utilizes data and considers community input to identify unmet needs;
5. Prioritizes activities that address the highest unmet need, considering other available funding and system wide performance measures;
6. Considers project-level performance measures when evaluating proposals; and
7. Collaborates with the local CoC, which is also described in one of the questions in the State application

Other responsibilities - Administration: as outlined in the subrecipient contract

Other responsibilities stem from record keeping and documentation requirements for recipients and subrecipients that include

1. The recipient must retain copies of all solicitations of and agreements with subrecipients, records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients, as applicable.
2. The recipient must retain documentation of monitoring subrecipients, including any monitoring findings and corrective actions required.
3. The recipient and its subrecipients must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 24 CFR 85.36 and 24 CFR part 84.
4. Other records specified by HUD. The recipient and subrecipients must keep other records specified by HUD.

Perhaps the most complex responsibilities involve financing and reimbursement.

- Financing:
 - Contractors and their recommended service providers must follow all Office of Management and Budget (OMB) Cost Principles and Generally Accepted Accounting Principles (GAAP). OMB and budget requirements are listed in 2 CFR Part 200.
- Reimbursement:
 - ESG is a **reimbursement** program and therefore, providers (subrecipients) must pay their sub-providers (subrecipients) first before they are reimbursed.

Exhibit 12 – Request for Reimbursement

- The following supporting documentation must be submitted accompanying the agency's Request for Reimbursement.

- **General Grant Requirements**

- Signed and approved Request for Reimbursement form
- Proof receipts/invoices and proof of payment for expenses, not just incurrence of cost

- **General ESG Eligible Costs**

- Staff Salaries
- Copy of recent paystub indicating staff performing eligible ESG program activity
- Copy of recent timesheet indicating staff performing eligible ESG program activity
- Copy of recent invoice for staff performing eligible ESG program activity

- **Street Outreach Engagement**

- Copy of receipts for providing meals, blankets, clothing or toiletries
- Copy outreach worker's cell phone bill for ESG services
- Timesheets, payroll reports for staff costs

Dr. Joe Colletti, Chief Executive Officer
Hub for Urban Initiatives,
Homeless and Housing Strategies for California
(213) 446-6700 Cell
JoeColletti@Urban-Initiatives.org

MEMORANDUM

DATE: September 20, 2022

TO: Maria Razo, Chair, SBCHP Interagency Council on Homelessness
 Jessica Alexander, Vice-Chair, SBCHP Interagency Council on Homelessness
 cc. Tom Hernandez, SBCHP Chief of Homeless Services

FROM: Don Smith, West Valley Regional Representative, SBCHP ICH

RE: ICH Board member Request for Information re: Federal & State ESG Funding

Madams Chair & Vice-Chair,

Please accept this communication as follow-up to my request made during the SBCHP Interagency Council on Homelessness (ICH) Meeting on June 22nd, 2022, and again at the ICH Meeting on August 31st, 2022, to place an item on the agenda for the next ICH Meeting to discuss the current disposition of both the Federal and State Emergency Solutions Grant (ESG) funding administered by the County of San Bernardino and the CoC governing board's role and responsibilities in the administration of these programs.

Federal Emergency Solutions Grant Program (ESG)

The County of San Bernardino Community Development and Housing Agency (CDH) receives an annual allocation of Emergency Solutions Grant (ESG) entitlement funding from the United States Department of Housing and Urban Development (HUD) and is required to consult with the Continuum of Care (CoC) operating within the jurisdiction in determining how to allocate ESG funds.

As per Title 24 of the Code of Federal Regulations (CFR), Part 578 – Continuum of Care Program and codified in the San Bernardino City & County CoC governance charter, among the responsibilities for operating a CoC included under 24 CFR 578.7:

- (a) Operate the Continuum of Care. The Continuum of Care must:
- (7) Evaluate outcomes of project funded under the Emergency Solutions Grant (ESG) program and the CoC program, and report to HUD;*
 - (9) In consultation with recipients of ESG program funds within the geographic area, establish and consistently follow written standards for providing CoC assistance*
- (c) Continuum of Care planning. The Continuum must develop a plan that includes:
- (5) Consulting with State and local government ESG program recipients within the CoC's geographic area on the plan for allocating ESG program funds and reporting on and evaluating the performance of ESG program recipients and sub-recipients.*

Federal ESG funding allocations to San Bernardino County since 2020 have included:

- FY 2020 allocation, \$635,741
- 2020 CV1 allocation, \$2,192,210
- 2020 CV2 allocation, \$6,401,870
- FY 2021 allocation, \$633,286
- FY 2022 allocation, \$630,350

In the six (6) plus years that I have served on the ICH board, we have never even had an agenda item to discuss the federal ESG program in any way.

State Emergency Solutions Grant Program (ESG)

The California Department of Housing and Community Development (HCD) receives funding from the United States Department of Housing and Urban Development (HUD) for the Emergency Solutions Grants (ESG) program and allocates funds to eligible Continuum of Care (CoC) service areas. Under the Continuum of Care allocation, Administrative Entities (AE) are units of general-purpose local governments that are selected by their Continuum of Care (CoC) to administer state ESG funds in collaboration with their local CoC for their respective CoC service area.

As per Title 25 of the California Code of Regulations (CCR), Division 1, Chapter 7, Subchapter 20, Sub-Section 8403 Continuum of Care Allocation:

(a) Funding for a Service Area in the Continuum of Care Allocation shall be administered by an approved Administrative Entity in the Service Area in which it is located pursuant to the requirements of this subdivision.

(c) The Department will evaluate applications from Units of general-purpose local government in ESG Entitlement Areas recommended by Continuums of Care to determine eligibility and approve the designation of qualified Administrative Entities on a bi-annual basis.

(1) The application must demonstrate eligibility of the Continuum of Care and Administrative Entity pursuant to the requirements of this section and describe the collaboration among the two entities and the process for allocating funds to activities and selecting providers.

(e) To be eligible to participate in the Continuum of Care Allocation, the Continuum of Care shall recommend an Administrative Entity that meets the following criteria set forth in subsections (1) through (3) below.

(f) The Continuum of Care and the Administrative Entity shall enter into a written agreement that specifies the roles and responsibilities of each entity to ensure compliance with federal and State ESG requirements. The Continuum of Care and the Administrative Entity shall collaborate in determining Eligible activities, selecting providers, and administering the ESG funds.

State ESG funding allocations to the San Bernardino City & County CoC since 2020 have included:

- FY 2020 allocation, \$299,499
- 2020 CV1 allocation, \$1,246,600
- 2020 CV2 allocation, \$3,000,000
- FY 2021 allocation, \$323,424
- FY 2022 allocation, \$280,769

While the ICH has on occasion ratified the action of the Chair to designate County CDH as the Administrative Entity for the state ESG funding, the CoC governing board has never agendaized or otherwise discussed state ESG funding allocations and activities and has not entered into “a written agreement” with CDH “that specifies roles and responsibilities of each entity to ensure compliance with federal and State ESG requirements” (at least not that I am aware of).

To date, the ICH has played no role in providing oversight or otherwise collaborating with CDH on the administration of either the federal or state ESG funded programs. Currently, the administration of ESG funding by the County is in total disarray, including weekly staffing changes and millions of dollars of unexpended funds. It has been reported that the County's ESG program is under review by both HUD and HCD with rumors that some of our ESG funding has or will be de-obligated.

One of the ongoing problems over the last several years with the administration of the ESG program by the County has been the delayed allocation of awarded funds to service provider agencies coupled with extreme and excessive delays in the expenditure reimbursement process (oftentimes delayed for over 6 months). At the present time, this situation has become exponentially worse than in previous years as outlined below.

In November of 2021, the County released a letter of interest request and a NOFA seeking applications for over \$6 million in unallocated ESG funding from multiple grant years, much of it going back to 2020. In January 2022, the County executed purchase order contracts with select emergency shelter providers to expend and account for \$199,000 each in ESG funds between November 2021 and March 2022. In March 2022, the County executed contracts with selected service providers to expend and account for over \$3.5 million in ESG funds beginning in February 2022 with funding expenditure deadlines that included June 30, 2022, and September 30, 2022.

Despite the delayed allocations of funding and the pressure on sub-recipients to get the ESG funding expended quickly within tight timeframes, the CDH staff of the day have continued to find numerous ways to delay and prevent the nonprofit agencies with ESG contracts from receiving reimbursements for eligible ESG expenditures in a timely manner. This has required nonprofit contract agencies to go into several months of deficit spending often requiring them to take out loans and lines of credit (fees and interest payments not reimbursable) in order to sustain daily operations. *There must be a better way to administer the ESG program.*

On behalf of the SBC&C CoC governing board, membership, and stakeholders, I am respectfully requesting that the next scheduled ICH meeting include an agenda item to discuss the current disposition of the federal and state ESG funding allocated to the County and the CoC since 2020 and the role and responsibilities of the CoC in providing oversight for ESG funding going forward.

Thank you in advance for your attention to this matter.

Don Smith
ICH West Valley Regional Representative

cc. Board members, SBCHP Interagency Council on Homelessness
California Department of Housing and Community Development
US Department of Housing and Urban Development

Interagency Council on Homelessness
Administrative Office
215 North D Street, Suite 301, San Bernardino, CA 92415-0044
Office: (909) 501-0610

FROM: Tom Hernandez, Office of Homeless Services

SUBJECT: Approve the selection of an Administrative Entity designated by the San Bernardino County Continuum of Care to administer the State of California Homeless Housing, Assistance and Prevention (HHAP) Program and authorize the submittal of the HHAP application no later than November 29, 2022

DATE: October 26, 2022

RECOMMENDATION

Approve the San Bernardino County Office of Homeless Services (OHS) as the Administrative Entity that will administer the State of California Homeless Housing, Assistance and Prevention (HHAP) Program Round 4 and authorize the Office of Homeless Services to submit the HHAP application no later than midnight on November 29, 2022, on behalf of the San Bernardino County (CA-609) Continuum of Care (CoC).

BACKGROUND INFORMATION

On September 30, 2022, the State of California Interagency Council on Homelessness (Cal ICH) released the Local Homelessness Action Plan and Application Template for HHAP Round 4. The template was created to support the development and submission of information required for approval by Cal ICH, collectively referred to as a Local Homelessness Action Plan.

The HHAP grant program is authorized by AB 140 (Health & Safety Code § 50218.6, et seq.), which was signed into law by California Governor Gavin Newsom on July 19, 2021. The HHAP program is a \$ 1 billion block grant program designed to provide jurisdictions with one-time grant funds to support regional coordination and expand or develop local capacity to address their immediate homelessness challenges.

Spending must be informed by a best-practices framework focused on moving homeless individuals and families into permanent housing and supporting the efforts of those individuals and families to maintain their permanent housing.

As of October 19, 2022, Cal ICH has yet to post the Notice of Funding Availability or the Allocations available for cities, counties, and CoCs.

Per Health and Safety Code Section 50220.8 (e) grantees should expend funds on evidence-based solutions that address and prevent homelessness among eligible populations, including any of the following:

- 1) Rapid rehousing, including rental subsidies and incentives to landlords, such as security deposits and holding fees.

Members of the Interagency Council on Homelessness

Members of the Board of Supervisors
City of Victorville
Housing Authority of the County of San Bernardino
San Bernardino Law and Justice Group
San Bernardino County Superintendent of Schools

City of Rancho Cucamonga
Town of Yucca Valley
Community Development and Housing Agency
Mountain Regional City Representative
Members of the Homeless Provider Network

City of San Bernardino
Department of Behavioral Health
San Bernardino County Human Services
Homeless Representative



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- 2) Operating subsidies in new and existing affordable or supportive housing units, emergency shelters, and navigation centers. Operating subsidies may include operating reserves.
- 3) Street outreach to assist persons experiencing homelessness to access permanent housing and services.
- 4) Services coordination, which may include access to workforce, education, and training programs, or other services needed to promote housing stability in supportive housing.
- 5) Systems support for activities necessary to create regional partnerships and maintain a homeless services and housing delivery system, particularly for vulnerable populations, including families and homeless youth.
- 6) Delivery of permanent housing and innovative housing solutions, such as hotel and motel conversions.
- 7) Prevention and shelter diversion to permanent housing, including rental subsidies.
- 8) Interim sheltering, limited to newly developed clinically enhanced congregate shelters, new or existing non-congregate shelters, and operations of existing navigation centers and shelters based on demonstrated need. Demonstrated need for purposes of this paragraph shall be based on the following:
 - a) The number of available shelter beds in the city, county, or region served by a continuum of care.
 - b) The number of people experiencing unsheltered homelessness in the homeless point-in-time count.
 - c) Shelter vacancy rate in the summer and winter months.
 - d) Percentage of exits from emergency shelters to permanent housing solutions.
 - e) A plan to connect residents to permanent housing.
 - f) Any new interim sheltering funded by round 4 funds must be low barrier, comply with Housing First as provided in Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code, and prioritize interventions other than congregate shelters.
- 9) Improvements to existing emergency shelters to lower barriers and increase privacy.

Per Health and Safety Code Section 50220.8(f) the administrative cap is 7 percent of the allocation per disbursement. Note that “administrative costs” does not include staff or other costs directly related to implementing activities funded by the program allocation.

Per Health and Safety Code Section 50218.7(e), recipients of HHAP-4 funds must expend 10% of funds on services for homeless youth populations.

Per Health and Safety Code Section 50220.8(b)(4), the applicant’s application for HHAP Round 4 needs to be agendaized at a regular meeting of the governing body, including receiving public comment, before being submitted to Cal ICH. The State does not require the governing body to take action on the plan and goals, only for them to be presented and available for public comment.

Approval of this item will designate the San Bernardino County OHS as the Administrative Entity on behalf of the San Bernardino County (CA-609) CoC.

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FROM: Tom Hernandez, Office of Homeless Services

SUBJECT: Violence Against Women Act Policies and Procedures and Emergency Transfer Plan for the Continuum of Care (CoC)

DATE: October 26, 2022

RECOMMENDATION

Receive update regarding the status of review by San Bernardino County domestic violence providers of the Violence Against Women Act (VAWA) Policies and Procedures and Emergency Transfer Plan for the CA-609 CoC.

BACKGROUND INFORMATION

On September 28, 2022, the San Bernardino County Interagency Council on Homelessness (ICH) adopted the VAWA Policies and Procedures, and Emergency Transfer Plan for the San Bernardino County CoC. The policies and procedures and emergency transfer plan adopted by the CoC adheres to VAWA and protections based on the U.S. Department of Housing and Urban Development (HUD) VAWA final rule. The ICH encouraged domestic violence providers to bring the policies and procedures back for recommended changes that are also in alignment with State of California directions and/or recommendations from local domestic violence service providers.

The following information below is based on the HUD VAWA final rule:

Intent of the Rule:

- All individuals have a right to a home without fear of violence
- Expansion of housing protections increases safe housing
- Safe housing reduces the risk of homelessness
- Seeks to decrease evictions, denials of housing assistance, and instances of fleeing for survivors experiencing violence in their homes

Basic Housing Protections:

- Victimization cannot be used as a reason to deny access to housing or to evict from housing
- Applicants cannot be denied based only on their status as a survivor of domestic violence, sexual assault, dating violence, and stalking
- Applicants cannot be denied access to housing based on factors directly related to the victimization, such as job history, credit history, criminal record, etc.
- Individuals cannot be evicted because of factors that were a direct result of the victimization
- Applicants cannot be denied access to housing based on adverse factors that are a direct result of current or past victimization, such as job history, credit history, criminal record, and rental history.

Members of the Interagency Council on Homelessness

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County of San Bernardino Continuum of Care Violence Against Women Act (VAWA) Policies and Procedures ()

A. Overview

Under the HUD Final Rule Implementing VAWA Reauthorization Act of 2013, Reauthorized March 2022, the County of San Bernardino Continuum of Care (CoC), is adopting policies to include provisions for protection of victims of domestic violence, dating violence, sexual assault, sexual battery, or stalking, regardless of sex, gender identity, gender expression or actual or perceived sexual orientation.

These policies and procedures apply to CoC-funded Rapid Re-Housing (RRH) and Permanent Supportive Housing (PSH) programs.

B. Notification of Occupancy Rights under VAWA

All CoC-funded programs must provide written notification to applicants, participants, and property owners and managers, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and termination of tenancy or assistance.

1. All CoC-funded programs must provide applicants and participants the following:
 - HUD Form 5380, *Notice of Occupancy Rights under the Violence Against Women Act* form that explains the VAWA protections including the right to confidentiality, and any limitations on those protections¹. See Attachment I
 - HUD Form 5382, *Certification of Domestic Violence, Dating Violence, Sexual Assault, Stalking or Alternate Documentation* form to be completed by the victim to document that the applicant or resident is a victim of domestic violence, dating violence, sexual assault, or stalking. See Attachment II
2. HUD Forms 5380 and 5382 must be provided to each person seeking or receiving CoC housing assistance at the following times:
 - i. At the time the person is denied housing;
 - ii. At the time the person is admitted to housing;
 - iii. When a participant receives notification of eviction;

¹ The final HUD Rule implementing VAWA applies to CoC-funded Rapid Re-Housing (RRH) and PSH programs funded under a CoC NOFA published on or after December 16, 2016. However, the core statutory protections of VAWA that prohibit denial or termination of assistance or eviction solely because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking, applied upon enactment of VAWA 2013 on March 7, 2013, reauthorized March 2022.

When a participant is notified of termination of program assistance; and

iv. For existing program participants:

- During the 12-month period following December 16, 2016, either during annual recertification or lease renewal, whichever is applicable, or,
- If there will be no recertification or lease renewal for a tenant during the first year after the rule takes effect, the tenant shall receive the forms by mail.

3. Property owners must also receive notice of VAWA obligations and agree to certain VAWA commitments:

i. CoC rental assistance programs must provide copies of the HUD Forms to the property owner or manager at the time of lease-up and every re-certification as part of the lease renewal.

ii. Any contract between the recipient/sub-recipient and the Landlord must include:

- The requirement to comply with VAWA provisions as promulgated in 24 CFR part 5, subpart L;
- A commitment from the Landlord to provide the HUD Forms 5380 and 5382 to the program participant with any notification of eviction and comply with VAWA's confidentiality requirements;
- The requirement on the Landlord to include
 - (1) a lease provision that includes **all requirements that apply to tenants, the owner, or the lease under VAWA**, including the prohibited bases for eviction and restrictions on construing lease terms under 24 CFR 5.2005(b) and (c), and
 - (2) language in the lease that permits the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the program participant qualifies for an emergency transfer.

iii. Sponsor-based housing programs must include the following in any lease, sublease, or occupancy agreement:

- (1) a lease provision that includes **all requirements that apply to tenants, the owner, or the lease under VAWA**, including the prohibited bases for eviction and restrictions on construing lease terms under 24 CFR 5.2005(b) and (c), and
- (2) language in the lease that permits the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the program participant qualifies for an emergency transfer.
-

iv. **For existing participating property owners:** During the 12-month period following December 16, 2016, if there will be no recertification or lease

renewal for a tenant during the first year after the rule takes effect, HUD Forms 5380 and 5382 must be mailed to the property owner or manager. A VAWA Lease Addendum must be executed and returned by the property owner or manager and then executed by the participant.

C. Protections Provided Under the VAWA

VAWA provides specific protections for victims of domestic violence, dating violence, sexual assault or stalking as follows:

1. CoC programs may not deny admission or assistance to an applicant on the basis or as a direct result of the fact that the person has been a victim of domestic violence, dating violence, sexual assault or stalking if the applicant otherwise qualifies for admission or assistance.
 - a. If the program receives adverse information about an applicant/household member and is aware that domestic violence might be involved, the program shall determine whether there is a substantial connection between the adverse information and the fact that the applicant/household member is a victim of domestic violence. If the program determines that there is such a connection, then the program will disregard the adverse information.

A substantial connection includes, but is not limited to, where a victim loses financial support (e.g. victim's job or perpetrator's wages) due to domestic violence and is evicted (or receives a negative landlord reference) for late or nonpayment of rent; where a victim is evicted or receives a negative landlord reference due to property damage and/or noise or other interference with neighbors caused by the perpetrator; and where a victim receives a negative landlord reference for breaking a lease prior to its expiration due to domestic violence.
2. CoC programs may not terminate the lease or program assistance of a family that moves out of the dwelling unit in violation of the lease, with or without prior notification to the program, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed they were imminently threatened by harm from further violence if they remained in the unit. An "imminent threat" is a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.
3. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed as either a serious or repeated lease or program violation by the victim or as good cause to terminate the lease or assistance of the victim.
4. Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking may not be construed as cause for terminating assistance of the lease of a resident if a member of the resident's

household, a guest, or another person under the resident's control is the one engaging in the criminal activity, and the resident or affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, sexual assault, or stalking.

5. CoC programs have the authority to terminate the lease to any resident or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence.
6. Common Application of Protections Afforded:
 - a) Where a perpetrator causes property damage, program assistance may not be terminated nor shall a sponsor-based program evict the victim of domestic violence, dating violence, sexual assault or stalking because of such property damage.
 - b) Where nonpayment of rent or other charges due a sponsor-based program is caused by the perpetrator, and where the victim of domestic violence, dating violence, sexual assault or stalking removes said perpetrator from the lease, the program shall offer the remaining household members a reasonable repayment plan (without charging late fees but may recover costs) and shall not evict the remaining members for such nonpayment so long as they comply with said plan.

D. Limitations of VAWA Protections

1. Nothing in this policy limits the authority of the CoC or CoC programs, when notified of a court order, to comply with respect to the rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault or stalking, or the distribution of property among household members.
2. Nothing in this policy limits any available authority of the CoC or CoC programs to evict or terminate assistance to a resident or tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant.

However, the CoC nor CoC programs may not subject the tenant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate assistance.

3. Nothing in this section limits the authority of CoC programs to issue a termination of assistance or evict a tenant if the program can demonstrate an actual and imminent threat would be present if that tenant or lawful occupant is not evicted or terminated from assistance. The threat can be to other tenants or those employed at or providing service to the property or site. In this context, words, gestures, actions, or other indicators will be

considered an “actual and imminent threat” if they meet the standards provided in the following definition:

- A physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.
4. Any termination of assistance or eviction, as provided in paragraph D(3) of this section should be utilized only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property or site, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes but must be tailored to particularized concerns about individual residents.

E. Evidence Required as Proof of Domestic Violence, Dating Violence, Sexual Assault or Stalking

1. If an applicant or tenant requests or may be subject to VAWA protections as defined in this policy, the program must provide the alleged victim with HUD form 5382, *Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation* and request that it or other documentation as listed below be returned within fourteen business days. The program may, but is not required, to extend the period to submit the documentation with the approval of the Collaborative Applicant. In response to this request, the resident may complete HUD form 5382 or provide one of the following types of third-party documentation:
- a) A listing of the approximate dates when each incident occurred, discussion of the applicant's fears and injuries and the effect that each abusive incident has had on the applicant and their family;
 - b) Restraining or civil protection orders;
 - c) Medical records or statement from medical professional;
 - d) Documentation from a mental health professional;
 - e) Police reports, records of telephone calls or visits to the victim's address. This may include telephone calls to the police registering a complaint, a log of police runs made to the residence, copies of all tapes and reports written by officers responding to a call;
 - f) A record of an administrative agency or victim service provider;
 - g) Court records;
 - h) Statements signed by workers from a domestic violence shelter or

other domestic violence programs attesting to the time the victim spent in the shelter and the reason as linked to incidents of abuse;

- i) Statement signed by counselors if victim attended counseling;
- j) Statement signed by an attorney from whom the victim sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking.
- k) Reports, statements from police, judges and other court officials, clergy, social workers, social service agencies, or other victim service providers;
- l) Other credible evidence as corroborated by law enforcement or domestic violence providers as accepted at the discretion of the housing provider.
- m) Any statements that are signed by above-mentioned professionals must specify that the professional believes the incident or incidents of domestic violence occurred and meet the definition of domestic violence, dating violence, sexual assault, or stalking. The victim must also sign same statements.

2. Conflicting Evidence

- a) If the program receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim of the other petitioning household members as the abuser or perpetrator), the program may request third-party documentation from victims in order to resolve the conflict.
- b) The victim must provide the third-party documentation within 30 days.
- c) If the victim is dissatisfied with the results of the conflict resolution, the victim may appeal the decision following the housing providers' standard appeals policies and procedures.
- d) If the victim fails or refuses to provide documentation as required in this section, the program does not have to provide the victim with the protections contained in this policy.

F. Considerations for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The housing program must consider:

- 1. The nature and severity of each case while exercising discretion on whether family members or their guests pose an actual **and** imminent threat to the health, safety, or right to peaceful enjoyment of the premises by others. Any eviction or termination of assistance taken on this basis should only be used when there are no other actions that can be taken to

reduce or eliminate the threat, including but not limited to:

- a) Transferring the victim
 - b) Barring the perpetrator from the property
 - c) Lease bifurcation
 - d) Contacting law enforcement
2. Undertaking whatever actions permissible and feasible under the program to assist victims of domestic violence, dating violence, sexual assault, or stalking. (e.g., bear some or all of the moving cost of the transfer, etc.), subject to availability of funding and resources.
 3. Removing the perpetrator of domestic violence from the lease, while the remaining family members stay in the assisted unit, with notification of the CoC.
 4. The effects of denial or termination of assistance on other family members who were not involved in the offense.
 5. The conditions barring the culpable household member from residing in or visiting the unit.
 6. The circumstances relevant to an eviction or termination of tenancy based on the extent to which the person has shown personal responsibility to prevent the offending action, and the time that has elapsed since their arraignment for that crime.
 7. The range of evidence as proof of domestic violence, dating violence, sexual assault, or stalking, which may include, but is not limited to victim's statement, testimony or affidavit outlining the facts of the violence or cruelty in each incident, utilizing form HUD-5382.

G. Confidentiality

All information provided regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the CoC, providers or property owner or manager may not:

1. enter the information into any shared database except the authorized DV comparable database;
2. allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work; or
3. provide the information to any other entity or individual, except to the extent that the disclosure is:
 - (i) requested or consented to by the individual in writing in a time-limited basis;
 - (ii) required for use in an eviction proceeding or termination of assistance; or
 - (iii) otherwise required by applicable law.

If program disclosure is required for use in an eviction proceeding or is

otherwise required by applicable law, the program will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

H. Lease Bifurcation

1. The program may, in accordance with paragraph 2 of this section, bifurcate a lease, or remove a household member from a lease to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, against an affiliated individual or other individual:
 - Without regard to whether the household member is a signatory to the lease; and
 - Without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.
2. A lease bifurcation, as provided in paragraph 1 of this section, shall be carried out in accordance with any requirements or procedures as may be prescribed by Federal, State, or local law for termination of assistance or leases and in accordance with any HUD requirements.

I. Assistance for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking

1. Rental assistance programs will work with the property owner or manager to facilitate protections on the tenant's behalf. In addition, the CoC will make determinations on a case-by-case basis based on the program's recommendation whether to provide new tenant-based rental assistance to a remaining tenant if lease bifurcation or an emergency transfer results in the division of the household.

J. Non-discrimination

Pursuant to VAWA and the policies of the CoC, no applicant or tenant shall, on the basis of actual or perceived race, color, religion, national or ethnic origin, sex, familial status, marital status, status as a victim of domestic violence, dating violence, sexual assault or stalking, gender identity or gender expression, actual or perceived sexual orientation, disability, ancestry, age, pregnancy, or source of income be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under VAWA.



Community Revitalization
Community Development and Housing

San Bernardino County HOME-ARP Allocation Plan Overview

*Engaging stakeholders and residents in planning
for homeless assistance and supportive services*

Melissa Mailloux
Principal, Mosaic Community Planning
Fall 2022

- The 2021 American Rescue Plan included a one-time \$5 billion appropriation creating the HOME-ARP program.
- While intended for homeless assistance and supportive services, the funds were allocated by formula through the federal Department of Housing and Urban Development (HUD)'s existing HOME Investment Partnerships Program (HOME).
- Grantees are required to develop an Allocation Plan describing their proposed use of the funds.

**San Bernardino County's HOME-ARP Allocation:
\$12,717,363**

Funds Can Be Used for...

- Affordable housing development or redevelopment
- Rental assistance
- Supportive services
- Non-congregate shelter

To Benefit...

- People who are homeless
- People at risk of homelessness
- People fleeing domestic violence
- Other vulnerable populations



The County can choose to establish a **preference** giving a population or subgroup priority in accessing housing, shelter or services funded with HOME-ARP. This could be...

- Projects that target certain groups before others
 - Example: A shelter that prioritizes homeless families before serving other qualifying populations
- Project selection process that applies a preference
 - Example: A Notice of Funding Availability (NOFA) process that will give additional points to projects that give preference to homeless families
- Referral methods that prioritize certain groups
 - Example: Coordinated Entry (CE) process that prioritizes referrals for certain groups

HOME-ARP TARGETING (continued)

- Non-preference groups must still be eligible on a first-come, first-served basis after the preference group
- If no preferences are identified, all qualified applicants are admitted chronologically based on application date
- If no preferences are identified, a jurisdiction must amend its HOME-ARP Allocation Plan before implementing one



TIE-IN TO THE HOMELESS STRATEGIC ACTION PLAN

Funding Program	Fiscal Year	Allocation	Funding Source	Intervention Types Supported with Funding	Brief Description of Programming and Services Provided
HOME - American Rescue Plan Program (HOME-ARP) - via HUD	FY 2021-2022	\$12,717,363.00	Federal Agency	Administrative Activities	Aims to assist individuals or households who are experiencing homelessness, at risk of experiencing homelessness, and other vulnerable populations, by providing funding for rental housing, rental assistance, supportive services, and non-congregate shelters.
				Permanent Supportive and Service-Enriched Housing	
				Rental Assistance	

Populations Served

		TARGETED POPULATIONS			
x	ALL PEOPLE EXPERIENCING HOMELESSNESS	People Exp Chronic Homelessness	Veterans	Parenting Youth	
		People Exp Severe Mental Illness	People Exp HIV/ AIDS	Children of Parenting Youth	
		People Exp Substance Abuse Disorders	Unaccompanied Youth	Other	

- In developing the HOME-ARP Allocation Plan, the County will rely on strategies contained in the 2022 Homeless Strategic Action Plan.
- Additionally, new consultation and input is sought from:
 - Interagency Council on Homelessness (ICH) - through meetings and interviews
 - Service providers and other stakeholders - through this meeting
 - Members of the public - through a public hearing

- Gather input regarding unmet needs, allocations, preferences, and targeting from ICH, stakeholders, and the public
- Draft the Allocation Plan based on that input
- Hold a 15-day public comment period
- Finalize plan for approval by the County's Board of Supervisors and submission to HUD



- The Homeless Strategic Action Plan proposes to program the HOME-ARP funds for Permanent Supportive Housing, Service-Enriched Housing, Rental Assistance, and Administrative Activities.
 - Are these still the best uses of the HOME-ARP funds?
 - What unmet needs and gaps in the current housing and service delivery systems would remain?
 - How well will those remaining unmet needs be met through other programs and funding sources?
 - Should the County target HOME-ARP funding to any specific populations?
 - What collaboration opportunities would be important for ensuring the success of the County HOME-ARP funded projects?

The County's HOME-ARP planning team welcomes further comments and suggestions. To offer your ideas, send us an email:

ARP@mosaiccommunityplanning.com

THANK YOU!



**County of San Bernardino
Office of Homeless Services**

215 North D Street, Suite 301 • San Bernardino, CA 92415-0044

Phone: (909) 501-0610 • Fax: (909) 501-0622

Email: homelessrfp@hss.sbcounty.gov • Website: <http://www.sbcounty.gov/sbchp>

Homeless Management Information System (HMIS) Report

Date 10-26-2022

Presenter Kristin Stevens – Administrative Operations Manager -Office of Homeless Services

Announcements Update regarding Clarity – Bitfocus Migration

- | |
|---|
| <ul style="list-style-type: none"> • HUD required services migration is complete • Non-HUD services are expected to be fully entered into the system by end of October 2022 • Office of Homeless Services (OHS) continues to meet with Bitfocus weekly to work through gaps in the migration • Eccovia/Client Track remains available to providers for reporting purposes while we work to complete the migration |
|---|