Memorandum of Understanding – Emergency Housing Voucher (EHV)

This Memorandum of Understanding (MOU) has been created and entered on June 15, 2021 by the City of Wichita Housing & Community Services Department (HCSD) and South Central Balance of State (CoC)

Wichita Housing and Community Services Department (HCSD) City Hall - Tenth Floor
455 North Main
Wichita, Kansas 67202

South Central Balance of State (CoC)
2001 Haskell Avenue
Lawrence, KS 66046

The Wichita Housing and Community Services Department and South Central Balance of State (COC) through the Emergency Housing Voucher (EHV) Program seek to prevent and end homelessness among individuals and families who are experiencing homelessness; at risk of homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family’s homelessness or having high risk of housing instability.

Current opportunities for providing housing assistance through the Department of Housing and Urban Development (HUD) combined with case management and supportive services for homeless individuals and families include:

- Wichita Housing Authority Emergency Housing Voucher Program (HCSD – EHV)
- Wichita Housing Authority Homeless Preference Program (HCSD-HPP)
- Continuum of Care Grants (HUD-CoC)

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) into law, which provides over $1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, State and local governments, individuals, and businesses.

Section 3202 of the ARP appropriates $5 billion for new incremental EHV, the renewal of those EHV, and fees for the cost of administering the EHV and other eligible expenses defined by notice to prevent, prepare, and respond to coronavirus to facilitate the leasing of the emergency vouchers, such as security deposit assistance and other costs related to retention and support of participating owners.

Eligibility for these EHV is limited to individuals and families who are (1) homeless; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual
assault, stalking or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent the family’s homelessness or having high risk of housing instability.

After September 30, 2023, a PHA may not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted family ends or ended. EHV are tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)). The ARP further provides that HUD may waive any provision of any statute or regulation used to administer the amounts made available under section 3202 (except for requirements related to fair housing, nondiscrimination, labor standards and the environment) upon a finding that any such waivers or alternative requirements are necessary to expedite or facilitate the use of amounts made available for the EHV.

The HCSD-HPP is a local initiative that provides a limited referral based homeless preference on the waiting list of the PHA for up to 10% of its Housing Choice Voucher (HCV) allocation. The HCSD-HPP targets homeless individuals or families certified as homeless or moving on from Permanent Supportive Housing by a participating agency of the Continuum of Care. Certification is verified through the Homeless Management Information System (HMIS).

The Continuum of Care Program is designed to promote communitywide commitment to the goal of ending homelessness; providing funding for efforts by nonprofit providers as well as state and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.

The HCSD and South Central Balance of State (CoC) are committed in collaborating through this Memorandum of Understanding for the EHV Program to provide housing and supportive services to participants in Butler County and Harvey County (excluding the City of Newton).

Lead Agency Liaison:

Name and title of PHA staff position: Brandy Niblett, Housing Specialist

Name and title of CoC staff position: Megan Thompson, Regional Coordinator

**Individuals and Families Eligibility under the Qualifying Categories**

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

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

• Recently homeless and for whom providing rental assistance will prevent the family’s homelessness or having high risk of housing instability.

In general, the verification that the individual or family meets one of these four eligibility categories is conducted by the CoC or another partnering agency that makes direct referrals to the PHA. The CoC or other direct referral partner must provide supporting documentation to the PHA of the referring agency’s verification that the family meets one of the four eligible categories for EHV assistance.

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

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

**Homeless means:**

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

(2) An individual or family who will imminently lose their primary nighttime residence, provided that: (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance; (ii) No subsequent residence has been identified; and (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who: (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 18 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent
housing at any time during the 60 days immediately preceding the date of application for homeless assistance; (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

b. **Individuals or families who are at-risk of homelessness**

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

**At risk of homelessness.** (1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;

(ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition above; and

(iii) Meets one of the following conditions:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved consolidated plan.

(2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C.

(3) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

c. **Individuals or families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking**

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

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

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

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

a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
   1. The length of the relationship;
   2. The type of relationship; and
   3. The frequency of interaction between the persons involved in the relationship.
**Sexual assault** means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
(1) Fear for the person’s individual safety or the safety of others; or
(2) Suffer substantial emotional distress.

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

- **Sex trafficking** means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; (and)
- **Labor trafficking** means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

**d. Individuals or families who are recently homeless**

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

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

The HCSD and South Central Balance of State (CoC) agree to cooperate with Department of Housing and Urban Development by providing requested data and follow all evaluation protocols including possible random assignment procedures.

During the term of this agreement, the HCSD agrees to:

- **Work collaboratively with the CoC** to administer and distribute the Emergency Housing Vouchers (EHV) and other opportunities that meet the mission and intent of this MOU.
- **Accept individuals and families referred by the COC through Coordinated Entry (CE) as eligible** for identified programs. HCSD will keep its waiting list open for referrals of eligible targeted recipients per each programs’ requirements.
Determine if individuals or families referred by the COC are eligible for housing choice voucher assistance. The HCSD has discretion to place individual or families on HCV wait list or EHV wait list. Individuals or families listed on the HCV wait list will have the homeless preference added.

Assign Housing Department Staff to work with applicants and participants, and provide adequate inspection services and clerical support to assure timely lease-ups.

The Wichita Housing Authority will assist applicants & participants with their housing search as needed. Landlord recruitment for new units occurs on an ongoing basis. The Housing Specialist that is responsible for the management of the voucher caseload assists voucher holders with identification of units that satisfy the voucher holder's accommodation needs. Supportive service agencies also provide housing search assistance and transportation to view units as needed.

The PHA may contact HUD If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC CE system or other partner referral agencies. HUD may permit the PHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

During the term of this agreement South Central Balance of State (CoC) agree to:

- Work collaboratively with the HCSD to administer and distribute the Emergency Housing Vouchers (EHV) and other opportunities that meet the mission and intent of this MOU.
- Establish and implement a system to identify program eligible individuals and families within the coordinated entry process and to review referrals from the PHA. This will be done through our intake and assessment of individuals and families coming to the attention of COC that meet the eligibility requirements of EHV. Eligible individuals or families must reside in Butler County or Harvey County (except the city of Newton).
- Provide written referral to HCSD that an individual or family qualifies as an eligible participant in accordance with EHV eligibility requirements. This will be accomplished through the mutual development of a referral form to the PHA with verification through HMIS.
- Commit sufficient staff resources to ensure that eligible individuals or families are identified and determined eligible in a timely manner and to provide follow-up supportive services after these individuals or families lease units.

Services to be provided to eligible EHV individuals or families:

1. Partnering service providers will support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance; while aiding households in addressing barriers.
2. Partnering service providers will support PHAs in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the PHA.
3. Partnering service providers will provide housing search assistance for eligible individuals and families.
4. Partnering service providers will provide counseling on compliance with rental lease requirements.
5. Partnering service providers will assess individuals and families who may require referrals for assistance on security deposits, utility hook-up fees, and utility deposits.
6. Partnering service providers will assess and refer individuals and families to benefits and supportive services, where applicable.

Signed By:

AGENCY

________________________  __________________
Megan Thompson, Regional Coordinator  Date

CITY OF WICHITA

________________________  __________________
Brandon J. Whipple, Mayor  Date

ATTEST:

________________________  __________________
Karen Sublett, City Clerk  Date

APPROVED AS TO FORM:

________________________  __________________
Jennifer Magana, City Attorney and Director of Law  Date