

# Housing First Policy



### I. Overview

Housing First is an evidence-based approach to homeless services<sup>1</sup> that prioritizes providing safe housing without preconditions to people experiencing homelessness.

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

“[Housing First] is guided by the belief that people need basic necessities like food and a place to live before attending to anything less critical, such as getting a job, budgeting properly, or attending to substance use issues. Additionally, Housing First is based on the understanding that client choice is valuable in housing selection and supportive service participation, and that exercising that choice is likely to make a client more successful in remaining housed and improving their life.”<sup>2</sup>

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

### II. Applicability

This Policy applies to activities funded via the following programs<sup>3</sup>:

- Emergency Solutions Grant (ESG) Program
- ESG-CV Program

### III. Requirements

#### A. General Requirements

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

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

- As explicitly permitted or required by one or more of the activity’s funders; or,

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<sup>1</sup> “Data Visualization: The Evidence on Housing First.” *National Alliance to End Homelessness*, 25 May 2021, <https://endhomelessness.org/resource/data-visualization-the-evidence-on-housing-first/>

<sup>2</sup> “Housing First.” *National Alliance to End Homelessness*, 20 March 2022, <https://endhomelessness.org/resource/housing-first/>

<sup>3</sup> WIC Code § 8256

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

Notwithstanding the above: homeless services activities and continuums of care may continue to have applicant selection processes that prioritize people based on need, which may be evidenced by data including but not limited to length of time homeless, utilization of crisis services, and case manager expert knowledge of individual participant strengths and vulnerabilities.

### B. Specific Exclusions

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

- **Income:** assistance cannot be denied or terminated based on income, including having little or no income (except where specified by the ESG Interim Rule)
- **Criminal activity:** assistance cannot be denied or terminated on the basis of current or a history of criminal activity except (1) under the most serious circumstances including criminal convictions related to tenancy or (2) State or local law would otherwise expressly permit or require the denial or termination of assistance
- **Substance use:** assistance cannot be denied or terminated on the basis of current or a history of substance use; moreover, assistance cannot be conditioned upon participation in or completion of an alcohol or drug treatment program although CA HCD supports harm reduction principles as outlined in WIC Code § 8255, (10)
- **Program participation:** assistance cannot be denied because an applicant refuses to sign or agree to comply with one or more program rules, and assistance cannot be terminated because a participant does not comply with one or more program rules, unless (1) compliance with a given rule is a requirement

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imposed by a program funder or (2) State or local law otherwise expressly requires adherence to a given rule

- **Rental history:** assistance cannot be denied or terminated on the basis of rental history, including but not limited to a past evictions
- **Fair Housing:** assistance cannot be denied or terminated as the result of discrimination prohibited under the Fair Housing Act, which specifies the following protected characteristics: race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability<sup>4</sup>
- **Equal Access in Accordance with Gender Identity Final Rule:** assistance cannot be denied or terminated as the result of discrimination prohibited under the Gender Equal Access Final Rule, which specifies the following: applicants and participants must be assisted in accordance with their gender identity, cannot be subjected to intrusive question or asked to provide anatomical information or documentary, physical, or medical evidence of their gender identity, and assistance must be provided in a manner that affords equal access to that assistance for the applicant's family<sup>5</sup>

## IV. Recordkeeping and Review

### A. Subrecipients

Subrecipients are required to maintain a record for each applicant who is denied assistance and for each participant whose assistance is terminated. These records may be physical or electronic and may be created or kept by the subrecipient, project sponsors, or a combination; however, the subrecipient is required to make them available to CA HCD during the monitoring process and otherwise at CA HCD's request.

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

*Note:* for street outreach-only projects such as ESG-funded Street Outreach, there is a distinction between non-engagement and termination. Subrecipients are encouraged

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<sup>4</sup> "Housing Discrimination Under the Fair Housing Act." *HUD.gov*.

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview)

<sup>5</sup> "Equal Access to Housing Final Rule." *HUD.gov*. September 2016.

<https://www.hudexchange.info/resource/1991/equal-access-to-housing-final-rule/>

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but not required to maintain denial and termination records for participants who have not yet engaged. The distinction between non-engagement and termination is as follows:

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

### B. CA HCD

CA HCD will, as part of its subrecipient monitoring process, review records within the program year(s) being monitored of applicant assistance denials and participant assistance terminations. CA HCD may review a sample or the entirety of these records at its discretion. CA HCD may also review these records outside the monitoring process at its discretion.

If CA HCD finds a subrecipient in violation of this Policy, it will remedy the violation at its discretion and in accordance with all applicable Federal or state monitoring or corrective action rules and regulations. In the absence of guidance outside this Policy and where violations are not widespread or egregious, CA HCD will attempt to remedy the violation by preventing violations going forward. More serious or repeat violations may result in more severe corrective actions up to and including the recapture of funds and the refusal to award funds in subsequent years.