

EASTERN PA CONTINUUM OF CARE: ACKNOWLEDGEMENT OF COMPLIANCE REQUIREMENTS WITH HUD REGULATIONS AND NOTICES

Approved by CoC Board, 12/19/16

The Eastern PA Continuum of Care Board acknowledges the requirement of all projects receiving CoC-funding to be compliant with 24 CFR Part 578 (HEARTH: Continuum of Care Program), the terms of the project's grant agreement with HUD, and all other applicable HUD regulations and notices, including but not limited to compliance with:

- Fair Housing and Equal Opportunity requirements set forth in 24 CFR 5.105(a)
- The accessibility requirements of the Fair Housing Act (24 CFR part 100), Section 504 of the Rehabilitation Act of 1973 (24 CFR part 8), and Titles II and III of the Americans with Disabilities Act, as applicable (28 CFR parts 35 and 36).
- The provision of housing and supportive services in the most integrated setting appropriate to the needs of persons with disabilities (24 CFR § 578.93(d)).
- Prohibition against involuntary family separation. The age and gender of a child under age 18 must not be used as a basis for denying any family's admission to a project (24 CFR § 578.93(e)).
- In the case of projects that provide housing or services to families, the project will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of the Act. (Continuum of Care Program Grant Agreement, which requires projects "To comply with such other terms and conditions as HUD may have established in the applicable Notice of Funds Availability.")

Further, programs must take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education. (24 CFR § 578.23(7))

- CoC-funded projects must follow HUD's Equal Access to Housing
 - On September 21, 2016, HUD published a final rule in the Federal Register entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs." Through this final rule, HUD ensures equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD). This rule builds upon HUD's February 2012 final rule entitled "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity" (2012 Equal Access Rule), which aimed to ensure that HUD's housing programs would be

open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status.

- Equal Access in Accordance with Gender Identity Final Rule – 2016
 - <https://www.hudexchange.info/resources/documents/Equal-Access-Final-Rule-2016.pdf>
- Equal Access to Housing Final Rule – 2012
 - https://www.hudexchange.info/resources/documents/EqualAccess_FinalRule_2.3.12.pdf
- HUD Notice CPD-15-02: Appropriate Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities, which provides guidance to Emergency Solutions Grants (ESG), Continuum of Care (CoC), and Housing Opportunities for Persons With AIDS (HOPWA) funded providers on how best to provide shelter to transgender persons in a single-sex facility and on appropriate and inappropriate inquiries related to a potential client's sex for the purposes of placing transgender persons in temporary, emergency shelters, or other facilities with shared sleeping areas or bathrooms.
- To comply with such other terms and conditions as HUD may have established in the applicable Notice of Funds Availability, as well as future requirements issued by HUD.