

## PREFERENCES, REFERRAL METHODS, SUBPOPULATIONS

### Preferences, Referral Methods, and Subpopulations ....

**Preferences:** reasonable preferences may be established among the QP's to prioritize applicants.

**Targeted Assistance:** reasonable preferences among the QP's may be established for persons with special needs or persons with disabilities at such time HOME-ARP is used for tenant based rental assistance - TBRA.

**Referral Methods:** To increase efficiency, use of the Coordinated Entry or Coordinated Entry Process (CE) may be used for HOME-ARP projects and activities provided the CE covers the Killeen jurisdiction and the CE point collects information and documentation required to determine eligibility with the QP's established but not to rank the applicant other than what is specified by preferences or method of prioritization.

**Limiting Eligibility to Subpopulations:** The City must follow all applicable fair housing, civil rights, and nondiscrimination requirements, including but not limited to those requirements listed in 24 CFR 5.105(a). This includes, but is not limited to, the Fair Housing Act, Title VI of the Civil Rights Act, section 504 of Rehabilitation Act, HUD's Equal Access Rule, and the Americans with Disabilities Act, as applicable. HOME-ARP rental housing or NCS may be limited to a specific subpopulation of a qualifying population identified in Section IV.A. of the Notice, so long as admission does not discriminate against any protected class under federal nondiscrimination laws in 24 CFR 5.105 (e.g., the housing may be limited to homeless households and at risk of homelessness households, veterans and their families, victims of domestic violence, dating violence, sexual assault, stalking or human trafficking and their families). Recipients may limit admission to or provide a preference for HOME-ARP rental housing or NCS to households who need the specialized supportive services that are provided (e.g., domestic violence services). However, no otherwise eligible individuals with disabilities or families including an individual with a disability who may benefit from the services provided may be excluded on the grounds that they do not have a particular disability.

The City may establish, as directed by priority community need, preferences or specific referral methods for qualifying populations who would receive priority over other applicants for housing and support services assistance. In order to prioritize applicants for HOME-ARP projects or activities, Killeen could implement a uniform referral process, with detail in the Killeen HOME-ARP Allocation Plan, ensuring compliance with fair housing, civil rights, and nondiscrimination when applying the preferences through any referral methodologies.

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## HOME-ARP

### Home Investment Partnerships American Rescue Plan Program

*Reduce Homelessness.  
Increase Housing Stability.*

### Citizen's Guide to HOME-ARP Rule

### Qualifying Populations, Supportive Services, and Housing

City of Killeen Community Development Division

802 N 2nd Street, Bldg. E

Killeen, Texas 76541

[www.killeentexas.gov/HOME-ARP](http://www.killeentexas.gov/HOME-ARP)



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Issued: September 13, 2021  
Expires: **This NOTICE is effective until it is amended, superseded, or rescinded**  
Cross Reference: 24 CFR Part 92

## INTRODUCTION

On March 11, 2021, President Biden signed American Rescue Plan Act (ARPA) 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. To address the need for homelessness assistance and supportive services, Congress appropriated \$5 billion in ARP funds to be administered through HOME to perform four activities that must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations.

ARP defines the qualifying individuals or families as those that are (1) homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C. 11302(a)) (“McKinney-Vento”); (2) at risk of homelessness, as defined in section 401 of McKinney-Vento; (3) fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking; (4) part of other populations where providing supportive services or assistance would prevent a family’s homelessness or would serve those with the greatest risk of housing instability; or (5) veterans and families that include a veteran family member that meet the criteria in one of (1)-(4) above.

The eligible activities include: (1) development and support of affordable housing, (2) tenant-based rental assistance (TBRA), (3) provision of supportive services; and (4) acquisition and development of non-congregate shelter units. The program described in the notice for the use of the \$5 billion in ARP funds is the **HOME-American Rescue Plan** or “**HOME-ARP**.”

The City of Killeen was allocated \$1,778,641 of funds from the U.S. Department of Housing and Urban Development (HUD) under section 3205 of the American Rescue Plan Act (P.L. 11702) (“ARP”), for the Home Investment Partnership Program (HOME) to provide homelessness assistance and supportive services. Prior to receiving its HOME-ARP Allocation, the City of Killeen must develop a plan identifying the specific qualifying populations, gaps in current shelter, housing inventory, and support services available, characteristics of housing associated with instability and increased risk of homelessness, and the range of activities to be undertaken, the distribution of funds to activities, the process for soliciting applications from providers and/or selecting eligible projects, and identification of any preferences and/or referral methods to be used in providing housing and support services to those most vulnerable populations.

ARP provides funds for homelessness and supportive services assistance under the HOME statute of Title II of NAHA (42 U.S.C. 12721 et seq.) and authorizes the Secretary of HUD to waive or specify alternative requirements for any provision of NAHA or regulation for the administration of the HOME-ARP program, except requirements related to fair housing, civil rights, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of HOME-ARP funds. The HOME-ARP Notice (the “Notice”) describes the requirements applicable to a participating jurisdiction’s (PJ’s) use of HOME-ARP funds. Consolidated plan requirements for HOME are in title I of NAHA and 24 CFR part 91. HOME program regulations are in 24 CFR part 92. Except as described in ARP and the Notice, HOME statutory and regulatory provisions apply to a PJ’s use of HOME-ARP funds. Sections I-IX of this Notice describe the HOME-ARP requirements imposed on a PJ for the use of HOME-ARP funds to assist the qualifying populations through HOME-ARP projects or activities. The Appendix describes the waivers and alternative requirements imposed on PJs for the use of HOME-ARP funds and is included in any reference to “the Notice.” Specific citations in the Notice shall mean the statute or regulation cited, as may be revised by the Appendix to this Notice. PJs and insular areas must comply with all applicable statutory, regulatory, and alternative requirements, as described in the Notice, including the Appendix.

**The Killeen Community Development Division is responsible for engaging the community, support service providers, rental housing developers, owners and investors, in development of the Killeen HOME-ARP Allocation Plan.**

[WWW.KILLEENTEXAS.GOV/HOME-ARP](http://WWW.KILLEENTEXAS.GOV/HOME-ARP)

## ELIGIBLE PROJECTS

CONTINUED

### HOME-ARP Rental Housing...

**TBRA (Tenant Based Rental Assistance)** may be used to subsidize HOME-ARP QP’s until they are 'self-sufficient' - Clients would live in a rental unit where HOME-ARP funds would pay all or a portion of the monthly rent and basic utilities while receiving supportive services until the client can pay the costs on their own (self-sufficient)

**HOME-ARP funds may be used to Acquire, Rehabilitate, or Construct affordable rental housing for QP’s.**

**HOME-ARP funds may be used for eligible activities as listed above to include acquisition of vacant land or demolition of a substandard structure not eligible for rehabilitation; and used for one or more units in a project.**

**HOME-ARP funds may only pay development costs of HOME-ARP units.** Upon completion the number of HOME-ARP units may not be reduced.

**The Minimum amount of HOME-ARP funds that must be invested in the project is \$1,000 times the number of units assisted with HOME-ARP.** Minimum HOME-ARP compliance Period is (fifteen) 15-years irrespective of the amount of HOME-ARP funds invested in the project; a land use restriction / deed restriction agreement will be imposed on all projects utilizing HOME -ARP funds\*; Killeen may impose a longer compliance period; Noncompliance Penalties for rental housing terminated prior to the end of the compliance period is repayment of the HOME-ARP invested: 100% in the first 10 years; reduction of 20% for each year beyond the initial 10-years during which time the project was compliant.

**70% of all HOME-ARP units will admit persons based only as a QP.** Not more than 30% of the HOME-ARP units can be restricted to low-income persons who are QP’s and may not charge more than the Fair Market Rent (FMR) or 30% of the person’s annual adjusted income at 65% of the median income as established by HUD. \* Additional requirements are imposed by HOME-ARP requirements - see the HOME-ARP Notice.

### Non-Congregate Shelter (NCS) Units and Supportive Services ....

Non-congregate shelter (NCS) is one or more buildings that provide private units or rooms as temporary shelter to individuals and families and does not require occupants to sign a lease or occupancy agreement. HOME-ARP funds may be used to acquire and develop HOME-ARP NCS for individuals and families in qualifying populations. This activity may include ,but is not limited to the acquisition of land and construction of HOME-ARP NCS or acquisition and/or rehabilitation of existing structures such as motels, hotels, or other facilities to be used for HOME-ARP NCS. NCS may, during restricted use period, be converted to permanent affordable housing according to the requirements established in Section VI.E.11 of the HOME-ARP Notice; Be converted to permanent housing as defined in Subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 USC 11381 et seq.) according to requirements of this Notice and 24 CFR part 578. NCS units may only be occupied by individuals that meet the criteria for one or more of the QP’s. QP’s are not to be charged occupancy fees or other charges to occupy a HOME-ARP NCS unit. HOME-ARP supportive services may also be provided as needed to QP’s served by the HOME-ARP NCS.

## ELIGIBLE PROJECTS

### Supportive Services ....

There are (three) 3-categories of eligible Supportive Services under HOME-ARP.

**a. McKinney-Vento Supportive Services:** McKinney-Vento Supportive Services under HOME-ARP are adapted from the services listed in [section 401\(29\) of McKinney-Vento](#).

Eligible costs associated with McKinney-Vento supportive services and homelessness prevention supportive services include:

Costs of child care; Costs of improving knowledge and basic educational skills; Costs of establishing and/or operating employment assistance and job training programs; Costs of providing meals or groceries; Costs of assisting eligible program participants to locate, obtain and retain housing; Costs of certain legal services; Costs of teaching critical life management skills; Financial assistance costs, including: Rental application fees, Security deposits, Utility deposits, Payment of rental arrears ; Costs of establishing and/or operating employment assistance and job training programs; Costs of providing meals or groceries; Costs of assisting eligible program participants to locate, obtain and retain housing; Costs of certain legal services; Costs of teaching critical life management skills; Financial assistance costs, including: Rental application fees, Security deposits, Utility deposits, Payment of rental arrears

**b. Homelessness Prevention Services:** HOME-ARP Homelessness Prevention Services are adapted from eligible homelessness prevention services under the regulations at [24 CFR 576.102](#), 24 CFR 576.103, 24 CFR 576.105, and 24 CFR 576.106, and are revised, supplemented, and streamlined in Section VI.D.4.c.i.

**c. Housing Counseling Services:** Housing counseling services under HOME-ARP are those consistent with the definition of housing counseling and housing counseling services defined at 24 CFR 5.100 and 5.111, respectively, except where otherwise noted. The requirements at 24 CFR 5.111 state that any housing counseling, as defined in 24 CFR 5.100, required under or provided in connection with any program administered by HUD shall be provided only by organizations and counselors certified by the Secretary under 24 CFR part 214 to provide housing counseling, consistent with 12 U.S.C. 1701x.

### Permanent Supportive Housing (PSH) .....

Permanent Supportive Housing (PSH) is permanent housing in which **housing assistance** (e.g., long-term leasing or rental assistance) **and supportive services are provided to assist households** with at least one member (adult or child) with a disability, in achieving housing stability. PSH is inclusive of indefinite leasing or rental assistance combined with supportive services for disabled persons experiencing homelessness so that they may live independently. In PSH projects there must be a sublease and it must be for a term of at least one year and automatically renewable upon expiration.

All units paid for with HOME-ARP funds (leasing or rental assistance funds) must meet certain basic Housing Quality Standards (HQS) prior to expending the HOME-ARP funds on that unit. All units must additionally meet state and local codes and disclose the existence of and take reasonable precautions regarding the presence of lead-based paint in HOME-ARP leased or assisted units constructed prior to 1978. Rent reasonableness applies to HOME-ARP leased or assisted units.

## ELIGIBLE POPULATIONS

### Homeless, Homeless in Killeen, "of the Killeen Community" ....

Persons who are considered "Homeless in Killeen" are those persons who have been in the Killeen community for the most recent (twenty) 20 consecutive calendar days and has resided in a shelter during that time, will be considered as "in Killeen"; or, "of the Killeen community".

### Homeless as defined in 24 CFR 91.5:

**(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; or

**(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; or

**(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 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;

***Veterans and Families that include a Veteran Family Member** that meet any part of the definitions of eligible populations are included to be included in the definition of "eligible populations."*

## ELIGIBLE POPULATIONS

CONTINUED

### At-Risk of Homelessness....

At risk of homelessness as defined by HUD in 24 CFR 91.5 is:

**(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 herewith; 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 after 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. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

**(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.

### Fleeing Domestic Violence....

**Domestic violence includes dating violence, sexual assault, stalking, or human trafficking as defined by HUD.** An individual or family who reasonably believes that there is a threat of imminent harm from further violence due to dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return or remain within the same dwelling unit. In the case of sexual assault, this also includes cases where an individual reasonably believes there is a threat of imminent harm from further violence if the individual remains within the same dwelling unit that the individual is currently occupying, or the sexual assault occurred on the premises during the 90-day period preceding the date of the request for transfer.

**Domestic violence as defined in 24 CFR 5.2003 includes felony or misdemeanor crimes of violence committed by:**

1) 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); 2) A person with whom the victim shares a child in common; 3) A person who is cohabitating with or has cohabitated with the victim as

## ELIGIBLE POPULATIONS

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a spouse or intimate partner; 4) A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving HOME-ARP funds; or 5) 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 which is defined in 24 CFR 5.2003 means** violence committed by a person: 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) Where the existence of such a relationship shall be determined based on a consideration of the following factors: a. The length of the relationship; b. The type of relationship; and c. The frequency of interaction between the persons involved in the relationship.

**Sexual assault which is defined in 24 CFR 5.2003 means** any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

**Stalking is defined in 24 CFR 5.2003** 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: 1) *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; or 2) *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.

### Persons considered to be "Other Populations" ....

HUD defines "other populations" as individuals and households who **do not** qualify under any of the populations above, but meet one of the following criteria:

**(1) Other Families Requiring Services or Housing Assistance to Prevent Homelessness** is defined as households (i.e., individuals and families) who have previously been qualified as "homeless" as defined in 24 CFR 91.5, are currently housed due to temporary or emergency assistance, including financial assistance, services, temporary rental assistance or some type of other assistance to allow the household to be housed, and who need additional housing assistance or supportive services to avoid a return to homelessness.

**(2) At Greatest Risk of Housing Instability** is defined as household who meets either paragraph (i) or (ii): (i) has annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e., is paying more than 50% of monthly household income toward housing costs); (ii) has annual income that is less than or equal to 50% of the area median income, as determined by HUD, AND meets one of the following conditions from paragraph (iii) of the "At risk of homelessness" definition established at 24 CFR 91.5:

**(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 after 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 persons reside 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.