

# New Definition of Homelessness and At Risk of Homelessness

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# The New Rule

- The final rule on the Definition of Homeless went into effect on January 4, 2012.
- Both **Homelessness** and **At Risk of Homelessness** redefined

**WHO AND WHEN DOES IT APPLY TO?  
WHAT PROGRAMS AND AGENCIES**

# Who Does This New Rule Apply To?

- The rule applies to programs funded by HUD differently ***depending*** on the **type of program** and, for competitive programs, when your operating year begins.
  - All recipients of **Emergency Solutions Grants (ESG)** program fund (*Formula program*)
    - Homeless Prevention Programs
    - Rapid Rehousing Programs
    - Persons served at emergency shelters (Shelter Operations)

# Emergency Solutions Programs

- The Salvation Army
- SafeHaven of Tarrant County
- GRACE
- Others...

# Who Does This New Rule Apply To?

- **All recipients** of SHP and S+C funding awarded through the **FY 2011 CoC Competition** at the point that their renewal award takes effect.
- For example, a project with a start date of May 1 would be subject to the new definition regulation on May 1, 2012 when their 2011 renewal grant agreement takes effect.



# Definition Applies at Start up Examples

Grantee	Project	CoC 2011 Start Date
Tarrant County	Cornerstone 3CP	4/1/2012
Tarrant County	TBLA 114 Tarrant County	3/1/2012
Tarrant County	Samaritan House Supportive Housing	4/1/2012
Presbyterian Night Shelter	Mimi Hunter Fitzgerald Safe Haven	4/1/2012
Tarrant County	SafeHaven Needs Assessment/Childcare	4/1/2012
FWHA	SPC 1	4/1/2012

# Who Does This New Rule Apply To?

- This definition **does not apply** to HPRP programs or competitive projects that did not renew in the 2011 Continuum of Care competition.

*No projects because HPRP is over and all projects were renewed in the 2011 cycle.*



# HOMELESSNESS

## New Definition of Homelessness

- Establishes four categories under which an individual or family may qualify as homeless
  1. **Literally Homeless**
  2. **Imminent Risk of Homelessness**
  3. **Homeless under other Federal Statutes**
  4. **Fleeing/Attempting to Flee DV**

# Literally Homeless

- Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - Has a primary nighttime residence that is a public or private place not meant for human habitation;
    - A car, a park, an abandon building, a bus or train station, an airport, a camping ground
  - Is living in a publicly or privately operated **shelter designated to provide temporary living arrangements** including **(eHIC)**
    - congregate shelters
    - transitional housing
    - **hotels and motels paid for by charitable organizations** or by federal, state and local government programs
  - Is exiting an institution
    - where (s)he has 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

# Literally Homeless

Easiest way to Document homelessness AND ease of eligibility in services and housing to document someone was in an emergency shelter or receiving outreach services, or hotel stay:

**HMIS**

# ANDs and ORs



# Literally Homeless Documentation

- **Written observation** by the outreach worker (date, time, photos of campsite) HMIS Case Management records; **OR**
- **Written referral** by another housing or service provider (ETO HMIS REPORT); **OR**
- **Certification by the individual or head of household** seeking assistance stating that (s)he was living on the streets or in shelter;
- For individuals exiting an institution—**one of the forms of evidence above**  
**AND**
  - **discharge paperwork** or written/oral referral from the institution, or
  - **written record (HMIS Case Manager notes, in DETAIL)** of intake worker's due diligence to obtain above evidence **and certification by individual** that they exited institution



# Imminent Risk of Homelessness

- Individual or family who will imminently lose their primary nighttime residence, provided that:
  - Residence will be **lost within 14 days of the date of application** for homeless assistance; **AND**
  - No subsequent residence has been identified; **AND**
  - The individual or family lacks the resources or support networks needed to obtain other permanent housing

# Imminent Risk Documentation

1. A court order resulting from an eviction action notifying the individual or family that they must leave; **or**
2. For individual and families leaving a hotel or motel—evidence that they lack the financial resources to stay; **or**
3. A documented and verified oral statement (*get it in writing and signed*);

**and**

- Certification that ***no subsequent residence*** has been identified;
- and**
- Self-certification or other written documentation that the individual ***lack the financial resources*** and support necessary to obtain permanent housing

<http://ahomewithhope.org/resources/prevention-resources/esg-forms.aspx>

# Homeless under other Federal Statutes

- 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:
  - Are defined as homeless under the other listed federal statutes;
  - Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
  - Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and
  - Can be expected to continue in such status for an extended period of time due to special needs or barriers

# Homeless under other Federal Statutes Documentation

- Certification by the nonprofit or state or local government that the individual or head of household seeking assistance met the criteria of homelessness under another federal statute; **and**
- Certification of no PH in last 60 days; **and**
- Certification by the individual or head of household, and any available supporting documentation, that (s)he has moved two or more times in the past 60 days; **and**
- Documentation of special needs **or** 2 or more barriers



# Fleeing/Attempting to Flee DV

- Any individual or family who:
  - Is fleeing, or is attempting to flee, domestic violence;
  - Has no other residence; and
  - Lacks the resources or support networks to obtain other permanent housing

## ***For victim service providers:***

- **Oral statement** by the individual or head of household seeking assistance which states: 1) they are fleeing; 2) they have no subsequent residence; and 3) they lack resources. Statement must be documented by a self-certification or a certification by the intake worker. ***(BEST PRACTICE: Get it in writing, get it signed and dated by client and intake worker)***

## ***For non-victim service providers:***

- Oral statement by the individual or head of household seeking assistance that they are fleeing. This statement is documented by a self-certification or by the caseworker. Where the safety of the individual or family is not jeopardized, the oral statement must be verified; **and**
- Certification by the individual or head of household that no subsequent residence has been identified; **and**
- Self-certification, or other written documentation, that the individual or family lacks the financial resources and support networks to obtain other permanent housing. ***(BEST PRACTICE: Get it in writing, get it signed and dated by client and intake worker)***



## Components Types

- Projects Funded in FY 2011 CoC Competition- SHP and S+C)
  - Supportive Services Only
  - Safe Haven (PNS)
  - Transitional Housing
  - Permanent Supportive Housing
- Emergency Solutions Grants Program
  - Street Outreach
  - Emergency Shelter
  - Rapid Re-housing
  - Homelessness Prevention

## Supportive Services Only - CoC

- 2011 CoC Grants: Individuals and Families defined as Homeless under the following categories are eligible for assistance in SSO projects:
  - Category 1 – Literally Homeless
  - Category 2 – Imminent Risk of Homeless
  - Category 3\* – Homeless Under Other Federal Statutes (*YWCA and SafeHaven of Tarrant County*)
  - Category 4 – Fleeing/Attempting to Flee DV

# Safe Haven PNS - CoC

- Individuals defined as Homeless under the following categories are eligible for assistance in SH projects:
  - Category 1 – Literally Homeless
- SH projects have the following additional NOFA limitations on eligibility within Category 1:
  - Must serve **individuals only**
  - Individual must have a **severe mental illness**
  - Individual must be living on the streets and unwilling or unable to participate in supportive services

# Transitional Housing - CoC

- Individuals and Families defined as Homeless under the following categories are eligible for assistance in TH projects:
  - Category 1 – Literally Homeless
  - Category 2 – Imminent Risk of Homeless
  - Category 3\* – Homeless Under Other Federal Statutes
  - Category 4 – Fleeing/Attempting to Flee DV



# Permanent Supportive Housing - CoC

- Individuals and families defined as Homeless under the following categories are eligible for assistance in PSH projects:
  - Category 1 – Literally Homeless
  - Category 4 – Fleeing/Attempting to Flee DV
- PSH projects have the following additional NOFA limitations on eligibility within Category 1:
  - Individuals and Families **coming from TH must have originally come from the streets or emergency shelter**
  - Individuals and Families **must also have an individual family member with a disability**
- Projects that are dedicated chronically homeless projects, including those that were originally funded as **Samaritan Bonus Initiative Projects must continue to serve chronically homeless persons exclusively** (New Start, HOSO, SAVE, SPC Chronic AHA, FWHA SPC 7)

# Street Outreach - ESG

- Individuals defined as Homeless under the following categories are eligible for assistance in SO:
  - Category 1 – Literally Homeless
  - Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1)
- SO projects have the following additional limitations on eligibility within Category 1:
  - Individuals and families must be living on the streets (or other places not meant for human habitation) and be unwilling or unable to access services in emergency shelter

*No ESG program currently funds Street Outreach projects*



- Individuals and Families defined as Homeless under the following categories are eligible for assistance in ES projects:
  - Category 1 – Literally Homeless
  - Category 2 – Imminent Risk of Homeless
  - Category 3 – Homeless Under Other Federal Statutes
  - Category 4 – Fleeing/Attempting to Flee DV

# Rapid Re-housing - ESG

- Individuals defined as Homeless under the following categories are eligible for assistance in RRH projects:
  - Category 1 – Literally Homeless
  - Category 4 – Fleeing/Attempting to Flee DV (where the individual or family also meets the criteria for Category 1)

- Individuals and Families defined as Homeless under the following categories are eligible for assistance in HP projects:
  - Category 2 – Imminent Risk of Homeless
  - Category 3 – Homeless Under Other Federal Statutes
  - Category 4 – Fleeing/Attempting to Flee DV
- Individuals and Families who are defined as **At Risk of Homelessness** are eligible for assistance in HP projects.
- HP projects have the following additional limitations on eligibility with homeless and at risk of homeless:
  - Must only serve individuals and families that have an annual income **below 30% of AMI**

# **AT RISK OF HOMELESSNESS/ PREVENTION**

# New “At Risk” Rule

- Applies to
  - Emergency Solutions Grants program
- Does not apply to
  - Emergency Shelter Grants (2010)
  - HPRP (done)
  - Supportive Housing Program (SHP)
  - Shelter Plus Care (S+C)



## Define At Risk of Homelessness

- At-Risk of Homelessness definition has 3 categories applicable to:
  - Individuals and Families
  - Unaccompanied Children and Youth
  - Families with Children and Youth



# Individuals and Families

An individual or family who:

- Has an annual income **below** 30% of median family income for the area; **AND**
- Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; **AND**

## 7 Conditions (must meet 1 of the 7)

- Has moved because of economic reasons **2 or more times during the 60 days** immediately preceding the application for assistance; **OR**
- Is **living in the home of another** because of economic hardship; **OR**
- Has been notified that their right to occupy their current housing or living situation will be **terminated within 21 days after the date of application for assistance**; **OR**
- Lives in a hotel or motel and the cost **is not paid for** by charitable organizations or by Federal, State, or local government programs for low-income individuals; **OR**
- Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; **OR**
- Is **exiting a publicly funded institution or system of care**; **OR**
- 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 (FW, ARL, TC)**

## 7 Conditions (must meet 1 of the 7)

### BEST PRACTICE:

- Get copies of receipts
- Get copies of discharge papers (JPS)
- Document ***DATES***
- Written Statements signed, dated
- Document, scan, save to client records

- A child or youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under another Federal statute
  - Does not include children/youth who qualify under the homeless definition
  - Does not include parents or guardians
  - Regulations include the list of applicable other federal statutes



- An unaccompanied youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) or that child or youth if living with him or her.



## Overview of Additional Requirements

- Require recipients to develop and use policies & procedures for recordkeeping
- Specify the order for documentation
- Specify that documents must be sufficient to demonstrate compliance

# HUD Training

- Determining Homeless and At-Risk Status, Income and Disability Webinar
  - Homelessness
    - Homeless Status: Recordkeeping Requirements Webinar
    - Criteria and Recordkeeping Requirements for Definition of Homeless
  - At Risk
    - Determining Homeless and At-Risk Status, Income and Disability Webinar
    - Criteria for Definition of At Risk of Homelessness

# Questions