



# Homeless Definition & Eligibility

A decorative graphic on the left side of the slide shows a tall, modern skyscraper at night. The building's facade is dark blue with many windows, some of which are illuminated from within, creating a pattern of light and shadow. The building is viewed from a low angle, looking up, and the top of the building is slightly out of focus.

# Homeless Definition & Eligibility

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- Category 1: Literally Homeless
- Category 2: Imminent Risk of Homelessness
- Category 3: Homeless Under other Federal Statutes
- Category 4: Fleeing/Attempting to Flee Domestic Violence

# Category 1: Literally Homeless

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- An individual or family who lacks a fixed, regular, and adequate nighttime residence
- Three circumstances meet this definition:
  - Sleeping in a place not designed for or ordinarily used as a regular sleeping accommodation
  - Living in a shelter designated to provide temporary living arrangements
  - Exiting an institution (e.g., jail, hospital) where they resided for 90 days or less and were residing in emergency shelter or place not meant for human habitation immediately before entering institution



# Category 2: Imminent Risk

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- Individuals/families who will imminently lose their primary nighttime residence within 14 days
- **AND**
- Have no subsequent residence identified
- **AND**
- Lack the resources or support networks needed to obtain other permanent housing
  - Primary nighttime residences include housing the individual/family owns, rents, or shares with others and rooms in hotels/motels that are paid for by the individual/family seeking assistance





# Category 2: Imminent Risk

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Note: Persons who will be exiting institutions in the next 14 days are not defined as homeless under Category 2



# Category 3: Homeless under Other Federal Programs

\*(Limits at 578.89)

- Unaccompanied youth under 25 or families with children and youth who do not otherwise qualify as homeless, but who:
    - Meet homeless definition under another federal statute
- AND**
- Have not had lease, ownership interest, or occupancy agreement in permanent housing any time during last 60 days
- AND**
- Have experienced two or more moves during last 60 days



# Category 3: Homeless under Other Federal Programs

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- Can be expected to continue in such status for an extended period of time because of
  - Chronic disabilities
  - OR
  - Chronic physical health or mental health conditions
  - OR
  - Histories of domestic violence or childhood abuse (including neglect)
  - OR
  - Presence of a child or youth with a disability
  - OR
  - Two or more barriers to employment



# Category 4: Fleeing/Attempting to Flee DV

- Individuals/families fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence, who
  - Have no identified subsequent residence
  - AND
  - Lack the resources and support networks needed to obtain other permanent housing



# Eligibility per Component Type

	PSH*		RRH	TH	SSO	TH-RRH
	New #	Renewal				
<b>Category 1</b> <i>Literally Homeless</i>	X	X	X	X	X	X
<b>Category 2</b> <i>At Imminent Risk</i>			X	X	X	X
<b>Category 3</b> <i>Homeless under other federal programs</i>			X	X	X	X
<b>Category 4</b> <i>Fleeing DV</i>	X	X	X	X	X	X

# Requires chronic homeless status

\*Requires a disability

# Documenting Homelessness

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- Recipients must have written policies and procedures that:
  - Require intake staff to document eligibility at intake/screening
  - Specify the evidence to rely upon to establish and verify homeless status
  - Include standards for documenting due diligence
- Standards must be consistent with recordkeeping requirements and reflect HUD's preferred order

# Documenting Homelessness

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- In order of preference (see 576.500(b))
  1. Third-party documentation
  2. Intake worker observations
  3. Certification from the person seeking assistance
- Appropriate documentation will vary depending on
  - Type of assistance provided
  - Circumstances of the potential program participant, including individuals fleeing/attempting to flee domestic violence
  - Already available documentation
    - Discharge paperwork
    - HMIS service transactions

## Documenting Category 1

Acceptable documentation of homelessness for category 1 includes:

- Written referral by another housing or service provider,
- Written observation by an outreach worker or case manager of the conditions where a household was living, or
- Self certification by the individual or head of household.
- Discharge paperwork or written/oral statement from social worker



## Documenting Category 2

- A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; a Notice to Quit, or a Notice to Terminate issued under state law;
- For individuals and families whose primary nighttime residence is a hotel or motel room not paid for by charitable organizations or government programs for low-income individuals, evidence that the individual or family lacks the resources necessary to reside there for more than 14 days after the date of application for homeless assistance; or

## Documenting Category 2

- An oral statement by the individual or head of household that the [owner](#) or renter of the housing in which they currently reside will not allow them to stay for more than 14 days after the date of application for [homeless](#) assistance.
- The intake worker must certify that the oral statement is credible. The oral statement must either:
  - (I) be verified by the owner/renter in writing or oral statement to outreach worker of the housing where the household resides at the time of application for homeless assistance, or
  - (II) if the intake worker is unable to contact the owner/renter, be documented by a written certification by the intake worker of their due diligence in attempting to obtain the owner/renter's verification AND the written certification by the individual or head of household seeking assistance that his or her statement was true and complete;

## Documenting Category 2

- In addition to one of the previous methods to document the imminent loss of housing, the household must certify that:
  - Household has not identified another subsequent residence, and
  - Household lacks the resources and support networks needed to obtain other permanent housing

## Documenting Category 3

- If being served under the Runaway and Homeless Youth Act, Head Start Act, VAWA Act, Public Health Service Act, Food and Nutrition Act or Child Nutrition Act, documentation should be certification of homelessness from the agency serving the household under the applicable program.
- Applicants who have not had an occupancy agreement or ownership interest in permanent housing in the 60 days preceding the date of application for homeless assistance, should be documented by self certification or written observation.



## Documenting Category 3

- For households with persistent instability (two or more moves in the 60 days preceding application) AND,
- Continues for extended period, due to
  - chronic disability,
  - physical or mental health,
  - substance abuse, DV or childhood abuse (including neglect),
  - the presence of a child with a disability, or
  - two or more barriers to employment,
- Documentation should be certification by head of household, any evidence of moves, certification of disability, and any documentation by service providers. Intake worker should document due diligence to obtain 3<sup>rd</sup> party verification.

## Documenting Category 4

- If the person is fleeing domestic violence or other life-threatening conditions related to violence, an oral statement from the applicant that they are fleeing DV, no other residence has been identified and they lack the resources and support networks to get another. The intake worker should document this oral statement, sign and date.
- If the person is receiving shelter or services from a victim service provider, the oral statement of above must be certified to be true and correct by the applicant, and written verification obtained from the victim service agency, or observation from the intake worker.



# Definition of Disability

# Definition of Disability

- Disability is defined as having one or more of:
  - Physical, mental or emotional impairment
  - Developmental disability
  - HIV/AIDS
- Once a program participant's disability is documented, this status does not need to be recertified after intake



# Physical, Mental, or Emotional Impairment

- A physical, mental, or emotional impairment, including impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury that:
  - Is expected to be long-continuing or of indefinite duration
  - AND
  - Substantially impedes the person's ability to live independently
  - AND
  - Could be improved by more suitable housing

# Developmental Disability

- Defined in Section 102 of the Developmental Disability Assistance and Bill of Rights Act of 2000 (42 USC 15002)
- Means a severe, chronic disability that:
  - Is attributable to a mental or physical impairment or combination
  - AND
  - Is manifested before age 22
  - AND
  - Is likely to continue indefinitely
  - AND

# Developmental Disability

- Results in substantial limitations in three or more major life activities
  - Self-care
  - Receptive and expressive language
  - Learning
  - Mobility
  - Self-direction
  - Capacity for independent living
  - Economic self-sufficiency

AND

# Developmental Disability

- Reflects need for:
  - A combination and sequence of special, interdisciplinary or generic services
- OR
- Individualized supports
- OR
- Other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated



# HIV/AIDS Criteria

- Includes the disease of acquired immunodeficiency syndrome (AIDS)

OR

- Any conditions arising from the etiologic agent for AIDS including infection with HIV

# Documenting Disability for PSH

- PSH projects may only accept individuals with a qualifying disability or families where one member of the family has a qualifying disability\*
- Disability documentation must be third-party and must be documented by:
  - A professional licensed by the state to diagnose and treat that condition
  - OR**
  - Social Security Administration (SSA) for persons receiving disability benefits
    - SSI/SSDI check

**\*For projects dedicated to serving individuals and families who are chronically homeless, the head of household must have the qualifying disability**



# Documenting Disability for PSH

- Intake staff observations
  - Only acceptable in the absence of third-party verification and must be confirmed and accompanied by written third-party verification no later than 45 days from initial intake.
- Oral third-party and self-certification are not appropriate for documenting disability.
- If participant is deemed eligible because of developmental disability or HIV/AIDS, not required to pass the 3-part test for disability.



# Chronically Homeless Status



1. A “homeless individual with a disability,” as defined in the Act, who:

- Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
- Has been homeless (as described above) continuously for at least 12 months or on at least 4 separate occasions in the last 3 years where the combined occasions must total at least 12 months
  - Occasions separated by a break of at least seven nights
  - Stays in institution of fewer than 90 days do not constitute a break

# Final Definition of Chronically Homeless

2. An individual who has been residing in an institutional care facility for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or

## Final Definition of Chronically Homeless

3. A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraphs (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless

## Final Definition of Chronically Homeless



- Consistent with recordkeeping requirements established in Notice CPD-14-012
- Creates a reasonable, uniform standard to ensure consistency in how chronic homelessness is documented

# Documenting Chronic Homelessness



- Required for all dedicated PSH projects or for those PSH Projects that prioritize CH persons
- Similar to the recordkeeping requirements for documenting homeless status, HUD expects recipients and subrecipients to develop and follow written intake procedures that require:
  - Documentation of evidence relied upon to verify status
  - Adopts HUD's order of priority for obtaining evidence
    1. Third-party
    2. Intake worker observation
    3. Certification from the person seeking assistance

# Documenting Chronically Homeless Status: Written Intake Procedures

- Documenting an individual's time in a place not meant for human habitation, an emergency shelter, or a safe haven:
- Third party documentation is preferred; however:
  - For all clients, up to 3 months can be documented through self-certification
  - In limited circumstances, up to the full 12 months can be obtained through self-certification

# Documenting Chronically Homeless Status: 3<sup>rd</sup> Party Documentation

- Documenting an individual's time in a place not meant for human habitation, an emergency shelter, or a safe haven (cont.):
  - Single encounter in month is sufficient to consider household homeless for entire month unless evidence of a break
  - If third-party documentation cannot be obtained, a written record of intake workers due diligence to obtain, the intake worker's documentation of the living situation, AND the individual's self-certification of the living situation

# Documenting Chronically Homeless Status: 3<sup>rd</sup> Party Documentation



- 100% of households served can self certify 3 of their 12 months
- 75% of households served need to use 3<sup>rd</sup> party documentation for 9 of their 12 months, and
- 25% of households served can use self certification as documentation for any and all months.

# Documenting Chronically Homeless Status: Self Certification



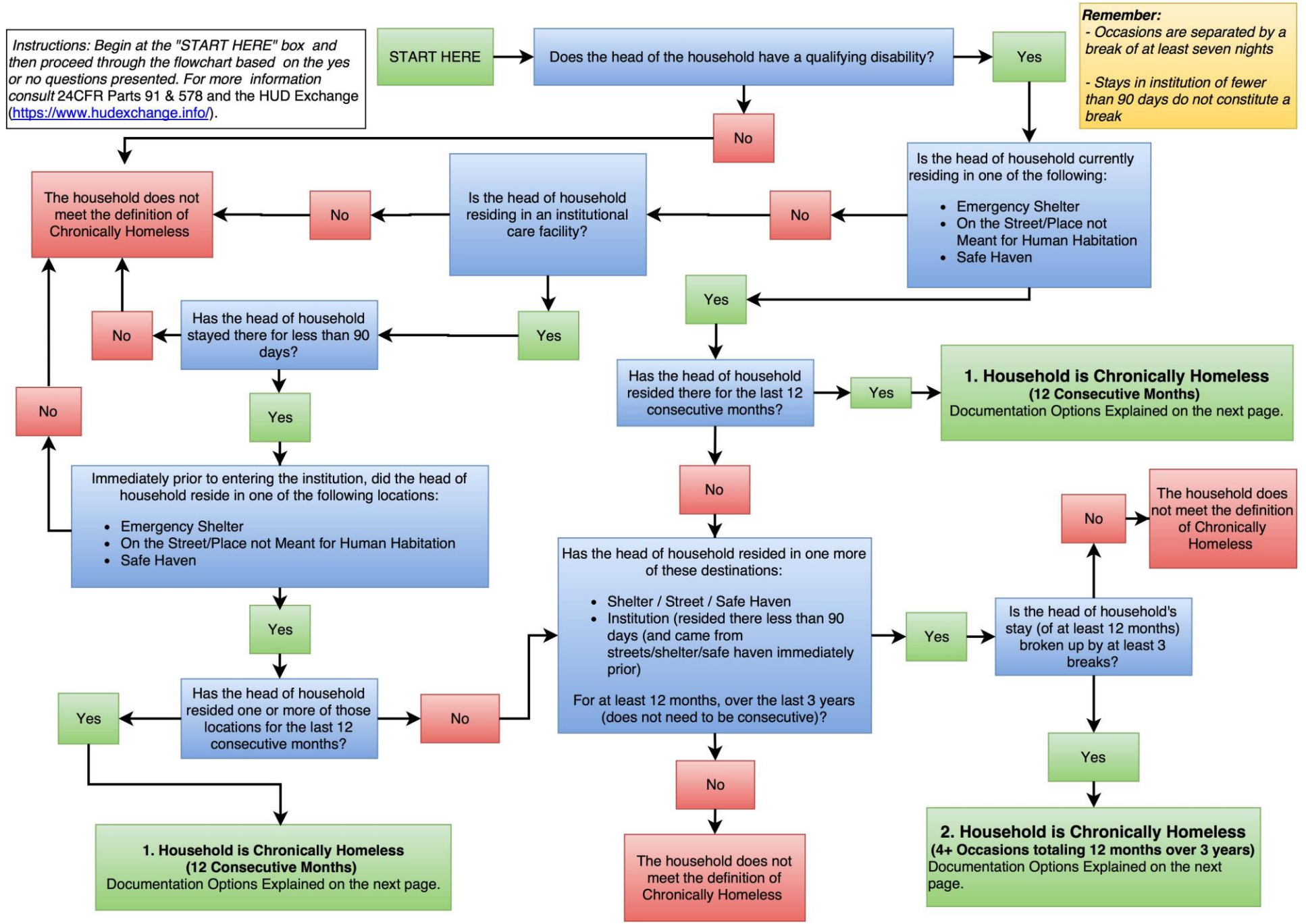
- Evidence of a break can be documented by:
  - Third party evidence
  - The self-report of the individual seeking assistance
  - 100% of the breaks can be documented by self-report
  - Does not need to be notarized

# Documenting Chronically Homeless Status: Documenting Breaks

- Discharge paperwork or written or oral referral from a social worker, case manager, or other appropriate official stating the beginning and end dates of the time residing in the institutional care facility
- Where the above is not attainable, a written record of intake workers due diligence to obtain AND the individual's self-certification that he or she is exiting an institutional care facility where resided less than 90 days

# Documenting Chronically Homeless Status: Institutional Stays

# Flowchart of HUD's Definition of Chronic Homelessness



**Remember:**

- Occasions are separated by a break of at least seven nights
- Stays in institution of fewer than 90 days do not constitute a break





# Chronically Homeless Resources

- [Final regulation on the definition of "chronically homeless"](#)
- [Notice CPD-16-11: Prioritizing Persons Experiencing Chronic Homelessness in Permanent Supportive Housing and Recordkeeping Requirements for Documenting Chronic Homeless Status \(PDF\)](#)
- [CoC Competition Focus: Ending Chronic Homelessness](#)





# Chronically Homeless Resources

- [Sample Chronic Homelessness Documentation Checklist](#)
- view the [Defining “Chronically Homeless” Final Rule Webinar](#) and [Frequently Asked Questions \(FAQs\)](#).



# Homeless Status Resources

- [CoC Program Toolkit – Determining and Documenting Homelessness](#)
- **SNAPS In Focus:**
  - [Addressing the Needs of Persons Fleeing Domestic Violence](#)
  - [Addressing the Needs of Human Trafficking Victims](#)
  - [Ending Veteran Homelessness and What it Means for Zero:2016 Communities](#)
  - [Equal Access for Transgender People](#)