

Comments on the Homeless Definition Proposed Rule

June 2010



A Home for Everyone

Thank you for the opportunity to submit comments on HUD's proposed rule for defining "homeless" in the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) program. The Chicago Alliance to End Homelessness works to create, support, and sustain effective strategies to end homelessness in Chicago. As the applicant for McKinney-Vento homeless assistance funding, the Alliance is a key player in administering the \$45 million Chicago receives annually to provide housing and services to homeless individuals and families. The following recommendations were developed in consultation with the Alliance's two commissions consisting of people on the front lines of ending homelessness, and therefore have the full weight of the Chicago consumer and provider community behind them.

Cross-Referencing the Definition (24 CFR part 577)

The Chicago Alliance to End Homelessness recommends that HUD create a complete set of regulations for each program (Emergency Solutions Grant, Continuum of Care, and Rural Housing Stability). This will reduce the burden on providers and administrators to regularly cross-reference program regulations. However, HUD should be careful and consistent, ensuring that each set of definitions is identical to the other sets.

HUD-Approved Form (24 CFR part 577)

The Chicago Alliance to End Homelessness recommends that HUD provide a suggested form for programs to use. The form should be similar to the discontinued "HUD Verification of Homelessness" form. The form should include a release of information section, but should not ask for a social security number. The form should also include a narrative section for case workers to document circumstances that do not meet pre-defined checkboxes. The one form should be sufficient and not require providers to attach additional documentation.

Institutional Stay (§577.2(1)(iii))

The Chicago Alliance to End Homelessness recommends that HUD should list what qualifies as an institution for the purpose of this definition to avoid any confusion. Penal institutions, hospitals, nursing homes, and Institutes for Mental Disease (IMDs) should be explicitly classified as institutions.

Determining Permanent Instability (§577.2(3)), Section 103(a)(6)(B)

The Chicago Alliance to End Homelessness has reservations about HUD's proposal for determining permanent instability. A person who is homeless needs immediate assistance and providers must balance the necessity of documentation with the need to provide services as quickly as possible. Documentation requirements can also impact the relationship between client and case worker, and this is another tension that must be balanced. We encourage HUD to re-evaluate the documentation process in favor of self-reporting and minimal documentation, subject to later verification if necessary. We are also concerned

that “due diligence” is open to interpretation by various HUD officials and suggest HUD create a uniform standard that all programs are held to.

Multiple Barriers to Employment (§577.2(3)), Section 103(a)(6)(C)

The Chicago Alliance to End Homelessness would like to commend HUD for including a history of incarceration as a barrier to employment. Too many people are released from jail or prison into the homeless system and find they are unable to become self-sufficient because of their criminal background. We appreciate that HUD recognizes the connection between a history of incarceration and homelessness. However, the criteria listed as barriers to employment should not be considered a complete list, but should act as examples of potential barriers with the flexibility to include others. For example, access to subsidized child care could prevent individuals from being employed.

Confidentiality Requirements for Victims of Domestic Violence (§577.2(4))

The Chicago Alliance to End Homelessness appreciates HUD’s openness to suggestions regarding confidentiality requirements for individuals and families fleeing domestic violence. Under current regulations, victim service providers are protected from having to disclose victims’ identifying information or their program address. We support continued reporting of aggregate, non-identifying information, but recommend that these confidentiality requirements be strengthened. Currently, HMIS protocol requires victims to be asked if they are victims of domestic violence and how long ago that violence took place. Case workers should be required to clearly inform their clients of their right to confidentiality and inform them that answering those questions is not a prerequisite for receiving services. Protecting the confidentiality of victims of domestic violence is especially important because a significant number seek assistance from the homeless system, due to the limited number of domestic violence programs.

Documenting Barriers to Employment (§577.3(4)(iii))

The Chicago Alliance to End Homelessness has similar concerns about documenting a client’s barriers to employment as to documenting permanent instability. We believe there should be a lower threshold for documenting a client’s barriers to employment than the proposed rule stipulates. Intake workers and case managers should be able to document in case notes the challenges an individual faces in seeking work, but should not have to seek out employment records, department of corrections records, and literacy, English proficiency, and IQ tests.

Thank you for considering our comments. If you would like to discuss these recommendations further or need additional documentation, please contact:

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