

Understanding HUD's New Homeless Definition

Summary and Resource Document for Chicago Homeless Service Providers



This document is intended to assist HUD-funded service providers in understanding the new homeless definition regulation published by HUD on December 5, 2011. The homeless definition is part of the implementation of the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act. **It is extremely important that all HUD grantees understand and begin to operate under these new regulations.** We encourage all grantees to check HUD's [HEARTH website](#) frequently for updates, and to sign-up for the HUD Homeless Assistance [email list](#) to receive important notifications as soon as they are announced.

Prior to the publication of the final rule, HUD published the proposed rule and allowed for public comment to help shape the final regulation. Therefore, much of the final regulation summarizes the comments HUD received, and provides a response to those comments. The rest of the new homeless definition regulation provides clarification on definitions, recordkeeping requirements, and applicability. HUD notes that the definition will be incorporated into the final regulations once they are published for the Continuum of Care program and the Rural Housing Stability Assistance program. The Emergency Solutions Grants program regulations are published and incorporate the use of the new homeless definition.

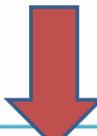
NEW Agencies that operate a Supportive Housing Programs (SHP) or Shelter Plus Care (S+C) programs must follow the new homeless definition rule in addition to the program requirements outlined in the 2011 NOFA. We expect the 2012 NOFA will be published shortly, and that will provide further guidance on how the new homeless definition applies to CoC Programs.

What Agencies Should Do

- 1. Learn:** Read the summary below, watch the webinar, and utilize all resources outlined in this document to fully understand the change in homeless definition.
- 2. Ask Questions:** Submit questions to HUD via the [HUD Helpdesk](#). The Alliance collected questions from Chicago grantees and submitted those to HUD. We do not expect that HUD will provide answers in writing like we officially hoped. Therefore, agencies should submit questions via the help desk, and work with their local HUD representatives to discuss eligibility and documentation scenarios on a case by case basis. Note that reviewing this document and watching the webinar (see below for link) are prerequisites for submitting a question.
- 3. Update Program Procedures:** Connect with others at your agency to identify and implement any changes that need to be made to policies and procedures regarding determining client eligibility and recordkeeping. Provide training to program staff as necessary
- 4. Stay Tuned:** Additional trainings and resources are anticipated to be released over the coming months. Be sure to stay tuned for these resources by signing-up for the [Homeless Assistance email list](#).

Please note that briefing is intended to serve as a learning tool for the new homeless definition and should not be used as the final determination for program eligibility. All agencies are responsible for ensuring client eligibility and documentation according to HUD standards for each program.

Categories of Homelessness: The new definition has four categories of homelessness. A [policy brief](#) published by the National Alliance to End Homelessness provides an overview of the changes compared to the old definition, as does the HUD Homeless Definition [document](#).

Category 1	Category 2	Category 3	Category 4*
<ul style="list-style-type: none"> • Literally homeless – those in an emergency shelter (ES) or transitional housing (TH) • Exiting an Institution where they resided for <90 days, and were previously in an ES (not TH) or on the street. 	<ul style="list-style-type: none"> • Those who will imminently (within 14 days) lose their primary nighttime residence with no subsequent residence, resources or support networks 	<ul style="list-style-type: none"> • Unaccompanied youth or families with children/youth who meet the homeless definition under another federal statute and 3 additional criteria. 	<ul style="list-style-type: none"> • Those fleeing domestic violence with no subsequent residence, resources or support networks.

*Note that HUD has since published clarification restricting the use of this definition only to CoC’s that submit an application and receive approval from HUD. Projects in Chicago may **not** serve clients that meet a homeless definition under another federal statute at this time.

Serving those “At Risk” of Homelessness

HUD’s final regulation allows some HUD-funded programs to serve those who are “at risk” of homelessness. As of March 2012, these programs are only those that receive Emergency Solutions Grants (ESG) funding, which is administered through the city’s Department of Family and Support Services for Chicago. Please refer to the webinar and HUD’s [At-Risk of Homelessness Chart](#) for additional information on this category. This **does not** currently apply to SHP or S+C programs that operate Permanent Supportive Housing Programs.

Documentation Standards

The homeless definition rule clarifies the documentation types for various forms of project eligibility. Note that local HUD offices are responsible for monitoring the documentation obtained. In general, HUD has an order of preference for all documentation types and projects must document due diligence of efforts to obtain all documentation.



Additional information on documentation standards can be found in [HUD’s webinar](#), the National Alliance’s [policy brief](#), and in HUD’s Homeless Definition [document](#).

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Application of Definition: The new homeless definition applies to the following programs:

- **ESG Grantees:** Projects funded under the Emergency Solutions Grants (ESG) program effective January 4, 2012. In Chicago, ESG funds are distributed through the Dept. of Family and Support Services (DFSS). If you are unsure whether you are an ESG recipient, please contact your DFSS representative.
- **SHP and S+C Grantees:** All Supportive Housing and Shelter Plus Care new and renewal projects funded during the 2011 NOFA submission. The new homeless definition is applicable as these projects begin their 2012 grant cycle – each project has its own start date throughout the year. For a list of SHP and S+C grantees for Illinois, click [here](#).

 Projects that are operating their grant year that began in 2012 are bound by the [2011 NOFA](#) (Please also refer to FAQ's 1-3 below). Agencies operating grants beginning in 2013 must adhere to the 2012 NOFA which is yet to be published.

2011 NOFA Guidelines for SHP and S+C Grantees + New Homeless Definition

- **Chronic Homeless Definition:** If your project has dedicated beds for individuals or families who meet HUD's definition of Chronically Homeless, continue to use the definition listed in the 2011 NOFA:
 - An unaccompanied homeless individual with a disabling condition or an adult member of a homeless family who has a disabling condition
 - who has either been continuously homeless for 1 year or more, OR
 - has had at least four episodes of homelessness in the past 3 years.
- **Permanent Supportive Housing (PSH) Guidelines for Serving Homeless Clients:**
 - PSH projects must continue to serve homeless clients that come from the streets, emergency shelters, Safe Havens, or transitional housing projects AND have a disability.
 - Persons coming from transitional housing must have originally come from the streets or emergency shelter.
 - As participants leave currently operating projects, participants who meet this eligibility standard must replace them.
 - PSH projects cannot serve those in the new homeless definition under Category 2 or 3.
- **Transitional Housing (TH), Safe Haven (SH) and Support Service Only (SSO) Guidelines for Serving Homeless Clients:**
 - TH, SH and SSO projects may serve those that fall under the new homeless definition, Category 1, 2 and 4.

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Determining Homeless and At-Risk Status, Income and Disability Webinar and Slides

Provides an introduction to HUD's Homeless Definition Final Rule and the new at-risk of homelessness definition included in the Emergency Solutions Grants (ESG) Program Final Rule.

<http://www.hudhre.info/index.cfm?do=viewResource&ResourceId=4555>

Homeless Status: Recordkeeping Requirements Webinar

NEW

Provides an overview of HUD's preferred order for documentation, as well as standards for ensuring that records maintained demonstrate compliance with the recordkeeping requirements. This is the first of a two part series on documentation.

<http://hudhre.info/index.cfm?do=viewResource&ResourceID=4628>

At Risk Status and Income: Recordkeeping Requirement Webinar

NEW

Provides a description of recordkeeping requirements for the At-Risk of Homeless Definition and Income. This is the second part of the two-part series on documentation.

<http://hudhre.info/index.cfm?do=viewResource&ResourceID=4629>

HUD's Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH): Defining "Homeless" Final Rule

HUD's full text of the final rule is available on their website.

<http://www.hudhre.info/index.cfm?do=viewResource&ResourceID=4519>

Changes in the HUD Definition of Homeless

This policy brief from the National Alliance to End Homelessness summarizes the major changes to the Homeless Definition, and provides a table that compares the old definition to the new definition. <http://www.endhomelessness.org/content/article/detail/3006>

At-Risk of Homelessness Chart

High-level overview of the criteria for defining individuals and families who may qualify as at risk of homelessness. http://www.hudhre.info/documents/AtRiskofHomelessnessDefinition_Criteria.pdf

Criteria and Recordkeeping Requirements for Definition of Homeless

High-level overview of the homeless definition by outlining the criteria for defining homelessness and the recordkeeping requirements based on four categories under which individuals and families may qualify as homeless.

http://www.hudhre.info/documents/HomelessDefinition_RecordkeepingRequirementsandCriteria.pdf

The Homeless Definition and Eligibility for SHP, SPC, and ESG Chart

NEW

High-level overview of the eligibility for the Supportive Housing Program, Shelter Plus Care Program, and the Emergency Solutions Grants program by Category of Homelessness.

http://hudhre.info/documents/HomelessDefEligibility%20_SHP_SPC_ESG.pdf

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HUD's Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act

The full text of the amended and reauthorized McKinney Vento Act.

<http://www.hudhre.info/index.cfm?do=viewResource&ResourceID=4025>

Summary of the HEARTH Act

The National Alliance to End Homelessness published this summary of the HEARTH Act when it was first passed in 2009.

<http://www.endhomelessness.org/content/general/detail/2098>

Below is a sampling of HUD's frequently asked questions on the homeless definition. To read all questions, visit HUD's [FAQ website](#).

Q1: Are SHP and S+C projects funded in the FY 2011 CoC Competition expected to use the amended definition of chronically homeless that was published in the amendments to the Consolidated Plan rule on December 5, 2011 in the Federal Register?

A2: No, the amended definition of chronically homeless does not apply to projects funded in the FY 2011 CoC Competition. Projects funded in the FY 2011 CoC Competition should continue to use the definition of chronically homeless found in [Section I.D.3 of the 2011 Continuum of Care NOFA](#) (found on page 11).

Q2: Is an individual or family who qualifies as homeless under Category 2 (imminent risk of homelessness) or Category 3 (homeless under other federal statutes) eligible for permanent supportive housing under the SHP or S+C program?

A2: While persons who meet the criteria of Category 2 or Category 3 of the homeless definition are defined as homeless, they are not eligible for permanent supportive housing through the SHP or S+C programs because they are not coming from the streets, emergency shelter, safe havens or transitional housing as required in the FY 2011 NOFA. All permanent housing projects funded in the FY 2011 CoC Competition must continue to abide by the limitation on permanent supportive housing set forth in the [NOFA in Section III.E.2.d\(3\)](#) (found on page 25).

Q3: With regard to the final rule on the definition of homeless, are all individuals and families that are currently residing in transitional housing programs now eligible for permanent supportive housing?

A3: No, not all individuals and families currently residing in transitional housing will be eligible for permanent supportive housing. Permanent housing projects must continue to abide by the limitations and requirements included in the NOFA under which they were funded, including the limitation on eligibility. Projects funded in the FY 2011 CoC Competition must continue to abide by the limitation on Permanent Supportive Housing set forth in the [NOFA in Section III.E.2.d\(3\)](#) (found on page 25), which states, "The only persons who may be served by permanent housing projects are those who come from the streets, emergency shelters, Safe Havens, or transitional housing. Persons coming from transitional housing must have originally come from the streets or emergency shelter. As participants leave currently operating projects, participants who meet this eligibility standard must replace them."

Q4: With regard to the final rule on the definition of homeless, does the condition that "The

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primary nighttime residence will be lost within 14 days of the date of application for homeless assistance” apply when an individual or family who is living with someone is told they need to move out in a week?

A4: Yes, as long as they meet all of the other requirements of category 2 of the homeless definition. The second category of the definition of homeless includes individuals and families who are within 14 days of losing their housing, including housing they own, rent, are sharing with others, or are living in without paying rent. It also includes individuals and families who are living in hotels and motels that they are paying for using their own resources. Any individual or family who will lose their housing within 14 days – including those who are within one week of losing their housing – who have not identified a subsequent residence, and who lack the resources or support networks needed to obtain other permanent housing, qualifies as “homeless” under category 2 of the homeless definition.

Q5: With regard to the final rule on the definition of homeless, the preamble text mistakenly indicates that written documentation of disability includes written verification from a professional who is licensed by the state to diagnose and treat the condition AND written verification from the Social Security Administration or the receipt of a disability check.

A5: The regulatory text found on page 76016 and page 76019 contain the correct requirements. These sections indicate that acceptable evidence of a disability includes

- Written verification of the disability from a professional licensed by the state to diagnose and treat the disability and his or her certification that the disability is expected to be long-continuing or of indefinite duration and substantially impedes the individual’s ability to live independently; OR
- Written verification from the Social Security Administration; OR
- The receipt of a disability check; OR
- Intake staff-recorded observation of a disability that, no later than 45 days of the application for assistance, is confirmed and accompanied by evidence in this; OR
- Other documentation approved by HUD

Q6: With regard to the final rule on the definition of homeless, does the amended definition also apply to the Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings?

A6: No, the HEARTH Act revised definition did not amend the definition of homeless used in the Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals. These projects will continue to use the following definition of homeless:

“An individual who lacks a fixed, regular, and adequate nighttime residence; and an individual who has a primary nighttime residence that is –

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
- An institution that provides temporary residence for individuals intended to be institutionalized; OR
- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.”

Q7: With regard to the final rule on the definition of homeless, when does the amended definition of homeless become effective? The final rule states that it is effective January 4, 2012, while the December 2011 webinars on the definition of homeless mentioned that the definition applies to all SHP and S+C grants with a start date on or after January 1, 2012?

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HUD Frequently Asked Questions

A7: The amended definition of homeless, published in the Federal Register on December 5, 2011, applies to projects funded under the Emergency Solutions Grants program, as well as Shelter Plus Care and Supportive Housing program projects funded in the FY 2011 CoC Competition, new and renewal. SHP and S+C projects that received funding in FY2011 CoC Competition must use the revised definition when administering their projects. The definition applies to all SHP and S+C projects funded in the FY 2011 CoC Competition, including those with an operating start date between January 1, 2012 and January 3, 2012. For SHP and S+C grants, the amended definition of homeless goes into effect for the individual project at the beginning of the operating year. For example, if a renewal project is funded in the FY2011 CoC Competition and has an operating year beginning September 1, 2012, the amended definition of homeless will go into effect for that project September 1, 2012.

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