

Defining & Documenting Chronic Homelessness

FINAL RULE: CHRONIC HOMELESSNESS

Chronically homeless means:

- (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 RULE: CHRONIC HOMELESSNESS

Chronically homeless means (cont.):

(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 RULE: CHRONIC HOMELESSNESS

Chronically homeless means (cont.):

(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.

MAJOR CHANGES

- Four episodes must total 12 months
- Episodes are now defined by a break of 7 or more nights
- Families: children do not have to remain with parent(s) for all episodes to remain chronically homeless
- Replaced “disabling condition” with “homeless individual with a disability”
- New Recordkeeping Requirements under CoC Program

IMPACT OF CHANGES

- Emergency Shelters and Transitional programs are not expected to change the number of chronically homeless people served by their program with the final rule
- Emergency Shelter programs have the opportunity to support households who are chronically homeless with preparing documentation that will ease the process of accessing Permanent Supportive Housing Programs
- Only people staying in Grant Per Diem (GPD) programs for veterans maintain their chronic status

IMPACT OF CHANGES

- A community must execute due diligence to identify and engage all persons experiencing chronic homelessness
- To the extent that there are no persons meeting this definition, prioritize other eligible and high need populations—**do not hold beds vacant**
 - HUD Notice CPD-14-012
- Some people that were previously considered chronically homeless will no longer meet definition while some that did not previously meet definition will now meet it
- Clarification on chronically homeless status in transitional housing and rapid re-housing
 - Households lose chronic homeless status by entering transitional housing

DOCUMENTATION REQUIREMENTS

- Applies to any CoC Program-funded PSH that is required to serve those experiencing chronic homelessness
- Creates a reasonable, uniform standard to ensure consistency in how chronic homelessness is documented

DOCUMENTATION REQUIREMENTS

- PSH projects that dedicate or prioritize beds for chronically homeless individuals or families must maintain and follow written intake procedures:

Establish the following order of priority for obtaining evidence:

- Third-party
- Intake worker observation
- Certification from the person seeking assistance

SELF-CERTIFICATION

- Each PSH program can have no more than 25% of households served in an operating year self-certify their chronic homeless status.
- Households can self-certify up to, but not over, three (3) months of homelessness and not count towards this 25% maximum.

DOCUMENTING THIRD PARTY VERIFICATION

- 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
- A single encounter in a month is sufficient to consider household homeless for entire month, if there is no evidence of breaks

IF THIRD-PARTY VERIFICATION IS NOT OBTAINABLE

Document:

written record of intake workers due diligence to obtain

-AND-

the intake worker's documentation of the living situation

-AND-

the individual's self-certification of the living situation

DOCUMENTING BREAKS

- Breaks are defined as at least seven nights not residing in an emergency shelter, safe haven, **or** residing in a place meant for human habitation (e.g., staying with a friend, in a hotel/motel paid for by program participant)
- Stays in institution of fewer than 90 days do not constitute a break and **do** count toward total time homeless

DOCUMENTING BREAKS

- Evidence of a break can be documented by:
 - Third party evidence
 - The self-report of the individual seeking assistance
 - 100% of breaks can be documented by self-report

DOCUMENTING INSTITUTIONAL STAYS

- Discharge paperwork, 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 DISABILITY

- Must be third party, and includes:
 - Written verification from a professional licensed by the State to diagnose and treat the disability and certification that the disability is expected to be long-continuing or of indefinite duration and substantially impedes the individual's ability to live independently
 - Written verification from SSA
 - The receipt of a disability check
 - Intake staff-recorded observation of a disability that is confirmed **and** accompanied by evidence above within 45 days

HMIS

- HMIS is to be considered only a “flag”
- It can be used as third party documentation to verify previous incidents of homelessness
- HMIS can be used to store CH verification and documents.

CASE STUDY #1

Tony was living and working in Virginia in 2012. By early January 2013 he had to quit his job because the symptoms of his Schizophrenia became too difficult to manage. With no income, he was unable to pay his rent and moved into a friend's garage in March 2013, where he stayed for 6 months. In September 2013 he returned to Indiana to live with his mother and stayed with her for a month. In October 2013 he left his mother's home and lived out of his truck for two months. By December 2013 he returned to his mother's home for a brief stay of about two to three weeks. The PIT count for 2014 shows that Tony was living in an emergency shelter in January 2014, and HMIS records reflect that his total time at the shelter was two months. According to Tony, he left the shelter and moved in with friends but was kicked out after just a few weeks. After leaving his friends, he lived out of his truck again for three months. Currently, Tony is living in a Transitional Housing program. He has been in this program since July 2014 and needs to make housing plans as his stay is coming to an end.

NOT CHRONICALLY HOMELESS

- 6 month stay in a place not meant for human habitation (garage) - March–Aug 2013
- 1 month break staying with mother – Sept 2013
- 2 month stay in a place not meant for human habitation (truck) - Oct-Nov 2013
- 2-3 week break staying with mother – Dec 2013
- 2 month stay at an emergency shelter for homeless individuals - Jan-Feb 2014
- 2 week break staying with friend – March 2014
- 3 month stay in a place not meant for human habitation (truck) – April-June 2014
- 10 month stay in a transitional program for homeless veterans - July 2014-March 2015

While Tony has 4 distinct episodes of homelessness totaling at least 12 months cumulative time and the episodes are divided by 3 episodes of being housed for a period of at least 7 days, he is currently living in a transitional housing program which makes him **ineligible** to be classified chronically homeless.

CASE STUDY #2

Marcus is 47 years old, has never been married, and has no children. He was laid off from his job and received unemployment for one year. When that ran out he could no longer afford to pay the rent on his apartment. The apartment complex let him terminate his lease rather than evict him for non-payment. For 5 months, Marcus was living with church friends, but in February 2015, feeling he had overstayed his welcome, Marcus went to a local emergency shelter. He stayed at the shelter for three months, and when his time was up he slept in his car for the following month. In June 2015, the township trustee paid for Marcus to stay in a motel. When that month ended, he returned to the emergency shelter. A month into his stay at the shelter, Marcus was taken to the hospital for an emergency medical procedure. After a hospital stay of 4 weeks, Marcus returned to the shelter in September 2015, where he remained for another two months. In November 2015, Marcus left the shelter and spent the next 30 days sleeping outside until the township trustee paid for him to return to the motel for the following 30 days. In January and February 2016, Marcus was back in residence at the emergency shelter for homeless men. Marcus suffers from sleep apnea, stomach problems, epilepsy, and is diagnosed with Major Depression.

CHRONICALLY HOMELESS? YES!

- 3 month stay at an emergency shelter for homeless individuals – Feb-April 2015
- 1 month stay in a place not meant for human habitation (car) – May 2015
- 1 month stay in a motel paid for by an emergency voucher – June 2015
- 1 month stay at an emergency shelter for homeless individuals – July 2015
- 4 week stay at a hospital – August 2015
- 2 month stay at an emergency shelter for homeless individuals – Sept-Oct 2015
- 1 month stay in a place not meant for human habitation (outside) – November 2015
- 1 month stay in a motel paid for by an emergency voucher – December 2015
- 2 month stay at an emergency shelter for homeless individuals – Jan-Feb 2016

While it may appear that Marcus does not have 12 consecutive months of homelessness, the new guidelines state that stays in an institution of fewer than 90 days do not constitute a break and therefore Marcus is **eligible** to be classified as chronically homeless.

CHRONIC HOMELESSNESS STATUS: RRH

- Households in Rapid Rehousing retain their Chronic Homelessness status while receiving subsidy
 - This does not add to the length of time homeless

IMPLEMENTATION AND COMPLIANCE

- The rule was made effective on January 4, 2016, with a compliance date of January 15, 2016, regardless of program award dates
- **Program participants residing in PSH prior to January 15, 2016, are not impacted**
- Program participants that have been accepted into PSH and are in process of locating a unit prior to PSH ARE NOT impacted
- Program participants that are on a waiting list for PSH but have not yet been offered and accepted available unit **ARE** impacted
- 2016 Point-In-Time Count collected data on chronically homeless persons using definition in final rule

Instructions: This suggested template may be sent to homeless service providers requesting their verification of the chronically homeless status of an individual known to them. This template letter may be copied onto letterhead or recreated with the same content and printed on letterhead.

Date: _____

To:

Dear _____,

This letter is to confirm that (Tenant name) is currently staying at the (shelter/program name) as of (entry date) and can stay until (anticipated exit date).

(Tenant name) has also stayed at this shelter on the following occasion(s):

Please enter any past entry and exits dates (e.g.: 01/01/2013 – 03/01/2015) on each line

Please do not hesitate to contact me if you have any questions.

Sincerely,

Staff signature

Name
Staff title
Agency name
Agency/shelter address
Agency/shelter phone number
Agency/shelter fax number

RESOURCES

Up to date information regarding the McKinney-Vento Act programs and TA materials can be found at <http://www.hudexchange.info>

Notification of the availability of future information will be released via the HUD Exchange Mailing List. To join the HUD Exchange mailing list, go <https://www.hudexchange.info/maillinglist> and click on the programs for which you would like more information

Submit Questions to HUD Exchange's Ask-a-Question at: <https://www.hudexchange.info/get-assistance/>