

# Defining “Chronically Homelessness” Final Rule

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HARMONY HOUSE, INC.

COALITION FOR THE HOMELESS OF HOUSTON/HARRIS COUNTY

# Agenda

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1. Introductions
2. Presentation
  1. History of the Definition
  2. Final Rule on Defining Chronic Homelessness
  3. Summary of Major Changes
  4. Recordkeeping Requirements
3. Q&A

# History of the Definition

- Definition of “chronically homeless” provides a way to prioritize people with the longest histories of homelessness and the most severe needs for permanent supportive housing.
- First introduced in the FY 2002 CoC NOFA
- Expanded to include families in FY 2010 CoC NOFA
- HEARTH Act codified a definition in 2009
- In 2010, *Opening Doors* established a national goal of finishing the job of ending chronic homelessness by 2015.
  - Despite this only one third of PSH beds were dedicated to chronics

## History of the Definition (cont)

- In 2012 HUD hosted a convening of national experts to consider alternative definitions.
- The last proposed definition included a new requirement that the four occasions must total one-year.
- In July 2014, HUD published Notice-CPD-14-012
  - [Notice-CPD-14-012-Prioritizing-Persons-Experiencing-Chronic-Homelessness-in-PSH-and-Recordkeeping-Requirements.pdf](#)
  - Highest priority—chronically homeless with 12 months continuous or cumulative over period of 4 occasions in 3 years
  - Established new recordkeeping requirements

# Final Rule on Defining Chronically Homeless

(Amends 24 CFR 91.5 & 24 CFR 578.3)

A homeless individual with a disability (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 defined above) continuously for at least 12 months; **OR**
- Has had at least 4 separate occasions of the above in the past 3 years where the combined length of the occasions must total at least 12 months.

## Final Rule (cont.)

Chronic Homelessness can also apply to:

- An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria for chronic homelessness.
- 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 for chronic homelessness, including a family whose composition has fluctuated while the head of household has been homeless.

# Summary of Major Changes

- Four occasions must total 12 months.
- Replaced “disabling condition” with “homeless individual with a disability”.
- Occasion must include at least 7 nights of living in a situation other than an emergency shelter, safe haven, or a in a place not meant for human habitation (ex: friends/family, TH, hotel paid for by client).
- Stays in institution of fewer than 90 days do not constitute a break and count toward total time homeless.
- New Recordkeeping Requirements under the CoC Program.

# Recordkeeping Requirements – Third Party Documentation

- Third party documentation is the preferred method.
- 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.
  - Must thoroughly document attempts to obtain third-party documentation & why it was not obtained.
  - Must obtain a written verification from individual or HoH of living situation of the undocumented time period.
  - Limited to rare & extreme cases & **no more than 25% of households served in a program's operating year.**

# Recordkeeping Requirements – Documenting Breaks

- Third party evidence
- The self-report of the individual seeking assistance
- 100% of the breaks can be documented by self-report
- Not necessary to ask for breaks if there is evidence of 12 continuous months of homelessness

# Recordkeeping Requirements – Institutional Stays

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

# Recordkeeping Requirements – Homeless History

## 12 Months Continuous:

- Single encounter in a month is sufficient to consider the household homeless for the entire month unless there is evidence of a break.
- HMIS history of stays in emergency shelter with no evidence of a break (i.e., stay in TH).
- If there are not 12 months in HMIS but client reports that they have been homeless for the last 12 months with no breaks, identify other third-party sources (i.e., outreach worker, homeless healthcare provider, business owners, other professional source).

# Recordkeeping Requirements – Homeless History (cont.)

## 12 Months Cumulative in 3 years:

- Single encounter in a month is sufficient to consider the household homeless for the entire month unless there is evidence of a break.
- HMIS history of stays in emergency shelter in the past 3 years.
- If there are not 12 months in HMIS but client reports that they have been homeless for 12 months in the last 3 years, identify other third-party sources (i.e., outreach worker, other professional source).
- Identify any breaks in HMIS (i.e., stay in TH).
- If there are fewer than 3 breaks found in HMIS, client can self-report the breaks between the 4 occasions (current experience counts as 1).

## Recordkeeping Requirements – Disability

- Written verification from a professional licensed to diagnose & treat the disability AND certification that the disability is expected to be long-continuing or indefinite & substantially impedes the individual's ability to live independently (CoC has VOD doc).
- Written verification for SSA or receipt of a disability check.
- Intake staff-recorded observation of a disability that is confirmed & accompanied by evidence above within 45 days.



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## HUD Answered Q & As

- If a person enters an institution & they're there for 90 days or more, does the entire period count as a break?
  - Yes, the entire period the person is in an institution would count as a break.
- In the above situation, can the first 90 days be considered “not a break”?
  - No, the entire period has to be counted as a break if it's more than 90 days.
- If a person is on the streets for 9 months, goes to jail for less than 90 days, & then returns to the streets, would this person be considered chronic?
  - Yes, time spend in an institution for less than 90 days can count towards the 12 months.
- If a person is in an emergency shelter for 11 months & goes to jail for 1 month, can they go straight from jail into PSH?
  - Yes.

## HUD Answered Q & As (cont.)

- Does staying with friends/family less than 7 days constitute a break?
  - No, breaks must be longer than 7 days.
- If a person is in an emergency shelter or streets for at least 12 months within 3 years but only had 2 occasions, would that person be chronic?
  - No, the 12 months cumulative must occur over 4 occasions.
- Does third-party documentation of homelessness have to be from a service provider?
  - No, it can be law enforcement, school district, shopkeepers, gas station attendants, etc. (HUD is still working on family & friends).
- Does substance abuse count as a disability according to HUD?
  - Yes, as long as the substance abuse meets the other two criteria for a disability.

## HUD Answered Q & As (cont.)

- Is Transitional Housing considered an institutional care facility?
  - No. Examples of these include jail, prison, hospitals, mental health facilities, substance abuse treatment, etc.
- If a person is in a shelter on the last day of the month & also the following day, does this count as two months?
  - Yes, as long as there is not evidence of a break between the two months.
- If a client is in a rapid re-housing program, does the time within that program count towards any bit of homelessness?
  - No. A client can go from RRH to PSH if they were chronic prior to entering the RRH program. Once they enter RRH, the clock stops. A client cannot accumulate months towards chronicity while in RRH.
- If a client is chronically homeless & enters TH, will they still be considered chronic upon exiting the TH program?
  - No, when a person enters TH they lose their chronic status.

## Thank You!

The Way Home is a coordinated system to end chronic and veteran homelessness by 2015, to end family and youth homelessness by 2020, and to build a system in which nobody has to be without permanent housing for more than 30 days.

**For more information visit:**

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Thank you for attending