

Documenting “Chronic Homelessness” Final Rule

Coalition for the Homeless of Houston/Harris County

Agenda

- Review Final Rule
- New Prioritization Updates
- 3rd party documentation
- Q&A

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 (break starts at 90 days, not 91).
- 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.

HUD Notice CPD-16-11

- Published July 25, 2016
- Supersedes Notice CPD-14-012
- Applies to all CoC funded programs
- 180 days to gather 3rd party documentation
- Housing First:
 - A model of housing assistance that prioritizes rapid placement & stabilization in PH that does not have service participation requirements or preconditions of for entry (such as sobriety or a minimum income threshold).
 - A person should not be forced to refuse an offer of PSH if they do not want to participate in the project's services, nor should a PSH project have eligibility criteria or preconditions to entry that systematically exclude those with severe service needs.
- Nondiscrimination Requirements:
 - PSH programs must continue to comply with the nondiscrimination provisions of Federal civil rights laws, including, but not limited to, the Fair Housing Act, Section 504 of Rehabilitation Act, Title VI of Civil Rights Act, & Titles II or III of the ADA (gender, disability, population preferences & CBC FAQs).

Third-Party Documentation – When is it required?

- Recipient should try to obtain evidence in this order at intake:
 - Third-party
 - Intake worker observations
 - Certification from the person seeking assistance
- Recipient now has up to 180 days to obtain third-party documentation:
 - Program participants in program fewer than 180 days excluded from 75/25 ratio
 - Notices have been sent to local field offices that files for clients in the program less than 180 days should be excluded during monitoring
 - After 180 days, if program participant does not have at least 9 months of 3rd party documentation:
 - Must fall within 25% cap; or
 - Recipient must discontinue use of CoC Program funds to serve the participant

Recordkeeping Requirements – Third-party documentation

- How can encounters with clients by outreach or intake worker be considered 3rd party documentation?
 - Current occasion:
 - Outreach or intake worker must have physically observed where household is coming from
 - Prior months & occasions:
 - Can document encounters with client that may have been where they were residing or in other location
 - If not in the actual place where client was residing, worker must state why they believe (based on their judgement) that the client was sleeping in one of the permitted locations
 - Documentation will have to specify each month in which the client was encountered and outreach or intake worker can only document those months in which they actually saw the client
 - If current point of intake is the first time the worker is meeting client, their observation cannot count towards any but the current month of homelessness & only if they physically observe where client is residing

Recordkeeping Requirements – Third-party documentation (cont.)

- How can a community member, such as a shopkeeper or neighborhood resident be third-party documentation?
 - Oral or written observation of someone in the community, including but not limited to, a shopkeeper, a building owner, or a neighborhood resident (regardless of relationship to client) that has *physically observed* where the client is or has been residing
 - If the community member is unwilling to provide a written observation, the intake worker may document their conversation with the community member
 - Community member must indicate which specific month they physically observed the client residing in a place not meant for human habitation
 - Intake worker must use professional judgement as to whether or not source is reliable

Recordkeeping Requirements – Third-party documentation (cont.)

- Can housing or service provider such as an educator, members of law enforcement, or healthcare professionals serve as third-party source?
 - Does not have to be based on physical observation of where client was residing
 - If professional has encountered client on one or more occasion while in their official capacity & client has reported that during that time they were residing in an eligible location, a written or oral statement could be provided that based on their knowledge, the person was residing in the location as reported (ex. clinic visits & day shelters)
 - Can only count for the actual months in which professional encountered household (no blanket statement)

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

Documents from HUD

- FAQs available for points made in this slide
- HUD unveiled two new tools that they will be publishing in the coming weeks
 - A checklist for documenting chronic history
 - A new chronically homeless flowchart



The Way Home

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.
- 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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