

San Francisco Local Homeless Coordinating Board
Overview of New HUD Regulations Defining “Homeless”
December 5, 2011

How to Use this Document

This document contains four (4) sections.

- Section 1 provides contextual information describing the background behind the new homelessness definitions and documentation rules. It may be helpful to understanding how and why the new rules were developed.
- Section 2 contains a brief summary of key changes enacted by the regulations. It may be help to identify issues for further planning and, perhaps, new CoC Policies and Procedures. More detailed descriptions of new rules are provided in Section 4.
- Section 3 lays out some of the policy issues and questions the Local Board may want to consider.
- Section 4 provides more detailed descriptions of the new rules and documentation requirements. It can be used as a reference source in understanding the key changes described in Section 2.

I. Background

On May 20, 2009, President Obama signed the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009. The HEARTH Act amends and reauthorizes the McKinney-Vento Homeless Assistance Act with substantial changes, including:

- A consolidation of HUD's competitive grant programs;
- The creation of a Rural Housing Stability Program;
- A change in HUD's definition of homelessness and chronic homelessness;
- A simplified match requirement;
- An increased focus on prevention; and,
- An increase in the emphasis on performance.

In April 2010, HUD released proposed rules to: (1) clarify terms within the statutory definitions of "homeless," "homeless individual," "homeless person," and "homeless individual with a disability"; and (2) propose recordkeeping requirements designed to assist communities appropriately document an individual or family's homeless status in individual case files. Through the proposed rule, HUD solicited public comment and suggestions on the proposed clarifications. The public comment period closed on June 21, 2010.

On November 15, 2011, HUD published the final rule on the definition of homelessness, which integrates the regulation for the definition of "homeless," and the corresponding recordkeeping requirements, for the Emergency Solutions Grants program, the Shelter Plus Care program, and the Supportive Housing Program. This final rule also establishes the regulation for the definition "developmental disability" and the definition and recordkeeping requirements for "homeless individual with a disability" for the Shelter Plus Care program and the Supportive Housing Program. **The final rule will apply prospectively to grants awarded during the 2011 CoC grants competition (which all have operating years that begin in calendar year 2012) and all grants awarded thereafter.**

II. Overview of New Definition & Documentation Rules

HUD made a significant effort to incorporate the public comment received for the proposed rules, and explained in the regulations how comments were incorporated.

Some of the key clarifications in the regulations are:

1. There are **four main categories** under which individuals and families may qualify as homeless. (*NOTE: the categories are described in much greater detail in the regulations; they are merely summarized in this document for planning purposes*).
 - a. Individuals and families who lack a fixed, regular and adequate nighttime residence (including a subset for individuals residing in a shelter or place not meant for human habitation and exiting and institution where they resided temporarily).
 - b. Individuals and families who will imminently lose their primary nighttime residence
 - c. Unaccompanied youth and families with children who are defined as homeless under other Federal statutes, who have experienced a long-term period without living independently in permanent housing, have experienced persistent instability as measured by frequent moves, who can be expected to continue in such status, and who do not otherwise qualify as homeless under other HUD definitions; and
 - d. Individuals and families who are fleeing or are attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or family member.
2. **“Shelter” includes emergency shelter but not transitional housing:** The HEARTH Act defines people who are exiting an institution where they temporarily resided and who resided in “shelter” or a place not meant for human habitation before entering the institution as “homeless.” In the regulations, HUD clarified that “shelter” means emergency shelter but not transitional housing for the purposes of qualifying as homeless under this rule about institutions.
3. **“Youth” is defined as less than 25 years of age:** By establishing youth as less than 25 years old, HUD hopes that programs will be able to adequately and appropriately address the unique needs of transition aged youth, including youth existing foster care systems, to become stable in permanent housing.
4. **“Other Federal statutes” have been included with definitions of homelessness under which unaccompanied youth and families with children and youth could alternatively qualify as homeless,** and HUD provides a comprehensive list of which statutory definitions can be used.
5. **“Long-term period” is defined to mean 60 days and “frequent moves” is defined as 2 moves:** These terms are used to determine if unaccompanied youth and families with children are homeless. HUD determined that these definitions strike the appropriate balance between the statutory requirements of “long-term” and “frequent” and the needs of these populations.

6. **Third-party documentation, when available, is the preferred documentation of homeless status, but using other forms of available documentation is acceptable evidence.** The final rule provides that, whenever possible, third-party documentation must be used to establish homeless status. The exception to this is for recipients that provide emergency assistance, including shelter for one night and victim service providers. However, to alleviate the burden on providers and homeless person in answering eligibility questions, HUD has allowed the use of “already existing” documentation when available, including HMIS service transactions, discharge paperwork, and other examples provided that such documentation meets certain, specified criteria.
7. **HUD has issued clarification about documenting an individual’s stay in an institution, imminent loss of housing, homeless status under “other Federal statutes,” domestic violence status, and disability status.** These details are provided in the recordkeeping section on pages 5-8 of this document.

III. Local Board Policy & Planning Discussion Items

1. HUD will likely provide webinars and other resources to help stakeholders understand the new rules. Should the Local Board consider providing additional assistance to providers?
 - a. Would a training or series of trainings be helpful?
 - b. Would it help to develop new sample/model forms?
 - i. An index of required documents for all client case files?
 - ii. Intake forms, with questions to determine homelessness status?
 - iii. Sample certification forms?
 - iv. Standard Release of Information forms?
 - c. Other ideas?
2. Should the Local Board consider adopting any CoC-wide policies and procedures to help ensure compliance with the new rules?
 - a. Should Local Board staff monitor program records on a regular basis?
 - b. Should the CoC adopt policies and procedures related to documenting homelessness status?
 - i. CoC-wide standards for sharing information in client files?
 - ii. Recommendations for handling client eligibility determinations, such as suggested timeframes for determining eligibility, suggested types of documents that can be requested from clients and documents that providers should be responsible to gather, etc?
 - c. Other ideas?
3. Other issues?

The Local Board may want to refer some or all of these issues to the HEARTH Committee or another committee or workgroup to consider further.

IV. Additional Details: Definitions & Documentation Standards

DETAILS: HOMELESS DEFINITION

The definition of “homeless” is revised to read as follows:

- 1) **An individual or family who lacks a fixed, regular, and adequate nighttime residence,** meaning:
 - i. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - ii. An individual or family living in a supervised, publicly or privately operated shelter designed to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by Federal, State, or local government programs; or
 - iii. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

- 2) **An individual or family who will imminently lose their primary nighttime residence,** provided that:
 - i. The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
 - ii. No subsequent residence has been identified; and
 - iii. The individual or family lacks the resources or support networks, e.g. family, friends, faith-based or other social networks, needed to obtain other permanent housing.

- 3) **Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition but who:**
 - i. Are defined as homeless under Section 387 of the Runaway and Homeless Youth Act, Section 637 of the Head Start Act, Section 41403 of the Violence Against Women Act, Section 330(h) of the Public Health Service Act, Section 3 of the Food and Nutrition Act of 2008, Section 17(b) of the Child Nutrition Act of 1966, or Section 725 of the McKinney Vento Homeless Assistance Act;
 - ii. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
 - iii. Have experienced persistent instability as measured by two (2) moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
 - iv. Can be expected to continue in such status for an extended period of time because of:
 - a) Chronic disabilities,
 - b) Chronic physical health or mental health conditions,

- c) Substance addiction,
- d) Histories of domestic violence or childhood abuse,
- e) The presence of a child or youth with a disability, or
- f) Two or more barriers to employment, which include:
 1. The lack of a high school degree or GED,
 2. Illiteracy,
 3. Low English proficiency,
 4. A history of incarceration or detention for criminal activity, and
 5. A history of unstable employment; or

4) Any individual or family who:

- i. Is fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
- ii. Has no other residence; and
- iii. Lacks the resources or support networks (e.g. family, friends, faith-based or other social networks) to obtain other permanent housing.

DETAILS: RECORDKEEPING REQUIREMENTS FOR HOMELESS DEFINITION
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The recipient must maintain and follow written intake procedures to ensure compliance with the homeless definition. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status. The procedures must establish the order of priority for obtaining evidence as third-party documentation first, intake worker observations second, and certification from the person seeking assistance third. However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider.

Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides or changes of the dates on which entries are made.

1. If the individual or family qualifies as homeless under categories 1(i) or (ii) of the homeless definition, as summarized on page 4 of this document, acceptable evidence includes a written observation by an outreach worker of the conditions where the individual or family was living, a written referral by another housing or service provider, or a certification by the individual or head of household seeking assistance.
2. If the individual qualifies as homeless under paragraph 1(III) of the homeless definition, as summarized in this document on page 4, because he or she resided in an emergency shelter or place not meant for human habitation and is exiting an

institution where he or she resided for 90 days or less, acceptable evidence includes the evidence described in the paragraph above and one of the following:

- a. Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; or
- b. Where the evidence in the preceding paragraph (paragraph 2(a) on p. 4) is not obtainable, a written record of the intake worker's due diligence in attempting to obtain such evidence and a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less.

3. If the individual or family qualifies as homeless under paragraph (2) of the homeless definition, as summarized on page 4 of this document, because the **individual or family will imminently lose their housing**, the evidence must include the following three items:

(i) One of the following:

- A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law;
- For individuals and families whose primary nighttime residence is a hotel or motel room not paid for by charitable organizations or federal, state, or local government programs for low-income individuals, evidence that the individual or family lacks the resources necessary to reside there for more than 14 days after the date of application for homeless assistance; or
- An oral statement by the individual or head of household that the owner or renter of the housing in which they currently reside will not allow them to stay for more than 14 days after the date of application for homeless assistance. The intake worker must record the statement and certify that it was found credible. To be found credible, the oral statement must either:
 - Be verified by the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance and documented by a written certification by the owner or renter or by the intake worker's recording of the owner or renter's oral statement; or
 - If the intake worker is unable to contact the owner or renter, be documented by a written certification by the intake worker of his or her due diligence in attempting to obtain the owner or renter's verification and the written certification by the individual or head of household seeking assistance that his or her statement was true and complete; PLUS

(ii) Certification by the individual or head of household that no subsequent residence has been identified; AND

(iii) Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.

- If the individual or family qualifies as homeless under paragraph (3) of the homeless definition, as summarized on page 4 of this document, because **the individual or family does not otherwise qualify as homeless under the homeless definition but is an unaccompanied youth under 25 years of age, or homeless family with one or more**

children or youth, and is defined as homeless under another Federal statute or section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), the evidence must include:

- For paragraph (3)(i) of the homeless definition, as summarized on page 4 of this document, certification of homeless status by the local private nonprofit organization or state or local governmental entity responsible for administering assistance under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), as applicable;
 - For paragraph (3)(ii) of the homeless definition, as summarized on page 4 of this document, referral by a housing or service provider, written observation by an outreach worker, or certification by the homeless individual or head of household seeking assistance;
 - For paragraph (3)(iii) of the homeless definition, as summarized on page 4 of this document, certification by the individual or head of household and any available supporting documentation that the individual or family moved two or more times during the 60-day period immediately preceding the date of application for homeless assistance, including:
 - Recorded statements or records obtained from each owner or renter of housing, provider of shelter or housing, or social worker, case worker, or other appropriate official of a hospital or institution in which the individual or family resided; or,
 - Where these statements or records are unobtainable, a written record of the intake worker's due diligence in attempting to obtain these statements or records. Where a move was due to the individual or family fleeing domestic violence, dating violence, sexual assault, or stalking, then the intake worker may alternatively obtain a written certification from the individual or head of household seeking assistance that they were fleeing that situation and that they resided at that address; and
 - For paragraph (3)(iv) of the homeless definition, as summarized on pp. 4-5 of this document, written diagnosis from a professional who is licensed by the state to diagnose and treat that condition (or intake staff- recorded observation of disability that within 45 days of date of the application for assistance is confirmed by a professional who is licensed by the state to diagnose and treat that condition); employment records; department of corrections records; literacy, English proficiency tests; or other reasonable documentation of the conditions required under paragraph (3)(iv) of the homeless definition, as summarized on page 5 of this document.
- If the individual or family qualifies under paragraph (4) of the homeless definition, as summarized on page 5 of this document, because the **individual or family is fleeing domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence**, then acceptable evidence includes an oral statement by the individual or head of household seeking assistance that they are fleeing that situation, that no subsequent residence has been identified and that they lack the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other housing.

If the individual or family is receiving shelter or services provided by a victim service provider, the oral statement must be documented by either a certification by the individual or head of household; or a certification by the intake worker.

Otherwise, the oral statement that the individual or head of household seeking assistance has not identified a subsequent residence and lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain housing must be documented by a certification by the individual or head of household that the oral statement is true and complete, and, where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening condition must be verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking. The written referral or observation need only include the minimum amount of information necessary to document that the individual or family is fleeing, or attempting to flee domestic violence, dating violence, sexual assault, and stalking.

DEFINITION OF DEVELOPMENTAL DISABILITY AND PERSON WITH DISABILITY

For the purposes of Shelter Plus Care and Supportive Housing Program, the following definitions were provided:

Developmental disability:

- (1) A severe, chronic disability of an individual that—
 - (i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (ii) Is manifested before the individual attains age 22;
 - (iii) Is likely to continue indefinitely;
 - (iv) Results in substantial functional limitations in three or more of the following areas of major life activity:
 - (A) Self-care;
 - (B) Receptive and expressive language;
 - (C) Learning;
 - (D) Mobility;
 - (E) Self-direction;
 - (F) Capacity for independent living;
 - (G) Economic self-sufficiency; and
 - (v) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

- (2) An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental

disability without meeting three or more of the criteria described in paragraphs (1)(i) through (v) of the definition of “developmental disability” in this section if the individual, without services and supports, has a high probability of meeting those criteria later in life.

Person with disabilities: a household composed of one or more persons at least one of whom is an adult who has a disability.

- (1) A person shall be considered to have a disability if he or she has a disability that:
 - (i) Is expected to be long-continuing or of indefinite duration;
 - (ii) Substantially impedes the individual's ability to live independently;
 - (iii) Could be improved by the provision of more suitable housing conditions; and
 - (iv) Is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury.
- (2) A person will also be considered to have a disability if he or she has a developmental disability, as defined in this section.
- (3) A person will also be considered to have a disability if he or she has acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).
- (4) Notwithstanding the preceding provisions of this definition, the term person with disabilities includes, except in the case of the SRO component, two or more persons with disabilities living together, one or more such persons living with another person who is determined to be important to their care or well-being, and the surviving member or members of any household described in the first sentence of this definition who were living, in a unit assisted under this part, with the deceased member of the household at the time of his or her death. (In any event, with respect to the surviving member or members of a household, the right to rental assistance under this part will terminate at the end of the grant period under which the deceased member was a participant.)

DOCUMENTING DISABILITY STATUS

Anyone receiving assistance under this part (SPC or SHP, soon to be CoC) must maintain and follow written intake procedures to ensure that the assistance benefits persons with disabilities, as defined above. In addition to the documentation required to document homeless status, the procedures must require documentation at intake of the evidence relied upon to establish and verify the disability of the person applying for homeless assistance. The recipient must keep these records for five years after the end of the grant term.

Acceptable evidence of 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;
- Written verification from the Social Security Administration;
- The receipt of a disability check (e.g. Social Security Disability Insurance check or Veteran Disability Compensation);
- Other documentation approved by HUD; or

- Intake staff-recorded observation of disability that, no later than 45 days of the application for assistance, is confirmed and accompanied by evidence in one of the forms described herein.

Homeless Definition and Documentation Requirements

Homeless Status	Documentation Required
An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:	
An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;	<p>One of the following:</p> <ul style="list-style-type: none"> • Written observation by an outreach worker of the conditions where the individual or family was living, • Written referral by another housing or service provider, OR • Certification by the individual or head of household seeking assistance.
An individual or family living in a supervised, publicly or privately operated shelter designed to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by Federal, State, or local government programs; OR	<p>One of the following:</p> <ul style="list-style-type: none"> • Written observation by an outreach worker of the conditions where the individual or family was living, • Written referral by another housing or service provider, OR • Certification by the individual or head of household seeking assistance.
An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.	<p>One of the following:</p> <ul style="list-style-type: none"> • Written observation by an outreach worker of the conditions where the individual or family was living, • Written referral by another housing or service provider, OR • Certification by the individual or head of household seeking assistance. <p>PLUS One of the following:</p> <ul style="list-style-type: none"> • Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; OR • If evidence described above isn't attainable, a written record of the intake worker's due diligence in attempting to obtain that evidence PLUS a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less.

Homeless Definition and Documentation Requirements

Homeless Status	Documentation Required
An individual or family who will imminently lose their primary nighttime residence, provided that:	
<p>The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance; AND</p>	<p>ONE of the following:</p> <ul style="list-style-type: none"> • A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law; • For individuals and families whose primary nighttime residence is a hotel or motel room not paid for by charitable organizations or federal, state, or local government programs for low-income individuals, evidence that the individual or family lacks the resources necessary to reside there for more than 14 days after the date of application for homeless assistance; or • An oral statement by the individual or head of household that the owner or renter of the housing in which they currently reside will not allow them to stay for more than 14 days after the date of application for homeless assistance. The intake worker must record the statement and certify that it was found credible. To be found credible, the oral statement must either: <ul style="list-style-type: none"> ○ Be verified by the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance and documented by a written certification by the owner or renter or by the intake worker’s recording of the owner or renter’s oral statement; or ○ If the intake worker is unable to contact the owner or renter, be documented by a written certification by the intake worker of his or her due diligence in attempting to obtain the owner or renter’s verification and the written certification by the individual or head of household seeking assistance that his or her statement was true and complete; <p>PLUS</p>
<p>No subsequent residence has been identified; AND</p>	<p>Certification by the individual or head of household that no subsequent residence has been identified;</p> <p>PLUS</p>
<p>The individual or family lacks the resources or support networks, e.g. family, friends, faith-based or other social networks, needed to obtain other permanent housing.</p>	<p>Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.</p>

Homeless Definition and Documentation Requirements

Homeless Status	Documentation Required
<p>Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition but who:</p>	
<p>Are defined as homeless under Section 387 of the Runaway and Homeless Youth Act, Section 637 of the Head Start Act, Section 41403 of the Violence Against Women Act, Section 330(h) of the Public Health Service Act, Section 3 of the Food and Nutrition Act of 2008, Section 17(b) of the Child Nutrition Act of 1966, or Section 725 of the McKinney Vento Homeless Assistance Act; <u>AND</u></p>	<p>Certification of homeless status by the local private nonprofit organization or state or local governmental entity responsible for administering assistance under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), as applicable; <u>PLUS</u></p>
<p>Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance; <u>AND</u></p>	<p>Referral by a housing or service provider, written observation by an outreach worker, or certification by the homeless individual or head of household seeking assistance; <u>PLUS</u></p>
<p>Have experienced persistent instability as measured by two (2) moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; <u>AND</u></p>	<p>Certification by the individual or head of household and any available supporting documentation that the individual or family moved two or more times during the 60-day period immediately preceding the date of application for homeless assistance, including:</p> <ul style="list-style-type: none"> ▪ Recorded statements or records obtained from each owner or renter of housing, provider of shelter or housing, or social worker, case worker, or other appropriate official of a hospital or institution in which the individual or family resided; <u>OR</u>, ▪ Where these statements or records are unobtainable, a written record of the intake worker’s due diligence in attempting to obtain them. Where a move was due to the individual or family fleeing domestic violence, dating violence, sexual assault, or stalking, then the intake worker may alternatively obtain a written certification from the individual or head of household seeking assistance that they were fleeing that situation and that they resided at that address; <u>PLUS</u>

Homeless Definition and Documentation Requirements

<p>Can be expected to continue in such status for an extended period of time because of:</p> <ul style="list-style-type: none">g) Chronic disabilities,h) Chronic physical health or mental health conditions,i) Substance addiction,j) Histories of domestic violence or childhood abuse,k) The presence of a child or youth with a disability, orl) Two or more barriers to employment, which include:<ul style="list-style-type: none">1. The lack of a high school degree or GED,2. Illiteracy,3. Low English proficiency,4. A history of incarceration or detention for criminal activity, and5. A history of unstable employment.	<p>Written diagnosis from a professional who is licensed by the state to diagnose and treat that condition (or intake staff- recorded observation of disability that within 45 days of date of the application for assistance is confirmed by a professional who is licensed by the state to diagnose and treat that condition); employment records; department of corrections records; literacy, English proficiency tests; or other reasonable documentation of the conditions required under paragraph (3)(iv) of the homeless definition.</p>
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Homeless Definition and Documentation Requirements

Homeless Status	Required Documentation
<p>Is fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; has no other residence; and lacks the resources or support networks (e.g. family, friends, faith-based or other social networks) to obtain other permanent housing.</p>	<p>Oral statement by the individual or head of household seeking assistance that they are fleeing that situation, that no subsequent residence has been identified and that they lack the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other housing.</p> <p>If the individual or family is receiving shelter or services provided by a victim service provider, the oral statement must be documented by either a certification by the individual or head of household; or a certification by the intake worker.</p> <p>Otherwise, the oral statement must be documented by a certification by the individual or head of household that the statement is true and complete, and, where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening condition must be verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking. The written referral or observation need only include the minimum amount of information necessary to document that the individual or family is fleeing, or attempting to flee domestic violence, dating violence, sexual assault, and stalking.</p>

Homeless Definition and Documentation Requirements

At-Risk Status	Documentation Requirements
<p>(1) An individual or family who: Has an annual income below 30 percent of median family income for the area, as determined by HUD; <u>AND</u></p>	<p>The documentation specified under this section for determining annual income;</p>
<p>Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “homeless” definition in this section; <u>AND</u></p>	<p>The program participant’s certification on a form specified by HUD that the program participant has insufficient financial resources and support networks, e.g., family, friends, faith-based or other social networks, immediately available to attain housing stability, <u>AND</u></p> <p>The most reliable evidence available to show that the program participant does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “homeless” definition.</p> <p>Acceptable evidence includes:</p> <ul style="list-style-type: none"> • Source documents (e.g., notice of termination from employment, unemployment compensation statement, bank statement, health care bill showing arrears, utility bill showing arrears); • To the extent source documents are unobtainable, a written statement by the relevant third party (e.g., former employer, public administrator, relative) or the written certification by the recipient’s or subrecipient’s intake staff of the oral verification by the relevant third party that the applicant meets one or both of these criteria; or • To the extent source documents and third party verification are unobtainable, a written statement by the recipient’s or subrecipient’s intake staff describing the efforts taken to obtain the required evidence;

Homeless Definition and Documentation Requirements

	<u>AND</u>
<p>Meets one of the following conditions:</p> <ul style="list-style-type: none"> • Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance; • Is living in the home of another because of economic hardship; • Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; • Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals; • Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than one and a half persons per room, as defined by the U.S. Census Bureau; • Is exiting a publicly funded institution, or system of care (such as a health care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or • Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved consolidated plan; <p><u>OR</u></p>	<p>The program participant’s certification on a form specified by HUD that the program participant meets one or more of the conditions under the definition of “at risk of homelessness”; <u>AND</u></p> <p>The most reliable evidence available to show that the program participant meets one or more of the conditions under the definition of “at risk of homelessness”.</p> <p>Acceptable evidence includes:</p> <ul style="list-style-type: none"> • Source documents that evidence one or more of the conditions of the definition (e.g., eviction notice, notice of termination from employment, bank statement); • To the extent source documents are unobtainable, a written statement by the relevant third party (e.g., former employer, owner, primary leaseholder, public administrator, hotel or motel manager) or the written certification by the recipient’s or subrecipient’s intake staff of the oral verification by the relevant third party that the applicant meets one or more of the criteria under the definition of “at risk of homelessness”; or • To the extent source documents and third party verification are unobtainable, a written statement by the recipient’s or subrecipient’s intake staff that the staff person has visited the applicant’s residence and determined that the applicant meets one or more of the criteria under the definition or, if a visit is not practicable or relevant to the determination, a written statement by the recipient’s or subrecipient’s intake staff describing the efforts taken to obtain the required evidence.

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<p>A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under other Federal Statutes, including section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); <u>OR</u></p>	<p>Certification of the child or youth’s homeless status by the agency or organization responsible for administering assistance under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), or section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), as applicable.</p>
<p>A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.</p>	<p>Certification of the child or youth’s homeless status by the agency or organization responsible for administering assistance under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), as applicable.</p>