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

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Presenters:
- Ann Oliva
- Brett Gagnon
- Susana Limon

Resource Advisors:
- Susan Ziff
- Theresa Silla
Webinar Format, Materials & Evaluation

- Webinar will last approximately 1 ½ hours (90 mins).

- A recorded version of this can be found on HUD’s Homelessness Resource Exchange at [http://hudhre.info](http://hudhre.info) after December 27, 2011
Submitting Questions in the Webinar

- Audience members are muted due to the high number of participants
- For audio, please use the telephone, not your computer
- If you have technical difficulty with the audio or video portions of this webcast, try:
  - Logging off, then logging in again
  - Requesting help through the “questions” function in the “Go To Webinar” toolbar
Submitting Questions in the Webinar

• To pose a question for the ESG Resource Advisors during this webinar, use the “Questions” function in the “GoToWebinar” toolbar

• ESG resource advisors will only have time to answer some questions
Submitting Questions After Webinar

- If you have a question that is not answered during the webinar, you may submit it to HUD’s Virtual Help Desk at http://hudhre.info/helpdesk
  - Select “Emergency Solutions Grants” as your Program/System
  - Select “General Provisions” as your topic
  - Select “Definitions” as your sub-topic
What is Covered in the Webinar

• Definition of Homeless: Categories 1-4
• Definition of At Risk of Homelessness: Categories 1-3
• HUD’s standards for determining and documenting status
• Income Definition
  – What counts as income
  – What does not count as income
• Disability
Upon completing this webinar, you will be able to:

- Apply the criteria under the homeless and at-risk of homelessness definitions
- Describe the income definition, including what counts and does not count as income
- Describe the criteria under the disability definition
- Understand the documentation standards
What is NOT covered in the webinar

• Details specific to each program component are NOT covered.
  – Eligibility for assistance
  – Income requirements
  – Disability requirements

• Specific documentation requirements are NOT covered
  – Topic of future webinar
Definition of Homeless
Application of the Definition

• Projects funded under the Emergency Solutions Grants program

• New and Renewal projects funded in FY 2011 CoC Competition for:
  – Supportive Housing Program (SHP)
  – Shelter Plus Care (S+C) program
Homeless definition has 4 categories:

1) Literally homeless individuals/families
2) Individuals/families who will imminently (within 14 days) lose their primary nighttime residence with no subsequent residence, resources or support networks
3) Unaccompanied youth or families with children/youth who meet the homeless definition under another federal statute and 3 additional criteria
4) Individuals/families fleeing or attempting to flee domestic violence with no subsequent residence, resources or support networks

To avoid confusion, slides will refer to these as Homeless-Category 1, Homeless-Category 2, Homeless-Category 3 and Homeless-Category 4.
An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- Sleeping in a place not designed for or ordinarily used as a regular sleeping accommodation, including
  - A car
  - A park
  - An abandoned building
  - A bus or train station
  - An airport
  - A camping ground
An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning (cont):

- Living in a shelter designated to provide temporary living arrangements, including
  - Congregate shelters
  - Transitional housing
  - Hotels and motels paid for by charitable organizations or federal/state/local government programs
Homeless Category 1 Criteria

An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning (cont.):

• Exiting an institution (e.g., jail, hospital)
  - where they resided for **90 days or less** AND
  - were residing in **emergency shelter or place not meant for human habitation** immediately before entering institution.
Individuals/families who will imminently lose their primary nighttime residence within 14 days AND

• have no subsequent residence identified AND

• lack the resources or support networks needed to obtain other permanent housing
Homeless Category 3 Criteria

Unaccompanied youth under 25 or families with children and youth who do not otherwise qualify as homeless, but who

• meet homeless definition under another federal statute; AND

• have not had lease, ownership interest, or occupancy agreement in permanent housing at any time during last 60 days; AND

• have experienced two or more moves during last 60 days; AND…
• Can be expected to continue in such status for an extended period of time because of:
  – chronic disabilities, OR
  – chronic physical health or mental health conditions, OR
  – substance addiction, OR
  – histories of domestic violence or childhood abuse (including neglect) OR
  – presence of a child or youth with a disability, OR
  – two or more barriers to employment
Homeless Category 4 Criteria

Individuals/families fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence, who

• have no identified subsequent residence; AND

• lack the resources and support networks needed to obtain other permanent housing.
1. Mark will be discharged from jail after 4 months. He has no housing options/resources. He meets the criteria for Category 1.

True  False
2. Jamie is fleeing dating violence and has no resources/support networks identified. Jamie is homeless under which category?

A. Category 1  
B. Category 2  
C. Category 3  
D. Category 4
Definition of At Risk of Homelessness
At-Risk of Homelessness definition has 3 categories applicable to:

1) Individuals and Families
2) Unaccompanied Children and Youth
3) Families with Children and Youth

To avoid confusion, will refer to these as At-Risk-Category 1, At-Risk-Category 2, and At-Risk-Category 3
Individuals/families who

• Have annual incomes **below** 30% AMI; **AND**

• Do not have sufficient resources or support networks immediately available to prevent literal homelessness; **AND**

• Meet at least one of the following 7 conditions:
At Risk Category 1 Criteria (cont.)

7 Conditions (must meet at least one):

1. Moved two or more times due to economic reasons in 60 days prior to application for assistance

2. Living in home of another due to economic hardship

3. Losing housing within 21 days after application date

4. Live in hotel/motel not paid for by charitable organizations or Fed/state/local government programs
At Risk Category 1 Criteria (cont.)

7 Conditions, continued (must meet at least one):

5. Lives in severely overcrowded unit as defined by the US Census Bureau
6. Exiting publicly funded institution or system of care
7. Lives in housing associated with instability and increased risk of homelessness, per recipient Con Plan
Unaccompanied children/youth who qualify under other federal statutes

- Does not include children/youth who qualify under the homeless definition
- Does not include parents or guardians
- Regulations include the list of applicable other federal statutes
Children/youth who qualify under the Education for Children and Youth program (§ 725(2) McKinney-Vento Act) and the parents or guardians of that child/youth if living with him/her.
1. To be at risk of homelessness under Category 1 an individual/family must have an income that is at or below 30% of AMI.

True

False
2. Jon is 9. He is homeless by Dept. of Ed’s definition. He hasn’t moved twice in the past 60 days. He’s at risk of homelessness.

True  False
Documentation Standards for Homeless and At Risk of Homelessness
Documenting Homeless & At Risk of Homelessness Status

• Record keeping requirements
  – Homeless: Categories 1-4
    • Homeless Definition Final Rule
      – Consolidated Plan Regulations: 24 CFR Parts 91
      – SHP: 582.301(b)
      – SPC: 583.301(b)
    • ESG Interim Rule: 576.500(b)
  – At Risk of Homelessness: Categories 1-3
    • ESG: ESG Interim Rule: 576.500(c)
• Policies and Procedures
  – ESG/SHP/SPC recipients must have and follow
  – Must establish the order of priority for obtaining evidence as required by HUD
  – Documenting due diligence
Range of Documentation Types

• In order of preference:
  – third-party documentation first
  – intake worker observations second
  – certification from the person seeking assistance third

• Already available documentation
  – Discharge paperwork
  – HMIS service transactions
Determining Acceptable Level of Documentation

- Appropriate documentation for intake files will vary depending on
  - Type of assistance provided, examples include
    - Emergency shelter
    - Street outreach services
    - Services provided by victim service providers
  - Circumstances of the potential program participant, including
    - Individuals fleeing/attempting to flee domestic violence
Determining Income
Overview of Income

• Part 5/Section 8 definition
  – Gross Income
  – Anticipated during the coming 12 months

• Definition Specifies:
  – Inclusions
  – Exclusions
  – Treatment of Assets
Income Inclusions

• Earned Income
• Interest & Dividend Income
• Pension/Retirement Income
• Unemployment & Disability Income
• TANF/Public Assistance
• Alimony and child support income
• Armed forces income
Exclusions

- Income of Children
- Inheritance and Insurance Income
- Medical Expense Reimbursements
- Income of Live-in Aides
- Certain State payments re disability
- Student Financial Aid
- Armed Forces Hostile Fire Pay
Treatment of Assets

• What to include
• What to exclude
• Actual income from assets
• Nuances related to imputed income and assets disposed of at less than fair market value
Documenting Income

• Range of Documentation Types, in order of preference
  – Written third party and intake work observations
  – Oral third party
  – Self-Declaration

• Determining Acceptable Level of Documentation
Documenting Income continued

- Calculate income
  - Annualize hourly, weekly or monthly payment information, as appropriate
- Compare against Area Median Income (AMI)
- Keep documentation in case file
Definition of Disability
Overview of Disability Definition

1) Physical, mental or emotional impairment
2) Developmental disability
3) HIV/AIDS
• Is expected to be long-continuing or of indefinite duration;
• Substantially impedes the individual’s ability to live independently;
• Could be improved by the provision of more suitable housing conditions and
• Is a physical, mental or emotional impairment, including impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury
Developmental Disability

- Defined in § 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 USC 15002)

- Means a severe, chronic disability that
  - Is attributable to a mental or physical impairment or combination AND
  - Is manifested before age 22 AND
  - Is likely to continue indefinitely

AND
• Results in substantial limitations in three or more major life activities:
  – Self-care
  – Receptive and expressive language
  – Learning
  – Mobility
  – Self-direction
  – Capacity for independent living
  – Economic self-sufficiency

AND
Reflects 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
• An individual may be considered to have a developmental disability without meeting three or more of the criteria listed previously, if
  – Individual is 9 years old or younger AND
  – has a substantial developmental delay or specific congenital or acquired condition AND
  – without services and supports, has a high probability of meeting those criteria later in life.
HIV/AIDS Criteria

- Includes the disease of acquired immunodeficiency syndrome (AIDS) or
- Any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).
• **Documentation requirements applicable only when status is required for eligibility to program**

• **Written 3rd Party Written Verification**
  – State licensed professional
  – Social Security Administration
  – Receipt of disability check
• Intake staff observations
  – Applicable only in the absence of written 3rd party verification.
  – Must be confirmed and accompanied by written 3rd party verification no later than 45 days

• Oral-third party and self-certification is not appropriate
Forthcoming Guidance
Where To Get More Information

Use the www.HUDHRE.info to download additional information and submit questions
• Additional guidance to be posted includes
  – Webinar on Specifics of Determining and Documenting Housing Status
  – User guide on Determining and Documenting Housing Status, Income and Disability of Potential Program Participants
  – Documentation templates
Additional Helpful Resources

- Resources on [www.hudhre.info](http://www.hudhre.info) will eventually include all of the following:
  - User Guides
  - McKinney-Vento Act, as amended by the HEARTH Act
  - All published program regulations
  - Webinar recordings
  - At-a-glance charts and sample forms
  - ESG Help Desk (now available)
## Other ESG-Related Webinars

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You should now be able to:

- Describe the criteria under the homeless and at-risk of homelessness definitions
- Describe the income definition, including what counts and does not count as income
- Describe the criteria under the disability definition
- Understand the documentation standards related to housing status, income and disability

Please complete the on-line survey to rate how well this webinar met its objectives