

	
<p><b>HEARTH Draft Regulations - Definition of Homelessness</b></p>	
<p>Michigan Conference on Affordable Housing 2010</p>	
<p><a href="http://www.csh.org">www.csh.org</a> &amp; <a href="http://www.mihomeless.org">www.mihomeless.org</a></p>	

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<p><b>Who Is CSH?</b></p>	

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<p><b>The Role of CSH</b></p>	
<p><i>CSH helps communities create permanent housing with services to prevent and end homelessness</i></p>	
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<p><b>CSH's Project Related Assistance</b></p>	
<ul style="list-style-type: none"> <li>▪ Predevelopment Funding</li> <li>▪ Technical Assistance</li> <li>▪ Systems Advocacy</li> </ul>	

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<b>Who Is MCAH?</b>	

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<b>MCAH</b>	
<ul style="list-style-type: none"><li>▪ Database Management for the State of Michigan (HMIS)</li><li>▪ Technical assistance and training</li><li>▪ Advocacy at local, state, and national level</li><li>▪ Outreach and awareness events</li><li>▪ Capacity building for service providers</li></ul>	
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<b>Overview of McKinney Vento Homeless Assistance Act and HEARTH Act</b>	

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<b>McKinney-Vento Homeless Assistance Act</b>	
<ul style="list-style-type: none"> <li>▪ First significant federal legislative response to homelessness</li> <li>▪ Intense advocacy campaign across the country</li> <li>▪ Legislation was passed by large bipartisan majorities in both houses of Congress</li> <li>▪ Signed into law by President Reagan in July, 1987</li> <li>▪ Originally had 15 programs providing spectrum of services to people who are homeless</li> </ul>	

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<b>McKinney Vento Reauthorization</b>	
<ul style="list-style-type: none"> <li>▪ Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act is the first significant reauthorization of McKinney Vento in 2 decades</li> <li>▪ On May 19, 2009 both houses of Congress passed S. 896, the Helping Families Save Their Homes Act, which included the HEARTH Act as an amendment</li> <li>▪ Signed into law by President Obama on May 20, 2009</li> </ul>	

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<b>Purpose of HEARTH Act</b>	
<ul style="list-style-type: none"> <li>▪ Consolidate homeless assistance programs</li> <li>▪ Codify the continuum of care planning process</li> <li>▪ Establish a goal of ensuring that families who become homeless return to permanent housing within 30 days</li> </ul>	

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<b>General Provisions</b>	
<ul style="list-style-type: none"> <li>▪ Definitions</li> <li>▪ Collaborative Applicant/ Unified Funding Agency</li> <li>▪ Continuum of Care Program</li> <li>▪ Emergency Solutions Grants</li> <li>▪ Rural Housing Stability Grant Program</li> <li>▪ High Performing Communities</li> </ul>	

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<b>Draft Regulations - Definitions</b>	

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<b>Purpose of this Rule</b>	
<ul style="list-style-type: none"> <li>▪ HUD is providing clarity for the terms <ul style="list-style-type: none"> <li>- homeless</li> <li>- homeless individual</li> <li>- homeless person and</li> <li>- homeless individual with a disability</li> </ul> </li> <li>▪ Proposed rule clarifies that individuals and families may qualify as homeless under 4 possible categories -- corresponds to the broad categories established by the statutory language of the definition</li> </ul>	

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<b>Applicability of Proposed Definitions</b>	
<ul style="list-style-type: none"> <li>▪ Definitions will apply to Emergency Solutions Grant program</li> <li>▪ HUD is considering repeating this regulatory text in the regulations for the CoC and Rural Housing Stability program</li> </ul>	

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<b>Definition of Homelessness in Statute</b>	
<ul style="list-style-type: none"> <li>▪ Current definition: <ul style="list-style-type: none"> <li>- Places not meant for human habitation, such as cars, parks, sidewalks, and abandoned buildings;</li> <li>- Emergency shelter or</li> <li>- Transitional housing</li> </ul> </li> <li>▪ Expanded statutory definition to include the following categories: <ol style="list-style-type: none"> <li>1. Living in shelter or place not meant for human habitation prior to temporarily residing in an institutional care setting would be considered homeless upon their exit</li> <li>2. People who will imminently lose housing and lack resources to find other housing</li> <li>3. Unaccompanied youth and homeless families who have not lived independently for a long time, experienced persistent instability, and will continue to experience instability</li> <li>4. Fleeing or attempting to flee domestic violence</li> </ol> </li> </ul>	

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<b>Category One</b>	
<p><u>Includes all the following:</u></p> <ol style="list-style-type: none"> <li>1. Individual or family who lacks fixed, regular, and adequate nighttime residence</li> <li>2. 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 being including a car, park, abandoned building, bus or train station, airport, or camping ground</li> <li>3. Individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Fed, State, or local govt. programs or by charitable orgs, congregate shelters, and transitional housing)</li> <li>4. Individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided <ul style="list-style-type: none"> <li>- The individual must have been homeless prior to entering the institution</li> <li>- "temporarily resided" now means a period of 90 days or less</li> </ul> </li> </ol>	

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<b>Category 2</b>	
<ul style="list-style-type: none"> <li>▪ Individuals or families who will imminently lose their primary nighttime residence</li> <li>▪ There are 3 cases which may be evidenced to qualify as imminently homeless             <ul style="list-style-type: none"> <li>– There is a court order to vacate</li> <li>– Lacks the resources to continue staying in a hotel/motel</li> <li>– Is no longer allowed to stay by the owner or renter with whom the individual or family may be staying</li> </ul> </li> <li>▪ In all 3 cases, the individual or family may be considered homeless up to 14 days before they are displaced from their current housing</li> </ul>	
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<b>Category 2: Record keeping and documentation</b>	
<ul style="list-style-type: none"> <li>▪ The service provider must retain whatever evidence is relied upon in determining that an individual or family will imminently lose their housing             <ul style="list-style-type: none"> <li>– examples: eviction order, letter from landlord, or current renter</li> </ul> </li> <li>▪ In cases where written documentation is unobtainable it is permissible to use an oral statement from the individual or family, to establish eligibility.             <ul style="list-style-type: none"> <li>– The oral statement must be found credible and either documented or verified</li> <li>– Head of household must certify their situation in a written statement</li> </ul> </li> </ul>	
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<b>Category 2: Record keeping and documentation</b>	
<ul style="list-style-type: none"> <li>▪ After written statement is collected it must be verified by the a statement from the owner or rentor of the housing where the individual or family currently resides</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li>▪ Due diligence is undertaken by the intake worker in attempting to collect a statement from the landlord and these efforts are documented by the intake worker</li> <li>▪ Verification of self certification is not required for cases involving victims of domestic violence</li> </ul>	
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<b>Category Three</b>	
<p>Unaccompanied youth and homeless families with children and youth who are defined as homeless under other federal statutes who do not otherwise qualify under the definition</p>	
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<b>Category Three</b>	
<p><b><u>Must meet all 3 eligibility criteria:</u></b></p> <ol style="list-style-type: none"> <li>1. Having experienced a long term period without living independently in permanent housing <ul style="list-style-type: none"> <li>• living 91 or more days immediately prior to applying for homeless assistance without a lease or home ownership in the youth's or head of household's name</li> </ul> </li> <li>2. Having experienced persistent instability as measured by frequent moves over such period <ul style="list-style-type: none"> <li>• 3 or more moves over the 90 day period immediately prior to applying for homeless assistance</li> </ul> </li> <li>3. Being expected to continue in such status for an extended period of time because of: <ul style="list-style-type: none"> <li>• chronic disabilities, physical or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, presence of a child or youth with disability, OR</li> <li>• 2 or more barriers to employment – including lack of high school degree or GED, illiteracy, low English proficiency, a history of incarceration and a history of unstable employment</li> </ul> </li> </ol>	
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<b>Category 3: Record keeping and documentation</b>	
<ul style="list-style-type: none"> <li>▪ An oral or written statement must be collected from the youth or head of household to verify "persistent instability" or "long-term period without living independently in permanent housing"</li> <li>▪ Statement is considered valid when documented by the previous owners or renters of the housing from which the applicant has moved OR</li> <li>▪ Recorded due diligence on the part of the intake worker to obtain these statements</li> </ul>	
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<b>Category 4</b>	
<ul style="list-style-type: none"> <li>▪ Any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other 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, <b>and</b></li> <li>▪ Who has no other residence and lacks the resources or support networks to obtain other permanent housing</li> </ul>	
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<b>Category 4: Record keeping and documentation</b>	
<ul style="list-style-type: none"> <li>▪ It is acceptable to accept an oral statement from the individual or family, and these statements do not need to be verified.</li> <li>▪ Statements do need to be certified either by the self-certification (signed statement from the victim) or by the intake worker (signed statement certifying the victim's story)</li> </ul>	
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<b>Definition: Homeless Individual with a Disability</b>	
<p>Individual who is homeless and has a disability that:</p> <ul style="list-style-type: none"> <li>- Is expected to be long-continuing or of indefinite duration;</li> <li>- Substantially impedes the individuals ability to live independently;</li> <li>- Could be improved by the provision of more suitable housing conditions, and</li> <li>- Is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury <ul style="list-style-type: none"> <li>• Is a developmental disability, as defined in this section or</li> <li>• Is the disease of AIDS or that any condition arising from the etiologic agency for acquired immunodeficiency syndrome including, infection with HIV</li> </ul> </li> </ul>	
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<b>Next Steps</b>	

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<b>Providing Public Comments</b>	
<ul style="list-style-type: none"> <li>▪ <b>Public Comment Period</b> <ul style="list-style-type: none"> <li>– 60 days from publication date (June 21, 2010)</li> <li>– Comments must include:           <ul style="list-style-type: none"> <li>• Docket Number FR-5333-P-01 and</li> <li>• Title - Homeless Emergency Assistance and Rapid Transition to Housing: Defining "Homeless"</li> </ul> </li> <li>– Can be submitted by:           <ul style="list-style-type: none"> <li>• Mail to Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7<sup>th</sup> Street, SW, Room 10276, Washington, DC 20410-0500</li> <li>• Electronically through Federal eRulemaking Portal at <a href="http://www.regulations.gov">www.regulations.gov</a></li> </ul> </li> </ul> </li> <li>▪ Comments on program requirements that deals with confidentiality in cases of domestic violence</li> </ul>	

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<b>Providing Public Comments</b>	
<ul style="list-style-type: none"> <li>▪ Grantees, Continuum of Care and Regional Councils are strongly encouraged to provide comments</li> <li>▪ CSH and MCAH would like to collect all comments made from Michigan to prepare training and technical assistance in the future</li> </ul>	

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