

Tips and Resources on the New Homeless Definition

January 17, 2011

On December 5, 2011, HUD published the **final rule** on the [Definition of Homeless](#) in the Federal Register. As this is the final rule, there is not a further comment period for the definition of homeless. The final rule on the Definition of Homeless went into effect on January 4, 2012. The purpose of this message is to provide links to resources that HUD has developed on the definition as well as answer a few basic questions on the implementation of the regulation. HUD will keep our grantees posted as new resources are developed.

Who Does This New Rule Apply To?

The rule applies to programs funded by HUD differently depending on the type of program (formula or competitive) and, for competitive programs, when your operating year begins. The final rule applies to:

1. All recipients of Emergency Solutions Grants (ESG) program funds.
2. All recipients of SHP and S+C funding awarded through the FY 2011 CoC Competition at the point that their renewal award takes effect. For example, a project with a start date of May 1 would be subject to the new definition regulation on May 1 when their 2011 renewal grant agreement takes effect.
3. This definition does not apply to HPRP programs or competitive projects that did not renew in the 2011 Continuum of Care competition.

How Does the Rule Define Homelessness?

The final rule on the Definition of Homeless establishes four categories under which an individual or family may qualify as homeless. The categories are:

1. Literally homeless – An individual or family who lacks a fixed, regular and adequate nighttime residence, meaning the individual or family has a primary nighttime residence that is a public or private place not meant for human habitation or is living in a publicly or privately operated shelter designed to provide temporary living arrangements. This category also includes individuals who are exiting an institution where he or she resided for 90 days or less who resided in an emergency shelter or place not meant for human habitation immediately prior to entry into the institution.
2. Imminent Risk of Homelessness – an individual or family who will imminently lose (within 14 days) their primary nighttime residence provided that no subsequent residence has been identified and the individual or family lacks the resources or support networks needed to obtain other permanent housing.
3. Homeless under other Federal Statutes – unaccompanied youth (under 25) or families with children and youth who do not otherwise qualify as homeless under this definition

and are defined as homeless under another federal statute, have not had permanent housing during the past 60 days, have experience persistent instability, and can be expected to continue in such status for an extended period of time.

4. Fleeing/Attempting to Flee DV – any individual or family who is fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking.

What Technical Assistance resources Are Available for CoCs and Grantees?

To assist recipients and subrecipients understand the updated definition of homeless, and administer their programs in compliance with the amended regulations, HUD is developing guidance and training materials. The following materials are currently available:

- [Determining Homeless and At-Risk Status, Income and Disability Webinar](#) – This webinar provides a comprehensive introduction to HUD’s Homeless Definition Final rule. After reviewing this webinar, viewers should be able to apply the criteria under the homeless definition and understand the basic documentation requirements.
- [At-a-Glance – Criteria and Recordkeeping Requirements for Definition of Homeless](#) – This two-page document, to be posted on the HRE shortly and attached to this listserv, provides a high-level overview of the criteria for each category of homelessness (page 1) as well as the corresponding recordkeeping requirements for each category (page 2). This document does not contain the same level of detail that can be found in the regulation.
- [At-a-Glance – Criteria for Definition of At Risk of Homelessness](#) – This one-page document, to be posted on the HRE shortly and attached to this listserv, provides a high-level overview of the criteria for each category of at risk of homelessness. This document applies to recipients of Emergency Solutions Grants funds only. This document does not contain the same level of detail that can be found in the regulation.

HUD is continuing to prepare additional documents to create a comprehensive library of guidance documents and training materials on the definition of homeless. The following materials are anticipated in the near future:

- **Notice on Limitation on Use of Funds to Serve Persons Defined as Homeless Under Other Federal Laws**—This Notice provides guidance to Continuums of Care (CoCs) and recipients of Supportive Housing Program (SHP) and Shelter Plus Care (S+C) program competitive grant funds in FY2011, regarding the limitations imposed in Section 422(j) of the McKinney-Vento Act, as amended by the HEARTH Act. This Notice provides further clarification on information in the Notice of Funding Availability (NOFA) Questions and

Answers: A Supplement to the FY2011 CoC Homeless Assistance NOFA and Application. The subject Notice is only applicable to those recipients whose approved FY2011 applications (new or renewal) proposed to serve families with children and/or unaccompanied youth.

- **Recordkeeping Requirements for Homeless, At Risk of Homelessness, Income, and Disability Webinar** – This webinar will provide a comprehensive introduction to the recordkeeping requirements established in HUD’s Homeless Definition Final rule.
- **Determining and Documenting Homeless and At-Risk Status, Income, and Disability User Guide**—this document will assist readers in understanding the definition of homeless, at risk of homelessness, income, and disability, as well as provide templates and tools to assist case managers and intake workers document homeless status, at risk of homeless status, income, and disability status.
- **Frequently Asked Questions**—this document will provide answers to frequently asked questions that are being received, and answered, through the Help Desk. At the end of this listserv, SNAPS will provide a few of the frequently asked questions, along with the answers, that are being received, and their answers, to assist readers until this document is posted.

HUD appreciates your patience as these are being completed – many of your questions will be answered once these documents are published.

For questions on the requirements set forth in this regulation, please visit the Virtual Help Desk on the HUD HRE. HUD has taken great care to anticipate questions and include as much detail in the regulations and notice as possible. Therefore, please make sure to read both documents, in their entirety, prior to submitting a question to the Help Desk, as this will reduce the duplicative questions and responses and increase the response time for questions that are not addressed in the regulation.

What Questions Has HUD Received On the Homeless Definition?

HUD has received many questions on the definition. Below are a few of the most frequently asked questions and the response we have provided. Please remember to submit questions that you may have to the Virtual Help Desk on the HRE located at:

<http://www.hudhre.info/index.cfm?do=viewHelpdesk>. **Select “CoC Policy” under the program/system dropdown and “Homeless Definition” under the Topic dropdown to be routed most quickly to the appropriate person who can answer your question.**

Is an individual or family who qualifies as homeless under Category 2 (imminent risk of homelessness) or Category 3 (homeless under other federal statutes) eligible for permanent supportive housing under the SHP or S+C program?

While persons who meet the criteria of Category 2 or Category 3 of the homeless definition are defined as homeless, they are not eligible for permanent supportive housing through the SHP or S+C programs because they are not coming from the streets, emergency shelter, safe havens or transitional housing as required in the FY 2011 NOFA. All permanent housing projects funded in the FY 2011 CoC Competition must continue to abide by the limitation on permanent supportive housing set forth in the NOFA in Section III.E.2.d(3).

My SHP/S+C project received funding in FY 2011 CoC Competition and has an operating start date of January 1, 2011. Since the definition does not go into effect until January 4, 2011 can I use the new definition in my project?

SHP and S+C projects that received funding in FY2011 CoC Competition must use the revised definition when administering their projects. The definition published in the Federal Register on December 5, 2011 applies to all SHP and S+C projects funded in the FY 2011 CoC Competition, including those with an operating start date between January 1, 2012 and January 3, 2012.

Are SHP and S+C projects funded in the FY 2011 CoC Competition expected to use the amended definition of chronically homeless that was published in the amendments to the Consolidated Plan rule on December 5, 2011 in the Federal Register?

No, the amended definition of chronically homeless does not apply to projects funded in the FY 2011 CoC Competition. Projects funded in the FY 2011 CoC Competition should continue to use the definition of chronically homeless found in Section I.D.3 of the 2011 Continuum of Care NOFA.