

Homeless Definition

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

- a. 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;
- b. An individual or family living in a supervised publicly or privately operated shelter designated 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 for low-income individuals); or
- c. 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:

- d. The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- e. No subsequent residence has been identified; and
- f. 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:

- g. Are defined as homeless under the Runaway and Homeless Youth Act, the Head Start Act, the Violence Against Women Act, the Public Health Service Act, the Food and Nutrition Act, the Child Nutrition Act, the McKinney-Vento Homeless Assistance Act;
- h. 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;
- i. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
- j. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment;

(4) Any individual or family who:

- k. Is fleeing, or is 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, including a child, that has either taken place within the

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- individual’s or family’s primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
- l. Has no other residence; and
 - m. Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

Recordkeeping - Homeless status

- The program must maintain and follow written intake procedures. 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.
- Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation

Homeless Status	Recordkeeping/Documentation (where <u>OR</u> is used it signifies the order of priority)
(1). a & b. Streets, shelter, transitional housing, hotel/motel	1. HMIS record <u>or</u> 2. Written observation by an outreach worker <u>or</u> 3. Written referral by another housing or service provider <u>or</u> 4. Certification by the individual seeking assistance
(1). c. Exiting an institution where he or she resided for 90 days or less	- Documentation of a or b above prior to institution stay <u>and</u> 1. Discharge paperwork or a written 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 <u>or</u> 2. A written record of the intake worker’s due diligence in attempting to obtain the evidence described in 1 above 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.
(2). d. e, f. Imminent loss of housing	1. a. A court order resulting from an eviction action that requires the individual to leave the 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; <u>or</u> b. For individuals and families whose primary nighttime residence is a hotel or motel room paid by self, 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; <u>or</u> c. An oral statement by the individual 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 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

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	<p><u>and</u> 2. Certification by the individual that no subsequent residence has been identified;</p> <p><u>and</u> 3. Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.</p>
(3) g. Unaccompanied youth under 25, homeless under other statutes	Certification of homeless status by the local private nonprofit organization or state or local governmental entity responsible for administering assistance under the respective Act
(3) h. Unaccompanied youth under 25, with no lease within 60 days	Referral by a housing or service provider, written observation by an outreach worker, or certification by the homeless individual seeking assistance;
(3) i. Unaccompanied youth under 25, with two moves within 60 days	<p>1. Certification by the individual 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; <u>or</u></p> <p>2. 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 household seeking assistance that they were fleeing that situation and that they resided at that address;</p>
(3) j. Unaccompanied youth under 25 with long-term chronic condition	Documentation of g or h or I above <u>and</u> Written diagnosis from 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 the paragraph.
(4) Individual or household fleeing domestic violence	<p>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.</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. 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</p>

	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.
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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.

- (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 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.)

Recordkeeping - Disability

The program must maintain and follow written intake procedures to ensure that the assistance benefits persons with disabilities. The procedures must require documentation at intake of the

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evidence relied upon to establish and verify the disability of the person applying for homeless assistance. The recipient must keep these records for 5 years after the end of the grant term.

Acceptable evidence of the disability includes:

- (1) 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; or
- (2) Written verification from the Social Security Administration; or
- (3) The receipt of a disability check (e.g., Social Security Disability Insurance check or Veteran Disability Compensation); or
- (4) Intake staff-recorded observation of disability that, no later than 45 days of the application for assistance, is confirmed and accompanied by evidence per the above or
- (5) Other documentation approved by HUD.