



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING  
AND DEVELOPMENT

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FROM: Ann Marie Oliva, Director, Office of Special Needs Assistance  
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SUBJECT: Guidance for Determining Homeless Status in Presidentially Declared  
Disaster Areas Affected by Hurricane Sandy

This memorandum provides information to field offices serving specific areas declared to be major disaster areas by President Obama under Title IV of the Robert T. Stafford Act following Hurricane Sandy, with affected cities and counties throughout the northeast on and around October 29, 2012.

In general, persons who lost their homes due to recent catastrophic events and who lack the resources and support networks to secure housing are considered homeless if they are living in a shelter or in a place not meant for human habitation (e.g., a damaged structure). However, persons affected by the disaster should **first** access other available disaster-related services and should immediately register with FEMA for disaster assistance. HUD-funded homeless service providers in areas declared to be major disaster areas by President Obama following and as a result of Hurricane Sandy should review the following guidance to determine who is eligible to be served by their homeless assistance programs.

## I. Who is Considered Homeless

In general an individual or family is considered homeless if they meet the definition of homelessness. Per the final rule on the [Definition of Homeless](#), there are four categories of homelessness:

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|-------------------------------|---|
| <b>Category 1</b>             | (1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: <ul style="list-style-type: none"> <li>i. Has a primary nighttime residence that is a public or private place not meant for human habitation;</li> <li>ii. Is living in a 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 and local government programs); or</li> <li>iii. Is exiting an institution where (s)he has 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</li> </ul> |
| <b>Category 2</b>             | (2) Individual or family who will imminently lose their primary nighttime residence, provided that: <ul style="list-style-type: none"> <li>i. Residence will be lost within 14 days of the date of application for homeless assistance;</li> <li>ii. No subsequent residence has been identified; and</li> <li>iii. The individual or family lacks the resources or support networks needed to obtain other permanent housing</li> </ul>  |
| <b>Category 3<sup>1</sup></b> | (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: <ul style="list-style-type: none"> <li>i. Are defined as homeless under the other listed federal statutes;</li> <li>ii. Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;</li> <li>iii. Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and</li> <li>iv. can be expected to continue in such status for an extended period of time due to special needs or barriers.</li> </ul>  |
| <b>Category 4</b>             | (4) Any individual or family who: <ul style="list-style-type: none"> <li>i. Is fleeing, or is attempting to flee, domestic violence;</li> <li>ii. Has no other residence; and</li> <li>iii. Lacks the resources or support networks to obtain other permanent housing</li> </ul>  |

<sup>1</sup> Per 24 CFR 576.89, no more than 10 percent of a CoCs total funding can be used to serve families with children and youth defined as homeless under other federal statutes (paragraph 3 of the definition of homeless found in 24 CFR 578.3). Prior to any project being permitted to serve this population, the CoC must have received written approval from HUD to serve that population *and* the individual project must have been identified by the CoC in its request to HUD. For more information about this limitation on FY2011 awards, please see the [Notice on Limitation on Use of Funds to Serve Persons Defined as Homeless Under Other Federal Laws](#).

## II. Determining Homeless Status in Presidentially Declared Disaster Areas

- A. Homeless service providers in the areas impacted by recent events may be presented with two types of situations when establishing whether a household is homeless:
1. persons who were homeless or in homeless assistance programs before the disaster, and
  2. persons who may have become homeless because of the disaster.

In either instance, given the nature of the disaster, it may be difficult to obtain third-party documentation of homeless status (or at-risk status for ESG). HUD urges providers to document their due diligence in trying to obtain documentation and/or keep signed self-certifications from those being served in the case file in order to avoid potential monitoring findings. In those locations where it is feasible, homeless service providers may also use HMIS records as documentation of homeless status.

- B. Homeless service providers may serve households that fit in to the following two categories:
1. Persons who were homeless or in homeless assistance programs prior to the disaster, including:
    - (a) Persons that meet the definition of homelessness under one of the four categories.
    - (b) Persons/households in housing funded by the Supportive Housing Program (SHP), Shelter Plus Care (S+C), or Housing Opportunities for Persons with AIDS (HOPWA) Program funds in one of the federally declared disaster areas at least one day prior to October 29, 2012.
    - (c) Persons/households receiving rapid re-housing or homelessness prevention through ESG assistance whose housing was damaged in the disaster. These persons may be relocated.
    - (d) Persons being housed in a non-HUD funded homeless assistance program where the primary purpose of the program is to provide housing and supportive services to homeless persons and where the persons **met the HUD definition of homelessness** that was in effect at the time of entrance into the program.

Please note that were in institutions or in institution-like settings funded through the State would not be considered eligible for admittance into a HUD homeless assistance program unless it can be documented that they were there for 90 days or less (prior to Hurricane Sandy) and that they entered the program from the streets or emergency shelter.

2. A household whose residence has been damaged beyond repair and all of the

following circumstances apply:

- (a) The household has applied for FEMA assistance;
- (b) No appropriate subsequent housing options have been identified; and
- (c) The household lacks the financial resources and support networks needed to obtain immediate housing.

The only households that can be served through SHP Permanent Housing and Shelter Plus Care are those households with a qualifying disability and who meet Category 1 of the homeless definition. Persons with disabilities that are in an evacuation shelter as a result of Hurricane Sandy and have no additional resources may also be assisted in a permanent supportive housing program.

If you or your staff have questions about this memo, please contact Marcy Thompson at (202) 402-2283.