

Provider Guidance for Determining Homeless Status In Presidentially Declared Disaster Areas Affected by Hurricane Sandy

The United States Department of Housing and Urban Development (HUD) has provided guidance to assist HUD housing providers in assessing the eligibility of participants for homeless assistance who have been affected by Hurricane Sandy in the declared counties of Bronx, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster and Westchester.

Providers should ensure that persons or families affected by the storm meet applicable criteria before entry into HUD assisted homeless housing. People who lost their house due to recent catastrophic events are considered homeless if they are living in a shelter or in a place not meant for human habitation (e.g., a damaged structure). 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 providers should review the following guidelines to determine who is eligible to be served by their homeless assistance programs.

In general, an individual or family is considered homeless if they meet the definition of homeless. The federal definition of includes four broad categories of homelessness:

1. People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided if they were in shelter or a place not meant for human habitation before entering the institution. The only significant change from existing practice is that people will be considered homeless if they are exiting an institution where they resided for up to 90 days (it was previously 30 days), and were homeless immediately prior to entering that institution.
2. People who are losing their primary nighttime residence, which may include a motel or hotel or a doubled up situation, within 14 days and lack resources or support networks to remain in housing. HUD had previously allowed people who were being displaced within 7 days to be considered homeless. The regulation also describes specific documentation requirements for this category.
3. Families with children or unaccompanied youth who are unstably housed and likely to continue in that state. This is a new category of homelessness, and it applies to families with children or unaccompanied youth (up to age 24) who have not had a lease or ownership interest in a housing unit in the last 60 or more days, have had two or more moves in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple barriers to employment.
4. People who are fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening situations related to violence; have no other residence; and lack the resources or support networks to obtain other permanent housing. This category is similar to the current practice regarding people who are fleeing domestic violence.

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. Given the nature of the disaster, it may be difficult to obtain third-party documentation of homeless status. HUD urges providers to document their due diligence in trying to obtain documentation. Homeless service providers may use HMIS records as documentation of homeless status.

Homeless service providers may serve households that fit into the following two categories:

1. Persons who were homeless or in homeless assistance programs prior to the disaster.

Please note that people who were in institutions or 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. Persons that meet the definition of homelessness under one of the four categories discussed above.

2. A household whose residence has been damaged beyond repair and all of the following circumstances apply:
 - The household has applied for FEMA assistance;
 - No appropriate subsequent housing options have been identified; and
 - 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 I 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.