

**Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (The HEARTH Act):  
Big Changes on the Forefront**

**Data, Reporting & Outcomes**

<b>Issue</b>	<b>What's Changed?</b>	<b>RSC Position</b>	<b>Key Concerns</b>
<b>HMIS Participation</b>	<p>As before, all ESG and Continuum of Care funded agencies must participate in HMIS. The HMIS system must:</p> <ul style="list-style-type: none"> <li>• collect unduplicated counts;</li> <li>• analyze patterns of use;</li> <li>• provide information for needs analyses and funding priorities; and</li> <li>• be developed in accordance with standards established by the Secretary</li> </ul> <p>The new HMIS data elements were published on June 17, 2009. HUD is expected to release revisions to HMIS privacy standards later this year.</p>	<p>Mixed. RSC members have acknowledged the importance of data collection and monitoring but have argued in the past that it should not be the responsibility of the Continuum of Care to mandate participation. Requirements should be implemented at the state level.</p>	
<b>Information Protection for Victim Service Providers</b>	<p>As before, project sponsors must certify that it will maintain the same client record confidentiality and non-disclosure requirements.</p> <p>Proposed legislation requires HUD to instruct any victim service provider not to disclose personally identifying information about any client for the purposes of HMIS.</p> <p>Providers may be asked to disclose non-personally identifying information as long as that information has been de-identified, encrypted, or otherwise encoded.</p>		

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Issue	What's Changed?	RSC Position	Key Concerns
<b>Information Protection for Victim Service Providers</b>	Nothing in the legislation may supersede any prior law granting greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.		
<b>Reporting and Outcomes</b>	<p>As before, project sponsors must monitor and report data to HUD.</p> <p><u>High-performing communities:</u> must demonstrate through reliable data that meets 5 required criteria to be selected (see CoC Program chart, Incentives). [§424(d)] Selected communities' collaborative applicants must cooperate with the HUD Secretary to distribute information about their successful efforts to reduce homelessness [§424(e)]</p>	Mixed. RSC members support tracking and reporting out on outcomes for performance evaluation but want the NOFA process streamlined. In addition, RSC members want the provision of additional resources to conduct evaluation.	
<b>Homeless Counts</b>	<p>Despite the expanded homeless definition the homeless count remain limited to people are:</p> <ul style="list-style-type: none"> <li>• Lacking fixed, regular, and adequate nighttime residence</li> <li>• Residing at night primarily in a public or private place not designed for or ordinarily used as human beings' regular sleeping accommodations</li> <li>• Living in a shelter designed to provide temporary living arrangements</li> <li>• Who resided in a shelter or place not meant for human habitation and is exiting an institution where he or she temporarily resided</li> </ul>	Mixed. RSC members like having some picture of homelessness within their communities. However, as above, members have encouraged the provision of additional resources to conduct evaluation activities.	

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***Discussion Questions***

- (1) What barriers or struggles are your communities facing in implementing new HMIS standards?
- (2) What are your concerns about potential privacy standard revisions?
- (3) How are communities engaging non-HUD funded entities to participate in HMIS?

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