

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

Definitions

Issue	What's Changed?	RSC Position	Key Concerns
Definition of who is homeless	<p>Anyone who met the previous definition of homeless is still considered homeless under HEARTH; however, HEARTH expands the statutory definition of homelessness to include:</p> <ul style="list-style-type: none"> • An individual or family living in a supervised publicly or privately operated shelter designed to provide temporary living arrangements, including hotels or motels paid for by Federal, State, or local government programs for long-income individuals or by charitable organizations, congregate shelters, and transitional housing. (This section, more than expanding the definition merely modifies language about hotels.) • An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided. • An individual or family who: <ul style="list-style-type: none"> A. Will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable 	<p>Mixed. Some RSC members support this definition. Other RSC members have pushed for a broader definition that includes households that are doubled-up or living in overcrowded conditions and people living in hotels or motels.</p>	

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<p>Definition of who is homeless</p>	<p>organizations, as evidenced by</p> <ul style="list-style-type: none"> i. A court order resulting from an eviction action that notifies that individual or family that they must leave within 14 days ii. The individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days. iii. Credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible <p>B. Has no subsequent residence identified C. Lacks the resources or support networks needed to obtain other permanent housing</p> <p>The major change here is from 7 to 14 days.</p> <ul style="list-style-type: none"> • Additionally, any individual or family who is fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing. 		

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Definition of who is homeless	<p>The definition of homelessness also includes:</p> <ul style="list-style-type: none"> • Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes and who meet all of the following: <ol style="list-style-type: none"> A. Have experienced a long-term period without living independently in permanent housing B. Have experienced persistent instability as measured by frequent moves over such period C. 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, the presence of a child or a youth with a disability, or multiple barriers to employment. 		
Definition of Who is Chronically Homeless	<p>HEARTH expands the term “chronically homeless” means to include families with children. It also adds post-traumatic stress disorder and brain injury to the qualifying disabling conditions. Also, people who are chronically homeless prior to entering an institution for up to 90 days continue to be chronically homeless upon their exit.</p> <p>A person or family is now considered “chronically homeless” if that individual or family:</p> <ul style="list-style-type: none"> • Is homeless or lives or resides in a place not meant for human habitation, a safe haven, or in an 	Mixed. RSC has previously argued that there is not enough consensus regarding how to define chronic homelessness and, as such, it should be defined in the regulations but not in the Federal statute.	

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Definition of Who is Chronically Homeless	<p>emergency shelter,</p> <ul style="list-style-type: none"> • Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years, and • Has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability, post-traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of these conditions. <p>In addition, a person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described above.</p>		
Definition of who is At-Risk	<p>Previous legislation did not define “at risk of homelessness.” HEARTH defines it as an individual or family who meets all 3 criteria below:</p> <ul style="list-style-type: none"> • Income is below 30% of AMI; • Insufficient resources immediately available to attain housing stability, and • Meets at least one of the following: <ul style="list-style-type: none"> ○ Has moved frequently because of economic 		

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Definition of who is At-Risk	<p>reasons</p> <ul style="list-style-type: none"> ○ Is living in the home of another because of economic hardship ○ Has been notified that their right to occupy their current housing or living situation will be terminated ○ Lives in a hotel or motel ○ Lives in severely overcrowded housing ○ Is exiting an institution ○ Otherwise lives in housing that has characteristics associated with instability and an increased risk of homeless 		
Other Federal Definitions for Homelessness	<p>While HEARTH does not change other Federal definitions, the Act gives Collaborative Applicants flexibility to use 10% of continuum of care funding for eligible activities to serve families and youth defined as homeless under other Federal statutes.</p> <p>The Collaborative Applicant must demonstrate that the use of funds is an equal or greater priority or is equally or more cost-effective in meeting the overall goals and objectives of the plan.</p> <p>The limitation does not apply if the Applicant's rate of homelessness (calculated based on the most recent count) is less than 1/10 of 1% of the total population.</p>		
Future Changes	The HEARTH Act directs the U.S. Interagency		

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	<p>Council on Homelessness to have an extensive meeting to discuss whether to change the definition of homelessness, and whether there is a “compelling need for a uniform definition of homelessness under Federal law.”</p>		
<p>Other Definitions (apply only to ESG, CoC, and Rural Housing Stability Assistance Program)</p>	<p>HEARTH expands “operating costs” to include coordination of services as needed to ensure long-term housing stability.</p> <p>Shelter Plus Care will now use the same definition of “Private nonprofit organizations” as all other Continuum of Care programs.</p> <p>“Supportive services” has been changed to make the definition consistent between programs. New services added to the definition include:</p> <ul style="list-style-type: none"> • Outreach services, advocacy, life skills training, and housing search and counseling services • Legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing • Transportation services that facilitate an individual's ability to obtain and maintain employment 		

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Protections for Homeless Children and Families	<p>HEARTH adds a completely new requirement that will go into effect in 2 years. The law prohibits Continuum of Care programs from denying admission to families with children under the age 18 based on the age of any child in the family.</p> <p>There is an exception for transitional housing programs that target resources for families with children of a certain age if the program has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group. HUD will not fund such a project unless specific certifications are made in relation to educational needs of the children.</p>		

Discussion Questions

- (1) What makes sense in terms of documenting “at risk of homelessness?”

- (2) In the past, “no exits from institutions” has been both a curse and a blessing. It is a curse, because it made it difficult to serve those in needs. It was a blessing, because the federal law gave CoC’s a bit of leverage when talking to these institutions about improved discharge planning efforts. How will the new definition impact discharge planning efforts?

- (3) Do people intend to apply for the exception to the family protections provision?

For more information, please contact Danielle Wildkress, Staff Lawyer at Danielle@homebaseccc.org or (415) 788-7961 x. 301