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HUD-VASH Training
Legal Services Northern California
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HUD-VASH

Primary purpose of HUD-VASH is to move Veterans and their families out of homelessness. VHA Hndbk, 1162.05 (Sept. 14, 201) § 2; 42 USC 1437f(o)(19). A key component is the Veteran Administration (VA) case management services. VHA Hndbk, § 2; 38 USC 2003(b).

Key differences between HCV and HUD-VASH vouchers

In general the Housing Choice Voucher (HCV) program rules apply, BUT

Several key HCV rules are waived and not applicable to the HUD-VASH program

HUD has waived certain HCV program rules and some HUD-VASH requirements
Veteran Affairs Medical Center (VAMC) screens and selects Veteran families and refers them to the Public Housing Agency (PHA)

VAMC is responsible for providing substantial housing support to the Veteran

PHA has limited role in eligibility and is strongly encouraged to consult with VAMC before terminating the family

National Funding for HUD-VASH

FY 2008 (Pub. L. 110-161, Dec. 26, 2007) \$75 million

FY 2009-- \$75 million

FY 2010--\$75 million

FY 2011--\$49.9 million (Pub. L. 112-10, April 15, 2011).

FY 2012--\$75 million

Total approximately 40,000 vouchers from FY 2008 to 2011 nationwide. VHA Hndbk, § 2 and 5.c.

FY 2012 funding adds about 10,000 more HUD-VASH vouchers

Purpose of the funding: Part of an Administration wide effort to eliminate Veterans homelessness in five years. HUD anticipates that it will reduce the number of homeless Veterans to 59,000 by June of 2012 from an anticipated level of 194,000.

Scope of homeless Vet problem in California

2009 Point in Time (PIT) survey of homeless identified in CA 19,532 homeless Vets (nationwide 75,458)

2009 All homeless in CA 133,129 (nationwide 637,439)

2009 14.7% of homeless are Vets in CA

Nationwide 10% of all vets in poverty become homeless as contrasted with 5% of all adults in poverty

Most often homeless Vets are white males 31-50 years old

Hispanics and African Americans Vets in poverty are at higher risk of becoming homeless (1 in 4)
California, Florida, Texas and NY have ½ of all homeless Vets and 28% of all Vets
(As HUD reported in 2011, 25.4% of the homeless vets reside in California)
(HUD says 1 in 6 in shelters are Vets)
Total Vet population 2,087,582
Total population in CA 36,418,499
(Data from the Veteran Homelessness: A Supplemental Report to the 2009 Annual Homeless
Assessment Report to Congress and HUD Agency Financial Report FY 2011)

Who is eligible for HUD-VASH?

VAMC and/or Community Based Outpatient Center (CBOC) staff establish a process for admission of the Veteran family to HUD-VASH and referral to the PHA. VHA Hndbk, §§ 11.c, 12; 73 Fed. Reg. 25,026, 25,027 (May 6, 2008); HUD-VASH Question and Answers (Oct. 8, 2008).

Veteran for purposes of HUD-VASH is person who served in active military, naval, or air service and who was discharged or released under conditions other than dishonorable AND is eligible for VA health care.

Veteran Family is a single veteran or a veteran family of two or more related persons or one or more eligible persons living with the Veteran who are determined to be important to the Veteran's care or well being or the surviving members of a Veteran's family, who were living with the Veteran at the time of the Veteran's death. HUD-VASH Qs and As, No. A.10.

Homeless: As authorized in 38 USC 2002(1); McKinney-Vento Homeless Assistance Act, as amended by S. 896 The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009

See attached definition, VHA Hndbk, §§ 4.d.—4.e and NOTE on page 19; see also 76 Fed. Reg. 75,994 (Dec. 5, 2011).

Participation in Services: Homeless veteran must be willing to actively participate in his/her program of recovery with a VA case manager. VHA Hndbk, § 5.d.; 73 Fed. Reg. at 25,028

HUD-VASH case managers and outreach staff must use a Housing First approach “that does not require the usual “housing readiness” conditions of sobriety of full compliance with mental health treatment as a condition of acceptance or continued stay.” VHA Hndbk, § 17.d; § 4.k (definition of housing first)

There is approximately one VA case worker for every 35 HUD-VASH vouchers

There is no requirement that the Vet must have chronic mental illness or chronic substance abuse to participate in HUD-VASH. 73 Fed. Reg. at 25,027 *compare with* 42 USC 1437f(o)(19).

Public Housing Agency: upon referral by VAMC, PHA may screen ONLY for income and lifetime registered sex offender status. VHA Hndbk, §§ 4.f, 25.b., 26; 73 Fed. Reg. at 25,027.

PHAs have no authority to screen on any ground permitted in 24 CFR § 982.552 (broad denial for violations of HCV program requirements) and 982.553 (specific denial for individuals with criminal histories or substance use disorder. *Id.*

May not screen for money owed to the PHA. HUD-VASH Qs and As, No. A.6.

No rescreening rule applies to all family members. *Id.*, No. 9.

PHAs do not have to comply with targeting requirements for HUD-VASH. 73 Fed. Reg. at 25,027; VASH Cheat Sheet –Rules Waived by the Program.

If a VA case manager *re-refers* a Vet who has been previously terminated from HUD-VASH, the PHA may not deny the HUD-VASH assistance other than for the two reason listed above. HUD-VASH Qs and As, No. D.3.

Bottom line: PHAs and housing and veteran advocates should refer Vets to VAMC to begin the admission/eligibility process. HUD-VASH Question and Answers (Oct. 8, 2008) (“HUD-VASH case managers take referrals from all sources,” including self referrals)

Search time

At least 120 days, extensions in accordance with PHA Admin. Plan

Income

Post 9/11 Veterans Educational Assistance Act (VEAA), tuition assistance and book stipends must be excluded as income.

Post 9/11 VEAA housing allowance is included in income, but is not considered a duplicate housing subsidy.

Whether earnings of Vets participating in Compensated Work Therapy, including Incentive Therapy may qualify as non-recurring or sporadic income as determined by PHA policy. HUD-VASH Qs and As, No. B.1.-2.

Finding and Maintaining a Unit

VA staff help Veteran obtain a voucher from the PHA. The following list includes some of the tasks that the VA staff provide to the Veteran:

- Search assistance

- Educate landlords about HUD-VASH

- Establish a list of landlords interested in HUD-VASH Veterans

- Develop a list of safe, decent, and stable housing units

- Obtain pre-inspections and other inspections

- Show Veteran families available units

- Review lease agreements between landlords and PHA

- Perform site visits “to ensure that Veterans resident in safe environments in compliance with local housing codes” VHA Hndbk, § 12.g.—12.i. (Case Manager Responsibilities), 14.b.(2)

- (Peer Support Specialist Responsibilities), 16. (Housing Specialist Responsibilities)

VA staff should develop a collaborative relationship with PHA. VHA Hndbk, § 25

- PHAs continue to have parallel responsibilities regarding assistance to applicants

- PHA must determine if unit meets HQS

Where may a HUD-VASH family lease a unit?

On the grounds of the VAMC

Portability applies

- BUT HUD-VASH participants may only reside in areas that are accessible to case management services as determined by VA. VHA Hndbk, § 31

- Family may port even if the family did not have legal residency in the jurisdiction when they applied. (**Note** that the jurisdiction of the VAMC may span the jurisdiction of more than one PHA.)

- VAMC must always be notified of a proposal to move

PHA to which Veteran is porting is subject to the same rules regarding eligibility/screening as the initial PHA. HUD-VASH Qs and As, No. 7

What happens to the HUD-VASH voucher when there is a change in family composition?

Upon death

If Vet dies, family members on the voucher and lease may continue to use HUD-VASH voucher until another HCV voucher is available from the PHA. VHA Hndbk, § 27; HUD-VASH Qs and As, No. F.4.

Domestic Violence

The perpetrator of domestic violence may be terminated for committing domestic violence, dating violence, or stalking.

If the perpetrator is the Vet, the victim must continue to be assisted with a regular voucher or the HUD-VASH voucher. HUD-VASH Qs and As, No. D.2.; VHA Hndbk, § 28.

Separation or divorce

Vet keeps the HUD-VASH voucher. HUD-VASH Qs and As, No. F.5. (overrides PHA's policies on how to determine who remains in the program if family breaks up.)

Additions to family

Family must promptly report birth, adoption or court awarded custody of a child. PHA approves other additions to family which must be in writing by PHA and landlord. HUD-VASH Qs and As, No. A.10. The composition of the household is determined by the PHA.

Termination of the HUD-VASH voucher

Vet must follow usual PHA rules or face possible loss of voucher.

PHA is strongly encouraged to contact VA case manager to determine if there are extenuating circumstances and the circumstances if any the VA may chose to re-refer Vet for admission at a later time. HUD-VASH Qs and As, No. D.1.

PHA cannot terminate Vet after admission for activity of Vet prior to admission. *Id.*

Domestic Violence, see above.

Ending Case Management Services

If case management services end, the Vet may continue to receive HUD-VASH or a regular HCV voucher, without being subject to the PHA waiting list. VHA Hndbk, § 32.a; HUD-VASH Qs and As, No. F.3; 73 Fed. Reg. 25,028.

In some instances, discharge from HUD-VASH may be required if Vet refuses to engage in case management or is lost to contact. VHA Hndbk, § 32.c.

Eviction or arrest may terminate case management services and result in termination of voucher. VHA Hndbk, § 32.c.

Non compliance with HUD-VASH does not necessarily lead to loss of the voucher. VHA Hndbk, § 32.note.

Compare: HUD-VASH may (must) be terminated if family refuses, without good cause, to participate in case management as verified by VAMC. HUD-VASH Cheat Sheet (may); 73 Fed. Reg. at 25,028 (must); PIH Notice 2010-53(must).

Funding short falls

If PHA because of funding short falls stops issuing vouchers, when they resume, if required number of HUD-VASH families are not assisted, PHA must assist first HUD-VASH and other special purpose voucher families. PIH Notice 2011-53.

PHA must amend Admin Plans ASAP to comply with this mandate. *Id.*

Project-Based Vouchers

PHA may Project-base 100% of the HUD-VASH units, but total overall PBV units cannot exceed 20% of the PHAs total budget authority.

VA must agree with PBV proposal to PBV. PIH Notice 2011-50.

HUD Review factors for PBV proposal, include:

Challenges voucher holders including HUD-VASH face in the private market

Length of time vouchers will be shelved, if applicable

Description of the project, including

Ability of PHA to provide voucher if family in PBV unit wants to move (PBV HUD-VASH tenant goes to top of the waiting list for HUD-VASH voucher to move, if none available wait 180 days and then must be allowed to move and PHA uses its own HCV for PBV contract, unless no HCV is available, that situation tenant must continue to wait.)

Allocation of HUD-VASH vouchers

The number of HUD-VASH vouchers that have been allocated by PHA and the identity of the VAMC for the period FY 2008-FY 2010 is available at

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/vash

This site does not have the FY 2011 allocation or the newly appropriated FY 2012 information. The HUD Point in Time (PIT) count of homeless individuals, along with information from Homelessness Management Information System (HMIS) is used to determine allocation of homeless resources, including HUD-VASH vouchers.

VA says that allocation is made bases upon need and usage. HUD-VASH question and answers (Oct. 8, 2008).

MTW

No fungibility of HUD-VASH funds

Actions that advocates can take

Determine whether HUD-VASH vouchers are being fully used in your jurisdiction

Contact VAMC to determine barriers, if any, relating to full utilization of HUD-VASH

Contact PHA that has HUD-VAHS allocation and determine barriers, if any

If fully used, make sure that the full usage continues ALSO remember that

\$75 million for FY 2012 has not been allocated—determine if there is a need locally for more and what more VAMC and PHA must do to get additional allocation for FY 2012

If there is a need, PHA that has fully used should be in line for more HUD-VASH FY 2012;

What about other PHAs and other VAMCs?

PIT end of January 2010, which is a basis for allocation of HUD-VASH—What can be done to get the most accurate data?

Refer homeless Vets to VAMCs and coordinate with homelessness and Vet advocates, Continuum of Care (CoC) partners to do the same.

Determine if PHA, with HUD-VASH vouchers understands the unique rules of HUD-VASH and if they have made necessary changes to Administrative Plan.

Get copies of HUD-VASH evaluation especially that portion that provides an analysis of Vets served and the critical monitors, which include information regarding number of Vets, screened, refused case management, have been homeless, referred to PHAs, issued vouchers, housed, length of time and number who have left program. HUD-VASH Hndbk, § 35

Success/experience of HUD-VASH may help with other housing first efforts

Resources

Veterans Health Administration (VHA) Handbook 1162.05 Housing and Urban Development (HUD)-Department of Veterans Affairs Supported Housing (VASH) Program (Sept. 14, 2011), available at http://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=2446

HUD Waivers, 73 Fed. Reg. 25,026 (May 6, 2008); correction 73 Fed. Reg. 28,863 (May 19, 2008).¹

HUD-VASH Cheat Sheet

HUD-VASH Cheat Sheet—Rules waived for the program

HUD-VASH Qs and As,

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/vash
(This is a Q and A document from HUD)

HUD-VASH question and answers (Oct. 8, 2008), http://www.va.gov/HOMELESS/docs/hud-vash_qanda_chart_10-13-09.pdf (This is a Q and A document from VA)

HUD website,

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/vash

VA website, <http://www.va.gov/HOMELESS/HUD-VASH.asp>

Veteran Homelessness: A Supplemental Report to the 2009 Annual Homeless Assessment Report to Congress, <http://www.hudhre.info/documents/2009AHARVeteransReport.pdf>

Attachments

Definition of Homelessness for purposes of HUD-VASH, see also HARTH definition of homelessness 76 Fed. Reg. 75,994 (Dec. 5, 2011), and explanation at <http://monarchhousing.org/2011/11/17/hud-expands-definition-of-homelessness/>

Information about allocation of HUD-VASH vouchers in CA

¹The 2008 Appropriation Act states “that the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turnover.”