HOUSING JUSTICE
National Housing Law Project
Newsletter February 2010

Update: Homelessness Prevention and Rapid Re-Housing Program

In fall 2009, local jurisdictions began to receive funding from the Department of Housing and Urban Development (HUD) for the Homelessness Prevention and Rapid Re-Housing Program (HPRP). These Recovery Act funds may be a resource for domestic violence survivors who need assistance in paying rent, security deposits, utilities, and moving costs. In our November newsletter, we outlined the basics of the HPRP program. In this issue, we provide an update on several emerging issues in the HPRP program, such as how applicants can verify their income and housing status, whether applicants receiving other types of housing assistance are also eligible for HPRP, and the eligibility of non-citizens. All of the HUD documents referenced in this article can be found at HUD's Homelessness Resource Exchange website, http://www.hudhre.info/hprp/.

Verification of Income

To be eligible for HPRP, a household's income must be at or below 50% of Area Median Income. HUD has issued guidance instructing HPRP grantees on how to verify income eligibility. The guidance notes that income documentation must be recent, i.e., dated within 30 days prior to the time of application. Acceptable types of income documentation, in order of preference, include:

- Written verification from a third party, such as an employer, Social Security Administration, or a public benefits office.
- Oral verification from a third party, given over the telephone or in person to HPRP staff.
- An affidavit of income as reported by the applicant household (self-verification).

HUD's guidance contains a chart that lists acceptable types of documentation for each source of income. HUD expects grantees to use the highest documentation standard possible, but recognizes that some grantees, such as small nonprofits, may not have the resources to obtain the highest level of documentation. In addition, HUD acknowledges that the standard of documentation used will depend on the form of HPRP assistance given. It may not be reasonable, for example, for an applicant household to provide third-party verification for one-time or emergency assistance, given the time-sensitive nature of the assistance. Nevertheless, HUD has indicated that an applicant self-declaration should be used as a last resort, and if used, grantees must provide an explanation.

If grantees are reluctant to accept self-verification from a domestic violence survivor, advocates should explain that self-verification is critical for survivors who do not have written documentation because they have recently fled the abuser. Self-certification is also essential in cases where the survivor is fearful that the abuser will discover her whereabouts if an HPRP worker contacts third parties to verify her income.

Verification of Housing Status

To qualify for HPRP assistance, a household

(Continued on page 2)

In this Issue:

(Continued from page 1)

must be homeless or at risk of losing its housing, and the household must meet both of the following circumstances: (1) "no appropriate subsequent housing options have been identified;" and (2) "the household lacks the financial resources and support networks needed to obtain immediate housing or remain in its existing housing." An individual who meets these two requirements, is a victim of domestic violence, and needs HPRP assistance to leave the domestic violence situation is eligible for HPRP rapid re-housing assistance. To prove domestic violence, an applicant can provide a signed self-declaration. HUD has posted a self-declaration template on its website, which includes a box that an individual can check that states that she is a victim of domestic violence and is fleeing from abuse. HPRP grantees are also directed to attempt to obtain written third-party verification, although HUD has not issued guidance on what type of third-party verification is suitable to verify domestic violence for purposes of HPRP.

A domestic violence survivor who is not fleeing from the abuse (i.e. because the batterer has been incarcerated or she has obtained a restraining order) may still be eligible for HPRP assistance if she can document that she is at risk of homelessness. HUD has issued a list of the acceptable types of documentation that may be used to prove that a household is at risk of homelessness. HUD describes this list as "not all inclusive," leaving room for advocates to argue that a client is at risk of homelessness even if she cannot provide one of the types of documentation on the list. The types of documentation on HUD's list include, but are not limited to, an eviction notice; a court order based on eviction action notifying the HPRP applicant that she must leave her dwelling; a notice indicating that a building that an applicant is renting is being foreclosed on; utility shut-off notice; a notice from the landlord or a government entity that an applicant's housing is condemned; a foreclosure notice from a lending institution; and a self-declaration from the applicant. A self-declaration is acceptable only if third-party documentation cannot be obtained.

(Continued on page 3)

2011 Budget Proposes Record Funds to Combat Violence Against Women

The President's Fiscal Year (FY) 2011 budget proposes an unprecedented total of $730 million to combat violence against women. This is a $130.5 million increase in funding from FY 2010. The budget proposes a $100 million increase for the Crime Victims Fund, specifically for emergency shelter, transitional housing, and other local services for survivors of domestic and sexual violence. Additionally, the FY 2011 budget proposes $140 million for battered women's shelters and services, an increase of $10 million from FY 2010.

The FY 2011 budget also proposes increased funding for victim resources. The National Domestic Violence Hotline and Teen Dating Violence Helpline would receive increased funding of $4.5 million. The budget also proposes $30 million in Violence Against Women Act (VAWA) funding for sexual assault victims, to be used by the Sexual Assault Services Program to provide assistance such as crisis intervention, advocacy within the criminal justice system, and support during forensic exams.

The FY 2011 budget would boost legal support for survivors of domestic and sexual violence by providing $50 million in VAWA funding for legal assistance for victims, a $9 million increase from FY 2010. The Civil Legal Assistance Program would use this funding to help survivors obtain protective orders and other relief available through the courts.

Additionally, the FY 2011 budget proposes $188 million in Services, Training, Officers, Prosecutors (STOP) grants to improve training and data collection and to support specialized law enforcement units, prosecution units, and courts for domestic violence and sexual assault cases.

The President's budget proposal is the first step for funding violence against women program for FY 2011. Congress will hold hearings on the budget, and appropriations committees will issue proposals of their own later this year. ■

(Continued from page 2)

HUD has also issued a chart instructing grantees how to verify and document subsequent housing options and the financial resources and support networks available to applicant households. HUD has not established requirements for the proper treatment of household assets in the financial resources analysis. Instead, HUD guidance instructs each grantee to determine "whether an applicant household is required to spend down its assets and, if so, by how much, for the purpose of determining eligibility and the type and level of HPRP assistance."

Households Receiving Other Rental Assistance

Several local jurisdictions have maintained that households receiving rental assistance under another government program, such as public housing or Section 8, do not qualify for HPRP assistance. HUD's Virtual Help Desk has clarified, however, that an applicant household may receive HPRP assistance for a different period of time or for "cost types" not covered by another federal, state, or local subsidy program. For example, a household receiving Section 8 voucher assistance may not receive HPRP funds for rental assistance for the current month or future months. If the household's income decreases, HUD expects the public housing agency (PHA) to recalculate the tenant share of the rent payment. If, however, a voucher household falls behind in rent due to a time lag between the decrease in household income and the recalculation of the tenant contribution by the PHA, the household may receive HPRP funds to cover rental arrears.

Statistic of the Month

In a recent study, 72% of cities surveyed reported that HPRP will fundamentally change the way their communities provide services to people who are homeless or at risk of homelessness.

U.S. Conference of Mayors, Hunger and Homelessness Survey 1 (Dec. 2009), http://usmayors.org/pressreleases/uploads/USCMHungercompleteWEB2009.pdf

HUD has also clarified that tenants living in Low-Income Housing Tax Credit projects may be eligible for HPRP assistance because the rental subsidy received by a tax credit property is not considered the same "cost type" as direct rental assistance to the tenant. Additionally, an applicant household receiving rental assistance under another government program may receive HPRP assistance for other cost types, such as security deposits, moving expenses, or utility deposits.

Eligibility of Non-Citizens

In the Frequently Asked Questions (FAQ) section of its Homelessness Resource Exchange website, HUD has clarified that certain non-citizens may be eligible for HPRP assistance. HUD has taken the position that Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) applies to HPRP. PRWORA lists categories of qualified aliens who are entitled to receive federal assistance. According to HUD, state and local governments that directly administer HPRP assistance must "first verify that an alien is a qualified alien before using HPRP funds to assist him or her." Non-profit grantees, however, are under no such obligation. If a non-profit grantee does decide to pursue verification of immigration status, it must follow the requirements set forth in interim guidance published by the Department of Justice.

Several grantees have denied HPRP assistance to mixed immigration status households that include a member who does not have qualifying immigration status under Title IV. This result seems to be at odds with the approach taken in other federal programs assisting the homeless, such as Shelter Plus Care and the Supportive Housing Program for the Homeless, which do not have immigration restrictions. Further, even in those federally subsidized housing programs that have immigration restrictions, mixed immigration status families may still receive assistance, as long as it is prorated to reflect the presence of ineligible household members. HUD has not yet published guidance on the appropriate treatment of

(Continued on page 4)

(Continued from page 3)

mixed immigration status households seeking HPRP assistance, nor has it addressed this issue in the FAQ section of its website.

A related issue that has arisen is whether an applicant must produce a Social Security number (SSN) to be eligible for HPRP assistance. While HUD has not yet squarely addressed this issue, the guidance it has published regarding the record-keeping requirements for HPRP grantees suggests that an SSN is not required. Grantees must use the Homeless Management Information System (HMIS) to record information on individuals who receive HPRP funds. HUD's guidance on HMIS instructs grantees that they may enter a specific code into HMIS if an HPRP applicant doesn't know or doesn't have an SSN, or if the applicant refused to provide an SSN. HUD's guidance also notes that under 5 U.S.C. § 522a, a government agency cannot deny shelter or services to clients who refuse to provide their SSNs. Additionally, HUD has issued an HMIS intake template that contains checkboxes allowing agencies to choose from the following options when conducting intake: full SSN reported; partial SSN reported; client does not know or does not have SSN; client refused to provide. This indicates that agencies are not required to record the SSN if the client does not have one.

Conclusion

As local jurisdictions continue to administer HPRP, several concerns about eligibility verification and documentation remain unaddressed by HUD. As discussed, several jurisdictions have denied HPRP assistance to mixed immigration status families in the absence of clear guidance from HUD. Additionally, HUD guidance recommends, but does not mandate, that grantees and subgrantees develop and make public an appeal process for applicant households denied HPRP assistance. Many grantees, however, have not established such an appeal process, leaving applicant households with no means of redress. Advocates await further guidance from HUD on these critical issues. ■

HPRP Resources

HUD, HPRP Frequently Asked Questions Database, http://www.hudhre.info/index.cfm?do=viewFaqsByTopic&topicid=102#byTpc

HUD, Income: Eligibility Determination and Documentation Requirements, http://www.hudhre.info/documents/hprp_IncomeDocReqs.pdf

HUD, Housing Status: Eligibility Determination and Documentation Requirements, http://www.hudhre.info/documents/HPRP_HousingStatusReqs.pdf

HUD, HPRP Self-Declaration of Housing Status Template, http://www.hudhre.info/hprp/index.cfm?do=viewHPRPTools#3

HUD, Homeless Management Information System (HMIS) Data Standards, http://www.hudhre.info/documents/HMISDataStandards_July2009.pdf

For technical assistance or requests for trainings or materials, please contact:

Navneet Grewal, ngrewal@nhlp.org,
Meliah Schultzman, mschultzman@nhlp.org,
National Housing Law Project
614 Grand Ave. Suite 320
Oakland, CA 94610.
Phone: (510)251-9400
www.nhlp.org

This project was supported by Grant No. 2008-TA-AX-K030 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.