

HEARTH Act of 2009

Reauthorization of the McKinney-Vento Homeless Assistance Act

Purpose of the HEARTH Act

Since the lack of affordable housing and housing assistance cause homelessness and because homelessness affects rural, suburban and urban communities, the purpose of the HEARTH Act is to consolidate homeless assistance programs, codify the continuum of care planning process, and establish a goal of ensuring that families who become homeless return to permanent housing with 30 days.

Definition Changes

Expands the statutory definition of homelessness to include the following situations:

- People who lived in a shelter or a place not meant for human habitation prior to temporarily residing in an institutional care setting would be considered homeless upon their exit;
- People who will imminently lose their housing and lack the resources and support networks needed to find other housing, including those who are being evicted within 14 days, people living in a hotel or motel and who lack the resources to stay for more than 14 days, people who are doubled up and must leave within 14 days;
- Unaccompanied youth and homeless families who have not lived independently for a long time, have experienced persistent instability and will continue to experience instability because of disability, health problems, domestic violence, addiction, abuse, or multiple barriers to employment;
- People who are fleeing or attempting to flee domestic violence.

“At-risk of homelessness” includes:

- People who have incomes below 30 percent of area median, have insufficient resources to obtain housing stability, and live in an unstable or risk situation (including moving frequently, living in the housing of others, facing eviction, living in a hotel or motel, living in severely overcrowded housing, or exiting an institution).

“Chronic Homelessness” now includes families. People who are chronically homeless prior to entering an institution for up to 90 days continue to be chronically homeless upon their exit.

“Disabling Condition” now includes people suffering from post traumatic stress disorder or brain injuries.

Continuum of Care Process

Collaborative Applicant

A Collaborative Applicant is the entity that submits a joint application on behalf of all the applicants for funding in the community. The Collaborative Applicant is established by the relevant parties in a geographic area to submit the application. The Collaborative Applicant may apply for eligible activity funding for the administration and oversight of HMIS and for other administration costs up to 3 percent of the total award. The Duties of the Collaborative Applicant are as follows:

- Design a collaborative process for funding, evaluate outcomes, determine compliance, and establish funding priorities;
- Participate in the Consolidated Plan;
- Ensure participation in Homeless Management Information Systems (HMIS) to collect unduplicated counts of homeless people, analyze patterns of program use, determine needs, and operate in accordance with data protection and confidentiality standards

Unified Funding Agency

A Unified Funding Agency is a Collaborative Applicant that receives grants from HUD and distributes them to individual recipients in the community. A Collaborative Applicant may apply to HUD to be a Unified Funding Agency or HUD may designate a Collaborative Applicant as a Unified Funding Agency after finding that the Applicant has the capacity to perform that function and would further the goal of preventing and ending homelessness. HUD must also provide technical assistance to the Collaborative Applicant. A UFA would be responsible for requiring that each grantee maintains proper fiscal and accounting procedures and that each grantee have an annual evaluation of their financial records. A UFA may receive up to an additional 3 percent for administrative costs (a total of 6 percent).

Conflict of Interest

No board member of a Collaborative Applicant may participate in a decision that financially benefits them.

Emergency Solutions Grants Program

The existing Emergency Shelter Grants (ESG) program is renamed to the Emergency Solutions Grants Program. 20 percent of the total funding will be for this program. Recipients must coordinate with Collaborative Applicants. The greater of 60 percent of funding or the amount utilized prior to enactment can be used for traditional shelter and street outreach activities. The remaining amount would have to be used for homelessness prevention and re-housing activities. Recipients of Emergency Solutions Grants would have to participate in HMIS.

Continuum of Care Program

The existing McKinney-Vento programs (Supportive Housing Programs, Innovation Homeless, Safe Havens, Shelter Plus Care, and Mod. Rehab/SRO) are consolidated into the “Continuum of Care Program”. The purpose of Continuum of Care programs are to:

- Promote community-wide commitment to ending homelessness;
- Provide funding to quickly re-house homeless people while minimizing trauma and dislocation;
- Help people access mainstream services; and
- Optimize self-sufficiency.

Applications and Grants

The NOFA must be released no more than 3 months after enactment of appropriations. Awards must be announced no later than 5 months after applications are due (or 6 months for the first 2 years after enactment). When funding renewals for permanent housing leasing, operating costs, or rental assistance, HUD must take into account increases in the Fair Market Rent. HUD can impose a minimum grant term of up to 5 years for new permanent housing projects.

Eligible Activities

1. Construction of new housing for transitional or permanent housing;
2. Acquisition or rehabilitation to provide supportive services/transitional/permanent housing;
3. Leasing property for supportive services/transitional/permanent housing;
4. Rental assistant to provide transitional/permanent housing
5. Operating costs for transitional or permanent housing (a) administration, maintenance, repair and security of housing, b) utilities, fuel, furnishings, and equipment for housing, and c) coordination of services as needed to ensure long-term housing stability)
6. Supportive services for homeless, homeless up to 6 months ago, or who are in permanent supp. housing;
7. Re-housing services
8. Operation and participation in HMIS

Selection Criteria

- A) Previous performance of the recipient regarding homelessness (reductions in length of episodes, repeat episodes, thoroughness in reaching homeless, reduction in the number, jobs and income growth, and prevention)
- B) Community plan to reduce number of homeless, reduce length of episodes, collaborate with education, address needs of all subpopulations, incorporate comprehensive strategies, set performance measures, set timelines, identify funding sources, and identify entities responsible for implementation.
- C) Methodology for setting priorities including considering the full range of opinions of stakeholders with knowledge of homelessness in the area, setting forth objective criteria, and openness to proposals for entities that have not previously received funding.

Continuum of Care Programs (continued)

Selection Criteria (continued)

- D) Leveraging of other public and private resources.
- E) Coordination with other Federal, State, local, private and other entities.
- F) Other factors as HUD determines to be appropriate.

Matching Funds

Collaborative Applicants must match all Continuum of Care Program funding with 25 percent from other sources, except for leasing projects that have no match requirement. In-kind services may count toward the match only if they are documented by a memorandum of understanding between the project sponsor and the entity providing the services.

Other Provisions

Preventing Involuntary Family Separation

Starting two years after enactment, any shelter, transitional housing, or permanent housing program that serves families with children would be required to serve families regardless of the children's ages. The only exception is when a transitional housing program is using an evidence-based practice that requires targeted families with children of a specific age, and only when the provider commits to ensuring that any family they do not serve has an equivalent and appropriate alternative for the entire family.

Protection of Personally Identifying Information by Victim Service Providers

A new requirement that providers whose primary mission is to serve victims of domestic violence, dating violence, sexual assault, or stalking may not disclose for the purpose of a HMIS any personally identifying information, including name, address, contact information, social security number or other specific information that could identify an individual.

Implementation of New Standards Timeline

This Act would take effect on the sooner of 18 months after enactment or 3 months after HUD publishes final regulations. HUD shall promulgate regulations within 12 months of enactment.

The information contained in this article has been synthesized by the Homeless Planning Council of Delaware from an analysis completed on the HEARTH Act by the National Alliance to End Homelessness. For additional information about the HEARTH Act please contact Susan Starrett at the Homeless Planning Council of Delaware (302) 654-0126 or by email at ssstarrett@hpcdelaware.org