

PARTICIPANT ELIGIBILITY: UNDERSTANDING CH AND DISABILITY REQUIREMENTS CASE SCENARIOS & QUIZZES

This guide walks through the case scenarios and quizzes presented in the **Definition of a Disability** and **Chronically Homeless** sections of the CoC Start-up Training. The case scenarios and quizzes are focused on reinforcing the definitions of the following types of disabilities: physical, mental or emotional impairment; developmental disability; and HIV/AIDS. This content also reviews the definition of chronic homelessness.

Definition of Disability Status

Case Scenario: Jacob

Jacob has been living in a tent for a few months but has been talking with outreach staff from the PATH program that stop by weekly to touch base and drop off some food and other resources. The outreach staff think he may qualify for CoC program-funded Permanent Supportive Housing (PSH). Staff observed him high on drugs and are actively engaging him; however, he has not yet been diagnosed by a licensed substance abuse treatment professional.

Q1) Does Jacob likely meet the conditions to qualify as disabled per HUD definition and requirements for CoC program-funded PSH?

- a. Yes
- b. No

Q2) With Jacob's consent, what should staff do to verify and document that he has a disability so he can apply for PSH?

- a. Outreach staff or PSH staff obtain a written self-certification from Jacob only and document their observations. No further documentation needed.
 - b. Outreach staff staff document their observations of Jacob for the PSH project; PSH staff then seek and obtain documentation from a licensed professional qualified to diagnose Jacob's disability within 45 days following PSH placement.
 - c. Outreach staff staff help Jacob visit a licensed professional qualified to diagnose Jacob's disability before considering or referring Jacob to PSH.
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Chronic Homelessness

Scenario: Mark Mitchell

Mark Mitchell is a Veteran, has PTSD, and struggles with chronic substance abuse. Mark has been living on the street and in shelters for the past six years and is presently staying overnight at a local park. The staff of Reaching Out have worked with Mark for a number of months and discovered that his Veteran disability payments are not sufficient to allow him to obtain his own housing and that he is in need of ongoing support to maintain housing. They have identified an opening at a **CoC Program funded Permanent Supportive Housing (PSH) project** that targets Veterans and have convinced him to take a look at the program. Mark has agreed to go in for an initial assessment to determine eligibility, but only if someone from Reaching Out goes with him.

Which Homeless Category does this individual fall under?

Are persons in this Homeless Category potentially eligible for HUD-funded Permanent Supportive Housing?



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Definition of Disability Status

Case Scenario: Jacob

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Q1) Does Jacob likely meet the conditions to qualify as disabled per HUD definition and requirements for CoC program-funded PSH?

- a. Yes
- b. No

Q2) With Jacob's consent, what should staff do to verify and document that he has a disability so he can apply for PSH?

- a. Outreach staff or PSH staff obtain a written self-certification from Jacob only and document their observations. No further documentation needed.
- b. Outreach staff document their observations of Jacob for the PSH project; PSH staff then seek and obtain documentation from a licensed professional qualified to diagnose Jacob's disability within 45 days following PSH placement.
- c. Outreach staff help Jacob visit a licensed professional qualified to diagnose Jacob's disability before considering or referring Jacob to PSH.

Brief Discussion of Answer and Reasons

Q1 Answer & Discussion Points:

Jacob may meet the conditions for qualifying as disabled for a CoC program-funded PSH project. There is some indication that Jacob may have a disability such as a substance abuse issue, but not enough evidence at this point. However, apart from potentially having a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, the disability must also be severe and persistent, per the following additional HUD disability definition:



- 1) Is expected to be long-continuing or of indefinite duration;
- 2) Substantially impedes the individual's ability to live independently; and
- 3) Could be improved by the provision of more suitable housing conditions.

Q2 Answer & Discussion Points:

In no instance is self-certification and/or documented staff observations of disability permitted as the sole disability verification for PSH eligibility documentation purposes.

For CoC program-funded PSH, disability must be documented by a licensed professional qualified to diagnose the disability in question or a copy of a current disability benefit award determination or payment (e.g., SSI check). To expedite movement to permanent housing, HUD allows staff to record their observation of disabling conditions as an interim form of documentation until documentation from a licensed professional or other disability documentation is obtained (Option B). However, this approach has some risks. What if Jacob doesn't agree to the diagnostic assessment? What if it takes more than 45 days? What if it does not substantiate a diagnosis and the conditions required for eligibility? He is eligible for many CoC programs, even without a disability. If he is offered a program such as PSH that requires a disability and the appropriate documentation cannot be obtained, he would not only lose his eligibility for the program, but the recipient would lose HUD funding and potentially be subject to recapture of funding for the days spent in PSH. Projects need to be very cautious in policies and procedures about which staff can use observations to temporarily establish disability and under what circumstances.

Chronic Homelessness

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Which Homeless Category does this individual fall under?

Category 1.1 Unsheltered Homeless: Mark has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

Are persons in this Homeless Category potentially eligible for HUD-funded Permanent Supportive Housing?

Yes. Note that HUD-funded permanent housing projects must continue to abide by the limitations and requirements included in the NOFA under which they were funded, including the limitation on eligibility. With regard to housing status, §578.37 Subpart D of the CoC Program interim rule states, "PSH can only provide assistance to individuals with disabilities

and families in which one adult or child has a disability.” Therefore, Mark would also need to qualify as disabled. If the PSH project is dedicated for persons who are chronically homeless, Mark would also need to meet the length of time homeless criterion of the chronic homeless definition.

