



# California Behavioral Health Planning Council

ADVOCACY • EVALUATION • INCLUSION

**CHAIRPERSON**  
Deborah Starkey

**EXECUTIVE OFFICER**  
Jenny Bayardo

**ADDRESS**

P.O. Box 997413  
Sacramento, CA 95899-7413

**PHONE:**

(916) 701-8211

**FAX:**

(916) 319-8030

**MS 2706**

May 10, 2024

Adrienne Todman  
Acting Secretary  
U.S. Department of Housing and Urban Development  
451 7th Street, S.W.  
Washington, DC 20410

## **RE: Federal Definition of Chronic Homelessness**

Dear Ms. Todman:

On behalf of the California Behavioral Health Planning Council (Council), I am writing to express our concerns regarding the United States Department of Housing and Urban Development's (HUD) definition of chronic homelessness defined in 24 CFR 578.3. This letter was initially submitted to the Substance Abuse and Mental Health Services Administration (SAMHSA), who then recommended that a copy of the letter be forwarded to HUD.

Pursuant to state law, the Council serves as an advisory body to the State Legislature and Administration on the policies and priorities that California should pursue in the development of its behavioral health system. Our diverse membership includes persons with lived experience as consumers and family members, professionals, providers, and representatives from state and county departments whose populations are impacted by the behavioral health system. Their perspectives are essential to our view on the challenges and successes of behavioral health services and best practices in California.

**The Council is concerned that the federal definition of chronic homelessness set forth by HUD is too narrow.** Adopting this definition would exclude vulnerable populations in dire need of housing, especially those who have been residing in an institutional care facility or the incarceration system for more than 89 days and are exiting the facility or system. We are writing to bring this issue to your attention and consideration.



## California Behavioral Health Planning Council

ADVOCACY • EVALUATION • INCLUSION

**CHAIRPERSON**  
Deborah Starkey

**EXECUTIVE OFFICER**  
Jenny Bayardo

**ADDRESS**  
P.O. Box 997413  
Sacramento, CA 95899-7413

**PHONE:**  
(916) 701-8211

**FAX:**  
(916) 319-8030

**MS 2706**

According to HUD, participants must meet the following definition of “chronically homeless” in order to be eligible for housing services restricted to chronically homeless individuals or families:

- *A homeless individual with a disability as defined in section 401(9) of the McKinney-Vento Assistance Act (42 U.S.C. 11360(9)), who:*
  - *Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter, and*
  - *Has been homeless and living as described for at least 12 months\* or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described.*
- *An individual who has been residing in an institutional care facility for less, including jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria of this definition before entering that facility\*\*:*  
*or*
- *A family with an adult head of household (or, if there is no adult in the family, a minor head of household) who meets all of the criteria of this definition, including a family whose composition has fluctuated while the head of household has been homeless.*

Recently, the State of California has taken a commendable step by broadening its eligibility criteria for chronic homelessness under the Behavioral Health Bridge Housing (BHBH) program administered by the California Department of Health Care Services (DHCS). BHBH's criteria now include individuals exiting institutions who have no place to go upon release, regardless of length of stay and homeless status prior to entry.<sup>1</sup> Additionally, the timeframe for an individual or family who will imminently lose housing is extended from fourteen (14) days for individuals considered homeless under the current HUD definition to thirty (30) days.

However, HUD's current policies do not align with this broader approach. **Part of HUD's eligibility criteria sets an 89-day limit for stays in an institutional setting.**<sup>2</sup> This means that individuals incarcerated for more

<sup>1</sup> DHCS BHBH Program Request for Application Round 3: County Behavioral Health Agencies. Pg. 10. [https://bridgehousing.buildingcalhhs.com/wp-content/uploads/2024/01/BHBH\\_Round\\_3\\_RFA\\_508\\_Corrected\\_Dates\\_final.pdf](https://bridgehousing.buildingcalhhs.com/wp-content/uploads/2024/01/BHBH_Round_3_RFA_508_Corrected_Dates_final.pdf)

<sup>2</sup> Code of Federal Regulations. Title 24, sec. 578.3 Definitions. <https://www.ecfr.gov/current/title-24/subtitle-B/chapter-V/subchapter-C/part-578/subpart-A/section-578.3>



## California Behavioral Health Planning Council

ADVOCACY • EVALUATION • INCLUSION

**CHAIRPERSON**  
Deborah Starkey

**EXECUTIVE OFFICER**  
Jenny Bayardo

**ADDRESS**  
P.O. Box 997413  
Sacramento, CA 95899-7413

**PHONE:**  
(916) 701-8211

**FAX:**  
(916) 319-8030

**MS 2706**

than this period are no longer considered “homeless” upon discharge even if they have no place to go. Additionally, this means that persons with serious mental illness are often released on to the streets from residential facilities for substance use disorder (SUD) or mental health treatment, jails, prisons, and both locked and unlocked mental health treatment programs as they are not considered homeless if they have been in one of these facilities more than 89 days under federal regulations.

The implications of the federal definition are substantial, as it impacts individuals’ eligibility for benefits and services, leaving them in a precarious position that would only perpetuate the cycle of homelessness. Paradoxically, it also provides a disincentive for homeless persons to enter into much needed residential treatment programs for mental health or SUD treatment as they fear losing their “homeless status,” which provides an entry into many permanent housing programs.

**The Council strongly urges HUD to consider amending the federal definition of chronic homelessness to reflect that of California’s definition.** Adopting similar changes to those implemented by the State of California would be a significant step towards ending homelessness nationwide.

Thank you for your attention to this urgent matter. We welcome the opportunity to provide further input or clarification if necessary.

If you have any questions regarding this letter, please contact our Executive Officer, Jenny Bayardo, at (916) 750-3778 or [Jenny.Bayardo@cbhpc.dhcs.ca.gov](mailto:Jenny.Bayardo@cbhpc.dhcs.ca.gov).

Sincerely,

Deborah Starkey  
Chairperson

CC: Hal Zawacki, Assistant Regional Director, Region IX, SAMHSA