

California Behavioral Health Planning Council

ADVOCACY • EVALUATION • INCLUSION

CHAIRPERSON
Deborah Starkey

EXECUTIVE OFFICER
Jenny Bayardo

April 12, 2024

Captain Emily Williams, LCSW-PIP
Regional Administrator, Region IX
Substance Abuse and Mental Health Services Administration (SAMHSA)
5600 Fishers Lane
Rockville, MD 20857

RE: US Department of Housing and Urban Development's (HUD) Definition of Chronic Homelessness in 24 CFR 578.3.

Dear Captain Williams:

The California Behavioral Health Planning Council (Council) would like to express our gratitude to SAMHSA and Assistant Regional Director Hal Zawacki for attending our Quarterly Council Meeting in San Diego, California on January 18, 2024. During the Housing and Homelessness Committee meeting with Mr. Zawacki, we discussed a critical issue concerning the Department of Housing and Urban Development's (HUD) eligibility criteria for chronic homelessness defined in 24 CFR 578.3.

The Council is concerned that HUD's definition of chronic homelessness is too narrow, which excludes vulnerable populations in dire need of continuum of care services, specifically 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.

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:

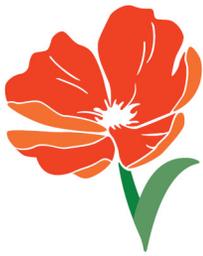
- *A homeless individual with a disability as defined in section 401(9) of the McKinney-Vento Assistance Act (42 U.S.C. 11360(9)), who:*
 - *Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter, and*
 - *Has been homeless and living as described for at least 12 months* 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*

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occasions included at least 7 consecutive nights of not living as described.

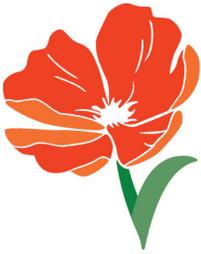
- An individual who has been residing in an institutional care facility for less, including jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria of this definition before entering that facility** or*
- A family 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 updating its eligibility criteria for chronic homelessness. These criteria now include individuals who were homeless prior to entering an institutional or carceral stay or become homeless during that stay, regardless of the length of the institutionalization or incarceration. Additionally, the timeframe for an individual or family who will imminently lose housing is extended from fourteen (14) days for individuals considered homeless and 21 days for individuals considered at risk of homelessness 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 institution setting.** This means that individuals incarcerated for more than this period are no longer considered "chronically homeless" upon discharge. The implications of this definition are substantial, as it impacts these individuals' eligibility for continuum of care services, leaving them in a precarious position that would only perpetuate the cycle of homelessness. The Council believes HUD's definition is counterproductive for someone to leave an institutional care facility, become homeless, and only qualify for services after becoming chronically homeless.

The Council strongly urges that SAMHSA, HUD, and other federal agencies 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.



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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.

Sincerely,

Deborah Starkey
Chairperson

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

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