

ESG FAQs (<https://www.hudexchange.info/esg/faqs/>)

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What is acceptable documentation of eligibility for homeless individuals and families at a nightly turnout emergency shelter, and when is it required?

The recordkeeping requirements found in §576.500 require recipients to maintain and follow written intake procedures to determine whether potential program participants meet the homeless definition found in §576.2. These procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status.

Therefore, recipients and subrecipients are required to document eligibility at program entry, even for emergency shelters. However, HUD recognizes that third-party documentation at the emergency shelter level is not feasible in most cases. For shelters where program participants may stay only one night and must leave in the morning, documentation must be obtained each night. If program participants may stay more than one night, then documentation must be obtained on the first night the household stays in the shelter.

Recipients and subrecipients operating emergency shelters can document homeless status through a certification by the individual or head of household as the primary method of establishing homeless eligibility. In these instances, one method of meeting this standard would be to require households to complete a sign-in sheet, with a statement at the top informing the individual or head of household that by signing, they certify that they are homeless. **Note: Under no circumstances must the lack of third-party documentation prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider.**

Note that this is a different standard for recordkeeping than is required for all other types of assistance. For all other types of assistance funded under the ESG Program, the interim rule establishes the following order of priority for obtaining evidence:

1. Third-party documentation, including written and source documentation, and HMIS records;
2. Intake worker observations;
3. Certification from persons seeking assistance.

Note: Emergency shelter providers do need to enter each individual or family seeking emergency shelter into HMIS. However, the intake process should be able to be done fairly quickly. HUD does not require the same level of intake assessment at entry to an emergency shelter – especially a “nightly turnout” shelter – as for a Rapid Re-housing or Homelessness Prevention program. HUD only requires the uniform data elements at entry. If emergency shelters want to complete a vulnerability index or similar assessment to help understand and address each individual or family’s needs, this does not need to be done at intake and could be conducted at a later time.

For more information about recordkeeping requirements for the homeless definition, please view the *Determining Homeless and At-Risk Status, Income and Disability Webinar* (<https://www.hudexchange.info/resource/1953/determining-homeless-and-at-risk-status-income-and-disability-webinar>).

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childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment;

(4) Any individual or family who:

- (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
 - (ii) Has no other residence; and
 - (iii) Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.
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HUD's comments about the newly codified record-keeping requirements:

HUD acknowledges that the recordkeeping requirements established in the proposed rule are detailed and have not previously been established by HUD in codified regulation. However, recipients of grants have always been required to keep records proving the eligibility of program participants. The monitoring finding that most often requires repayment of grant funds by recipients is failure to maintain adequate documentation of homeless eligibility; therefore, to assure that program compliance and funding is directed to those individuals intended to be the beneficiaries of funding under the McKinney-Vento Act programs, the recordkeeping requirements set forth in this final rule are important and necessary.

The recordkeeping requirements in paragraph (b) of the rule are included to clarify for recipients the documentation that HUD deems acceptable as proof of homelessness to assist recipients in maintaining adequate case files. For paragraphs (b)(1) and (b)(5), the rule prefaces the list of acceptable documentations with the term "includes." This assures that the list is not the all-inclusive list but rather that HUD will consider other forms of evidence, in addition to those listed, for these categories. The recordkeeping requirements for all four categories of "homeless" contain more than one form of evidence that HUD considers satisfactory evidence.

HMIS as verification of homelessness:

Wherein there is documentation that a client is homeless through client and service records in the HMIS, HUD allows use of information recorded in an HMIS that retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made, and that prevents overrides of changes of the dates on which entries are made. HMIS documentation is considered third party verification.

If a client's documentation of homelessness is from an HMIS, please make sure to note in the client file that the documentation is via HMIS.

Note for emergency shelters that require clients to present every night:

HUD would not want the inability to obtain third-party documentation to prohibit access to a bed for the night. Therefore, in such instances, HUD would expect to see a self-declaration by the individual or head of household as the primary method of establishing homeless eligibility. HUD would consider **a sign-in sheet, with a certification that the individual or head of household seeking assistance is homeless typed at the top**, as meeting this standard. However, for permanent housing and nonemergency services, such as employment assistance, HUD will expect to see third-party documentation.