

# DISABILITY DEFINITION

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## RESOURCES

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### CONSULT THE CoC RULE

#### CoC Program Interim Rule

##### – 578.3 Definitions:

<https://www.govinfo.gov/content/pkg/CFR-2017-title24-vol3/xml/CFR-2017-title24-vol3-part578.xml#seqnum578>

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## RESOURCES ON THE HUD EXCHANGE

### Criteria and Recordkeeping Requirements for Definition of Homelessness:

<https://www.hudexchange.info/resource/1974/criteria-and-recordkeeping-requirements-for-definition-of-homeless/>

### Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 – including disability definition:

<https://www.hudexchange.info/resource/1715/mckinney-vento-homeless-assistance-act-amended-by-hearth-act-of-2009/>

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*This resource is prepared by technical assistance providers and intended only to provide guidance. The contents of this document, except when based on statutory or regulatory authority or law, do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.*

## SUMMARY

For CoC-Program funded Permanent Supportive Housing (PSH) projects, households must include a member with a qualifying disability, and it may be an adult or child. PSH projects that are DedicatedPLUS or have beds dedicated to people experiencing chronic homelessness, the head of household must have the qualifying disability. (See [Chronic Homelessness one pager](#)). Other CoC-funded projects may also include targeting to persons with disabilities even though they are not required to do so, but must do so in compliance with all Fair Housing requirements (see 24 CFR 578.93).

## DISABILITY DEFINITION

A qualifying disability for CoC Program admission is defined as having one or more of the following:

- Physical, mental, or emotional impairment
- Developmental disability
- HIV/AIDS.

Disability verification is only required at the participant's project entry into PSH and does not need to be recertified for the person to continue receiving assistance. Recipients and subrecipients have 45 days to obtain the documentation of disability at project entry into PSH as long as there is intake worker observation that a disability is present (see more details on documentation requirements below).

**Physical, Mental, or Emotional Impairment:** Is a physical, mental, or emotional impairment, which includes impairments caused by alcohol or drug abuse, post-traumatic stress disorder or brain injury that:

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

**Developmental Disability:** Is a severe, chronic disability that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following:

- Self-care;
- Receptive and expressive language;
- Learning;
- Mobility;
- Self-direction;
- Capacity for independent living; or
- Economic self-sufficiency.

- Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated; or
- An individual ages birth to age nine, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the criteria above if the individual, without services and supports, has a high probability of meeting these criteria later in life.

**HIV/AIDS:** The disease of acquired immunodeficiency syndrome (AIDS) or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

### **DOCUMENTATION REQUIREMENTS**

Documentation of disability is required to determine PSH eligibility. The following forms of disability status documentation are acceptable to determine PSH eligibility:

- Written verification from a professional who is licensed by the state to diagnose and treat the identified condition; OR
- Documentation must state that the disability:
  - Is expected to be of long-continuing or indefinite duration; AND
  - Substantially impedes the individual's ability to live independently; AND
  - Could be improved by the provision of more suitable housing conditions.
- Written verification from the Social Security Administration (SSA) of a qualifying disability; OR
- Copy of a statement showing that the applicant is the recipient of a disability check such as Social Security Disability Insurance (SSDI) or Veteran Disability Compensation.

Intake staff may record their observations of a disability as long as it is confirmed by the standards above within 45 days of the application for assistance. If the recipient or subrecipient does not have the appropriate documentation within 45 days, the funds to serve that participant are no longer eligible costs for the CoC Program-funded grant.

Disability may never be documented based on oral third-party reports or self-certification by the potential program participant.

**NOTE:** *For Development Disability:* could be from the state agency providing services to the person; *For HIV/AIDS:* Would not need to certify that the condition is of long-continuing or indefinite duration and substantially impedes the ability to live independently, so long as the condition is verified.