

# Determining Access to Safe Housing<sup>1</sup>

## Is the family applying for emergency shelter stating that it has nowhere safe to go tonight?

If yes, continue.

If no, STOP. Issue shelter ineligibility notice and refer to homeless prevention services, if appropriate.

## Is family seeking shelter for reasons of domestic violence, sexual assault, or human trafficking?

If yes, STOP. Family is eligible. Issue shelter eligibility notice and arrange placement.

If no, continue.

## Has DHS made a determination that family is the owner of or is listed on a lease or occupancy agreement for safe housing?

If yes, continue.

If no, STOP. Family is eligible. Issue eligibility notice and arrange placement.

### Critical elements:

1. Current, not past, housing;
2. Written agreement giving the family the right to stay in a particular unit;
3. Family must be able to access housing that night; and
4. Housing must be safe.

### Examples:

- DHS has copy of current lease for a unit with applicant's name on it and the housing is safe;
- Family has stayed on someone's couch and DHS has a written rental or occupancy agreement for that unit with the applicant's name on it and the housing is safe;
- But → being part of a household with a voucher or Rapid Re-housing does not count unless the applicant is also on a written lease or occupancy agreement for a unit

Remember: DHS cannot require a family to provide a lease or written agreement. DHS must have that proof before it can ask the applicant to provide any additional evidence.

## Can family show, with credible evidence, that they *either* cannot access the housing *or* that the housing is not safe?

If yes, STOP. Family is eligible. Issue eligibility notice and arrange placement.

If unsure, place family in Interim Eligibility and continue investigation or request additional documentation.

If no, STOP. Issue shelter ineligibility notice and refer to homeless prevention services, if appropriate.

### What is *credible evidence*?

It is not defined in the HSRA, but in abuse and neglect cases: "Credible evidence" means any evidence that indicates that a child is an abused or neglected child, including the statement of any person worthy of belief." DC Code §4-1301.02(5). Similarly HUD guidelines explicitly state that oral statement by applicants can be sufficient to meet the "credible evidence" standard.

### Examples:

- An oral statement by the applicant or any other person that they cannot return to the housing, and an explanation of why that is
- Phone, in-person or written confirmation that the utilities are off, that the household member is not allowed to return, that housing conditions are so severe it is not safe to return, or any other reason why the applicant cannot return, even for the short term

Remember: Requiring applicants to provide documents that are not reasonably in their possession, such as someone else's lease when the applicant is stating that they are not on that lease is far above the "credible evidence" standard and is not allowed under the HSRA.

<sup>1</sup> This flowchart assumes that the family has already been determined to meet DC residency requirements.