



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

August 3, 2015

Regulations Division
Office of General Counsel
Rules Docket Clerk
Department of Housing and Urban Development
451 7th Street SW
Room 10276
Washington, DC 20410-0500

Via regulations.gov

Re: FR-5474-N-02, Emergency Solutions Grants (ESG) Program, Solicitation of Comment on Specific Issues (RIN 2506-AC29)

To Whom It May Concern:

Thank you for the opportunity to comment on Emergency Solutions Grants (ESG) Program, Solicitation of Comment on Specific Issues, Vol. 80, Federal Register No. 106 (June 3, 2015). Please accept this letter as the comments of the Co-Chairs of the Consortium for Citizens with Disabilities (CCD) Housing Task Force. CCD is a working coalition of national consumer, advocacy, provider, and professional organizations working together with and on behalf of the 57 million children and adults with disabilities and their families living in the United States. CCD advocates for national public policy that ensures full equality, self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

The Notice solicits comments on proposed language regarding Other Federal Requirements.

§576.407- Other Federal Requirements- Limiting Eligibility and Targeting- The emergency shelter or housing may be limited to a specific subpopulation so long as the recipient/subrecipient does not discriminate against any protected class under federal nondiscrimination laws in 24 CFR 5.105 (*e.g.*, the housing may be limited to homeless veterans and their families, victims of domestic violence and their families, or chronically homeless persons and families), and does comply with the nondiscrimination and equal access requirements under 24 CFR 5.109, and § 576.406.

HUD seeks comment on the following policies proposed for inclusion in the final rule, for permanent housing and for emergency shelter:

a. Rapid Re-housing and Homelessness Prevention. A project may limit eligibility to or provide a preference to subpopulations of individuals and families who are homeless or at risk of homelessness and need the specialized services offered by the project (*e.g.*, substance abuse addiction treatment,

domestic violence services, or a high intensity package designed to meet the needs of hard-to reach homeless persons). While the project may offer services for a particular type of disability, no otherwise eligible individuals with disabilities or families including an individual with a disability, who may benefit from the services provided, may be excluded on the grounds that they do not have a particular disability.

§576.407- Limiting Eligibility and Targeting- CCD Housing Task Force Comment

The ESG proposed rule states that “A project may limit eligibility to or provide a preference to subpopulations of individuals and families who are homeless or at risk of homelessness and need the specialized services offered by the project (e.g., substance abuse addiction treatment, domestic violence services, or a high intensity package designed to meet the needs of hard-to reach homeless persons).”

HUD’s proposed ESG rule should allow preferences for people who *qualify* for available services rather than people who “need” them. The CCD Housing Task Force believes that the word “qualify” is a more precise term and is therefore a significant improvement in tenant selection preference policies for permanent housing units in the ESG program. The use of this term will ensure that applicants for permanent housing can actually receive the supportive services offered. HUD’s use of the term “need” creates a more subjective situation in which a prospective supportive housing applicant might have been determined – either by the PHA or by another involved agency – to “need” the services but (for a variety of reasons) might not qualify to receive them.

CCD Housing Task Force suggested language regarding Limiting Eligibility and Targeting

(a) A project may limit eligibility to or provide a preference to subpopulations of individuals and families who are homeless or at risk of homelessness and qualify for specialized services offered by the project (e.g., substance abuse addiction treatment, domestic violence services, or a high intensity package designed to meet the needs of hard-to reach homeless persons)

Thank you for the opportunity to comment on this proposed regulation.

Sincerely,

Andrew Sperling, National Alliance on Mental Illness
Co-Chair, CCD Housing Task Force

T.J. Sutcliffe, The Arc of the United States
Co-Chair, CCD Housing Task Force