

# **Incorporating Legal Assistance into Homelessness Prevention and Rapid Rehousing**

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U.S. Department  
of Veterans Affairs

Homeless  
Programs  
Office

# Presentation Objectives

- Announcing of Interim Final Rule for direct legal services for Homeless and At-Risk Veterans.
- Learn who can apply for this grant opportunity.
- Learn who is eligible to receive services from the grant.
- Learn how the funds may be used to support Homeless or At-Risk Veterans
- Learn where one can go for more information and to comment on the Interim Final Rule.





# The Need for Legal Services for Veterans

# What do we know about Veterans' legal needs?

- Veterans have extensive civil legal needs connected to their health, housing, and employment, and if unresolved these needs can increase their risk for suicide.
- Legal clinics can help resolve legal issues and provide support and opportunities to connect Veterans to additional health services.
- According to the 2021 VHA's CHALENG Survey consistently reveals that 7 of the top 10 unmet needs of homeless veterans are legal problems.



# What is the impact of Veterans' legal needs?

- Linked to Suicide Risk by VA research
  - Veterans with legal problems were 86% more likely to have suicidal ideation; and 57% more likely to attempt suicide, even after adjusting for mental health diagnoses.
  - Social determinants of health such as legal problems and housing instability are as relevant as medical factors (i.e., depression) for suicide prevention and treatment.

Study: J Blosnich et al., "Social Determinants and Military Veterans' Suicide Ideation and Attempt: a Cross-sectional Analysis of Electronic Health Record Data." J Gen Intern Med (2019) DOI: 10.1007/s11606-019-05447-z

- b) Legal services provided to Veterans in conjunction with VA healthcare in VA MLPs:
  - decreased Veterans' PTSD symptoms
  - reduced spending on substance abuse
  - increased Veterans' mental health and housing stability

J Tsai et al., "Medical-Legal Partnerships At Veterans Affairs Medical Centers Improved Housing and Psychosocial Outcomes For Vets." Health Affairs 36, no. 12 (2017): 2195-2203.



# Announcement of Interim Final Rule

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- The Department of Veterans Affairs (VA) issued an Interim Final Rule to implement a new grant to eligible entities that will provide certain legal services for homeless Veterans and Veterans at risk for homelessness.
- In March of 2021, the VA solicited feedback from selected veteran service organizations, Equal Justice Works (EJW), and other legal services organizations with experience in providing services to homeless veterans.
- Through this Interim Final Rule, VA establishes and implements, the Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant.
- People are encouraged to comment on the IFR at [Federal Register :: Public Inspection: Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant Program](#)



# Eligible Entities



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- The Legal Services for Homeless Veterans and Veterans At-Risk of Homelessness (LSV-Homeless) Grant may be awarded to:
  - a) A public entity or nonprofit private entity with the capacity to effectively administer a grant under 38 U.S.C. 2022A(c), § 79.10;
  - b) A public entity or nonprofit private entity that can demonstrate that adequate financial support will be available to carry out the services for which the grant is sought consistent with the application;
  - c) A public entity or nonprofit private entity that agrees to meet the application criteria and requirements established under subsection 38 U.S.C 2022(b)(1); and
  - d) A public entity or nonprofit private entity that has, as determined by the Secretary, demonstrated the capacity to meet such criteria and requirements.



# Eligible Entities

- To the extent practicable, VA will ensure that legal services grants are equitably distributed across geographic regions, including rural communities, trust lands, Native Americans, and tribal organizations, consistent with 38 U.S.C. 2022A(f).
- Additionally, for any fiscal year, not less than 10 percent of the amount authorized to be appropriated for grants shall be used to provide legal services to women veterans.



# Use of Funds

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- Allowable legal services covered under LSV-Homeless Grant, include legal services related to:
  - a) Housing, including eviction defense, representation in landlord-tenant cases, and representation in foreclosure cases;
  - b) Family law, including assistance in court proceedings for child support and custody, divorce, estate planning, and family reconciliation;
  - c) Income support, including assistance in obtaining public benefits;
  - d) Criminal defense, including defense in matters symptomatic of homelessness, such as outstanding warrants, fines, and driver's license revocation, and citations (to reduce recidivism and facilitate the overcoming of reentry obstacles in employment or housing, covered legal services relating to criminal defense also include legal assistance with request to expunge or seal a criminal record);
  - e) Requests to upgrade the characterization of discharge or dismissal of a former member of the Armed Forces and;
  - f) Other covered legal services as the Secretary determines appropriate.



# Use of Funds

- The VA intentionally left the legal services categories broad enough to provide grantees with flexibility to determine the types of legal services that an organization could provide within each category.
- In addition, VA may periodically review the legal services enumerated above and make modifications as necessary through the rulemaking process to meet the needs of eligible veterans.



# Eligible Veterans

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- Eligible Veterans for assistance under LSV-Homeless Grant, include:
  - a) A Veteran is defined as person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable.
  - b) A Veteran who is homeless as that term is defined in subsection (a) or (b) of section 103 of the McKinney–Vento Homeless Assistance Act (42 U.S.C. 11302) or;
  - c) *At risk for homelessness* means an individual who does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter



# Eligible Veterans – At Risk

- Additional At-Risk Eligibility
  - An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:  
AND
  - Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for assistance;
  - Is living in the home of another because of economic hardship;
  - Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
  - Is constructively evicted from their current housing because of untenable conditions created by the landlord such as shutting off electricity and water or discriminatory acts;





# Eligible Veterans – At Risk cont.

- Additional At-Risk Eligibility
  - An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:  
AND
  - Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
  - Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
  - Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution);
  - 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, including a child, that has either taken place within the individual's primary nighttime residence or has made the individual afraid to return to their primary nighttime residence; or
  - Otherwise lives in housing that has characteristics associated with instability and an increased risk for homelessness.



## For more information

- **FOR FURTHER INFORMATION, CONTACT:** Madolyn Gingell, National Coordinator, Legal Services for Veterans, Veterans Justice Programs, Clinical Services, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, (239) 223-4681. (This is not a toll-free telephone number.)
- [Legal Services for Veterans Program - VA Homeless Programs](#)
- **Please don't forget to comment on the Interim Final Rule at [Federal Register :: Public Inspection: Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant Program](#)**



# Questions?

