



NNEDV

A Quick Summary for Domestic Violence Advocates of the March 2010 HMIS Final Regulations

The final regulations for HMIS were released in March 2010 and these regulations are generally a positive step in protecting the safety and privacy of victims of domestic violence. The HMIS data standards revised notice is available here: <http://www.hudhre.info/index.cfm?do=viewWhatIsNew#wn88>

Below is a brief outline of important points for victim service providers:

1. Victim service providers¹ should not enter personally identifying information about clients into an HMIS.

Victim service providers that are funded under HUD's Supportive Housing Program are instructed not to disclose personally identifying data about any client for purposes of HMIS, per the requirements of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162) (VAWA)².

2. HUD does not expect victim service providers funded through ANY source to disclose personally identifying information to an HMIS.

HUD does not expect victim service providers funded through other sources to disclose personally identifying information for the purposes of HMIS

3. HMIS data will be calculated "excluding victim service providers from the universe of homeless assistance programs." We are pleased that Continuums of Care will no longer feel any pressure to have victim service providers disclose personally identifying information about clients or score grant applications lower for victim services providers who comply with the law by providing only aggregate data about victims.

HMIS coverage will be calculated excluding victim service providers from the universe of homeless assistance programs.

4. Victim service providers must collect all of the data elements an HMIS collects, however victim service providers are directed to store that data in a comparable database. A comparable database can be the database you are already using. You can simply repurpose some of the fields. For example, if you have a blank field for notes, you can add in whatever elements required by HUD that you don't already collect.

HPRP subgrantees that are victim service providers must collect and record all of the data elements that are required for HPRP subgrantees on all clients served with HPRP funds in a comparable database, and should not directly or indirectly enter personally identifiable information about HPRP beneficiaries in an HMIS.

¹ **Victim Service Provider:** A nonprofit or nongovernmental organization including rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking.

² Text in italics is directly quoted from the regulations that can be found at: www.hudhre.info/index.cfm?do=viewWhatIsNew#wn88

5. With the exception of a street address, victim service providers that are members of a Continuum of Care must still provide basic information about the organization/program (Program Descriptor Data).

This data includes:

- Organization Identifier
- Organization Name
- Program Identifier
- Program Name
- Direct Service Code
- Site Information
- Continuum of Care Number
- Program Type Code
- Bed and Unit Inventory Information
- Target Population A
- Target Population B
- Method for Tracking Residential Program Occupancy
- Grantee Identifier

It is the responsibility of the HMIS lead agency to collect this information from each program in the Continuum of Care. Identifiers and Numbers will be assigned either automatically by computer software or by the Continuum of Care. More information about each of these data elements is available starting on page 17 of the HMIS Data Standards Revised Notice available at <http://www.hudhre.info/index.cfm?do=viewWhatIsNew#wn88>

Regardless of funding sources, Program Descriptor data for each homeless assistance program within the CoC operated by a victim service provider must be recorded in the HMIS (either by provider staff member or by the HMIS system administrator), with the exception of a street address for a facility that provides victim services to clients.

Domestic violence survivors accessing other homeless providers

Note: All statements below refer to a person accessing a GENERAL homeless program (not a victim service provider)

6. No person accessing ANY homeless service has to provide their Social Security Number (SSN). Every individual has the right to refuse to provide it.

Under federal law (5 U.S.C. Section 552a), a government agency cannot deny shelter or services to clients who refuse to provide their SSN, unless the requirement was in effect before 1975 or SSN is a statutory requirement for receiving services from the program. No HUD-administered McKinney-Vento Act program qualifies under this exception.

7. The questions bulleted below (Universal Data Elements) are asked of every client at a homeless program in the Continuum of Care. Other than “Name,” a client can refuse to answer all other questions.

All Universal Data elements must be obtained from each adult and unaccompanied youth who applies for a homeless assistance service, with the exception of Veteran Status. Most data elements include a “Don’t Know” or “Refused” response category.

These are considered valid responses if the client does not know or the client refuses to respond to the question. It is not HUD’s intention that clients be denied service if they refuse or are unable to supply the information; however, some information may be required by programs or private funders to determine eligibility for housing or services, to assess needed services, or to fulfill reporting requirements.

- **Name**
The official regulations state: *Programs should seek to obtain legal names only and avoid aliases or nicknames.* However, note that they do not prohibit the collection of aliases or nicknames.
- **Social Security Number**
See #6 above
- **Date of Birth**
There is an option for “Approximate date of birth” and the regulations state: *If a client cannot remember the year of birth, ask the person’s age and calculate the approximate year of birth. If a client cannot remember the month or day of birth, record an approximate date of “01” for month and “01” for day. Approximate dates for month and day will allow calculation of a person’s age within one year of their actual age.*
- **Race**
- **Ethnicity**
- **Gender**
- **Veteran Status**
- **Disabling Condition**
- **Residence Prior to Program Entry**
- **Zip Code of Last Permanent Address**
- **Housing Status**

8. Next, there are “program-specific data elements.” While the questions bulleted below are not required of all grantees, they are recommended and it is likely that any survivor using a general homeless service will be asked these questions.

- Income and Sources
- Destination
- Non-Cash Benefits
- Physical Disability
- Developmental Disability
- Chronic Health Condition
- HIV/AIDS
- Mental Health
- Substance Abuse
- Domestic Violence

Exact language of the domestic violence question is as follows:

Definition and Instructions: In separate fields, determine (a) if the person has ever been a victim of domestic violence, and (b), if so, how long ago did the person have the most recent experience.

*Required Response Categories: **Domestic violence victim/survivor***

0 = No

1 = Yes

8 = Don't Know

9 = Refused

*(If yes) **When experience occurred***

1 = Within the past three months

2 = Three to six months ago

3 = From six to twelve months ago

4 = More than a year ago

8 = Don't Know

9 = Refused

Special Issues: Programs should be especially sensitive to the collection of domestic violence information from clients and should implement appropriate interview protocols to protect client privacy and safety such as: asking this question in a private location and not in the presence of a romantic partner; delaying all entry of data about clients identified with a recent history of domestic violence; or choosing not to disclose data about clients with a history of domestic violence to other homeless programs.

Changes from Previous Notice: Response categories for “Don't Know” and “Refused” were also added to capture information when the client does not know or the client refuses to respond and to ensure consistency in data quality reporting.

As in #7, a client can refuse to answer any of these questions.

These data elements must be collected from all clients served by programs that are required to report this information to HUD. Specifically, programs that receive funding through HUD's Supportive Housing Program, Shelter Plus Care, Section 8, Moderate Rehabilitation for Single Room Occupancy Dwellings (SRO) Program, and the homeless programs funded through the Housing Opportunities for Persons with AIDS (HOPWA) Program are required to collect most of this information in order to complete Annual Performance Reports (APRs). Likewise, programs that are funded through the Homelessness Prevention and Rapid Re-Housing Program are required to collect some of these data elements in order to submit Quarterly and Annual Performance Reports.

For programs with no such reporting requirements, these data standards are optional but recommended since they allow local Continuums of Care (CoCs) to obtain consistent information across a range of providers that can be used to plan service delivery, monitor the provision of services, and identify client outcomes. However, these data elements do not constitute a client assessment tool, and providers will need to develop their own data collection protocols in order to properly assess a client's need for services.

Most data elements include a “Don't Know” or “Refused” response category. These are considered valid responses if the client does not know or the client refuses to respond to the question. It is not HUD's intention that clients be denied service if they refuse or are unable to supply the information; however, some information may be required by programs or public or private funders to determine eligibility for housing or services, to assess needed services, or to fulfill reporting requirements.

9. Finally, there are “optional data elements.” While the questions bulleted below are not required of all grantees, they are recommended and it is likely that any survivor using a general homeless service will be asked these questions. When advising survivors, keep in mind that local continuums of care are allowed to include additional questions or ask any of these questions in more detail. A client can refuse to answer any of these questions.

- Employment
- Adult Education
- General Health Status
- Pregnancy Status
- Veteran’s Information
- Children’s Education

For each Program-Specific Data element, multiple response categories are provided. Programs may choose to capture more detailed information (or finer response categories) as long as this information can be exactly mapped to the required response categories described in this section. The HMIS software must be able to produce the QPR (for HPRP programs only) and the APR using the response categories exactly as they are presented in this section.

Most data elements include a “Don’t Know” or “Refused” response category. These are considered valid responses if the client does not know or the client refuses to respond to the question. It is not HUD’s intention that clients be denied service if they refuse or are unable to supply the information; however, some information may be required by programs or public or private funders to determine eligibility for housing or services, to assess needed services, or to fulfill reporting requirements.