



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
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PATH Projects for Assistance in
Transition from Homelessness

Technical Assistance Resource Page

Housing



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Additional SAMHSA Resources

For more information about SAMHSA resources and programs, contact the SAMHSA Health Information Network at 1-877-SAMHSA-7 (1-877-726-4727).



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Housing



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Fair Housing and Disability Rights

Homelessness by definition has to do with lack of housing. Access to decent affordable housing is essential to prevent and end homelessness. The more skilled and knowledgeable providers are about the housing application process, negotiating tenancy issues, and developing community awareness, the more they can assist people in exiting homelessness.

Several questions face service providers and people who are homeless or at risk of homelessness:

Would knowing the laws help people move from homelessness to housing?

Would knowing the laws help people retain housing?

Would knowing the laws help people avoid eviction?

The answer to each of these questions is, "Yes." Affordable, safe, and decent housing for individuals with limited income is scarce. Locating resources is a daunting task, even without the stereotypes and generalizations that result in discrimination against people experiencing homelessness and mental illness. In spite of these challenges, the Fair Housing Law, commonly known as the Fair Housing Act, of 1988 <http://www.justice.gov/crt/about/hce/title8.php> protects people with mental and physical disabilities (for a brief overview, visit the Americans with Disabilities Act website <http://www.ada.gov/cguide.htm>). It also protects those who associate with persons with disabilities and those who are regarded as having disabilities, whether they have a disability or not.



This law, like all civil rights laws, makes it illegal to treat people with disabilities differently if the treatment results in a poor housing situation or denial of housing.

The Fair Housing Act and other disability rights laws, like the Americans with Disabilities Act (ADA) <http://www.ada.gov/pubs/ada.htm>, require more than other civil rights laws. If a landlord refuses to rent to a biracial couple the law will hold that landlord accountable. If the same landlord refuses to rent to an applicant with a disability who has an emotional support animal because the housing is “pet free,” the law requires the landlord to rent to the applicant who has a disability and to waive the “no pet rule” for the applicant. In other words, the disability rights law both prohibits discrimination and requires changes in housing policies and practices.

In many cases, the law also requires structural modifications if an individual’s inability to rent an apartment can be remedied with nails, hammers and paint. No other civil rights law goes so far.

Consider the following examples:

Has a shelter refused admission to someone based on a mental illness?

Has a housing provider locked a resident out of his or her room without first providing notice and discussing the reason(s) for the eviction?

Has a housing provider informed residents that adopting a relative’s child who has a disability means that they and the child have to move?

Are zoning regulations preventing the development of housing units for people with disabilities?

Do you know people who face eviction because they have difficulty paying rent on time due to memory problems, mobility issues, or the date that their monthly income arrives?

Are you aware of people who are told they are not able to return to their housing after a medical or psychiatric hospitalization?

Each of these situations might be remedied by the application of fair housing principles. Through the application of “reasonable accommodations” many housing challenges can be resolved quickly, relatively easily, and at little cost. Below are resources and information on laws pertaining to fair housing, followed by information on housing for seniors, and housing and rural homelessness.



Websites

Direct Link

<http://www.ndrn.org>

Direct Link to Map of Contacts

<http://www.ndrn.org/en/when-to-contact-your-state-paa-cap.html>

National Disability Rights Network – Housing

The National Disability Rights Network (NDRN) is a nonprofit membership organization for Federally mandated Protection and Advocacy (P&A) Systems and Client Assistance Programs (CAP) for individuals with disabilities. The P&A/CAP network is the largest provider of legal advocacy services to people with disabilities in the United States. Through training and technical assistance, legal support, and legislative advocacy, the NDRN works to create a society where individuals with disabilities are afforded equal opportunity and are able to participate fully by exercising choice and self-determination. NDRN members serve individuals with a wide range of disabilities by guarding against abuse; advocating for basic rights; and ensuring accountability in health care, education, employment, housing, transportation, and within the juvenile and criminal justice systems.

Direct Link

<http://www.bazelon.org/issues/housing/index.htm>

Bazelon Center for Mental Health Law – Fair Housing

This website provides links to information sheets related to the application and interpretation of laws that protect people in their pursuit of housing. Topics include using reasonable accommodations to eliminate financial barriers in applications; tenants posing a “direct threat” to others; the illegality of “independent living” requirements in rental housing; and increasing the usability of housing choice vouchers.



Direct Link

<http://www.fairhousinglaw.org>

Fairhousinglaw.org

This website provides practical information about housing discrimination, Federal laws, and housing enforcement agencies and laws by state.

Direct Link

<http://www.endhomelessness.org>

National Alliance to End Homelessness (NAEH)

NAEH is a national organization that works to prevent and end homelessness in the United States. NAEH produces a report titled, "Homelessness Counts" which measures progress in the fight to end homelessness. Other resources include reports on foreclosure, veterans housing issues and Federal funding through the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act and the Homelessness Prevention and Rapid Re-housing Program (HPRP).

Direct Link to Homelessness Counts

<http://www.endhomelessness.org/content/article/detail/2158>

Direct Link to Foreclosure to Homelessness

<http://www.endhomelessness.org/content/article/detail/2409>

Direct Link to Permanent Housing

Solutions for Homeless Veterans

<http://www.endhomelessness.org/content/general/detail/1800>

Direct Link

<http://www.fairhousing.com>

National Fair Housing Advocate Online

This website provides links to the text of the Fair Housing Act and other relevant legislation. Selecting "get help near you" provides fair housing resources for most cities.



Direct Link

<http://www.tacinc.org>

Direct Link to Section 8 Made Simple

http://www.tacinc.org/downloads/Sect8_2ndEd.pdf

Technical Assistance Collaborative, Inc. (TAC)

TAC is a national non-profit organization that works to achieve positive outcomes on behalf of people with disabilities, people who are homeless, and people with other special needs. Explanations of laws, housing programs, and policy issues are available on the website, including explanation of the Federal rent voucher program.

Direct Link

<http://www.nhlp.org>

Direct Link to An Affordable Home on Re-entry

<http://www.reentry.net/ny/library/attachment.149254>

National Housing Law Project (NHLP)

NHLP is a housing law and advocacy center with the goal of advancing housing justice for the poor by increasing and preserving the supply of decent affordable housing; improving existing housing conditions, including physical conditions and management practices; expanding and enforcing low-income tenants' and homeowners' rights; and increasing housing opportunities for racial and ethnic minorities. NHLP has published *An Affordable Home on Re-entry: Federally Assisted Housing and Previously Incarcerated Individuals*, which is available to download (195 pages) or order.

Direct Link

<http://www.knowledgeplex.org/topic.html?c=234>

KnowledgePlex

This website is a free online resource center for affordable housing and community development. It has a specific site for homelessness issues, laws, discussions and reports.



Direct Link

<http://www.povertylaw.org/poverty-law-library>

Sergeant Shriver National Center on Poverty Law Library

The law library hosts an organized and indexed collection of case law decisions. The areas of disability, housing, and homelessness are indexed by sub-topic. The legal services magazine, *Clearinghouse Review Journal of Poverty and Law*, has excellent articles concerning all of the issues faced by individuals with very low-income. The January – February 2007 issue focuses on disability.

Direct Link

<http://www.hud.gov>

Direct Link to Disability Rights and Resources

<http://www.hud.gov/offices/ftheo/disabilities/index.cfm>

Direct Link to Fair Housing Laws

<http://www.hud.gov/offices/ftheo/FHLaws/index.cfm>

Direct Link to Complaints

<http://www.hud.gov/complaints/housediscrim.cfm>

U.S. Department of Housing and Urban Development (HUD)

Many resources are available on the HUD website, including a collection of links to laws and Executive Orders that impact access to and retention of housing, directions and forms for filing housing discrimination complaints with HUD, and a page on disability rights and resources.



Direct Link

<http://www.disability.gov>

Direct Link to State and Local Housing Resources

<http://www.disability.gov/state/index?go.y=12&state=&go.x=24>

Direct Link

<http://www.justice.gov/crt/about/hce>

Direct Link

http://ric.nal.usda.gov/nal_display/index.php?info_center=5&tax_level=2&tax_subject=211&level3_id=0&level4_id=0&level5_id=0&topic_id=1159&&placement_default=0

Disabilityinfo.gov

This website allows users to search for state and local housing resources.

U.S. Department of Justice — Civil Rights Division — Housing and Civil Enforcement Section

This website provides links to decisions and cases related to housing rights. It includes a section that provides information on cases litigated based on disability, including mental health disability.

U.S. Department of Agriculture (USDA) – Homelessness

The National Agricultural Library at USDA lists housing and community resources from government and private agencies.



Other Resources

Direct Link

<http://www.hud.gov/offices/ftheo/library/huddojstatement.pdf>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=32984>

U.S. Department of Justice & U.S. Department of Housing and Urban Development (2004). *Joint statement: Reasonable accommodations under the Fair Housing Act.* Washington, DC: Author.

This document is commonly used for housing education on reasonable accommodations. It provides answers to common questions and case examples.

Direct Link

<http://www.hhs.gov/newfreedom/final/hud.html>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=32983>

U.S. Department of Housing and Urban Development. (2002, April). *Delivering on the promise: Self-evaluation to promote community living for people with disabilities. New Freedom Commission Report to the President on Executive Order 13217.* Washington, DC: Author.

The New Freedom Commission report reviews barriers, solutions, and efforts to promote community housing options for individuals with disabilities and describes Federal housing programs.



Direct Link

<http://bazelon.org.gravitatehosting.com/LinkClick.aspx?fileticket=G6Nv3glsUX8%3d&tabid=241>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=24495>

Allen, M. (1996). Separate and unequal: The struggle of tenants with mental illness to maintain housing. *Clearinghouse Review*. Chicago, IL: National Clearinghouse for Legal Services, Inc.

This article challenges poverty and disability advocates to marshal new resources and arguments in an effort to secure full tenancy rights for these consumers. The report covers an array of topics including segregation and deinstitutionalization, the role of state and local mental health authorities as housing providers, the relationship of “bundling” housing and support services and fair housing laws, and procedural protections against eviction.

Direct Link

<http://www.csh.org/index.cfm/?fuseaction=Page.viewPage&pageID=3259>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=18576>

Corporation for Supportive Housing. (2001). *Between the lines: A question and answer guide on legal issues in supportive housing - National edition*. New York, NY: Author.

This comprehensive manual offers information about the laws that pertain to supportive housing and ways to identify and think through issues in order to make better use of professional legal counsel. Reasonable approaches to resolve common dilemmas are provided.



Direct Link

<http://www.tacinc.org/downloads/OD/ODIssue29.pdf>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=32885>

Korman, H. (2006). Best practice principles for achieving civil rights in permanent supportive housing. *Opening Doors*, 29. Boston, MA: Technical Assistance Collaborative, Inc.

In this issue of *Opening Doors*, permanent supportive housing is highlighted as an important option for some people with disabilities. The author explores the difficulties in coordinating the approach to provide services with the housing system's general prohibition on category-specific tenant selection. Best practice principles are presented and discussed. The ideal is permanent affordable, integrated, community-based housing where the right to occupy the housing unit is based on standard landlord-tenant laws, and in which flexible, on-demand supportive services are available and controlled by the tenant.

Direct Link

http://www.c-c-d.org/task_forces/housing/od-dec00.htm

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=20219>

Miller, E., Milstein, B., & O'Hara, A. (2000, December). The Olmstead decision and housing: Opportunity knocks. *Opening Doors*, 12. Boston, MA: Technical Assistance Collaborative, Inc.

In this issue of *Opening Doors* the Olmstead decision and its implications are clearly outlined.



Direct Link

<http://bazelon.org.gravitatehosting.com/LinkClick.aspx?fileticket=nJnNag17zFo%3d&tabid=241>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=25584>

Allen, M. (2003). Waking Rip Van Winkle: Why developments in the last 20 years should teach the mental health system not to use housing as a tool of coercion. *Behavioral Sciences and the Law*, 21, 503-521.

This article reviews an argument for a housing-first model that does not require treatment to obtain housing and provides arguments for housing free of coercion. The article is currently available for free on the Bazelon website.

Direct Link

<http://bazelon.org.gravitatehosting.com/News-Publications/Publications/CategoryID/17/List/1/Level/a/ProductID/19.aspx?SortField=ProductNumber,ProductNumber>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=32888>

Bazelon Center for Mental Health Law. (June 2006). *What “Fair Housing” means for people with disabilities*. Washington, DC: Author. (fee)

This booklet is written for people with disabilities who want to rent a home—an apartment or house or condominium or co-op—whether privately or publicly owned or operated. The concepts discussed here also apply to the sale and purchase of housing. Others who may find the information useful include landlords, housing developers and administrators, real estate agents, and advocates for people with disabilities. It is updated periodically. There is a cost to purchase the 2006 edition, but the 2003 edition can be downloaded for free.



Direct Link

<http://store.samhsa.gov/shin/content/SMA06-4173/SMA06-4173.pdf>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=26166>

Substance Abuse and Mental Health Services Administration, Center for Mental Health Services. (2006). *Transforming housing for people with psychiatric disabilities* report. HHS Publication Number 4173. Rockville, MD: Author.

This report discusses the impact of short-term quality improvement measures in board and care homes. It also calls for a recovery-oriented approach that revolves around the principles of consumer self-direction and community integration.

Direct Link

<http://www.store.samhsa.gov/product/SMA10-4510>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=48985>

Substance Abuse and Mental Health Services Administration, Center for Mental Health Services. (2010). *Evidence-Based Practices KIT: Permanent Supportive Housing*. SAMHSA Health Information Network Publication ID: SMA-10-4510. Rockville, MD: Author.

This Evidence-Based Practice Toolkit outlines the essential components of supportive housing services and programs for people with mental illness. It discusses how to develop new programs within mental health systems that are grounded in evidence-based practices. The kit includes eight booklets. Digital versions of this booklet can be downloaded or a CD-ROM version can be ordered.



Seniors and Fair Housing

The fair housing and disability rights laws protect individuals of all ages. However, it is also important to recognize the special issues related to resources for seniors.

First, fair housing laws include provisions that permit housing for seniors only. When these provisions are followed, housing that does not permit younger adults or children will not violate the law. Second, many seniors and the agencies that serve them describe older people with disabilities as “frail elders” or simply as “seniors.” These linguistic distinctions have often prevented individuals and agencies from availing themselves of the protections provided by disability rights laws. The following resources provide clarity regarding these issues specific to housing for seniors.



Websites

Direct Link
<http://www.n4a.org>

National Association of Area Agencies on Aging

This website provides a collection of comprehensive resources on aging.

Direct Link
<http://www.senioroutlook.com/glossary.asp>

Senior Outlook - Glossary of Senior Housing Terms

This is a glossary of terms that applies to the range of housing options commonly available to seniors.

Direct Link
<http://www.eldercare.gov>

U.S. Department of Health and Human Resources – Eldercare Locator

The Eldercare Locator website contains comprehensive resources and links to reports and programs.



Other Resources

Direct Link

<http://bazelon.org.gravitatehosting.com/LinkClick.aspx?fileticket=4-ZE3VhdZbo%3d&tabid=241>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=32889>

Allen, M. & Silverstein, S. (2003). *Preserving elders' housing rights*. Originally published in TRIAL. Available online by Bazelon Center for Mental Health Law. Washington, DC: Association of Trail Lawyers of America.

This fact sheet covers information on legal protection for elders, the framework of how fair housing laws affect the elderly, and why enforcement of fair housing laws is critical to helping older adults maintain their independence.

Direct Link

<http://jmls.edu/fairhousingcenter/resources/FHRts-SR-Hndbk2.pdf>

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=32988>

John Marshall Law School Fair Housing Legal Support Center. (2006). *Fair housing rights of seniors with disabilities: What seniors and their families need to know*. Chicago, IL: Author.

This handbook reviews applications of fair housing laws in relation to seniors with disabilities and discusses the issues related to independent living and aging.

Direct Link

http://www.eldercare.gov/Eldercare.NET/Public/Resources/Brochures/docs/Housing_Options_Booklet.pdf

PATH Record

<http://pathprogram.samhsa.gov/Resource.aspx?id=32989>

Robinson, H., (n.d.). *Housing options for older adults: A guide to making housing decisions*. Washington, DC: National Association of Area Agencies on Aging.

This booklet describes housing options available to older adults. Often the civil rights laws are important tools to enable older adults to obtain and to retain such housing.



Homelessness and Fair Housing

While rural homelessness is similar in some ways to homelessness in urban and suburban areas, people experiencing homelessness in rural and frontier areas face special challenges. The relative lack of resources, the smaller sized populations, and the different expectations and stigma associated with rural homelessness differentiate it from urban homelessness. Fair housing and disability laws apply wherever people experiencing homelessness find themselves, but the approaches are often culturally different. The research, data, and models described in the resources below offer helpful information for understanding and addressing rural homelessness.



Websites

Direct Link

<http://www.raonline.org/about>

The Rural Assistance Center

A product of the U.S. Department of Health and Human Services' Rural Initiative, the Rural Assistance Center (RAC) was established in December 2002 as a rural health and human services "information portal." RAC helps rural communities and other rural stakeholders access a full range of available programs, funding, and research that can enable them to provide quality health and human services to rural residents.

Direct Link

<http://hudhre.info/index.cfm?do=viewGIStoolIntro>

U.S. Department of Housing and Urban Development (HUD) Homeless Resource Exchange: GIS Tool For Communities

This page of the HUD Homeless Resource Exchange (HRE) website provides information about a free software tool that allows homeless service providers to interact with Geographic Information System (GIS) maps. This mapping tool can be used for identifying HUD geocodes, mapping shelter addresses for housing inventory, mapping encampments for point-in-time counts, and producing maps for disaster planning.

Direct Link

<http://www.endhomelessness.org/section/issues/rural>

The National Alliance to End Homelessness: Rural Homelessness

This page of the NAEH site provides resources, data, research and models for ending rural homelessness.

Direct Link

<http://www.ruralhome.org>

The Housing Assistance Council (HAC)

HAC improves housing conditions for the rural poor, with an emphasis on the poorest of the poor in the most rural places in the United States. The center offers services to public, nonprofit, and private organizations throughout the rural United States and maintains a special focus on high-need groups and regions: Indian country, the Mississippi Delta, farm workers, the Southwest border colonies, and Appalachia.



Other Resources

Direct Link

<http://www.ruralhome.org/storage/documents/voicesfall2007.pdf>

PATH Record

<http://pathprogram.samhsa.gov/Resource/View.aspx?id=46585>

Housing Assistance Council. (2007). Making it work: Combating rural homelessness. *Rural Voices*, 12, 3.

This issue of *Rural Voices* includes articles on HUD's rural homelessness programs; the U.S. Interagency Council's work on rural homelessness; and projects in the California desert, Appalachia, rural Michigan, Southwest Georgia, and Minnesota.

Direct Link

<http://aspe.hhs.gov/hsp/homelessness/symposium07/robertson/index.htm>

PATH Record

<http://pathprogram.samhsa.gov/Resource/View.aspx?id=46586>

Robertson, M., Harris, N., Fritz, N., and Noftinger, R. (2007). Rural homelessness. *The 2007 National Symposium on Homelessness Research*. Washington, DC: U.S. Department of Health and Human Services.

This report summarizes the information available about rural homelessness and examines the differences between rural and urban homeless services.



Direct Link

<http://www.mainehousing.org/Documents/HousingReports/CostOfHomelessnessRural.pdf>

PATH Record

<http://pathprogram.samhsa.gov/Resource/View.aspx?id=46587>

Mondello, M., Bradley, J., Chalmers, T., Shore, N. (2009). *Cost of rural homelessness: Rural permanent supportive housing cost analysis*. Washington, DC: Corporation for Supportive Housing.

This is the first statewide cost analysis of homelessness data in a rural setting. The authors demonstrate the cost savings available through the use of PATH funds, supportive housing models, and state commitment toward ending homelessness.

Direct Link

<http://www.mainehousing.org/Documents/Homeless/Homeless-2009RuralHomelessness.pdf>

PATH Record

<http://pathprogram.samhsa.gov/Resource/View.aspx?id=46588>

Grass, A. (2009). *Home to stay: Helping families avoid or recover from homelessness in Maine's rural areas*. Augusta, ME: MaineHousing.

Families experiencing rural homelessness are less likely to resort to shelters or to have shelters available to them. They are not counted as homeless and therefore the state receives fewer funds to address their needs. This report includes recommendations to address these and other unique aspects of rural homelessness.



WHAT IS PATH?

The PATH Program—or Projects for Assistance in Transition from Homelessness—was authorized by the Stewart B. McKinney Homeless Assistance Amendments Act of 1990. PATH funds community-based outreach, mental health and substance abuse services, case management, and limited housing services for people experiencing serious mental illnesses—including those with co-occurring substance use disorders—who are experiencing homelessness or are at risk of becoming homeless.

PATH funds stimulate state & local contributions

PATH funds are worth more than their face value because they are matched with state and local resources. For every \$3 in Federal funds, state or local agencies must put forward \$1 in cash or in-kind services. At a minimum, a \$52 million Federal allocation would result in a \$17 million match. In some states PATH funds and the state and local match are the only resources specifically for serving people experiencing homelessness and mental illnesses.

PATH providers deliver innovative services

PATH providers work with service delivery systems and embrace practices that work. These include:

- Partnering with housing first and permanent supportive housing programs
- Providing flexible consumer-directed and recovery-oriented services to meet consumers where they are in their recovery
- Employing consumers or providing consumer-run programs
- Partnering with health care providers, including Health Care for the Homeless to integrate mental health and medical services
- Assertively improving access to employment
- Improving access to benefits, especially through SSI/SSDI Outreach, Advocacy, and Recovery (SOAR)
- Using technology such as PDAs, electronic records, and HMIS

PATH providers are strong community partners

PATH providers and State Contacts are involved in local and regional planning efforts to end homelessness, including Continuum of Care, 10-Year Plans to End Homelessness, and other planning efforts. PATH providers and State Contacts work to ensure that services are coordinated and available to people experiencing homelessness.

For more information about PATH, please visit <http://pathprogram.samhsa.gov/>



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A Life in the Community for Everyone

SAMHSA

Substance Abuse and Mental Health Services Administration
U.S. Department of Health and Human Services



PATH

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