

# Legal Services and SSVF

The Role of Legal Services for Veterans  
in the SSVF Program

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**Audio:** <https://attendee.gotowebinar.com/recording/686503557766012162>

# Introduction

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## **Objectives:**

- Define legal needs of Veterans in SSVF programs
- Define civil legal services and the other legal resources for clients
- Provide tools to identify the unmet needs that affect housing stability and their legal causes or solutions.
- Provide tools for SSVF programs to identify legal resources to address the social factors that affect a client's long term housing stability
- Provide a framework for partnering with civil legal services

# Emerging Focus on Legal Barriers



## The VA has recognized the importance of targeted legal services for Veterans:

- VA's Supportive Services for Veterans and Families (SSVF) grant includes legal services in the list of benefits supported by grant dollars.
- Several VA Health Care Systems support on-site legal clinics and legal professionals serving low-income Veterans. VA currently houses 120 of these clinics on site, authorized by VHA Directive 2011-34.
  - VHA Directive 2011-034: It is VHA policy to encourage staff to refer homeless Veterans to legal service providers or referral services for assistance with matters such as child support or outstanding warrants or fines, and to provide office space to legal service providers, when possible...
- The VA has placed Veteran Justice Outreach (VJOs) in VAHCS to help Veterans navigate involvement with the criminal justice system. Re-entry specialists do outreach to Veteran prisoners to connect them with benefits and services available for them in their transition back to the community.
- HVRP HFVWF grant (urban and non-urban) now allows funds for legal assistance. (Department of Labor grant)

# CHALENG Report (2010-2015)

Top Ten Highest Unmet Needs Identified by Consumers FY 2010, 2015



2010 (all genders)	2015 (male)	2015 (female)
Welfare payments	Registered sex offender housing	Registered sex offender housing
Child Care	Child care	Child care
Legal assistance for child support issues	Legal assistance to prevent eviction/foreclosure	Credit counseling
Family reconciliation assistance	Legal assistance to restore a driver's license	Family reconciliation assistance
Guardianship (financial)	Legal assistance for child support issues	Legal assistance for child support matters
Legal assistance for outstanding warrants/fines	Family reconciliation assistance	Legal assistance to help restore a drivers license
SSI/SSDI process	Legal assistance for outstanding warrants/fines	Dental care
Credit Counseling	Financial guardianship	Legal assistance to prevent eviction and foreclosure
Job training	Credit counseling	Legal assistance for outstanding warrants and fines
Legal assistance to help restore driver's license	Discharge upgrade	Discharge upgrade

# SOAR and Legal Survey (FY17)



Legal Issues Identified by SSVF Providers	
Eviction pending	57%
Child visitation or custody	50%
Assistance for obtaining SSI/SSDI	43%
Assistance obtaining VA benefits	38%
Outstanding warrants or court fees	38%
Criminal records expungement	34%
Assistance obtaining a driver's license	33%
Problems with landlord	29%
Debt collection	24%
Legal assistance to modify a court order related to family issues including child support	20%
Criminal allegations	12%
Bankruptcy	12%

# SOAR and Legal Survey (FY17)

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- Only 36% of SSVF grantees are providing legal services directly using SSVF funds
  - Of those not providing, 54% stated different prioritization of grant funds
  - 35% Lack of grant funds available
  - 34% Lack of demand/need
- Flat fee payment method most common, followed by hourly fee for legal services
- 73% of SSVF grantees spent all budgeted legal services
- 56% of legal cases opened in FY16 were fully resolved, 23% were open and pending, 21% unresolved

# Department of Justice: Access to Justice

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## Office for Access to Justice

- ATJ's mission is to help the justice system efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status.

## Legal Aid Interagency Roundtable (LAIR)

- Comprised of 22 federal agencies including the U.S. Department of Veterans Affairs
- Goal of integrating legal aid into myriad Federal programs, policies, and initiatives ([www.justice.gov/lair](http://www.justice.gov/lair))

# LAIR: Legal Aid Support to Veterans

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- Department of Labor Veterans' Employment and Training Service (VETS) Homeless Veterans Reintegration Program
- Department of Health & Human Services Office of Child Support Enforcement & the American Bar Association Child Support Debt Partnership
- Federal Communications Commission Lifeline Program
- Department of Justice Veterans & Servicemembers Initiative ([www.servicemembers.gov](http://www.servicemembers.gov))



# Legal Needs: The Justice Gap

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- No constitutional right to counsel for civil legal issues.
- Individuals in poverty experience 1-3 legal problems. (Legal Service Corporation 2009 Justice Gap Report)
- 6.9% of Veterans live in poverty.



For every client served by a grantee, at least one eligible person seeking help was turned down because of limited resources.

# Legal Needs: The Justice Gap

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From John Kuhn, National Director, SSVF,  
Department of Veteran Affairs on Legal Need:

- 100 million Americans face civil justice problems that can impact housing, jobs, income, and children.
- Many poor Americans do nothing in response or try to avoid, likely due to lack of access to legal assistance or lack of knowledge about their rights
- In light of continued funding cuts for legal aid, the practical reality for local programs is that without a sub-award their Vets won't get the help they need with just a referral.

# Legal Needs: Understanding Legal Issues

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- “When asking a Veteran if they have a legal problem, he or she often responds that they don’t have a problem with the police.” - VA Maine Healthcare System GPD Coordinator
- Over 50% of households don’t identify a problem as having a legal cause or solution. -2003 Washington State Civil Legal Needs Study

**Goal: Help clients to reframe their basic needs to understand that their may be a legal cause or solution.**

# Understanding Civil Legal Aid:



- Civil legal aid provides necessary legal information, advice and representation for low-income individuals in issues such as:
  - Family law,
  - Housing (Eviction, voucher terminations, discrimination) and foreclosure,
  - Consumer issues (debt collection & bankruptcy)
  - Employment (wrongful termination, unemployment claims)
  - Income maintenance (Appealing denials of benefits, overpayments)
- Nearly 60 million Americans – 1 in 5 – qualify for free civil legal assistance (125% or less Federal Poverty Level);
- Only 1 in 5 individuals who qualify are able to get the assistance they need.
- Broad mix of funding: state, federal private foundation=Patchwork of priorities, areas of expertise and capacity.
- Patchwork of Laws/Regulations: Municipal ordinance, state law, state and federal regulations, federal law.

# Understanding Civil Legal Aid

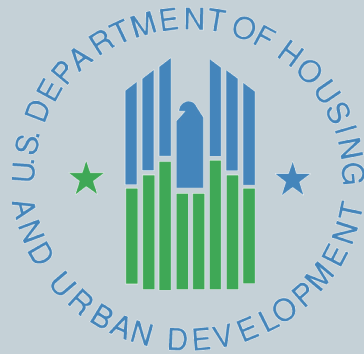
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## Uniting Principle: Due Process

Legal Aid can help you answer “what process is due?”  
if a Veteran is:

- denied or cut off from benefits
  - facing debt collectors
  - denied federal housing
  - discriminated against
    - Facing Eviction
    - And more...

# Understanding Civil Legal Aid



# What this means?

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- Legal Aid's mission is complementary to the housing first model of SSVF and the mission of our agency.

**The mission of Preble Street** is to provide accessible barrier-free services to empower people experiencing problems with homelessness, housing, hunger, and poverty, and to advocate for solutions to these problems.

**The mission of Pine Tree Legal** is to ensure that state and federal laws affecting poor people are enforced while also addressing the systemic barriers to justice that low-income Mainers face. We are committed to ensuring that all Mainers have access to justice.

# How Legal Aid Helps: (HP)

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Jeremy calls your SSVF program because he is behind on his rent and has received a summons for eviction court. Your team kicks in to high gear, enrolls the family and schedules an inspection. The unit does not pass inspection: bed bugs, a large leak from the bathroom ceiling and possible lead paint are just some of the issues. You can't pay to resolve the eviction as you might in other cases.

- How might legal aid help?
- How might your team help the legal aid program?



# How Legal Aid Helps: (RRH)

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Jeff arrives at an area homeless shelter after being kicked out of a couch surfing situation and presents to SSVF. He receives SSDI but has over 50% garnished for a child support order that dates back to when he worked. He also has limited mobility so he uses a walker.

SSVF staff know that Jeff has limited income so they help him apply for a Low Income Tax Credit Housing (LIHTC) property and also submit an application for a Section 8 voucher. Jeff is approved for the voucher, but is denied the housing because his credit report shows multiple medical debts, 3 debt collection items and a large \$50,000 tax lien.

1. What are Jeff's barriers to stable permanent housing?
2. What are the legal issues?

# How Legal Aid Helps: Coordinated Entry & the By Name List

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- Legal Aid can be a key stakeholder-reframing the barriers to housing for our most chronic clients.
- Strategically maximize limited legal aid dollars and resources.

lock Chronic list for Presentation

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Client Name	Where?/Subsidy	Voucher	Discharge Status	Healthcare	VA	MaineCare	Income amount & Source
First							Monthly Income Source
S	Avesta/Tax Credit	PBV	OTH	no	no		\$600 SSI
A	HC	PBV	General	yes	yes		\$1,000 SSDI
N	Avesta/Tax Credit	none	OTH	no	no		\$2,000 Sporadic E
D	n/a	VASH	Honorable	yes	no		\$1,072 VA Pensi
B	n/a	working on shelter +	OTH	no	no		\$733 SSI
D	n/a	none	Honorable	no	no		0 Sporadic E
P	n/a	none	General	no	no		0
N	n/a	none	General	no	no		0
C		none	OTH	no	yes		\$665 SSI
D		none	bad conduct	no	no		0
A		none	OTH	no	no		0
R		none	honorable	yes	no		0
J		PBV	honorable	Yes	no		0
M		PBV	honorable	yes	no		0
B		working on BRAP	bad conduct	no	no		\$650 SSD
D		BRAP	honorable	yes	no		\$1,072 VA Pensi
I		VASH?	honorable	Yes	Yes		\$650 SSI
S		VASH	Honorable	yes	no		\$800 Employme
A			OTH	no	no		\$755 SSI

# Step 1: Identify your regional resources:

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- 1. Identify Veteran specific legal services?**
  - Law School Veterans Services Clinics
  - Veterans Medical-Legal Collaborations with the VA
  - Other legal aid programs with veteran projects/prioritization
- 2. Identify your regions' legal aid providers**
  - Specially funded projects: Low Income Tax Payer Clinics
  - General civil legal aid
  - General Practice Law School Clinics
- 3. Identify the Criminal Law resources**

## Step 2: Identify the legal needs of the Veterans you serve:

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- Avoid : “Do you have any legal problems?”
- Use a Legal Aid Check Up Tool instead:
  - Subject specific questions:
    - ✦ “Problems with the IRS?”
    - ✦ “Child Support Payments”
    - ✦ “Denied housing because of an animal?”
    - ✦ “Debt collectors calling or sending threatening letters?”
    - ✦ “Student loan debt?”

Consult with local Legal Aid to get a specific tool such as the Tool used by the Legal Aid Society of Cleveland

-Or-

Use the check up tool on [Statesidelegal.org](http://Statesidelegal.org)

# Step 3: Share your Data!

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- Use the Check up tool results to start a conversation
  - Identify gaps in services where new programs might be needed
  - Identify existing Legal Aid resources for the identified needs
- Establish a referral protocol for cases that fit within existing programs



# Step 5: I've started a partnership... now what do we do?

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## Keys to a Successful Partnership:

- 1. Identify the Unique Roles:** Articulate the role of Legal Aid versus SSVF case managers.
- 2. Mission Driven:** Both partners should work to address: “What are the barriers to **permanent** stable housing?”
- 3. Open and continuous dialog:** Build in time for client services staff, program managers and legal aid staff to consult on clients, meet and train regularly. Both administrative staff and front line staff should be in communication.
- 4. A realistic billing structure:** Provision of legal services cannot be cut off when a client exits SSVF.

# Conclusion: Key Points

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1. CHALENG and the Legal Services/SOAR survey of grantees continues to show Legal needs for veterans facing housing instability.
2. SSVF allows direct funded partnerships with legal services and can complement case management
3. Legal Services does not have sufficient funding to meet the needs of low income individuals
4. Funding a partnership with legal services ensures that SSVF clients get access to legal help that will allow them to maintain stable permanent housing.

# Questions

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FROM THE GROUP



# HUD-VASH SSVF TFA Referral Packet



**FOR RAPID REHOUSING  
ONLY  
VERSION 2**

# HUD-VASH SSVF Referral Packet



- Developed in partnership by National HUD-VASH program office and National SSVF program office
- Goal to codify best practices from field, streamline process, clarify expectations, increase efficiency, support communication
- Packet is focused on rapid-rehousing (Veterans experiencing literal homelessness) only
  - Veteran household must be literally homeless
- Packet is for one-time TFA requests

# HUD-VASH Referral Packet

## Summary of Changes



- Clarification of purpose of the packet
  - One time Temporary Financial Assistance (TFA)
    - ✦ Security deposits, brokers' fees, utility deposits
    - ✦ Other TFA (i.e. mattress, bus pass, kitchen utensils)
    - ✦ Contact SSVF to determine types of TFA available
  - Households requiring SSVF supportive services other than TFA must be referred to SSVF for intake
    - ✦ SSVF Employment or Legal Services
    - ✦ Supportive services for non-Veteran household members

# HUD-VASH Referral Packet

## Service Alert

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- SSVF may not be utilized as transitional housing (Public Law 110-387, and 38 CFR 62)
- SSVF must utilize available GPD and HCHV for HUD-VASH Veterans awaiting vouchers or HQS inspections.
- Veterans enrolled in SSVF with initial intent of permanent housing placement may be connected to HUD-VASH as part of progressive engagement
- Emergency Housing Assistance may be used if GPD or HCHV unavailable; limits apply to EHA

# HUD-VASH Referral Packet

## Summary of Changes



- **HMIS Data Elements**
  - Removal of HMIS Data Entry form
    - ✦ HOMES Assessment provides most HMIS elements
  - Local CoC requests for additional HMIS information
    - ✦ HUD-VASH and SSVF meet with CoC and stakeholders to determine what and why this is needed
    - ✦ HMIS data collection must not be burdensome to HUD-VASH
    - ✦ Limit situations in which Veterans must also meet with SSVF to provide HMIS data

# HUD-VASH Referral Packet

## Summary of Changes



- Clarification of Intent to Rent form
  - Use when requesting deposit assistance
    - ✦ Landlord or agent agreement to rent to the Veteran
  - Form will assist SSVF providers in processing TFA payments
    - ✦ SSVF should provide payment upon move in and lease signing if possible or within 5 days
    - ✦ SSVF must obtain a copy of the signed lease for files
  - Landlords or property managers can use their own version of intent to rent forms
    - ✦ Must contain all necessary information to process payment

# HUD-VASH Referral Packet

## Summary of Changes



- Document is printer friendly
- Clarification chronic homeless status
  - As documented in HOMES
- Removal of some required signatures
  - Supervisor signature not required
  - SSVF signature not required on Intent to Rent
- Reorganization of forms
  - Basic Eligibility moved to beginning of packet

# HUD-VASH SSVF Referral Packet

## Reminder of Process



- HUD-VASH staff completes packet
  - Include HOMES Assessment, W-9 (if deposit requested), local HMIS ROI
- Send via fax, encrypted email or other secure method to SSVF provider
- No need for Veteran to go to SSVF office
  - HOMES Assessment used for HMIS data entry
  - W9 and payment information included for TFA processing
- No SSVF case management for Veteran
- SSVF issues check to landlord/landlord agent at lease signing if possible