

THE UNHOUSED BENEFICIARY

The Intersection of Homelessness, Disability,
Public Benefits, and Special Needs Planning

Janet L. Lowder, CELA
Hickman Lowder Lidrbach & Welch Co., L.P.A.
2026 National Conference on Special Needs Planning and Special Needs Trusts

1

Presentation Roadmap

- Define the “unhoused beneficiary” beyond the stereotype of street homelessness.
- Trace the disability ↔ housing instability cycle and the role of caregiver succession.
- Examine SSI, housing assistance, Medicaid, SNTs, and ABL accounts as interconnected tools.
- Translate the legal framework into a practical approach for attorneys, trustees, and multidisciplinary teams.

Central inquiry: How can a person have benefits, housing assistance, or a special needs trust—and still become homeless?

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 2

2

Who Is the “Unhoused Beneficiary”?

Housing instability can look like...

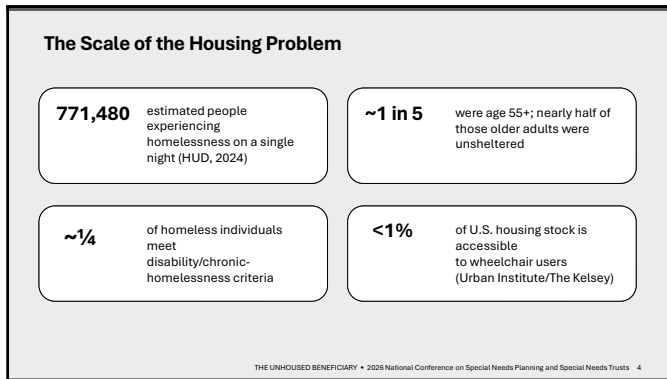
- Shelter, vehicle, hotel/motel hopping
- Temporary stays with family or friends
- Couch surfing
- Imminent eviction or discharge with no stable destination

Why the label matters

- Social Security focuses on the absence of a fixed, regular, adequate residence.
- Clients may not describe themselves as “homeless.”
- Asking only “Are you homeless?” can miss an imminent crisis.
- The legal and planning response starts with identifying instability early.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 3

3



4

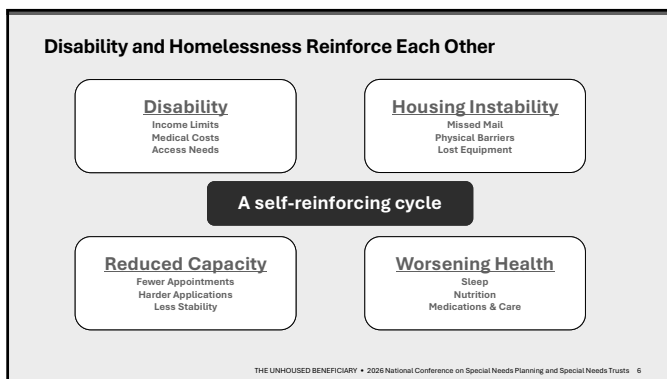
Case Study: John Doe's Downward Spiral

- 58-year-old with intellectual disability, diabetes, and increasing mobility limitations.
- Lives with his mother, who provides housing, transportation, meals, medication reminders, financial help, and agency communication.
- John receives Medicaid and SSI—but his mother is the infrastructure behind those benefits.
- Mother dies unexpectedly; the house is sold and John receives a modest inheritance outright.
- John moves among relatives, couches, motels, and shelters; mail and Medicaid renewal are missed.

The crisis is not simply "loss of a parent." It is loss of an entire support system.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 5

5



6

The Hidden Infrastructure: Family Caregiving

- A parent or family caregiver may quietly provide an entire support system:
 - Housing, transportation, food, medication management, supervision
 - Advocacy, bill payment, appointments, benefit management, emotional support
- When the caregiver dies, becomes ill, develops dementia, or can no longer fully support their disabled adult child, multiple services can disappear at once.
- Estate planning therefore must ask not only “Who are the beneficiaries?” but also “Where will this beneficiary live, and who will coordinate support?”

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 7

7

A Lease Alone Is Not a Housing Plan

Disability-forward housing

- Affordable
- Accessible
- Inclusive
- Integrated into the community
- Connected to needed supports

What a lease does not guarantee

- Ability to shop for food
- Medication management
- Protection from exploitation
- Transportation and provider access
- Ability to respond to notices or maintain the tenancy

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 8

8

Public Benefits: A Safety Net That Often Is Not Enough

SSI — 2026 figures

- \$994/month federal benefit rate for an individual
- \$2,000 individual countable-resource limit
- Subject to reductions and possible state supplementation
- Income is rarely enough to cover rent plus food, utilities, transportation, and disability-related needs

Housing Choice Voucher (HCV)

- Tenant contribution generally tied to ~30% of adjusted monthly income
- Voucher can bridge the gap between limited income and eligible housing cost
- But supply is limited and access can require long waits
- Eligibility does not equal immediate housing

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 9

9

The Voucher Bottleneck

- Fewer than one in four households eligible for federal rental assistance receive it, according to the cited 2021 CBPP analysis.
- The cited analysis reported an average HCV wait of about 2½ years among families who received a voucher.
- HUD reported approximately 2.38 million HCVs leased nationwide as of April 2026.
- HUD also reported about 47,739 “uncontracted” vouchers—issued but not yet resulting in a lease.

The unhoused beneficiary must overcome two hurdles: obtaining the voucher and successfully converting it into an approved rental

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 10

10

Why Benefits Can Fail to Become Housing

- Maintaining contact with agencies and housing authorities
- Receiving and responding to notices
- Providing identification and documentation
- Meeting deadlines and completing recertifications
- Maintaining transportation, phone/internet access, and treatment records
- Managing scattered medical records and communicating functional limitations

Benefit eligibility ≠ housing stability

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 11

11

SSI/SSDI: Identify Housing Instability Affirmatively

- SSA guidance provides for identifying and flagging homeless disability cases.
- POMS defines homeless/transient status to include lack of a fixed, regular, adequate nighttime residence — or expected loss of current accommodation within 14 days.
- A reliable mailing plan can be essential: shelter, trusted person, service agency, or consistently checked general delivery.
- Returned mail, an unreported address change, disconnected phone, or missed review can lead to serious benefit interruption.
- Advocates should affirmatively disclose housing instability rather than assume the agency will see it from the file.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 12

12

Transient Living and SSI: The ISM Problem

Key issues

- Shelter from another person or trust may affect SSI (ISM).
- Charitable nonprofit food/shelter may be excluded when applicable requirements are met.
- Some forms of shelter can be treated as having no value under SSA guidance.
- Caseworkers consider where the individual stayed during the month.

Planning response

- Do not automatically avoid shelter payments because of possible SSI impact.
- Analyze the actual benefit consequence.
- Consider ABLE for qualified disability expenses.
- Consider a representative payee where appropriate.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 13

13

Medicaid: More Than an Insurance Card

- A permanent conventional address is not necessarily required for Medicaid eligibility; state residency is self-declared.
- A reliable contact address remains important and may be a shelter, trusted person, county agency, or other regularly checked location.
- Medicaid generally does not pay rent or mortgage.
- Depending on the program, Medicaid may fund services that make housing sustainable: personal care, behavioral health, case management, habilitation, transportation, and other HCBS.
- The goal is to avoid the cycle of street → emergency department → hospital → shelter → institution.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 14

14

Bridging the Gap: Health-Related Social Needs

Potential Medicaid §1115 waiver tools

- Supported housing-related services
- Nutrition supports
- Medical respite
- Employment supports in programs where available
- State-specific health-related social-needs initiatives

Medical respite example

- Post-hospitalization setting for someone too medically fragile for a shelter or street
- Temporary housing
- Can provide medical and supportive services
- May reduce the risk of another emergency-room visit while a safer community placement is arranged

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 15

15

Special Needs Planning When Housing Is Unstable

First-party SNT

- Addresses outright inheritance that threatens means-tested eligibility.
- Not funded after beneficiary turns 65.
- Requires an actual housing strategy in addition to trust funding.
- Medicaid payback applies to remaining assets at beneficiary's death.

Third-party SNT

- Funded with assets that never belonged to the beneficiary.
- Trustee exercises sole/absolute discretion over distributions.
- Properly structured trust assets are not counted as the beneficiary's resource.
- No Medicaid payback; remainder can pass to family or charity.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 16

16

A Special Needs Trust Is a Tool—Not a Housing Plan

TRUST

HOUSING

BENEFITS

SUPPORTS

- A trust cannot create an accessible unit, guarantee landlord cooperation, supply unavailable caregivers, or coordinate disconnected systems.
- Trust distributions — especially shelter — must be analyzed for SSI consequences.
- For practical planning, coordinate resources rather than making the trust the first payer for everything.
- Consider income benefits, Medicaid services, rental assistance/supportive housing, ABLE, then trust assets to fill gaps and improve quality of life.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 17

17

Trustee Practice: Preserve Knowledge and Contact

- A letter of intent can preserve knowledge about routines, communication, health needs, triggers, preferences, providers, and benefits.
- The trustee may need a relationship with a local agency serving people experiencing homelessness.
- Homeless-service agencies may maintain rosters or recent contact information.
- The practical challenge is often not only managing money — it is maintaining contact with the beneficiary and coordinating the people around them.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 18

18

Housing First and Supportive Housing

- "Housing First" treats stable housing as the platform for addressing medical, behavioral-health, and substance-use needs — not a reward earned only after those issues are resolved.
- Permanent supportive housing combines long-term housing with individualized services.
- The cited systematic review found high-intensity case management roughly halved the number of people remaining homeless after 12–18 months compared with usual services.
- Stable housing can create a permanent address, improve agency communication, medication storage, sleep, meals, provider access, and routine.
- A lease without adequate services may only postpone another housing failure.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 19

19

No Professional Can Do This Alone

Attorney

rights • trusts • benefits • advocacy

Housing professional

placement • tenancy • sustainability

Social worker / care manager

services • applications • coordination

Health provider

documentation • treatment needs

Fiduciary / Trustee

funds • distributions • oversight

The goal is coordination — not parallel silos.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 20

20

Practical Approach for Attorneys and Trustees

1

PLAN BEFORE CRISIS

Estate plan • SNT/pooled trust • successor supports • letter of intent
Always ask about the long-term plan for living arrangements

2

ASK ABOUT HOUSING

"Where are you staying right now, and how stable is that arrangement?"

3

PROTECT BENEFITS

Reliable contact information • disclose instability • verify current programs

4

MAKE HOUSING PART OF THE PLAN

Do not wait for caregiver loss or eviction

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 21

21

Practical Approach: Coordinate and Build the Team

- Coordinate resources rather than viewing programs in isolation.
- Combine public benefits, Medicaid services, housing programs, trust/ABLE funds, and community supports.
- Build a multidisciplinary team: attorneys, trustees, social workers, care coordinators, housing advocates, benefits specialists, health providers, and family/support networks.
- Use the team to prevent reentry into the homelessness cycle—not merely to respond after a housing loss.

Housing + Income + Health coverage + Services + Advocacy + Human support

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 22

22

Closing: The Core Takeaways

- A benefit is not a security.
- A trust is not a plan.
- An address is not a home.
- Stable housing is often the foundation that allows benefits, health care, services, and autonomy to function.
- The goal is broader than preserving eligibility: coordinate income, health coverage, housing, services, advocacy, and human support.

Prevent the homelessness cycle through early planning, advocacy, and multidisciplinary practice.

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 23

23

Discussion / Questions

THE UNHOUSED BENEFICIARY

How can we identify housing instability earlier — and build the support system before the crisis?

THE UNHOUSED BENEFICIARY • 2026 National Conference on Special Needs Planning and Special Needs Trusts 24

24

THANK YOU

The Unhoused Beneficiary – The Intersection of Homelessness, Disability,
Public Benefits, and Special Needs Planning

Janet L. Lowder, CELA
Audrey E. McConihe
Hickman Lowder Lidrbauch & Welch Co., L.P.A.
2026 National Conference on Special Needs Planning and Special Needs Trusts
