



NATIONAL ASSOCIATION
FOR THE EDUCATION OF
HOMELESS CHILDREN
AND YOUTH

Building Futures Through Education

**NAEHCY STATEMENT ON THE PASSAGE AND ENACTMENT OF S. 896,
THE HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO
HOUSING ACT**

May 20, 2009

A high school senior describes how people became tired of him and his mother sleeping on their floors, and of the toll on his mental health and education. Another student writes about the lack of privacy and food in a motel room, and the difficulty concentrating on homework. And yet another reveals that since the 5th grade, she has lived wherever she could, never knowing how long she would have a roof over her head. Homelessness, in her words, means “no steadiness, and no safety.” Teachers, counselors, social workers, and other educators corroborate the students’ experiences and disclose even more disturbing details. Each year, applicants for the LeTendre Education Fund scholarship provide testimonies of disruption, deprivation, and stolen childhoods; they challenge us to face the reality of homelessness experienced by hundreds of thousands of children and youth.

These are the children and youth whom NAEHCY and many others have struggled to see included in federal housing policy. Acknowledged as homeless by the Department of Education, the Department of Health and Human Services, and the Department of Agriculture, they have been excluded from the U.S. Department of Housing and Urban Development (HUD) definition of homelessness. The result: continued invisibility in federal, state, and local efforts to address homelessness, and denial of critical services.

Sadly, under S. 896, the legislation that the President will sign on May 20, most of these children and youth will remain invisible. S. 896 includes the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, which reauthorizes the HUD McKinney-Vento Homeless Assistance Act programs (see summary, below). The HEARTH Act contains a definition of homelessness that imposes arbitrary timelines and conditions on people living in motels and doubled-up situations. It thus excludes most people in these situations from the HUD definition of homelessness, and ignores the impact of mobility on child and youth development. The Act also restricts the amount of money that communities can spend on some of the newly added categories of homeless families and youth, despite their desperate needs. It prohibits HUD from requiring communities to count these newly added homeless categories. The fact that so much effort was required to obtain such minimal improvement in the HUD definition of homelessness reveals much about the priorities of some Members of Congress – and even

more about the fundamental disconnect between national homeless advocacy organizations and the lived experiences and realities of children, youth, and families.

Other provisions of the legislation give greater cause for hope. HUD Continuums of Care will be required to assist schools in identifying families who are homeless, to inform families and youth of their educational rights, and to designate a contact person for ensuring school enrollment and connection to services. HUD Continuums will be prohibited from enacting policies or practices that restrict educational rights, and will be required to make efforts to take children and youth's educational needs into account when placing them in shelter. These provisions will help children and youth who are served by HUD programs receive the education to which they are entitled – and which remains their best chance of escaping poverty as adults.

This legislation is authorized for only two years – a very short reauthorization by federal standards. This timeline will allow us to organize and advocate for more child-and-youth-centered federal policies that recognize that *any* amount of time that a child lacks a safe, stable home is too long, and that each and every move is damaging and disruptive. Moreover, the next step in implementation is the promulgation of regulations. NAEHCY will continue our advocacy through the regulatory process. We urge educators, service providers, and advocates to be active in the regulatory comment period, so that the final rules are sensitive to the unique needs of children, unaccompanied youth, and families.

The debate over the HUD definition of homelessness has reflected the profound cynicism of public policy on homelessness. Progress was impeded by the desire to keep homeless numbers down, artificially, thereby defining the problem away. It was impeded by the strong economic interests of organizations whose budgets benefit from the narrower definition, as well as “inside the beltway” deal making where money and access to power trump accountability. Defining a problem by the resources currently available to address it is a recipe for failure. Legislating “triage” at the federal level by enacting narrow eligibility criteria ignores the insights of people working directly with vulnerable families and youth at the local level. As the economic downturn and housing crisis force ever more families from their homes, our nation must contend with the real scale of homelessness and with its unique impact on children, youth, and families. If we fail to do so, we will be creating future generations of homeless adults.

And so we return to the tall pile of scholarship applications, each one representing a dream, a hope, a plea for a different future. These student essays lay bare the myth that children and youth living temporarily in doubled-up or motel situations are “less vulnerable” than other homeless people. They reveal the falseness of the claim that those in doubled-up or motel situations are a mutually distinct category from those in cars or shelters. The students' lives are not divided up into 14-day increments or a specific number of moves per year. These young people deserve to be heard by every Member of Congress, and by every organization claiming to represent homelessness. The legislation passed today is just the beginning of the battle. We owe our young people an even greater fight next time.

**SUMMARY OF HOMELESS DEFINITION AND
CHILD-YOUTH PROVISIONS IN S. 896,
THE HUD MCKINNEY-VENTO ACT REAUTHORIZATION**

HUD DEFINITION OF HOMELESSNESS

- S. 896 add the following categories to the definition of homelessness:
 - People in motels not paid for by government or charities where they lack the resources to reside there for more than 14 days, provided they have no subsequent residence identified and lack the resources or support networks needed to obtain other permanent housing
 - People sharing the housing of others where there is “credible evidence” that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, provided they have no subsequent residence identified and lack the resources or support networks needed to obtain other permanent housing. Any oral statement from an individual or family seeking homeless assistance that is “found to be credible” will be considered credible evidence.
 - Any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.
 - Unaccompanied youth and families with children and youth who are homeless under other federal statutes (i.e. the education definition, the RHYA definition, etc.) who have: 1) experienced a long term period without living independently in permanent housing; and 2) have experienced persistent instability as measured by frequent moves over such period; and 3) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment. Note: Communities may spend only 10% of their Continuum of Care funds on families and youth considered homeless under this category, and under any other federal statute, except that communities with low rates of homelessness may spend up to 100% of Continuum of Care funds on families and youth considered homeless under other federal statutes.

- Prohibits HUD from requiring communities to count any of the newly added categories of homelessness.

- Clarifies that changes to the HUD definition apply only to HUD programs, and that no other federal definition of homelessness is altered by these amendments (i.e. the education definition remains the federal definition for purposes of education).

- Requires HUD to issue regulations within six months of the date of enactment to ensure “uniform and consistent” implementation of these changes to the HUD definition of homelessness.
- Requires the Interagency Council on Homelessness to convene a meeting of stakeholders (government, providers, advocates) on the HUD definition of homelessness within six months of the completion of a GAO study on the HUD definition of homelessness and provide transcripts of this meeting to relevant Congressional committees

OTHER PROVISIONS RELATED TO CHILDREN, YOUTH, AND EDUCATION

- Continuum of Care plans must describe how the recipient will collaborate with local education agencies to assist in the identification of families, and how families and youth will be informed of their eligibility for McKinney-Vento education services.
- Two years after the law is passed, agencies receiving funds to serve families may not deny admission to shelter based on the age of children under 18, unless appropriate alternative living arrangements have been secured, or unless the agency operates a transitional housing program with a “primary purpose” of implementing “evidence-based” practice requiring units targeted to children of certain ages.
- Agencies must certify that programs that provide housing or services to families will designate a staff person to ensure that children are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and McKinney-Vento education services.
- Agencies must certify that they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by the education subtitle of the McKinney-Vento Act, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness.
- Collaborative applicants for HUD Continuum of Care funding must take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close to possible to their school of origin so as not to disrupt children’s education.