

Current Law and the U.S. Department of Housing and Urban Development's Regulations Deny Homeless Children and Youth the Help They Need Now

Under current law, families with children and unaccompanied youth who are staying in motels, or who are staying with others out of necessity, are eligible for U.S. Department of Housing and Urban Development (HUD) Homeless Assistance only under very limited conditions that are subject to complex and burdensome documentation. HUD's homeless definition regulations in their entirety are at: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-05/pdf/2011-30942.pdf>

Motels: People staying in motels are eligible for HUD Homeless assistance **only if:**

- A government agency or non-profit pays for the motel room (HUD's category one) (24 C.F.R. § 583.5, definition of "Homeless" (1) (ii)); or
- They can prove that they only have money to stay for 14 days or less, and have no subsequent permanent place to go, and no support networks needed to obtain other housing. Each of these conditions requires documentation (HUD's category two) (*Id.* §§ 583.5, "Homeless" (2) & 583.301(b)(3)); or
- They can prove that they moved twice in 60 days, AND they did not have permanent housing for those 60 days, AND that they have a specified physical or mental condition that would keep them without permanent housing for a long time. Each of these conditions requires extensive documentation. (HUD's category three) (*Id.* §§ 583.5, "Homeless" (3) & 583.301(b)(4))

Staying with Other People (doubled up): Families and unaccompanied youth staying with other people out of necessity are eligible for HUD Homeless assistance **only if:**

- They can prove that they can stay there only for 14 days or less, and have no subsequent permanent place to go, and no support networks needed to obtain other housing. To prove this, HUD regulations require that unaccompanied youth and families obtain a statement from the owner or renter of the place where they are staying that they can only be there for less than 14 days (HUD's category two) (*Id.* §§ 583.5, "Homeless" (2) & 583.301(b)(3)(C)); or
- They can prove that they moved twice in 60 days, AND they did not have permanent housing for those 60 days, AND that they have a specified physical or mental condition that would keep them without permanent housing for a long time. Each of these conditions requires extensive documentation. (HUD's category three) (*Id.* §§ 583.5, "Homeless" (3) & 583.301(b)(4))

Why Are These Rules a Problem?

- Children and youth staying with others are vulnerable to predators, including traffickers; these criminals are unlikely to make a written or verbal statement about how long a child or youth can stay.
- Families and unaccompanied youth staying with others out of necessity are often breaking lease agreements by exceeding occupancy; owners/renters of the housing are unlikely to provide a statement that anyone is living there.
- Families and unaccompanied youth staying with others are at the mercy of the people with whom they are staying; they can be asked to leave at a moment's notice and never know how long they can stay.
- Families and unaccompanied youth who pay to stay in motels have unstable and meager sources of income; they never know how long they will be able to stay there. HUD will not consider them eligible for homeless assistance, but will assist a family in the same motel merely because that family is not paying for their own room.
- Motels that house families often house sexual predators and criminals, as well. They can be violent places and are not equipped to meet the physical and other developmental needs of children and youth.
- Mobility is proven to be harmful to children and youth's development, yet current law and regulations require families and youth in Category 3 to move – and to document their moves – in order to be eligible for assistance.

What Other Rules Does HUD Impose on Communities?

- Current law prohibits a Continuum of Care from using more than 10% of its funds to serve families and youth in Category Three. This means even families and youth who can meet that definition are highly unlikely to get help.
- In order to use funds for families and youth under Category 3, the service provider must be located in a Continuum of Care that has applied for, and received written permission from, HUD to serve these populations. This is a lengthy and detailed application process that allows the federal government to overrule local priorities.
- HUD has created strong incentives for prioritizing projects that serve single adults who are chronically homeless (living on the streets or in shelters only), such that communities have little to no incentive to prioritize programs serving families and unaccompanied youth in Categories 2 or 3– and in fact risk continued funding if they do so.