

REBUTTING ARGUMENTS AGAINST THE HOMELESS CHILDREN AND YOUTH ACT

Claim #1: Without more funding, changing HUD’s definition of homelessness will take services away from the most dire and vulnerable situations: people in shelters and on the streets.

Reality:

- Research shows that children and youth who are identified by other federal programs as homeless, but who do not meet HUD’s definition, are every bit as vulnerable as those who do meet HUD’s definition – and sometimes even more so. They also are at great risk of trafficking and violence, and of becoming homeless as adults.
- HCYA does not prioritize or require communities to serve homeless children, youth and families at the expense of others. Children and youth whose homelessness has been verified by one of eight specific federal programs would be eligible for HUD homeless assistance. This means they would be able to be *assessed* for services using the same “vulnerability” indices (including age-specific criteria) as are used currently to prioritize people for assistance. It does not mean those children and youth necessarily would receive services. This assessment process ensures that those who are most in need of assistance receive it.
- Without HCYA, even if funding for HUD homeless assistance were vastly increased, children and youth who meet other agencies’ definitions of homelessness, but not HUD’s, would not be eligible for assistance. These children and youth could not even be assessed using the vulnerability indices currently used to prioritize people for assistance.
- The current HUD definition of homelessness results in inefficient and ineffective use of funds. Service providers must resort to using general funds to put families and youth into emergency shelters or motels for the sole purpose of qualifying them for HUD assistance. Some providers designate beds as emergency beds for the sole purpose of qualifying youth for HUD homeless assistance. This is a waste of resources and creates destabilizing and harmful moves.
- The complexity of the HUD program is another source of inefficiency. The HUD homeless assistance program has become so complicated that HUD spends millions of dollars in technical assistance to help communities understand and implement it. Service providers waste precious time documenting HUD’s convoluted definitions. HCYA simplifies and streamlines eligibility and promotes leveraging additional resources through improved interagency collaboration.
- By allowing communities to assess and serve some of the most vulnerable children and youth, future homelessness – and the costs associated with it – will decrease.

Claim #2: Families and youth who are staying with others temporarily, or in motels, simply need affordable housing to resolve their homelessness.

Reality:

- Many families and youth who stay on couches or the floors of other people, or in motels, are the very same families and youth as those who are outside or in shelters – they move between these situations. These families and youth need the same kind of assistance that is provided by the Continuum of Care homeless assistance grants, because their homelessness is the result of much more than simply the lack of affordable housing.
- Families with children often become homeless due to complex traumatic experiences such as domestic violence, substance abuse, mental health challenges, community and individual job loss, and economic shifts. For youth on their own, family conflict, individual trauma, involvement with systems such as child welfare and the juvenile/criminal justice, historical socioeconomic status, and other barriers that are not resolved by housing alone both contribute to and result from homelessness. Tragically, homelessness is often intergenerational: parents who experience homelessness as children are much more likely to have repeated or persistent homelessness in adulthood, and the majority of homeless young adults had their first experience of homelessness as adolescents or younger.
- These families and youth need the same kind of assistance that is provided by the Continuum of Care homeless assistance grants, because their homelessness is the result of much more than simply the lack of affordable housing. This is true for many youth who are homeless on their own, who benefit from developmentally appropriate transitional housing and services. Many families with children who stay in motels, or with others, also need access to full range of HUD homeless assistance supports, from transitional housing to rapid rehousing to permanent supportive housing. This is especially true of young mothers, who comprise a quarter or more of all homeless families.
- These families and youth will lose their housing over and over and over again if the root causes of their homelessness are not addressed. By excluding the majority of children, youth, and families who experience homelessness from HUD homeless assistance, the system is perpetuating adult homelessness.

Claim #3: HUD will lose the ability to incentivize research-based and effective strategies.

Reality:

- HCYA does not eliminate scoring, but rather requires HUD to ensure that scoring is based primarily on the extent to which communities demonstrate that a project meets the priorities in the local plan, and is cost-effective relative to the goals in the local plan. HCYA would prohibit HUD from awarding greater priority based solely on the specific homeless population to be served or the proposed housing or service model.
- Under HCYA, HUD maintains the ability to designate high-performing communities and to incentivize effective practices. Effective activities are defined as those determined to be effective by HUD, after a public comment period. In this way, HCYA allows HUD to respond to new research on effective practices.
- HUD maintains the ability to provide bonuses and incentives, but they must be proven to be effective, and based on local data, as opposed to a one-size fits-all national priority. This is a necessary corrective to HUD's current policy of forcing communities to prioritize certain housing models and certain populations that are unrelated to the reality of homelessness in many communities (which may, for instance, have many homeless families and youth but very few chronically homeless people). Communities that can demonstrate their current approach meets local needs in a cost-effective manner will be able to continue their approach. However, communities that have identified other needs requiring different cost-effective approaches would be free to respond to them.

Claim #4: The current statute already includes people who are in dangerous or unstable situations.

Reality: Taken together, the statute, HUD’s regulations and HUD’s NOFA scoring have practically excluded anyone who is not staying in a shelter or outside from HUD homeless assistance services in three ways: 1) placing multiple limitations on eligibility; 2) requiring impossible documentation of living situations; and 3) limiting the program models for which children and youth are eligible, and systemically defunding those very program models.

- The statute includes the phrase “where the health and safety of children are jeopardized” in its domestic violence paragraph. However, HUD deleted this phrase from its regulation, imposed burdensome documentation requirements, and limited which programs people in this category can receive.
- Violence and danger are inherent in many of the situations that HUD excludes. Children, youth, and many parents are unable to document their situation, and only will disclose their situation to people they trust, perhaps at school or in another program.
- Children and youth whose parents pay to stay in motels with whatever meager, inconsistent income they have are not eligible for HUD homeless assistance unless they can prove they can stay for less than 14 days. Even if they meet those circumstances and somehow can prove it, they are not eligible for all HUD homeless assistance programs. Self-pay motel conditions are the same as those where government/charity pay – always unstable, often unsafe – yet these children and youth are excluded.
- People who will be displaced within 14 days are eligible only if they are facing formal eviction (with documentation to prove it) or can prove they are losing a place to stay within this timeframe. Homeless youth and families often cannot provide this proof. In reality, they are doing anything they can to stay longer, and they never know when they will be asked to leave. They are not likely to walk into a shelter and disclose their situation, but they might tell a school counselor, a Head Start director, or an RHYA program. In addition, HUD has restricted eligibility to people in this category only for certain programs.
- The statute places arbitrary and convoluted requirements on people who are homeless under other federal programs, requiring multiple moves within a specified time period and prescribing a minimal number of disabling conditions. (“Category 3” of the HUD definition). For those children and youth who are homeless under Category 3, the statute requires communities to request special permission from HUD to use HUD homeless assistance funds to serve them. To date, HUD has acknowledged (in response to a FOIA request) that it has denied every such request from every community. Many communities have not requested this flexibility because of the difficulty proving eligibility, HUD’s systematic defunding of the program models for which the families and youth are eligible, and verbal communication from HUD that it has not, and will not, grant permission.

Claim #5: An expensive point in time count including the aligned categories of homelessness would be required.

Reality: Current law prohibits HUD from requiring communities to count the categories of homelessness that were added in the 2009 reauthorization. This ensures incomplete and inaccurate data on homelessness. To obtain accurate data on all types of homelessness, HCYA requires that if communities conduct annual counts of homeless people, they must count individuals that meet any part of the definition of homelessness. This would not require an additional PIT count, as other federal programs already are documenting homelessness for those additional individuals. HUD would retain the ability to decide how such a count would be conducted, or simply could collect existing data from other federal programs. Data collection would require communication among federal programs regarding their homeless numbers—communication that will improve interagency collaboration and leverage resources. HCYA also requires HUD’s annual report to Congress to include data on homelessness from programs under other federal statutes. HCYA will provide policymakers and communities with a sorely-needed, complete picture of homelessness among all who experience it. We cannot use funding efficiently, or engage the private sector in our efforts, without complete data.

Claim #6: The current HUD homeless assistance programs have reduced homelessness. Therefore, they should not be altered.

Reality:

- Other systems (schools, early childhood programs) do not show progress. Instead, they show significant increases in child and youth homelessness over time. Schools and early childhood systems exist in all communities, even those without shelter or where shelters are full. They are also required to identify and enroll homeless children and youth. This makes them more accurate barometers of youth and family homelessness than HUD’s Point in Time (PIT) counts. National research on unaccompanied youth and young adults also shows homelessness far above HUD’s numbers.
- HUD PIT counts grossly underestimate homelessness, especially in non-urban areas and among certain populations, like youth and families, who move in and out of HUD-defined homelessness over time. PIT counts are limited only to people in shelter and people who can be observed to be staying outside during the count. These populations often specifically seek to avoid identification, for fear of negative responses from law enforcement or child welfare. Moreover, HUD awards points on applications for lower counts, creating an incentive for counts that show fewer people.
- Other counts of youth and young adults experiencing homelessness have shown dramatically higher numbers than HUD PIT counts. This includes local ‘youth counts’ that can occur simultaneous to PIT counts and report significantly higher number of young people experiencing homelessness, which are then ‘corrected’ to meet HUD’s definitions and dramatically reduce (or in some cases eliminate) young people who have been counted.
- The 2017 HUD-funded report *Missed Opportunities: Youth Homelessness in America*, which implemented the study on the incidence and prevalence of youth and young adult homelessness that was required under the 2008 reauthorization of the Runaway and Homeless Youth Act, showed an estimated 4.2 million young people experience at least one night of homelessness in a given year (700,000 minors aged 14-17 and 3.5 million young adults aged 18-24). This compares with HUD PIT count estimates of 36,361 total young people (4,093 minors and 32,268 young adults aged 18-24), as well as 8,724 parenting young people under the age of 25.
- Homeless Management Information System (HMIS) data do not measure outcomes effectively. HMIS only tracks if a person comes back into a program that participates in HMIS in the same jurisdiction. For example, HMIS does not

measure whether a family or youth was evicted after being provided HUD-funded services, unless they return to a participating HMIS shelter in the same jurisdiction. If participating HMIS shelters are full, and the family stays with other people, sleeps in their car, stays in a domestic violence or other shelter that does not participate in HMIS, or enters shelter in another jurisdiction, that family's return to homelessness is not counted. As a result, HMIS overestimates program effectiveness and provides an incomplete view of what happens to families and youth after they exit a program. Moreover, as service providers become frustrated with HUD's rules and/or lose funding, they are no longer entering their data in HMIS, further reducing the numbers.

- To support claims of success on chronic and veteran homelessness, HUD has relied on constructs like "functional zero," which means that while there still are many people experiencing homelessness every day, there are enough beds in the community to house them. Functional zero is a damaging and dangerous way to define success that bears no relationship to whether people are still actually homeless.
- The HUD homeless assistance programs were reauthorized in 2009 with a two-year authorization. In light of the documented challenges and concerns raised by service providers, Congress should re-examine the program and amend it to better serve children, youth, and families.