

# **Questions and Answers About the Homeless Children and Youth Act (H.R. 6287 and S.1469)**

## **What does the Homeless Children and Youth Act (HCYA) do?**

1. Aligns the U.S. Housing and Urban Development (HUD) definition of homelessness with those of other federal agencies.
2. Requires HUD to score applications primarily on whether they are cost-effective in meeting the priorities and goals that communities identify in their local plans.
3. Improves HUD homeless assistance data and transparency.

## **Why is HCYA necessary?**

1. HUD's definition of homelessness excludes most children and youth whose families pay for a motel room, or who must stay with other people temporarily, because there is nowhere else to go. These situations are unstable and often unsafe, putting children and youth at high risk of trafficking and violence. Under HUD's definition, children and youth in such living situations are not even assessed for services.
2. HUD has imposed strong federal incentives and requirements for certain housing models, like Rapid Rehousing, and for certain populations, like chronically homeless adults, that do not match all communities' needs. Even when communities identify greater needs for other populations or program models, they must adopt HUD's national priorities in order to be competitive for funding.
3. HUD's Point in Time (PIT) count leaves out many homeless children, youth and families, keeping them invisible and limiting public and private action.
4. Homelessness is at record levels for children, youth, and families; without a change in federal policy, these children and youth are at great risk of experiencing homelessness and poverty as adults.

## **Will HCYA take services away from those with the greatest needs?**

No. HCYA does not prioritize or require communities to serve homeless children, youth or 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 “vulnerability” indices (including age-specific criteria) 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.

### **Will HCYA require more funding to implement?**

No. HCYA allows communities to use existing dollars more effectively. It also reduces inefficiencies by simplifying and streamlining eligibility. It promotes leveraging additional resources through improved interagency collaboration. Under current law, 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 for assistance using the vulnerability indices currently used. By allowing communities to assess and serve the most vulnerable children and youth, future homelessness – and the costs associated with it – will decrease.

### **Are people staying in the most dangerous and unstable situations already covered by the current HUD definition of homelessness?**

No. The statute, HUD’s regulations, and HUD’s NOFA scoring have practically excluded anyone who is not staying in a shelter or outside from being considered for HUD homeless assistance services. Yet 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. Specific shortcomings in HUD’s definition include the following:

- 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 the fact that even if HUD were to approve the request, most communities are limited to using only 10% of their funds to serve people in this category.

- Children and youth whose parents pay to stay in motels 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, including those programs which may be most appropriate for them. Parents often resort to desperate measures to find income for hotel rooms. Self-pay motel conditions are exactly the same as those where government/charity pay – always unstable, often unsafe – yet these children and youth are excluded from assistance.
- HUD deleted the statutory phrase “where the health and safety of children are jeopardized” from the domestic violence paragraph of its definition. It also imposed burdensome documentation requirements, and limited which programs people in this category can access, precluding them from accessing the program that they may need the most. 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 afraid to disclose their situation.
- People who will be displaced within 14 days are eligible for HUD homeless assistance 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 forced 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.

### **Will HCYA “flood the system” with millions of people who are sharing housing with other people?**

No. The federal definitions of homeless included under HCYA do not include everyone sharing housing with others, even if their income is below the poverty level. The definition in HCYA is much narrower. In addition, HCYA only allows children and youth who have been verified as homeless by a director or designee of one of eight specific federal programs to be *eligible* for HUD homeless assistance. HCYA does not contemplate that all of these eligible children and

youth would be served. Services would be based on vulnerability. Not all children or families eligible under the eight specified federal programs would want or need HUD homeless assistance. However, HCYA does allow the most vulnerable of those children and youth to be assessed for assistance.

### **Will HCYA require expensive studies or counts?**

No. HCYA requires that if communities conduct annual counts of homeless people, they must count individuals that meet any part of the definition of homelessness. However, this would not require an additional PIT count, as other federal programs already are documenting homelessness for those additional individuals. 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.

### **Will HCYA prevent HUD from incentivizing research-based and effective strategies?**

No. 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 also 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. 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.

Finally, 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.