



national policy and advocacy council on homelessness

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H.R. 840 – The HEARTH Act of 2007: The Best Approach to HUD McKinney-Vento Reauthorization

BACKGROUND:

On Tuesday, February 6, the “Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act), H.R. 840, was introduced by U.S. Representatives Julia Carson (D-7th/IN), Geoff Davis (R-4th/KY), Rick Renzi (R-1st/AZ) and Barbara Lee (D-9th/CA). The HEARTH Act reauthorizes the McKinney-Vento Homeless Assistance Programs that are administered by the U.S. Department of Housing and Urban Development (HUD). HEARTH now has 75 additional co-sponsors.

The HEARTH Act provides greater decision making at the local level, more closely aligns the HUD definition of homelessness with other federal agency definitions (including the U.S. Departments of Education and Justice), expands resources for supportive services, provides a framework for greater homelessness prevention activities, and allows communities the flexibility to implement a range of housing solutions. Below is a summary detailing why HEARTH is provides a stronger approach to reauthorization than S. 1518, the Community Partnership to End Homelessness Act – a bill that has passed in the Senate Banking Committee and awaits Senate floor action.

SUMMARY OF KEY PROVISIONS:

Issue	Homeless Emergency Assistance and Rapid Transition to Housing Act “HEARTH Act” - (H.R. 840)	Community Partnership to End Homelessness Act (S. 1518)
Assisting more homeless families - aligning HUD’s definition of homelessness with that used by other federal agencies	<i>Includes in HUD’s definition of homelessness individuals and families who are doubled up due to loss of housing or economic hardship, or living in hotels / motels due to a lack of adequate alternative accommodations. This makes the HUD definition more congruent with the definition used by the U.S. Departments of Education and Justice, allowing more children, youth, and families access to HUD homeless assistance. Does not codify a definition of chronic homelessness.</i>	Includes individuals and families living doubled up and in hotels / motels in HUD’s definition of homelessness <u>only</u> if they have moved 2 times in 21 days or 3 times in a year, they cannot contribute significantly to rent in the household where they are doubled up or afford the hotel / motel for more than a short time, and they have been told that they can only remain with their host for a short time or they can only afford the hotel / motel for a short time. This language excludes people who are literally without homes from the definition of homelessness, putting homeless children, youth, and families at risk, and providing an incentive for families to make multiple moves in order to receive assistance – moves which are especially damaging to children. It would also be virtually impossible for local homeless service providers to verify eligibility under this complex definition. Codifies rigid definition of chronic homelessness.

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Preserving community flexibility to use HUD homeless assistance funds to meet the most pressing local needs	<i>Each community is free to prioritize the housing and services options that best meet local needs, based on a gaps and needs analysis to ensure that communities do not ignore top priority populations.</i>	Codifies 30% set aside limited to permanent housing for homeless persons with disabilities. Adds an additional 10% set-aside for permanent housing for non-disabled homeless families. Also codifies additional incentives focused on chronic homelessness, and permits HUD Secretary to approve still more incentives. These rigid set-asides, imposed in Washington, require communities to adopt a one size fits all approach to ending homelessness, rather than choosing an approach that best meets local needs.
Addressing the needs of rural communities	<i>Adopts a simple approach to meeting needs of rural communities. Aligns HUD’s definition of homelessness with the definition used by other federal agencies - to ensure that people who are without homes in rural communities are counted as “homeless.” Removes current HUD set-asides and incentives, allowing rural areas to spend funds flexibly to most effectively prevent and end homelessness.</i>	Creates an unnecessary new rural homelessness title, under which limited changes to HUD’s definition of homelessness (see above) mean that many people who are already homeless are only considered “at risk” of homelessness, preventing them from being eligible for permanent housing assistance. Maintains current HUD set-asides and bonuses that are draining funds from rural communities.
Providing new and flexible resources for homelessness prevention	<i>Broadens existing definition of prevention, and allows prevention activities to be funded through Emergency Shelter Grant (ESG) program or “competitive” homeless assistance program, providing local flexibility in use of prevention funds. ESG program continues to receive 15% of total homeless assistance funding.</i>	Renames ESG program “Emergency Solutions Grant Program,” and increases ESG funding to 20% of total homeless assistance funding. But, after 2 years, limits ESG funds to be used for emergency shelter and street outreach to 12% of total homeless assistance funding, potentially <u>requiring</u> local communities to cut funding for vital street outreach and emergency shelter programs. Does not make prevention an eligible activity under the “competitive” homeless assistance program.
Ensuring broad community participation in planning to end homelessness	<i>Ensures that key stakeholders, including education liaisons, people experiencing homelessness, domestic violence and youth service providers, are at the table when local communities set priorities for the use of HUD homeless assistance funding. Communities must also consider VA’s data on homeless veterans when making decisions on which homeless populations to serve. Also ensures that communities do not violate the civil rights of homeless persons or the educational rights of homeless children and youth.</i>	These important requirements are not part of S. 1518, which means that key stakeholders are not guaranteed a voice in determining how local communities will allocate homeless assistance funding. As a result, funding decisions may not be tied to the wide range of needs in every community, and communities who criminalize homelessness or violate the educational rights of homeless children and youth will not lose homeless assistance funding as a consequence of these actions.