

HUD McKinney-Vento Reauthorization – NPACH Update and Action Alert – March 4, 2008

Senate Status:

S. 1518 (the “Community Partnership to End Homelessness Act” or “CPEHA”) passed the Senate Banking Committee last fall. However, it remains stalled in the Senate. Senator Tom Coburn (OK) has placed a hold on the bill, due to concerns that it would authorize new spending that he does not support.

Late last year, NPACH worked with 42 groups representing children, youth, families, and educators, to send a letter to the Senate addressing one of our primary concerns with the bill – the proposed definition of homelessness. In response to this letter, Senate Banking Committee staff convened a series of meetings with advocates on both sides of the definition expansion issue. The result of those meetings was that Senate staff agreed to make some changes to the definition language found in S. 1518 during any conference negotiations with the House, should both the House and Senate pass their respective HUD McKinney-Vento reauthorization bills.

We thank staff for Senators Chris Dodd (CT) and Jack Reed (RI) for their willingness to discuss this important issue. However, while the Senate definition is improved, we do not believe that the new language adequately addresses our concerns. A chart comparing current law, the Senate bill, the Senate conference position, and the House HEARTH Act can be found below.

The newly drafted language does remove the requirement that people who are living in doubled up and hotel / motel situations must move a specific number of times during a set period of time in order to be considered homeless. However, we remain concerned that the language is too focused on people who have lived in a “series” of living situations and people who will be imminently required to leave their living situation – leaving out many individuals and families living in precarious and often dangerous doubled up or hotel / motel situations that they struggle to maintain. We also believe that the complexity of this language will lead to great difficulty in making eligibility determinations at the local level – adding a burden that homeless service providers are ill equipped to take on. Finally, we are concerned that if it is left up to HUD to define terms such as “imminently,” rather than local communities, the “expanded” definition of homelessness may not cover many more people than are covered under current law.

Along with our concerns with the new definition language, we remain opposed to S. 1518’s overly broad focus on “chronic” or “long-term” homelessness, and disappointed with its lack of broad requirements for community participation in the Continuum of Care process. If this legislation passes in the Senate, we will work to improve it during conference negotiations with the House.

House Status:

We are saddened by the untimely death, last December, of Rep. Julia Carson of Indianapolis, the lead Democratic sponsor of H.R. 840 (the “Homeless Emergency Assistance and Rapid Transition to Housing Act” or “HEARTH”). Ms. Carson was a strong supporter of efforts to end homelessness. And while Ms. Carson recognized the importance of HUD’s McKinney-Vento Act programs in ending homelessness, she also understood that homelessness will not disappear without a broad commitment to affordable housing development and preservation.

We are pleased, however, that Rep. Gwen Moore of Milwaukee has taken over as the top Democratic sponsor of HEARTH. Rep. Moore was an early endorser of HEARTH, and we are grateful for her new leadership in support of the bill. We are also pleased that legislative action on HEARTH appears imminent. We have been informed by staff working for Reps. Barney Frank (MA) and Maxine Waters (Los Angeles) – the Chairman of the full Financial Services Committee and the Chairwoman of the Subcommittee on Housing and Community Opportunity, respectively – that the HEARTH Act will move through their committee this spring.

The anticipated timeline for Subcommittee action is April. In the next 1-2 weeks, Financial Services Committee staff will be developing a draft “manager’s amendment” to HEARTH. A “manager’s amendment” is a package of changes to a piece of legislation, proposed by the leadership of a committee, for consideration as the committee reviews the bill in question. Unfortunately, we have reason to believe that the proposed manager’s amendment to HEARTH will contain significant negative changes to the bill. These changes could include narrowing of the HEARTH definition of homelessness and adding restrictive provisions to reduce community flexibility and mandate a local focus on ending “chronic” or “long-term” homelessness. Action is needed to ensure that HEARTH moves forward without these changes being made.

If you have questions, call or email Jeremy Rosen at NPACH – (202) 714-5378 or jrosen@npach.org

Action Needed:

Letters to Representatives Barney Frank and Maxine Waters are needed ASAP – within the next week to ten days. Talking points for letters can be found below. The same letter can go to Reps. Frank and Waters.

Letters to Rep. Frank should be addressed as follows, and sent to the fax # below:

The Honorable Barney Frank
Chairman, House Financial Services Committee
Attn: Scott Olson
(202) 225-6952 (fax)

Letters to Rep. Waters should be addressed as follows, and sent to the two fax #'s below:

The Honorable Maxine Waters
Chairwoman, House Financial Services Committee – Subcommittee on Housing and Community Opportunity
Attn: Mikael Moore – (202) 225-7854 (fax)
Attn: Jonathan Harwitz – (202) 226-0537 (fax)

Talking Points:

You can introduce your letter by thanking Reps. Frank and Waters for their work on McKinney-Vento reauthorization legislation and telling them what homelessness looks like in your community. The body of your letter should summarize why the HEARTH Act would help your community more than the Senate approach. To help make this case, the following talking points address key provisions of HEARTH.

- **Preserve the HEARTH definition of homelessness**, because it reflects what homelessness looks like across the country today. It also aligns HUD's definition of homelessness with definitions used by other federal agencies, which makes it easier to apply, since we can learn from educators and school districts in every community across the country who are already using this definition.
- **Do not adopt the Senate's proposed definition of homelessness**. That definition excludes too many people who are living in precarious, often dangerous, doubled up or hotel / motel situations. These individuals and families are left out simply because they cannot prove that they are about to lose their housing or they have not moved on multiple occasions. The Senate definition is also too bureaucratic and difficult for local homeless service providers to administer.
- **Preserve local flexibility to spend McKinney-Vento funds**, by maintaining provisions in HEARTH that allow communities to apply for funds to meet local needs, as long as those needs are confirmed through a rigorous gaps and needs analysis.
- **Do not adopt Senate language that would set aside at least 30% of McKinney-Vento funds for initiatives to end "chronic" or "long term" homelessness**, and would penalize any community that, based on an assessment of top local needs, decided not to make ending "long term" homelessness their top priority.
- **Do add to HEARTH good Senate language that would fund renewals of all McKinney-Vento permanent housing through the Section 8 program**. This will free up significant dollars in the McKinney-Vento program, which can then be used for new housing and services interventions to help end homelessness for children, youth, families, and single adults.

NPACH Chart – Proposed HUD Definitions of Homelessness

<u>Current Law</u>	<u>S. 1518 (Community Partnership to End Homelessness Act)</u>	<u>Senate Conference Position</u>	<u>H.R. 840 (HEARTH Act)</u>
<p>(a) In general</p> <p>For purposes of this chapter, the term "homeless" or "homeless individual or homeless person" includes -</p> <p>(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and</p> <p>(2) an individual who has a primary nighttime residence that is</p> <p>(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);</p> <p>(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or</p> <p>(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.</p>	<p>Current law,</p> <p align="center">plus</p> <p>clarification that definition includes people living in campgrounds as well as hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations</p> <p align="center">plus</p> <p>(3) an individual or family who –</p> <p>(A) has a primary nighttime residence that is owned or leased by another person because the individual or family lacks the resources necessary to rent a decent and safe housing unit;</p> <p>(B) has been notified by the owner or renter of the residence described in subparagraph (A) that the individual or family may stay for only a short period of time;</p> <p>(C) has changed primary residences –</p> <p>(i) 3 or more times in the past year; or</p> <p>(ii) 2 or more times in the past 21 days; and</p> <p>(D) is unable to make a significant financial contribution to the housing costs of the owner or renter of the residence described in subparagraph (A); and</p> <p>(4) an individual or family who –</p> <p>(A) has a primary nighttime residence that is a room in a hotel or motel because the individual or family lacks the resources necessary to rent a decent and safe housing unit;</p> <p>(B) lacks the resources to pay for the hotel or motel room for more than a short period of time; and</p> <p>(C) has changed primary residences –</p> <p>(i) 3 or more times in the past year; or</p> <p>(ii) 2 or more times in the past 21 days.</p>	<p>Current law,</p> <p align="center">plus</p> <p>clarification that definition includes people living in campgrounds cars, parks, abandoned buildings, bus or train stations, or airports as well as hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations</p> <p align="center">plus</p> <p>(5) an individual or family who--</p> <p>(a) has lived in a series of temporary living situations, such as sharing the housing of others and living in motels, because they lack the resources and support networks needed to obtain stable housing; and</p> <p>(b) can only stay in their current living situation for a short period of time, including where the health or safety of the individual or family are jeopardized by dangerous or unsafe conditions; and</p> <p>(6) an individual or family who</p> <p>(i) will imminently lose their housing, including shared housing, housing they rent or own or other housing situation;</p> <p>(ii) has no subsequent residence identified; and</p> <p>(ii) lacks the resources or support networks needed to obtain housing.</p> <p>(c) In determining whether an individual or family meets the definition in (b), the instability of the individual's or family's living situation shall be considered, except for those who meet (b)(4).</p>	<p>(a) In general - For purposes of the Act, the terms 'homeless,' 'homeless individual,' and 'homeless person' --</p> <p>(1) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and</p> <p>(2) include --</p> <p>(A) an individual who--</p> <p>(i) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;</p> <p>(ii) is living in a motel, hotel, or camping ground due to the lack of alternative adequate accommodations; or</p> <p>(iii) is living in an emergency or transitional shelter;</p> <p>(B) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;</p> <p>(C) an individual who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting; and</p> <p>(D) an individual living in an institution that provides a temporary residence for individuals intended to be institutionalized.</p>