

# **THE NATIONAL ASSOCIATION FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH**

An Analysis of Testimony Offered by Children and Youth to  
The Subcommittee on Insurance, Housing and Community Opportunity  
Committee on Financial Services  
United States House of Representatives

January 24, 2012

The National Association for the Education of Homeless Children and Youth (“NAEHCY”) respectfully provides this analysis of the testimony offered by some of the children and youth who testified at the December 15, 2011 hearing of the Subcommittee on Insurance, Housing and Community Opportunity of the Committee on Financial Services, United States House of Representatives. This analysis is offered to assist the Subcommittee in analyzing the testimony in light of the regulations promulgated on December 5, 2011 by the Department of Housing and Urban Development (“HUD”) to implement portions of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (“HEARTH Act”). *See* 76 Fed. Reg. 75994 (Dec. 5, 2011) (final rule, “Homeless Emergency Assistance and Rapid Transition to Housing: Defining ‘Homeless’”).

## **NAEHCY**

Founded in 1989, NAEHCY is a national grassroots membership association serving as the voice and the social conscience for the education of children and youth in homeless situations. NAEHCY’s membership is primarily composed of the local school district homeless liaisons and state coordinators established under Subtitle VII-B of the McKinney-Vento Homeless Assistance Act. Local school district liaisons and state coordinators are responsible for implementing the education subtitle of the McKinney-Vento Act, including coordination with housing and homeless service agencies.

## **THE HUD REGULATIONS**

This analysis is confined to the provisions of the HUD regulations relating to certain definitions and record-keeping requirements.

In the regulations, HUD has distilled four categories of “homeless” persons from the categories set forth in the HEARTH Act. *See* 76 Fed. Reg. at 75995. As HUD explained in the preamble to the final rule,

The categories are: (1) Individuals and families who lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual who resided in an emergency shelter or a place not meant for human habitation and who is exiting an institution where he or she temporarily resided; (2) individuals and families who will imminently lose their primary nighttime residence; (3) unaccompanied youth and families with children and youth who are defined as homeless under other federal statutes who do not

otherwise qualify as homeless under this definition; and (4) individuals and families who are fleeing, or are attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member.

*Id.* Although the preamble’s categories appear, on initial review, to be fairly broad, the regulations themselves narrowly restrict both *who* can claim membership in each category and *how* individuals and families can establish their membership.

Thus, to qualify for the first category, an individual or family must have 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, including a car, park, abandoned building, bus or train station, airport, or camping ground,” or must be “living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements,” or must be “exiting an institution where he or she resided for 90 days or less *and* who resided in an emergency shelter or place not meant for human habitation before entering that institution.” 76 Fed. Reg. at 76014 (promulgating paragraph (1) of definition of “*homeless*” in 24 C.F.R. § 582.5) (emphasis added). Although a number of the children and youth who are testifying at the Subcommittee hearing spent some time in cars, parks, and/or shelters, none of them continually resided in such places, and, during the periods that they did not, they would not fall into the first category of HUD’s regulations.

To qualify for the second category in HUD’s regulatory scheme, an individual or family must face “imminent[.]” loss of their “primary nighttime residence”—meaning, the residence “will be lost within 14 days of the date of application for homeless assistance; [n]o subsequent residence has been identified; and” “[t]he individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other support networks, needed to obtain other permanent housing.” *Id.* (promulgating paragraph (2) of definition of “*homeless*” in 24 C.F.R. § 582.5). To prove membership in the second category, HUD requires documentary evidence in the form of a court order resulting from an eviction (or the equivalent); or, for individuals and families living in motel or hotel rooms, “evidence that the individual or family lacks the resources necessary to reside there for more than 14 days after the date of application for homeless assistance”; or for those living doubled-up with others, an oral statement by the individual or head of household “that the owner or renter of the housing in which they currently reside will not allow them to stay for more than 14 days after the date of application for homeless assistance” *and*, in most cases, a written verification executed by the owner or renter (or by an intake worker who has recorded the owner or renter’s oral statement). *See* 76 Fed. Reg. at 76015 (promulgating § 582.301(b)(3)).

Unaccompanied youth or homeless families that seek to qualify as homeless under the third, catch-all category must not only meet the definition of homeless under one of the statutes referred to in the HUD regulations but also must “have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;” “[h]ave experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and “[c]an be expected to continue in such status

for an extended period time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.” 76 Fed. Reg. at 76014 (promulgating paragraph (3) of definition of “homeless” in 24 C.F.R. § 582.5). Written evidence supporting these requirements also is required.

Finally, those who seek to qualify as homeless under the fourth category, must be “fleeing, or is attempting to flee” specified kinds of violence, have “no other residence,” and “lack[] the resources or support networks . . . to obtain other permanent housing.” *Id.* (promulgating paragraph (4) of definition of “homeless” in 24 C.F.R. § 582.5). People who seek to qualify for assistance in this category must generally provide documentary evidence that they meet these requirements. The kind of supporting evidence that they need to provide depends on the situation they are in. The individual or head of household may provide an oral statement that they are “fleeing [the violent] situation, that no subsequent residence has been identified, and that they lack the resources or support networks . . . need to obtain other housing.” 76 Fed. Reg. at 76016 (promulgating 24 C.F.R. § 582.301 (b)(5)). *In addition*, “[i]f the individual or family is receiving shelter or services provided by a victim service provider . . . the oral statement must be documented by either a certification by the individual or head of household, or a certification by the intake worker. Otherwise [that is, if the individual or family is *not* receiving shelter or services provided by a victim service provider (*see* 76 Fed. Reg. at 76006 (explaining provisions))], the oral statement that the individual or head of household seeking assistance has not identified a subsequent residence and lacks the resources or support networks . . . needed to obtain housing must be documented by a certification by the individual or head of household that the oral statement is true and complete, and where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking or other dangerous or life-threatening condition must be verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking.” *Id.*

## **THE TESTIMONY IN LIGHT OF THE HUD REGULATIONS**

### **1. Rumi And His Mother**

Rumi and his mother left their Springfield, Pennsylvania home in June 2010 to escape domestic violence. They sought legal protection but their efforts were unavailing. Based on information provided by Rumi’s mother, they initially stayed in a hotel for a short time because there were no local domestic violence shelter beds available. At that juncture, Rumi and his mother may have qualified for HUD services if the HUD regulations had been in effect at the time.

Soon thereafter, Rumi and his mother stayed with a succession of “friends” of Rumi’s mother and then moved to a shelter in Dover, Delaware. They were told that they did not qualify

for entry into a domestic violence shelter because of Rumi's age and gender. They were then moved to a very unsafe hotel and then stayed with other friends of Rumi's mother. It was not until November 2010 that they obtained housing through a provider in Pennsylvania.

Rumi and his mother did not receive shelter or services provided by a victim service provider. Thus, to obtain HUD services under the domestic violence-related provisions of the HUD regulations, Rumi's mother would have had to certify that they were fleeing or attempting to flee domestic violence, that they had not identified a subsequent residence, and that they lacked the resources or support networks needed to obtain housing. Rumi's mother's certification would have had to have been "verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking." 76 Fed. Reg. at 76016.

It is highly unlikely that, in their circumstances, Rumi and his mother could have obtained such a verification. For one thing, it is not at all clear that months after leaving the abusive situation, Rumi and his mother could still be deemed to be "fleeing, or . . . attempting to flee" (76 Fed. Reg. at 76014) domestic violence. Even if that were not an issue, it is extremely doubtful that they could have obtained the third-party verification required by the HUD regulations, especially since for several months they were not in the same state where the violence had occurred, and ultimately they moved into a shelter over 100 miles from where the violence had occurred. In fact, it is fairly common for survivors of domestic violence to flee great distances from the scene of the violence, to areas where no one knows about their situation. Also, Rumi and his mother had received very little support or protection from law enforcement, courts, or domestic violence service providers when they initially escaped the abusive situation. Thus, for much of the time that Rumi and his mother were staying in substandard hotels and couch-surfing with "friends," HUD regulations would have deprived them of the services that they so desperately needed.

None of the other categories in the HUD regulations would have availed Rumi and his mother any better during that period. They were not living in 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, including a car, park, abandoned building, bus or train station, airport, or camping ground" or "in a supervised publicly or privately operated shelter designated to provide temporary living arrangements," and they were not "exiting an institution." 76 Fed. Reg. at 76014 (emphasis added). Thus, they would not have qualified under the first category.

And they also almost certainly could not have met the documentation requirements for the second category. Indeed, attempting to obtain such verification from the people they were staying with almost certainly would have further strained already difficult relationships. Rumi and his mother doubled-up with acquaintances who were dealing with instability themselves, and in every case asked Rumi and his mother to leave after a very short period of time. As Rumi testifies, one person "told my mom to just leave", and they "got kicked out again" from another

household. “If we crossed the line for some reason, boom, we’re out.” Rumi’s mother was in no position to ask these individuals for the favor of verifying their living situation.<sup>1</sup>

Nor could they have satisfied the criteria for the third category because their unstable housing status could not “be expected to continue . . . for an extended period time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction’ histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.” 76 Fed. Reg. at 76014.

Thus, for the worst period of Rumi’s and his mother’s wanderings, HUD would not have considered them to be homeless.

## 2. Destiny and Her Family

Destiny and her family became homeless as a result of the recession. They were able to remain in their home for some time (without power and water, which had been cut off due to non-payment) before losing the home and having to live for two or three weeks with a grandparent, in a mobile home with two usable bedrooms. Since then, they have lived in a motel, which is sometimes paid for by donations received by the school district’s homeless program. They cannot qualify for area housing programs because Destiny’s father does not have a regular job.

Throughout this period, they would be considered homeless under HUD’s regulations only intermittently. They would not have qualified as homeless under any of HUD’s categories during the several months they lived in their home without electricity or water. They would not qualify as homeless under HUD’s first category because they do not have—and never have had—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, including a car, park, abandoned building, bus or train station, airport, or camping ground.” 76 Fed. Reg. at 76014.<sup>2</sup> Nor have they lived “in a supervised publicly or privately operated shelter designated to provide temporary living arrangements” or in the institutional setting described in the HUD regulations. *Id.*

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<sup>1</sup> It is not clear, based on its regulations, whether HUD would conclude that Rumi and his mother’s inability to verify that they will be thrown out within fourteen days was itself evidence that Rumi and his mother did not “lack[] the resources or support networks . . . needed to obtain permanent housing.” 76 Fed. Reg. at 76014. If HUD were to take *that* position, people in Rumi and his mother’s position—that is, people who rely on others for temporary housing but who cannot ask for the documentation required by HUD—would truly face a bureaucratically nightmarish “Catch-22.”

<sup>2</sup> The dire living circumstances in which Destiny and her family found themselves when they were living in their house without electricity and water *would* be considered inadequate under the McKinney-Vento education definition of homelessness.

They would not qualify for the second category of homelessness in the HUD regulations because, except for the two weeks before they finally lost their home, they never could have established that their residence “will be lost within 14 days of the date of application for homeless assistance.” Even in those last two weeks, it is not clear that they could have established that “[n]o subsequent residence has been identified; and “[t]he individual or family lacks the resource or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing.” *Id.* They did, after all, move in with the grandmother. Moreover, it is highly doubtful that they could have obtained the necessary documentation from the grandmother to support a claim of imminent loss of housing, since they moved out “voluntarily” as a result of the intolerable difficulties of the living arrangements, rather than because of an ultimatum from the grandmother.

Even now in the hotel, it is extremely challenging for Destiny’s family to establish that they are homeless, because Destiny’s father’s irregular work arrangements make it almost impossible to predict what the family’s financial situation will be fourteen days down the road. On the days that the school district’s charitable program pays for the motel, the family would qualify as homeless. However, it is impossible to predict more than a day or two in advance whether Destiny’s father will be able to pay or whether the family will seek charitable assistance. While they remain in the same single motel room under the same circumstances, they unpredictably move in and out of HUD homelessness.

Destiny and her family also don’t qualify for the third of HUD’s categories because it is not clear that they have had sufficient housing instability for that category and their housing instability cannot be “expected to continue . . . for an extended period time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.” 76 Fed. Reg. at 76014.<sup>3</sup>

Thus, Destiny and her family find themselves in a horrible situation without recourse to HUD services that they desperately need.

### **3. Brooklyn and Her Family**

Brooklyn, her sibling, and her mother reflect the sheer arbitrariness of the HUD regulations’ definition of “homeless.” At times, they qualified as homeless because they were in shelters and “emergency” motels. Many other times, however, they were doubled-up but could not have qualified under HUD’s regulations because they would not have been able to document the imminent loss of housing required under the second category. As Brooklyn relates, the people that they were living with “were not always nice to us” and “[w]e couldn’t ask them for anything,” and, more importantly, those people “did not want anyone else to know [that Brooklyn and her mother were there].”

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<sup>3</sup> The family also clearly doesn’t qualify for the fourth HUD category.

Brooklyn and her mother also would have had difficulty providing the documentary support needed to qualify for the HUD's third category, in particular, proof of the persistent housing instability required under HUD's regulations.

Thus, throughout much of the worst of their housing instability, and despite the fact that Brooklyn has endured ongoing, long-term homelessness through sixteen different living situations in her twelve years of life, HUD's regulations would not have provided any respite for Brooklyn and her family, but rather would have left another generation to face persistent homelessness on their own.

#### **4. Brandon**

Brandon and the next two witnesses whom we discuss, Starnica and Brittany, represent the seemingly calculated refusal of HUD's regulations to address the deprivations and traumas experienced by unaccompanied youth in homeless situations. Brandon testifies candidly about the impact of housing instability on his growth and development—an issue to which the McKinney-Vento education definition is sensitive, but which seemingly is not on HUD's radar.

Brandon went from a stable home, to a doubled up situation, to an apartment with his mother and sister, to doubled-up again (in two different residences, one belonging to a neighbor and the other to his aunt), to an apartment with his mother, to doubled up with friends, to an apartment with his mother yet again, to doubling up with his cousin, and, while ostensibly living with his cousin, “couch-surfing” with different people every night. The “stable housing” that he achieved after (perhaps miraculously) graduating from high school was at a culinary camp and then in his college dormitory.

How would Brandon have been categorized under the HUD regulations? It is difficult to be sure—a fact that itself reflects extremely poorly on those regulations. He would not have qualified under the first category, because, in HUD's view, his many nighttime accommodations were adequate (all were “designed for . . . regular sleeping accommodations for human beings” (76 Fed. Reg. at 76014)). During the various apartment stays with his mother, he would not have qualified as homeless under HUD's second category (except perhaps for the last 14 days of residence, assuming the family had notice of their imminent eviction). Whether even during those final 14 days, he would have qualified for HUD assistance is doubtful because HUD might say that the doubled-up options awaiting Brandon would preclude a finding of lack of “resources or support networks” (*id.*), and it may have been very difficult for Brandon or his mother to certify when they would, in fact, lose their housing within 14 days.

During Brandon's doubled-up and couch-surfing periods, he almost certainly could not have documented his membership in HUD's second category. For much of the time discussed by Brandon, he was ostensibly living with his cousin, although he was moving from residence to residence to sleep. During that time, his cousin almost certainly could not have verified that Brandon would lose the residence that his cousin was providing within fourteen days. Nor, as Brandon so pointedly notes, could he have obtained HUD's required documentation for the second category elsewhere:

It would have been very difficult for me to verify my living situation when I was growing up. As a homeless youth, I would not want to ask for proof from an adult that I could stay with them for only 14 days. To ask for proof that an adult allowed me to live with them for only 14 days would possibly cause some adults to feel guilty to put in writing that a homeless child could only stay for 14 days, or worry that they could be in some trouble. Being in that situation, 14 days is a really long time. I would have accomplished a lot if I could stay in one consistent place for 2 weeks. My philosophy was to not stay in one particular place for more than a couple of days at most. The reasoning for this was not to overstay my welcome. I didn't want anyone that was helping me to get tired of my presence. Asking them for verification would be another burden to them.

By the same token, Brandon could not have qualified under HUD's third category. It is unclear whether HUD would have considered Brandon's constant shuffling from one couch to another to be "persistent instability as measured by two moves or more during [a] 60-day period." Brandon was ostensibly living with his cousin, despite moving several times each week. More importantly, the documentation requirements necessary to establish membership in the third category would have been very difficult, if not impossible, for Brandon to obtain. As he notes,

... I would not feel comfortable asking them to sign off on a piece of paper stating that I had moved twice within 60 days. Most people know only what I told them about my living situation and didn't keep track of days and numbers of moves so they would not be able to verify how many times I had moved within 60 days. Also, family members would be reluctant to put something in writing that might show that my parents were not caring for me. I also didn't want to risk doing anything that might involve any authorities because I didn't want DCFS to go after my parents.

Whether Brandon could have established the third prong of the third category—disabilities or barriers that would lead to an expectation of continued housing instability—also is far from clear. Brandon does not have "chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment." Perhaps more importantly, the need to establish this last prong is emotionally damaging to unaccompanied youth. As Brandon eloquently testifies:

If, in order to access housing services, I had to show that I would likely be homeless for a long time, that would be difficult for me. I always hoped that I would not be homeless for too long. I also don't know how I would have proven that I'd likely be homeless for a long time.

Thus, apparently in HUD's view, Brandon's needs, like those of the other young people who testified, remain outside the ambit of HUD's responsibilities. These children and youth just aren't HUD's problem.<sup>4</sup>

## 5. Starnica

Prior to becoming pregnant and finding a place to live at the Chicago Night Ministry's shelter for parenting teens, Starnica, like Brandon, was a homeless youth moving from place to place, seldom staying anywhere for more than a few nights at a time. And, as was the case with Brandon, it is difficult to be sure whether she would have been recognized as homeless under HUD's regulations when she was not living in shelters—a troubling uncertainty that results from HUD's lack of understanding of, or outright indifference to, the needs of homeless youth.

While living in shelter settings, Starnica would be recognized as homeless under HUD's first category. But when she “went from house to house, staying for two or three days at other family members' houses, not knowing where [she] was going to end up,” Starnica would not have been categorized as homeless under the first HUD category, because her primary nighttime residence was not a place “not designed for or ordinarily used as a regular sleeping accommodation for human beings.” 76 Fed. Reg. at 76014.

Starnica also would not be able to establish homelessness under HUD's second category. Like Brandon, it is very likely that that Starnica would not have found it feasible to ask the people with whom she was staying for written verification that she could not stay more than fourteen days after the date of application for homeless assistance. Thus, Starnica almost certainly could not have qualified as homeless under HUD's second category during her most unstable period of homelessness.

By the same token, Starnica also would have faced great obstacles to establishing membership in HUD's third category because she almost certainly could not document her housing status over the 60 days prior to her seeking homeless assistance, and it would have been difficult—as well as terribly dispiriting—for her to establish that she was going to continue to be homeless because of a history of child abuse or neglect, or the presence of two or more of the “barriers” referred to in the regulations. 76 Fed. Reg. at 76014.

Finally, although Starnica left home to escape her mother's verbal and sporadic physical abuse, she would have faced insuperable barriers to qualifying as homeless under HUD's fourth category. It is apparent from Starnica's testimony that she neither sought services from a victim support provider nor reported her abuse allegations to law enforcement. Thus, she could not have obtained verification of the “domestic violence . . . or other dangerous or life-threatening condition” from an “intake worker” or by providing “a written referral by a housing or service provider, social worker, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has

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<sup>4</sup> There would have been no basis for Brandon to be included in the fourth category, since he was not fleeing or attempting to flee domestic violence or other dangerous or life-threatening conditions.

sought assistance for domestic violence, dating violence, sexual assault, or stalking.” 76 Fed. Reg. at 76016.

The painful irony of Starnica’s situation is that when her housing status was most unstable, Starnica would not have qualified as homeless under HUD’s regulations. HUD would recognize her as homeless only after she found a stable place to live at a shelter for parenting teens.

## **6. Brittany**

Brittany’s testimony reflects failures of many different programs—foster care, schools, and HUD. She has lived doubled-up with neighbors, been in foster care, and then, when she aged out of foster care, found herself living in her car and couch-surfing.

Brittany sought entry into a homeless shelter, but the shelter was both full and threatening. Brittany’s recounting of her experience with the homeless shelter is significant. Her story is all-too common for youth and reflects the startling indifference of HUD and many homeless shelter providers to the needs of homeless children and youth. That Brittany, like many other young people, would feel safer taking her chances in her car and couch-surfing is a stunning indictment of a system that simply refuses to acknowledge that homelessness has many faces, that unaccompanied youth are by definition at risk of harm, and that children and youth who are homeless have special needs that must be considered.

Doctor Whitney addresses this issue at length in her testimony with regard to the needs of very young children: “We quickly learned, however, that a dedicated focus on young homeless children must be facilitated and emphasized on a continual basis. Several years after our in-depth work in family homeless shelters, the need came to my attention through another initiative that two children from a homeless shelter were coming to Head Start hungry every day.” As Doctor Whitney notes,

Many HUD shelters have policies and practices that reflect an insufficient understanding of young children. Shelter and housing services staff is seldom focused on the needs of young children and, in comparison to school-aged children, there is no expectation that young children attend school and therefore gain access to a system of services that can address their individual needs. Babies, toddlers and preschool children are all too often totally invisible in homeless programs because they are not considered to be the client. This is what we found in our state, and we worked through Head Start to begin to bridge this gap.

Unfortunately, many HUD shelters demonstrate the same lack of awareness when it comes to the needs of unaccompanied youth.

Brittany’s housing instability only abated—without really being remedied—when she entered into the service of our country as a member of the United States Army. Even now, she has no place to go when she is on leave.

## NAEHCY ANALYSIS OF DECEMBER 15, 2011 CHILDREN AND YOUTH TESTIMONY

Brittany would qualify as homeless under HUD's regulations during her nights in her car, although her situation would have been complicated by the fact that the car might not be deemed her "primary nighttime residence" (76 Fed. Reg. at 76014) because she was able to secure a place on various couches many nights. There were also periods when she was not sleeping in her car at all, but rather was staying with "friends," and at these times she would not have qualified as homeless under HUD's first category.<sup>5</sup>

At those times, she would have had great difficulty documenting her membership in HUD's second or third categories. A number of her doubled-up periods lasted longer than fourteen days and, as she notes, "[n]one of the people I lived with would have been willing to write letters or sign papers to document that I was living there. They would have been suspicious and afraid of getting into trouble. Also, many of them I didn't know well enough to ask them."

Membership in HUD's third category also would have been difficult for Brittany to establish. It would have been quite onerous (if possible at all) for her to satisfactorily establish the 60-day/two move requirement for this category during significant portions of her homelessness, either because she did not have anyone in her life willing or able to verify those moves, or because in fact she was able to make it through 60 days without moving twice. In any case, she did not have the disabilities, physical or mental health conditions, histories of abuse, or even barriers to employment that are required for membership in the HUD's third homeless category.

Thus, like Brandon and the other witnesses discussed above, Brittany would face virtually insuperable barriers to establishing her homelessness under HUD's regulations. As Brittany writes, "Finally, it is very critical to not create more barriers to success. Making homeless youth jump through more system rules and hoops to get basic services will only cause them to continue in their current situation." HUD's regulations will have the very effect that Brittany warns about: they will prolong the homelessness of children and youth, creating a new generation of homeless Americans.

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<sup>5</sup> Perhaps ironically, although her nights in her car might have provided Brittany with the clearest path to HUD services under the HUD regulations, Brittany felt *safer* in her car than she did doubling up. Acknowledging that "[i]t was scary sleeping in my car," she also notes, "At the time, I thought staying with . . . people [she met at bars] was better than my car. But it really wasn't. In my car, I was in control and I didn't have to worry about what would happen to me, or people who would try to touch me when I was asleep." In light of testimony like Brittany's and the other children who are testifying before the Subcommittee, claims that HUD's regulations reflect the needs of the most vulnerable homeless people ring hollow.