



NATIONAL ASSOCIATION  
FOR THE EDUCATION OF  
HOMELESS CHILDREN  
AND YOUTH

## **NAEHCY POSITION ON HUD DEFINITION OF HOMELESS IN THE HEARTH ACT (S. 808 and H.R. 1877)**

National homelessness groups have taken different positions on amendments to the definition of homelessness included in the recently re-introduced HEARTH Act (S. 808 and H.R. 1877). It is therefore not surprising that national homelessness groups have issued conflicting “calls to action.”

NAEHCY opposes the definition in S. 808/H.R. 1877 for many reasons, including those listed on the following pages. In addition to those reasons, our unique organizational perspective is described below.

- NAEHCY is an organization composed of educators and service providers working directly with homeless children, youth, and families through the public school system. We work with families and youth in all homeless situations: those who are on the streets, in shelters, in motels, and doubled-up temporarily with others because they have no where else to go.
- Our membership does not view one group as more or less “vulnerable” than the other. Rather, we know, from direct experience, that the very same families and youth move between streets, shelters, doubled-up situations, and motels. We also see, first hand, the harm that motel and doubled-up situations causes children, youth, and families. Yet most of these families and youth will continue to be excluded by the HEARTH Act definition of homelessness.
- The language contained in the HEARTH Act, S. 808 and H.R. 1877, is complex and represents more bureaucratic hoops through which providers, families, and youth will have to move in order to provide or receive assistance. NAEHCY encourages concerned providers, advocates, and educators to read the actual text of the definition, below, rather than relying on one-sentence summaries or assurances.
- Approximately 70% of the homeless children and youth identified by public schools last year – over 500,000 students – were doubled-up or in motels, and therefore ineligible for HUD Homeless Assistance. These families and unaccompanied youth are not represented in local HUD counts, making them even more invisible in their communities. The failure of the HUD definition to include these families and youth compounds educational problems and makes the task of providing a stable education much more difficult. Without an education, children and youth are more likely to experience homelessness as adults, putting the goal of “ending homelessness” that much further out of reach.
- NAEHCY encourages a full, thoughtful consideration of the issues below, and urges concerned parties to communicate their concerns directly to their legislators.

## AMENDMENT TO HUD DEFINITION OF HOMELESSNESS IN THE HEARTH ACT

H.R. 1877 and S. 808 amend the HUD definition of homelessness as follows:

(a) In General- For purposes of this Act, the terms `homeless', `homeless individual', and `homeless person' means--

`(5) an individual or family who--

`(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by--

`(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

`(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

`(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

`(B) has no subsequent residence identified; and

`(C) lacks the resources or support networks needed to obtain other permanent housing; and

`(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who--

`(A) have experienced a long term period without living independently in permanent housing,

`(B) have experienced persistent instability as measured by frequent moves over such period, and

`(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

- Note: Communities may spend only 10% of their Continuum of Care funds on families and youth considered homeless under this category, and under any other federal statute, except that communities with low rates of homelessness may spend up to 100% of Continuum of Care funds on families and youth considered homeless under other federal statutes.
- NOTE: The Secretary of HUD is prohibited from requiring communities to include any the above “newly defined” categories described above in HUD homelessness counts. Only the old definition would be included in HUD counts.

## WHAT’S WRONG WITH THIS PROPOSED DEFINITION?

**The proposed definition is complex, arbitrary, and will exclude many children, youth, and families who are homeless and in desperate need of help.**

- Homeless families and unaccompanied youth live in doubled-up situations temporarily because they have lost their housing and have nowhere else to go. These families and youth have no control over how long they can stay. They are at the mercy of the “host” household – very rarely, if ever, are they

notified or given a specific number of days that they can stay. They live in a constant state of uncertainty because they can be told to leave at any time.

- Forcing families and unaccompanied youth in motels to wait until they have only enough money for 14 days forces them to squander their savings until housing is even further out of reach. More importantly, a motel room is not a home – especially for children and youth. Motels where homeless families and youth stay are frequently in dangerous locations, overcrowded, and unsanitary. There is often no place for cooking or refrigeration, no services, and no safe place for children to move or play. Motels are by definition unstable environments. These environments threaten child and youth development and put children and youth at risk of harm. A family or youth should be considered homeless as soon as they are forced to live in a motel, just as the same family or youth would be defined as homeless as soon as they entered a homeless shelter.
- The proposed definition includes families and unaccompanied youth who are homeless under other federal definitions in HUD’s homeless definition only if they have been without permanent housing for a long period of time, and have moved frequently over that time, and can be expected to stay without permanent housing due to numerous barriers. Yet mobility and housing instability harms children and youth’s social, emotional, and academic well-being; requiring multiple moves and a long period of housing instability as a condition of eligibility for HUD homeless assistance puts these children and youth at further risk of harm.

**The HEARTH Act (S. 808 and H.R. 1877) prohibits HUD from requiring communities to count any of the newly added categories of homelessness; only people who meet the current HUD definition would be counted.**

- Local homeless counts are important for community planning and coordination efforts. Excluding doubled-up and motel families and youth from HUD homeless counts will result in continued invisibility and inattention to these vulnerable populations, and will hinder community planning efforts.

**FOR MORE INFORMATION:** Please contact Barbara Duffield at 202.364.7392 or [bduffield@naehcy.org](mailto:bduffield@naehcy.org).