



## Letter of the Law: HEARTH and Other Legislation

*Letter of the Law: HEARTH and Other Legislation* featured an array of

speakers from federal agencies and nonprofit organizations, who shared important information about recent state and federal legislation. Panelists included moderator Jay Lee, Staff Attorney at HomeBase; Debbie Raucher of the John Burton Foundation’s Homeless Youth Capacity Building Project; Stacey Murphy, Policy Analyst at HomeBase; Patricia Pianko, Children and Families Program Specialist for the U.S. Department of Health and Human Services’ Administration for Children and Families; and Eduardo Cabrera, Acting Supervisory Operations Officer for the U.S. Department of Housing and Urban Development. The discussion centered around the Homeless Emergency and Rapid Transition to Housing (HEARTH) Act of 2009, which reauthorizes funding to many homeless housing and supportive service programs. Panelists also discussed various national and statewide legislation impacting foster youth and the effect of the budget crises facing California.

### **HEARTH Act**

Stacey Murphy, policy analyst at HomeBase, opened the panel with an overview of HEARTH. She provided a summary of the proposed regulations defining homelessness under the Act, and explored what would qualify someone as an “unaccompanied youth” under those regulations. She also shared with the audience some of the common criticisms of the proposed regulations raised by service providers and homeless advocates.

As Ms. Murphy said, the proposed regulations require that youth applying for assistance must have lived for 91 days or more without a lease or ownership interest in an occupied property. Additionally, youth must have moved three or more times in the 90-day period prior to submitting their application. Ms. Murphy noted that critics of the proposed regulations have decried this measure as “seemingly arbitrary,” highlighting that there are few differences between youth who have moved twice and those who have moved three times. Furthermore, youth applying for assistance must face multiple barriers to employment, such as a lack of a high school degree or GED certification, illiteracy, low English proficiency, a history of incarceration, or a history of unstable employment. “Many providers are frustrated,” Ms. Murphy said, “that the list of acceptable barriers to employment does not include a lack of work history and ignores high unemployment rates.”

Ms. Murphy explained that to prove a lack of stable housing, the proposed regulations require significant written documentation. Where such records are unavailable, the regulations require the “due diligence” of a caseworker. “Extra requirements have the potential to place a significant burden on already frequently overworked caseworkers, and delays applicants’ ability to receive aid,” Ms. Murphy pointed out. Those who have commented on the proposed regulations have stated that the regulations are replete with excessive barriers that will only serve to block the distribution of aid to homeless youth. “Additionally,” Ms. Murphy said, “there is an alleged lack of specificity with regard to how emancipated foster youth are covered under HEARTH.” Ultimately, TAY providers want to help youth make a smooth transition between foster care and emancipation. Providers want HEARTH resources to be made available for this purpose.

While the proposed regulations for the implementation of the HEARTH Act have stirred some controversy, the recent federal response to homelessness has not been without significant forward movement. Eduardo Cabrera, Acting Supervisory Operations Officer of the US Department of Housing and Urban Development (HUD), discussed the Federal approach to assisting unaccompanied youth and how the HEARTH Act has affected the efforts of HUD to reach young people who are experiencing homelessness.

As Mr. Cabrera told the crowd, “HEARTH mandates a federally coordinated development and strategic plan that includes road mapping for federal agencies.” The HEARTH-mandated plan’s focus “is not limited to the streets,” Mr. Cabrera noted, and “goes beyond looking at the population of chronically homeless persons.” One-tenth of the plan’s objectives relate to homeless youth; Mr. Cabrera said it “includes measures for improved discharge planning, identifying vulnerable youth, and helping link at-risk persons with housing and supportive services.”

Mr. Cabrera emphasized the important role HUD plays in the effort to end youth homelessness, and he mentioned numerous ways in which government agencies and nonprofits can sharpen their attack on the problem. “In order to develop effective strategies for addressing homelessness,” Mr. Cabrera said, “HUD “promotes collaboration at a local level.” He highlighted the need for improved agency participation with local Continuums of Care, the value of stronger communication between agencies and organizations that receive HUD funding, and the importance of a greater focus on point-in-time counts. Mr. Cabrera promoted innovative Project Homeless Connect programs (some of which focus on families and TAY), wherein a community makes a variety of resources and

services simultaneously available to homeless persons, and emphasized the importance of Ten-Year Planning, through which providers and local government representatives come together to develop local, youth-oriented strategies that are essential to ending and preventing homelessness.

### **Youth-Targeted Legislation**

The federal approach to ending homelessness extends far beyond HUD's strategic plans and supporting local efforts to engage youth. Ms. Pianko spoke about the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections), which President Bush signed in to law in 2008. According to Ms. Pianko, Fostering Connections is "a piece of landmark legislation that increases guardianship opportunities for youth, and furthers the phasing out of adoptability eligibility restrictions." Under the Act, states may opt to extend foster care and adoption assistance until a foster youth reaches 21, extending the the previous maximum age of 18. States will also receive a capped amount of funding to help foster youth obtain transitional skills for independent living.

In order to achieve educational stability for youth, Fostering Connections promotes connections between the educational and foster care systems. "Fostering Connections also opens the door for developing improved discharge planning and post-foster care support," Ms. Pianko said. In order to obtain assistance, youth must demonstrate they are on the road to independent living. As Ms. Pianko explained, "A young person could meet this requirement by attending secondary school, participating in an employment program, or being employed for a certain number of hours each month."

The panel also discussed the California Fostering Connections bill (AB 12), which at the time of the conference had recently passed unanimously in the California State Assembly and was being discussed in the Senate. Ms. Raucher of the John Burton Foundation spoke on AB 12. Signed by Governor Schwarzenegger on September 30, 2010, the bill opens up a vast assortment of resources for foster youth. One of the key provisions of AB 12 is that it allows foster youth in California to receive coverage until they reach 21, taking advantage of the recently passed Federal legislation discussed by Ms. Pianko. According to Ms. Raucher, AB 12 would also open up funding to supportive guardians who do not adopt the foster youth under their care. “AB 12 would help a lot of youth who currently are in need,” Ms. Raucher said, “including those who age out of foster care at 18; youth who receive support through the Kin-GAP program after exiting the juvenile court system at 16; kids who are living with a non-dependant, non-related legal guardian; teens who receive adoption assistance at 16; and those who engage in secondary educational or employment related programs.” She added that a youth’s eligibility is nullified by participation in TANF or SSI, marriage, or incarceration.

AB-12’s provisions to support foster youth are quite extensive, and Ms. Raucher provided a comprehensive overview of many of the bill’s most exciting and far-reaching components. In addition to the preexisting support and housing options available for foster youth, which include living with relatives, foster families or group homes, and residing with non-dependent non-related legal guardians, Ms. Raucher stated that AB-12 expands placement opportunities to include Transitional Housing Program Plus (THP+) foster care, and supervised living programs such as dorms. She said, “Additional bill provisions include

more support for youth exiting juvenile probation and an increased focus on developing transitional planning for youth emancipating from foster care.” Ms. Raucher commented that AB-12 would be phased in, with coverage for youth up to 19 years old beginning in 2012; 20 years of age in 2013; and 21 years of age in 2014.

Ms. Raucher also briefly discussed the Federally Subsidized Guardianship Program. She said it is similar to California’s Kinship Guardianship Assistance Program, which offers support to youth who leave the juvenile court system to live with a relative legal guardian, with a couple of modifications: it reduces the time a child must reside with a caregiver in order to receive funds from 12 to 6 months, is available to those who move between states, and is easier to enter into than the California program.

Despite the financial crisis gripping the state, Ms. Raucher reassured the audience that there are currently no proposals to eliminate or reduce Transitional Housing Program Plus funding. She did warn, however, that the governor has sustained reductions to child welfare services, and THP+ funding is within child welfare services. In order to prevent cuts to funding sources that are targeted towards homeless, foster, and at-risk youth, Ms. Raucher recommended that advocates “network and collaborate with other youth-focused organizations and agencies, and develop local strategies and identify contingency plans.” She also advised getting involved with the Coalition to Protect Children, and joining with Protect Children, Protect Our Future.

Despite the financial crisis and fears of reduced and eliminated funding for transition-aged youth programs, the panel discussion offered hope for the future. The significant recent

legislative movement on youth issues demonstrates that though times are tight and legislation is often imperfect, youth are still a priority for both state and federal lawmakers.