

HEARTH: Impact on Unaccompanied Youth

Stacey Murphy, Policy Analyst



Today's Discussion

- McKinney-Vento to HEARTH
- The new definition of “homeless”
- The proposed regulations for the definition of “unaccompanied youth”

The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act

- The McKinney-Vento Homeless Assistance Act provided funding for the majority of homeless-targeted services and housing programs for the past 22 years.
- As of May 20, 2009– HEARTH amends McKinney-Vento
- HEARTH codifies some best practices we have learned in the past 2 decades, like the Continuum of Care structure.
- HEARTH also changes some key components of homeless housing and service delivery, like the definition of “homeless” and some funding mechanisms.

Impact on TAY Providers

- If you are not part of the Continuum of Care, now is the time to get involved.
- Under the new law, it may be easier to use homeless-targeted resources to serve unaccompanied youth.
- Big picture– we hope to have a better coordinated, more streamlined homeless housing and service delivery system.

HEARTH Defines “Homeless” in a Broader Way

- Expands the definition– anyone who met the old definition of “homeless” still qualifies
- Expanding the definition means that grantees can expand who they serve– but does not mean that the pot of money is bigger
- To be eligible, a client must meet 1 of the 7 requirements set out in the definition; need to look beyond “unaccompanied youth” when determining if a young person may be eligible

The HEARTH Definition (in short)

In general, there are 4 components:

- (1) “Straightforward homeless;”
- (2) Imminent loss of housing;
- (3) Unaccompanied youth or families homeless under Federal statutes
- (4) Homeless due to DV or other life-threatening situations.

Note – this information has been simplified/edited for length. Please refer to the regulations for more detail!

The HEARTH Definition (1): Straightforward Homeless Definition

An individual or family lacking a fixed, regular and adequate nighttime residence, including:

- Living on the street;
- Living in a place not designed/ordinarily used for human sleeping accommodations (car, encampment, abandoned building, etc.)
- Living in shelter/transitional housing;
- Exiting an institution after 90 days or less (and homeless prior to that).

The HEARTH Definition (2): Imminent Loss of Housing

An individual or family who—

- 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.
- has no subsequent residence identified; and
- lacks the resources or support networks needed to obtain other permanent housing;

The HEARTH Definition (3): Unaccompanied Youth or Families that are Homeless Under Other Statutes

Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who:

- have experienced a long term period without living independently in permanent housing
- have experienced persistent instability as measured by frequent moves over such period, and
- 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 a youth with a disability, or multiple barriers to employment.

The HEARTH Definition (4): Homeless due to DV or Other Life-Threatening Situation

In addition, any individual or family who is fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

Draft Regulations Relating to Unaccompanied Youth

- HUD published *draft* regulations about Defining “Homeless” for HEARTH on April 20, 2010; then, HUD accepted public comment until June 21, 2010. Final regulations will be published later.
- Proposed regulations related only to the “homeless” definition; the proposed regulations for the rest of HEARTH are expected later this year.
- The draft regulations proposed “definition” and “documentation” regulations for all parts of the “homeless” definition, but we are only going to focus on “unaccompanied youth.”

Part I of Unaccompanied Youth

The Law: “...have experienced a long term period without living independently in permanent housing”

Proposed Regulation: Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 91 days immediately preceding the application for homeless assistance;

Proposed Documentation: Certification by the homeless individual or head of household seeking assistance, written observation by an outreach worker or referral by a housing or service provider

Part II of Unaccompanied Youth

The Law: “...have experienced persistent instability as measured by frequent moves over such period”

Proposed Regulation: Have experienced persistent instability as measured by three moves or more during the 90-day period immediately before applying for homeless assistance

Proposed Documentation: Certification by the individual or head of household seeking assistance and any available supporting documentation that the individual or family moved three or more times during the 90-day period immediately before applying for homeless assistance, including: recorded statements or records obtained from each owner or renter of housing, provider of shelter or housing, or social worker, case worker, or other appropriate official of a hospital or institution in which the individual or family resided; or, where these statements or records are unobtainable, a written record of the intake worker’s due diligence in attempting to obtain these statements or records

Provider Feedback to Part II

- Unduly burdensome to attain records of all past living arrangements of homeless youths; moving from one location to another on a nightly basis is common.
- Requiring an intake worker's "due diligence" in obtaining statements or records of a youth's past moves is a poor use of time/resources. Hard to prove a negative.
- The distinction between one, two, or three moves is somewhat arbitrary. An individual who is able to find one or two relatively stable temporary housing solutions often remains without long-term, permanent housing.
- The "three move" requirement fails to take into account those youths who are leaving foster care, but do not have established living situations.

Part III of Unaccompanied Youth

The Law: “...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 a youth with a disability, or multiple barriers to employment.”

Proposed Regulation: 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 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, and a history of unstable employment

Proposed Documentation: Acceptable evidence includes written diagnosis from an appropriate licensed professional, intake staff-recorded observation of disability confirmed within 45 days of the application for assistance by an appropriate licensed medical professional, employment records, department of corrections records, and literacy, English proficiency, and IQ tests.

Provider Feedback to Part III

- The language of the proposed regulation ignores those who have *no* prior employment history

Provider Feedback: Foster Care

- Want to make sure that youth leaving foster care are covered.
- Consider clearly stating that individuals leaving foster care with no where to go can fall within the definition of unaccompanied youths; or
- As the language of the law already covers those who are leaving “institutions,” state that youth emancipating from foster care can be served.

Questions?

Stacey Murphy

HomeBase

Stacey@HomeBaseccc.org

415.788.7961 ext 302