

Vote YES: Portman/Feinstein Amendment Number 271

Homeless children and youth are extremely vulnerable and at risk of becoming victims of human and sex trafficking. It is critical that all resources be made available to support these young people. Yet different definitions of homeless across a range of federal programs create bureaucratic hassle for young people at a time of tremendous need. By improving the U.S. Department of Housing and Urban Development's (HUD's) definition of homeless to synchronize it with other federal definitions of homeless—as proposed by Portman/Feinstein amendment number 271—vulnerable children will be eligible for the services they need from HUD.

In each state, between 54.9 percent and 93.1 percent of the homeless students identified by the U.S. Department of Education (ED) are not considered homeless by HUD. In other words, the severity of their living situation allows them to receive extra support from schools, but it does not allow them to receive shelter, transitional housing, permanent supportive housing, and other services from HUD. (See Table 1 for a state-by-state chart of percentages of students who are considered homeless by ED, but who are *not* considered homeless by HUD.)

Under current policy, public schools are required to provide homeless students with additional assistance to ensure they attend and succeed in school. However, when schools and Runaway and Homeless Youth Act (RHYA) programs try to help these students stabilize by connecting them to HUD Homeless Assistance services, they cannot do so because the students are ineligible for the services under HUD's definition of homeless.

Nationwide, as many as 1,006,899 homeless students fall into this bureaucratic gap between HUD and ED, creating a barrier to serving vulnerable homeless children and youth at risk of becoming victims of human and sex trafficking. The U.S. Congress can close this gap by passing the bipartisan amendment number 271 offered by Senator Rob Portman (R-OH) and Senator Diane Feinstein (D-CA), to the Justice for Victims of Trafficking Act of 2015 (S.178).

The Portman/Feinstein amendment number 271 would coordinate federal definitions of homeless and allow homeless children and families to qualify for HUD services through multiple federal programs. This one change to the law means that if a public school provides a homeless student with transportation and tutoring to help him/her succeed in school, that public school then could refer the student and his/her family to a HUD-funded homeless program to receive other necessary services.

What are the differences between the ED, RHYA, and HUD definitions of homeless?

ED's definition of homeless includes children, youth, and families who have lost their homes and are staying temporarily with others or in motels. The RHYA program definition of homeless youth includes children and youth for whom it is not possible to live in a safe environment with a relative, and who

have no other safe alternative living arrangements. These children and youth are often referred to as the “hidden homeless” because they are not as visible as adults living on the streets, but they are just as vulnerable and in need of services. Moreover, they are at extreme risk of becoming victims of human and sex trafficking.

HUD’s definition of homeless focuses primarily on single adults living on the streets and in shelters. HUD issued regulations that purported to expand eligibility for services; however, the regulations preclude many homeless children, youth, and their families. In order to be considered homeless by HUD, a homeless youth or family staying in a motel or with others temporarily may only stay there for a maximum of fourteen days and they must be able to prove this in writing; otherwise, HUD will not consider them homeless.

How does Portman/Feinstein amendment number 271 work?

Based on the bipartisan Homeless Children and Youth Act (S.256/H.R.576), Portman/Feinstein amendment 271 would allow local service providers to refer homeless children, youth, and families to homeless programs supported by HUD. Specifically, homeless children and their families would automatically qualify for HUD-funded homeless services if they are verified as being homeless under one of several federal programs, including

- Education for Homeless Children and Youth program (i.e., school districts through the homeless liaisons designated under the education subtitle of the McKinney-Vento Act);
- Head Start program;
- Runaway and Homeless Youth Act program; and
- early intervention programs under the Individuals with Disabilities Education Act.

How does Portman/Feinstein amendment number 271 remove the federal government from local decisions?

Amendment 271 would prevent HUD from overriding local communities and would allow local service providers—those best equipped to evaluate which homeless populations have the greatest unmet needs—to target limited federal homelessness resources. This approach is more effective than current policy, which requires local practitioners to follow priorities set in Washington, DC that may be incompatible with local needs.

This amendment also eliminates complex documentation requirements for “proving” homelessness, such as evidence of multiple moves or length of time spent without housing. Amendment 271 allows a HUD homeless service provider to determine that a family or youth in a motel or staying temporarily with others is eligible for HUD homeless services. It also allows HUD service providers to accept a referral from another federal program.

What services could homeless children, youth, and families access if they are deemed eligible for HUD homeless services?

HUD Homeless Assistance services for eligible children, youth, and families include shelter, transitional housing, permanent supportive housing, case management, substance abuse treatment, and more.

This document was written by Phillip Lovell, vice president of federal policy and advocacy for high school reform at the Alliance for Excellent Education.



Table 1. State-by-State Numbers and Percentages of Homeless Children/Youth Excluded by HUD Regulations¹

State	Number of Homeless Children/Youth Reported by ED	Number of Homeless Children/Youth Excluded by HUD Regulations	Percentage of Homeless Children/Youth Excluded by HUD Regulations	State	Number of Homeless Children/Youth Reported by ED	Number of Homeless Children/Youth Excluded by HUD Regulations	Percentage of Homeless Children/Youth Excluded by HUD Regulations
National	1,240,925	1,006,899	81.1%	Missouri	26,505	23,207	87.6%
Alabama	16,529	13,979	84.6%	Montana	2,551	1,963	77.0%
Alaska	4,043	2,778	68.7%	Nebraska	3,278	2,055	62.7%
Arizona	30,173	21,860	72.4%	Nevada	12,130	10,705	88.3%
Arkansas	10,851	9,365	86.3%	New Hampshire	3,319	2,832	85.3%
California	259,656	234,234	90.2%	New Jersey	8,660	7,270	83.9%
Colorado	22,958	19,456	84.7%	New Mexico	12,019	10,658	88.7%
Connecticut	2,826	1,960	69.4%	New York	131,600	74,669	56.7%
Delaware	3,858	3,593	93.1%	North Carolina	27,369	23,703	86.6%
DC	3,766	2,716	72.1%	North Dakota	2,122	1,164	54.9%
Florida	69,956	58,887	84.2%	Ohio	23,748	18,774	79.1%
Georgia	36,934	32,002	86.6%	Oklahoma	22,934	18,549	80.9%
Hawaii	2,312	1,272	55.0%	Oregon	19,751	15,982	80.9%
Idaho	6,126	5,327	87.0%	Pennsylvania	18,937	12,932	68.3%
Illinois	49,287	43,810	88.9%	Puerto Rico	3,701	2,248	60.7%
Indiana	15,777	13,675	86.7%	Rhode Island	923	601	65.1%
Iowa	6,968	5,410	77.6%	South Carolina	11,436	9,422	82.4%
Kansas	9,330	8,514	91.3%	South Dakota	1,839	1,510	82.1%
Kentucky	32,787	23,936	73.0%	Tennessee	14,319	12,832	89.6%
Louisiana	20,476	17,983	87.8%	Texas	101,088	86,785	85.9%
Maine	2,070	1,471	71.1%	Utah	15,322	13,897	90.7%
Maryland	15,897	13,992	88.0%	Vermont	1,055	908	86.1%
Massachusetts	15,774	10,235	64.9%	Virginia	18,006	15,202	84.4%
Michigan	38,636	29,615	76.7%	Washington	30,609	22,828	74.6%
Minnesota	11,874	7,769	65.4%	West Virginia	8,323	5,880	70.6%
Mississippi	12,845	11,919	92.8%	Wisconsin	16,634	13,870	83.4%
				Wyoming	1,038	695	67.0%



¹ An analysis conducted by the Alliance for Excellent Education of data available at eddataexpress.ed.gov of the U.S. Department of Education’s (ED’s) 2012–13 McKinney-Vento Education for Homeless Children and Youth program provides an estimate of the numbers and percentages of homeless children and youth who are identified by public schools under ED’s definition of homeless, but who are excluded from the U.S. Department of Housing and Urban Development’s (HUD’s) definition of homeless under 24 CFR § 91.5 and 24 CFR § 582.5 and verification requirements under 24 CFR § 582.301(b). This estimate is derived by reviewing the number of homeless children/youth who are identified by ED as residing temporarily with others or in motels/hotels, and classifies such young people as “excluded by HUD’s regulations.” The complexity of HUD’s regulations precludes an exact calculation because data is not collected by ED on the complex eligibility criteria required under HUD’s regulations. Specifically, ED does not collect data on the number of children/youth who may meet HUD’s criteria and verification requirements, including the numbers of (1) children/youth who stayed in motel rooms that were paid for by government or charity (HUD eligible); (2) children/youth who stayed in motel rooms paid for by a parent or guardian (only eligible under HUD’s definition if the family has money to stay for fourteen days or less and no subsequent permanent residence); or (3) children/youth who stayed with others and can provide written certification by the owner or renter that the child/youth can stay for fourteen days or less. Thus, as many as 1,006,899 children/youth who are identified as homeless under the McKinney-Vento education provisions may be ineligible for HUD homeless services under HUD’s regulations.

