Helping Pregnant and Parenting Teens Find Housing
by Andrew Smith and Kristin Ware

A young homeless teen learns she’s pregnant and wonders where she’ll live with her baby. A young couple with a new baby struggles to afford their rent...

In 2002, the Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice estimated there are 1,682,900 homeless and runaway youth under 18 years of age in the United States. Of this number, anywhere from 6% - 22% are pregnant. This means there could potentially be almost 400,000 homeless and pregnant young women in this country.

Several resources and laws can help young parents find adequate housing. Incorporating them into advocacy efforts is one way to help address homelessness among adolescent parents in the United States today.

How can a pregnant or parenting teen find and pay for housing?

Section 8
The U.S. Housing Act of 1937 contains provisions allowing low-income households to receive financial assistance to afford decent, safe, and sanitary housing in the private market. Under the Housing Act’s Section 8 Rental Voucher Program, the government gives vouchers to qualifying households; a household that gets a voucher pays the landlord 30 percent of its household income towards an amount set by the local public housing authority (PHA) for the dwelling, which is usually 80-100% of the rent, and then the PHA pays the landlord the rest. Once a household receives a Section 8 voucher, it is responsible for finding a landlord that will accept the voucher, but it will not have to worry about most of the cost of the rent for that residence.

The U.S. Department of Housing and Urban Development (HUD) is the federal agency in charge of the Section 8 voucher program, but PHAs administer vouchers at the local level. For a list of PHAs and their contact information, see HUD’s Web site, at www.hud.gov/offices/pih/pha/contacts/.

Obtaining a Section 8 voucher involves the following steps:

- The head of household completes an application with the local PHA, which includes questions about household income. To successfully complete the application, the applicant will need:
  - social security numbers of all household members;
  - estimate of income and expenses the applicant expects in the next 12 months;
  - names and addresses of employers;
  - financial information like bank account statements, pay stubs, utility bills, and tax returns; and
  - birth certificates for all children in the household.

- The PHA determines whether the household is eligible based on several factors, including income and family size. Additionally, the applicant must have legal immigration status in the United States and cannot owe any money to the PHA. The PHA will also do a criminal background check, but in the case of minor applicants, the PHA is not supposed to consider any criminal record.

- If the household qualifies under the income requirement, it is listed with other applicants, or placed into a lottery, and it must...

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wait to see if it is chosen to receive aid.

- After receiving the voucher, the family must locate a home that is at or below the local fair market rent and has passed the PHA’s housing quality inspection.

Local PHAs have discretion to determine who is eligible to receive a Section 8 voucher. However, in general, the household’s income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live. By law, PHAs must provide 75% of their vouchers to applicants whose incomes do not exceed 30% of the area median income, so most vouchers will go to the neediest households.

Along with the income requirement, most PHAs do not allow unemancipated minors to receive Section 8 vouchers, even though this is not a HUD requirement. Thus, for pregnant and parenting teens to receive vouchers, they must become legally emancipated through methods recognized in their state (see later discussion of emancipation). Unfortunately, in states that do not recognize emancipation, the PHAs usually require that the head of the household be at least 18 without any provision for emancipated minors.

Even if a teen household qualifies for a Section 8 voucher, they are not guaranteed housing assistance through the program. Waiting lists for assistance can be long. It is also hard to find a rental property that meets the Section 8 physical requirements, is affordable, and is run by a landlord who will rent to a Section 8 tenant. Teens have an especially tough time because landlords are reluctant to rent to minors, even if they are emancipated. One solution is for the minor to remind the landlord that he or she is emancipated, and thus is able to enter a binding contract. Unfortunately the Federal Fair Housing Act does not prohibit housing discrimination based on age. However, many local and state laws do prohibit discrimination based on age (if the minor is emancipated); thus, claims can be brought under these local laws if landlords refuse to rent to emancipated minors.

### Family Unification Program

In addition to the regular Section 8 voucher, many young parents may also be eligible for a housing voucher through the Family Unification Program (FUP), which is set aside under the Section 8 voucher program. To be eligible for a FUP voucher, a household must be referred to the PHA by a local public child welfare agency. FUP vouchers are for families whose lack of adequate housing is a primary factor in the separation, or threat of imminent separation, of children from their families.

If a young parent risks losing his or her child to foster care because of inadequate housing, this parent may be eligible for FUP. Additionally, FUP covers, for no more than 18 months, youths between 18 and 21 years who have aged out of foster care, whether they have a child of their own or not. For a list of local PHAs that can assist young parents obtain a voucher, visit the HUD Web site, [www hud gov/offices/pih/pha/contacts/](http://www.hud.gov/offices/pih/pha/contacts/).

### Homeless Prevention and Rapid Re-Housing Program

The American Recovery and Reinvestment Act of 2009 granted funds to the U.S. Department of Housing and Urban Development for various projects; this includes $1.5 billion distributed to the states for the Homeless Prevention and Rapid Re-Housing Program (HPRP). The HPRP provides short- (3 months) and medium-term (not to exceed 18 months) rental assistance, housing relocation, and stabilization services for families and individuals during the economic crisis. These funds are aimed at families that would be homeless or at risk of homelessness without this money.


### What programs provide housing to young or expectant parents?

For young parents who are homeless or lack adequate housing, various programs, both through local governments and private organizations, provide housing and other services.

#### Maternity Group Homes

The most widespread option for homeless young mothers or families is maternity group homes, also known as Second Chance Homes. Maternity group homes are adult-supervised, supporting group homes or apartment clusters for adolescent parents and their children who cannot live at home because of abuse, neglect, or other extenuating circumstances.

Some of these homes only allow adolescent mothers and their children, while others allow any custodial parents, including adolescent fathers. These homes:

- help young families become self-sufficient and reduce the risk of repeat pregnancies;
- provide parenting and life-skills classes and services to ensure a smooth transition to independent living; and
- provide access to services, such as child care, health care, trans-
portation, counseling, education, job training, and employment assistance.

The federal Runaway and Homeless Youth Program gives grants to existing or proposed community-based runaway and homeless youth projects for temporary shelters for runaway and homeless youth, including maternity group homes. Under the Reconnecting Homeless Youth Act of 2008, which amended the Runaway and Homeless Youth Act, the Family and Youth Services Bureau (FYSB) of the U.S. Department of Health and Human Services funds the Maternity Group Home Program. This program supports homeless pregnant and/or parenting youth age 16 to 22 and their children for up to 21 months. Many states’ laws implementing the federal grants allow the state governments to give grant money to private organizations to form maternity group homes.

Young parents can be referred to maternity group homes through welfare agencies, homeless shelters, foster care programs, or by community organizations, schools, clinics, or hospitals. To find a maternity group home in your state, visit http://ncfy.acf.hhs.gov/locate/index.htm, or call the National Runaway Switchboard at 1-800-RUN-AWAY.

Temporary Assistance for Needy Families
Under the federal Temporary Assistance for Needy Families (TANF) program, to qualify for welfare assistance, young parents usually must live with a parent or guardian. However, the state must provide or help young parents locate a Second Chance Home, maternity home, or other appropriate adult-supervised living arrangement in two circumstances:

- a young parent has applied for TANF aid and has no parents, legal guardian, or other appropriate adult relative who will allow the young parent to live with them; and
- a state agency has determined it is not in the youth’s best interest to live with his or her parent or legal guardian or the youth has been subjected to serious physical or emotional harm or sexual abuse in the home.

(The level of assistance the state can provide may be limited by their resources and caseloads, however.) The young parent must then stay at the home until he or she turns 18 to continue to receive public benefits.

The American Recovery and Reinvestment Act of 2009 also made up to $5 billion available to states for the TANF Emergency Contingency Fund. This Fund can be used to reimburse states for up to 80 percent of increased spending for providing nonrecurring, short-term payments, such as four months of rental assistance, the security deposit, the first month’s rent, and utility assistance for homeless families.

Transitional Housing
Many states have laws establishing transitional housing for adolescents. These programs range from emergency short-term housing that includes shelter and at least one meal a day to more comprehensive programs providing rental assistance, career training, and educational assessment and referrals to educational programs. Examples of these laws include:

- The Illinois Children and Family Services Act—allows the state Department of Children and Family Services to license “youth transitional housing programs,” which are shelters for partially emancipated youths 16-17 years of age.
- The Minnesota Runaway and Homeless Youth Act—provides an emergency shelter program and transitional living programs for children under 21 who lack a “fixed, regular, and adequate nighttime residence.”
- The Maine Child and Family Services and Child Protection Act—allows the government to contract with organizations and agencies to provide emergency shelter and transitional living programs.

Extended Support for Foster Youth
Federal and state laws also provide assistance with housing and other necessities to young people who have “aged out” of foster care, i.e., people who have reached the age of majority in their state, which is usually 18 years old.

One such program is the federal John H. Chafee Foster Care Independence Program (CFCIP), which provides help with housing, as well as financial, counseling, employment, and education support and services. The CFCIP gives money to states to provide room and board services to people age 18 to 21 who were previously in foster care. This room and board assistance usually includes rent deposits, as well as help with expenses for food, utilities, and other household startup purchases. The funding under the CFCIP goes to state departments, who determine eligibility for housing assistance. For a list of state child welfare departments, visit www.childwelfare.gov/pubs/reslist/rl_dsp_website.cfm?rs_ID=16&rate_chno=AZ-0004E.

Another example is the federal Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections Act), passed in 2008, which allows states to obtain federal funds to support youth in foster care once they have reached age 18. Because of this funding, states can extend many services to young adults between the ages of 18 and 22. Many states have already passed, or are in the process of passing, legislation taking advantage of this federal funding.

Young parents who are home-
What is emancipation and how can a youth become emancipated?

Through emancipation, a minor can become legally independent from his or her parents and gain many of the rights and responsibilities of adults. Emancipation is only recognized in 31 states, and the rights of emancipated youth vary. In most states, an emancipated youth has many adult rights, including the ability to enter into a valid, binding contract. However, emancipation does not give young people all adult rights; for example, emancipated youth still cannot legally drink alcohol or vote until they reach the required age.

In states that recognize the right of emancipation, there are only a few ways that a minor can become emancipated. A minor is not emancipated simply by running away from home or having a child, although many states do allow the minor to consent to her own medical treatment (often except for abortion) in the event of pregnancy or childbirth. The generally accepted ways a young person can become emancipated under state law are by:

- entering into a valid marriage;
- joining the United States armed forces on active duty; or
- filing a petition of emancipation with a local court.

If a youth files a petition with a court to legally emancipate himself or herself, most courts will require that the youth:

- is of a minimum age, ranging from 14 to 17;
- has a source of income independent from his or her parents or guardian; and/or
- can support himself or herself and competently managing his or her financial affairs.

Nine of the 31 states that allow emancipation require parental consent, but of those nine, four will waive the consent requirement in specific situations, such as when consent is difficult to obtain or the parents have mistreated the youth. Most states that recognize emancipation offer free legal services to young people to assist them, either by giving advice or providing them legal representation.

When people refer to emancipation, they usually mean the judicial emancipation described above. However, in many states certain services and benefits can be received by a minor without judicial emancipation.

When a youth believes judicial emancipation is needed to access certain services or benefits, consult state laws and regulations to see if any areas, such as public benefit receipt or school enrollment and decision making, create conditions that provide access without judicial emancipation. For example, some states provide an administrative definition of emancipation in their public benefits regulations that may allow a minor who lives apart from his or her parents, but is not self-supporting, to be eligible for certain public benefits without being judicially emancipated. When this is the case, the administrative determination of emancipation is only for the purposes of benefit receipt and does not extend to any other area.

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Endnotes


4 HUD Section 8 Factsheet. <www.hud.gov/offices/pih/programs/hcv/about/fact_sheet.cfm>

5 See, e.g., Delaware State Housing Authority Voucher Eligibility <www.destatehousing.com/services/rt_s_hcv.shtml> (click on DSHA Public Housing/Section 8 Application to see age eligibility rules).

6 42 U.S.C. § 3604. It is only illegal to refuse to rent to someone based on race, color, religion, sex, familial status, or national origin. See also American Bar Association Commission on Homelessness & Poverty. Runaway and Homeless Youth and the Law: Model State Statutes, 2009, 103-04.


8 42 U.S.C. § 1437f(x).

9 Ibid.

10 Pub. Law No. 111-5 tit. XII.


13 42 U.S.C. §§ 5701 et seq.

14 Pub. Law No. 110-378.


16 See, e.g., Wis. Stat. § 48.647; Md. Code, Hum. Servs. § 5-316(a)(1)(i)(ii); Iowa Code § 239B.4(5); For a list of funding sources for Second Chance Homes, see HUD’s Web site, www.hud.gov/offices/pih/other/sch/resources.cfm.


18 Pub. Law No. 111-5 § 2101.


21 Minn. Stat. § 265K.45.


25 Pub. Law No. 110-351.


30 For a complete list of state emancipation laws, see the Juvenile Law Center’s Web site on emancipation in the United States (www.jlc.org/factsheets/emancipationus/), or Cornell University Law School’s Legal Information Institute Web site on state laws concerning emancipation (http://topics.law.cornell.edu/wex/table_emancipation).

31 See, e.g., M.C.L. § 333.9132(1) (“If a minor consents to the provision of prenatal and pregnancy related health care or to the provision of health care for a child of the minor by a health facility or agency . . . the consent shall be valid and binding as if the minor had achieved the age of majority.”); Tenn. Code § 63-6-223; N.M. Stat. § 24-1-13.1.

32 The specific rules concerning the ability of a minor to become emancipated through marriage vary, so check your state’s laws on the matter.


35 In Pennsylvania, minors are eligible for certain cash assistance benefits if they can show they meet the following definition: “A minor who is aged 16 or over, who has left the parental household and has established himself as a separate entity free to act upon his own responsibility, and who is capable of acting independently of parental control. If the minor again lives with his parents he will no longer be considered emancipated unless he remains independent of his parents’ control.” 55 Pa. Code § 145.62(i).