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June 25, 2007

The Honorable Maxine Waters
Chair, Subcommittee on Housing and Community Opportunity
Rayburn House Office Building B-303
Washington, DC 20515

The Honorable Judy Biggert
Ranking Member, Subcommittee on Housing and Community Opportunity
Rayburn House Office Building B-301 C
Washington, DC 20515

Dear Chairman and Ranking Member:

On behalf of the American Bar Association, we urge you to support H.R. 840, which would amend the McKinney Vento Homelessness Assistance Act (McKinney Vento Act)—the major source of federal legislation and funding responding to homelessness—to include within its definition of “homeless person” any individual sharing the housing of others, or living in a motel, hotel, camping ground or emergency or transitional shelter.

The current definition of “homeless person” outlined in the McKinney-Vento Act is interpreted inconsistently by different federal agencies serving the homeless community. For example, the Department of Education (ED) interprets the definition to specifically include homeless individuals sharing the housing of others, or living in motels, hotels, trailer parks or camping grounds. However, much of the McKinney-Vento Act and the majority of its funding are focused on a set of housing programs administered by the Department of Housing and Urban Development (HUD), which has interpreted the definition of “homeless person” to exclude the group mentioned above. Due to HUD’s interpretation, homeless individuals eligible to receive benefits from other federal agencies are denied access to the largest source of housing assistance.

Children of individuals who meet the ED definition of “homeless person” are entitled to education services under ED’s Education of Homeless Children and Youth Program (EHCY). Yet the ineligibility of these families for housing assistance through the HUD McKinney programs makes it difficult or even impossible for children to maintain school enrollment or attendance, directly conflicting with the goals of the EHCY program.

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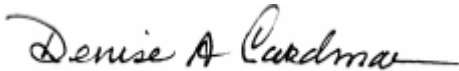
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Furthermore, the federal definition of “homeless person” as interpreted by HUD adversely affects homeless families with children as well as homeless individuals living in rural areas, and in many cases coerces them to live on the streets in order to receive housing assistance. Although homeless families with children are the fastest growing segment of the homeless population¹, shelter for them is in particularly short supply. Homeless families with children are less likely to resort to the streets due to the danger and prefer to share housing with others or stay in inexpensive motels. Their fear is validated by the fact that 2006 saw an increase in the number of unprovoked attacks against the homeless taking the total to an eight-year high². The same circumstance applies to homeless individuals in rural areas where shelters are less common than in big cities. Many rural poor choose to double-up in the homes of others. In both cases, these individuals would not qualify for housing assistance, which would have otherwise been provided if they had decided to live on the streets.

Many organizations from the national to the local level support a change like what H.R. 840 proposes: the amendment of the federal definition of “homeless person.” A coalition of eleven national, state and local groups from across the country signed a letter to HUD Secretary, Alphonso Jackson, calling for a revision of HUD’s definition of “homeless person.” The U.S. Conference of Mayors passed a resolution calling for a single federal definition, and specifically noting the problem the HUD definition causes for homeless families. The Child Welfare League of America in conjunction with the National Policy and Advocacy Council on Homelessness issued a paper urging HUD to adopt the ED definition.

We therefore urge you to vote affirmatively for H.R. 840 or to take whatever other immediate action is necessary to provide a fair, consistent definition of “homeless person” that includes those individuals who are sharing the housing of others or living in motels, hotels or camping grounds.

Sincerely,



Denise A. Cardman
Acting Director, Governmental Affairs

cc. Members of the Subcommittee on Housing and Community Opportunity

¹ United States Conference of Mayors, *A Status Report on Hunger and Homelessness in America’s Cities*, at 5 (2005)

² National Coalition for the Homeless, *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness*, 2006, February 20, 2007.