

GOVERNMENTAL AFFAIRS
OFFICE

AMERICAN BAR ASSOCIATION

Governmental Affairs Office

740 Fifteenth Street, NW
Washington, DC 20005-1022
(202) 662-1760
FAX: (202) 662-1762

DEPUTY DIRECTOR
Denise A. Cardman
(202) 662-1761
cardmand@staff.abanet.org

January 25, 2008

The Honorable Maxine Waters, Chair
Subcommittee on Housing and Community Opportunity
Committee on Financial Services
United State House of Representatives
Washington, DC 20515

The Honorable Shelley Moore Capito, Ranking Member
Subcommittee on Housing and Community Opportunity
Committee on Financial Services
United State House of Representatives
Washington, DC 20515

Dear Chairwoman Waters and Representative Capito:

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” those sharing the housing of others, or living in motels, hotels, camping grounds, and emergency or transitional shelters.

The McKinney-Vento Act contains two different definitions of “homeless person.” The U.S. Department of Education (DoE) definition specifically includes many homeless individuals and families 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, is focused on a set of housing programs administered by the U.S. Department of Housing and Urban Development (HUD), which uses a narrower definition of “homeless person” that excludes many of the homeless individuals that rely on these alternative housing arrangements.

Due to this restrictive definition, homeless individuals eligible to receive benefits from other federal agencies are denied access to the federal government’s largest source of housing and supportive services targeted to people who are homeless.

These individuals do, however, meet the DoE definition of “homeless person” and their children are entitled to education services under the DoE’s Education of

SENIOR LEGISLATIVE COUNSEL
R. Larson Frisby
(202) 662-1098
frisbyr@staff.abanet.org

Lillian B. Gaskin
(202) 662-1768
gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL
Kristi Gaines
(202) 662-1763
gainesk@staff.abanet.org

Kenneth J. Goldsmith
(202) 662-1789
goldsmithk@staff.abanet.org

Kerry M. Lawrence
(202) 662-1766
lawrenck@staff.abanet.org

Ellen McBarnette
(202) 662-1767
mcbarnee@staff.abanet.org

E. Bruce Nicholson
(202) 662-1769
nicholsonb@staff.abanet.org

DIRECTOR GRASSROOTS
OPERATIONS/LEGISLATIVE COUNSEL
Julie M. Strandlie
(202) 662-1764
strandlj@staff.abanet.org

INTELLECTUAL PROPERTY
LAW CONSULTANT
Hayden Gregory
(202) 662-1772
gregoryh@staff.abanet.org

STATE LEGISLATIVE COUNSEL
Rita C. Aguilar
(202) 662-1780
aguilarr@staff.abanet.org

EXECUTIVE ASSISTANT
Julie Pasatiempo
(202) 662-1776
jpasatiempo@staff.abanet.org

STAFF DIRECTOR FOR
INFORMATION SERVICES
Sharon Greene
(202) 662-1014
greenes@staff.abanet.org

EDITOR WASHINGTON LETTER
Rhonda J. McMillion
(202) 662-1017

Homeless Children and Youth Program (EHCY). Yet their ineligibility for housing assistance through the HUD McKinney-Vento programs makes it difficult or even impossible to maintain school enrollment or attendance, thereby undermining the goals of the EHCY program.

Furthermore, the current HUD definition of “homeless person” discriminates against homeless families, including those with young children, by forcing parents to make an unconscionable choice between keeping their family safe and together or else risk life on the streets in order to technically qualify for federal housing assistance. Already more than one million children in America are homeless, and shelter for homeless families is in particularly short supply. Their fears are validated by statistics. For example, 2006 saw an increase in the number of unprovoked attacks on the homeless, taking the total to an eight-year high.

Homeless individuals in rural areas where shelters are less common are caught in a similar bind. Many rural poor have no alternative other than to double-up in the homes of others. In these situations, as well, individuals and families would not qualify for HUD homeless assistance that would have otherwise been provided if they had decided to live on the streets.

Many organizations from the national to the local level support expansion of the HUD definition of “homeless person.” A coalition of eleven national, state and local groups from across the country were signatories to a letter to HUD Secretary Alphonso Jackson calling for a revision of HUD’s definition of “homeless person,” just as in H.R. 840. The Child Welfare League of America in conjunction with the National Policy and Advocacy Council on Homelessness also issued a paper urging HUD to adopt the DoE definition.

We therefore urge you to vote affirmatively on 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, camping grounds, and emergency or transitional shelters.

Sincerely,

A handwritten signature in cursive script that reads "Denise A. Cardman". The signature is written in black ink and is positioned above the typed name and title.

Denise A. Cardman
Acting Director, Governmental Affairs

cc: Rep. Barney Frank, Chair, House Committee on Financial Services
Rep. Spencer Bachus, Ranking Member, House Committee on Financial Services