

July 18, 2008

The Honorable Barney Frank
Chair, Committee on Financial Services
Rayburn House Office Building 2252
Washington, DC 20515

The Honorable Spencer Bachus
Ranking Member, Committee on Financial Services
Rayburn House Office Building 2246
Washington, DC 20515

Dear Chairman Frank and Ranking Member Bachus:

On behalf of the American Bar Association and its over 400,000 members nationwide, I urge you to support H.R. 840, the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007, that would, in part, arrest an erosion of federal efforts to stabilize and support children, youth and families who are in crisis by harmonizing two separate definitions of “homeless person” under the McKinney-Vento Homelessness Assistance Act (McKinney-Vento Act), which is the major source of assistance to combat homelessness.

Recent natural disasters around the nation have generated national frustration over the governmental response to millions of residents forced from their homes. Other disasters, personal and financial, similarly leave children, youth and families facing the prospects of a life on the streets. Yet, given the scarcity of services, particularly in rural communities, and that unprovoked attacks on homeless persons in 2006 rose to an eight-year high, many homeless persons take drastic measures under such dire circumstances, whether imposing on others and overcrowding a home or relocating to campgrounds or motels and exhausting what few personal resources they have, if any. These measures are, at best, temporary, and in cases of living in another’s home it can leave a displaced family without reasonable expectation or legal standing to remain for any definite length of time. During such a critical period, when stability is needed most, these persons are victim of their volatile housing circumstances, undermining their return to self-sufficiency.

Accordingly, the Departments of Health and Human Services (HHS) and of Education (DOE) consider these persons “homeless,” thereby making available to them a range of health and educational programs they oversee (for example, Head Start, the Runaway and Homeless Youth Act (RHYA), and the Individuals with Disabilities in Education (IDEA)).

Yet, the stable shelter they need most remains elusive. Lacking a fixed legal address presents an obstacle for families applying for assistance. Children shuttled among houses and temporary living arrangements have greater absenteeism and suffer related obstacles to academic success. Collectively, these conditions place them at greater risk for remaining homeless or becoming homeless as adults. Unfortunately, the Department of Housing and Urban Development (HUD), does not recognize these persons as “homeless,” thereby denying them access to the federal housing assistance they critically need – at least until they are willing to move into the streets.

It is unconscionable that we would force families into such a dilemma: to move onto the streets in order to receive housing assistance. It is true that expanding the definition of “homeless person” for HUD programs to include those already considered homeless by other federal agencies—those living in motels or doubled-up with others—may make the HUD programs more expensive. However, providing such housing assistance to families when they are most vulnerable is the very foundation of the federal response to homelessness and a wise investment in persons’ future self-sufficiency and ending reliance on federal programs in the future.

We understand that there is a pending proposal to permit (but not require) local jurisdictions to serve people who are homeless as defined by HHS and DOE, without their being included within HUD’s definition of homelessness. We believe this proposal is inadequate. At a time when the Administration is calling upon agencies to collaborate and end homelessness, these most vulnerable persons should be considered “homeless” by HUD, as well.

Accordingly, we urge you to vote affirmatively on H.R. 840 and to support providing a fair, consistent HUD definition of “homeless person” that includes children, youth, and families who are defined as homeless under related federal programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman
Director, Governmental Affairs Office