

**National Coalition for the Homeless
Statement on Enactment of the
Homeless Emergency Assistance and Rapid Transition to Housing Act
(S. 896/P.L. 111-022, Enacted May 20, 2009)**

The National Coalition for the Homeless (NCH) issued the following statement upon enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act). The legislation, which reauthorizes the McKinney-Vento homeless assistance programs of the U.S. Department of Housing and Urban Development, and the U.S. Interagency Council on Homelessness, was included within the larger Helping Families Save Their Homes Act of 2009 (S. 896, P.L. 111-022). President Obama signed the legislation on May 20, 2009.

The National Coalition for the Homeless commends Congress for taking action to reauthorize the McKinney-Vento homeless assistance programs of the U.S. Department of Housing and Urban Development, and the U.S. Interagency Council on Homelessness. This action represents the first formal reauthorization of HUD's homeless assistance programs since 1992 – a reauthorization long overdue. Moreover, the wide margin of support for the addition of the HEARTH Act to the Helping Families Save Their Homes Act of 2009 is indicative of the bipartisan interest among Members of Congress in responding to homelessness. NCH congratulates U.S. Senators Jack Reed (D-RI) and Christopher “Kit” Bond (R-MO), former Senator Wayne Allard (R-CO), U.S. Representatives Gwen Moore (D-WI), Judy Biggert (R-IL), and Geoff Davis (R-KY), the late U.S. Representative Julia Carson (D-IN) and other Members of Congress who played leadership roles in assuring reauthorization of HUD homeless assistance programs.

From NCH's perspective, the enacted version of the HEARTH Act is a mix of favorable and disappointing provisions. Among the provisions of the HEARTH Amendment that enjoy NCH support:

- Adds additional homelessness prevention activities and populations at risk of homelessness into the current Emergency Shelter Grants program, which is renamed Emergency Solutions Grants.
- Allows Congress to finance the renewal costs of permanent housing projects initiated with HUD McKinney-Vento funds from the Housing Choice Voucher account.
- Increases the administrative expense limit for project sponsors.
- Prohibits shelter and housing projects receiving HUD McKinney-Vento funds from requiring a family to separate any child or youth member of the family from the whole unit as a condition for the family's admission into the shelter or housing.
- Improves collaboration between Continuum of Care jurisdictions and HUD-funded homeless assistance providers and local educational agencies with regard to homeless child and youth access to elementary and secondary education.
- Requires the Government Accountability Office to conduct a study on rural homeless assistance, including offering recommendations on the appropriate federal agency or agencies to administer a rural homeless assistance program.

In other areas, the legislation falls short of NCH's aspirations. Among them:

- The authorization level for HUD McKinney-Vento programs is set at \$2.2 billion in FY 2010, far below the minimum \$3 billion level of annual funding need identified by NCH and other homeless advocacy organizations, particularly as homelessness prevention activities are introduced as eligible activities into HUD McKinney-Vento programs.
- The bill relegates homeless people and service providers to consultative roles in the Continuum of Care application process, rather than assuring them decision-making roles.
- The new definition of homeless individual for HUD programs (and by extension other federal, state and local programs that use the HUD definition of homelessness) continues to exclude several subpopulations recognized in other federal law to be homeless, including homeless families living in shared housing for more than two week duration and single adults and childless couples living in shared housing due to loss of housing and economic hardship. Furthermore, the new definition is overly complex and likely to prove unwieldy for people to understand whether or not they are eligible for homeless assistance, or why they may be eligible for some homeless programs, but not others.
- The bill permits jurisdictions with low rates of homelessness to use Continuum of Care funds for people who are not homeless under the HUD definition but are homeless under other federal definitions, but limits this flexibility for jurisdictions with higher rates of homelessness, thus creating inequity in access to HUD-funded homeless assistance services across jurisdictions.
- The legislation limits flexibility of jurisdictions receiving Continuum of Care funds to spend resources on the full range of eligible activities by establishing priorities, incentives, and bonuses for some activities over others.
- The legislation limits flexibility of jurisdictions receiving Emergency Solutions Grant (formerly Emergency Shelter Grant) funds to spend the full amount of ESG resources on emergency shelter, outreach, and essential services.
- The bill codifies into law the Homeless Management Information System (HMIS) without assuring privacy protections for homeless people or controlling use of HMIS data for decision-making.
- The bill misses the opportunity to elevate the Executive Director of the Interagency Council on Homelessness to a Senate-confirmed position, or to have the ICH Director report directly to the White House rather than to an annual rotation of Cabinet secretaries.
- The bill's definition of "rural area" for purposes of a new rural homeless assistance set-aside program permits metropolitan cities within some western states to remove themselves from the main Continuum of Care program and instead secure funds through the rural account.

NCH regrets that the above-mentioned weaknesses in the legislation were not adequately addressed in the HEARTH Act prior to passage. However, we will work with the U.S. Department of Housing and Urban Development and other stakeholders to assure implementation of the HEARTH Act in a manner as inclusive and protective as possible as the law affords for people experiencing homelessness and for homeless assistance service providers. The brief two-year authorization period for HUD McKinney-Vento programs provides a quick opportunity to ask Congress to redress weaknesses with the new law.

NCH thanks the many individuals and organizations who over this past decade educated us about the challenges in addressing homelessness in their lives and in their communities, who helped us shape our policy recommendations for HUD homeless assistance reauthorization, and who responded to our repeated calls for action.

We urge individuals and organizations who encounter barriers to accessing HUD homeless assistance programs as a result of the new law to report those concerns to their Members of Congress. Please also report them to NCH so that we may attempt to rectify challenges through HUD policy, regulation, or Congressional action. Please forward your concerns to NCH at info@nationalhomeless.org.