

November 14, 2005

Secretary Alphonso Jackson
Chair
U.S. Interagency Council on Homelessness
409 Third St., SW, Suite 310
Washington, DC 20024

Dear Secretary Jackson:

The undersigned organizations write concerning the federal definition of homelessness. We support and work to preserve the definition adopted by statute (42 U.S.C. 11434a (2)) for purposes of the U.S. Department of Education (ED) programs under the McKinney-Vento Act, as well as the Health Care for the Homeless Programs (42 U.S.C. 254b 9h)(5)(A)). We urge the U.S. Interagency Council on Homelessness to support and fully implement these definitions, which have been successfully implemented and are serving their respective populations well.

We urge revision of the definition of homelessness currently used by the U.S. Department of Housing and Urban Development. As the statutory language (42 U.S.C. 11302) is currently interpreted by the HUD, the definition is overly narrow and often improperly excludes families and children, as well as homeless people located in rural areas.

As noted by the U.S. Conference of Mayors in its June 2005 resolution, families with children are the fastest growing segment among the homeless, and shelter and housing resources are terribly inadequate to meet the need. According to the Mayors' December 2004 survey, requests for shelter by families with children went unmet 32% of the time that year; in 56% of cities reporting, homeless families may have to break-up in order to find shelter." As the Mayors' resolution notes, families with children who are unable to secure shelter generally "cannot consider the streets an option;" as a result, they are often found doubled- or tripled-up with friends and relatives. Because of this reality, the definition of "homeless" person adopted by ED expressly includes families in such situations, as well as families in motels.

We support revising HUD's definition to conform with the ED definition. While we do not believe that one single definition of homelessness is necessary for all purposes, we believe that revising the HUD definition will accomplish the goal of preventing the inappropriate denial of services to families and children, as well as to people experiencing homelessness in rural areas, and avoid the problems noted by the U. S. Conference of Mayors as well as by providers and advocates around the country. A recent report by the National Policy and Advocacy Council on Homelessness (a copy of which is enclosed) details some examples of such problems.

Specifically, we urge HUD to clarify that for purposes of the HUD McKinney-Vento programs "homeless person" includes persons who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations. In fact, this is consistent with the current HUD statutory definition, and could be accomplished without statutory amendment.¹

¹ This is the general definition set forth at 42 U.S.C. 11302. It includes (but is not limited to) persons lacking "a fixed, regular, and adequate nighttime residence" (42 U.S.C. 11302a(1)) and persons whose

Alternatively, we support revising HUD policy to clarify that inadequately housed people are eligible for assistance and services under the McKinney-Vento programs. “Inadequately housed” should be defined as “who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations.”

We ask to meet with you at your earliest convenience to discuss this matter.

Thank you for your consideration.

Sincerely,

National Association for the Education of Homeless Children and Youth
National Center on Family Homelessness
National Health Care for the Homeless Council
National Law Center on Homelessness & Poverty
National Low Income Housing Coalition
National Network for Youth
National Policy and Advocacy Council on Homelessness

cc: Philip Mangano, Executive Director
U.S. Interagency Council on Homelessness
Secretary Margaret Spellings, U.S. Department of Education
Secretary Michael Leavitt, U.S. Department of Health and Human Services
Secretary Elaine Chao, U.S. Department of Labor
Secretary James Nicholson, U.S. Department of Veterans Affairs

“primary nighttime residence” and persons whose is a welfare hotel (42 U.S.C. 11302a(2)(A)) or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. (42 U.S.C. 11302a(2)(C)). This language is broad enough to encompass those who are doubled up, typically temporarily and in violation of lease provisions; often this includes sleeping in kitchens, halls and other spaces “not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.” Welfare hotels are explicitly included; motels, trailer parks or camping grounds due to the lack of alternative adequate accommodations are generally not “fixed, regular, and adequate.”