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LAWMAKERS PROPOSE THE HEARTH ACT TO AID MILLIONS OF HOMELESS AMERICANS

by NIGEL GRAHAM

The proposed Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act) is the newest piece of federal legislation geared towards assisting the homeless. The HEARTH Act was introduced in the U.S. House of Representatives on Feb. 6, 2007 by Rep. Julia Carson [D-IN], Rep. Geoff Davis [R-KY], Rep. Barbara Lee [D-CA], and Rep. Rick Renzi [R-AZ].¹

The main goal of this bi-partisan act is to amend and reauthorize title IV of the McKinney-Vento Homeless Assistance Act of 1987 (McKinney-Vento).² If passed, the HEARTH Act would increase funding for U.S. Housing and Urban Development (HUD) programs, expand the definition of homelessness, and seek increased local input concerning the administration of housing and service programs.³

“This bill has bipartisan support, and I am positive that it will have a positive impact on decreasing the approximately 3.5 million Americans who are thought to be homeless at some point in the next year,” said Rep. Carson.⁴

A BRIEF HISTORY OF FEDERAL HOMELESSNESS LEGISLATION

At the beginning of the Reagan Presidency, the Administration’s stance was that local governments were best equipped to deal with issues pertaining to homelessness.⁵ However, increasing public pressure led to a federal task force on homelessness in 1983 intended to aid local governments in obtaining federal resources to battle homelessness.⁶ Following bipartisan advocacy in Congress, President Reagan signed the McKinney-Vento Homeless Assistance Act into law on July 22, 1987.⁷ Title IV of McKinney-Vento provides for such HUD programs as “the Emergency Shelter Grant program, the Supportive Housing Demonstration Program, Supplemental Assistance for Facilities to Assist the Homeless, and Section 8 Single Room Occupancy Moderate Rehabilitation.”⁸

Earlier this year, in recognition of the 20th anniversary of McKinney-Vento, HUD Secretary Alphonso Jackson stated, “We’ve come a long way from where we were 20 years ago, not only in terms of understanding homelessness, but how we confront it. This landmark law continues to be a lifeline for those living on the streets and in our shelters.”⁹ However, Jackson warned that “we can’t rest on our laurels. . .we must continue to work to end the revolving door for those who are homeless as a way of life.”¹⁰

THE HEARTH ACT GIVES MCKINNEY-VENTO MORE BITE

Jackson’s warning appears to have been heeded. The HEARTH Act strengthens McKinney-Vento by making several major alterations.

First, the Act seeks increased federal funding for the various McKinney-Vento programs administered by HUD.¹¹ The House has appropriated \$1.8 billion for homeless assistance grants for 2008; the HEARTH Act would authorize \$2.5 billion for these programs.¹²

Under the HEARTH Act, there will be more local decision making than before in determining how to allocate the increased funding towards housing and service programs.¹³ These decisions will be made through Community Homeless Assistance Planning Boards.¹⁴ These local boards are to include individuals such as advocates for the homeless, members of homeless assistance organizations receiving government money, government officials responsible for administering funds to assist the homeless, members of the business community, members of faith based organizations and individuals who have experienced or are currently experiencing homelessness.¹⁵ Brad Paul, Executive Director of the National Policy and Advocacy Council on Homelessness, endorsed this element of the HEARTH Act. “[It would] give communities – rural, urban and suburban alike – some of the necessary tools to respond to the crisis of homelessness, rather than force a one size fits all solution” said Paul.¹⁶

Another important aspect of the HEARTH Act is that it expands HUD’s definition of homelessness.¹⁷ This expanded definition offers assistance to “those who are living in doubled-up situations or in hotels/motels.”¹⁸ The revised definition will “include the types of homeless situations that families and children most often encounter” said Rep. Davis.¹⁹

Furthermore, the expanded definition provides a more accurate picture of homelessness according to Rene Heybach, Legal Director of the Chicago Coalition for the Homeless,²⁰ Her main focus is on the 10,000 children in the City of Chicago, as identified by the Chicago Public School system, who are considered homeless under the revised definition.²¹ “It is important that the truth be told about the full scope of the lack of adequate housing in our community” said Heybach.²²

Additional features of the HEARTH Act include the consolidation of HUD programs, excluding the Emergency Shelter Grants, into one streamlined program.²³ For the first time, homelessness prevention programs will be eligible for HUD funding.²⁴ There also are added protections for victims of domestic violence whereby any disclosure of identifying information by an agent of a housing or service agency is strictly prohibited.²⁵

HEARTH Act Key Provisions
• Increases federal funding for certain HUD programs
• Allows for local decision making in administering housing and service programs
• Expands HUD's definition of homelessness to include situations where individuals are doubled-up or living in motels
• Consolidates most HUD programs into one streamlined program
• Makes some homelessness prevention programs eligible for HUD funding.

ADVOCATES FOR THE HEARTH ACT AND ITS CURRENT STATUS

Several groups have been working behind the scenes to push for legislators to introduce a bill like the HEARTH Act.

“For many years groups have wanted to see the [McKinney-Vento] Act reauthorized” said Laurel Weir, Policy Director for the National Law Center on Homelessness and Poverty (NCLHP).²⁶

The NCLHP and numerous other advocacy groups for the homeless contributed to the content of the HEARTH Act.²⁷ These groups, along with HUD, realized that there needed to be a change in the way that the HUD programs created under the McKinney-Vento Act were administered.²⁸ This led to the conclusion that “consolidation of these programs would make things simpler and expand eligible activities.”²⁹

Other groups endorsing the HEARTH Act include Volunteers of America, National Policy and Advocacy Council on Homelessness, National Coalition for Homeless Veterans, and Catholic Charities USA.³⁰

NCLHP Executive Director Maria Foscarinis called the Act “a step towards. . . making good on Congress’s 20-year-old promise [in McKinney Vento] to end homelessness.”³¹

With 84 co-sponsors in the House, the HEARTH Act has been referred to the Subcommittee on Housing and Community Opportunity.³² On Oct. 16, 2007, Diane Nilan, president and founder of HEAR US Inc., a homelessness advocacy group, gave compelling testimony before Congress conveying the urgency of the HEARTH Act’s provisions.³³

“Now, more than ever, as we witness hundreds of thousands of foreclosures, with the inevitable downward spiral towards homelessness for families who awoke to the American nightmare - families who find themselves struggling to keep a roof over their heads, as they double-up with friends or families, or move into a motel . . . - now this country should be embracing a comprehensive, well-thought out, adequately funded approach to ending homelessness.”³⁴

NOTES

- 1 H.R. 840, 110th Cong. (2007).
- 2 *Id.*
- 3 H.R. 840, *supra* note 1.
- 4 Press Release, Congressman Geoff Davis, Congressman Davis Introduces Bi-Partisan Legislation to Streamline Homelessness Assistance Programs and Address Issues Related to Homelessness (Feb. 8, 2007) (<http://geoffdavis.house.gov/Read.aspx?ID=439>).
- 5 U.S. Department of Housing and Urban Development, McKinney-Vento Act, www.hud.gov/officed/cpd/homeless/rulesandregs/laws/index.cfm (last visited October 1, 2007).
- 6 *Id.*
- 7 *Id.*
- 8 Press Release, Congressman Geoff Davis, *supra* note 4.
- 9 *HUD Marks 20 Years of McKinney-Vento Homeless Assistance Act*, U.S. FEDERAL NEWS, July 18, 2007, available at 2007 WLNR 13720524.
- 10 *Id.*
- 11 E-mail from Amanda Keating, Communications Director, Office of Congressman Geoff Davis (Oct. 2, 2007, 15:50 CST) (on file with author).
- 12 *Id.*
- 13 National Policy and Advocacy Council on Homelessness, H.R. 840 – The HEARTH Act of 2007, <http://npach.org/2007/07/03/HEARTH%20one%20pager.pdf> (last visited October 2, 2007).
- 14 H.R. 840 *supra* note 1.
- 15 *Id.*
- 16 Press Release, National Policy and Advocacy Council on Homelessness, New Homeless Legislation Introduced: More Resources, Flexibility, to Assist All Homeless Populations (Feb 6, 2007) http://npach.org/HEARTH_act/HEARTHrelease.pdf.
- 17 Press Release, Congressman Geoff Davis, *supra* note 4.
- 18 Policy and Advocacy Council on Homelessness, H.R. 840 – The HEARTH Act of 2007, *supra* note 13.
- 19 Press Release, Congressman Geoff Davis, *supra* note 4.
- 20 Telephone Interview with Rene Heybach, Legal Director, Chicago Coalition for the Homeless, in Chicago, Ill. (Oct. 3, 2007).
- 21 *Id.*
- 22 *Id.*
- 23 Policy and Advocacy Council on Homelessness, H.R. 840 – The HEARTH Act of 2007, *supra* note 13.
- 24 Press Release, Congressman Geoff Davis, *supra* note 4.

25 H.R. 840, *supra* note 1.

26 Telephone Interview with Laurel Weir, Policy Director, National Law Center on Homelessness and Poverty, in Chicago, Ill (Oct. 31, 2007).

27 *Id.*

28 *Id.*

29 *Id.*

30 E-mail from Amanda Keating, Communications Director, Office of Congressman Geoff Davis (Oct. 2, 2007, 16:04 CST) (on file with author).

31 Maria Foscarinis, IN JUST TIMES, National Law Center on Homelessness and Poverty, available at www.nlchp.org/view_newsletter.cfm?id=14.

32 Library of Congress, H.R. 840, <http://thomas.loc.gov/bss/110search.html> (search "H.R. 840" by "Bill Number" then follow "All Congressional Actions") (last visited November 18, 2007)

33 Reauthorization of the McKinney-Vento Homeless Assistance Act: Hearing on H.R. 840 Before the Subcomm. on Housing and Community Opportunity, 110th Cong. (2007) (statement of Diane Nilan, President and Founder, HEAR US Inc.), http://www.house.gov/apps/list/hearing/financialsvcs_dem/htnilan101607.pdf. (last visited November 18, 2007).

34 *Id.*