

HOUSE BILL REPORT

HB 1221

As Reported by House Committee On:
Children, Youth & Families

Title: An act relating to standardizing definitions of homelessness to improve access to services.

Brief Description: Standardizing homelessness definitions.

Sponsors: Representatives Rule, Bateman, Shewmake, Lekanoff, Senn, Santos, Thai, Ortiz-Self, Ormsby, Callan, Ramel, Riccelli and Macri.

Brief History:

Committee Activity:

Children, Youth & Families: 1/25/21, 1/27/21 [DPS].

Brief Summary of Substitute Bill

- Defines "homeless" for the Early Childhood Education and Assistance Program.
- Defines "experiencing homelessness" for purposes of child welfare.
- Replaces the term "homelessness" with the term "experiencing homelessness" in the child welfare statutes.

HOUSE COMMITTEE ON CHILDREN, YOUTH & FAMILIES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Callan, Goodman, Klippert, Ortiz-Self, Wicks and Young.

Minority Report: Do not pass. Signed by 4 members: Representatives Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick.

Staff: Lena Brodsky (786-7192).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

McKinney-Vento Homeless Assistance Act.

The federal McKinney-Vento Homeless Assistance Act, Subchapter VI, Part B: Education for Homeless Children and Youths (McKinney-Vento) defines "homeless children and youths" to mean individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youth:

- sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- living in emergency or transitional shelters;
- abandoned in hospitals;
- with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and
- living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

The McKinney-Vento, Subchapter I, defines "homeless," "homeless individual," and "homeless person" first as an individual who:

- lacks a fixed, regular, and adequate nighttime residence;
- has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- is living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or
- resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided.

The McKinney-Vento, Subchapter I, defines "homeless," "homeless individual," and "homeless person" second as an individual or family who:

- will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, as evidenced by:
 - a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
 - the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
 - credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral

statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

- has no subsequent residence identified; and
- lacks the resources or support networks needed to obtain other permanent housing.

The McKinney-Vento, Subchapter I, defines "homeless," "homeless individual," and "homeless person" third as unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes who:

- have experienced a long term period without living independently in permanent housing;
- have experienced persistent instability as measured by frequent moves over such period; and
- can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

Fourth, the McKinney-Vento, Subchapter I, considers homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

Early Childhood Education and Assistance Program.

The Early Childhood Education and Assistance Program (ECEAP) is a state-funded preschool program for low-income or at-risk three- and four-year olds. Children eligible for the ECEAP are prioritized according to various risk factors, including homelessness.

The ECEAP uses the federal McKinney-Vento definition of a homeless child.

Child Welfare.

Child protective and child welfare services are provided to families to protect children from child abuse and neglect.

Anyone may file a petition in court alleging a child should be a dependent of the state due to abuse, neglect, or because there is no parent, guardian, or custodian capable of adequately caring for the child.

Poverty, homelessness, or exposure to domestic violence perpetuated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

Summary of Substitute Bill:

A definition of "homeless" as a child without a fixed, regular, and adequate nighttime residence is added for purposes of the Early Childhood Education and Assistance Program (ECEAP) in accordance with the federal McKinney-Vento Homeless Assistance Act, Subchapter VI, Part B: Education for Homeless Children and Youths.

For the purposes of child welfare and dependency proceedings, "experiencing homelessness" is defined as lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento Homeless Assistance Act (Title 42 U.S.C., Chapter 119, Subchapter I) as it existed on January 1, 2021.

The term "homelessness" is replaced with the term "experiencing homelessness" in the child welfare statutes.

Substitute Bill Compared to Original Bill:

A reference to the federal McKinney-Vento Homeless Assistance Act (Title 42 U.S.C., Chapter 119, Subchapter I) is added to the definition of "experiencing homelessness" in the child welfare statutes.

Appropriation: None.

Fiscal Note: Requested on January 27, 2021.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill aligns the definitions of homelessness. There is support for referencing the McKinney-Vento definition of homelessness in statute. There is a request to use the same definition of homelessness throughout. Additionally, the DCYF should consult with the Office of the Superintendent of Public Instruction in creating new rules interpreting homelessness definitions.

We support this straightforward update. This change ensures common language as we move forward to address issues for people facing homelessness. The current definitions of homeless create barriers to being housed. People tend to use the Department of Housing and Urban Development (HUD) definition of homeless of being out "on the street." The definition in this bill is a more accurate portrayal of homelessness. We will save money and

reduce people's trauma if we use a similar definition to what the Department of Education uses, instead of the HUD definition.

(Opposed) None.

Persons Testifying: Representative Rule, prime sponsor; Peter Drury and Nawiishtunmi Nightgun, Wellspring Family Services; Jesse Creydt, TouchStone Health Clinic and Healthy Youth Coalition North County; and Megan Veith, Building Changes.

Persons Signed In To Testify But Not Testifying: None.