



## **Children and Families Facing Eviction: Policy Recommendations to Support Stability**

**July 19, 2017**

Each year millions of families in the U.S. are evicted from their homes. Families with children are evicted at much higher rates, and children who experience eviction often face high rates of mobility and unstable living environments that result in negative consequences for their education, physical health, mental health and interpersonal relationships.<sup>1</sup>

Families who have been evicted are more likely to move to higher poverty neighborhoods and experience homelessness.<sup>2</sup> Mothers who have been evicted in the previous year have higher rates of depression, affecting their children's healthy development.<sup>3</sup>

Families may face court orders and judgments that affect a household's credit and ability to find new rental housing and maintain stable employment. Children may be forced to switch schools and find new friends, causing a disruption in their academic achievement.

The lack of affordable housing and rising rents are major factors contributing to the high rate of evictions for families with children. A third of children live in households with a high housing cost burden, meaning more than 30 percent of the household monthly income is spent on housing.<sup>4</sup> However, the problem is more complex and cannot be solved with housing alone.

Interventions to support children and families who have been evicted must acknowledge all of the barriers to stability, and address both the reasons why the family was evicted, as well as the trauma experienced as a result of the eviction.

### **INCREASE SUPPLY OF AFFORDABLE HOUSING**

Affordable housing remains one of the main barriers to economic stability for many families. Housing costs continue to increase in the U.S., yet family income has not kept pace. Access to housing assistance remains extremely limited - only one in four families who are eligible for rental assistance in the U.S. receive it. Any efforts to increase affordable housing in the U.S. should a) prioritize children and families, who face higher rates of homelessness and poverty at a time when children are undergoing critical stages of development and b) pair housing with wraparound services that include trauma-informed care.

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Affordable housing alone cannot address all underlying contributing causes of evictions, such as job loss, substance abuse, mental health issues, and domestic violence—nor can it respond to all the trauma that results from housing instability or homelessness.

The tax code is one powerful tool to increase the supply of affordable housing. However, currently the tax code provides much greater housing tax benefits to higher-income households. Any reforms or investments made in housing and homeownership through the tax code must target low- and moderate- income families. This includes reform of the Mortgage Interest Deduction to better assist low-income families who wish to become homeowners, as well as the creation of a renter’s credit or other measures to also support households who still cannot afford to buy or do not wish to become homeowners.<sup>5</sup>

Increasing access to rental assistance is a critical way to help families facing eviction. Research shows that rental assistance lifts children out of poverty - nearly one million children were lifted out of poverty by housing subsidies in 2015.<sup>6</sup> This assistance helps families with the cost of rent and frees up money for families to spend on other basic needs, thereby improving their financial stability and supporting healthy child development. Vouchers can also improve a child’s chances for economic mobility - one study finds that children in households receiving vouchers have higher adult earnings and less chance of incarceration.<sup>7</sup>

Yet few households with children that are eligible for housing assistance receive it, and programs generally do not coordinate well with other systems to improve child outcomes. Policymakers should look to examples in Washington State where public housing authorities and public school systems created partnerships to improve the educational outcomes of children living in subsidized housing.<sup>8,9</sup>

An additional funding stream is the National Housing Trust Fund (NHTF). Created in 2008, it is designed to provide resources to build and rehabilitate housing, with a focus on rental housing, for extremely low-income households. It lacked funding until recently, and in 2016, \$174 million was designated as a block grants to states. Each state has to create an allocation plan for their funds and is allowed to prioritize these funds to certain target populations.<sup>10</sup> When states are determining their target populations, they should coordinate with school systems to identify the most vulnerable families with children. This includes homeless families who are living doubled-up, such as a new program in Chicago which uses local HTF funds to prioritize families living doubled-up.<sup>11</sup> NHTF dollars should not only be protected in the federal budget process, but expanded.

## **EXPAND ACCESS TO LEGAL SERVICES**

Low-income families face obstacles that prevent them from fighting for their rights as tenants. Nearly 30 percent of households living in a rented home have experienced a related civil legal problem in the past year.<sup>12</sup> Civil legal services and eviction prevention programs help to keep children and families in their home and protect them from the negative effects that occur once a family is evicted. Yet most low-income families

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lack access to these services. Funding for these services is extremely limited – the Legal Services Corporation only received \$385 million in FY17 and the president’s FY18 budget proposes to eliminate this funding altogether.

The Equal Opportunity for Residential Representation Act of 2017 (H.R. 1146), introduced by Congressman Keith Ellison (D-MN-5), would start to address the need for civil legal services by creating a pilot program to provide grants to organizations that provide civil legal services to families facing eviction, landlord/tenant disputes, fair housing discrimination, or other housing-related issues. These grants would be equitably distributed between urban and rural areas, with at least 20 percent guaranteed for rural areas.<sup>13</sup>

## **PASS THE HOMELESS CHILDREN AND YOUTH ACT**

Families who are evicted are at high risk for experiencing homelessness, causing further destabilization and negative consequences for child development. Often homeless families and unaccompanied youth and young adults must stay in motels or with others temporarily, because there is no family or youth shelter in the community, shelters are full, or shelter policies exclude them. This means that homeless families are often forced to move frequently between living situations that are precarious and even dangerous.

Yet despite the vulnerability of these homeless families, children and unaccompanied youth and young adults, they are often not eligible for homeless assistance services administered by the U.S. Department of Housing and Urban Development (HUD) due to narrow eligibility criteria and burdensome documentation requirements.

The bipartisan Homeless Children and Youth Act (S. 611/H.R. 1511), introduced by Senator Dianne Feinstein (D-CA), Senator Rob Portman (R-OH), Congressman Steve Stivers (R-OH-15) and Congressman Dave Loebsack (D-IA-2), would provide flexibility to local communities to use federal homeless assistance dollars in a way that allows them to make the determination as to who are the most vulnerable homeless families, children, and youth in their region and target existing resources to them. It also requires collaboration between homeless family service providers and early childhood programs, institutions of higher education, and local education agencies.<sup>14</sup>

## **STRENGTHEN FAMILY TAX CREDITS**

Families use money from tax credits such as the Earned Income Tax Credit (EITC) and the Child Tax Credit (CTC) for rent, groceries, transportation to work, and other necessities such as diapers for young children. Many families have already earmarked this money before they receive it to help catch up with back rent, unpaid credit card or medical bills, or to make necessary car or home repairs. The EITC and CTC lifted five million children out of poverty in 2015 alone.<sup>15</sup> In addition to supporting financial stability, the benefits for families with children who claim these credits also include improved maternal and infant health, higher test scores, and academic achievement for students in elementary and middle school.

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Despite their effectiveness, improvements are needed. Due to the limited refundability of the CTC, it is limited in reaching households with little or no earnings and families with young children do not receive any additional amount despite incurring increased costs during this time. In March 2017, First Focus, as part of the U.S. Child Poverty Action Group,<sup>16</sup> released the white paper *Family Tax Policy: A Path Forward to Lifting Children and Families out of Poverty*,<sup>17</sup> which provides a blueprint for lawmakers for using tax reform to improve the standard of living for children and families in the U.S.

This white paper makes recommendations on: (1) how to strengthen the CTC, such as making it fully refundable and increasing the credit for families with young children, and (2) how improve the EITC as well as other credits and deductions for low-income families. Strengthening these tax credits helps families to weather times of economic crisis and prevent instances of instability and homelessness.

## **REFORM THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM**

For families struggling to maintain housing, cash assistance is critical. It provides a lifeline for covering basic needs such as rent, utilities and food and promotes child development and academic achievement. Yet despite research<sup>18</sup> that money matters for child development, just under 25 percent of all poor families that are eligible for cash assistance receive it.

The Temporary Assistance for Needy Families (TANF) program is the only federal program that provides cash assistance to low-income families. Yet most TANF funds no longer actually go towards cash assistance. In fact, states overwhelmingly use TANF funds for a number of priorities other than its original intent: reducing child poverty and getting families back to work. There are several ways to strengthen TANF, such as holding states accountable for using TANF strategically to reduce child poverty through:

- Helping parents obtain quality employment by allowing them to utilize TANF to pursue basic education, skills training or vocational training that leads to a better job.
- Directing states to utilize TANF funds for services to prevent families from entering the child welfare system through evidence-based prevention, intervention and kinship services. Families should not be pushed into the child welfare system because they were not able to access cash assistance to cover costs such as housing.
- Improving TANF to be responsive during economic downturns. Due to TANF's design as a fixed block grant, the program doesn't respond to times of increased need. A new Economic Recovery Fund would improve TANF's ability to respond to increased need during a financial crisis.
- Increasing TANF resources. These recommendations cannot happen without increased resources to TANF. The overall block grant has fallen in value by 32 percent due to inflation since 1996.<sup>19</sup>

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## **SUPPORT TRANSITION-AGED FOSTER YOUTH AND STABILIZE FAMILIES AT RISK OF ENTERING CARE**

Families who are evicted, or at risk of eviction, may also be involved with the child welfare system and face the removal of their children because they cannot adequately care for them or receive services to help them achieve stability. The most recent data collected by the Administration for Children and Families shows that 10 percent of children entered foster care because of inadequate housing, 32 percent of youth entered care due to parental drug abuse, and 14 percent because their caretakers were unable to cope.<sup>20</sup> While some of these families simply lack monetary resources to provide adequate housing for themselves and their children, many more require services that will help them acquire the skills and treatment necessary to achieve long-term stability.

In addition, youth who age out of foster care have high rates of homelessness. A recent data brief published using the National Youth in Transition Database found that by age 21, of youth who had been in foster care, 43 percent reported having had a homeless experience, 32 percent reported having a child, 20 percent had been incarcerated in the past two years, and 38 percent were receiving public assistance other than educational assistance, or employment skills training. More must be done to ensure the success of youth who age out of care so that they have a better chance of achieving stability and independence as adults.<sup>21</sup>

One solution is the Family First Prevention Services Act (H.R. 253), which would provide families at risk of entering the child welfare system with services to help keep families together. The time-limited services would allow federal reimbursement for in-home parenting skills, mental health treatment, and substance-abuse treatment to help stabilize families so that their children do not have to be removed from their homes. In addition, the bill allows for foster care maintenance payments to be made for children who are residing with their families in residential treatment programs.

Another solution is for more Family Unification Program (FUP) vouchers to be made available to families at risk of having children removed and to youth aging out of foster care. Currently, families for whom the lack of adequate housing is a primary factor in the removal of a child in that home into out-of-home care, or the delay in reunification with the family with a child who was in out-of-home care are eligible for these vouchers. In addition, youth who are between 18-24, who left foster care at age 16 or older and are homeless or at risk of homelessness are eligible for these vouchers for 36 months.<sup>22</sup> These vouchers do not reach all eligible beneficiaries and could be expanded to help families and youth achieve housing stability.

## **PROTECT MEDICAID AND THE CHILDREN'S HEALTH INSURANCE PROGRAM**

As the largest insurer of children, Medicaid is critical to over 37 million low-income children, or 39 percent of all children in the United States. An additional 8.9 million children are enrolled in the Children's Health Insurance Program (CHIP), which provides coverage for children just above the Medicaid eligibility threshold. Together Medicaid and CHIP serve more than one in three children in the United States and are largely why 95 percent of children in the U.S. are covered.

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Medicaid covers an array of health services for children including Early and Periodic Screening, Diagnostic and Treatment (EPSDT) which includes screening services, immunizations, physical exams, vision, dental, hearing and other health care services important for the healthy development of a child.

Medicaid is especially critical for kids in times of economic crisis and serves as an important source of coverage for children of color. During the 2008 recession, for every one percent increase to the unemployment rate, an additional 600,000 became eligible for Medicaid. Overall, Medicaid and CHIP cover almost one-third of White (31 percent) and one-quarter of Asian (28 percent) children, and over half of Hispanic (56 percent) and Black children (58 percent), who are more likely to live in low-income families than White children.

In addition, in states with the Medicaid expansion, Medicaid covers low-income parents who need treatment for physical illness, substance use, and mental health disorders to help them stay healthy and productive. Supportive housing programs have also created partnerships with Medicaid providers to help keep families housed and provide wraparound services to help families through tough times.

Any health care legislation that would severely cut funding to Medicaid or CHIP would be devastating to children's health in America. The Better Care Reconciliation Act (BCRA) currently being considered in the Senate would eviscerate Medicaid by cutting almost \$800 billion by imposing draconian and arbitrary cuts and per capita caps upon the program. Despite its name, the BCRA would make the lives of children in America much worse.

Moreover, BCRA includes a provision encouraging states to conduct more frequent eligibility determinations. This would be particularly harmful to homeless children and families, as they would be placed at greater risk for losing eligibility due to repeated paperwork burdens and the fact that their unstable housing situation may result in them missing deadlines or being fully disenrolled due to an address change. This can have tragic consequences for children.

For example, Deamonte Driver, a 12-year-old boy in Maryland, passed away a decade ago when his Medicaid coverage lapsed after the paperwork was mailed to the homeless shelter where the family had previously stayed. That lapse in his Medicaid coverage and the delay in getting reenrolled and finding a dentist to address a tooth abscess led to Driver's death after bacteria from the abscess reached his brain.<sup>23</sup>

We need to protect these programs, including extending CHIP funding which expires on September 30, 2017. A long-term funding extension for CHIP is urgent as state budgets for FY18 are counting on it to continue. The absence of an extension will cause administrative chaos for states and significant disruption of coverage for kids and families who rely on CHIP for medical, dental, and mental health care.

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## INVEST IN EARLY CHILDHOOD PROGRAMS

Homelessness is a particular threat to the healthy development of infants and toddlers. In fact, infants are at the highest risk of living in a homeless shelter. Although children under the age of one comprise less than six percent of the overall population, they represent more than ten percent of the population served by HUD-funded family shelters.<sup>24</sup>

Homelessness during the earliest years of a child's life can have profound impacts on their academic achievement, including their social-emotional development, self-regulation and cognitive development. These sobering statistics highlight the importance of quality child care and preschool for homeless children and their families. Securing safe and affordable child care and preschool remains one of the most significant barriers to stability for working parents and their children. Expanding access to high-quality early childhood and preschool programs prepares children for school, supports parents' ability to maintain stable employment, and provides economic benefits for our society.

Quality child care is out of reach for many families, particularly low-income families. Many struggle to stay in the workplace, and may be forced to place their children in lower-quality child care. This, in turn, hinders their ability to learn in an enriching environment and endangers their safety. The Child Care and Dependent Block Grant (CCDBG) provides funding to every state to help working parents pay the high cost of child care. Yet federal investments in child care through the CCDBG significantly lag below the need and are at a 16-year low. Additionally, Congress has not provided sufficient funding to implement new provisions it added in the recent bipartisan CCDBG reauthorization, resulting in fewer child care slots to meet the overwhelming need for quality child care.

A core component of our nation's early childhood infrastructure, Head Start provides high-quality early learning experiences and supportive services to low-income parents and their young children. Early Head Start serves pregnant parents and young children (from birth to age three) by providing parenting support and comprehensive services to children during their earliest years when science tells us their brains are rapidly developing. Despite the positive impacts of Head Start, it serves fewer than half of all children and families eligible for services. Unfortunately, Early Head Start, which serves children from birth through age three with comprehensive health and educational services, reaches less than six percent of the eligible population.

Home visiting is a strategy that can also positively impact homeless children and families. Home visiting pairs pregnant women and parents with trained nurses, social workers and other professionals who visit with them, typically in their homes, but in the case of homeless parents, in shelters and other locations. The home visitor assists families in finding stable housing, accessing health care and other necessary resources to support their children's healthy development. Ultimately, the home visitor's goal is to help a parent become economically stable. The federal program supporting evidence-based home visiting is the Maternal, Infant and Early Childhood Home Visiting (MIECHV) program. MIECHV serves less than six percent of the children and families eligible for its services. In addition, funding for MIECHV will expire in September

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unless Congress reauthorizes the program. We urge Congress to reauthorize and expand MIECHV for a five-year period with an increase in funding from \$400 million annually to \$800 million over the course of the reauthorization.

If our nation wants to strengthen families and provide support for babies and toddlers at a critical time when their brain and physical development lays the foundation for future learning, we must invest greater resources in the CCDBG, Head Start and the MIECHV program, as well as other supports which help struggling families when their children are young. According to economist and Nobel Prize winner James Heckman, high-quality, early learning programs for low-income children under five years old result in a 13 percent return on investment per year, much of which is due to increased earnings for these children later in life. In order to ensure every family has access to high quality child care and early learning programs, we need significant public investments.

## **IMPROVE EQUITY IN PUBLIC SCHOOLS**

For children in households with high mobility, school provides a stable place. Many families facing eviction live in neighborhoods of concentrated poverty where schools lack resources due to inequitable allocation at the federal, state, and local levels. The most effective way to address these disparities is to target funds to public schools in areas of concentrated poverty through Title I, Part A program grants to ensure that schools serving students who need more support receive the resources necessary to help students succeed.

These resources must include stable, educational spaces where a student's academic, health, and mentoring needs are met. The bipartisan Every Student Succeeds Act (ESSA) authorized and increased funding for the Community Support for Schools Success Program, which provides grants to community schools that offer more holistic approaches to children's education by pairing classroom curriculum with social services. This includes Full-Service Community Schools, which provide students in-house services such as primary health and dental care, mental health and counseling, nutrition services, mentoring, and adult education and job training for parents. Community schools are an evidence-based intervention and this strategy should be implemented by more schools and included in ESSA state plans.<sup>25</sup>

For homeless children and youth, the McKinney-Vento Education for Homeless Children and Youth (EHCY) program provides protections and services to ensure that despite high mobility that might take them out of the district, they can still enroll in and attend school. EHCY serves over 1.2 million students experiencing homelessness in the public school system and has a strong history of bipartisan support. It was strengthened in ESSA through provisions to increase resources to schools to identify homeless students and support the educational success of these students. To fully implement these provisions, this program needs the fully authorized amount of \$85 million so every homeless student has the support they need to succeed.<sup>26</sup>

## **ADDRESS ENVIRONMENTAL HAZARDS IN HOUSING**

Families that get evicted often move into substandard housing with housing code violations and environmental hazards because they have no other choice. This can include lead paint, which is destructive to



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a child's developing brain and nervous system, or asthma triggers such as mold, rodents, or dust. Low-income children and families are disproportionately affected by these hazards.

Legal protections are needed to ensure that no child has to live in a home with these hazards. For example, in Philadelphia landlords are legally required to do inspections for these hazards and remediate properties if found.<sup>27</sup> Families also need access to civil legal services to protect their rights as tenants when environmental hazards are found.

In order to remove these hazards, we need increased support for programs such as the U.S. Department of Housing and Urban Development (HUD) Healthy Homes and Lead Hazard Control Program which provides funding for home remediation, such as removal of lead paint. This program received an increase in the FY17 spending bill that will help to address lead paint in 1,750 housing units but further investment is needed. The Environmental Protection Agency (EPA) Lead Risk Reduction Program provides certifications for those working to renovate buildings with lead paint and public education around dangers of lead-based paint in homes. The EPA also provides grants to states under the Toxic Control Substances Act to address renovation of homes with lead-based paint. The president's FY18 budget proposal includes deep cuts to both of these programs.<sup>28</sup>

We need to ensure that all children at risk of lead poisoning are screened and when lead poisoning is found, ensure that children receive services that mitigate the effects. These include comprehensive health care services through Medicaid; and early childhood programs such as Head Start, home visiting, child care and preschool; and improved special education services and educational support services for children and their parents.

In addition, the Center for Disease Control and Prevention (CDC) Lead Poisoning Surveillance Program helps states identify children at risk for lead poisoning and target them for testing. The CDC National Asthma Control Program assists states in combating asthma through surveillance, training and public education. Both of these programs need increased funding in order to ensure that no lead poisoning or asthma symptoms go undetected in children and they receive the treatment they need to thrive.

## **CREATE A RIGHT TO HOUSING FOR CHILDREN**

Children should have an unequivocal right to stable housing in the United States. Currently, there is no child rights framework in the United States that helps policymakers prioritize children when making decisions that affect them, or allow a legal course of action for children to gain access to adequate living conditions.

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In the 114<sup>th</sup> Congress, H. Res. 476 was introduced<sup>29</sup> that established such a framework and articulated “the right to have the child’s essential needs met, including nutritious food, safe and accessible shelter, clothing, health care, and accessible transportation, the right to a safe and healthy environment, including homes, schools, neighborhoods, and communities, and the right to have appropriate legal representation and a child advocate in legal proceedings to represent the interest of the child.” These rights are vital to ensuring the long-term well-being and stability of children in the United States. If passed, children and families should have avenues of seeking redress when such rights are not considered. Therefore, in addition to establishing a children’s rights framework, families and children should have access to legal representation to understand what rights are afforded to them and to empower them to gain access to needed services to help stay in their homes.

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