

GA Balance of State CoC Policy against Involuntary Separation of Families

Policy:

HUD issued regulations that all shelters are prohibited from denying access to families based on the age of a child. This requirement has been issued through the HEARTH Act and through the ESG Interim Rule. All HUD funded projects will comply with this requirement. Non-compliance may result in removal of funds. The GA BoS CoC strongly supports the prohibition against involuntary family separation, has adopted, and incorporated this prohibition as policy and as a special condition in all family housing contracts executed as of September 8, 2017.

In an effort to maintain family unity, for housing serving families with children, the age and gender of a child under age 18 shall not be used as a basis for denying any family's admission. 24 CFR § 578.93(e). Additionally, recipients may not deny admission to any member of the family (e.g., 15-year old son).

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability. Any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are considered to be a family and must be served together as such. While it is acceptable for a shelter or housing program to limit assistance to households with children, it may not limit assistance to only women with children. Such a shelter must also serve the following family types, should they present, in order to be in compliance with the Equal Access rule:

- Single male head of household with minor child(ren); and
- Any household made up of two or more adults, regardless of sexual orientation, marital status, or gender identity, presenting with minor child(ren).

Additionally, all family shelters, regardless of funding, should accommodate any family composition unless there is a justifiable reason why the agency cannot do so.

Please see the following for specific information:

HEARTH Act language on family separation:

SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION. “(a) IN GENERAL.—... any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18. “(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor— “(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and “(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate

alternative living arrangement for the whole family or household unit has been secured.”

<https://www.hudexchange.info/resource/1715/mckinney-vento-homeless-assistance-act-amended-by-hearth-act-of-2009/>