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Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street NW, Room 10276
Washington, DC 20410-0500

Re: Docket ID number FR-6284-N-01; Implementation of the Fostering Stable Housing Opportunities Amendments

To whom it may concern,

Facing Foster Care in Alaska (“FFCA”) respectfully submits the following comment in response to the U.S. Department of Housing and Urban Development’s request for public comment on certain provisions of the Fostering Stable Housing Opportunities Act (“FSHO”) amendments.

FFCA is a nonprofit membership organization composed of current and former foster youth living in Alaska. FFCA is dedicated to improving the foster care system, developing leadership and self-advocacy skills among its members, creating a network of peer support, and providing direct assistance to FFCA members. As part of its work, FFCA staff help members to navigate the foster care system and transition to adulthood, including by helping them to find housing and apply for government benefits. FFCA’s members include more than 300 current and former foster youth in Alaska, many of whom will be affected by the FSHO amendments.

In the detailed comments below, FFCA urges the Department to implement the FSHO Amendments in a manner that maximizes access to vouchers under the Family Unification Program for youth and the Foster Youth Initiative (collectively referred to as FUPY/ FYI vouchers). Specifically:

- The Department should not extend the Family Self Sufficiency Program enrollment requirement beyond the current 36-month cutoff.
- The Department should prohibit Public Housing Agencies from requiring a minimum number of classes, credits, or work hours to be eligible for an extension of FUPY / FYI voucher assistance.

I. Housing Assistance Is Crucial to Former Foster Youth.

Former foster youth are in critical need of housing assistance. Data recently reported by states to the National Youth in Transition Database reveals that youth who spend their teenage years in foster care are at significant risk of homelessness, with 30% of the youth who transition out of foster care experiencing homelessness by the age of 21.¹ Such youth are also far more likely to experience homelessness than youth who have not spent time in the foster care system. Indeed, a national study in 2019 found that 29% of the 13- to 25-year-olds experiencing homelessness have spent time in foster care, even though only 6% of children in the United States spend time in the foster care system.² These national statistics are consistent with homelessness rates for former foster youth in Alaska, as well as the lived experience of FFCA members, who frequently experience housing instability or homelessness while in foster care and after transitioning into adulthood.

Indeed, the risk of homelessness is part of a broader array of challenges faced by youth as they transition from the foster care system to independent living. This trend is explained in part by a frequent lack of stability, emotional support, and financial resources for foster youth in their adolescence, all of which help young people to develop independent living skills.³ As a result, youths who have been in foster care tend to experience worse outcomes in education, employment, housing, and other areas compared to their peers in the general population.⁴ In fact, former foster youth experiencing homelessness are more likely to have experienced adverse events than other youth experiencing homelessness. For example, in one national survey of youth experiencing homelessness, 61% of youth with foster care history had spent time in jail, prison, or detention, while only 46% of the youth with no foster care history reported the same.⁵ Against this background, housing benefits are crucial to the well-being of former foster youth.

II. Housing Benefits Are Underfunded and Exceedingly Difficult to Access.

Unfortunately, housing assistance for former foster youth is drastically underfunded. Of the patchwork of federal-state programs that potentially provide such assistance, many—such as the John H. Chafee Program for Successful Transition to Adulthood program—do not make housing

¹ Admin. for Children & Families, *National Youth in Transition Database Report to Congress 10* (2020), available at https://www.acf.hhs.gov/sites/default/files/documents/cb/nytd_report_to_congress.pdf.

² Amy Dworsky et al., Univ. of Chi., Chapin Hall Ctr. for Children, *Missed Opportunities: Pathways from Foster Care to Youth Homelessness in America 6* (2019), https://www.chapinhall.org/wp-content/uploads/Chapin-Hall_VoYC_Child-Welfare-Brief_2019-FINAL.pdf.

³ Adrienne L. Fernandes-Alcantara, Cong. Rsch. Serv., RL34499, *Youth Transitioning From Foster Care: Background and Federal Programs 2* (2019), available at <https://sgp.fas.org/crs/misc/RL34499.pdf>.

⁴ Peter J. Pecora et al., Casey Fam. Programs, *Improving Foster Family Care: Findings from the Northwest Foster Care Alumni Study* (2005), available at https://caseyfamilypro-wpengine.netdna-ssl.com/media/AlumniStudies_NW_Report_FR.pdf (young adults with a history in foster care are generally more likely to have mental health and financial challenges than their peers); Mark E. Courtney et al., Univ. of Chi., Chapin Hall Ctr. for Children, *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26* (2011) available at <https://www.chapinhall.org/wp-content/uploads/Midwest-Eval-Outcomes-at-Age-26.pdf> (former foster youth fared worse than their peers in education, employment, and other outcomes).

⁵ Dworsky, *supra* note 3, at 8.

their exclusive focus and are not *required* to spend any of their funds on housing.⁶ Indeed, while states may spend up to 30% of their Chafee funds on housing for former foster youth, most do not. In a report analyzing the use of Chafee funds in 34 states for the 2017 fiscal year, the Congressional Research Service found that only 8 states used the maximum of 30% for housing, while 16 states spent between 1% and 9%, 5 states spent between 10% and 19%, and 6 states spent between 20% and 29%.⁷

Moreover, even if such programs made the maximum amount of funds available for housing, such funds would not cover the entire population of eligible former foster youth.⁸ One study, which looked at the Chafee program in 17 states, found that a full deployment of Chafee program housing funds would only provide housing for one-eighth of former foster youth in need of housing in those states.⁹

And even when such benefits *are* available to eligible youth, they are exceedingly difficult to access and maintain. Through our experience in helping youth to obtain housing assistance, including FUPY/FYI housing vouchers, FFCA has learned that the process—which is inefficient, time-consuming, and byzantine—would be frustrating and difficult to navigate even for stable, well-equipped adults. For former foster youth who lack stability (because they are experiencing or threatened by homelessness) and independent living skills (because their formative years were characterized by instability and a lack of support), obtaining a housing voucher can be an extraordinary challenge.

In fact, FFCA has observed that every stage of the application process poses substantial obstacles, which are often compounded by real world friction and limitations. To begin, most foster youth are unaware of the various housing benefit programs available to them. Child welfare agencies very rarely take the initiative to refer eligible youth to the Alaska Housing Finance Corporation (Alaska’s public housing agency). Instead, most FFCA members who receive housing benefits first learned about the benefits because FFCA staff recognized that the individual in question was likely eligible and helped initiate the application process.

The application itself often poses further challenges. For many housing benefits, youths must fill out lengthy forms that are often well beyond their reading comprehension level. For example, the application packet for the FYI Voucher Program in Alaska consists of 6 forms that include notices written in legalese, as well as instructions that make unexplained references to various regulatory and financial terms, such as “ATAP/TANF payments” and “Permanent Fund

⁶ Adrienne L. Fernandes-Alcantara & Maggie McCarty, Cong. Rsch. Serv., R46734, *Housing for Former Foster Youth: Federal Support* 7 (2021), available at <https://crsreports.congress.gov/product/pdf/R/R46734#:~:text=Housing%20support%20may%20also%20be,credit%20programs%3B%20and%20homelessness%20assistance>.

⁷ *Id.* at 11.

⁸ *Id.* at 8.

⁹ *Id.* (citing Michael Pergamit, *et al.*, HHS Off. of the Assistant Sec’y for Rsch. & Evaluation, *Housing Assistance for Youth Who Have Aged Out of Foster Care: The Role of the Chafee Foster Care Independence Program* (2012), <https://aspe.hhs.gov/system/files/pdf/76501/rpt.pdf>).

Dividends.”¹⁰ While our staff frequently help our members fill out such forms, we are unable to assist every former foster youth in Alaska going through this process.

To complete the application, youths must also submit a number of official documents that can be difficult to obtain. For the FYI voucher application, for example, youths are required to provide a photo ID, proof of their social security number, proof of citizenship status (if claiming eligible noncitizen status), proof of birth and custody status (where applicable) for any household members under the age of 18, proof of full-time enrollment status in an educational institution (if claiming student status), and proof of income (*i.e.*, an employment offer letter OR 4 to 6 current, consecutive pay stubs).¹¹ Beyond needing the organizational skills required to pull together this collection of paperwork, youths are often stymied by the fact some documents are difficult to track down. Indeed, the state retains custody of official documents such as birth certificates and social security cards for youths while they remain in foster care. This presents a problem for many youths who are eligible to apply for assistance *before* they transition out of the system.¹² To gather these materials, youths must therefore reach out to their case worker at the Office of Children Services—another bureaucratic step that risks additional delay. Sometimes the state will complicate things further by misplacing the needed documents, as was the case with one FFCA member whose case worker simply lost (and was never able to find) her birth certificate.¹³

The process does not get easier once the housing voucher is in hand. Rather, the youth must then find a landlord who is willing to take the voucher—something that landlords are not legally required to do.¹⁴ This process often takes weeks and sometimes even months. Such a delay introduces yet another wrinkle since the voucher recipient must find housing within 60 days or else risk losing the voucher.¹⁵ If unable to find housing within that time period, a voucher recipient in Alaska can request up to two 30-day extensions, which requires submitting documentation of the failed search.¹⁶ If the recipient fails to find housing during the extension period, the recipient loses the voucher.

Assuming the voucher recipient successfully finds an apartment, it must be inspected by the Alaska Housing Finance Corporation for compliance with federal Housing Quality Standards

¹⁰ See Alaska Hous. Finance Corp., Foster Youth Initiative Voucher Program Application Packet, available at https://www.ahfc.us/application/files/4516/0945/4807/Foster_Youth_010121.pdf.

¹¹ *Id.*

¹² See 42 U.S.C. § 1437f(x)(2) (providing that youths are eligible for FUP vouchers when they are “at least 18 years of age and not more than 24 years of age and ... have left foster care, or will leave foster care within 90 days ... and [are] homeless or [are] at risk of becoming homeless”).

¹³ This particular FFCA member was able to eventually get a replacement copy by engaging in some detective work to learn where she was born and then contacting her birth hospital directly. For many youths, however, this solution would not have been an option because children in foster care often have no way of knowing where they were born.

¹⁴ While some states have “source-of-income” laws that bar landlords from rejecting tenants who plan on using housing vouchers, Alaska is not one of them. See Kristian Hernandez, PEW, *Biden Wants to Offer More Housing Vouchers, Many Landlords Won’t Accept Them* (May 12, 2021), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/05/12/biden-wants-to-offer-more-housing-vouchers-many-landlords-wont-accept-them>.

¹⁵ Alaska Hous. Finance Corp., *Rental Assistance, Privately-Owned Rentals: Voucher Portability*, <https://www.ahfc.us/publichousing/rental-programs/low-income-alaskans-renting-private-individuals/portability> (last visited Mar. 22, 2022).

¹⁶ See *id.*

before the state will pay any rental assistance on the unit.¹⁷ In FFCA's experience, FFCA members generally have to wait several weeks before an inspection appointment becomes available. Finally, the voucher recipient usually must pay a security deposit to the landlord, for which they can get assistance on a one-time basis.

If this undertaking were not laborious enough, former foster youth often face real-world challenges that threaten to disrupt their access to rental assistance. For example, one FFCA member lost her apartment when her landlord decided to sell the building she lived in. She was forced to go through the entire apartment-hunting experience all over again, starting with a request that the Alaska Housing Finance Corporation reissue her voucher. She therefore contacted her case manager, who informed her that she would need to visit the Alaska Housing Finance Corporation offices in person. Lacking a car and access to childcare at the time, this initial meeting involved navigating the public bus system, including a transfer with a half hour wait, in the middle of winter with her two young children. Juggling her children and other responsibilities, the FFCA member attempted, but was unable, to find a new apartment willing to accept her voucher within the initial time window. Facing a real risk of losing her rental assistance, she pulled together documentation on the failed search and requested an extension. By that point, she was also required to move out of her old apartment. Without a new apartment, the FFCA member and her two young children were forced to move in with her sister, who also has two children. From a crowded setup of 2 adults and 4 children living in a one-bedroom apartment, the FFCA member relaunched her search. While she managed to find a landlord willing to accept her voucher during the extension period and was able to get an inspection of the apartment completed two weeks later, she faced one last obstacle: she did not have enough money to pay the security deposit. And as noted above, Alaska Housing Finance Corporation provides assistance with security deposits only once per voucher. Fortunately, FFCA was able to help pay the deposit and the FFCA member moved into her new apartment after several stress-filled and anxiety-inducing months.

III. The Department Should Maximize Access to Housing Benefits Available Through the FUPY/FYI Voucher Programs.

Given the enormous barriers to accessing and maintaining rental assistance of any kind, FFCA strongly urges the Department to implement the FSHO Amendments in a manner that maximizes access to housing benefits for former foster youth. FFCA welcomes the changes brought about by the FSHO Amendments, including the 24-month extension of FUPY/FYI vouchers beyond the previous limit of 36-months following a youth's emancipation from the foster care system.

As summarized in the Department's notice, the statute provides that youths are eligible for an extension when they meet one of three requirements:

¹⁷ See Alaska Hous. Finance Corp., *For Partners, For Landlords: Housing Choice Voucher Program* (last visited Mar. 22, 2022), <https://www.ahfc.us/pros/landlords/housing-choice-voucher-program>; see also 24 C.F.R. § 982.401 (2015) (providing housing quality standards).

- Where the public housing agency operates a Family Self Sufficiency (“FSS”) Program¹⁸ and has sufficient space for the youth to enroll, the youth must enroll and participate in the program.¹⁹
- Where the public housing agency does not operate an FSS program—or where the youth has been unable to enroll—the youth must be able to demonstrate that in 9 of the 12 months preceding the extension period, the youth was either enrolled in a recognized postsecondary credential, a secondary school diploma, or its recognized equivalent; enrolled in an institution of higher education as defined by Section 1001(a) of Title 20; or participating in a “career pathway” as defined by Section 3102 of Title 29.²⁰
- Where the youth is unable to meet the above education and work requirements due to certain life circumstances, the youth may still qualify for the extension if they can demonstrate that they are caring for a dependent child under the age of six or an incapacitated person, actively participating in a drug or alcohol treatment program, or are incapable of complying due to a documented medical condition.²¹

The Department’s notice also provides guidance on how it is implementing these requirements. While the Department interpreted the statute to mean that the FSS enrollment requirement should apply after the first 36-month period (explained further below), the notice generally did not “establish[] terms or conditions for meeting [the] requirements beyond those contained in the statute.”²² Rather, the notice “provid[es] [public housing agencies] with flexibility in applying these requirements and encourages [public housing agencies] to consider how they can provide extensions of the FUPY/ FYI assistance to the broadest population possible consistent with the statutory requirements.”²³ The notice also requests comment on whether the Department should establish more specific terms and conditions regarding the various requirements.

While FFCA applauds the Department’s efforts to encourage agencies to maximize access to these housing benefits, FFCA urges the Department to rethink its decision to leave the implementation of the requirements to the discretion of the public housing agencies. Rather, to ensure that the 24-month extension is provided to the broadest population possible, the Department should establish a ceiling on eligibility requirements that public housing agencies may impose that is consistent with, and does not exceed, the statutory requirements.

¹⁸ The FSS is a five-year program that aims to help “HUD-assisted families to increase their earned income and reduce their dependency on welfare and rental subsidies.” U.S. Dep’t of Hous. and Urban Dev., *Family Self Sufficiency (FSS) Program*, https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/fss (last visited Mar. 22, 2022). The Alaska Housing Finance Corporation provides an FSS program called Jumpstart. *See* Alaska Hous. Finance Corp., *Jumpstart*, <https://www.ahfc.us/tenants/jumpstart> (last visited on Mar. 22, 2022); *see also* Alaska Hous. Finance Corp., *Family Self Sufficiency Action Plan Jumpstart Program* at 17 (2020), available at https://www.ahfc.us/application/files/6016/1763/9202/Jumpstart_Action_Plan_090120.pdf (laying out the requirements for participation in Jumpstart).

¹⁹ 42 U.S.C. § 1437f(x)(5)(A)(i).

²⁰ *Id.* § 1437 f(x)(5)(A)(ii).

²¹ *Id.* § 1437 f(x)(5)(A)(iii).

²² Implementation of the Fostering Stable Housing Opportunities Amendments, 87 Fed. Reg. 3,570, 3,572 (Jan. 24, 2022).

²³ *Id.*

Specifically:

- ***The Department should not require youths to enroll in the FSS program beyond the 36-month cutoff.*** In its notice, the Department explains that it has determined that a youth will be considered “unable to enroll” in the FSS program when the relevant public housing agency is unable to offer an FSS slot to the youth during the first 36 months of the FUPY/FYI voucher.²⁴ Under these circumstances, the youth qualifies for the 24-month extension so long as they meet one of the other two requirements (*i.e.*, the education/work requirement or one of the exceptions for youths unable to meet education/work requirement). In other words, even if space opens up in the FSS program during the extension period, a former foster youth will not be required to enroll in the FSS program in order to maintain their voucher for the remainder of the extension period.

The Department has asked in the notice whether it should establish a different cut-off for requiring FSS enrollment.²⁵ FFCA agrees with the Department that the requirement for enrolling in the FSS program (should a slot become available) should not extend past the initial 36 months of the FUPY/FYI voucher. Requiring youths to enroll in the FSS program during the extension period may not be in the best interest of the youth. As the Department notes, youths who qualified for the extension by virtue of meeting the education / work requirements will already be enrolled in school, participating in a training program, or working a particular employment schedule. These activities may not be easily integrated into—and may even preclude participation in—the FSS program.

To maintain good standing with the FSS program, participants are required to sign a “contract of participation.”²⁶ Among other things, the contract requires that the head of household—in this case, the former foster youth—“seek and maintain suitable employment.”²⁷ Under federal regulation, seeking employment entails, at a minimum, applying for employment, attending job interviews, and otherwise following through on employment opportunities.²⁸ Further, the public housing agency has discretion to determine what constitutes “suitable employment” based on the skills, education, and training of the individual.²⁹

For youths who have already qualified for an extension by enrolling in school or a workforce development opportunity, meeting the FSS employment requirements could interfere with their preexisting activities and would therefore be disruptive. For example, one FFCA member is currently enrolled in a vocational training program that requires her to take a full-time course, along with an externship program. She would be unable to

²⁴ 87 Fed. Reg. at 3,572.

²⁵ *Id.* at 3,573.

²⁶ 24 C.F.R. § 984.303; *see also Family Self Sufficiency Action Plan Jumpstart*, *supra* note 22 (providing that individuals in Alaska’s FSS program must seek and maintain “suitable” employment).

²⁷ *Id.* § (b)(4)(i).

²⁸ *Id.* § (b)(4)(ii).

²⁹ *Id.* § (b)(4)(iii).

realistically take on “suitable employment” to participate in the FSS program while completing her current program.

- ***The Department should prohibit Public Housing Agencies from requiring a minimum number of classes, credits, or work hours to be eligible for an extension of assistance.*** With regards to the education/work requirement, the Department asked in its notice whether it should establish a minimum or maximum number of classes, credits, or work hours that youths should take in order to be eligible for the 24-month extension.³⁰ FFCA strongly urges the Department to establish a ceiling on the eligibility requirements under which youths need only demonstrate that they are enrolled in a qualifying program or employed in a qualifying career pathway. In other words, the public housing agencies should not have to discretion to require a minimum number of classes, credits, or work hours.

To require otherwise could potentially deprive numerous youths of a stable housing situation simply because life circumstances forced a youth to enroll in one too few classes or prevented a youth from taking on a sufficient number of work hours. As demonstrated above, former foster youth (including FFCA members) have few resources to fall back on when unexpected life events get in the way. Whatever stability they manage to achieve is precarious and can be threatened by eventualities that are entirely out of their control, such as a landlord deciding to sell the building they live in, as happened with the FFCA member mentioned above. Likewise, FFCA members frequently go through periods when they must cut back on their course-loads as a result of extenuating life circumstances. For example, dozens of FFCA members were forced to withdraw from higher education courses as a result of logistical issues caused by the pandemic. Similarly, one FFCA member nearly lost his job at Fred Meyer—a grocery store chain—during the pandemic when the public bus system stopped running his route. He managed to maintain his employment only when FFCA stepped in to help pay for daily uber rides.

While FFCA understands that tying housing benefits to education and work requirements will help ensure that former foster youth are developing the skills they need to live independently, these requirements should be flexible and should reflect the reality that former foster youth face numerous obstacles and challenges without the resources and support provided to their non-foster youth peers. Rather than helping youth to overcome these obstacles, imposing further rigid requirements would only increase their risk of housing instability and homelessness.

We appreciate your consideration of this comment. If you have any questions or would like to discuss further, please contact our counsel, Kristen P. Miller, Democracy Forward Foundation, at kmiller@democracyforward.org.

/s/ Amanda Metivier
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³⁰ 87 Fed. Reg. at 3,574.