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INSTITUTE *for* CHILD SUCCESS

Family Housing Instability in Greenville County

THE COMPLEX INTERPLAY OF HOUSING, CHILD WELFARE, AND
CRIMINAL JUSTICE

Goal of Session

As professionals who do not work directly in housing services – but who work with families facing crisis –this training aims to:

- define homelessness in an inclusive way, including what homelessness “looks” like for families in the Upstate;
- highlight how housing instability interacts with many of the issues that families may be referred to for assistance with; &
- what resources are available for assistance that providers may not already be aware of.

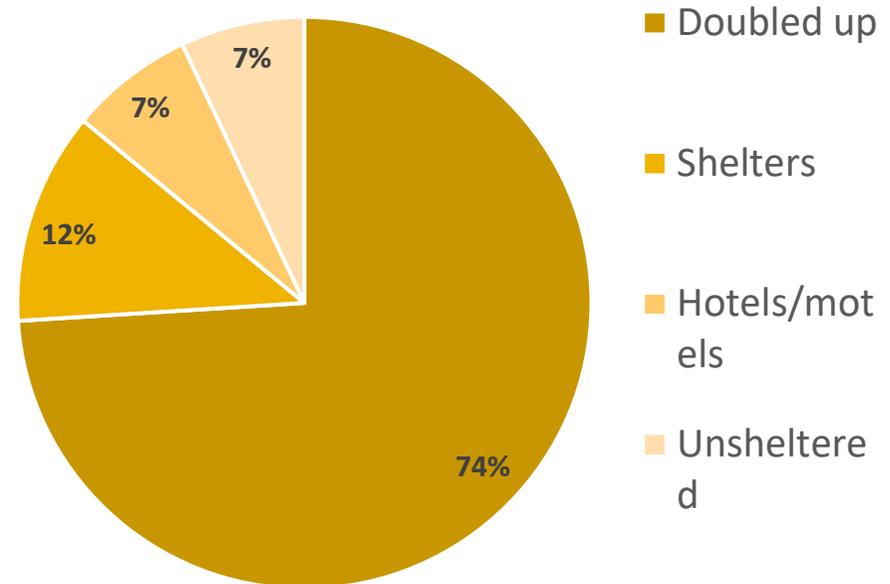
Childhood Housing Instability in Greenville

Prevalence in U.S.

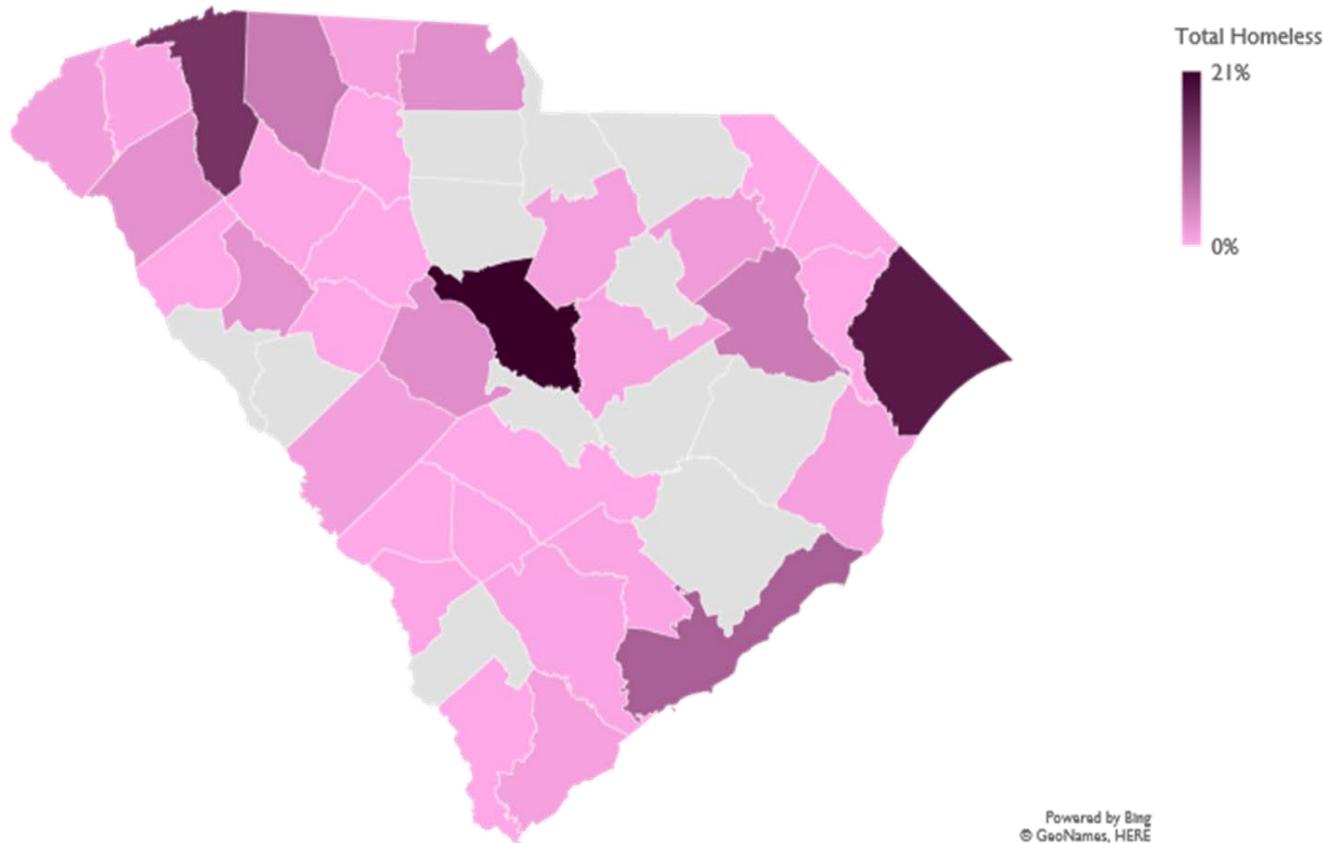
In 2015-2016, nearly 1.3 million students in the U.S. were homeless, in a range of arrangements not meant for long-term habitation.

- Shelters
- Hotels/motels
- Unsheltered or places not meant for habitation (cars, etc.)
- “Doubled up” with family/friends

Homeless Student Enrollment by Nighttime Residence, SY17-18



Percent of Total State Homelessness, by county

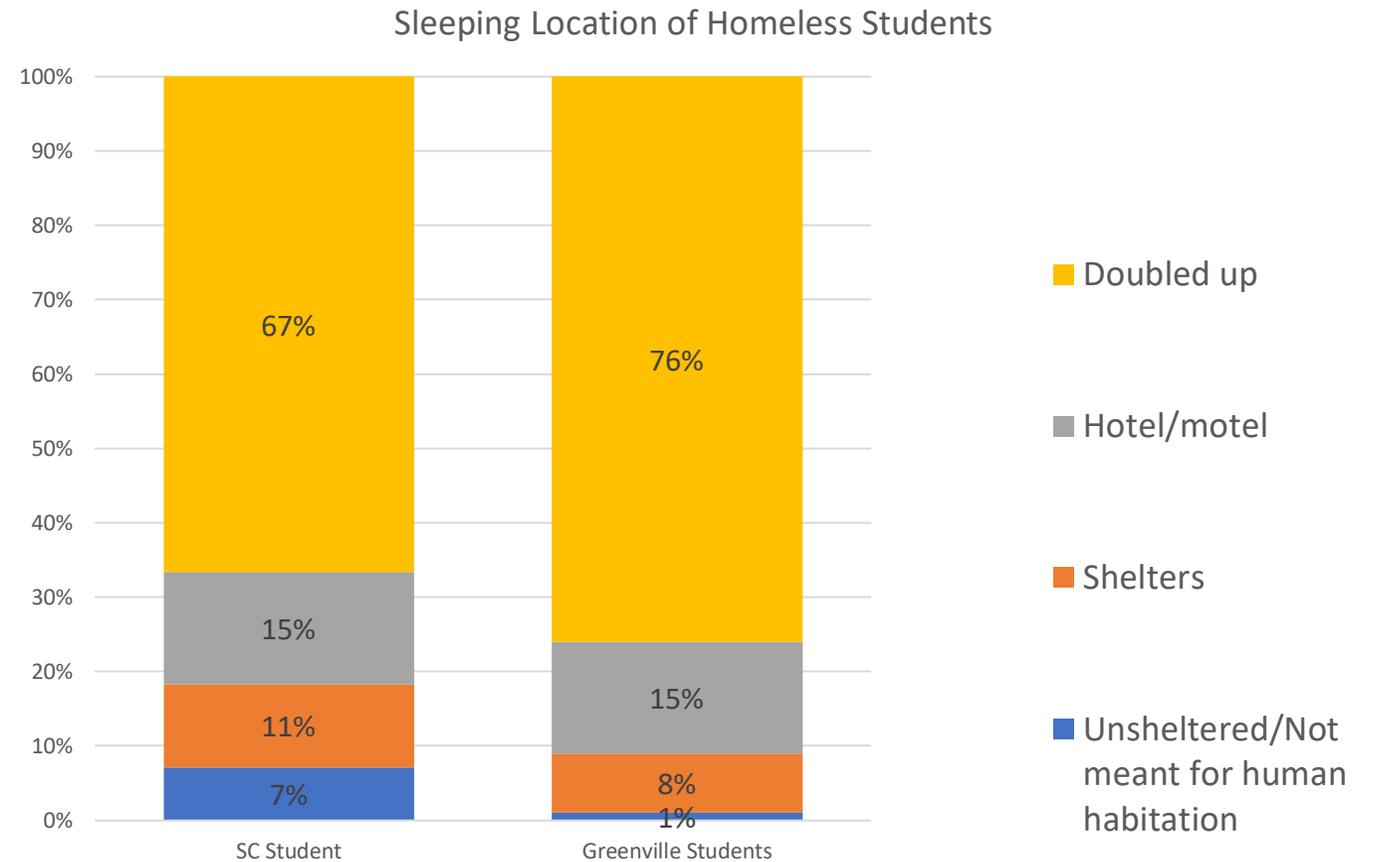


Distribution of state's homeless population (of all ages) roughly follows trends in population:

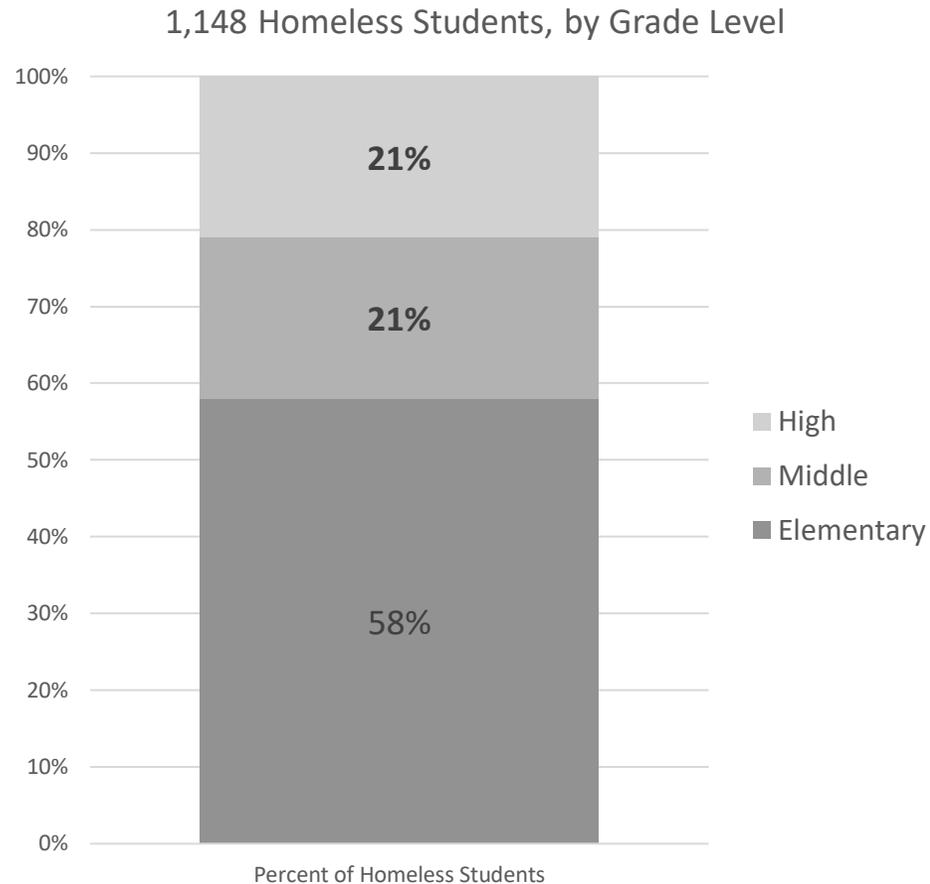
- Richland: 21%
- Horry: 18%
- Greenville: 15%

Greenville County – Student Homelessness

- 14,140 public school students in SC experienced homelessness in 2016-17 school year
- Greenville County: 1,106
 - 9% of SC student homeless population
- GVL has a higher rate of “doubled up” and lower rate of “unsheltered”



GCS homeless students



- In Greenville, as in other areas, homelessness (and poverty) is more likely when children are *younger*
- Lack of data on younger children
 - Nationally, <1 is age most correlated with shelter living

Definitions of homelessness

[U.S. Department of Education](#)

Definition used by Greenville County School District

McKinney-Vento Homeless Assistance Act defines homeless children and youth as individuals who lack a fixed, regular, and adequate nighttime residence. This includes doubling-up with family or friends and living in a motel.

[U.S. Department of Health and Human Services \(HHS\)](#)

Definition used by agencies receiving HHS funding

A person "who lacks housing".

[U.S. Department of Housing and Urban Development \(HUD\)](#)

Definition used by Upstate Continuum of Care (covering 13 Upstate counties) and all agencies receiving HUD funding.

[HUD defines homelessness](#) for their programming into four categories. The categories are:

Category 1: Literally Homeless

Category 2: Imminent Risk of Homelessness

Category 3: Homeless Under Other Federal Statutes - Unaccompanied youth under 25 years of age, or families with children and youth.

Category 4: Fleeing/Attempting to Flee Domestic Violence

“Doubling Up” generally conveys a safer, more stable environment - as opposed to living in a shelter/unsheltered; however, “Doubling Up” presents its own challenges regarding overcrowding, facilities, and interpersonal conflict

Housing, Child Welfare, and Criminal Justice Systems

Components of Housing Instability

Stability

- Is the family undergoing frequent moves?

Affordability

- Over 30% of income?

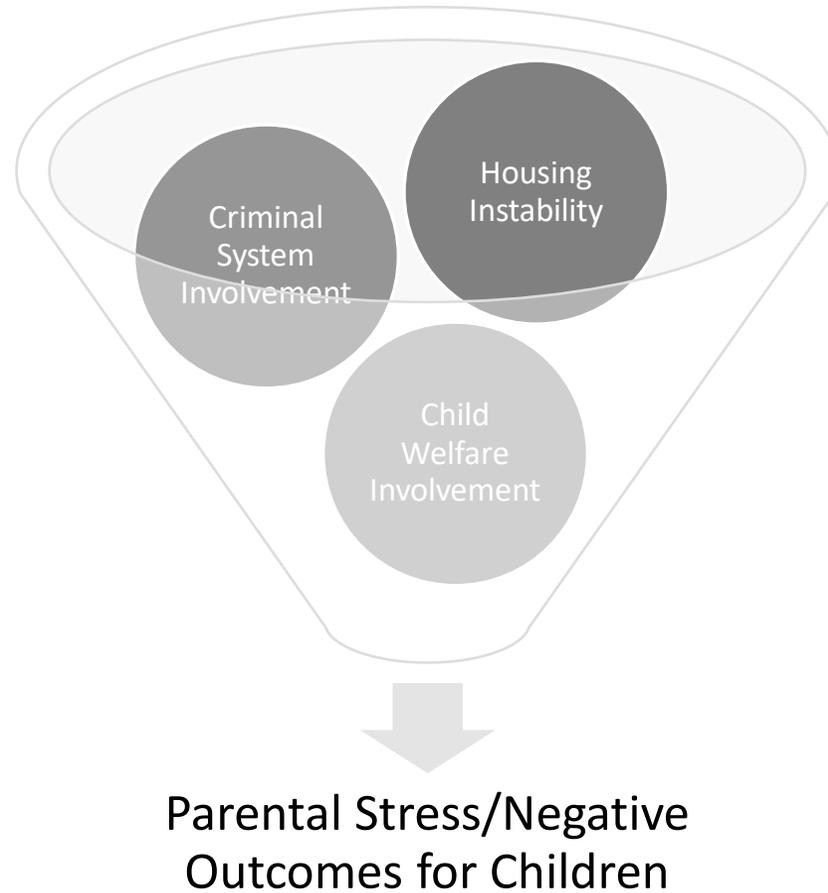
Quality

- Are there environmental hazards such as lead or mold?

Inadequacy

- Does the home have complete facilities?

The Tornado Effect



Scenario 1: Fear of Government Involvement

Scenario:

As a Child Welfare Advocate, you counsel families seeking assistance with housing issues. A family approaches you with housing concerns; however, they fear unwanted government intervention stemming from their lack of access to vital documents. You want to be able to help this family, while still maintaining a relationship of trust.

Considerations:

- Whether to prioritize keeping the family together or securing near-term housing
- DSS policy regarding housing instability vs. the family's real concerns that the children will be removed

Scenario 2: Neglect, or Criminalization of Poverty?

Scenario:

Police are called to a local motel for a potential domestic disturbance by one guest who hears shouting from a neighboring room.

Arrive to find a family living in the room long-term. In course of mediating dispute between adults, officer observes knives within easy reach of the family's toddler in their makeshift kitchen and is concerned about potential dangers of neglect.

Considerations

- Initial response may be to involve DSS—creating a long-term engagement which may further strain family
- Is this a family putting a child at risk, or is this a family with no space to store things in their living arrangement?
- Referral to a service provider like Homes for Hope may be a more appropriate response when no other concerns are noted regarding child safety

Scenario 3: Criminal Record Complicates Housing

Scenario:

A father who has served his time within the state's criminal justice system is released and intends to reunite with his family, including his children.

However, the children and their mother are living in subsidized housing; him moving into the household would jeopardize their living arrangement due to his criminal record.

They face a choice of reuniting under one roof and hoping to avoid an issue, or choosing to live separately which is not a financially stable option.

Considerations

- Issues related to prisoner release & readjustment are generally framed as adult concerns
 - Nationally, an estimated 7% of all US children have had a parent incarcerated at some point in their lives
- There are resources to help mitigate the impact of a criminal record – Root & Rebound can help

Section 8 and Criminal Records

Automatic Bars to Section 8 Housing:

- Registered Sex Offender
- Manufactured Meth in Public Housing
- ** Other criminal history **can** be considered

Once in Section 8, Family Members must not:

“Commit fraud, bribery or any other corrupt or criminal act in connection with the program”

“Engage in drug-related or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises”

- An arrest should not be enough

Case Examples: *S.C. Dep't of Soc. Servs. v. Jordan*, 2018 S.C. App. Unpub. LEXIS 466 (Ct. App. Dec. 20, 2018)

- Father was living in girlfriend's 1 bdrm apartment when DSS became involved through the Mother
- Father could not be in the home due to Section 8
- Children were removed from the father's care and placed in foster care
- Termination of Parental Rights (TPR) action proceeds against father
- Placement plan **did not** specifically list stable housing, so his failure to secure stable housing could not be a ground for TPR
- "The children were harmed by the Father's failure to provide them with a home in August 2016."
- **BUT** the father found "suitable housing" by the time of the TPR hearing, meaning that there was not clear and convincing evidence that his home could not be made safe within 12 months.

Case Examples: *S.C. Dep't of Soc. Servs. v. McDade*, 2017 S.C. App. Unpub. LEXIS 500 (Ct. App. Dec. 20, 2017)

- Father was incarcerated and placed on the Sex Offender Registry
- Father's DSS placement plan **did** specifically list stable housing
- Father's "failure to obtain appropriate housing prior to six weeks before the TPR hearing" shows that he failed to comply with the placement plan
- TPR was in child's best interest in part because:
 - “Although Father regularly visited Child and the testimony showed Child was bonding with him . . . it was unlikely Father could provide a suitable home for Child.”

2021 Housing Updates

- Housing Discrimination
 - Fair Housing Act: watch for a reversal of the tougher HUD disparate impact standard
- CDC Eviction Moratorium
 - Extended until March 31, 2021
 - **Not** automatic, and renters **will owe** back-rent
 - FAQ: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/eviction-moratoria-order-faqs.pdf>

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